



Allegations of maltreatment and delinquency: Does risk of juvenile arrest vary substantiation status?

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ABSTRACT

There exists a healthy debate about the process and value of substantiation in child welfare. Much of this debate focuses on understanding whether substantiated and unsubstantiated allegations of maltreatment share equal risk of recurrence. In the current study we seek to advance this debate by extending the analyses to focus specifically on the risk of juvenile delinquency. We also seek to determine whether the relationship between substantiation and delinquency varies by race and gender. Our sample includes 38,223 youth between 5 and 16 years of age from Los Angeles County. We use propensity score matching to create relatively equivalent groups and use Cox Regression to model the risk of juvenile arrest. The results indicate that the relative risk ratio of arrest is 2.2 times greater for youth associated with a substantiated report of maltreatment as compared with similar youth associated with an unsubstantiated report of maltreatment. Older youth, and African American youth are also at an increased risk of juvenile arrest. These findings indicate that the process of substantiation is not without merit – as investigators and supervisors are clearly able to distinguish cases based on individual risks and strengths.

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1. Introduction

Allegations of child maltreatment represent a key decision point in child protection. Substantiation is “a means of officially validating the occurrence of prior events (of child maltreatment) in accordance with agency standards” (Drake & Jonson-Reid, 2000, p. 227). Three types of decisions are typically made for allegations: substantiated, unsubstantiated, or inconclusive. In general, it is assumed that a “substantiated” case represents a true incident of maltreatment. Some studies (Thompson et al., 2001) report that children with substantiated reports are at greater risk of harm and require greater need for social services compared to children with unsubstantiated reports. Yet, there exists a healthy debate about the process and the system of “substantiated” and “unsubstantiated” in child abuse reporting (Kohl, Jonson-Reid, & Drake, 2009; Leiter, Myers, & Zingraff, 1994). A number of scholars suggest that children associated with unsubstantiated reports may share many of the same risks relative to substantiated cases (Kohl et al., 2009). These authors question whether the substantiation process is useful in distinguishing at-risk (Kohl et al., 2009; Leiter et al., 1994). The current study seeks to help inform and advance this debate by exploring the risk of juvenile arrest for youth associated with unsubstantiated and substantiated allegations of maltreatment.

More than 3.5 million children in the United States were reported and received an investigation or assessment for abuse or neglect and an estimated 794,000 (23%) of these investigations were substantiated

(U.S. Department of Health & Human Services, 2009). In terms of age, 32% of all allegations were under four years old; 24% were 4–7 years old and 19% were 8–11 years old; and 25% were 12 years and older. Regarding gender, males comprise 48% of allegation referrals. In terms of race and ethnicity, nearly half of all children were White (46%), one-fifth were African American (22%), and one-fifth were Hispanic (21%). The majority of the children were involved in neglect cases (59%), followed by multiple forms of maltreatment (13%), physical abuse (11%), and sexual abuse (8%) (U.S. Department of Health & Human Services, 2009).

2. The process of substantiation

An allegation of child maltreatment represents the initial stage in identifying victims who are eligible for service from child protection. Trocme, Knoke, Fallon, and MacLaurin (2009) state that the investigation process is “a complex judgment which is driven by clinical consideration with consideration of physical evidence, reliability of the witnesses, determination of intentionality, consideration of community standards, and interpretation of statutes” (p.4). Those decisions can result in the removal of a child from the home or criminal charges. (Trocme et al., 2009). Caseworkers need sufficient evidence to substantiate and allegation of maltreatment as this process is “most reminiscent of a legal finding” and aims to identify specific family needs (Drake & Jonson-Reid, 2000). However, a major concern is that the concept of substantiation may not be sufficient to capture the complexity of the child protective services decision-making process (Drake, Jonson-Reid, Way, & Chung, 2003).

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Concerning the effectiveness and precision of the process, some scholars argue that both substantiated and unsubstantiated cases are at near equal risk, particularly in terms of maltreatment recurrence rate, delinquency, and juvenile incarceration (Drake et al., 2003; Jonson-Reid, 2004; Kohl et al., 2009; Leiter et al., 1994). Drake et al. (2003) found that the rate of child maltreatment recurrence is similar for both unsubstantiated and substantiated cases within 4.5 years. For all types of maltreatment, substantiation failed to predict reoccurrence, except in cases of neglect. Kohl et al. (2009) report that there were no differences between substantiated and unsubstantiated cases in terms of new reports or entry into foster care over 36 months.

In terms of risk for behavioral problems, Leiter et al. (1994) investigated whether education and delinquency outcomes varied by substantiation. The authors utilized two measures of delinquency: (1) complaints and (2) petitions. The delinquency complaint refers to the contact with juvenile justice authorities related to youthful problem behavior, not necessary an official record. The delinquency petition refers to an official response by a court counselor (i.e. beginning of the adjudication process). The authors compared the school and delinquency outcomes among three groups: (1) no substantiated maltreatment reports, (2) a mix of both (unsubstantiated and substantiated reports), and (3) only substantiated maltreatment reports. The authors report no significant differences in school outcomes between substantiated and unsubstantiated cases. However, children in the unsubstantiated group were at lower risk of delinquency as compared to the substantiated group. The children with mixed unsubstantiated and substantiated maltreatment reports had the highest risk of delinquency. The authors interpreted that poor school performance and delinquency involvement is associated with the severity of maltreatment but not status of substantiation. From these findings, scholars argue that policy-makers need to reconsider whether the “substantiation–unsubstantiation” label is necessary or useful (Drake et al., 2003; Jonson-Reid, 2004; Kohl et al., 2009). Yet there is a competing literature that indicates a clear difference between substantiated and unsubstantiated cases. Fuller and Nieto (2009) used propensity score techniques to examine the relationship between substantiation and maltreatment re-reporting from the Illinois Department of Children and Family Service (DCFS), from 1999 to 2004. The findings show that substantiated cases of maltreatment are significantly more likely to experience a subsequent report as compared with similar unsubstantiated cases.

Specific to the current study, there exists a broad literature documenting the increased risk of delinquency associated with victims of child abuse and neglect (Jonson-Reid, 2004; Maxfield & Widom, 1996; Morris & Freundlich, 2004; Ryan, Herz, Hernandez, & Marshall, 2007; Ryan, Marshall, Herz, & Hernandez, 2008; Ryan & Testa, 2005; Stouthamer-Loeber, Wei, Hoish, & Loeber, 2002; Zingraff, Leiter, Myers, & Johnsen, 1993). One study (Ryan & Testa, 2005) report that 9 to 20% of maltreated children are likely to have official contact with juvenile justice. Risk factors such as placement in group homes, placement instability, and weak social bonds appear to increase the likelihood of juvenile arrest for youth involved with the child welfare system (Ryan et al., 2007). Maxfield and Widom (1996) found that maltreated children were 1.8 times more likely to be juvenile offenders and 1.9 times more likely to be associated with a violent offense as compared with non maltreated children. There is some indication that maltreated youth are at an increased risk of continued offending (Ryan, 2006). Unfortunately, there exists few comparisons between substantiated and unsubstantiated cases with regard to subsequent juvenile justice involvement. The focus of this study is to address this gap in the literature and determine whether substantiated and unsubstantiated maltreatment cases share equal risk of involvement with the juvenile justice system.

We seek to help advance the debate around substantiation by extending analyses and outcomes to include official records of juvenile delinquency and to investigate whether effects vary by race and gender. Specifically we address the following research questions:

- 1) Do substantiated and unsubstantiated cases of maltreatment share equal risk of juvenile arrest? 2) Does the relationship between substantiation and arrest vary by gender and race?

3. Methods

3.1. Sample

Several sources of data are used including administrative records for children and families involved with the Department of Children and Family Services (DCFS) and the Department of Probation in Los Angeles County. The child welfare data include demographic information (i.e., birth dates, race, gender), allegations of maltreatment (i.e., report date, type of maltreatment, findings), and child welfare services (i.e., placement dates, placement types). Maltreatment was measured using official reports of sexual abuse, physical abuse, neglect, and other types of maltreatments. Child welfare records include all children ($N = 352,765$) involved with a maltreatment allegation between 2002 and 2008. Delinquency records from the Los Angeles County Department of Probation include all arrests ($N = 451,954$) for all minors ($N = 171,928$) in Los Angeles County between 2002 and 2008. Delinquency records include demographic characteristics (i.e., birthdates, race, gender), arrest date, offense type, and judicial dispositions.

We select a sample of children with their first allegation in 2002. Our sample is limited to children between 5 and 16 years of age as of January, 2002, and we remove youth with prior arrests. In 2002, 57,906 youth were associated with their first allegation in Los Angeles County. Of these youth, 12,273 (21.2%) cases were substantiated, 25,950 (44.8%) were unsubstantiated, and 19,683 (34.4%) were categorized as inconclusive. We excluded inconclusive cases and thus our sample consists of 38,223 unduplicated children in which 32.1% were substantiated and 67.9% were unsubstantiated. We then created a one-to-one match for each child using propensity scoring. Propensity score matching (PSM) is a statistical technique developed to minimize initial difference across all observed variables (Shadish, Cook, & Campbell, 2002). According to Shadish et al. (2002), “a propensity score is obtained using logistic regression to predict group membership from pertinent predictors of group membership” (p.122). In the current study, we used PSM to create matched groups. Standard matching is used in which one treatment (substantiated) and one control (unsubstantiated) unit are paired.

3.2. Measure

The child welfare records include age, gender, race/ethnicity, type of maltreatment, time of out-home-placement, allegation outcome. The 2002 cohort was divided into the substantiated and unsubstantiated groups. We calculated age at first allegation. Sex is coded as a dummy variable (female = 0, male = 1). Race/ethnicity includes African American, White, Hispanic, Asian/Pacific Islander, and other. The types of maltreatment include neglect, physical abuse, sexual abuse, emotional abuse, substantial risk for maltreatment, and other types of maltreatment. The number of out-of-home placements after the first allegation is used to represent placement instability. Subsequent allegations are coded as no allegation, substantiated, unsubstantiated and inconclusive.

Juvenile delinquency is the dependent measure and encompasses a wide range of offenses. The types of offenses in this dataset are broad in scope and include any arrest ranging from a minor offense (e.g., probation violations) to a felony (e.g., murder). Status offenses and traffic violations are not included. Our measure is dichotomous (0 = no arrest, 1 = arrest).

3.3. Analysis

Demographic differences emerged when comparing substantiated and unsubstantiated cases. PSM analyses were performed using STATA/

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