

China Scherz

Reed College

Protecting Children, Preserving Families: Moral Conflict and Actuarial Science in a Problem of Contemporary Governance

The United States Child Protective Services system is shaped by the unresolved tension between the aims of child protection and family preservation. Since the 1980s, child welfare experts have recommended the use of risk assessment tools in the hopes of standardizing the decisions made by social workers and judges. In this article, I show that despite their bureaucratic appearance, the tools implemented lacked a clear directive, allowing unresolved value conflicts to be papered over by the appearance of technocratic regularity. I argue that this case not only exemplifies Max Weber's classic distinction between problems of social science and moral value in the creation of social policy, but also raises questions about the effects and uses of audit technologies in situations of ongoing moral conflict. [bureaucracy, child abuse and neglect, United States, moral conflict, actuarial risk assessment]

In the United States, Child Protective Services (CPS) social workers are responsible for deciding whether or not to recommend state custody of children thought to be at risk of future abuse or neglect. While these individuals operate within bureaucratic organizations guided by statutory frameworks, there is often little intradepartmental agreement as to the best way to proceed with specific cases (Lindsey 1994; Rose and Meezan 1996; Rossi et al. 1999; Wald 1975), leading to a situation in which a person's experience of the laws governing child abuse and neglect may vary widely depending on which social worker is assigned to the case.

Many of these disagreements are shaped by CPS's two central mandates: to protect children and to preserve families (Handelman 1978, 1987; Reich 2005). Given the high stakes of these debates, CPS social workers are under tremendous pressure to strike a perfect balance between these two objectives and to accurately predict the possibility of future incidents of abuse or neglect 100 percent of the time. Should the CPS social workers err on the side of child protection, they may remove too many children and will then be accused of violating parental rights and subjecting too many children to the possible risks of foster care (Solinger 2002; Wexler 1995). Should the CPS social workers err on the side of family preservation, they run the risk of being held responsible for a dead child on the front page of the newspaper. The pendulum that swings between these two mandates is often pushed by the media attention CPS receives when mistakes are made. Many social workers feel caught in a legal and moral bind created by the conflicting demands of child protection and family preservation (Reich 2005).

In response to these dilemmas and the diverse interpretations of child welfare policies among social workers, CPS departments in the United States have recently introduced actuarial forms of risk assessment to address concerns related to a lack of transparency and accountability in the decisions of CPS social workers (Baird and Wagner 2000; Gambrell and Shlonsky 2000, 2005; Wald and Woolverton 1990). While the debates concerning the predictive power of risk assessment tools have been heated (Baumann et al. 2005; Johnson 2006; Morton 2003), the “risk wars” (Morton 2003) have left the question of what level of risk ought to merit state custody largely outside of the debate. Thus, while risk assessment tools may lend an appearance of increased transparency, accountability, and accuracy, such tools leave the problem of setting a risk threshold and defining abuse and neglect unresolved. This has led to a situation in which persistent organizational heterogeneity remains, but is concealed through the use of tools that lend the appearance of techno-certainty to a process that remains underdetermined.

This situation not only speaks to recent writings concerning the increasing importance of audit (Power 1997; Strathern 2000) and risk assessment (Ewald 1991; Lakoff 2008; Luhmann 1993) in the contemporary world, but also to classic Weberian concerns with the relationship between science and social policy (Weber 1904). In his essay “‘Objectivity’ in Social Science and Social Policy,” Weber articulated a subtle vision of the relationship between “empirical knowledge” and “value-judgment” in social science and social policy. In so doing, he drew a rigorous distinction between these two terms while describing their mutual interdependence for the production of social policy. Weber argued that science could never be used to define norms and ideals (1904:52) or be used to judge the validity of a value (1904:55). Rather, he proposed that the task of science is determining the “appropriateness of the means for achieving a given end” (1904:52). This important but limited role for science requires that the scientist form an alliance with “the acting, willing person.” This person then “weighs and chooses from among the values involved according to his own conscience and his personal view of the world” (1904:53). Science can only help this person to clarify the relationships between his choices, the values he espouses, and the potential consequences of those values (1904:53).

Most significant for the arguments presented here are Weber’s comments concerning the creation of social policy. Weber argued that problems of social policy require value judgments and cannot be made on the basis of empirical knowledge alone:

The distinctive characteristic of a problem of social *policy* is indeed the fact that it cannot be resolved merely on the basis of purely technical consideration, which assume already settled ends. Normative standards of value can and must be the objects of dispute in a discussion of a problem of social policy. [1904:56]

This formulation of the proper relationship between science and value-judgments is highly significant to the analysis of the implementation of CPS risk assessment policy and practice. In the case described below, risk assessment tools and actuarial science are being introduced as a means to reach what are at least partially undetermined ends. But according to the Weberian framework, science can be used as a technical

means toward reaching a goal determined through the application of values or as a means of providing a clearer description of the values one holds, but not as a means of choosing between values themselves.

Regardless of the fact that the use of actuarial risk assessment tools alone is unlikely to produce greater consistency, their use will produce some set of effects. Dreyfus and Rabinow, following Foucault's discussion of the disguises of power (Foucault 1978), have argued that, "political technologies advance by taking what is essentially a political problem, removing it from the realm of political discourse, and recasting it in the neutral language of science" (Dreyfus and Rabinow 1983:196). Such a refashioning produces the appearance of rationality and the generation of confidence. Michael Power (1997) has made similar arguments in demonstrating how "rituals of verification" can be used to generate the appearance of rationality when in fact little rationality may have been added to the decision-making process. The case presented here raises interesting questions as to whether consistency or simply the display of consistency is the true aim of the efforts in question. Conversely, Marilyn Strathern (2000) cautions that performances of transparency and accountability can actually erode the very forms of trust and quality they aim to demonstrate. She argues that these performances do this by gradually eroding confidence in professional expertise.

In this article I argue that the primary effect of risk assessment tools is not increased predictive capacity and consistency, but rather the production of an appearance of rationality and a depoliticization of the child protection/family preservation debate. In other words, by creating the illusion of perfect certainty and transforming the question of risk assessment into a technical one, the legislature successfully avoids the vexing political problem of choosing between the tragedy of unnecessary foster care placements and the tragedy of child fatalities. In laying out my argument, I begin with a brief discussion of my research methods and an overview of the risk assessment procedures followed in the CPS department where I conducted my research. Next I explore the variation in the perceptions of social workers of appropriate risk thresholds and the deep ideological divides that separate members of the department from one another. From there, I move on to describe a risk assessment training that demonstrated that even in a controlled setting, risk assessment tools avoid the problem of establishing the criteria necessary for social workers to consistently determine the balance point between child protection and family preservation. The article closes with a discussion of the CPS workers' thoughts on the potential utility of risk assessment tools and their desires for a society capable of acknowledging the limits of predictive capacity and accepting responsibility for the tragedies that they see as an inescapable part of child welfare.

Methods

The data that inform this article were collected during six months of observation and 37 interviews with CPS employees in 2005–2006 in one urban county in California, which I call Jackson County.¹ My observations in the department included attendance at meetings and events including: planning meetings aimed at implementing new tools and practices for risk assessment, department wide discussions of racial

Table 1. Characteristics of People Interviewed

By position	
Social Workers	20
Supervisors	4
Section Managers	3
Program Manager	1
Deputy Director	1
Upper-level County Administrator	1
Other (Researchers, Activists, Law Professors)	7
By years CPS employment	
1–5	8
6–10	23
More than 10	16
By Ethnicity	
African American	13
European American	16
Asian American	4
Mexican American	4
By Gender	
Male	12
Female	25

disproportionality in foster care, regularly scheduled meetings for managers and administrators, a regional conference for African American social workers, a state mandated risk assessment training, impromptu discussions and debates among staff at all levels, and ongoing observations of office conversations and interactions. In addition to these office-based observations, I was granted permission by the county court to accompany social workers as they made risk assessments of families and children in homes and schools. Interviewees² (see Table 1) were recruited following observations and via a general announcement sent to all department staff members. I constructed an open-ended interview schedule based on preliminary observations focusing on work history, risk assessment practice, and the department's approach to controversial topics including disproportionality. Interviews lasted from 60 to 120 minutes each and were followed by ongoing informal conversations. Interviews were recorded digitally or using handwritten notes, according to the preference of the interviewee, and all tape recorded interviews were fully transcribed. During my fieldwork, I also collected written materials including drafts of risk assessment tools, the state training manual for risk assessment, state statutory codes concerning child welfare, county system improvement plans, forms used for risk assessment, a recent county report on disproportionality, decisions from nationally significant court cases, articles from local and national newspapers, and a broad collection of agendas and working documents presented at planning meetings. Iterative readings of and reflections on the body of materials collected resulted in a range of key themes. Two of those themes, technological reason and uncertainty, were selected as the focus for this article. Interviews and field notes found to be of particular relevance to this theme were identified and reexamined.

Risk Assessment in Jackson County

In Jackson County, a family's involvement with CPS begins with a call to the hotline. This call can be made by someone legally bound to report suspicions of child abuse and neglect (i.e., teacher, therapist, doctor, photo processor) or by any concerned individual (i.e., neighbor, family member, ex-spouse). A social worker with a master's degree working in the hotline unit screens the call and makes an initial assessment. The call may be recorded but screened out, referred for response within two hours, or referred for response within ten days. Jackson County's reliance on master's level social workers distinguishes it from other counties that generally hire social workers with only bachelor's degrees in social work.

After cases are screened, they are assigned to social workers in the Emergency Response Unit (ERU). Thick packets of past referrals and CPS histories, which frequently included the parents' childhood CPS histories, often accompany these assignments and are read more or less thoroughly by various social workers. Criminal records, police logs, school and medical records may also be collected as part of the assessment. In order to make the assessment, the ERU worker is required to speak with both the child and the parent(s). First, the worker must find the family, negotiating unfamiliar streets in a white county-owned sedan and knocking on doors, only to find that they have been given the wrong address or that the family is not home. Later, perched on small plastic chairs in empty classrooms or sitting on sofas in over- and underheated apartments, ERU workers attempt to coax a meaningful story line out of a smattering of fleeting observations and reluctant comments.

During these assessments, the ERU worker attempts to determine whether the specific allegations are true, whether the child is safe from immediate harm, and whether the child is at risk of future harm. Following this determination, the worker may recommend that the child and the family receive no state services, receive voluntary services in the Family Preservation Unit, receive court-mandated services as a dependent of the juvenile court while the child continues to live at home, or that the child be removed from the home. These decisions are particularly challenging as they largely concern the prediction of future events in the life of an individual.

“People assess these risks real differently . . .”

As noted above, there is a high degree of intradepartmental variation in risk assessment and case planning. Part of this variation arises due to a history of vague legislation concerning the circumstances that ought to lead to a recommendation of state custody³ (Wald 1975). This relatively vague legislation is itself indicative of the way in which questions of child abuse and neglect and the possibility that the state might take custody of a child raise issues concerning fundamental tensions between the state's responsibility to respect the “fundamental liberty interest of natural parents in the care, custody, and management of their child” (*Santosky v. Kramer*, 455 U.S. 745; 102 S. Ct. 1388 [1981]) and the parents' rights to due process guaranteed by the Fourteenth Amendment, on one hand, and the state's interest in protecting the welfare of children as protocitizens, on the other (Reich 2005; Tiffin 1982). These long-standing issues have been raised most recently in regards to the role of race in CPS decisions and the

disproportionate representation of African American children and children of other minority groups in the U.S. CPS system (Derezotes et al. 2005; McRoy 2005; Roberts 2003).

Throughout my research, CPS employees reflexively articulated the uncertainties, paradoxes, and conflicts that arose out of the tensions between child protection and family preservation. Bernadette O'Connell, a supervisor who has worked in the department for nearly 20 years, summed up her position, "Damned if you do, damned if you don't," during an interview at her desk on a sunny morning in early August. She ascribed this sense of being trapped during the risk assessment process to the lack of clear guidance regarding the acceptable level of risk and the appropriate balance between the two aims of protecting children and preserving families.

I think that probably as an agency we need to be clearer on what level of risk is acceptable. At this point it's more of an individual supervision issue. And people differ widely on it. . . . It will never be completely clear. [But], if we leave certain kids in families that previously we would have removed, then we need to be clear that that level of risk is acceptable. [interview with author, August 22, 2005]

Bernadette's comments speak directly to the wide variations between different social workers and supervisors in terms of the way they perceive risk and the appropriate role for CPS. By identifying the management of these diverse views as an individual issue, Bernadette points to the absence of a coherent policy and her desire as a supervisor for a more unified approach.

Bernadette's desire for a more clearly defined policy was particularly important to supervisors in Jackson County in 2005–2006. During this period, they were being asked to "do things differently," which was generally understood to mean that they were to file fewer court dependency petitions and to reduce the number of children brought into the foster care system. These efforts were also explicitly aimed at reducing the proportion of African American children "in the system" in Jackson county. Bernadette, like other supervisors I spoke with, was supportive of these efforts, but also feared that she would be blamed if this implicit policy resulted in a publicized case of preventable child death. She felt that a clearer definition of the risk threshold, and a public acknowledgement of potential consequences, might help to protect her.

Other social workers in Bernadette's department similarly spoke about the divergences they saw between themselves and their colleagues in regards to risk assessment. David Lopez had worked as a social worker for the department for over ten years when I first spoke with him in 2006. His long service had given him considerable perspective on the variations in risk assessment within the department and the risks children face before and after they enter the child welfare system. He argued that his approach to risk assessment has been shaped by his experiences working with children who are already part of the foster system, the "back end" of CPS:

The problem in [CPS], frankly, is that people assess these risks real differently and sometimes people in the front end tend not to look at the

back end risk. That is to me the biggest tragedy . . . There are huge risks for being in foster care. . . . So, for me, the real damage of foster care is a child feeling like a person who has no one who really loves them, who is only in a home because the state is paying money to have them there, and if it were up to the caretaker and their own benevolence they'd be living in a refrigerator box under the overpass. This is damaging to a kid, and may be more damaging than the abuse she may have been experiencing in the home they were pulled from. [interview with author, August 12, 2005]

During the years David has spent at CPS, his awareness of the risks children face in foster care has grown and made balancing the protection of children and the preservation of the family even more difficult. David felt that social workers who had not spent as much time working with children already in foster care did not understand the need to balance the risks children faced in potentially abusive homes with those they faced in foster care.

Corrine Mitchell was adamant that CPS ought to be actively helping parents make changes in their lives so that they can keep their families together. She argued that even when children are neglected, it is often in their best interest to remain in their parents' care. During a conversation in her office she explained,

Protecting children went out in the '80s, didn't we then come with our new mission for the betterment of the whole family. . . . How much research has come out on kids who grow up with addicts as parents? They're not dying. They're not killing their kids. They're neglecting them. . . . Have we not seen that a kid fares better if they're abused or neglected by their parents than strangers? [interview with author, August 30, 2005]

This sense that foster care should be used only as a last resort was shared by Kara Williams, who had worked in the department for five years: "The whole objective is to keep kids out of the system. Formal CPS involvement should be a last resort after you've tried everything else." She argued that "too many people use it as a first resort because it's easier to file than to do real social work and work with families through their problems" (interview with author, August 9, 2005).

Steve Peterson, a social worker who had spent three years working in the ERU, thought about the role of CPS in a way that was quite different from Kara's. He spoke to me about the negative image some outside service providers and members of the community have of CPS, thinking of the social workers as little more than "baby snatchers." Steve opposed this representation of CPS and defended the importance of child protection. He claimed that the safety of children stood as his "number one priority no matter what" (interview with author, July 28, 2005).

Sam Wong, a supervisor with over 20 years of CPS experience, thought that the organization was losing sight of the central purpose of CPS: "CPS stands for child protective services. Not child services and then protect. Or service, service, service." He did not oppose offering families various services. On the contrary, he felt that this is at the center of good social work. However, he felt that some people were

consciously avoiding court intervention and “the system” in ways that put children in danger. “Right now people are closing their eyes to the protections issues” (interview with author, August 12, 2005). He argued in favor of comprehensive psychosocial assessment and intervention.

Despite their differences in opinion David, Corrine, Kara, Steve, and Sam each felt certain that they knew what their role should be, and that these views were expressed in the decisions they made. Whether or not a case went to court often depended on which social worker was assigned to assess the case. When these divergent opinions are examined together, they reveal a striking heterogeneity in motivation and action within the organization as a whole. My aim is not to determine which of these perspectives is in the best interest of the children and families involved in CPS but rather to document the differences and explore how these differences are created, mediated, and managed.

Risk Assessment Tools in Practice

As noted above, formalized risk assessment tools are among the technologies CPS administrators in Jackson County were implementing in hopes of resolving these discrepancies in practice among social workers. These risk assessment tools are forms based on actuarial or consensus models of risk assessment. Actuarial tools are derived from a formula of factors found to be statistically significant in predicting future abuse or neglect. Consensus-based tools are created from a list of factors that a group of child welfare experts agreed were significant indicators of future abuse or neglect. A recent study by the Children’s Research Center touts the validity and reliability of its own actuarial risk assessment tools when compared to widely used consensus-based tools (Baird and Wagner 2000; Baird et al. 1999). The supremacy of actuarial tools over consensus-based models has not been widely contested; however, a range of methodological challenges limits the abilities of even the best tools (Camasso and Jagannathan 2000; Gambrill and Shlonsky 2000, 2005; Lyons et al. 1996; Wald and Woolverton 1990).

Several Structured Decision Making (SDM) tools were in use in Jackson County during my research in 2005. These tools, including the California Family Risk Assessment (CFRA), are based on an actuarial model and were designed by the Children’s Research Center, a special division of the National Council on Crime and Delinquency, a non-profit research and advocacy organization founded in 1907. Similar tools are now in use in 22 states and additional territories in South Australia, Queensland, and New South Wales (Children’s Research Center 2008). The CFRA tool asks a series of 23 yes or no questions, such as whether the parent has a criminal arrest history. The social worker then adds up the scores attached to each answer to determine whether the child is at low, moderate, high, or very high risk of repeated abuse or neglect.

Learning to Assess Risk

At the end of my fieldwork, Jackson County social workers participated in a one-day state-mandated risk assessment training. This training was designed to introduce the

social workers to the concepts and methods of actuarial risk assessment. While this training was designed to emphasize the importance of making decisions based on a set of standard criteria and measures, the training itself revealed that, while the tools lent the appearance of standardization, they lacked any firm criteria or guidelines for interpretation or action.

The second half of the training was dedicated to a generic version of a statewide risk assessment tool. Each county is responsible for designing or selecting a tool for county use, so a generic tool was used at the training, as it is a training intended for all counties. The 35 seasoned and freshly minted CPS social workers in attendance were first presented with a three-page scenario involving a three-year-old girl, "Lindsey Dutton," who had injuries on her face and neck. These injuries were allegedly caused by her father behind closed doors after Lindsey tried to intervene in a violent conflict between her parents. Her mother, "Mary McAdams," also bore a swollen left eye and cut cheek. For two hours we worked in small groups reviewing the 12 factors to be considered in making the initial safety determination and the 15 factors to be used in making a decision concerning the appropriate level of services to be offered. Each of these factors included a detailed subset of questions and a list of possible sources of information.

Surprisingly, there was no calculus directing the worker as to how to use the information to assess the level of risk. More importantly, there was no threshold given that would have told us what level of risk merited an out-of-home placement recommendation. It seems to have been assumed that common sense or an appeal to the judicial "reasonable person" would be adequate for determining how to add up the factors into a good decision. The central concern was placed on making sure that social workers did not overlook anything. Perhaps the developers of these instruments felt that adequate decisions could be made as long as the social worker had all of the necessary information and made a reasonably logical decision, even if different social workers came to different conclusions. However, this reading does not seem to correspond with the state's goals concerning consistency and evidence-based practice. It would seem that both of these goals would require criteria that would lead social workers to arrive at similar decisions.

The trainer's discomfort with such variation was clearly demonstrated in the final moments of the training. After having spent more than an hour listing the other information they might be able to gather—including suggestions, later reined in by the instructor, that they send the entire family for psychiatric evaluations—I asked my group whether there was any information that we did not have on the initial sheet that could change their decision. Each of the other three people in my group responded with a surprised and emphatic "no": based on the initial scenario, they had each come to decisions that they would not alter, even if given additional information. I said that I felt similarly, that this seemed to me to be a clear in-home dependency or perhaps family preservation case. One of my tablemates agreed with me, while another challenged my interpretation, stating that this was undoubtedly a case for removal to foster care, with the chance for reunification provided that the family comply with services provided by the department. After further discussion, the group came to a

tentative consensus that removal could be avoided if the mother and daughter agreed to go to a family shelter or if the father agreed to move out.

No sooner had we come to this consensus than the instructor ended group discussion and announced that the correct decision was to remove the child and place her in foster care. This decision was also printed on the next page of the booklet describing the case. No additional information, other than that which was originally presented, was used in the reasoning behind this decision and no reason for this decision was explicitly given. To my surprise, this critical step was treated as though it were an obvious conclusion with little to no conversation concerning the criteria one would need to use to arrive at this decision.

A young social worker in another group, newly hired by Jackson County, interjected that she disagreed with the decision made by the instructor and the authors of the training booklet. She argued that the counter-risk of the trauma of removal is too great and that she wanted to “safety plan” with the family, or at most determine it as an in-home dependency case. She argued that removal was too quick of a reaction for one incident of physical abuse. The trainer refused to engage in the debate. “This is clearly physical abuse and too high of a safety risk to keep the girl in.” She then explained a plausible justification for her decision using an implicit set of criteria, and told the young social worker that she would need to do the same. Yet, the dissenting social worker could likely have made a different justification using an alternate set of implicit criteria and values. Since the criteria were never made explicit, there is no reason to expect that each social worker will use the same criteria. The instructor concluded the conversation by giving the dissenting worker a prize in the form of a pink feather-tipped pencil for her “good thinking” and moved on to a discussion of how this case made the participants feel.

This situation is symptomatic of the larger problem addressed by this article: the avoidance of questions concerning criteria, definitions, or ends. The new risk assessment tools have largely circumvented the task of setting the balance point between child protection and family preservation, despite legislative and administrative rhetoric that presents consistency as the primary aim. If consistency is the goal, the current techniques being used to achieve it are likely to prove inadequate. Evidence-based risk assessment tools may, in fact, be very useful, but only when combined with a clear and consistent directive concerning the level of risk meriting state intervention. Such a conclusion is not opposed to evidence-based practice, *per se*. These tools may, in fact, give workers greater ability to predict the likelihood of future maltreatment, as their proponents claim (Baird and Wagner 2000; Baird et al. 1999). However, without a clear statement as to what is enough risk to merit filing court custody of an at-risk child, the benefit of the tools will be limited. The failure of actuarial risk assessment tools to produce interworker consistency, in even such a controlled setting as the training described above, reveals the consequences of skirting discussions of limiting criteria and the ultimate aims of child welfare.

Faith and Doubt in Technological Reason

Among the social workers, there were varying degrees of faith in the potential of the forms of technological reason offered in the risk assessment tools at trainings like the

one described above. Some workers placed a great deal of hope in risk assessment tools. Peter Hershey, who had worked for CPS for two years, was hopeful that risk assessment tools could provide him with the criteria he felt he needed to make good decisions:

I just worry about my own judgment and whether I'm making the right decisions. This is one reason why I'm a huge advocate of some sort of structured decision-making tool. Whether it's the brand name SDM [structured decision making] or some other thing, I'd like to know that we're all at least applying the same set of standards. [interview with author, August 25, 2005]

Yet Peter was equally critical of the tool currently being used to document decision making for precisely the same reasons I described above. In fact, it was Peter's interview that first made me aware of the difference between factors and a calculus that one might use to analyze the information gathered:

It's just a matrix and there's like 17 categories, 16 categories that you do, high, medium, low. But, I could mark all of them high and hand it to my supervisor and, you know, say that I'm closing this case and she'll sign off; I can mark all of them low and say we're removing and she'll sign off because there's no end criteria. I guess there's not like—you get this answer and therefore you take this action. [interview with author, August 25, 2005]

In addition to Peter's concerns about the lack of criteria available for him to base his assessments on, these comments raise central questions about supervision and the responsibilities given to social workers in Jackson County.

Corrine was similarly hopeful that the risk assessment tools might reduce bias in decision making, but also felt that supervisors were likely to sign off on cases without applying a consistent set of criteria:

I think if workers treated people with respect, and we had a good assessment tool, and they left their stuff, and just went down with that assessment tool and assessed, I think that we could provide far better services to parents. And we need some checks and balances. What we're supposed to have as checks and balances is a supervisor, [but] they just sign off on anything. I've seen some of the most ridiculous stuff signed off on . . . because there are no checks and balances. [interview with author, August 30, 2005]

Other social workers were skeptical about the probability that risk assessment tools would significantly change decision-making practices. This view was expressed in the majority of the interviews I conducted and was so widespread that people felt comfortable expressing it during meetings concerning the implementation of new risk assessment practices. During one of these meetings, a social worker commented, "It would be impossible to get rid of your beliefs. You use your beliefs and your values when you fill in these tools and when you interpret their results. You can't get away from that" (Julie Bradshaw, interview with author, July 20, 2005).

These comments require serious thinking about the purposes, real and imagined, of risk assessment tools, for those who both introduce these tools or desire to receive them. Risk assessment tools may be desired as a means of guiding one's own actions, an interpretation possible for a worker like Peter, who both trusts in aggregate forms of prediction and who might agree with the ends the tool would guide him toward. The tool might also be seen as means of guiding the actions of others and enforcing a set of aims about which one feels strongly, as seen in Corrine's comments. This perspective also requires a faith in aggregate science and an acceptance of its imperfections. A tool can also be a means for distributing accountability and diffusing responsibility for possible negative outcomes, perhaps an effect also relevant to Peter's comments. In this role, an assessment tool can become a means of protecting oneself and justifying one's decisions should one be called to task through any of a number of forms of audit. My data reveal desires for all of these in varying combinations among the employees thinking about the future of risk assessment tools in Jackson County. Yet, social workers and their supervisors generally agreed that the application of current tools was inadequate, both as a means of guiding decisions and of diffusing accountability and justifying action.

Social workers and administrators frequently derided their colleagues for making value judgments, which they often equated with bias. Yet value judgments will always be part of human action, as only values can tell us what is significant in the world. Distinguishing values and biases from evidence in this way leads to the impossible goal of value-free policy. Celeste and her colleagues, both within the department and the state legislature, might consider opening a dialogue concerning the ends that they support rather than assuming that they are either universal or value-free. Foreclosing such a discussion of ends, or rather the proper balancing of ends, unnecessarily confines the range of possible options.

A more explicit ordering of values might eventually allow the department's administration to enforce a set of aims through clear rules and audits, the staples of the ideal typical bureaucracy. However, this is not the path that has been taken in Jackson County. Rather, statements promoting "doing things differently," without making specific recommendations, push these decisions and accountability for them onto the relatively invisible social worker.

Remarking on this feeling, Bernadette said,

You feel a huge responsibility as a child welfare worker. Because if you didn't remove the kid and something happens to the kid, then the finger gets pointed at you. So if child welfare workers are going to take more risks in terms of keeping children within their communities and doing different kinds of interventions, then if that didn't work, then that child welfare worker or the supervisor or whatever or the agency should not be blamed and right now that's still what happens... You know the media. That's where you get the backlash... You can see that in different counties if something happens to a kid, then you have this [media] backlash... and then you

have a higher rate of removals. So it needs to be kind of partially a shift in thinking. [Responsibility] not only has to spread to your co-workers and your supervisors and the agency but it has to be spread to society in order to say we want to deal with this. [interview with author, August 22, 2005]

Bernadette's comment here concerns what she views as an overly heavy burden of accountability and ethical autonomy placed on the social worker, and as a reexamination of the appropriate subject of the ethical decisions involved in CPS, a subject that she defines as "society." Given the underdetermined character of the child dependency laws discussed at the opening of this article, at present, the ethical subject responsible for the primary risk assessment decisions is the child welfare worker. Bernadette could have argued that the department should be the agent that makes the ethical decision. Instead, she goes beyond the agency and the state, arguing that society should be the author of these ethical decisions and that responsibility for the decisions ought to lie in society itself. How to engage society as an ethical subject is a complex problem. Marilyn Strathern (2005) describes the use of a social audit of attitudes toward reproductive technologies in Canada as a technique used to engage society as an ethical agent. There, as in the United States, turning ethical agency over to society relieves legislators of the task of resolving moral and ethical dilemmas.

A Tragic Situation

At the end of one of my conversations with David, he turned to the inescapability of risk. He emphasized that the risk of death of children at the hands of their parents will never be completely extinguished, not even by a CPS department that works well. He was uncomfortable with this, but was able to hold his discomfort in check for the sake of what he saw as the best interests of the children that they serve:

You've got to understand that it's an inherently risky proposition. We're going to lose some kids. Kids are going to die in homes. I don't like that. I don't want it. But, to have a system that does not allow any kid to get hurt means that you have a lot of kids who wouldn't get hurt in foster care. You got to understand there is an inherent amount of risk, and if you're uncomfortable with that, you shouldn't be here. [interview with author, August 12, 2005]

This acceptance of risk is challenging for both social workers and for the public. The frenzied media responses to the deaths of children often drive the movements of the pendulum that swings between protecting children and preserving families. In David's interpretation, the department needed to accept a set of aims that allows for the inclusion of some deaths, of some mistakes. He argues that the avoidance of these mistakes would require a set of interventions that would be too costly in terms of their toll on children and families.

Mark Norris, an upper level administrator who I met early in my fieldwork and spoke with several times throughout the project, similarly acknowledged the inescapability

of risk in CPS. He cited the work of Michael Wald, a Stanford University law professor who has argued, based on his own longitudinal studies, that there is real harm done both to children in foster care and to those left at home under a higher-risk threshold. He claims that placing a child in foster care exposes a child to a potentially harmful and sterile environment and that leaving a child at home requires the acceptance of higher rates of continued abuse (Wald et al. 1988). Mark noted that at present there is no explicit interdepartmental debate about which set of harms is preferable to accept (interview with author, August 23, 2005).

The public acceptance of tragedy is especially important in relation to the use of actuarial strategies for risk assessment. The technocratic solutions currently being proposed to resolve the tension between the conflicting benefits and risks of family preservation and child protection are based on the assumption that the task of risk assessment is one that requires the social worker to make the “right” decision. As noted by Foucault, and later by Rabinow and Dreyfus, this move effectively resolves the political problem by turning the political question of balancing citizens’ rights and state responsibility into a technical problem. In addition, the validity of actuarial tools is determined by their predictive success in large populations, but tragic mistakes in the lives of individual children and families will never be completely eliminated. Mistaking an actuarial technology for a crystal ball perpetuates the belief that with the “right” decisions all tragedies can be avoided.

The problems, ethical and otherwise, presented by risk assessment and decision making challenge social workers, administrators, legislators, and Bernadette’s “society” to examine core dilemmas concerning our understandings of family, the proper role of the state, the nature of human suffering, and what children are and what they need. In this article, I have used an analysis of the practices, ideas, and words of those charged with making decisions concerning the children who have been brought to the attention of CPS to make several claims. The modes and methods used by social workers and others involved in CPS are highly heterogeneous and cannot be analyzed in a way that would assume homogenous practice. Using the writings of Max Weber and descriptions of the actuarial risk assessment tools being used to unify these diverse practices, I argued that technological reason could never be used to resolve conflicts between discordant values in matters of social policy. The use of science-based tools in the absence of a discussion aimed at resolving the problems of the dual mandates of CPS—protecting children and preserving families—or the disagreements concerning the proper definitions of abuse and neglect allow policy makers to skirt these critical value judgments in a way that is politically acceptable. In addition, audit technologies like risk assessment tools offer a variety of potential benefits to those who use them, including an opportunity to display a commitment to scientific thinking and consistency and the ability to diffuse accountability over a larger group.

Yet spaces of avoidance are also created through a reliance on technological reason that aims to solve the dilemmas of politics as opposed to those of child welfare. These spaces are created in part by assigning the task of ethical decision making under this regime to the relatively invisible social worker. Bernadette’s comments

concerning the great ethical burdens placed on the social workers raise questions concerning the subject and the collective public body who might instead take on these tasks.

The arguments presented here have high stakes, both for the general discussion of contemporary forms of governance operating in a context where a unified set of values can no longer be assumed and for the understanding of a critical and rapidly changing decision point in the child welfare system. In conclusion, I would ask that we think critically about whether the means provided by technological reason adequately allow us as a society to balance the many noble and conflicting ends of the child welfare dilemma, and whether we as a society wish to become the agents of ethical action in regard to these complex and troubling problems.

Notes

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1. I have changed all names and identifying details of people and places to protect the identities of those who participated in the study.
2. The categories used to describe the study population are based on the categories that the study participants used to differentiate themselves from one another.
3. Since the implementation of the revised statutes of the California Welfare and Institutions Code section 300 in 1990, judges in the California Court of Appeals have established a more narrow interpretation of this section. According to their reading of the law, the establishment of court dependency requires the demonstration of a situation in which serious harm is more likely than if there were no intervention, evidentiary demonstration of parental fault, the effects of this fault on the physical safety of the child, and the exclusion of certain forms of neglect, such as educational neglect, from the definition of neglect. These carefully considered appellate decisions seemed to have had little effect on the multitude of daily decisions made by the county social workers involved in my research. The social workers I spoke with occasionally cited section 300 but never referred to case law. Despite social workers' various interpretations of the law, CPS administrators claimed that the superior court judges, who ultimately

made dependency decisions, tended to trust the judgment of the individual social workers, despite social workers' varying perspectives.

References Cited

- Baird, Christopher, and Dennis Wagner
 2000 The Relative Validity of Actuarial and Consensus-Based Risk Assessment Systems. *Children and Youth Services Review* 22:839–871.
- Baird, Christopher, Dennis Wagner, Theresa Healy, and Kristen Johnson
 1999 Risk Assessment in Child Protective Services: Consensus and Actuarial Model Reliability. *Child Welfare* 78:723–748.
- Baumann, Donald, J. Randolph Law, Janess Sheets, Grant Reid, and Christopher Graham
 2005 Evaluating the Effectiveness of Actuarial Risk Assessment Models. *Children and Youth Services Review* 27:465–490.
- Camasso, Michael, and Radha Jagannathan
 2000 Modeling the Reliability and Predictive Validity of Risk Assessment in Child Protective Services. *Children and Youth Services Review* 22:873–895.
- Children's Research Center
 2008 The Structured Decision Making[®] Model: An Evidence-based Approach to Human Services. Madison, WI: Children's Research Center.
- Derezotes, Dennette, John Poertner, and Mark Testa
 2005 *Race Matters in Child Welfare*. Washington, DC: CWLA Press.
- Dreyfus, Hubert, and Paul Rabinow
 1983 *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press.
- Ewald, Francois
 1991 Insurance and Risk. *In* *The Foucault Effect: Studies in Governmentality*. Graham Burchell, Colin Gordon, and Peter Miller, eds. Pp. 197–210. Chicago: University of Chicago Press.
- Foucault, Michel
 1978 *Discipline and Punish: The Birth of the Prison*. Alan Sheridan, trans. New York: Pantheon Books.
- Gambrill, Eileen, and Aron Shlonsky
 2000 Risk Assessment in Context. *Children and Youth Services Review* 22(11):813–837.
- 2005 Risk Assessment in Child Welfare: Challenges and Opportunities. *In* *Child Welfare for the 21st Century: A Handbook of Practices, Policies, and Programs*. Gerald Mallon and Peg McCartt Hess, eds. Pp. 302–318. New York: Columbia University Press.
- Handelman, Don
 1978 Bureaucratic Interpretation: The Perception of Child Abuse in Urban Newfoundland. *In* *Bureaucracy and World View: Studies in the*

- Logic of Official Interpretation. Don Handelman and Elliot Leyton, eds. Pp. 15–68. St John's, Memorial University of Newfoundland, ISER Books, No. 22.
- 1987 Bureaucracy and the Maltreatment of the Child: Interpretive and Structural Implications. *In* *Child Survival: Anthropological Perspectives on the Treatment and Maltreatment of Children (Culture, Illness, and Healing)*. Nancy Scheper-Hughes, ed. Pp. 359–376. Boston, MA: D. Reidel Publishing Company.
- Johnson, Will
- 2006 The Risk Assessment Wars: A Commentary. *Children and Youth Services Review* 28:704–714.
- Lakoff, Andrew
- 2008 The Generic Biothreat, or, How We Became Unprepared. *Cultural Anthropology* 23(1):399–428.
- Lindsey, Duncan
- 1994 *The Welfare of Children*. New York: Oxford University Press.
- Luhmann, Niklas
- 1993 *Risk: A Sociological Theory*. New York: de Gruyter.
- Lyons, Peter, Howard Doueck, and John Wodarski
- 1996 Risk Assessment for Child Protective Services: A Review of the Empirical Literature on Instrument Performance. *Social Work Research* 20(3):143–155.
- McRoy, Ruth
- 2005 Overrepresentation of Children and Youth of Color in Foster Care. *In* *Child Welfare for the 21st Century: A Handbook of Practices, Policies, and Programs*. Gerald Mallon and Peg McCartt Hess, eds. Pp. 623–634. New York: Columbia University Press.
- Morton, Thomas
- 2003 The Risk Wars. Commentary. Atlanta, GA: Child Welfare Institute.
- Power, Michael
- 1997 *The Audit Society: Rituals of Verification*. Oxford: Oxford University Press.
- Reich, Jennifer
- 2005 *Fixing Families: Parents, Power, and the Child Welfare System*. London: Routledge.
- Roberts, Dorothy
- 2003 *Shattered Bonds: The Color of Child Welfare*. New York: Basic Books.
- Rose, Susan, and William Meezan
- 1996 Variations in Perception of Child Neglect. *Child Welfare* 75:139–160.
- Rossi, Peter, John Schuerman, and Stephen Budde
- 1999 Understanding Decisions about Child Maltreatment. *Evaluation Review* 23(6):579–598.

Solinger, Ricki

- 2002 *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion, and Welfare in the United States*. Hill and Wang: New York.

Strathern, Marilyn

- 2000 *Audit Cultures: Anthropological Studies in Accountability, Ethics and the Academy*. London: Routledge.
- 2005 *Robust Knowledge and Fragile Futures*. In *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems*. Aihwa Ong and Stephen J. Collier, eds. Pp. 464–481. Boston, MA: Blackwell.

Tiffin, Susan

- 1982 *In Whose Best Interest? Child Welfare Reform in the Progressive Era*. Westport, CT: Greenwood Press.

Wald, Michael

- 1975 *State Intervention on Behalf of 'Neglected' Children: A Search for Realistic Standards*, *Stanford Law Review* 27(4):990–1000.

Wald, Michael, J. Merrill Carlsmith, and P. Herbert Leiderman

- 1988 *Protecting Abused and Neglected Children*. Stanford, CA: Stanford University Press.

Wald, Michael, and Maria Woolverton

- 1990 *Risk Assessment: The Emperor's New Clothes?* *Child Welfare* 69:483–511.

Weber, Max

- 1904 "Objectivity" in Social Science and Social Policy. In *The Methodology of the Social Sciences*. Edward A. Shils and Henry A. Finch, eds. Pp. 49–112. Glencoe, IL: Free Press.

Wexler, Richard

- 1995 *Wounded Innocents: The Real Victims of the War Against Child Abuse*. New York: Prometheus Books.