

# Profiles of Families at High Risk of Child Maltreatment in Israeli Court Cases Dealing with the Termination of Parental Rights

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**Abstract** The present study analyzes the characteristics of children and parents in court cases dealing with the termination of parental rights, in order to draw a profile of families at high risk of child maltreatment and shed light on the professional decision-making process. The analysis of a sample of 127 cases identified various child, parent and child–parent characteristics and inter-characteristics which served as a rich database for understanding the profiles of children at risk and their parents. On the basis of these profiles, the study was able to draw a prototype of a family at high risk of child maltreatment and identify the main factors considered by the courts when determining whether or not to terminate parental rights. This paper discusses the implications of these results on the need for early and extensive professional intervention in such families.

**Keywords** Termination of parental rights · High risk families · Judicial decision making process · Child maltreatment

## Introduction

This study analyzes the characteristics of children and their parents in court cases dealing with the issue of whether or not to terminate parental rights (TPR) and declare a child eligible for adoption against his parents' wishes. Cases in

which the state files a petition in court to TPR and declare a child eligible for adoption against the parents' wishes (hereinafter, involuntary adoption) are the most serious types of cases involving children at risk and child maltreatment. In such cases, the parents are deemed parentally incapable and lacking the capacity-to-change (Harnett 2007), and the child is considered at high risk of emotional and physical harm. The present study aims to analyze the characteristics of children and parents in these types of cases in order to draw a profile of high risk families and shed light on the decision-making process.

Legal proceedings to TPR and declare a child eligible for adoption are initiated in Israel at the end of a process that examines whether a child is at risk in his family of origin and whether the parents are capable of assuming their parental responsibilities. When social services identify a minor suspected of being in emotional and/or physical danger, designated social workers are authorized to investigate the case and gather information from every possible source deemed relevant. The law requires local social services to conduct such an investigation when they receive reports of parental conduct that meet the state's definition of abuse, neglect, or endangerment, and it permits the social workers to take custody of a child when such reports are substantiated and the child is considered at risk. In this instance, the social workers can initiate the child's removal from his home and placement in alternative care and, after a certain period, they may authorize the child's reunification with his parents. In the worst cases, when various placement options have failed to secure the child's well-being and the parents are considered parentally-incapable with no likelihood of change within a reasonable period of time, the social workers can recommend involuntary adoption proceedings, which involve the termination of parental rights and making a child eligible for

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adoption, in order to provide a permanent framework that is in the child's best interests.

In these cases, the social workers are obliged to bring their recommendation to a 'decision committee' for consideration and approval. The 'decision committee' is an inter-disciplinary body empowered to discuss, diagnose and decide a proper treatment plan for minors and it is an inseparable part of the social services department of every local authority. If the committee approves the social workers' recommendation, it then refers the case to a Family Court with the view of having the Attorney General file for adoption of the child. Representatives of the Adoption Service, who also take part in the committee's discussions, are responsible for preparing the case for the court, collecting additional data from all official services involved with the child and his/her family, consulting with professionals regarding the family, etc. At the end of this process the Attorney General decides if there are grounds for declaring the child eligible for adoption without his/her parents' consent. If this is the case, the Attorney General files a petition in a Family Court and the biological parents have to defend their rights in court.

Under the Child Adoption Act of 1981 (hereinafter, the Law), a child can be declared eligible for adoption against his parents' consent if the state establishes one of the adoption causes set by the Law, the most common being lack of parental capacity (Ben-David 2011; Budd 2005; Donald and Jureidini 2004; Reder and Lucey 1995). The legal determination of parental incapacity has far-reaching consequences since it leads to the termination of parental rights, the detachment of the child from his parents and his admission to adoption without his/her parents' consent (Baneman 2007; Garret 2002; Lowry 2004; Wattenberg et al. 2001).

The courts enjoy broad discretion when determining an involuntary adoption case, due to the Law's ambiguous definitions of key concepts such as "parental capacity" and the "child's best interests." Since the Law does not set clear-cut criteria for determining parental capacity or a child's best interests, the courts have to interpret these concepts anew in every case. The broad discretion they are accorded is further increased by the fact that the professional literature does not provide clear, agreed operational tools for assessing issues such as child placement, risk, parental capacity, the child's best interests, parental maltreatment. As a result, court decisions are open to errors, inconsistencies and bias (Banach 1998; Bates et al. 1997; Budd 2005; Gambrill and Shlonsky 2001; Gold et al. 2001; Harnett 2007; Lilienfeld et al. 2000; Munro 1996; Newman 1994; Reder and Lucey 1995; Wulczyn 2004).

In light of the difficulties involved in arriving at such decisions, we believe that it is important to examine the characteristics of children and parents in involuntary adoption cases in order to shed light on the types of cases

considered serious by both the social workers, who recommend involuntary adoption, and the judges who make the final ruling, and thus on the entire decision making process involved in such cases. The Law does not compel social workers to make such recommendations, so their decision is discretionary; the social workers decide when to recommend a child for involuntary adoption and it is they who select the cases that are brought before the court. The courts, for their part, are the final authority empowered to decide in favor of adoption. An analysis of the characteristics of children and parents in such cases can help to draw a profile of cases that involve serious parental failure and the inability to change within a reasonable time period, as well as cases where parents fail to be assisted by the social services, given that both the parental-incapacity-to-change and the failure to be assisted have been associated with social workers' recommendations for involuntary adoption (Ben-David 2011; Dwyer 2008; Gold et al. 2001; Harnett 2007).

The present study contributes to understanding the legal decision-making process in child maltreatment cases by examining the factors (related to the child and his parents) that impact most on a court's decision to TPR. Cases that discuss whether to TPR and declare a child eligible for adoption represent the "hard core" of child protection cases. We believe that we can deepen our understanding of the factors that lead to such cases by drawing up a profile of families at high risk of child maltreatment. In this respect, decisions in favor of terminating parental rights represent a valuable source of information, since such decisions result from rigorous substantiation of neglect and abuse. A retrospective analysis of such cases and the profiles that emerge from it may help to prevent future cases of child maltreatment, since the knowledge gained can be used by professionals in their case management work and can serve as a barometer for identifying cases that require early, extensive intervention.

## Method

### Sample

The sample consists of 127 Israeli cases dealing with the involuntary adoption of children, that is, cases in which the state filed a petition to declare a child eligible for adoption and TPR. This sample was selected from 231 involuntary adoption decisions listed in the official legal records between 1960 and 2007 and representing all adoption decisions during this period.<sup>1</sup> In order to fairly represent all

<sup>1</sup> The present study was part of a larger study aimed at examining the decision-making process in involuntary adoption cases in Israel. For the purpose of this study a sample of 127 court decisions was selected.

three judiciary instances (the Family Court, District Court and Supreme Court) and in view of the fact that each judiciary was not proportionally represented in the 231 decisions, it was decided to design the sample as follows: every decision issued by Family Courts ( $n = 24$ ) and District Courts ( $n = 49$ ) was included and approximately one third of the remaining 158 cases ( $n = 57$ ), issued by the Supreme Court, was randomly selected.<sup>2</sup>

#### Procedure

The study is based on content analysis of the court decisions, using a research questionnaire specially constructed for the study and based on a preliminary comprehensive analysis of 30 randomly chosen court decisions, as well as on the professional literature on the decision-making process involved in child protection issues such as, parental capacity assessment, parental maltreatment, assessment of risk to the child, the child's best interests, out-of-home placement, etc. Coding categories were constructed to include as much information as possible regarding the children and the parents. Fifty decisions were then read and coded by two readers, the researcher and another professional from the field, in order to check inter-rater reliability and to identify new coding categories. If the latter were found to be significant, they were added to the final research questionnaire. After inter-rater reliability (Ebel 1951; MacLennan 1993) was tested by coding 50 decisions, a reliability factor of 0.945 was arrived at. The final research questionnaire covered information about the children, the parents, and the legal adoption proceedings, according to the following categories.<sup>3</sup>

#### The Child

- (a) Demographic features (age, gender).
- (b) Number of siblings whom the state petitioned for adoption in the same legal proceedings.
- (c) Current out-of-home placement (adoptive family, foster family, residential care/institution).
- (d) Previous out-of-home placements (yes/no).
- (e) Admission to involuntary adoption or out-of-home placement of other children in the family.
- (f) Psychological assessments (yes/no).

<sup>2</sup> It should be noted that the sample does not contain duplication of cases, since a case that is discussed by several judiciary instances generally appears in the electronic database only under the category of the highest instance. Since most of the cases involved an appeal, either by the parents or the Attorney General, and were thus determined by the Supreme Court of Israel, the percentage of decisions given by this judiciary is the largest.

<sup>3</sup> It should be noted that the questionnaire was part of a longer, multi-item questionnaire developed for the content analysis of adoption decisions. Only relevant items were used in the present study.

#### The Parents

- (a) Socio-demographic features (age, number of children in the family, father's identity, marital status, objection by one or both parents to adoption).
- (b) Socio-economic information (employment, state financial support, income).
- (c) Criminal record (criminal convictions, drug abuse, drug addiction, imprisonment, criminal background).
- (d) Psychological assessments (emotional problems, personality disorder, mental illness, mental retardation based on three levels (light, moderate, severe)).

#### Legal Proceedings

- (a) Child neglect (physical/emotional/educational).
- (b) Child abuse (physical/emotional/sexual).
- (c) Abandonment of the child.
- (d) Assessment of risk (yes/no).
- (e) Lack of parental cooperation with the social services (yes/no).
- (f) Judge's decision to TPR (yes/no).

#### Statistical Analysis

In view of the study's focus, descriptive statistics were analyzed to present a detailed picture of the children, parents and cases in question. Differences between groups of court decisions according to discrete variables were subjected to a Chi square test. P values of  $\leq 0.05$  were considered significant.

## Findings

#### Characteristics of the Child

Several descriptive measures were analyzed, as shown below (see Table 1).

#### Gender

Equal rates of boys and girls (50 %,  $n = 87$ ) were found in state petitions for adoption.

#### Age

The age of the child ranged from 4 months to 15 years ( $n = 121$ ). About 50 % of the children in the study were aged between two and six: 58.7 % of the children were

**Table 1** Characteristics of the child

Variable	% 100	N	Total N
Gender			
Boys	50	87	174
Girls	50	87	
Age (years)			
<6	58.7	71	121
<2	10	12	
Number of children which the state petitioned for adoption in the same procedure			127
One child	77.2	98	
Two children	13.4	17	
Three children	5.5	7	
Four children	3.1	4	
Out-of-home placement at the time of legal proceedings			127
Yes	95.3	121	
No/unknown	4.7	6	
Adoptive family	44.9	57	
Foster family	28.3	36	
Residential care/institution	26.8	34	
Previous out-of-home placement of the child	77.1	98	127
Previous out-of-home placement of other children in the family	43.3	55	127
Psychological assessment of the child			127
Yes	56.7	72	
No	43.3	55	

under 6 ( $n = 71$ ), but only approximately 10 % were aged 2 or less ( $n = 12$ ).

#### *Number of Children Petitioned by the State for Adoption in the Same Legal Proceedings*

In most cases—77.2 % ( $n = 98$ ), one child was petitioned for adoption; in 13.4 % of the cases ( $n = 17$ ), the state petitioned for adoption two children from the same family in the same legal proceedings; in 5.5 % of the cases ( $n = 7$ ) the state petitioned for adoption three children from the same family and in 3.1 % ( $n = 4$ ) and 0.8 % ( $n = 1$ ) of the cases, four or five children from the same family, respectively.

#### *Current Out-of-Home Placement*

In 95.3 % of the cases ( $n = 121$ ), the child was in out-of-home placement at the time of the legal proceedings; in most cases, the child was in an adoptive family (44.9 %,  $n = 57$ ) and, in descending order, in a foster family

(28.3 %,  $n = 36$ ), residential care or institution (26.8 %,  $n = 34$ ).

#### *Previous Out-of-Home Placement*

In 77.1 % of the cases ( $n = 98$ ) the child had a history of out-of-home placements.

#### *Admission to Involuntary Adoption or Out-of-Home Placement of Other Children in the Family*

In 43.3 % of the families ( $n = 55$ ), other children had been declared eligible for adoption against the parents' wishes or had been admitted to out-of-home placements.

#### *Psychological Assessments of the Child*

In 56.7 % of the cases ( $n = 72$ ) the courts referred, in their decisions, to the opinion of mental health experts substantiating the child's negative emotional condition and the need for adoption in order to improve his emotional well-being.

#### *Characteristics of the Parents*

Several descriptive measures were analyzed, as shown below (see Table 2).

#### *Age*

The average age of the mother was 34.03 ( $SD = 8.8$ ,  $n = 53$ ). The average age of the father was 43.36 ( $SD = 8.06$ ,  $n = 36$ ).

#### *Number of Children in a Family*

The majority of families in the sample had more than one child: 62.2 % ( $n = 79$ ) while 37.8 % of the families ( $n = 48$ ) had only one child. More specifically, among the families who had more than one child, most had three children (17.3 %,  $n = 22$ ) and, in descending order, two children (15.7 %,  $n = 20$ ), more than five children (14.9 %,  $n = 19$ ), five children (9.4 %,  $n = 12$ ) and four children (4.7 %,  $n = 6$ ).

#### *Identity of the Father and the Parents' Marital Status*

In most cases—89 % ( $n = 113$ )—the identity of the child's biological father was known; in 67.7 % of the cases ( $n = 86$ ) the parents were married at the time of the legal proceedings or previously; in 27.6 % of the cases ( $n = 35$ ) the parents were not married and had other living

**Table 2** Characteristics of the parents

Variable	% 100.0	N	Total N
Number of children in a family			127
One child	37.8	48	
Two children	15.7	20	
Three children	17.3	22	
Four children	4.7	6	
Five children	9.4	12	
More than five children	14.9	19	
The identity of the biological father was known			127
Yes	89	113	
No	11	14	
The parents were married			127
Yes	67.7	86	
No	27.6	35	
Unknown	4.7	6	
Mother's marital status			127
Married	40.9	52	
Divorced	22.8	29	
Single parent	18.1	23	
Separated	10.2	13	
Widow	3.1	4	
Unknown	4.7	6	
Father's marital status			127
Married	39.3	50	
Divorced	15.7	20	
Single parent	3.9	5	
Separated	4.7	6	
Widow	1.6	2	
Unknown	34.6	44	
Objection to adoption			127
Both parents	40.9	52	
Mother only	59.1	75	
Socio-economic information			127
Mother			
Unemployed	36.2	46	
Employed	9.4	12	
Unknown	54.3	69	
Father			
Employed	28.3	36	
Unemployed	18.1	23	
Unknown	53.5	68	
State financial support			
Yes	18.1	23	
Unknown	81.9	104	
Lack of economic means			
Yes	54.3	69	
No reference by court	45.7	58	
Mother's criminal record	26.8	34	127
Criminal convictions	11	14	
Drug abuse	18.9	24	
Drug addiction	15	19	

**Table 2** continued

Variable	% 100.0	N	Total N
Jail	9.4	12	
Criminal background	18.1	23	
Father's criminal record	36.2	46	
Criminal convictions	26.8	34	
Drug abuse	22	28	
Drug addiction	12.6	16	
Jail	24.4	31	
Criminal background	20.5	26	
Mother's psychological assessment	73.2	93	127
Mental health disorders			127
Mental illness	23.6	30	
Personality disorder	33.1	40	
Emotional problems	7.1	9	
Mental retardation			127
Light retardation	10.2	13	
Medium retardation	12.6	16	
Sever retardation	3.1	4	
Father's psychological assessment	44.9	57	127
Mental health disorders			127
Mental illness	6.3	8	
Personality disorder	26.8	34	
Emotional problems	6.3	8	
Mental retardation			127
Light retardation	11.8	15	
Medium retardation	3.9	5	
Sever retardation	0	0	
Family social deviance	69.3	88	127

arrangements; in 4.7 % of the cases (n = 6) the parents' marital status was not documented in the court decisions.

At the time of the legal proceedings, in most of the cases, the child was living in a single-parent family: 40.9 % of the mothers (n = 52) were described as "married" either to the biological father of the child or to another spouse, while 54.2 % (n = 69) of the remaining cases were living as single parents. 22.8 % of the mothers were divorced (n = 29); 18.1 % were single mothers (n = 23) who had never been married; 10.2 % (n = 13) were separated at the time of the legal proceedings; and 3.1 % were widows (n = 4). Most of the fathers were married (39.3 %, n = 50) or divorced (15.7 %, n = 20).

#### *Objection to Adoption*

In 40.9 % of the cases (n = 52) both parents objected in court to the adoption of their child against their wishes. In the other cases (59.1 %, n = 75), only the mother was part of the legal proceedings and the father did not legally object to the state's petition for adoption.

#### *Parents' Employment*

In nearly 50 % of the cases, the employment status of the parents, either the mother and/or the father, was documented in the court decisions (Table 2). In 36.2 % of the cases (n = 46), the mother was unemployed at the time; in 9.4 % of the cases (n = 12) the mother was employed. Similarly, in 28.3 % of the cases (n = 36) the father was unemployed while in 18.1 % of the cases (n = 23) the father was employed.

#### *State Financial Support*

In 18.1 % of the cases (n = 23) the decisions documented that the parents had been receiving state financial support. In the other 81.9 % of cases (n = 104), the judges' decisions did not include such information.

#### *Lack of Economic Means*

In 54.3 % of the cases (n = 69) the parents lacked economic means, meaning they were either unemployed,

received state financial support or were explicitly described in the court decisions as lacking economic means.

### *Criminal Record*

Criminal records were analyzed on the basis of five categories indicative of non-normative behavior: criminal convictions, drug abuse, drug addiction, imprisonment and criminal background (e.g., prostitution, illegal gambling, and anti-social behavior). The categories were not mutually-exclusive, meaning that a parent could be classified in more than one category at the same time.

In 26.8 % of the cases ( $n = 34$ ) the courts related to the mother's criminal record: 18.9 % of mothers ( $n = 24$ ) were described as drug abusers, then, in descending order, as having a criminal background (18.1 %,  $n = 23$ ), drug addicted (15 %,  $n = 19$ ), with criminal convictions (11 %,  $n = 14$ ) or with a prison record (9.4 %,  $n = 12$ ).

In respect of the fathers, in 36.2 % of cases ( $n = 46$ ) the courts referred to the father's criminal record: most (26.8 %,  $n = 34$ ) had criminal convictions, then, in descending order, had been in prison (24.4 %,  $n = 31$ ), were drug abusers (22 %,  $n = 28$ ), had a criminal background (20.5 %,  $n = 26$ ) and/or had been addicted to drugs (12.6 %,  $n = 16$ ).

### *Psychological Assessments*

Psychological assessments of both parents were measured in three ascending degrees: emotional problems, personality disorders, and mental illness. In the majority of cases (73.2 %,  $n = 93$ ) a psychological assessment of the mother was documented: most mothers were diagnosed with personality disorder (33.1 %,  $n = 40$ ), mental illness (23.6 %,  $n = 30$ ) or emotional problems (7.1 %,  $n = 9$ ). The assessments also covered mental retardation, based on three degrees: light, medium, severe. In most cases, mental retardation of the mother was not documented (74 %,  $n = 94$ ). Of those that were documented, most suffered from medium retardation (12.6 %,  $n = 16$ ), light (10.2 %,  $n = 13$ ) and, less frequently, severe (3.1 %,  $n = 4$ ).

In respect of the fathers, approximately 50 % had undergone psychological assessments (44.9 %,  $n = 57$ ). Like the mothers, most of the fathers had been diagnosed with personality disorder (26.8 %,  $n = 34$ ), and equal rates of mental illness and emotional problems (6.3 %,  $n = 8$ ). In the majority of cases, mental retardation was not documented (84.3 %,  $n = 107$ ): of those that were, most suffered from light retardation (11.8 %,  $n = 15$ ) and a minority from medium retardation (3.9 %,  $n = 5$ ).

Overall, family deviance (a mental health background and/or criminal record of one or both parents) was indicated in 69.3 % of the cases ( $n = 88$ ).

### *Legal Proceedings*

#### *Child Neglect and Abuse*

Cases were classified as neglect or abuse if documented as such in the court decisions (see Table 3). The legal definitions of neglect and abuse that were applied accorded with those of the World Health Organization; abuse was determined when there was suspicion of intentional physical/emotional/sexual injurious behavior toward the child; neglect was determined when there was suspicion that the child's basic needs, essential for his/her normal physical, emotional, social and cognitive development, were not being met. The categories of neglect were based on the type of needs the parent was unable to cater to and were divided into: physical neglect, emotional neglect, and educational neglect. A category of "abandonment" was also defined, as the courts tended to relate to this as a separate category. This form of parental misbehavior falls somewhere between neglect and abuse, since it does not totally represent omission of the parental duty to assume responsibility towards a child nor does it have the intentional element of harming a child. It, nevertheless, constitutes a violation of parental duty to take care of a child and ignores the consequences of such behavior. Each category of abuse, neglect and abandonment was further sub-divided to provide a detailed profile of parental maltreatment as described in the court decisions. The classification categories were not mutually exclusive, and cases could be classified both as neglect, abuse or abandonment if documented as such.

In 88.2 % of cases ( $n = 112$ ), emotional and/or physical neglect were evident. Emotional neglect was the most prevalent form of parental maltreatment—78 % of the parents ( $n = 99$ ) were described as neglecting their child's emotional needs, meaning they were incapable of understanding the emotional needs of their child (39.4 %,  $n = 50$ ), and/or ignored these needs (35.4 %,  $n = 45$ ). Parental emotional egocentrism, when a parent chooses to satisfy his own emotional needs at the expense of the child's, and symbiotic emotional relationships with the child were also documented (26 %,  $n = 33$ ; 8.7 %,  $n = 11$ , respectively). Physical neglect was the second most prevalent parental form of maltreatment, with 70.9 % of parents ( $n = 90$ ) classified as incapable of meeting their child's physical needs: in descending order, unable to provide the child with medical care (29.9 %,  $n = 38$ ), nutrition and shelter, in equal rates (27.6 %,  $n = 35$ ), cleanliness and hygiene (25.2 %,  $n = 32$ ), clothing (15 %,  $n = 19$ ) and withdrawal syndrome (when a baby tests positive for in utero exposure to illegal drugs) (6.3 %,  $n = 8$ ). Abandonment of a child was the third most frequent form of parental maltreatment (46.5 %,  $n = 59$ ), and

**Table 3** Frequencies of child neglect and abuse

Variable	% 100	N 127
Emotional neglect	78	99
Lack of understanding of the child's emotional needs	39.4	50
Ignoring the child's emotional needs	35.4	45
Parental emotional egocentrism	26	33
Symbiotic emotional relationship	8.7	11
Physical neglect	70.9	90
Medical care	29.9	38
Malnutrition	27.6	35
Shelter	27.6	35
Hygiene	25.2	32
Clothing	15	19
Withdrawal syndrome	6.3	8
Abandonment	46.5	59
Lack of communication with the child while in out-of-home placement	28.3	36
Inadequate supervision of the child	11.8	15
Reluctance to accept the child back home	6.3	8
Educational neglect	29.1	37
Irregular attendance at school/preschool	15.7	20
Inability to transmit core values	16.5	21
Lack of stimulus	11.8	15
Multiple-neglect	74	94
Child abuse	26	33
Physical abuse	18.9	24
Emotional abuse	10.2	13
Sexual abuse	2.4	3

The categories are not mutually-exclusive

manifested mainly in: parents omitting to keep in touch with the child while in out-of-home placement (28.3 %,  $n = 36$ ); parents' abstention from home, leaving the child with insufficient supervision (11.8 %,  $n = 15$ ); parents' refusal to accept a child back home after a period in out-of-home care (6.3 %,  $n = 8$ ).

Child abuse constituted more than one third of the cases and represented the fourth most frequent form of parental maltreatment (33 %,  $n = 33$ ), with physical abuse being the most prevalent behavior in this regard (18.9 %,  $n = 24$ ), followed by emotional abuse (10.2 %,  $n = 13$ ), and sexual abuse in a minority of the cases (2.4 %,  $n = 3$ ).

Educational neglect was documented in one third of the cases (29.1 %,  $n = 37$ ), and was the fifth most frequent form of parental maltreatment characterized by: irregular attendance by the child at school or preschool (15.7 %,  $n = 20$ ); the parents' inability to transmit to the child acceptable core values and social norms (16.5 %,  $n = 21$ ), and lack of stimuli in the home environment (11.8 %,  $n = 15$ ).

Child neglect and/or abuse was reported in 92.9 % ( $n = 118$ ) of the cases while 74 % of the cases involved multiple neglect ( $n = 94$ ).

### *Risk Assessment*

In one third of the cases (29.1 %,  $n = 37$ ), the court determined, based on professional opinions, that the child was in danger of being emotionally and/or physically harmed if he/she was not adopted and reunified with his biological parents. Risk assessments were presented in court in 11.8 % ( $n = 15$ ) of the abuse cases<sup>4</sup> and in 21.4 % ( $n = 18$ ) of cases of neglect.<sup>5</sup>

### *Lack of Parental Cooperation with the Social Services*

In almost half the cases (46.5 %,  $n = 59$ ), the courts referred, in their decisions, to lack of cooperation by parents with the social services. Several forms of lack of parental cooperation were identified, as follows in descending order: parents' rejection of the social workers' recommendations (44.1 %,  $n = 26$ ), lack of attendance at meetings with social workers (35.6 %,  $n = 21$ ), violation of agreements made with social workers (27.1 %,  $n = 16$ ),

<sup>4</sup> Cases of abuse could also include neglectful behavior by parents.

<sup>5</sup> Cases of neglect included only neglectful behavior by parents, but not abusive behavior.



violent verbal and/or physical behavior toward social workers (17 %,  $n = 10$ ), contempt of the social workers' authority (15.3 %,  $n = 9$ ), late arrivals at meetings with social workers (11.9 %,  $n = 7$ ).

### *Court Decisions to Terminate Parental Rights*

In the vast majority of cases—93.7 % ( $n = 119$ ), the courts ruled in favor of involuntary adoption of the child, meaning that parental rights were terminated and the child was declared eligible for adoption against his/her parents' wishes. Only in a minority of cases—6.3 % ( $n = 8$ ), did the courts reject adoption, parental rights were not terminated and the child remained in the custody of his/her parents.

### *Court Decisions by Case Characteristics*

In order to examine whether the case characteristics described above significantly affected court decisions in favor or against adoption, a series of Chi square tests was carried out. As can be seen in Table 4, significant group differences were found in the characteristics that featured in the court proceedings. The analysis revealed specific variables able to predict a decision in favor of involuntary adoption, meaning that, in all cases where the courts related in their decisions to one of these variables, the judges ruled in favor of involuntary adoption without exception. Six such “perfect variables” were found alongside other variables which also significantly affected the judges' decisions. Emotional neglect such as ignoring a child's needs and parental emotional egocentrism, educational neglect such as omitting to instill core values, risk assessments, lack of parental cooperation with the social services such as rejecting social workers' recommendations, and the variable of more than one child in the family petitioned by the state for involuntary adoption, were found to perfectly predict a decision in favor of adoption.

Emotional neglect as a general category and specifically the inability to understand a child's emotional needs and lack of cooperation with social services were also found to significantly affect court decisions; a higher percentage of decisions in favor of adoption was found in such cases than in cases where emotional neglect and lack of parental cooperation with social services did not feature (Table 4).

### *Additional Analyses*

A series of logistic regressions was conducted in order to determine which child, parent or child-parent characteristics could predict incidence of child maltreatment as well identify other relevant characteristics. In addition, in view of the high incidence of social deviance among the

parents—approximately 70 % (see Table 2) represented cases in which one or both parents had a mental health background and/or criminal record, 78 % (see Table 4) cases of emotional neglect, and the fact that more than half the parents had a low socio economic status (see Table 2)—logistic regressions were conducted in order to ascertain whether these variables represented predictors of child maltreatment.

As shown in the above table, family deviance, emotional neglect, parental lack of economic means, more than one child in a family, adoption or out-of-home placements of other children in the family and abandonment of the child represent predictor variables of child maltreatment. More specifically, family deviance can predict emotional, physical and educational neglect of a child as well as multiple neglect—cases involving family deviance increased the odds ratio for emotional, physical, educational and multiple neglect, 23.86, 11.2, 8.95, and 14 times, respectively, compared to cases that did not feature the mental health or criminal record of one or both parents. It is also evident that emotional neglect can serve as a predictor of physical and educational neglect, as well as child abuse, increasing the odds ratio for each of these variables 307, 14.98 and 12.9 times, respectively, compared to cases where emotional neglect is absent. Parental lack of economic means can serve as a predictor of emotional, physical, educational neglect, multiple neglect and family social deviance, increasing the odds ratio for each of these variables 11.47, 8.27, 6.34, 9.15 and 4.92 times, respectively compared to cases where parents do possess economic means. It should be noted, however, that family social deviance and lack of economic means are not significant predictors of child abuse.

The variable of more than one child in a family can predict emotional, physical and educational neglect of a child as well a multiple neglect and child abuse, increasing the odds ratio for each of these variables 3.39, 2.58, 1.95, 2.56 and 4.72 times, respectively compared to families with only one child. Similarly, abandonment of a child can predict emotional, physical, educational neglect of a child as well as multiple neglect and child abuse, increasing the odds ratio for each of these variables 22.25, 8.12, 1.99, 7.62 and 2.23 times, respectively compared to cases with no incidence of abandonment. Adoption or out-of-home placement of other children in the family can predict emotional and educational neglect of a child as well as multiple neglect, increasing the odds ratio for these variables 3.25, 2.69 and 2.12 times, respectively.

## **Discussion**

This study analyses the characteristics of children and parents in court cases that ruled on state petitions to TPR

**Table 4** Adoption decisions by case characteristics

Variable	Adoption decisions		$\chi^2$ (df = 1)	Sig.
	N	%		
Emotional neglect				
Emotional neglect	95	96.9		
Lack of emotional neglect	24	82.8	6.23	<0.05
Ignoring the child's emotional needs				
Yes	45	100	7.3	<0.01
No	74	90.2		
Parental emotional egocentrism				
Yes	33	100	5	<0.05
No	86	91.5		
Inability to understand a child's emotional needs				
Yes	49	98	3	<0.1
No	70	90.9		
Educational neglect—value neglect				
Yes	21	100	3	<0.1
No	98	92.5		
Risk assessment				
Yes	37	100	5.73	<0.05
No	82	91.9		
Lack of cooperation with the social services				
Yes	58	98.3	4.5	<0.05
No	61	89.7		
Rejection of the social workers' recommendations				
Yes	26	100	3.34	<0.1
No	93	93		
More than one child in the family whom the state petitioned for involuntary adoption				
Yes	29	100	4.3	<0.05
No	90	91.8		

\*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$ , #  $p < 0.1$ 

and declare a child eligible for adoption against the parents' wishes, with a view to gaining insight into the legal decision-making process involved in involuntary adoption. In contrast to previous studies which focused on one or two maltreatment risk factors (for review see: Stith et al. 2009), the current study has examined multiple risk factors and configurations of child maltreatment risk factors among high-risk families. This approach has enabled a core profile of high-risk families to be drawn: the profile can then be used to inform intervention efforts and policies regarding multi-problem families. Furthermore, while previous studies focused on specific periods of time (e.g., before/after entering foster care) when examining child and family characteristics, the present study focuses on the actual court decisions, which represent the final stage of case management processes and provide valuable information on the children and parents involved in TPR cases.

The fact that, in the majority of cases (91 %), the courts concurred with the social workers' recommendations in favor of adoption and ruled in favor of TPR validates the social workers' assessments of child maltreatment and of a high-risk situation. The analysis of the profiles of the children and parents will demonstrate the types of cases that are considered 'serious' both by courts and social workers.

The child's profile that emerged from the study is of a boy or girl aged between two to six (60 % under 6, and 10 % 2 years old or less). This finding underscores the importance of early identification of child maltreatment, so that at-risk children can be given the type of stable, permanent, nurturing care-giving that is required for the development of attachment relationships that are formed in the first 2 years of life (Cohen and Youcha 2004; Goldsmith et al. 2004; Howe 1995; Kelly and Lamb 2000).

While, in most of the cases, the child's parents were or had been married and the identity of the child's biological father was known, the child usually came from a one-parent family. This finding corroborates previous studies which found that a higher percentage of at-risk children live in a one-parent rather than two-parent families. The one-parent family unit has been associated with more social isolation and financial stress and is considered a high risk factor for child maltreatment (Berger 2005; Jonson-Reid et al. 2013). In the present study, evidence for this risk was seen in various indicators such as: the child suffered emotional and/or physical neglect; lived in out-of-home care, generally in an adoptive family; had previously experienced one or more out-of-home placements; in cases where there were siblings, one or more usually lived in out-of-home care, or had been found eligible for involuntary adoption.

In addition, nearly one third of the parents did not keep in touch with their child during periods of out-of-home placement. This form of abandonment was found to be a predictor of emotional, physical, and educational neglect as well as child abuse and should, therefore, be accorded great weight by professionals when assessing possible family reunifications.

Most of the families had more than one child (62.2 %), a factor which significantly increased the likelihood of a child suffering from one of the following: abuse, emotional, physical or educational neglect (see Table 5). Furthermore, in one fifth of the cases, the state's petition for TPR involved more than one child in a family and all such cases terminated in favor of the petition. The findings reinforce previous studies which showed that children are more liable to parental maltreatment and experience recurrence of maltreatment more if they live in large families (Drake et al. 2006; Fluke et al. 2003). This may be due to a greater level of family stress related to parenting

demands and economic pressures. The study also found that 43.2 % of the families had a history of adoption and out-of-home placement of other children in the family, a factor which was shown to predict emotional and educational neglect of the child in question. This finding is consistent with other studies which showed that families where children have a history of foster care are much more likely to be reported for recurring abuse or neglect (DePanfilis and Zuravin 1999).

The parental profiles that emerged are of parents who were or had been married, had a history of mental health problems, a criminal record and low socio-economic status. In the majority of cases (56.7 %), the mother had been diagnosed with personality disorder or mental illness while, in just over a quarter of the cases (26.8 %), the father had also been diagnosed with personality disorder. In just over a quarter of the cases (26.8 %), the mother had a criminal record, usually involving drug abuse while, in more than a third of the cases (36.2 %), the father had a criminal record and/or was imprisoned at the time of the legal proceedings or in the past. Overall, 69 % of the families displayed some form of social deviance, meaning that the mother and/or father had mental health problems and/or a criminal record.

Parental social deviance and lack of economic means were found to be predictors of emotional, physical or educational neglect and of the child suffering more than one type of neglect (see Table 5). Parental lack of economic means, in itself, was found to be a predictor of parental social deviance. These findings are consistent with studies showing that mental health problems, criminal records including drug abuse, and low economic means are major risk factors for child maltreatment (Cooklin 2006; Crittenden 1999; Erickson and Egeland 1996; Herrenkohl and Herrenkohl 2007; Tanner and Turney 2003; Jonson-Reid et al. 2010), child maltreatment recurrence and recidivism (Drake et al. 2006; Jonson-Reid et al. 2010a, b; Drake et al. 2003).

Maltreatment was proved in the majority of the cases (92.9 %), with the most common forms being emotional and physical neglect (88.2 %). Emotional neglect was found to be the most prevalent form of parental maltreatment, with 78 % of parents neglecting their child's emotional needs; most parents were deemed incapable of understanding their child's emotional needs or ignoring those needs, and incapable of providing the child with appropriate medical care, nutrition or shelter. A high percentage of cases (74 %) involved multiple-neglect, while emotional neglect was accompanied primarily by physical neglect, followed by abandonment of the child and educational neglect (see Table 3). These findings concur with studies showing that most children who suffer neglect, experience multiple forms of neglect (Cowen 1999).

Emotional neglect was found to be a strong predictor of both physical and educational neglect, as well as of child

abuse (see Table 5), suggesting a possible deterioration of the child-parent relationship in situations where a child is emotionally neglected. Parental failure to provide for a child's emotional needs may thus represent a general pattern of parental dysfunction. It is, therefore, not surprising that emotional neglect is viewed with such gravity by the courts: in every instance where parents were found to neglect the emotional needs of their child or demonstrated emotional egocentrism, the judges ruled in favor of TPR. In cases where parents were deemed incapable of understanding their child's emotional needs or providing for them, a higher percentage of decisions in favor of involuntary adoption was found than in cases where such neglect was not present. These findings indicate that the courts acknowledge the importance of a parent's ability to cater to a child's emotional needs and concur with the professional literature demonstrating the severe negative effect of neglect on a child both in childhood and early adolescence (for example, DeBellis 2009; Jonson-Reid et al. 2012; Smith and Fong 2004; Tanner and Turney 2003).

In 29 % of the cases, parents neglected the educational needs of their child and educational neglect was also viewed in serious light by the courts: in all cases where parents were found to be unable of imparting central social norms and values to their child, the courts ruled in favor of adoption. It is clear that the courts view the ability to raise a child as a responsible member of society as part of a parent's obligations and reflects the professional opinion that parenting is predominantly about the socialization of children (White 2005).

In 25 % of cases, parents were found to abuse their child, physically and emotionally and this factor often went hand-in-hand with child neglect. Interestingly, while studies have found that risk factors such as parents' poor mental health, criminal record and low socio-economic status are associated with child abuse and neglect (for example, Drake et al. 2003; Jonson-Reid et al. 2010a, b), the present study did not find these variables to be significant predictors of child abuse, suggesting the complexity of child abuse cases. But, as noted above, child abuse can be predicted by emotional neglect. Thus, beyond its own negative effect, emotional neglect can serve as a warning sign of child abuse.

In approximately 50 % of cases, parents did not cooperate with social workers and ignored their recommendations, a factor which was viewed in a grave light by the courts. In all cases where parents ignored the recommendations of social workers, the courts ruled in favor of TPR and adoption. These findings are consistent with studies that identified lack of parental cooperation with social services as a risk factor and an important variable in professionals' assessments of children at-risk (Gold et al. 2001; Hill et al. 1992; Phillips et al. 1971).

**Table 5** Logistic regression for the prediction of child maltreatment and parental characteristics

Dependent variable	Independent variable			
	Odds ratio	B	R <sup>2</sup>	$\chi^2$ (1)
Family social deviance				
Emotional	23.86***	3.17	0.44	42.8***
Neglect	Constant 0.36	0.7		
Physical	11.2***	2.42	0.32	31.26***
Neglect	Constant 0.47	0.63		
Educational	8.95***	2.19	0.23	23.55***
Neglect	Constant 1.92***	0.15		
Multiple	14.04***	2.64	0.36	35.46***
Neglect	Constant 0.47	0.63		
Emotional neglect	307.13***	5.73	0.71	85.33***
Physical neglect	Constant 3.3**	0.04		
Educational	14.98***	2.71	0.22	22.62***
Neglect	Constant 2.57***	0.08		
Abuse	12.9***	2.56	0.14	12.29***
	Constant 3.3**	0.04		
Lack of economic means				
Emotional	11.47***	2.44	0.27	24.77***
Neglect	Constant 0.35	1.42		
Physical	8.27***	2.11	0.25	23.91***
Neglect	Constant 0.07	1.07		
Educational	6.34***	1.85	0.22	23.22***
Neglect	Constant 1.34***	0.26		
Multiple	9.15***	2.21	0.26	24.62***
Neglect	Constant 0.14	11.15		
Family social deviance	4.92***	1.59	0.17	15.78***
	Constant 0.07	1.07		
More than one child in a family				
Emotional	3.39**	1.22	0.09	7.82**
Neglect	Constant 0.6*	1.82		
Physical	2.58*	0.95	0.06	5.48*
Neglect	Constant 0.42	1.53		
Educational	1.95#	0.67	0.33	3.17#
Neglect	Constant 0.69*	0.5		
Multiple	2.56*	0.94	0.06	5.21*
Neglect	Constant 0.51#	1.67		
Abuse	4.72**	1.55	0.12	10.71**
	Constant 2.15	0.12		
Adoption/placements of other children in the family				
Emotional	3.25*	1.18	0.07	5.7*
Neglect	Constant 0.93***	2.52		
Educational	2.69**	0.99	0.07	6.96**
Neglect	Constant 0.64**	0.53		
Multiple	2.12#	0.75	0.03	2.89#
Neglect	Constant 0.81**	2.24		
Abandonment				
Emotional	22.25**	3.1	0.14	25.35***
Neglect	Constant 0.96***	2.61		
Physical	8.12***	2.09	0.13	24.3***

**Table 5** continued

Dependent variable	Independent variable			
	Odds ratio	B	R <sup>2</sup>	$\chi^2$ (1)
Neglect	Constant 0.53***	1.69		
Educational	1.99*	0.69	0.03	5.23*
Neglect	Constant 0.72***	0.49		
Multiple	7.62***	2.03	1.12	22.48***
Neglect	Constant 0.59***	1.82		
Abuse	2.23*	0.8	0.03	5.09*
	Constant 1.71***	0.18		

\*  $p < .05$ , \*\*  $p < .01$ ,  
 \*\*\*  $p < .001$ , #  $p < 0.1$

## Conclusion

The profiles of children and parents involved in involuntary adoption, which emerge from this study, represent families with multi-problems and a history of emotional and physical neglect of their children. The findings of this study show that, in their discussion of parental capacity and the child's best interests, courts focus primarily on child and parent characteristics that are professionally recognized as risk factors of child maltreatment. In addition to presenting a descriptive picture of parents and children involved in TPR cases, the study identified: factors that serve as predictors of child maltreatment; inter-risk factor associations; and connections between different risk factors and different forms of child maltreatment. For example, emotional neglect of the child was found to be a good predictor of both physical and educational neglect as well as of child abuse, and can, in itself, be predicted by the parents' poor mental health, criminal record and low socio-economic status. Low parental socio-economic status was also found to be a predictor of physical and educational neglect and of the parents' poor mental health and criminal record, thus demonstrating the complex inter-relationship between the multiple factors involved in child maltreatment.

## Implications for Social Work Practice and Policy

The profiles of children and parents, analyzed in the above discussion, can serve as guidelines for professionals since they reflect the types of cases which require early, extensive intervention. Emotional neglect was found to be the most prevalent form of child maltreatment and a predictor of child abuse, and physical and educational neglect. Identification and treatment of emotional neglect in a child's early years may thus help to reduce the likelihood of future incidents of child maltreatment. Indeed, studies have shown that early intervention in a family in cases of neglect reduces the likelihood of child maltreatment recurrence (Asawa et al. 2008; Boyce and Maholmes 2013; Donelan-McCall et al. 2009; Guterman 1997; Tyler et al. 2006). The fact that only 10 % of children, in the cases

studied, were 2 years old or younger highlights the need to invest more effort in the early identification of child maltreatment and in appropriate treatment. Early identification is also important because, if treatment proves unsuccessful, the child can be adopted at an early age, thus increasing the chances of a successful adoption (Kernan and Lansford 2004; Noonan and Burke 2005). Until early prevention and identification of child maltreatment becomes a reality, efforts should be made to institute policies aimed at improving the outcome of adoption for older children.

Given the limited resources of the child welfare system, intervention and treatment efforts should be directed at cases most at-risk. The findings of this study indicate that these types of cases usually involve low socio economic, one-parent family with more than one child, where the mother suffers from mental health and drug abuse problems, the child has a history of previous out-of-home placements, other children in the family have been removed from the home or adopted, and the family has been reported for emotional neglect. The combination of three specific factors should be accorded considerable weight and serve as red warning signals: lack of social economic means, family social deviance (mental health and/or criminal record) and a history of out-of-home placement of other children in the family. The above types of cases warrant special attention and family intervention in order to prevent subsequent reports of child abuse and neglect. From a policy perspective, efforts should be made to meet the unique needs of multi-problem families prior to their submission to the legal system. A growing body of research suggests that multi-problem families tend to be chronically involved with child welfare departments, possess unique characteristics and require specially designed services (Chaffin et al. 2011; Jonson-Reid et al. 2010; Loman 2006; Silovsky et al. 2011). The present study has identified specific factors which can be used as a guide when formulating programs for multi-problem families aimed at reducing child maltreatment. Further research is recommended in order to expand professional knowledge on child maltreatment and help make family intervention and treatment of high risk families more effective.

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