


Differential Response in Child Welfare: Policy, Law and Data


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What is Differential Response?

- Alternative to traditional child protection investigative response and one of several responses within a differential response system
- Sets aside fault finding and substantiation decision
- Usually applied to reports that do not allege serious and imminent harm


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What is Differential Response?

- Focuses less on investigative fact finding and more on assessing and ensuring child safety
- Seeks safety through family engagement and collaborative partnerships
- Allows and encourages agencies to provide services without formal determination of abuse or neglect


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States with Differential Response

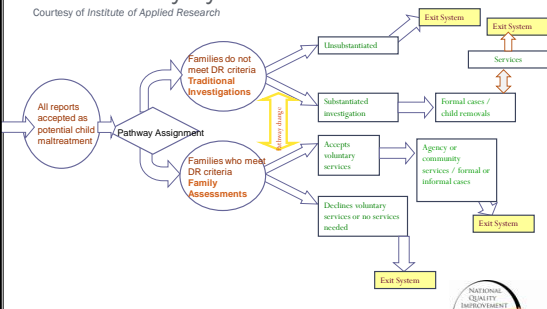


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Two Pathway Systems

Courtesy of Institute of Applied Research




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Purpose of QIC-DR Project

- Improve child welfare outcomes by implementing DR, and build cutting edge, innovative, and replicable knowledge about DR
- Enhance capacity at local level to improve outcomes for children and families identified for suspected abuse or neglect
- Provide guidance on best practices in differential response


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QIC-DR Highlights

<p>Phase I</p> <ul style="list-style-type: none"> Knowledge Developed QIC Products Created Dissertation Awards Announced RFP for R & D sites Announced 	<p>Phase II</p> <ul style="list-style-type: none"> 3-5 R & D projects Up to 4 Dissertations Process, Outcome, and Impact Evaluation of R & D sites Cross-site Evaluation
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- QIC operation throughout both phases
- Knowledge gained during both phases contributes to the achievement of QIC purpose



Highlights of Phase I Activities

- Literature Review
- Interviews and Focus Groups
- Information Summits
- Listening Sessions
- Online State Survey and Report
- CFSR/PIP Analysis
- Legal Issue Brief
- Legislative Analysis
- National Advisory Committee Meetings




Phase I Research: Legal

- Legal Literature Review
- Legal and Judicial Focus Groups
- Legal Issue Brief



Phase I Research: Legal


- Literature Review Themes
 - Limited legal scholarship on topic
 - Existing literature only describes process
 - Scholarly articles mention DR as promising practice
 - Little critical analysis



Focus Group Themes


- Lack of understanding of what DR is
- Limited collaboration with legal community
- Lack of oversight and transparency
- Concerns over Due Process violations
 - Coercion and temporary removals
 - Inability to challenge agency decisions
 - Lack of informed consent

Exposed need for community buy-in and education for judges and attorneys on DR approach



Legal Issue Brief

- Areas of focus:
 - substantive and procedural due process
 - equal protection
 - 4th Amendment
 - federal statutory based rights of parents and children
 - state-based negligence and other claims by parents and children



Legal Issue Brief: Findings & Implications for DR

There are a handful of cases that provide some legal guidance when implementing DR:

These cases hold that 'voluntary' safety plans do not violate parent's due process rights. These plans were:

- Implemented during investigation (not DR, but relevant)
- Often included temporary removal of the child
- Safety plan forms noted possibility of change in agency direction
- In some instances, caseworkers threatened or coerced families into submission

Dupuy v. Samuels (2006), Smith v. Williams-Ash (2008), Forrester v. Bass (2005)



Legal Issue Brief: Findings & Implications for DR

These cases provide guidance on DR best practices and may be decided differently in other jxs:

- families should be fully informed of the process, its scope and the possibility that it may turn into a more formal process if the child's safety is at issue.
- if agencies encourage family members to separate temporarily as part of DR, this may implicate their constitutional rights and in some instances may warrant the provision of some procedural protections for the family. (i.e an opportunity to challenge the decision)

Dupuy v. Samuels (2006), Smith v. Williams-Ash (2008), Forrester v. Bass (2005)



Legal Issue Brief: Findings & Implications for DR

State negligence cases challenging agencies' failure to investigate also show that many cases turn on whether state statute creates a duty of care to investigate instead of DR:

- Is DR in statute or policy?
- If in statute, is the practice mandatory? Optional?
- How prescriptive is the statute in outlining particular outcomes?

(Gowens v. Tys. S. (2006), Horridge v. St. Mary's County Department of Social Services (2004)).



Research Foci

What are the key questions?



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Research Question #1

CHILD WELFARE OUTCOMES – SAFETY

Are children whose families participate in the non-investigation pathway as safe as or safer than children whose families participate in the investigation pathway?

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Research Question #2

COST

What are the cost and funding implications to the child protection agency of the implementation and maintenance of a Differential Response approach?

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Research Question #3

DIFFERENTIAL RESPONSE APPROACH

How is the non-investigation pathway different from the investigation pathway in terms of family engagement, caseworker practice and services provided?

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Plans for Doctoral Dissertations

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Dissertation Research on Differential Response

- Three to four dissertation projects
 - Competitive RFA to be announced by October 2009
 - Two-year grants at \$25,000 per year
 - Applications reviewed and recommendations from the Academic Scholars Panel (ASP)
- Support
 - Technical assistance for applicants provided by QIC-DR team and ASP
 - ASP will advise students and their dissertation committee members
- Focus on cutting edge research issues related to Differential Response
- Use of QIC-collected site data desirable but not mandatory
- Funding support provided directly to recipient

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Some Possible Research Areas

- Analysis of DR law and policy across states
- Secondary analysis of administrative data regarding DR at national or state levels
- Evaluation of DR implementation in connection with DR initiatives funded by the QIC-DR
- Research regarding fundamental infrastructure associated with DR implementation
 - assessment protocols,
 - worker and supervisory decision making,
 - information technology,
 - studies addressing services
- Outcome based cost-effectiveness evaluation of DR
- Analysis of the connections between DR and child welfare disparities
- Fidelity scale construction
- Other research consistent with the research objectives of the QIC-DR

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Eligibility

- Doctoral-level graduate students enrolled in accredited institutions of higher education
- Demonstrated academic excellence
- Enrolled in a doctoral program in social work, psychology, sociology, or other related programs
- Currently hold a master's degree
- Have an approved dissertation proposal

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Timelines for Submission

- FFY 2010 applications submitted before:
 - January 15, 2010
 - July 1, 2010
- FFY 2011 applications submitted before:
 - January 15, 2011
 - July 1, 2011

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Plans for Research and Demonstration Sites and Cross-Site Evaluation

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Purpose of the Evaluation

- Strengthen the Knowledge Base to Guide the Future Development of DR



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Research and Demonstration Sites

- Three to five sites
 - Competitive RFA to be released in August 2009
 - 42 month projects (starting January 2010)
 - Average Award per site:
 - Years 1 & 4: \$290,625
 - Years 2 & 3: \$387,500
 - Applications externally reviewed and selected with NAC input
- Support from QIC-DR project staff including technical assistance, readiness trainings, site meetings and local evaluator training

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Eligibility

- State, region, county, or tribe with authority to respond to reported cases of child abuse and neglect in their jurisdictions
- Consortiums of small to mid-size counties welcome
- Will accept applications with ability to conduct valid and reliable evaluation

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Closing



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