



## Do youth with substantiated child maltreatment investigations have distinct patterns of delinquent behaviors?



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### ABSTRACT

Delinquency studies often use substantiation as a proxy for child maltreatment, but may underestimate maltreatment involved in unsubstantiated reports. This study assesses whether youth with unsubstantiated investigations have distinct subtypes of delinquency as compared to youth with substantiated reports. We conclude that while the subtypes of delinquency are similar, some differences between the two groups underscore the need to study the larger population of unsubstantiated investigations, which comprise 81.5% of investigations. To compare the groups we used two-group latent class analysis, and then regressed covariates onto the resulting subtypes. The sample consisted of 432 11–17 year old participants in Wave 1 of the second National Survey of Child and Adolescent Well-Being (NSCAW II) with no prior investigations; 191 youth had unsubstantiated investigations and 241 youth had substantiated investigations. We identified three similar subtypes for both groups: delinquency, petty theft, and normative. We found two differences: First, more unsubstantiated youth were normative subtype members and fewer were in the petty theft and delinquency subtypes. Second, delinquency subtype youth with unsubstantiated investigations were more likely to attack with a weapon, steal or try to steal things worth between \$50 and \$100, and shoplift. In contrast, substantiated youth were more likely to carry a hidden weapon. When covariates were included we found that being male reduced the likelihood of being in the petty theft subtype. For substantiated cases, being older or male increased the likelihood of being in the delinquency subtype. Our findings of high probabilities of marijuana and inhalant use among delinquency subtype youth for both groups is a target for interventions.

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### 1. Introduction

Many studies that have linked child maltreatment with delinquency have relied on substantiated child abuse investigations as a measure of maltreatment (c.f. Lemmon, 1999; Mersky & Reynolds, 2007; Smith & Thornberry, 1995; Zingraff, Leiter, Myers, & Johnsen, 1993). Although practitioners, scholars, and policy makers often equate substantiation with maltreatment, findings from studies conducted in several states (Drake, Jonson-Reid, Way, & Chung, 2003; English, Marshall, Coghlan, Brummel, & Orme, 2002; Jonson-Reid, Drake, Kim, Porterfield, & Han, 2004), and a national study using data from the LONGSCAN project (Hussey et al., 2005), suggest that the risks associated with substantiated and unsubstantiated cases may be similar. Prior studies also indicate that delinquency constitutes one risk that does not differ much between youth with substantiated and unsubstantiated investigations (Hussey et al., 2005; Leiter, Myers, & Zingraff, 1994). Delinquency is an

important risk to explore, because the estimated annual costs associated with delinquency among maltreated youth exceed \$7 billion (Wang & Holton, 2007). This study will be the first to compare subtypes of delinquency among youth with initial substantiated and unsubstantiated investigations.

In the general population, youth vary significantly from each other based on their commission of delinquent acts. In fact, several studies have identified three distinct subtypes (i.e., clusters or “classes”) of youth based on their delinquent behavior: The first subtype consists of a small minority of youth who commit a wide range of delinquent behaviors, including more serious offenses (8–24.4%). The second subtype includes a somewhat larger group of youth who commit less serious offenses (28–41%). The third subtype consists of the vast majority of youth who commit few if any delinquent behaviors (41–59%; Brownfield & Sorenson, 1987; Hasking, Scheier, & Abdallah, 2011; Odgers et al., 2007). Rather than assuming that a one-size-fits all approach will adequately meet the distinct needs of all youth, understanding the behaviors within each group will allow interventions to be specifically tailored to the needs of youth in a particular group (Hasking et al., 2011; Odgers et al., 2007). The research will also

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examine how covariates, such as age, gender, ethnicity, and out-of-home placement differ among the subtypes of delinquency.

### 1.1. CPS investigations

To understand how a determination is made regarding substantiation in child maltreatment cases, it is important to examine how child protection services (CPS) agencies conduct investigations. CPS agencies receive and investigate child maltreatment reports using a two-stage process that involves (1) screening and (2) responding. During the screening stage, a report is received by either a child protection hotline or workers assigned to a unit conducting intake assessments. The intake or hotline workers then determine whether CPS needs to respond. In federal fiscal year (FFY) 2013, based on reporting data provided by 45 states, the District of Columbia and Puerto Rico, an average of 60.9% child maltreatment reports received a response from CPS. This accounted for an estimated 2.1 million child maltreatment investigations FFY 2013. Although some jurisdictions may have different categories for the dispositions of child maltreatment investigations, this study will focus only on substantiated and unsubstantiated first-time investigations, because these are the two largest, most ubiquitous dispositions. Only 17.5% of investigations had a disposition of substantiated (U.S. Department of Health and Human Services [DHHS], 2015). One reason this number is low is that child protective services agencies can only substantiate investigations if sufficient credible evidence of maltreatment exists (Schuck, 2005), and that standard may fail to capture actual maltreatment. To clarify why maltreatment investigations may not adequately capture when maltreatment has occurred, the next section describes the harm evidence model.

### 1.2. Harm evidence model

To date, the only theoretical framework to examine the nature of substantiation is Drake's (1996) harm evidence model. The harm evidence model explains the binary nature of substantiation. According to this model, the substantiation of child maltreatment is contingent on being able to simultaneously quantify high levels of harm to a child, and high degrees of evidence that the harm occurred. Cases that do not meet these criteria are considered unsubstantiated. In some instances, child protection investigators do not have sufficient evidence to substantiate the allegations that harm has occurred. In other cases, harm has been documented, but does not meet the legal threshold of child maltreatment (Drake, 1996). The harm evidence model's central contribution is that it draws attention to the heterogeneity of unsubstantiated cases. Substantiated and unsubstantiated cases would be at different ends of the spectrum if almost all unsubstantiated cases encompassed no harm or risk. However, the harm evidence model asserts that the actual differences in maltreatment between substantiated and unsubstantiated cases actually may be small (Kohl, Jonson-Reid, & Drake, 2009). For example, Drake et al. (2003) compared rates of child maltreatment being re-reported for children whose initial report was substantiated, and for children whose report was unsubstantiated, and found equivalent rates of re-reporting for both groups. The authors present a review of three key studies that apply the harm evidence model in child maltreatment with populations of youth who engage in delinquent and problem behaviors.

## 2. Delinquency studies applying the harm evidence model

The first harm evidence study by Leiter et al. (1994) used data from the North Carolina Central Registry of Child Abuse and Neglect, school records, and juvenile court records to determine if juvenile outcomes differed based on whether a child maltreatment investigation was substantiated. The court records included (1) whether a complaint had been filed, which is the earliest contact with juvenile justice authorities and can include less serious offenses; and, (2) petitions, the official court

response to a complaint an attorney submitted as part of the adjudication process. The sample consisted of three groups of children: 2228 children in Mecklenburg, North Carolina who were on the registry between 1983 and 1989, 280 non-maltreated children served by the Department of Social Services between 1986 and 1989, and 388 children from the county's public schools. Overall, the study did not find significant differences with regard to delinquency between youth with substantiated and unsubstantiated investigations. When covariates were added to the models, the study found that males and youth in out-of-home care were at greater risk of delinquency. The study did not find effects for being Black or for age, which differs from the findings of Snyder and Merritt (2014), who found that delinquency increased as youth involved in the child welfare system aged, and found higher counts of delinquency among Black youth. Snyder and Smith (2015b) also found that older youth and youth in out-of-home care had higher rates of delinquency, but did not find higher rates among Black youth.

The second harm evidence study by Chiu, Ryan, and Herz (2011) explored the risk of juvenile delinquency among maltreated youth with data from 38,223 youth between 5 and 16 years of age who were investigated by the Los Angeles County Department of Children and Family Services (DCFS). DCFS records were matched with Department of Probation records. Chiu et al. used propensity score matching to create equivalent groups based on age, sex, ethnicity, and maltreatment allegation. Then Chiu et al. (2011) used survival analysis to examine the risk of juvenile arrest. In contrast to Chiu et al. (2011); Leiter et al. (1994) found that youth with substantiated cases had more than double the risk of arrest compared to the unsubstantiated cases. This difference remained across gender and ethnic groups. Chiu et al. (2011) also found that Black youth, older youth, males, and children in out-of-home care were at the greatest risk of being arrested.

The third harm evidence study by Hussey et al. (2005) used data from the Longitudinal Studies of Child Abuse and Neglect (LONGSCAN) dataset to explore behavioral problems among children between the ages of four and eight years old. Hussey et al. measured behavioral problems using the caregiver's report Child Behavior Checklist (CBCL). This study found no real differences between substantiated cases and unsubstantiated cases. One of the main strengths of this study is its use of a nationally representative dataset. Despite controlling for age, gender, and ethnicity, the results do not present the effects of these variables.

Although the three studies applying the harm evidence model contributed to our understanding of the relationship between substantiation and delinquent behaviors, each has some significant limitations. Unfortunately, Chiu et al.'s (2011) and Leiter et al. (1994) studies used administrative data for delinquency, which only includes the individuals who were apprehended. While boys are more likely to be apprehended (U.S. Department of Health & Human Services [DHHS], 2008), some research has found that females who have experienced child maltreatment exhibit more delinquent behaviors than boys (Garbarino, Levene, Walsh, & Coupet, 2009). Thus, these studies may not adequately capture delinquency among females.

Both Chiu et al.'s (2011) and Leiter et al. (1994) studies also focused on limited geographic areas, which may limit the generalizability of the results. While Hussey et al.'s (2005) study raises serious questions about the distinctions between substantiated and unsubstantiated investigations, the study sample includes very young children (four to eight years old) who may engage in few problem behaviors. The majority of offenders initiate delinquent behaviors when they are 12 to 13 years old (Thornberry, 1996). A final concern is that the studies do not illuminate subtypes of delinquent behaviors.

### 2.1. Purpose of study

The purpose of the study is to investigate if subtypes of delinquent behaviors differ based on whether youth have substantiated or unsubstantiated child maltreatment investigations. The sample includes youth between ages 11 and 17 who have not previously been

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