

## **Comparing and Understanding the Differences:**

### **Risk of Maltreatment Present Danger Impending Danger**

#### **Introduction**

During the past several months, we have found ourselves frequently involved in conversations occurring during guideline development, training, consultation, planning and technical assistance concerned with understanding the differences among present danger, impending danger and risk of maltreatment. We actually wrote about this in articles in January and March of 2003. And...we've been working hard to clarify these concepts in all our work concerned with assisting states develop their approaches to safety intervention. The fact that it remains a continuing area of confusion and concern underlines 1) the complexity of these concepts and 2) their importance in forming safety intervention practice and decision making. It seems that most of the difficulty occurs when trying to understand and sort out the differences between impending danger and risk of maltreatment. Also, it's been our experience that impending danger is a far less understood, developed and applied dynamic within safety intervention approaches in many places. We believe that by focusing safety models primarily on present danger (or what many have come to call immediate harm or severe harm) some have ended up with less effective safety intervention during initial work with families and, particularly, during ongoing safety management.

So, we are setting aside for a month our emphasis on safety intervention during ongoing CPS and devoting some needed attention and deliberation to sorting out the relationship and differences apparent among present danger, impending danger and risk of maltreatment. Each of these dynamics that can occur within a family are unique puzzle parts that may actually occur separately or simultaneously in related ways. And, as they occur, they represent puzzle parts

that along with other puzzle pieces form a picture of how a family looks and operates.

Before we begin, let's state why this differentiation is crucial to acknowledge and understand. The dynamics and real occurrence of present danger, impending danger and risk of maltreatment are evaluated in child protective services for the purpose of determining decisions CPS must make and things CPS must do. If you do not recognize what is happening in a family correctly, how will you know what you should do to respond appropriately? We'll revisit this point when we wrap up this article. But, for now, let's proceed by examining these three puzzle parts and then see how they relate to and are different from each other. This is a lengthy article, but we feel the length is necessary to assure that we fully cover these important CPS intervention concepts.

### **Present Danger**

This is the easiest family condition concerned with safety or maltreatment to understand. A few years ago a case that illustrates differences in how danger occurs in a family made national news. We may not have the situation exactly right but remember enough to make our point here.

A mom was hanging laundry out in her back yard one day while her child played inside the house. The pre-school child was autistic. The mom may or may not have had a device for keeping the doors secured to keep the child inside. However, the child made his way outside the house and wandered off despite the mom's normal watchful eye. The family lived in a rural area so the child made his way along the roadway and soon was meandering along a highway. A trucker noticed the child, picked him up and delivered him to local law enforcement authorities. After some effort, law enforcement and CPS located the mother who had become frantic upon

realizing that her child had wandered off. The whole event happened within a relatively brief period of time. The reason the case became prominent in the news and around the child welfare business is it raised the question of whether the incident represented a substantiated case of child neglect and whether the mom was derelict in her supervision of the child. An assessment of the home and the mother revealed that she was an excellent mother, well prepared to care for that special needs child and was diligent about the child's care and supervision. This was an unfortunate mistake and actually an aberration in terms of the child's care.

Setting aside the legal or policy question of whether the case should or should not have been substantiated for neglect, the case provides us with an excellent example of present danger and illustrates that present danger is a unique dynamic within a family situation that can exist separate from maltreatment, impending danger or risk of maltreatment. A vulnerable child wandering along the shoulder of a highway is in present danger regardless of whatever else is occurring and typical of his family.

One of our staff members encountered a case situation when he was a CPS caseworker that was vivid and certainly qualified as present danger. At the time, he was an ongoing CPS worker and making a home visit in one of his cases. It so happened that when he showed up the next door neighbor was holding everyone hostage in his client's home. The irate neighbor was sporting an AK-47 assault rifle. You can imagine that the neighbor was pretty upset and quite menacing. Everyone was in present danger including our staff member. The client's kids were in present danger, not impending danger, and not at risk of maltreatment in the sense we normally think of it or describe it here.

We define present danger as *an immediate, significant and clearly observable family condition occurring in the present tense, already endangering or threatening to endanger a child*. Some states refer to this as immediate harm or immediate severe harm. Also, from time to time, we hear the term imminent harm used in conjunction with what sounds to us like a family condition meeting our present danger definition. It is important to understand that the primary criterion that qualifies present danger is what is happening that endangers a child is happening now; it is currently in process of actively endangering a child.

In each of the examples, a circumstance exists that meets our present danger definition. In the cases, what was happening was in progress; it was happening in the “now.” The autistic child was in present danger when the truck driver encountered him along the highway. Our staff member and his client family were in present danger as long as the disturbed neighbor remained present and undeterred. (By the way, our staff member talked the neighbor into returning to his home. Later, the police showed up.)

Earlier we stated that the function of these concepts (i.e., present danger, impending danger and risk of maltreatment) during CPS intervention is to determine the necessary and appropriate CPS decisions and actions to take. When present danger is identified, an immediate protective action is required (occurring the same day). The purpose of the protective action is to suspend what is going on – establish a holding action – in order to proceed with the assessment and fully understand whether the present danger is an aberration as in the autistic child case. The examples illustrate how present danger can be apparent, but the family contexts are clearly different and must be understood in order to effectively proceed with any continuing safety intervention that is necessary. In our two case examples, the present danger was clearly isolated to the specific time and event. Protective actions taken to manage present danger are short-term; should involve caregivers in the consideration of action to be taken; should consider the least intrusive options closest to the family network; and should

involve trustworthy people who can be determined to be suitable. (For more information on protective actions, please refer to the safety article entitled “Immediate Protective Plans,” October, 2003)

### **Impending Danger**

We recently had the pleasure of conducting several focus groups with CPS workers. A part of the discussion in one focus group had to do with the difficulty participants were having about whether impending danger is a real dynamic occurring in families. One participant captured the discomfort many felt about present danger being too limited a way of conceiving of actually what is happening in a family when a child is not safe. She said, “*I know that threats to a child’s safety remain in place as people go to treatment and I’m uncomfortable knowing that the service plan didn’t change the threats and that a safety plan needed to remain in place longer term.*” This insightful worker was describing impending danger.

It seems that there is a lot of confusion about impending danger and risk of maltreatment. We suppose that is so because both impending danger and risk of maltreatment have to do with the “future.” But there are significant differences between these two concepts besides a timeframe involving the future. So, we’re going to have to make sure we are absolutely obvious about impending danger so that you can clearly see and understand how it is different from risk of maltreatment.

Impending danger refers to a circumstance within a family that can be reasonably anticipated, that is in some sort of progressive existence. Maybe the easiest way to qualify impending danger is that it is associated with a child living or being in a state of danger, a position of continual danger. Danger may not exist at a particular moment or be an immediate concern (like in present danger), but a state of danger exists. So, remember that impending danger is not necessarily active in the sense that a child might be hurt immediately like we described about

present danger. But, given what we learn about a family, we can expect severe harm as a reasonable eventuality.

We've defined impending danger as having four distinct features:

1. Impending danger refers to threats to a child's safety that exist and are insidious but are not immediate, obvious, or active at the onset of CPS intervention.
2. Impending danger refers to threats that eventually are identified and understood upon more fully evaluating and understanding individual and family conditions and functioning.
3. Impending danger refers to threats that reasonably will result in severe harm if safety intervention does not occur and is not sustained.
4. Family situations and behaviors must meet safety threshold criteria to qualify as impending danger.

Understanding and applying the safety threshold are critical when determining impending danger. The safety threshold criteria include five standards: out of control, severity, a vulnerable child, imminence, and specific (observable and explainable). In order for a family condition to be an impending danger threat, all five standards must apply or be met.

- *Out of control* refers to family conditions that can directly affect a child and are unrestrained; unmanaged; without limits or monitoring; not subject to influence, manipulation or internal power; are out of the family's control.

- *Severity* is consistent with anticipated harm that can result in pain, serious injury, disablement, grave/debilitating physical health conditions, acute/grievous suffering, terror, impairment, death.
- *Vulnerability* refers to a child who is dependent on others for protection.
- *Imminence* refers to a belief that threats to child safety are likely to become active without delay, a certainty about occurrence within the immediate to near future.
- *Specific* means a family condition that exists as an impending danger; is observable and can be specifically described or explained; the danger is real; can be seen; can be reported; is evidenced in explicit, unambiguous ways.

We mentioned the issue of the “future” associated with impending danger and risk of maltreatment. While we’ll bring it up again later, it may be useful for you to read about it related to impending danger now since the safety threshold criteria that qualify family conditions as impending danger include the imminence standard.

You have seen that imminence refers in part to when threats might result in severe harm for a child: immediate to near future. Here, immediate does not refer to “right now” in the sense that present danger does. The “immediate” and “near future” references acknowledge that impending danger is (reasonably) certain to happen. It could happen anytime during the hours and days ahead, but there is a certainty that it could happen within a limited time span of from days to within a month or so if protective measures are not taken. The predictability of when it might happen can be controlled somewhat by how well you understand how the threats are manifested. For instance, if through your information collection and analysis, you have confidence that violent outbursts seem to coincide with high

stress events or periods and you have learned how often and the certainty with which such circumstances occur, you will be able to be more precise about the immediate to near future time reference. The point is that impending danger, as a state of danger a child is in, can be expected to become active and potentially have severe results within a limited time period that stretches out no further than several days to a month or so. Why is this time reference so important? It qualifies what CPS must do in order to assure that its safety plans will assure safety, to make sure that management of threats is consistent with understanding the nature of their occurrence and potential effects. (For information on safety plans, please refer to the article entitled "The Safety Plan," December, 2003).

Let's see if we can apply all this we've just covered.

A report comes to CPS from the school indicating that a 7-year-old child has revealed to her teacher that she is afraid at home because her mother and father fight, and she is worried her mother will be hurt. The teacher reports a concern that the child speaks as if she may get involved when the fighting is going on. CPS accepts the report and makes contact with the child the next day at school. The child is reluctant to provide information. She seems tense but does not reveal any details about family life and does not confirm what she had told the teacher. Later that day, CPS meets with the mother in the family home. The mother is friendly and cooperative, seems a bit anxious but appears open regarding the CPS contact. The mother acts confounded about any concern about family fighting. She indicates that she and her husband argue like any couple and perhaps that explains why the daughter mentioned anything. She expresses no concern about her family situation and, while she is accepting of the CPS inquiry, she sees no need for outside involvement. The home is modest but well furnished and well kept. On the next day, CPS interviews the father who is less friendly than the mother but, other than being somewhat testy, is generally

cooperative. He refers to “the state” interfering in people’s life as bullshit and suggests that CPS would be better off seeing families where there is a need. He describes the family situation as comfortable in all respects. He describes family life as associated with church attendance, involvement with friends and enjoyable family time. He encourages CPS to continue its work as needed and wrap up the investigation. A records check shows no previous CPS reports, a disturbing the peace law enforcement contact, and a DV disturbance several months ago resulting in no charges. The initial visits reveal no present danger to the child. The investigation, or initial assessment as we like to call it, continues.

CPS conducts an additional interview with the child exploring child functioning. The interview includes consideration of the child’s apprehension, how the child describes daily life and what the child begins to feel comfortable about regarding discussing her parents. The interview also delves into the child’s adjustment in school and the child’s explanation of family interaction which includes the question of fighting and concern for mom.

CPS conducts two additional interviews with the mother exploring mom’s general functioning, her emotional state, her explanation and satisfaction with the marriage relationship. These interviews consider the mom’s approach and feelings about parenting; how she disciplines and socializes the child; her concern for the child’s anxiety, safety and happiness. Additionally, the interviews explore her feelings about support and personal security, her vision of what she expects out of life and, in particular, her marriage and family life.

CPS attempts to conduct additional interviews with the father who is resistant and avoiding. His initial cooperativeness begins to

change to reluctance. He is generally unavailable in terms of time and providing information. Occasionally he reacts with anger yet seems anxious about both what he views as CPS interference and, potentially, what might come from the CPS involvement.

By the conclusion of the initial assessment, CPS has come to an understanding of the family which includes a victimized, powerless mother and a stressed out, aggressive, angry, dissatisfied father. The family experiences economic and job related stresses, and the father feels unfulfilled personally and career wise. The father blames the mother for virtually everything. What began as verbal outbursts and arguing has progressed in recent months to pushing, slapping and intimidation. The child has entered into the fights on several occasions but has not been injured to date. During the past six months, the fights have occurred in association with the father drinking. His drinking is occurring more frequently and seldom does a weekend go by that he does not drink to excess. The outbursts and aggression are occurring as often as 2 – 3 times a month. The mother is powerless to manage the father's behavior or to take evasive measures.

First of all, let's decide what the impending danger is. The father is violent and out of control. To date, we have found only one state that does not include these two safety threats in their model. So, we are dealing with common safety threat standards.

Now let's see how the impending danger threat we've identified fits with the definition.

- These threats were not immediate, obvious, or occurring at the onset of CPS intervention. While it is true everyone in the family was in denial, there was no specific information that suggested or at least confirmed danger.
- The threats certainly were there at the first contact but subtle, not revealed. Only through information collection to gain a clearer picture was CPS able to understand the presence of impending danger. These threats could be identified and understood only after more fully evaluating and understanding individual and family conditions and functioning.
- Now, knowing what we know, we can conclude that without safety intervention there is potential for severe harm. It's reasonable to believe that even during the next blow-up the child could step between the parents and be severely hurt. Besides, we have to be appreciative of the fact that, if not every day, certainly frequently the child is living in a state of terror over her father's violence and aggression toward her mother.

Next let's see whether the impending danger threats we've identified in this case example can be qualified by the safety threshold criteria.

- Would you agree that the father's behavior is out of control? We know it is directly affecting the child in terms of the child's anxiety and attempts at protecting the mother. From what we know, the father's behavior is unrestrained and unmanaged. No one is monitoring or attempting to influence his behavior. The father's aggression, violence

and intimidation are beyond the mother's ability to control. Furthermore, we have indication that his behavior is worsening.

- Would you agree that the father's behavior reasonably and eventually could result in severe harm to the child such as a serious injury or even a disabling condition? We know the father's behavior is already terrorizing the child.
- The child is vulnerable. The child is not able to protect herself; she is dependent on others for her protection. But, additionally, her vulnerability can be qualified by her behavior that places her in harm's way.
- Remember that imminence refers to a belief that threats to child safety are likely to become active without delay; a certainty about occurrence within the immediate to near future. We know that the family situation generally and the father's behavior specifically exist both as a pattern and a progression. We know that outbursts occur 2 – 3 times a month. We can conclude that the certainty about the next outburst occurring within the near future is imminent.
- A family condition that exists as a impending danger must be observable, specific and explicit. Wouldn't you agree that sufficient information about this family is known to us for us to conclude that this criterion has been met?

This analysis helps us to see that the child in this case exists in a state of danger. While the severe harm is not necessarily immediate in the sense of present danger as we've described, it is impending. This judgment is not a general conclusion about a family in terms of what might come to pass as we might consider in risk of maltreatment; this judgment is a focused conclusion about

what is happening in a family as a result of current functioning that can have a severe effect within a limited amount of time.

### **Risk of Maltreatment**

Risk of maltreatment is a conclusion that is reached by analyzing what is happening generally in a family. Based on the presence of risk related influences, you arrive at a determination that maltreatment is likely to occur or reoccur. Based on a definition for maltreatment, risk of maltreatment can be defined as the likelihood that family conditions and associated parenting behavior will be harmful and destructive to a child's cognitive, social, emotional and/or physical development and those with parenting responsibility are unwilling or unable to behave differently. Off the top...do you notice a difference in how risk of maltreatment is defined and how present danger and impending danger are defined?

In particular, the determination of impending danger is concerned with specific threatening family conditions, behavior, attitudes, intent, motivation and/or capacity. The determination of risk of maltreatment considers individual and family functioning in general to understand the potential for future maltreatment. Even in risk assessment models that are focused on a few risk factors, the risk factors include general family qualities such as substance use, numbers of children in a household or single parenthood.

Risk assessment is concerned with the potential for maltreatment in the future, but the future is unspecified. It includes the near future we mentioned related to impending danger and the long-term future too. So risk of maltreatment refers to something that is likely to happen anytime from within a few weeks to months in the future or may never occur.

Risk of maltreatment is not confined to judging severity. Risk of maltreatment can include mild, moderate or severe maltreatment.

Risk of maltreatment also allows for latitude in how likely the maltreatment is to reoccur. It includes low, medium, significant and high likelihood of any kind of maltreatment occurring or reoccurring. The judgment about present and impending danger is more definitive in the sense of certainty of something severe happening within a limited period of time.

The purpose of risk assessment is to determine a judgment about the likelihood (i.e., low, medium or high) of maltreatment. The purpose of determining the likelihood of maltreatment can include judging who you will serve and how you will serve them. Fundamentally, the best reason for the use of the concept of risk is concerned with treating family conditions that are associated with and can lead to children being maltreated.

Let's revisit our impending danger example. What might we conclude if the results of the interviews with family members resulted in different findings like the following?

By the conclusion of the initial assessment, CPS has come to an understanding of the family which includes an isolated, depressed mother and a stressed out, bewildered father. The family experiences economic and job related stresses and the father feels unfulfilled personally and career wise. The father and mother have been arguing more frequently out of frustration over their financial situation and general unhappiness. These arguments are recent and are resulting in more distance between the father and the mother and the father and the child. The child has witnessed the arguments, is feeling confused and progressively unhappy and depressed even to the extent that it is affecting her social relations and performance at school. The father's drinking has become more frequent including frequently passing out on weekends. The last argument occurred the weekend before the CPS report and included the father threatening to kick the mother and child out of the house

(which did not occur). That argument ended in the father getting drunk and passing out. The mother is able to keep the child safe; recognizes that the father's behavior is an increasing problem; knows that it is having an extremely negative effect on the child's sense of security and happiness; but feels depressed and overwhelmed to take action to resolve issues. Additionally, she is worried about the family's financial situation and whether they are close to becoming totally unsettled.

This conclusion actually is similar to the mother's response at the initial contact when she disclosed that she and her husband argue like other couples albeit the arguing seems more frequent and directly related to stress in the home. If you apply the impending danger definition and safety threshold criteria, you will find that this changed scenario doesn't fit with impending danger. It's something else. What is happening in the family is likely to continue and may get worse. A popular risk assessment instrument concludes (given the brief information) that this is a case of low risk for either neglect or abuse. In this scenario, we rule out impending danger but are able to see the risk of maltreatment although it is low. Our conclusion about the presence of risk of maltreatment in this scenario does not include a judgment about what kind of maltreatment might occur (whether abuse or neglect), how severe it might be, or when it will occur other than sometime in the future.

It may have occurred to you to ask, "Yes, but isn't it true that the former scenario which was much worse also can be concluded to be an example of risk of maltreatment?" That is true. In fact, while our analysis in the first scenario helped us to reach a determination that impending danger exists, we can also conclude that there is a risk of maltreatment. In all instances when a child is judged to be unsafe, there is a risk of maltreatment...actually a risk of severe maltreatment, but, when a child is judged to be at risk of maltreatment, he or she is not necessarily unsafe.

“High risk” is an interesting thing to understand. High risk refers to high likelihood that maltreatment will occur. In other words, the analysis of family conditions/risk factors produce a conclusion that the chances of maltreatment occurring are very good. “High risk” does not equate with severity per se because, remember, risk assessment is an estimation of something happening in the future, not necessarily the impact of that event.

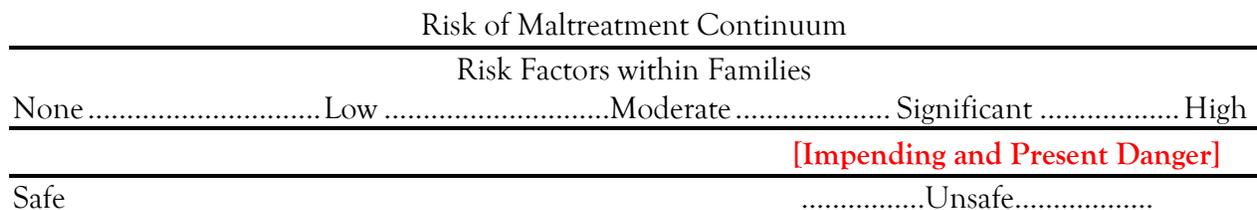
CPS receives a report on a family well-known to the agency because of several previous referrals and multi-generational involvement with CPS. The report concerns heat being turned off, deplorable living conditions, school absences, dirty/unkempt kids, and children playing outside without coats. All that is reported is true and is typical of previous reports. The family has always lived in substandard housing; has always lacked and misused resources; has had a pattern of “cleaning up their act” only to return to the same kinds of difficulties. The weather or the conditions of the home do not exist as a safety threat to the children. The children are all school age: four boys (seven-year-old twins, a nine-year-old, and a twelve-year-old). It is a fact that the children do not get regular medical and dental check ups, often miss school, and do not perform well in school. They appear dirty and ragged but generally healthy. The children and mom have a good relationship and appear to be very devoted to each other. The oldest two children are generally helpful to their mom in managing the home, the twins and life in general. The single mom works off and on in waitress and motel maid jobs and also receives welfare support from time to time. She is low average intelligence. She abuses alcohol off and on which also results in her losing jobs. She is lax in her supervision of the children but on record has never left them alone. She has a history of mental health problems. She has been the subject of several CPS referrals and was arrested 18 months ago for shoplifting. She is not agreeable or responsive to CPS; resists

following through with CPS expectations; and relapses in terms of decision making and life style.

Are these children in impending danger? If we apply the same risk assessment model as in the previous example, we find that with this limited information the case is a high risk for neglect. If we apply the impending definition and safety threshold criteria, we find that the children are not in a state of danger; there are not impending danger threats. Even if CPS and the mom are successful at resolving these current issues, the conclusion is that chances are quite good that another report will occur. We can agree that this situation seems unpleasant in terms of the quality of life and well-being of the children. We can agree that the mom's capacity, her history and poverty contribute to the misery index in this family. We can agree that this is a sad situation that will in all likelihood not be resolved by CPS. We can see the risk of maltreatment, but...we can agree that the children are **not** unsafe.

### Summary Comparison

Present danger, impending danger and risk of maltreatment are related but not the same. Risk factors and safety threats are family conditions or dynamics within a family that differ in quality, degree, presentation and timing.



We suggested before that all safety factors are risk factors, but not all risk factors are safety factors. The figure above illustrates that. Our experience is that high likelihood of risk of maltreatment is highly associated with threats to safety.

We believe this is so because high risk of maltreatment cases involve complicated, multi-problem situations typically including extreme personal and family issues. However, as one of our examples demonstrated, high risk of maltreatment cannot be concluded to be equal to or a way of determining a child is unsafe.

We are going to expand some on the summary chart we provided for you in the January 2003 article about differences between risk and safety.

### The Objective of these Concepts

<i>RISK</i>	<i>PRESENT DANGER</i>	<i>IMPENDING DANGER</i>
The objective for using the concept of risk is to treat the source of risk of maltreatment.	The objective for using the concept of present danger is to control present danger.	The objective of using the concept of impending danger is to control and manage impending danger.

### Comparing Concept Characteristics

<i>RISK</i>	<i>PRESENT DANGER</i>	<i>IMPENDING DANGER</i>
Assesses for potential for maltreatment within weeks to months.	Concludes potential for severe effects now.	Assess for potential for severe effects within days to a couple of weeks.
Concerned with maltreatment on a continuum from mild to severe.	Concerned with severe forms of dangerous family conditions and severe maltreatment only occurring now.	Concerned with severe forms of dangerous family conditions and severe maltreatment only likely to occur in the near future.
Considers family functioning.	Considers specific, observable, active dangerous behavior or situations.	Considers specific, observable, imminent dangerous behavior or situations.
Concerned with general child well-being.	Concerned with present danger.	Concerned with impending danger threats.
Decision making based on an unlimited time frame (any time in the future).	Decision making based on the present.	Decision making based on the near future (next several days).
A judgment about any mild, moderate and severe effects from future maltreatment.	A judgment about what is happening right now & the certainty of severe effects.	A judgment about the certainty of severe effects within limited time.

<b><i>RISK</i></b>	<b><i>PRESENT DANGER</i></b>	<b><i>IMPENDING DANGER</i></b>
All family situations and behaviors from onset progressing into seriously troubled.	Family situations and behaviors are out of control.	Family situations and behaviors are out of control; imminent; likely to have a severe effect; in the presence of a vulnerable child; are observable, specific, describable.
Evaluating family situations and behaviors that may need to be treated and changed.	Observing family situations and behaviors that are actively endangering the safety of the child.	Evaluating family situations and behaviors that must be managed and controlled.
Concerned with all aspects of family life relevant to understanding the likelihood of maltreatment.	Concerned with only family situations and behaviors that represent an immediate present danger.	Concerned with a limited number of safety threats only that represent an impending and continuing state of danger.
CPS response results in case – service plan.	CPS response results in a temporary protective action.	CPS response results in a continuing safety plan.

**To wrap up:**

- You assess present danger (usually during your initial visit with a family) in order to establish a protective action to allow you to complete a full assessment and gain a full understanding of a family. That is the CPS response.
- You assess impending danger (usually at the conclusion of the initial assessment/investigation when you more fully understand a family) in order to establish a continuing safety plan that manages specific threats to a child’s safety so that treatment intervention can proceed. That is the CPS response.
- You assess risk of maltreatment (usually at the conclusion of the initial assessment/investigation) in order to establish a basis for opening and treating a family during ongoing CPS. That is the CPS response.