



Perceptions of state child welfare administrators regarding federally-mandated citizen review panels



Crystal Collins-Camargo^{a,*}, Neal Buckwalter^b, Blake Jones^c

^a Kent School of Social Work, University of Louisville, 107 Patterson Hall, Louisville, KY 40292, USA

^b Grand Valley State University, School of Public, Nonprofit and Health Administration, 248C DeVos Center, 401 Fulton St. W, Grand Rapids, MI 49504-6431, USA

^c University of Kentucky, College of Social Work, 675 Patterson Office Tower, Lexington, KY 40506-0027, USA

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ABSTRACT

Since 1996, federal law has required state child welfare agencies receiving grant funding through the Child Abuse Prevention and Treatment Act to support the work of independent citizen review panels. According to the law, citizen review panels are to assess the functions and performance of state child welfare systems, providing recommendations for improvements. To date, a handful of studies have examined the work of the citizen review panels from the perspective of the citizen participants, yet the voice of state child welfare administrators regarding their work with the panels has been largely silent in the literature. While exploratory in nature and intent, the present study begins to fill this gap by reporting the results of a national survey of state child welfare administrators regarding their perceptions of barriers and benefits to citizen participation. The qualitative analysis yielded a significant degree of agreement across administrators in 31 states and the District of Columbia, and provided a number of insights for how agencies and citizen review panels can work more collaboratively. These include the need for agencies to assist in the training of CRP participants and for administrators to more deliberately foster an environment conducive to effective engagement by supporting ongoing dialog, integrating CRP recommendations into agency work, and meeting regularly with the groups.

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1. Introduction

The power of the state to intervene in family life, including the possibility of removing children from their parents, often makes child protection a highly contentious policy area. In the late-nineteenth and early-twentieth centuries, child protection was largely pursued, if at all, by private charities and children's aid societies (Schene, 1998). Government involvement started mainly at the local and state levels; however, with the creation of the Children's Bureau in 1912, the federal government began solidifying a more active role in child welfare.

As an agency, the organizational positioning of the Children's Bureau within the federal government is rather instructive as to how the focus on various children's issues has evolved over time. Initially the Children's Bureau was located within the Department of Commerce and then almost immediately moved to the Department of Labor, reflecting an early emphasis on concerns involving child labor practices. In subsequent reorganizations, the Children's Bureau assumed a broader scope concerning the welfare and health of children, first when it was moved to the Social Security Administration in 1946 and then later to the Department of Health, Education, and Welfare in 1962. Today it is found in the Department of

Health and Human Services, under the auspices of the Administration for Children and Families.

In 1974, the federal government brought concerns of child abuse and neglect to even greater prominence with the passage of the Child Abuse Prevention and Treatment Act (hereafter, CAPTA). This act encouraged states to begin more systematic efforts to examine and address child maltreatment. Among other things, the original CAPTA legislation established parameters for defining abuse and neglect, promoted the tracking and measurement of these phenomena through the National Center on Child Abuse and Neglect (which it created, and later replaced with the Office on Child Abuse and Neglect), and encouraged states to conform their mandatory reporting requirements to a federal standard. States receive federal funds for implementing CAPTA authorized programs (Administration for Children and Families, 1998).

1.1. CAPTA and citizen review panels

The 1996 reauthorization of CAPTA (Child Abuse Prevention and Treatment Act Amendments of 1996) introduced requirements for states to support the creation and maintenance of citizen review panels (CRPs), which are the focus of this paper. States were given until July 1, 1999 to come into compliance with the law by establishing a minimum of three CRPs. The citizen-based panels were to be made up of volunteers who were broadly representative of their community, including

* Corresponding author.

E-mail addresses: crystal.collinscamargo@louisville.edu (C. Collins-Camargo), buckwaln@gvsu.edu (N. Buckwalter), Bljone00@uky.edu (B. Jones).

some who had expertise in the prevention and amelioration of child abuse and neglect. Broadly speaking, the charge given to the citizen review panels was to:

- ensure that child welfare agencies were complying with state and federal child protection laws (specifically, the state CAPTA plan);
- assure that the state was coordinating with the Title IV-E foster care and adoption program;
- verify that the state was complying with its review of child fatalities;
- evaluate any other piece of the child protection system which the panels deem necessary.

Most importantly, while carrying out the duties noted above, CRPs were to create an annual report detailing their activities as well as any recommendations they had for improvement in child protection practice, policy and procedure (Kot, Bruner, & Scott, 1998). Since 2003, state child welfare agencies have been required to respond – in writing and within six months – to the recommendations of the panels. Through this required back-and-forth of recommendations and response, the effectiveness and impact of panel efforts can begin to be gauged (for more on this, see Buckwalter, 2014).

1.2. Review of literature on citizen review panels in child welfare

Today all 50 states are compliant with the CAPTA requirement regarding the use of CRPs, though there is variation in commitment to and support of these entities. A number of studies, particularly in the social work literature, have sought to illuminate various aspects of the composition and effectiveness of CRPs. These have largely been based on surveys among citizen review panel members. For example, two studies shed light on the demographic profile of CRPs; the most common participant tends to be a highly-educated, middle-age female with direct experience in social service professions, but in organizations outside of the state child protection agency (Jones & Royse, 2008a; Bryan, Jones, & Lawson, 2010). Because of the time involved, it is often difficult to secure the commitment of people who do not already have a vested interest in some aspect of child protection. Furthermore, despite the high number of participants with advanced degrees and relevant social service experience, citizen participants have suggested that additional training is required in order for them to effectively engage a large bureaucracy like a state child welfare system (Collins-Camargo, Jones, & Krusich, 2009; Buckwalter, 2014). The time commitment and an often-steep learning curve can be significant individual constraints to CRP participation.

Previous CRP research has identified additional barriers to their functioning, including resource constraints, such as funding limitations (Jones & Royse, 2008b), lack of convenient meeting space, or difficulty meeting training needs through access to experts (Collins-Camargo et al., 2009; Buckwalter, 2014). The CRPs rely heavily on state agencies to address these resource needs, but CAPTA is only one of numerous federal mandates with which state child welfare agencies must comply (see for example, the Child and Family Services Review process and the timelines established with the Adoption and Safe Families Act). With so many different requirements on an already-full plate, child welfare agencies may feel stretched too thin to go beyond meeting the letter of the law to fully embracing the spirit of citizen engagement.

Another set of barriers can be categorized as relationship constraints. These might stem from negative perceptions by some agency personnel that CRPs are ill-equipped to make informed, realistic recommendations (Jones, Litzelfelner, & Ford, 2003) or from a general distrust between CRP members and agency personnel (Jones, 2004; Collins-Camargo et al., 2009). Along with the additional administrative requirements it established, there are other reasons to surmise that child welfare administrators (and frontline workers) did not eagerly meet the citizen participation mandate. Citizen review panels were originally intended

by the U.S. Congress to serve essentially as watchdog committees for state child welfare systems. Indeed, some would consider the language from a subcommittee report from the 104th Congress (U.S. House of Representatives, 1995) to be rather incendiary: “By allowing the Panels to have complete access to child protection cases, by requiring Panels to publicize their findings, and by requiring states to respond to criticisms and recommendations of the Panels, the Committee intends to subject states to *public criticism and political repercussion if they fail to protect children*” (p. 34, emphasis added by author). This adversarial language proved to be a precursor for a difficult working relationship between citizens and state child welfare agencies (Bryan, Collins-Camargo, & Jones, 2011), wherein citizens have struggled to evaluate a system which is unwieldy, ever-changing, and—at times—closed to input from outsiders. Table 1 provides a brief summary of research results regarding challenges associated with CRP functioning based on research which has, to date, focused on the perceptions of members and liaisons or coordinators employed by the state agency.

Despite the challenges and constraints noted above, citizen review panels have the potential to strengthen the policies and procedures of state child welfare agencies by offering an unbiased citizen voice. As discussed elsewhere in this paper, the CRPs can provide an important mechanism not only for oversight, but the collective voice of citizens can be a powerful persuader of legislators and other important stakeholders. A study by Palusci, Yager, and Covington (2010) found that the work of child fatality review teams (which serve as CRPs in several states) led to a 35% decrease in issues such as non-compliance with state law and policies, and a 9% decrease in overall child deaths. Additionally, the recipient of the team's recommendations—the state child welfare agency—made specific changes in policies and programs based on the review team.

Miller and Jones (2015) used concept mapping as a planning and evaluation tool for CRPs in a small southeastern state. Concept mapping is a mixed-method research approach that uses multi-dimensional scaling and hierarchical cluster analyses to explore an area of study. Ultimately, the method produces a pictorial display of conceptual areas, which are germane to the functioning of CRPs (i.e., internal group communication, leadership, meeting guidelines, membership, and external resource needs). The authors posit that, although their study had a number of limitations including focus on the perception of CRP members themselves, concept mapping provides a promising way for CRPs to evaluate their work as well as do the strategic planning needed to fulfill their mission.

Recent research has highlighted the need for relationship-building through impactful dialog as a means of empowering citizens to shape agency decisions. Seeking to better understand mechanisms of public empowerment through government organized citizen participation efforts, Buckwalter (2014) explored a model which included the agency's tolerance for citizen participation, administrators' responsiveness to citizen participation, and the citizen-participants' capacity to effectively engage (see Fig. 1). Through in-depth interviews of CRP participants, including a limited number of representatives of the child welfare agencies in three different U.S. states, Buckwalter posited the following

Table 1
Summary of research on constraints to effective CRP engagement.

Individual constraints
Time for participation
Steep learning curve in learning policy and administrative structures
Resource constraints
Funding limitations
Meeting space
Access to experts
Relationship constraints
Views that citizens are ill-equipped to make informed recommendations
General distrust between CRP members and agency personnel

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