



## Safety-Based Decision-Making for GALs

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# I. WHY DOES SAFETY MATTER?

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A. THE  
MISAPPLICATION  
OF SAFETY CAN  
HAVE GRAVE  
CONSEQUENCES  
FOR CHILDREN.



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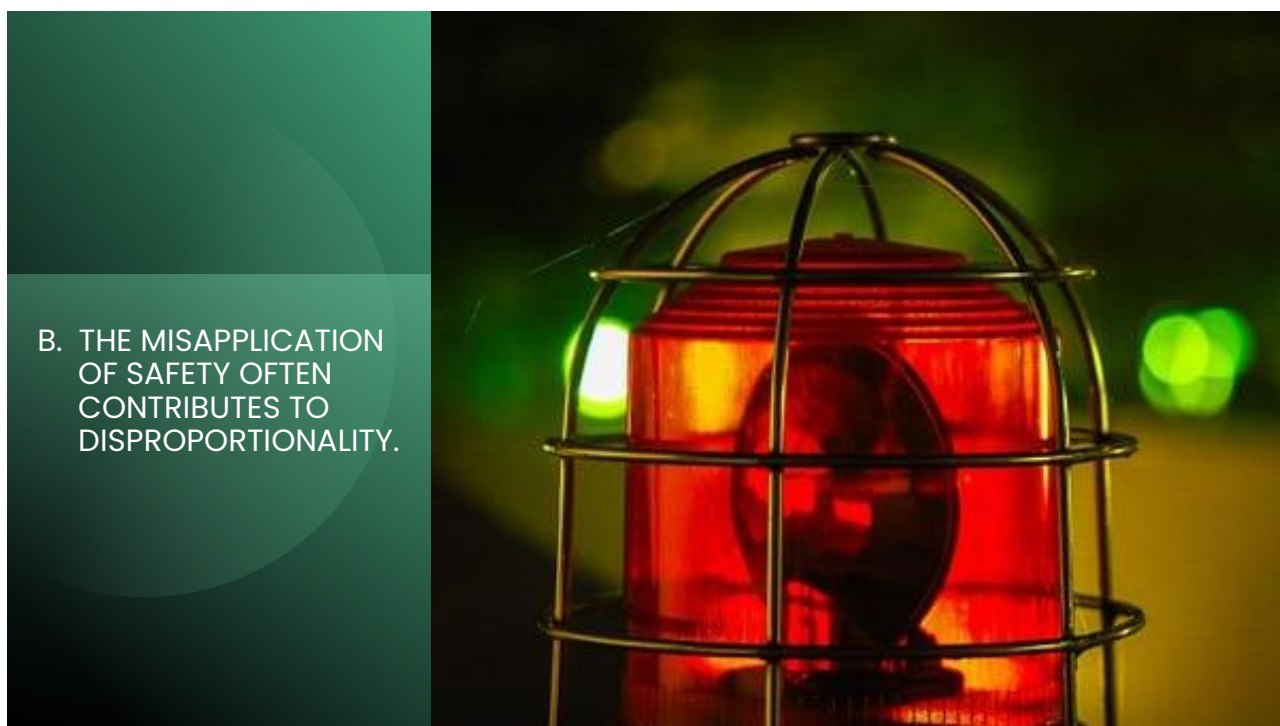
## THE TRAUMA OF REMOVAL

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<https://youtu.be/IOeQUwdAjE0>

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"Discretion is the rule. And when such wide discretion exists, we know that both implicit and explicit bias can significantly affect the decisions that are made. In similar circumstances, Black children are thought to be at greater risk of abuse than white children. And behavior that's accepted as normal in affluent, white neighborhoods – smoking a joint, co-sleeping with your child, or leaving a 10-year-old home alone – can be grounds for taking a child in a Black neighborhood."

Vivek Sankaran, *With Child Welfare, Racism is Hiding in the Discretion*, June 21, 2020 available at <https://chronicleofsocialchange.org/child-welfare-2/with-child-welfare-racism-is-hiding-in-the-discretion/44616>

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## Colorado Child Ethnicity Data, FY20–21

**Racial and Ethnic Overrepresentation in Colorado's Child Welfare System**

	Child population (2019)	Involved in a case	Children in out-of-home placement	Children in congregate care	Emancipation	Re-entry to out-of-home care
White children	55%	44%	43%	40%	42%	43%
Children of color	45%	56%	57%	60%	58%	57%
<i>Black</i>	4%	9%	11%	14%	19%	11%
<i>Latinx</i>	32%	38%	38%	40%	28%	40%
<i>Other</i>	8%	9%	8%	6%	11%	6%

CDHS Community Performance Center, <http://www.cdhsdatamatters.org/data-by-topic.html>

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C. CHILD SAFETY  
IS THE  
DESTINATION  
OF MANY  
CHILD WELFARE  
DECISIONS.



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## Purpose of the Children's Code

"The overriding purpose of the Children's Code is to protect the welfare and safety of Colorado children by providing procedures through which their best interests can be served."

*L.G. v. People*, 890 P.2d 647, 654 (Colo. 1995).

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### Emergency Protection Orders

"Emergency protective orders may be requested by the county department of human or social services, a law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been neglected or abused is being treated, or any physician who has before him or her a child the physician reasonably believes has been abused or neglected, whether or not additional medical treatment is required, if such person or department believes that the child is able to remain safely in the child's place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered."

C.R.S. 19-3-405(2)(b) (2020).

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### Removal Orders

"To remove a child from the custody of his parents only when his welfare and safety or the protection of the public would otherwise be endangered and, in either instance, for the courts to proceed with all possible speed to a legal determination that will serve the best interests of the child."

C.R.S. 19-1-102(1)(c) (2020).

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### Reasonable Efforts

Reasonable efforts is “the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement or are at imminent risk of out-of-home placement. In determining whether it is appropriate to provide, purchase, or develop the supportive and rehabilitative services that are required to prevent unnecessary placement of a child outside of a child's home or to foster the safe reunification of a child with a child's family [...] or whether it is appropriate to find and finalize an alternative permanent plan for a child, and in making reasonable efforts, the child's health and safety shall be the paramount concern.”

C.R.S. 19-1-103(89) (2020).

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### Periodic Reviews

During periodic reviews, courts shall determine:

- (a) Whether the child's or youth's safety is protected in the placement;
- (b) Whether reasonable efforts have been made to find a safe and permanent placement for the child or youth;
- (c) The continuing necessity for and the appropriateness of the of the child's or youth's placement;
- (d) The extent of compliance with the individual case plan [...] and the extent of progress that has been made toward alleviating or mitigating the causes necessitating placement out of the home;
- (e) A likely time frame in which the child or youth will be returned to a parent or legal guardian or be in a safe and permanent home; and
- (f) If the child or youth is not likely to be returned to a parent or legal guardian within six months, a finding about whether the child or youth is in a potential permanent placement and if not, a likely time frame when he or she will be in a safe and permanent home.”

C.R.S. 19-3-702.5(1) (2020).

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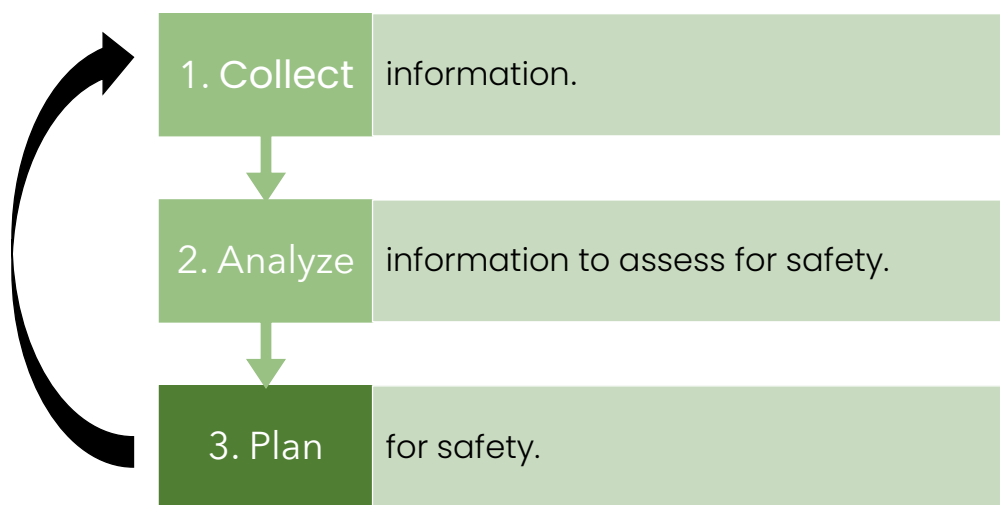


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## II. WHAT IS SAFETY AND HOW CAN WE USE IT IN OUR EVERYDAY WORK?

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## Big Picture: *The Safety Guide's* safety 3-step



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## 1. Collect Information.

### 6 Crucial Questions

- What is the nature and extent of the maltreatment?
- What are the circumstances surrounding the maltreatment?
- How does the child function on a daily basis?
- How does the parent discipline the child?
- What are the overall parenting practices?
- How does the parent manage their own life?

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## 2. Analyze the information to assess for safety.



Is there a **threat of danger**

*Specific situation, behavior, emotion, motive, perception, or capacity that is specific, observable, immediate, and of control, and that has severe consequences.*

to which the child **vulnerable**

*Child lacks the capacity to self-protect.*

and for which the parent lacks **sufficient protective capacities?**

*Fundamental cognitive, behavioral, and emotional strengths preparing and empowering the parent to protect.*

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## 3. Plan for safety if the child/youth is unsafe.

### 3 plans

- a. In-home safety plan
- b. Out-of-home safety plan
- c. Case plan

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## a. In-home safety plan

- Roadmap/conditions for the child to stay home.
- Temporary substitute for the caregiver's inability to manage/control threats of danger to which the child is vulnerable.
- Must be sufficient, feasible, and sustainable.
- Does not rely on caregiver promises.

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## b. Out-of-home safety plan

- Roadmap for child's return home with a safety plan.
- Only used when an in-home safety plan is not sufficient, feasible, or sustainable.
- Includes family time and sibling time.

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## c. Case plan

- Roadmap for the for the court to dismiss the case.
- Contains long-term goals that will reduce threats of danger and increase protective capacities.

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