



## What Is Child Welfare? A Guide for Law Enforcement

Law enforcement agents play a pivotal role in the prevention and investigation of child abuse and neglect while helping to make communities safer for children and families. Each State has requirements for when and how law enforcement and child welfare should interact. This guide provides an overview of child welfare, explores best practices for how caseworkers and law enforcement agents can work together, and includes a list of resources for more information.

### What Is Child Welfare?

Child welfare is a continuum of Federal, State, and local services designed to ensure that children are safe and families have the necessary support to care for their children successfully. This includes investigating reports of child abuse or neglect, helping a family access services to help create a more stable home life, or finding a family member or foster family to care for a child when it is no longer safe to remain at home. State laws vary on the child protection responsibilities of child welfare agencies. See Child Welfare Information Gateway's State Statutes web section for State-specific information (<https://www.childwelfare.gov/topics/systemwide/laws-policies/state>).

Child welfare agencies typically:

- Support or coordinate services to prevent child abuse and neglect
- Receive and investigate reports of possible child abuse or neglect
- Assess child and family safety, needs, strengths, and resources
- Provide services to families that need help protecting and caring for their children
- Arrange for out-of-home care (foster care, kinship care, or other) when children and youth cannot remain safely at home
- Support children who are living with relatives, foster, or adoptive families, including making sure their medical, mental health, and educational needs are addressed
- Work with children, youth, and families to achieve family reunification, adoption, or other permanent family connections for children and youth leaving out-of-home care

## Reporting Requirements

Approximately 26 States require child welfare agencies report suspected child sexual abuse, serious injury, or abuse by someone outside the family—all considered crimes—to local law enforcement agencies.<sup>1</sup> Nine States, the District of Columbia, American Samoa, and Guam require that all reports filed with a child protective services (CPS) agency be shared with law enforcement, and vice versa.<sup>2</sup> CPS and law enforcement agencies are required to coordinate investigations and share information in 16 States to reduce the number of times children are interviewed.<sup>3</sup> Seven States require information sharing among multidisciplinary teams comprising medical and mental health professionals, victim advocates, social service providers, and prosecutors using the Child Advocacy Center (CAC) model.<sup>4</sup> Requirements in some States vary based on the local jurisdiction. Florida, for example, has transferred investigative authority in several jurisdictions from the public child welfare agency to local law enforcement.

Child welfare agencies may have special protocols in place with law enforcement agencies based on perceived imminent danger, assessment of risk, and related factors in CPS calls. Local CPS may also follow a “differential” or “alternative response” approach where the type of reported maltreatment, prior history, and willingness of a family to cooperate dictates the CPS response. See Child Welfare Information Gateway’s webpage, *Differential Response in Child Protective Services*, to learn more (<https://www.childwelfare.gov/topics/responding/alternative/>).

Child welfare agencies do not work alone. They often collaborate with other public and private agencies and community-based organizations to provide families with the services they need. Child welfare agencies work with courts, which play a central role in child protection decision-making, and collaborate with prosecutors to assist with criminal charges.

## How Child Welfare Workers Can Assist Law Enforcement Agents in Protecting Children

Child welfare agencies can help local law enforcement as partners in child protection in the following ways:

- **Helping law enforcement understand child welfare laws.** Child welfare workers can help law enforcement officers understand the nature of their work and the laws that govern child protection.
- **Helping law enforcement understand child welfare terminology.** Some child welfare terms may hold different meanings for law enforcement agents. For example, child welfare’s emphasis on taking a “strengths-based” approach to casework focuses on a family’s capabilities, support systems, and motivation to meet challenges. Child welfare professionals can help law enforcement officers understand family dynamics and contexts, which may help to reduce quick judgments in child welfare cases. Using a strength-based approach can be a guiding principle of the partnership and can assist law enforcement agencies in conducting a full assessment on child welfare calls.
- **Helping officers understand trauma and the importance of minimizing it when responding to a call.** Children often experience trauma when their parents or caregivers have done something to warrant a law enforcement response or when they are taken into custody. Training in child trauma-related issues can help officers understand the impact of their actions.

<sup>1</sup> The word “approximately” is used to stress the fact that States frequently amend their laws. This information is current only through June 2016. The States that require CPS agencies to cross-report specific types of abuse to law enforcement agencies include Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Washington, West Virginia, and Wisconsin.

<sup>2</sup> Arizona, California, Maryland, Minnesota, Nebraska, New Mexico, Oregon, Utah, and Wyoming.

<sup>3</sup> Connecticut, Delaware, Indiana, Kansas, Minnesota, Missouri, Nevada, New Hampshire, North Carolina, North Dakota (in cases involving criminal abuse allegations), Ohio, Pennsylvania, Tennessee, Utah, Virginia, and Wyoming.

<sup>4</sup> Arkansas, Delaware, Missouri, New York, Pennsylvania, Vermont, and Virginia.

## Child Welfare Caseworkers Helping Law Enforcement

A 2017 pilot project between the Keizer, OR, Police Department and the Department of Human Services places CPS case managers in local police departments. When a child maltreatment call is received, the CPS case manager and a police officer make the visit together.

In San Diego County, CA, child welfare managers appointed a liaison for law enforcement officers to contact whenever child removal is considered during police investigations. Designed to minimize child trauma, the child welfare law enforcement liaison is available 24/7 to meet law enforcement officers at the scene and look out for the child's best interests during the investigation and in emergency placement decisions.

For more information on these and related examples, see the Casey Family Programs website at <https://www.casey.org/are-there-good-examples-of-how-child-welfare-agencies-are-collaborating-with-law-enforcement/>.

## Importance of Cross-Training

Cross training may help caseworkers and law enforcement agents understand their different approaches to child protection. For example, it may help law enforcement agents appreciate how a certain judgment on their part might trigger a reaction that could be more traumatic than the child's current home situation. Cross-training may also help law enforcement agents gain a better understanding of the context of a family member's negative behaviors (e.g., financial stress, parental substance use, and the need for treatment). From the child welfare perspective, cross-training may help caseworkers better understand the law enforcement agent's sworn duty to enforce law and order.

The Texas Municipal Police Association developed the Advanced Child Abuse Investigation Training Program to improve the joint response of law enforcement and CPS. The program provides free training on investigation techniques and a space for CPS workers and law enforcement agents to discuss current crime trends. The training addresses laws related to crimes against children, characteristics of victims and perpetrators, interviewing and interrogating techniques, conducting coordinated investigations, working with children with disabilities, and missing and exploited children.

For more information, see the Law Enforcement & Joint CPS Training Survey Report ([http://www.acatraining.org/content/uploads/acatraining.org/Joint%20Training%20Survey%20Report\\_2016.pdf](http://www.acatraining.org/content/uploads/acatraining.org/Joint%20Training%20Survey%20Report_2016.pdf)).

## How Law Enforcement Can Assist Child Welfare Agencies and Families

Below are some of the many ways that law enforcement can help child welfare workers promote safety, permanency, and well-being in the children and families they serve:

- **Keeping child welfare workers safe.** Law enforcement agents may accompany child welfare workers in situations that are potentially dangerous. A parent or caregiver under investigation for reported child maltreatment may be more likely to open the door to a law enforcement officer than to a caseworker. Only law enforcement agents are authorized to make arrests (caseworkers cannot), and they may investigate and file a report when caseworkers are not available to follow up on a call.

- **Assessing the situation.** When law enforcement agents are the first responders to alleged abuse or neglect, they can note which adults and children are present at the scene and determine whether they are in imminent danger or require medical attention or other services. Ideally, officers should be trained to approach CPS calls from a trauma-informed perspective or one that is sensitive to how children might be affected by child maltreatment, domestic violence, or parental misbehavior or incarceration. This will help them collaborate with child welfare and other professionals regarding the potential need for therapeutic services. They may determine a child needs to be removed from the home to stay safe. Laws differ by State and by county regarding who has authority to take this action. Many States require a court order for removals.
- **Sharing information.** It is in the best interest of caseworkers and law enforcement agents—and their shared responsibility—to form a professional working relationship with clearly delineated roles. This may even mean a quick meeting outside a residence to discuss details prior to an investigation, such as abuse allegations and more. Law enforcement stays current on local criminal activity and other useful information. Officers can inform caseworkers of pending arrests so they are aware of the need to make potential caregiving arrangements for the family.
- **Following protocols that minimize further trauma to children.** Law enforcement agencies can follow protocols for handling the arrest of a parent or caregiver to minimize trauma to any children present at an investigation. They can collaborate with either caseworkers or CAC staff to make sure that children of an arrested parent or caregiver have the services they need. These actions can help build trust and strengthen the relationship with community members.

## Minimizing Trauma

The International Association of the Chiefs of Police (IACP) offers several resources focused on minimizing trauma during investigations, including the following:

- A model policy, *Safeguarding Children of Arrested Parents*, produced in collaboration with the U.S. Department of Justice’s Bureau of Justice Assistance (<https://www.bja.gov/publications/iacp-safeguardingchildren.pdf>)
- A November 2014 webinar, “Protecting Children of Arrested Parents: Using a Trauma-Informed Approach” (<http://www.theiacp.org/capwebinar1>)
- A toolkit to help law enforcement officers respond to children exposed to violence, *Enhancing Police Responses to Children Exposed to Violence* (<http://www.theiacp.org/Portals/0/documents/pdfs/CEVToolkitOnlineVersion.pdf>)

Several cities across the country employ the Child Development-Community Policing (CD-CP) model developed by the Yale Child Study Center and the New Haven Department of Police Service to serve children exposed to violence and trauma. The program seeks to minimize trauma by including mental health professionals on police calls that involve child victims or witnesses to violence (<https://medicine.yale.edu/childstudy/communitypartnerships/cvte/cdcp.aspx>).

Child maltreatment reaches across multiple sectors. No single agency has the ability to respond effectively to an allegation of child abuse or neglect. The most successful child welfare and law enforcement partnerships are built on mutual respect, strong relationships, and teamwork that recognizes each side's strengths and weaknesses. Careful coordination between child welfare and law enforcement, and collaboration with other professionals, is in the best interests of children and families.

## Resources

- Child Safety Videos for Law Enforcement created by New Mexico State University Creative Media Institute:
  - *Ensuring Child Safety Upon Parental Arrest* at <https://vimeo.com/50412092>
  - *Ensuring Child Safety: In Abuse and Neglect Referrals* at <https://vimeo.com/50412091>
  - *Ensuring Child Safety and Minimizing Trauma* at <https://vimeo.com/50412090>
- National Children's Alliance, a national organization representing over 800 CACs nationwide (<http://www.nationalchildrensalliance.org/cac-model>)
- National Child Traumatic Stress Network (<http://www.nctsn.org/>), a service of the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, provides comprehensive web-based training to educate professionals and the public on child traumatic stress
- REACT (Responding to Children of Arrested Caregivers Together), an evidence-informed model promoting collaboration between families, law enforcement, mental health, and child welfare professionals to support children during and following the arrest of a caregiver ([http://www.cableweb.org/training/law-enforcement-and-children\\_cit-y\\_react-info-and-registration](http://www.cableweb.org/training/law-enforcement-and-children_cit-y_react-info-and-registration))

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