

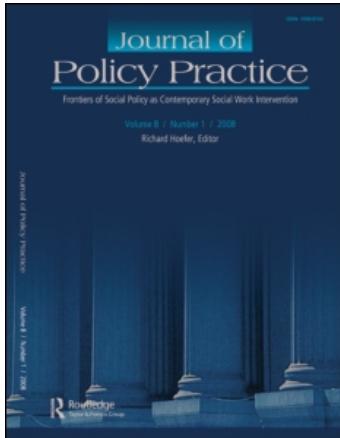
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Media Coverage of Agency-Related Child Maltreatment Fatalities: Does It Result in State Legislative Change Intended to Prevent Future Fatalities?

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This study investigates whether child maltreatment fatalities among children receiving services from state child welfare agencies spur substantive, as opposed to symbolic, legislative change to direct child welfare policy and practice. Using existing state-level data from three years, this study examined the influence of news stories, state characteristics, and child welfare policy practice factors on the passage of new child welfare legislations. The results suggest that high levels of media attention are indeed associated with new child welfare policy that is preventative in nature. Furthermore, state child welfare policy practice characteristics are also significantly related to the passage of new child maltreatment fatality-related legislation. The author makes recommendations for future research concerning the effectiveness of policy and practice change that results from child maltreatment fatalities.

KEYWORDS *child maltreatment fatality, child welfare system, policy change, media influence, policy practice*

According to the U.S. Department of Health & Human Services, Administration for Children & Families, in 2007 roughly 794,000 children in the United States were the victims of child maltreatment (U.S. Department of Health & Human Services, 2009). Since the initiation of the child welfare profession, there has been tension concerning how to best serve maltreating parents and their children. In fact, the child welfare profession, perhaps more than any other

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professional field, has been subjected to crisis-inspired ideological swings in practice (Erickson, 2000; Kadushin, 1976). Scholars and practitioners, alike, have theorized that the most notable event that sets the ideological pendulum swinging is the public outrage over the death of a child that was known to, or was receiving services from the state's child protection agency (Gelles, 1996). In fact, recent research has demonstrated a relationship between scandal and legislative change in child welfare policy (Gainsborough, 2007). Researchers, however, have not examined whether legislation that results from scandal aims to prevent future child maltreatment fatalities (CMFs), which would be the appropriate result of fatality-inspired legislation. Building on existing research, this article investigates whether high levels of media attention about agency-involved CMFs spurs legislative change in the statehouse that is intended to prevent future deaths, as opposed to symbolic system reform.

CHILD MALTREATMENT FATALITIES

The term "child maltreatment fatalities" describes a wide range of events that include actively killing a child such as through beatings, a shaking injury, or suffocation, and passively killing a child such as through medical neglect, leaving a newborn unattended, or not providing necessary supervision for children. The National Child Abuse and Neglect Data System defines a maltreatment fatality "as a child dying from abuse or neglect, because either (a) the injury from the abuse or neglect was the cause of death, or (b) the abuse and/or neglect was a contributing factor to the cause of death" (2000, p. 6). In 2007, 35% died from a combination of abuse and neglect; 34% of victims died from neglect; and 26% died from physical abuse. The cause of death for the remaining children was unknown or due to less prevalent types of maltreatment such as medical, psychological, or sexual abuse (U.S. Department of Health & Human Services, 2009). According to a literature review by Douglas (2005), CMFs are underestimated in the United States, but it is generally accepted that a couple of thousand children die each year because of maltreatment. UNICEF (2003) indicates that the rate of CMFs in the United States is three times higher than the average among other leading countries, surpassed only by Mexico and Portugal. Importantly, research has shown that in 30% to 50% (Anderson, Ambrosino, Valentine, & Lauderdale, 1983; Beveridge, 1994) of cases the perpetrator or family of a CMF was previously known to child welfare services.

THE IMPACT OF AGENCY-RELATED CMFS ON CHILD WELFARE LEGISLATION AND PRACTICE

Child welfare, policy, and legal scholars have long embraced the notion that the child welfare profession is shaped by scandal (Barton & Welbourne,

2005; Gelles, 1996; Hochstadt, 2006; Lachman & Bernard, 2006; Murphy, 1997; Rzepnicki & Johnson, 2005b). Specifically, children dying in birth homes that are under state supervision or in foster homes that are approved by the state can propel legislators to take action and to implement knee-jerk reactions to a system that many have argued is in need of comprehensive reform (Allen, 1991; Brandon, 2001; Gupta & Blewett, 2007; Jimenez, 2006; Steib & Blome, 2003, 2004; Zell, 2006). For example, Eli Creekmore was a toddler in the state of Washington who was killed by his father in 1986 after his family had repeated contact with the state's child protection agency and received family preservation services (Davis, 1987). In a more recent case, five-year-old Logan Marr was killed in 2001 in Maine by her foster mother, Sally Schofield, who was also a former state child welfare worker (Carrier, 2002). In both instances, the state's child welfare system was called before the legislature where their actions and protocol were scrutinized before the public (Adams, 2001; Carrier, 2001, 2002; Rothschild, 1986; Young, 1987).

High publicity of agency-related CMFs has been linked to informal changes in social work practice. For example, some have suggested that high media attention to agency failures results in a culture of blame and mistrust concerning child protection work (Lachman & Bernard, 2006). Cooper (2005) examined the relationship between media coverage of child welfare misjudgments and cultural practices within a single agency. She found that media coverage resulted in a clamping down of management on frontline workers, which ultimately undermined the authority of those who were directly responsible for the welfare of children.

The common assumption that agency-related CMFs result in an overhaul of state child welfare policy was only recently tested by Gainsborough (2007), who examined the influence of media coverage on the passage of state child welfare legislation. The hypothesis that scandal drives legislative change was supported, as were many other factors, including state income, strong county (as opposed to state) administration, a state's degree of liberalism, and a state's region of the country. The statistical model did not include measures of child welfare practice, such as the rate of CMFs or child maltreatment investigation substantiation rate. But, most important, the results confirmed that states with higher media coverage of agency-involved CMFs passed more child welfare legislation than states with less media coverage. What remains untested is whether legislation that is passed in the wake of CMFs is intended to prevent future CMFs or whether the scandal provides an opportunity for other types of reform that have been "waiting in the wings," such as the rights of grandparents, educational reform, or the payment of social service contractors. In other words, is the reform that happens in the shadow of a child's death symbolic or substantive? Examining the content and intent of new child welfare legislation in relation to media coverage of CMFs is the focus of this article.

RESEARCH QUESTIONS

This article examines whether media coverage of agency-related CMFs prompts child welfare policy that is intended to prevent future CMFs. This study builds on the work by Gainsborough (2007) and uses much of the same public data that she did. In this study, however, I examine whether *states with higher media coverage of agency-related CMFs are more likely to pass legislation that might prevent future CMFs*. In other words, I parcel out some legislation of the dependent variable that Gainsborough used if it does not appear to be related to fatality prevention. Furthermore, I consider the influence of child welfare policy practice characteristics, as measured by the state-level CMF rate and child maltreatment investigation substantiation rate, on the passage of legislation that might prevent future CMFs.

METHODOLOGY

Data

The state-level data for this study come from professional associations, government sources and the newspaper database of Lexis Nexis. The primary variables for this study include new child welfare policy and a high level of media coverage about child maltreatment fatalities in which the county or state child welfare agency has some level of implied or real responsibility in the death of the child. The data for this article come from a three-year time span. The analyzed legislation came from 2002, 2003, and 2004. The state characteristic variables came from that same time period. The news stories and child welfare practice variables, however, come from the years immediately preceding the new legislation: 2001, 2002, and 2003. The rationale is that this gives the public and state legislators one year to respond to media attention and child welfare practices. For example, legislation passed in 2004 might be in response to media attention and child welfare practices in 2003. Finally, the three years worth of data was not always available for Hawaii and Alaska and thus, the three-year state-level dataset has an N of 144 instead of 150.

Dependent Variable

Data for the dependent variable, new child welfare state-level policy in 2002, 2003, and 2004, was compiled and published by the National Conference on State Legislators. Without communicating with the sponsors of every piece of legislation, it is impossible to know, with confidence, which laws were the spurred by CMFs. Thus, a coding scheme was developed to categorize which legislative actions were potentially the result of a CMF, and which were not. This coding scheme was based on work that

focuses on the outcomes of child fatality review teams, which, among other things, identify gaps in the legal or social service systems that may have contributed to CMFs. Using annual reports and more than 300 recommendations from fatality review teams, Douglas and Cunningham (2008) identified ten common problem areas requiring needed attention and reform:

1. agency communication;
2. child death investigations;
3. child death review teams;
4. child welfare system;
5. criminal responsibility;
6. home visiting programs;
7. increased public education;
8. mandated reporting;
9. risk factors/risk assessment; and
10. training for professionals.

Using this framework of identified problems, the new child welfare laws that were passed in 2002–2004 were coded as having been potentially related to a CMF if the content of the legislation fell into one of the ten core areas previously identified by child fatality review teams. The dependent variable is a count of the number of pieces of CMF-related legislation that was passed in each state. A sample of different pieces of legislation and the assigned codes are demonstrated in Table 1. This variable has a range of 0–5; the mean = 0.8; the median = 0.

Independent Variables

NEWS STORIES

The primary independent variable was compiled by reviewing news stories one year before each year that legislation was passed. Thus, news stories in 2001, 2002, and 2003 were collected to examine the impact on legislation that was passed in 2002, 2003, and 2004. A one-year lag time is an appropriate length of time between media coverage and new legislation and has been effectively used in other research (Gainsborough, 2007). All news stories were gathered using the database Lexis Nexis, which allows one to search for news stories by state and year. The major operative in this undertaking was to search for stories that implied or indicated state agency responsibility in a child's death, such as in instances when families were receiving services, when a child had been returned to his or her family after a separation because of maltreatment, or when a child was killed by foster or child welfare adoptive parents. This methodology has been used in previous research to

TABLE 1 Examples of Coding Scheme for CMF-Related Legislation

State	Year	Code	Legislation	CMF-related legislation*
IL	2002	HB 5002, PA 92-801	Requires members of the clergy to report child abuse to the Department of Children and Family Services. Exempts clergy from reporting communications covered by clergy/penitent privilege.	1
CA	2003	SB 169, Chap 19	Authorizes a child who was adopted as part of a sibling group and who has been separated from his or her siblings through re-adoption to petition the court to enforce any agreement for visitation or to order visitation in the absence of such an agreement.	0
FL	2003	SB 1454, Chap 16	Requires the Department of Children and Families to establish core competencies for a single integrated curriculum to ensure that each person delivering child welfare services obtains the knowledge, skills and abilities necessary to conduct his or her work.	1
KS	2004	HB2568, Chap 142	Imposes a fee of \$100 on defendants convicted of certain crimes against minors, to be deposited into a newly created Children's Advocacy Center Fund. Specifies that the fund is to be used for the operating expenses of eligible children's advocacy centers.	0
TN	2004	HJR 792	Requests the state Commission on Children and Youth and the Department of Health to conduct a statewide statistical study on violent deaths of children from infancy through age 18.	1

*Note. 1 = Related to CMF; 0 = Not related to CMF

estimate public attention to particular high-profile cases (Cooper, 2005; Goddard & Liddell, 1995). Using the database Lexis Nexis, news stories in each state were searched and examined using the following key word combinations: [child death] and [agency or department]; [child die*] and [agency or department]; and, [child killed] and [agency or department]. News stories that reported on a change in department or agency policy or protocol as a result of CMFs were excluded, as were editorials. News stories published in one state about the death of a child in another state were also excluded. Multiple stories about the same death published on the same day in different newspapers were counted as 1, so as not to overestimate the level of media attention. This count variable was of the number of news stories in a single state, not the number of children who died in that state. The primary purpose of this variable was to capture the media attention given to the incidence of CMFs that are linked to the local or state child welfare agency. The range for this variable was 0–24; the mean = 2.8; the median = 1.

CHILD WELFARE VARIABLES

The CMF rate per 100,000 children for years 2001–2003 (preceding the years for new child welfare policy 2002–2004) documents the rate with which children died from maltreatment in each state, as opposed to only those associated with agency-related fatalities. The data for this variable comes from the Department of Health & Human Services, Administration of Children & Families. The range for this variable was 0–7.67; the mean = 1.77. One could speculate that states with higher CMF rates would be more likely to pass new child welfare policy.

The child maltreatment investigation substantiation rate is calculated by comparing the number of substantiated or “founded” cases of maltreatment with the number of investigations completed in a given year for each state. The 2001–2003 data for this variable come from the Department of Health & Human Services, Administration of Child & Families. The range for this variable = 8.6%–56.3%; the mean = 27.7%. States with lower substantiation rates might “miss” instances of actual maltreatment and thus be more likely to reform child welfare policy.

STATE CHARACTERISTIC VARIABLES

Four variables that were found to be related to the passage of child welfare legislation in previous research (Gainsborough, 2007) were included in this article: median household income, degree of liberalism in each state, whether or not the child welfare system had a strong county system in place, and the region of the state in the country. Household median income for the years 2002–2004 was derived from the Census Bureau Current Population Survey. The range for this variable was \$29,095–\$51,826; the mean = \$39,172. The degree of liberalism for each state comes from a CBS/*New York Times* national poll of political ideology which is available at: <http://php.indiana.edu/~wright1/>. Data was only available for 2002 and 2003; the average of these two years was substituted for Year 3. The range for the liberalism variable = 11%–38.2%; the mean = 20.6%. The state measure concerning the degree of county oversight for each state’s child welfare profession was taken from the National Study of Child Protective Services Systems and Reform Efforts and is available at: <http://aspe.hhs.gov/hsp/cps%2Dstatus03/state%2Dpolicy03>. In this dichotomous variable, 16% of the states are considered to have strong county structure and discretion. Finally, three dummy variables were included to indicate the region of the country for each state. The dummy for the northern region was the reference category. This information came from the Census Bureau. Two dummy variables were also included in the analyses to indicate if the data came from Year 1 or Year 2; Year 3 was the reference category

Analysis

The dependent variable is a count of new child welfare legislation that is intended to prevent future CMFs. Thus, negative binomial regression was implemented to test the hypotheses of this article. The counts for the same state over multiple years form a cluster; multiple counts in the same cluster may in fact not be independent. To control for these potential intraclass correlations, the regression model was clustered by state and this clustering is reflected in the adjustment of the standard errors.

RESULTS

The bivariate correlations of the variables in the model are presented in Table 2. Significant relationships exist between the dependent variable, new CMF-related legislation, and three of the independent variables: news stories, child maltreatment investigation substantiation rate, and strong county oversight of the child welfare system. All of the variables were included in the negative binomial regression model.

The summary statistics of the negative binomial regression analysis are presented in Table 3. The results indicate that news coverage has a statistically significant relationship to CMF-related legislation that is passed at the state-level. States that had more news coverage passed more CMF-related legislation. The rate of CMFs is also significantly and positively related to the passage of new CMF-related legislation. Child maltreatment investigation substantiation rates were also significantly, but negatively, related to the passage of new CMF-related legislation. States with higher levels of income were more likely to pass CMF-related legislation. States in the South and Midwest are more likely to pass CMF-related legislation than states in the North. This was not true for western states. The final column of Table 3, "z," indicates the effect size for each independent variable, or the strength of the relationship between the independent and dependent variable. From this, we can see that the most influential variables are news coverage, CMF rate, region of the country, median household income, and substantiation rate.

DISCUSSION

This study tested whether high media attention to agency-related CMFs spurs substantive legislative change in the child welfare profession. This was accomplished by examining whether states with higher media coverage of CMFs would be more likely to pass legislation that was intended to prevent future CMFs. The results indicate that policy makers in states with high

TABLE 2 Bivariate Correlations Between Dependent and Independent Variables ($n = 144$)

Variables	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
CMF-related legislation	1.00											
New stories count	0.22**	1.00										
CMF rate	0.13	-0.02	1.00									
Substantiation rate	-0.18*	0.08	0.06	1.00								
Strong county	-0.17*	-0.13	0.30***	0.31***	1.00							
Income	0.15	0.11	-0.33***	0.18*	-0.26**	1.00						
Liberalism	0.05	0.17*	-0.11	0.18*	0.00	0.39***	1.00					
South	0.01	-0.08	0.31***	0.06	0.28***	-0.37***	-0.32***	1.00				
Midwest	0.03	-0.11	0.09	0.04	-0.13	0.00	-0.17*	-0.41***	1.00			
West	0.03	-0.03	-0.18*	-0.27***	-0.24**	-0.03	0.18*	-0.39***	-0.31***	1.00		
Year 1	-0.09	0.01	-0.04	0.03	0.00	0.00	0.16	0.00	0.00	1.00		
Year 2	0.03	-0.04	0.02	-0.01	0.00	0.00	-0.16	0.00	0.00	-0.50***	1.00	

Note: * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq .001$

TABLE 3 Summary Results for Negative Binomial Regression with Child Welfare Policy as Dependent Variable ($n = 144$)

Independent variables	b	Robust SE	Z
News coverage	0.05***	0.01	3.74
CMF rate	0.22**	0.07	3.11
Substantiation rate	-0.03**	0.01	-3.01
Household income	0.00**	0.00	3.27
Liberalism	0.01	0.03	0.37
Strong county	-0.38	0.42	-0.89
South dummy	0.95***	0.28	3.36
Midwest dummy	0.83*	0.35	2.41
West dummy	0.67	0.36	1.85
Year 1	-0.19	0.27	-0.72
Year 2	0.01	0.25	0.04
Constant	-3.54	1.08	-3.29

Note: Wald chi2(11) = 112.45, $p = .000$; * $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$

media attention to agency-related CMFs respond by passing substantive legislation. The analyses also indicate that state-level child welfare practice characteristics are related to the passage of CMF-related legislation.

Rational Actor Model of Policy Making

This study builds on previous work that also found a significant relationship between media coverage and new child welfare policy (Gainsborough, 2007). The analyses in this article are unique in the attempt to parcel out whether media coverage of children's deaths actually results in new legislation related to this tragedy. Legislators appear to be responding to state agency catastrophe with legislation that is preventative and substantive in nature, as opposed to overhauling the child welfare system without direction.

The findings are consistent with the rational actor or rational choice theory of policy-making. The rational actor model argues that individuals make decisions and take action based on rational judgment. This theory of self-interest is based on the utility of a specific outcome; individuals weigh the costs and benefits of a given situation and select the one that will yield the most benefit for the individual, household, firm, or state (De Mesquita & Cohen, 1995; Huber, 1997). This theory has been used widely throughout the social sciences in the disciplines of sociology, criminology, economics, political economy, and political science (Cangelosi, Robinson, & Schkade, 1969; Edlin, Gelman, & Kaplan, 2007; Feeley, 1970; Feiock, 2007; Hechter & Kanazawa, 1997; Holton, 1997; Huber, 1997; Monroe, 1991; Pratt, 2008; Simon, 1965; Spickard, 1998; Weimer, 1978).

Many of our current social policies are based on the rational actor model. For example, the criminal justice "three strikes-you're out" policy assumes that individuals engaging in criminal activity cease this behavior

once confronted with the possibility of a long-term jail sentence (Shichor, 1997). Similarly, having additional children while on welfare is often discussed in light of rational choice theory (Nechyba, 2001) and lead to the institution of "family caps" in some states during the reform of welfare in the 1990s. The rational actor model, as applied to legislative decisions on the part of politicians, would suggest that not only do states reform their child welfare policy in the wake of a CMF as supported by Gainsborough's (2007) work, but that they pass legislation intended to prevent future CMFs. When the legislative process is viewed through this theoretical lens, states that encounter the problem of CMFs that are tragic enough to receive high media attention act to make changes in their child welfare policy that will prevent future tragedies.

Child Welfare Policy Practice

The analyses in this article also address the influence of state-level child welfare practice characteristics on the passage of CMF-related legislation. The results indicate that these factors are important variables in understanding whether preventive CMF legislation is passed at the state level. States with higher CMF rates passed more CMF preventive legislation. Furthermore, states with lower child maltreatment investigation substantiation rates were also more likely to pass CMF-related legislation. Both of these findings suggest that policy makers are responding to documented child welfare policy practice concerns. The results indicate that states that experience higher rates of fatalities and states that substantiate fewer cases of maltreatment recognize their need for more prevention and/or intervention in their state concerning the deaths of children and act rationally to ameliorate this situation. One might think it counterintuitive that lower substantiation rates are related to the passage of more CMF-related legislation. On the contrary, lower substantiation rates might mean that states' child welfare policy practice is guilty of "false negatives," or of missing actual cases of child maltreatment, which results in more fatalities, and thus, a change in policy is warranted.

The results of this study were similar to that of Gainsborough (2007) with the exception of county influence. The addition of the child welfare practice characteristic variables appears to have absorbed some of the variance in the dependent variable that was initially explained by the "strong county" variable. Bivariate level analyses indicate a significant and positive correlation between strong country and both CMF and substantiation rates. This means that states with strong county oversight have both higher fatality rates and yet also substantiate a higher proportion of their investigations as instances of maltreatment. At this stage in the research, it is unclear how or why county administration may be related to the passage of child welfare legislation.

Limitations

This study is not without limitations. First, from a distance, it is almost impossible to know what legislation is the result of a CMF. This study relied on a systematic coding scheme to determine which laws may have been the result of CMFs, but this coding scheme only allows one to estimate which laws are potentially related to CMFs. Second, this study selected newspaper stories that were related to CMFs, where the state's child protective agency had an implied or legitimate role in the child's death. It is possible that news stories were overlooked, or that relevant stories could have been excluded from the Lexis Nexis database. In fact, significant variation occurs between states with regard to which newspapers are carried in the database. For example, four states with similar populations (Arizona, Massachusetts, Indiana, and Washington) have great variation in the number of papers in the Lexis Nexis database, ranging from 3 to 15 papers. This might affect the findings of the negative binomial regression, yet as previously noted, news stories appearing on the same day in different papers in the same state were given a single count of 1 so as not to inflate the media exposure about a single case on a given day. Thus, I do not believe that the variation in the Lexis Nexis database has important implications for the findings of this research.

Future Research

A plethora of research exists that concerns itself with child welfare policy and speculation over what leads to legislative change (Erickson, 2000; Gelles, 1996, 2001; Golden, 2000; Johnson, Baker, & Maceira, 2001; Murphy, 1997; Pelton, 1992, 1997; Wald, 1988). However, virtually no body of literature exists that empirically examines which factors lead to new policy in the child welfare profession. This is unfortunate for a system that is routinely accused of swinging between the endpoints of two schools of practice: family preservation and child safety (Erickson, 2000; Gelles, 2001; Murphy, 1997). An empirically based understanding of this process may yield more centrist-style legislation and may ultimately lead to increased stabilization of the child welfare profession.

Research suggests that the death of a child also leads to practice and organizational cultural changes that may be more subtle than the passage of new legislation. For example, a child dying in his or her birth home might prompt caseworkers and caseworker supervisors to be more aggressive in the future about removing a child from the birth home. In fact, Gelles (2003) discusses such informal changes in child welfare practice after the death of a child. This type of change warrants further investigation in future research to better understand the more subtle changes within the child welfare profession, as opposed to those passed by a legislature.

As noted, it is common for management in child protection agencies to respond to high levels of negative publicity by imposing more restrictions in an attempt to improve accountability (Cooper, 2005). This was documented by other researchers who found that agency-related CMFs resulted in restricted practices and an increase in policing functions on behalf of child welfare organizations (Regehr, Chau, Leslie, & Howe, 2002). A British study noted that over a course of three decades, media attention to high profile CMFs usually resulted in a significant change in oversight procedures which had a deleterious effect on the overall atmosphere of the agency (Ayre, 2001). Some scholars have explored various organizational theories to understand the potential impact of a child fatality on an organization and to better understand how this might influence decision-making protocol in child welfare agencies (Rzepnicki & Johnson, 2005a). Regehr (2003) has written about the after-effects of any fatality—not just children—on emergency responders and public agencies. She notes increased stress for workers, feelings of isolation within the workplace, and systems change. It is unclear if this stress and isolation creates a change in individual practice decisions and judgment.

Further research on how CMFs influence policy, practice, and organizational change is needed to better understand a profession that is routinely targeted for reform (Allen, 1991; D'Andrade & Berrick, 2006; Hegarty, 2002; Mor Barak, Levin, Nissly, & Lane, 2006; Steib & Blome, 2003, 2004), and yet also handles our country's most vulnerable residents. Neglected in the literature (as well as in this article), however, is not whether policy makers act rationally or what practice characteristics are related to them doing so, but a better understanding of how system reform, policy change, organizational adaptation, and child welfare practice responses influence the lives of children and families. Does system reform lead to better outcomes for children? Does agency failure and the new legislation that results lead to increased child well-being and fewer CMFs? These questions demand future attention from scholars, program evaluators, practitioners, and policy and decision makers.

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