



Exploratory analysis of child protection mediation permanency placement outcomes



Donna M. Aguiniga^{a,*}, Elissa E. Madden^b, Alicia Hawley^b

^a University of Alaska Anchorage, United States

^b University of Texas at Arlington, United States

ARTICLE INFO

Article history:

Received 11 August 2014

Received in revised form 22 December 2014

Accepted 23 December 2014

Available online 2 January 2015

Keywords:

Child protection mediation

Permanency

Foster care

Child welfare

ABSTRACT

Using a merged data set constructed from empirical data obtained from Child Protective Services (CPS) and a nonprofit agency tasked with conducting an evaluation of a child protection mediation pilot project in the state in which this study was conducted, this study (N = 311) explores how various child and family factors in child protection mediation cases affect placement outcomes for children in care. Results of the multinomial logistic regression (MLR) analyses found that children for whom parent/caregiver substance abuse and/or mental illness was an issue were less likely to be reunified with their parents than remain in care. Those children who experienced a higher number of placements and those who were male were less likely to be placed with relatives. Children whose parents experienced mental health issues were less likely to be placed with a relative. With regard to the permanency outcome of adoption, the findings showed that as the age of the child at time of removal increased, children were less likely to be adopted than remain in care. Additionally, African American children in the sample were less likely to be adopted.

© 2015 Elsevier Ltd. All rights reserved.

1. Introduction and background

During the last two decades, child protection mediation has increasingly been used in child abuse and neglect cases to resolve disputes and expedite the permanency process for children in foster care. While the presence of permanency cannot guarantee a positive childhood experience, research on children and attachment suggests the need for increased efforts to achieve permanency for children in foster care (Jones-Harden, 2004; Testa, 2004). Drawing on the work of Hardin (1992), Jenson and Fraser (2006) outline several reasons why permanency is important for children. First, it is widely accepted that a child's attachment with his or her caregiver is believed to be the basis for other attachments and relationships. Children who have consistent and responsive caregivers are more likely to develop the foundation that is necessary for them to learn how to form healthy attachments with others. Second, children need caregivers who are committed and willing to tend to their needs. This is more easily navigated when the relationship between the caregiver and the child is permanent and not subject to ongoing supervision and regulation by external agencies. The absence of a committed and loving caregiver can undermine a child's self-worth and their subsequent ability to trust others. Third, children desire and require a certain amount of predictability in their lives. Children who lack a permanent placement are often painfully aware of the precarious and tentative nature of their situation. A permanent placement for a

child creates a stable and predictable environment for them to be able to grow and mature as they encounter new and different situations. On a practical level, independent families are also generally more capable of making timelier and more fully-informed decisions for a child than child welfare agency professionals or the courts. Furthermore, Pecora, Whittaker, Maluccio, and Barth (2000) note that an additional benefit of permanency is that permanent placements result in more consistent decision-making for the child, as opposed to the fragmented, drawn-out decision making process that is often utilized for children in foster care.

Because of the importance of permanency, it is critical that continued research and attention be given to determine the effectiveness of service interventions, such as child protection mediation, in helping facilitate positive permanency outcomes for children. Therefore, this study seeks to explore how different child and family factors in child protection mediation cases affect permanency outcomes for children in care.

2. Literature review

2.1. Child protection mediation

Mediation is a form of conflict resolution that involves the facilitation of communication between two or more interacting and conflicting parties by a third party who does not possess the authority to impose a particular outcome (Wall, Stark, & Standifer, 2001). Originally seen as a means to assist with managing court dockets, mediation was first used in child abuse and neglect cases in the early 1980s (National Resource

* Corresponding author.

E-mail address: dmaguiniga@uaa.alaska.edu (D.M. Aguiniga).

Center for Foster Care and Permanency Planning, 1998; Thoennes, 2009). Using a neutral third party intermediary, child protection mediation brings parties together to explore issues related to the child or children in foster care and propose mutually agreeable solutions to help them achieve a permanent home. Once an agreement is made, it is presented to the court for acceptance, rejection, or modification (Stack, 2003). The purpose of child protection mediation is not to impart blame on the alleged perpetrator of the abuse or neglect (Barsky & Trocmé, 1998), but rather to facilitate problem-solving among the parties and, ultimately, find a safe and stable environment for the child or children (Dobbin, Gatowski, & Litchfield, 2001; Eaton, Whalen, & Anderson, 2007; Edwards, 2009). The process is intended to provide families with an alternative to the protracted adversarial court process that critics argue is deficit-focused and polarizing (Crush, 2005; Vidmar, 1992).

In contrast to the conventional adversarial process, mediation appears to offer greater opportunities for families and child welfare agencies to participate in the decision-making process and in determining how the case will be resolved. Furthermore, child protection mediation has been shown to result in faster resolution of child abuse and neglect cases when compared to cases that go to trial (Koh, 2004). Advocates of mediation suggest that increased family engagement, improved communication, comprehensive service plans, and parental compliance contribute to earlier resolutions of cases (Colman & Ruppel, 2007). While not conclusive, some evaluations of the child protection mediation process suggest that mediated cases have shown to progress to permanency more quickly and with less involvement of the court (Anderson & Whalen, 2004). There is also evidence that mediation reduces costs by lessening the time that parties spend preparing for court hearings (Bernstein, 1998; Giovannucci, 2007; Nasworthy & Tarver, 2005). While these evaluations were not necessarily designed to demonstrate the effectiveness of mediation in improving permanency outcomes for children in foster care, they can help elucidate the benefits of mediation and how mediation may help facilitate permanency.

2.2. Permanency

Permanency is defined as “a legal, permanent family living arrangement, that is, reunification with the birth family, living with relatives, guardianship, or adoption” (U.S. Department of Health and Human Services [USDHHS], 2005, p. 2). The Adoption and Safe Families Act of 1997 (ASFA), the legislation that currently guides permanency planning efforts, outlines five possible permanency options for children in foster care (in order of preference): 1) family reunification; 2) adoption; 3) legal guardianship; 4) permanent placement with a “fit and willing” relative; and 5) another planned permanent living arrangement. It is widely acknowledged that permanency, and the emotional attachments that can accompany it, are of paramount importance to a child’s social and emotional development (Jenson & Fraser, 2006; Jones-Harden, 2004). Research has found that positive experiences with supportive adults may contribute directly to behavior and relationships later in life (Appleyard, Egeland, & Sroufe, 2007). Some developmental studies have concluded that children who do not have at least one strong attachment to a caring adult are at increased risk of experiencing challenges later in life with regulating their own emotions, interacting with others, and coping with stressful situations (Carlson & Sroufe, 1995; Murphy, Bandy, Schmitz, & Moore, 2013; Scales & Leftert, 1999). Furthermore, research has shown that children who lack long-term attachments to appropriate and nurturing caregivers are at greater risk of experiencing difficulty in achieving and maintaining self-sufficiency and independence as young adults (Avery & Freundlich, 2008; Children’s Permanency Cooperative, 2000; Masten & Coatsworth, 1998; Plunkett & Osmond, 2004).

2.2.1. Barriers to permanency

Agencies and courts work to provide children in the foster care system with safe, permanent homes in the shortest amount of time possible (Olson, 2003). However, overcrowded dockets and inadequate

child welfare and court resources often serve as barriers to the establishment of timely permanent placements for children in foster care (U.S. General Accounting Office [USGAO], 2002). Furthermore, the adversarial nature of child protection cases can also result in lengthy delays and appeals that prevent the timely resolution of cases (Olson, 2003; U.S. Department of Health and Human Services, 2006). In recent years, studies have identified a number of procedural and systemic issues that negatively impact permanency outcomes for children in care (e.g., Macomber, Scarcella, Zielewski, & Geen, 2004; U.S. General Accounting Office, 2002; Wilson, Katz, & Geen, 2005). Court issues such as poor communication between courts and child welfare agencies, inadequate numbers of judges and attorneys, insufficient training for judges and attorneys regarding child protection issues, and delays in scheduling termination of parental rights hearings are some of the issues that have been found to serve as obstacles to permanency (U.S. General Accounting Office, 2002). Additional agency-related barriers that impede permanency include caseload size and caseworker turnover, which can negatively impact staff responsiveness and communication, as well as other factors such as the complexity of the foster and adoption process, difficulties with recruiting resource families for “special needs” children,¹ and the lack of available supportive services for families involved in the child welfare system (Flower, McDonald, & Sumski, 2005; Murphy, Van Zyl, Collins-Camargo, & Sullivan, 2012; U.S. General Accounting Office, 2002; Weigensberg, 2010).

Research has shown that some child characteristics may also influence and, in some cases, serve as barriers to permanency for children in foster care (Kemp & Bodonyi, 2000; Weigensberg, 2010). Child characteristics studied typically relate to demographic characteristics of the child such as age, gender, and race/ethnicity (e.g., Becker, Jordan, & Larsen, 2007; Kemp & Bodonyi, 2000; Weigensberg, 2010). However, there is evidence that the presence of mental and physical disabilities can also negatively impact permanency outcomes for children (Akin, 2011; Connel, Katz, Saunders, & Tebes, 2005). Additional case characteristics identified in the literature that may influence permanency outcomes include the child’s prior removal history, reasons for the child’s removal, and the child’s initial placement setting (Connel et al., 2005; Koh & Testa, 2008; McDonald, Poertner, & Jennings, 2007; Weigensberg, 2010).

2.3. Research on child protection mediation and permanency

Those who support the use of child protection mediation generally believe that the mediation process has a positive influence on permanency outcomes. However, few studies have tested this assertion empirically. To date, much of the research on child protection mediation has focused on short-term measures that may contribute to permanency, such as settlement rates, parental compliance, and cost savings (Supreme Court of Virginia, 2002). Only a limited number of studies have examined the impact of child protection mediation on permanency outcomes (e.g., Anderson & Whalen, 2004; Gatowski, Dobbin, Litchfield, & Oetjen, 2005; Madden & Aguiniga, 2013; Thoennes, 2001).

Examination of the available literature on child protection mediation reveals a number of methodological inadequacies that limit the overall generalizability of past studies’ findings and what conclusions can be generated. First, most evaluations of child protection mediation have been limited by small sample sizes, incomplete data, and the lack of a comparison group. Second, time constraints appear to have prevented most evaluators from following cases over a lengthy period of time to examine long-term outcomes. Third, few evaluations have been

¹ Within the context of the foster care system, the term “special needs” refers to children who possess characteristics that may present challenges to locating adoptive families for them, including older age, membership in a sibling group, the presence of developmental disabilities, emotional or behavioral problems, and/or membership in a ethnic/racial minority group (McRoy, Lynch, Chanmugam, Madden, & Ayers-Lopez, 2009; Rosenthal, 1993).

Download English Version:

<https://daneshyari.com/en/article/345982>

Download Persian Version:

<https://daneshyari.com/article/345982>

[Daneshyari.com](https://daneshyari.com)