Allegory of the Cave: On the Theme of Substantiation

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What is This?
Allegory of the Cave

On the Theme of Substantiation

This issue of Child Maltreatment offers five articles addressing child protective services (CPS) substantiation. The decision-making process resulting in disposition decisions has a long history of debate in the field of CPS. In this sense, like Plato’s allegory for those of us in the field, it has become a classic problem with many dilemmas. For example, changes in the level of substantiated reports have been thought of as an indicator of changes in the incidence of the problem of child maltreatment (e.g., Jones, Finkelhor, & Halter, 2006). Others have considered that it is an indication that the system has failed and unnecessarily interfered in the lives of families and children because the rate of substantiated maltreatment is such a small fraction of all investigations (Besharov, 1990). The validity of substantiation as a measure of maltreatment has been both supported and assailed in various studies (Hussey et al., 2005; Thompson et al., 2001).

The articles in this issue of Child Maltreatment offer fresh insights and bring to bear increasingly sophisticated analyses to engage the reader with a sense of our deepening understanding of the issue, the debates that surround it, and the lingering limitations of our knowledge. The goal of this commentary is to provide a brief summary of the key findings of these articles and to offer some additional context for the issues that are raised.

Cross and Casanueva’s (2009 [this issue]) article, using data from the National Study on Child and Adolescent Well Being (NSCAW), and the article by Trocmé, Knoke, Fallon, and MacLaurin (2009 [this issue]), using data from Canadian Incidence Study (CIS), approach the issue from the standpoint of understanding factors that affect the initial decision to substantiate. Both focus on testing aspects of Drake’s (1996) framework of evidence and harm as the primary influences on the decision to substantiate.

Using a classification scheme drawn from the NSCAW data, Cross and Casanueva (2009) construct indicators of harm, risk, and evidence to estimate the influence of each on the decision to substantiate. Incorporating these indicators into logistic regression models that control for demographic factors, their findings suggest that harm, risk, and evidence do indeed influence substantiation decisions, but the weight of each factor varies depending on the type of maltreatment. In classifying cases according to their models, the authors also show that some children (roughly 9%) are not substantiated even though they are associated with high indications of harm, risk, and evidence. Among other recommendations, the authors suggest that classification inaccuracy might be indicative of problems with CPS agency practice, policy, or their implementation related to substantiation decisions.

Trocmé et al. (2009) also utilize logistic regression in classifying disposition decisions using more than 10,000 reported children in the 2003 CIS sample. It is interesting that nearly 50% of reports in this Canadian sample were substantiated, compared to 22% of reports in the United States (U.S. Department of Health and Human Services, Administration on Children, Youth and Families [USDHHS], 2008). As with the NSCAW data, CIS data provide a rich source of information about each case including form of maltreatment, referral source, housing risk, family structure, ethnic/racial status, primary caregiver risk factors, caregiver cooperativeness, prior substantiated maltreatment, child risk factors, and child demographics. Trocmé et al. first develop a multinomial model employing three categories: unsubstantiated, suspected, and substantiated. They conclude that the underlying factors are sufficiently different to recommend against lumping the suspected category with any other category.

Trocmé et al. also evaluate a second model that compares only the unsubstantiated and substantiated cases. They identify a number of factors differentiating substantiated from unsubstantiated cases, including severity of harm and police referrals (again, consistent with Drake’s harm/evidence framework). These authors conclude that the “decision to substantiate is not an arbitrary one” (p. 14).

Fakunmoju (2009 [this issue]) takes a close look at an important policy consideration related to substantiation
decision-making outcomes: specifically, the possibility that the decision to substantiate will be overturned in an administrative review process. Each U.S. state that operates a central registry is required to have an administrative review process in place so that perpetrators can appeal the entry of their name on the registry. Data limitations did not permit the author to compare substantiated decisions that were overturned to those that were sustained, but a comparison was possible between decisions that were modified compared to those that were overturned. Basing a content analysis on Drake’s (1996) harm/evidence framework, Fakunmoju reviewed and classified documents from 221 cases. Logistic regression was applied to assess the relative effect of four forms of evidence, one form of harm or risk, and maltreatment type and child demographics. The author found that cases that did not meet basic evidentiary standards were more likely to be overturned, as were cases involving neglect. Qualitative results of the review suggest that poor CPS practice and poor written communication skills among workers were among the biggest contributors to inadequate evidence, along with mitigating factors such as custody disputes and difficulty recalling past events.

Two articles in this issue examine reentry outcomes for children and their association (or lack thereof) with substantiation decisions. Drake, Kohl, and Jonson-Reid (2009 [this issue]) use NSCAW data to conduct a complex proportional hazards (Cox regression) analysis of rereporting, rereporting with substantiation, and rereporting with placement. Fuller and Nieto (2009 [this issue]) use an administrative data sample obtained from the Illinois Department of Children Family Services and also conduct a proportional hazards analysis of rereporting and rereporting with substantiation with a sample conditioned through propensity score matching on substantiation.

In applying the NSCAW data, Drake et al. (2009) limit their analysis to children with no prior reports and children who were not placed, resulting in an unweighted subsample of 1,820 children. Children were followed for up to 36 months. In addition to substantiation status at the time of the initial investigation, the authors included child demographics, maltreatment type, poverty status of the caretaker, and developmental status of the child, as well as education level, substance abuse status, and mental health status of the caretaker. Drake et al. found that substantiation had no bearing on whether a child was the subject of a rereport, rereport with substantiation, or rereport with placement. They did find that poverty was a determinant for rereports and rereports with placement and that child development problems were tied to an increased hazard of rereports and rereports with substantiation.

Fuller and Nieto (2009), however, reach a very different conclusion. In their analysis of Illinois data, Fuller and Nieto followed children with no prior reports, using only one child per household who received no postinvestigation services. They performed a propensity score analysis using logistic regression to match a group of substantiated children to similar unsubstantiated children to control for characteristics associated with substantiation that might also be related to rereporting. The final matched sample consisted of 71,000 children. Fuller and Nieto found that children who were initially substantiated were more likely to be rereported and rereported with substantiation. Other factors related to reentry included child demographics, maltreatment type, geographic region, report source, perpetrator relationship, and number of children in the household, but the hazard ratio for substantiation (1.7) was the largest.

There are many differences in sample, availability of types of data in the data sets, and methodology between the Drake et al. (2009) and Fuller and Nieto (2009) studies. For example, the data for the Fuller and Nieto are specific to Illinois; thus, results from a national sample such as NSCAW may not apply to the practice and policy environment of the CPS system in that state. As another example, Drake et al.’s decision to use “high risk” as a substitute for the substantiation disposition in the NSCAW data for some children may confound the results—a suggestion that may be supported by the multinomial results in Trocmé et al. (2009), in which the indicated category in the Canadian data was determined by its own set of factors. As a last example, in contrast to NSCAW data, the lack of case-specific information on such factors as child poverty in the Illinois administrative data may prevent the examination of important factors that could eclipse a factor such as substantiation. Any number of these kinds of differences might explain their widely diverging findings, but precisely how or why is difficult to determine. In contrast, it is quite clear that each author draws markedly different conclusions regarding substantiation and its future.

Drake et al. (2009) assert that substantiation as a CPS decision and classification category is not appropriate for CPS because of substantial drawbacks associated with access to services. They argue that CPS should eliminate substantiation as a disposition category and focus instead on identifying children at risk or families in need of services instead. When the court needs to be involved, they urge classification as “appropriate for court intervention” (p. 25). By contrast, Fuller and Nieto (2009) argue for the validity and continued use of substantiated and unsubstantiated classifications.

These differing conclusions have dramatically different consequences for CPS. Looked at in one way, the available data suggest that the substantiation decision
has outlived its usefulness; looked at in another way, it is a distinction that is serving children well. In considering these radically different policy recommendations, a number of key questions must be carefully considered. Not only do the answers to these questions touch on the role of substantiation in CPS, but also they impinge on the broader philosophy of how to go about improving or reforming our system of child maltreatment intervention.

Does substantiation status serve a “gatekeeping” function in regulating the provision postinvestigation services? Unfortunately, the answer to this question is very unclear. In a very crude sense, what is known from the National Child Abuse and Neglect Data System (NCANDS; USDHSS, 2008) is that about 59% of substantiated children or their families received some postinvestigation service and 30% of unsubstantiated children received such services. However, substantiated children and their families received postinvestigation services about 38% of the time, compared to 28% for unsubstantiated children when placement is factored out, a much smaller difference. In fact because of the relative size of these populations when placement is excluded, more unsubstantiated children are actually served. There are many limitations in using NCANDS data to draw this comparison, but it appears that services are provided proportionally more often for substantiated children, although the difference in the likelihood of service provision may be smaller than is generally believed. However, there is only very limited systematic information on the relative quantity, quality, and effectiveness of these services regardless of to whom they are provided.

In considering alternative service delivery models, differential response systems have been developed in some states where relatively low-risk, low-harm cases are assessed not for substantiation but rather for service needs. This service model involves an approach that emphasizes nonpunitive family engagement. In Minnesota, the results of a controlled trial (Lohman & Siegel, 2005) indicate that the children who received an alternative response as defined by the Minnesota alternative CPS response program had lower rates of rereporting compared to control children. Similarly, Ortiz, Shusterman, and Fluke (2008) found lower levels of rereporting across five states between those children who received an alternative response and those who received traditional investigations. These findings suggest that a determination of substantiation may not be relevant for some types of reports and may in fact contribute to more rereporting.

Even so, what remains unclear is the actual role that substantiation plays in service provision and whether substantiation status facilitates or inhibits the uptake of needed nonplacement services generally. Thus, even though substantiation is often regarded in the literature as a gateway to services, the empirical evidence to support this concept remains unclear. Certainly, this is an area that could benefit from further study.

What is the basis for court involvement in cases of alleged child maltreatment? The related question regarding the relationship of substantiation and the role of the court is also underresearched, although one aspect of this relationship—the association between substantiation and placement, which must be approved by juvenile and family court judges—seems more obvious. This is reinforced by NCANDS (USDHHS, 2008) data, in that 21% of substantiated children are placed out of home, compared to 5% of unsubstantiated children. The study by Cross and Casanueva (2009) does seem to indicate that because evidence and harm are related to substantiation (as suggested by Drake’s framework), substantiation status may have some standing in court. Similarly, because Fakunmoju (2009) found that poor attention to evidence was one factor that led to the overturning of substantiation status, difficulties with evidence may be a barrier to the court’s involvement. It also might prove difficult to involve the courts in intervention without some way of indicating that there is evidence of harm or, especially, persons who may be responsible. On the other hand, many judges conceivably could be persuaded to forgo considerations of evidence if they interfere with keeping children from harm.

How is substantiation status related to ongoing measures of numbers of abused and neglected children known to CPS? Substantiation is used at national and state levels to estimate the number of children known to CPS who have experienced maltreatment. Four of the five studies of substantiation presented in this issue (Cross & Casanueva, 2009; Fakunmoju, 2009; Fuller & Nieto, 2009; Trocmé et al., 2009) appear to find at least limited evidence that substantiation represents a discernable, if imperfect, construct based on the Drake (1996) formulation of evidence, risk, and harm. Other studies—including the Drake et al. (2009) article in this issue—have found limited or no evidence that substantiation predicts child welfare related outcomes. However, it does not necessarily follow that the absence of such a relationship means that it is a good idea to abandon the need for something like substantiation.

As an analogy, suppose that a series of traffic accidents occurs near a particular intersection and emergency services are provided to help the injured. Even though information about the accident may not be relevant in determining what a particular accident victim may need to address her or his injuries, information regarding the
cause and evidence about the circumstances of the accident are essential in determining what might be done to prevent accidents in the future. Substantiation is used as a basis for evaluating trends, differentiating among forms of maltreatment (e.g., neglect, physical abuse, sexual abuse, etc.), and evaluating safety outcomes. As a measure, it is deeply rooted in state and national policy, and samples of substantiated children have been the basis of much of our research-based knowledge. The impact of the absence of such information is difficult to evaluate, but this must be a part of the reform debate in CPS.

As a last issue to consider, the articles by Cross and Casanueva (2009) and by Fakunmoju (2009) find that poor practice and poor implementation of policy resulted in many of the observed errors tied to substantiation. Decision making under uncertainty (Swets, 1992), which is characteristic of most CPS decisions such as substantiation and the evaluation of service needs, means that errors will always occur. The propensity for highly consequential classification errors may be a function of a complex set of interacting factors including case factors, resources, policy, supervision, worker characteristics, and community factors (Baumann, Kern, & Fluke, 1997). As we loosen our chains and prepare to emerge in the sunlight, it might be worth considering that alternatives to substantiation as part of the effort to institute CPS reform are undoubtedly subject to the same complex decision-making conditions. Unless carefully addressed through thoughtful, scientifically sound processes, and ultimately practical and affordable implementation, alternative forms of classification may not leave us much further ahead.

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References


