



Introduction
to the

Safety Guide

**SAFE
STRONG
SUPPORTIVE**

casey family programs

Child Safety: A Guide for Judges and Attorneys: www.americanbar.org

safe children | strong families | supportive communities

Why



What



How

WHY SAFETY?

A. Authors' Purpose

B. Serves the effort to eliminate race and other bias from child protection

C. Research supports increase in richness (and clarity) of discussion in court

D. HOPE

Child Safety Framework

**A
Language and
Structure for
Decision-
Making
In
Dependency
Court**





Racism is incompatible with child and family wellbeing.

Cindy Santos, Casey Family Programs

Addressing Implicit Bias in the Courtroom

Implicit v. Explicit

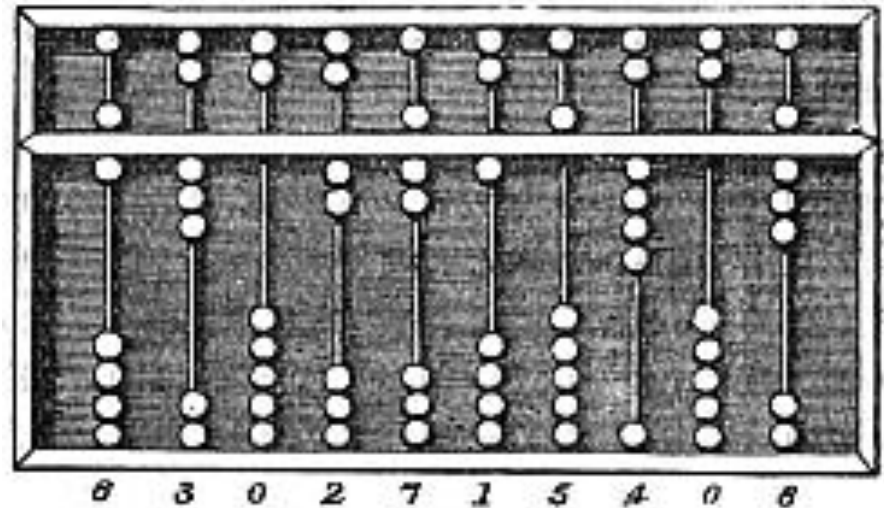
- **Doubt your own objectivity**
- **Count**
- **Improve conditions for decision making**
- **Accountability of decision making**

Doubt your own objectivity

97% of judges polled believed themselves to be in the 25% of their peers in avoiding racial prejudice in decision making.

Washington State Code of Judicial Conduct, Canon 2, Rule 2.3:

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.



Studies show when a person believes they are objective, such belief licenses them to act on their biases.

[Implicit Bias in the Courtroom](#), at 1173.

Count - Children in Care - 2020

• American Indian/Alaska Native.....	3%
• Asian/Pacific Islander	1%
• Black	6%
• White	50%
• Hispanic	16%
• AI/AN-Multi	13%
• Black-Multi	8%
• Other-Multi	2%
• Unknown	1%

Source: Dependent Children in Washington State: Case Timeliness and Outcomes, 61.

Population in WA State

- White – 78.5%
- Black – 4.4%
- American Indian/Alaska Native – 1.9%
- Asian – 9.6%
- Native Hawaiian/Pacific Islander – .8%
- Hispanic or Latino – 13%
- “Two or More” – 4.9%

Source: U.S. Census Bureau

Count - Children in Care - 2020

• American Indian/Alaska Native (and “multi”)...	16%*
• Black (and “multi”)	14%
• White	50%
• Hispanic	16%

* Does not include AI/AN children in tribal courts.

Population in WA State

- White – 78.5%
- Black – 4.4%
- American Indian/Alaska Native – 1.9%
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Improve Conditions of Decision Making

Decision fatigue

Lack of food or sleep

Stress

Time pressures

Fear of error

Vicarious trauma

Lack of values congruency

Lack of information

Cross cultural communication

Implicit bias



(Pre)Accountability = Increased thoughtfulness

Safety framework offers language and structure to organize, analyze, and explain decisions.

Ultimately, we are accountable to the family.

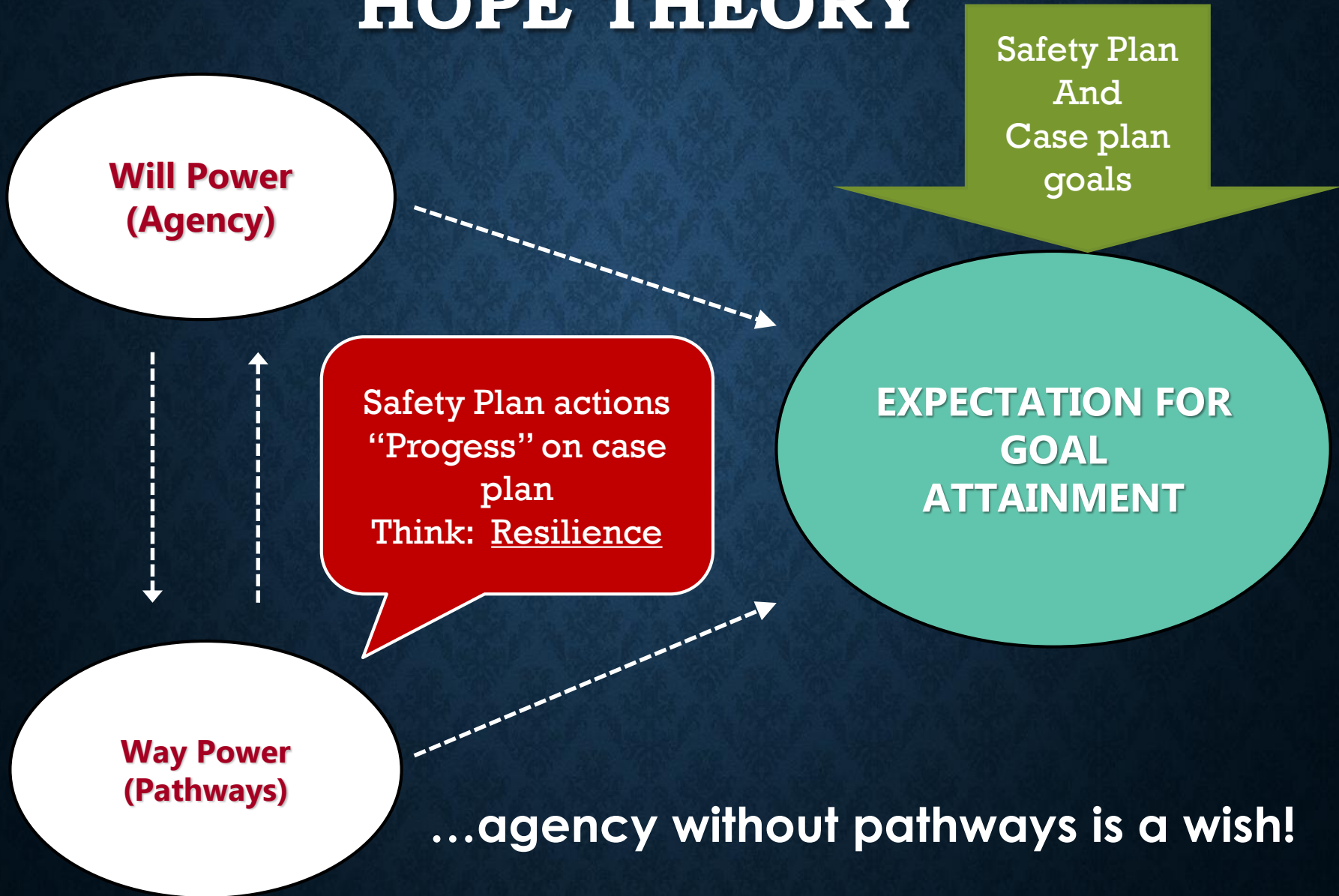


Greater Breadth of Discussion at initial hearing ...

- **Increased rate of appearance of parties at subsequent hearings**
- **Higher likelihood of placement with parents or kin at immediately subsequent hearings (following six months)**
- **Increase in services ordered for both parents**
- **Earlier permanency and closure of case, and increase in reunification as case outcome**
- **Enhancing the level of discussion at the preliminary hearing can be initiated by any of the professionals.**

Alicia Summers, Sophia I. Gatowski, Melissa Gueller (2017). *The relationship between breadth of discussion and case outcomes.*

HOPE THEORY



Safety Assessment

- Gathering Information
- Foundation for case analysis

Safety Plans

- Based on Safety Assessment
- In-Home
- Out-of-Home

Conditions for Return

- Based on Safety Assessment
- Foundation for Case Plan

Case Plan

- Based on Safety Assessment
- Eliminates Threats or Enhances Protective Capacity

Progress, Reunification, Dismissal

- Judged against Safety Assessment
- Reunification \neq Dismissal



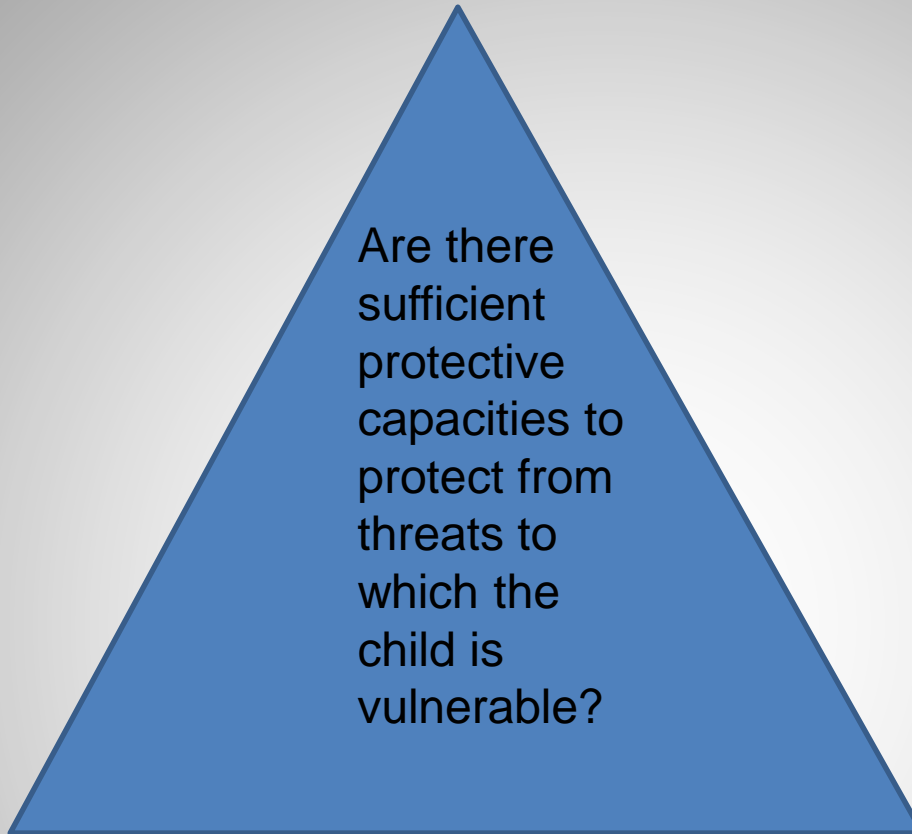
The Judge Expects Information

6 Core Questions



1. What is the nature and extent of the maltreatment?
2. What circumstances accompany the maltreatment?
3. How does the child function day-to-day?
4. How does the parent discipline the child?
5. What are overall parenting practices?
6. How does the parent manage his/her own life?

Threats



Vulnerabilities

**Protective
Capacities**

[§ 8-824. Preliminary protective hearing; probable cause; appointment of counsel](#)

[§ 8-825. Court determinations in preliminary protective hearing](#)

[AZ DCS Practice and Procedure Manual Ch. 2: Sect. 7 Safety Planning](#)

Threats

- **Specific and Observable**
- **Out of Control**
- **Immediate or Liable to Happen Soon**
- **Severe Consequences**



Vulnerabilities

- Child Specific
- Vulnerable or Not, Not Judged in Degrees
- If Threat Exists, Presume Vulnerability



Protective Capacity

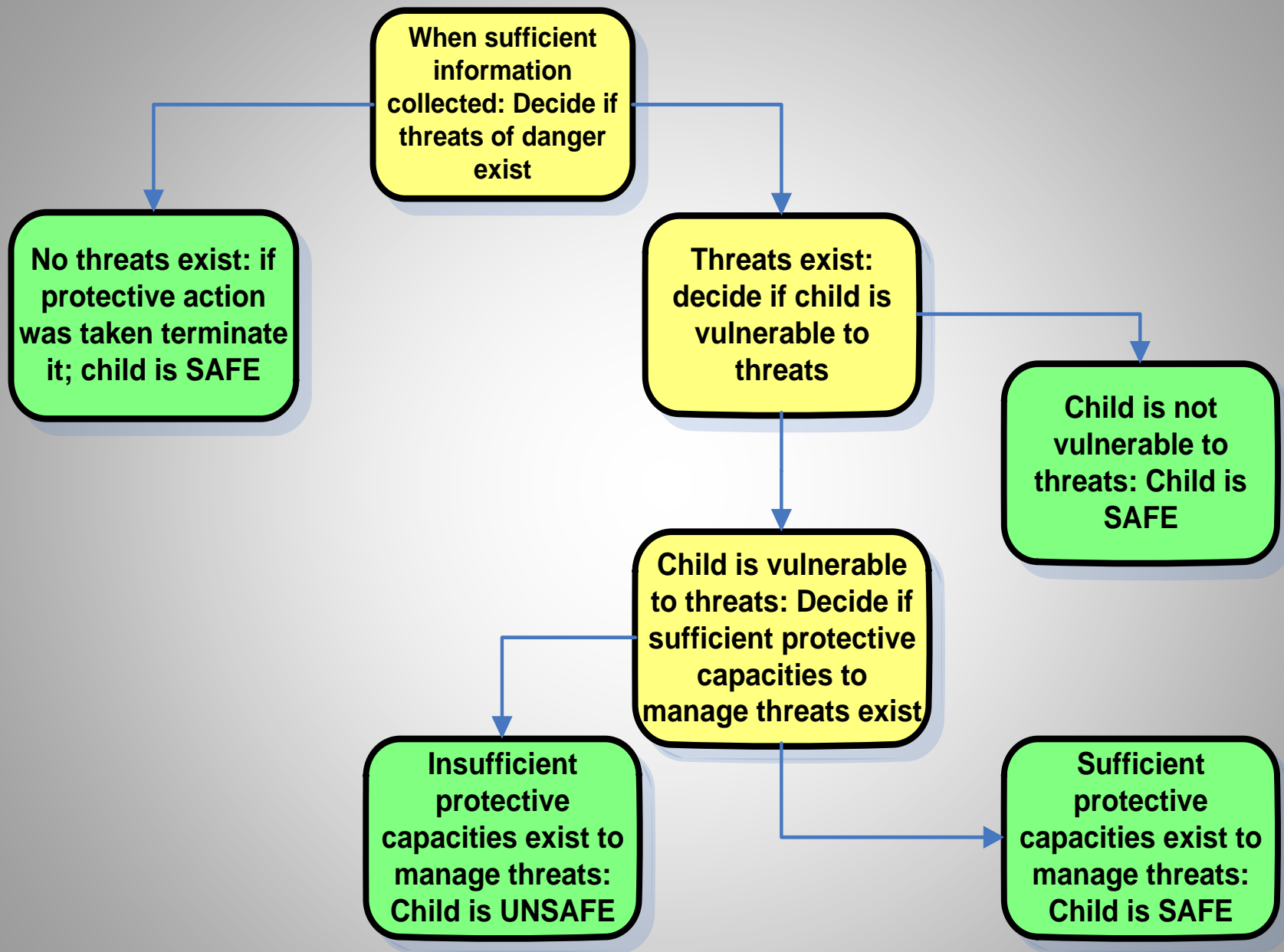
- Cognitive
- Behavioral
- Emotional





Threat or No Threat?

- **Specific and Observable**
- **Out of Control**
- **Immediate or Liable to Happen Soon**
- **Severe Consequences**



The Judge Expects Information

6 Core Questions



1. What is the nature and extent of the maltreatment?
2. What circumstances accompany the maltreatment?
3. How does the child function day-to-day?
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Safety Planning

- Does not require change in parents behavior or attitude
 - Controls threats – immediately
-

- Sufficient
 - Feasible
 - Sustainable
-

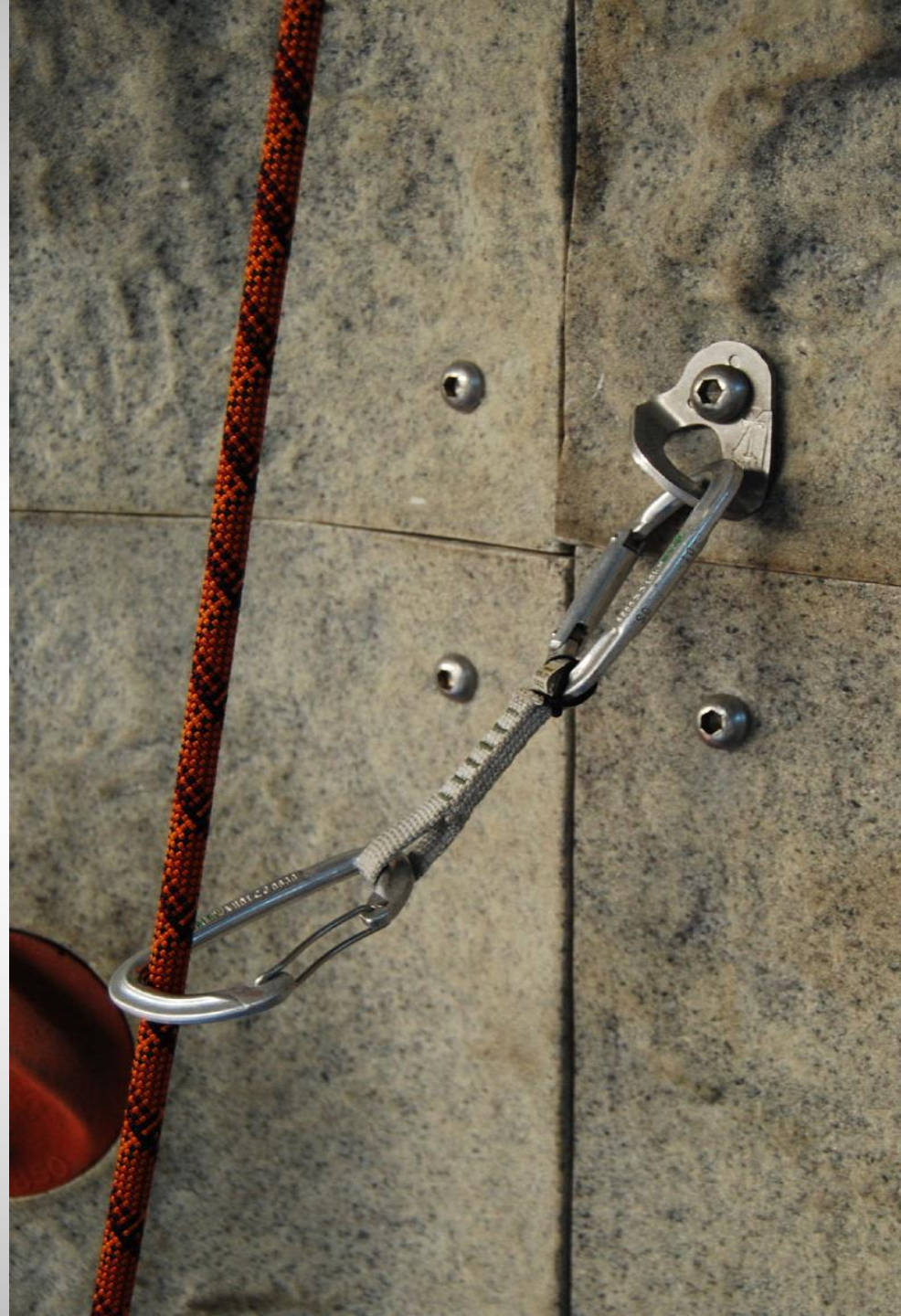
- Assessing Reasonable Efforts
 - Actions or Services to Control or Manage Threats



Safety Planning

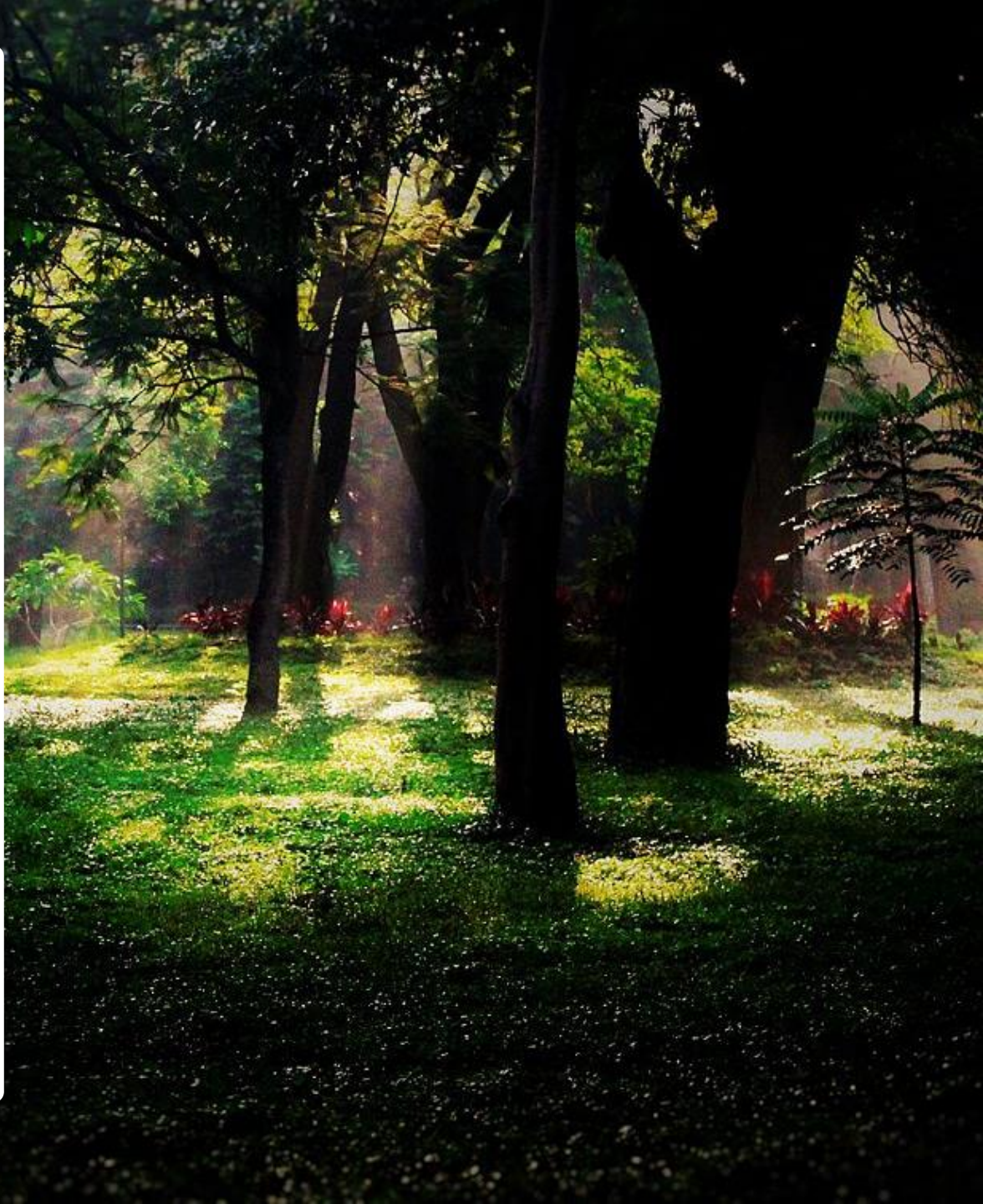
Out-of Home Plan

- **Assessing Reasonable Efforts**
- **Conditions for Return - Clearly**
 - **Value Congruence – connects to controlling safety threats immediately**
 - **Parenting Behavior-Based Language**
- **Kind and Amount of Parent-Child contact.**

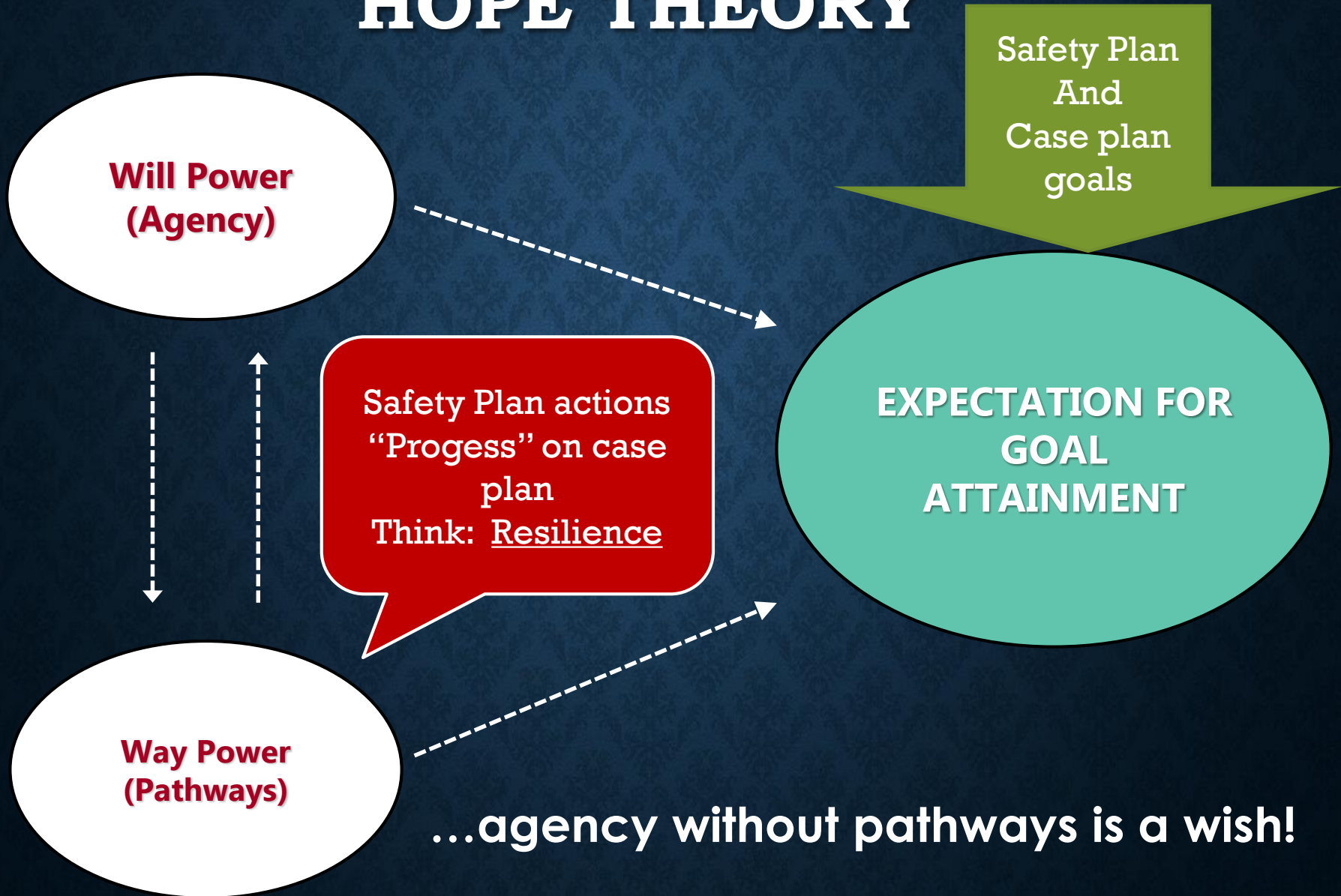


Case Planning

- **Use Safety Framework to design case plan.**
- **Looking toward the Court and Dept exiting Family.**
- **Usually requires changing in parental behavior**



HOPE THEORY



...agency without pathways is a wish!

Parenting Time Plans

- **Quick to Start**
- **Include Siblings**
- **Alternative Contact**
- **Written Plan – Court Order**
- **Right of Family – Not Carrot-and-Stick**
- **Explain Supervision**
 - **How will it progress?**



Evaluating Progress

Why Can't Children Go Home Today?

- Reduction of Threats? Emergence of New Threats?
- Status of Protective Capacity?
- Current Information for Answers?
- Why Disputes? Challenge Parties to Resolve.
- If no progress, why?
 - Demand Information/Perspective of Parents



Reunification

This is a Safety Plan Question

- Have conditions changed enough to support an In-Home Safety Plan?
- Parenting Time...
 - Can unsupervised time be happening now?
 - Is any of the time parents spend with their children structured to provide information about the child-parent relationship
- Parent Attitudes re: Threats and Protective Factors
- Info from Treatment Providers



Reunification

This is a Safety Plan Question

- Are We Preparing the Caregiver to Support Reunification?
- Reunification is a Plan, not an event.



Terminating Jurisdiction

- Threats Eliminated
- Protective Capacity Enhanced to Control Threats
- Combination of Both





**Let's
Eat**



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