

# DOWNLOAD PDF LIABILITY IN CHILD WELFARE AND PROTECTION WORK

## Chapter 1 : Child Protection

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Child Welfare Scholarship Program Child Welfare Scholarship Program The Child Welfare Scholarships are awarded to approximately ten incoming students who are interested in becoming child welfare specialists. The purpose of the program is to train committed specialists in child welfare. Some scholarships are targeted toward applicants who aged out of the foster care system and applicants wanting to work with urban and rural Native American children. Following graduation, child welfare specialists have worked as child welfare social workers, therapists working with maltreated children, program managers, community organizers, and policymakers. Assessment and Treatment fall and winter semesters Integrative Seminar: Application All potential MSW applicants who want to specialize in child welfare social work are invited to apply. Child Welfare Scholars must be enrolled in the month curriculum, select the Children and Youth in Families and Society practice area, complete nine credits hours of special child welfare courses, and complete a field placement in child welfare. Applicants may select any practice method concentration: December 1, early application , February 1, priority , March 1, Selection of applicants will be made from all dates with priority given to those applicants that meet the December and February deadlines. Deferred admits planning to enroll in fall must submit their special program application by November 2, Financial need will be considered in the review of special program applications. Your MSW application must be complete by the scholarship deadline. The application pages will be added to the end of your online MSW application. Be sure to include your name and "Child Welfare Scholars Statement" in the upper corner of your statement before you upload it to your online application. Note that it will be more likely to be offered the Child Welfare Scholarship if you select the Children and Youth practice area on your MSW application. Students are required to complete special courses in child welfare: Practice Seminar in Child Maltreatment: This methods course is intended to develop practice skills in child welfare, with special attention to child maltreatment. This course will prepare students to practice in the child welfare field by teaching them about the various contexts in which child welfare practice takes place and the skills and modalities that are used with children, youth, and families who are the focus of child welfare intervention. Ethical issues for social workers, in particular, the sometimes conflicting needs of children and families and legal system impact on child welfare practice, will be addressed, as the various methods are taught. The first term will focus on assessment and the second on treatment. This course will cover the following areas: In the realm of personal, professional, and societal responses, students will be sensitized to their personal reaction to child maltreatment. They will be apprised of professional expectations, such as mandatory reporting of child maltreatment, and students will be taught about the general structure of service delivery to child welfare clients, which constitutes the context within which they will provide services to clients. Client issues will include several concerns. First, students will become cognizant of different impacts and implications, depending upon who is defined as the client e. Second, students will learn to appreciate the impact of the involuntary nature of many social worker-client relationships in the child welfare system. How services are perceived by clients and how involuntariness affects choices in interventions will be examined. Third, students will be made aware of how differences between themselves and clients of child welfare services affect service delivery. These differences will include race, developmental status, economic status, education, gender, and physical well-being. The knowledge students will acquire about assessment will include evaluating children, adults, and families who are involved in the child welfare system. Students will learn how to evaluate overall functioning, conduct developmental assessments, and make a determination about the likelihood of child maltreatment and other endangering behaviors. They will learn different models of assessment and the role of medical examinations and psychological testing in the evaluation process. They

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will also become acquainted with widely used assessment practices in child welfare, such as screening, risk assessment, and structured decision making. Students will learn about different approaches, such as ego psychological, cognitive behavioral, trauma focused, and family systems theoretical frameworks and interventions. They will also learn about interventions, such as parenting instruction, parent aids, solution-focused therapy, intensive family preservation services, and wrap-around services as programmatic approaches with child welfare clients. Students will learn how to evaluate direct practice, for example, by using single subject design and standardized measures, such as the Child Behavior Checklist, the Child Sexual Behavior Inventory, the Trauma Symptom Checklist, and the Child Dissociation Scale. They will also become acquainted with outcome criteria employed in the child welfare system, for example, re-abuse of a child, re-referral to child protective services, and permanency. Finally, they will be given tools to critically evaluate programs, such as wrap-around services and parenting instruction. This course is taken first and second term in the MSW program. This integrative seminar will integrate micro and macro levels of practice; research in child welfare, as it relates to all levels of practice; the relationship of child maltreatment and other social problems; and perspectives from several disciplines, specifically social work, other mental health professions, law, and medicine, as these disciplines address problems of child maltreatment and child welfare. The substance of this seminar will highlight the impact of minority status and poverty on child welfare issues. The primary focus will be on child welfare issues in the United States, Canada, and Western European countries. This advanced level, integrative seminar is intended to be taken by students in their third or final term of masters level study. The purpose of this course is to integrate content related to child maltreatment and child welfare along several dimensions. First, a range of issues in child welfare from direct practice, community, agency, and policy perspectives will be examined. For example, 1 memory and trauma, 2 abuse allegations, divorce, and child custody, and 3 abuse of children in substitute care will be reviewed. Second, the course will explore and integrate research findings related to child welfare issues, services, and practice. Third, the relationship of child welfare and child maltreatment to other social problems, such as poverty, domestic abuse, child health, and parental substance abuse will be covered. Finally, students will be given an opportunity to explore issues in child welfare drawing upon substantive material from different disciplines. For example, this course will integrate certain medical diagnoses, such as Battered Child Syndrome, Munchausen Syndrome by Proxy, and Non-organic Failure to Thrive with related psychosocial assessments of and intervention with children and parents when these conditions are present. Likewise, legal issues will be addressed, such as legal liability, the use of the courts to effect safety for the child, termination of parental rights, testifying in court, and the option to criminally prosecute some types of maltreatment. Field Placements Scholars complete their internships in field placements that provide a significant focus on child welfare and offer opportunities for cutting edge practice in child welfare. The client system includes children and families involved in child welfare system broadly defined to include areas of social, economic and environmental justice that transcend the traditional boundaries established by existing federal and state programs and which affect the well-being of children, youth and their families.

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## Chapter 2 : Child Protection Investigation | Department of Children & Family Services | State of Louisiana

*Enter your mobile number or email address below and we'll send you a link to download the free Kindle App. Then you can start reading Kindle books on your smartphone, tablet, or computer - no Kindle device required.*

Finding a Program Social Work vs Child Welfare Work Social workers strive to help individuals overcome barriers to live healthy, happy, and productive lives. They may help low-income families apply for public assistance programs or help displaced workers find educational opportunities. Some social workers explore solutions to community-wide issues, such as obesity or poverty. A social work degree opens the door to general social work careers, but the field also offers a variety of specializations. Child welfare social workers help children and their families resolve conflict or intervene in issues of abuse or neglect. These social workers may also seek child welfare certification through the National Association of Social Workers. Individuals may work for government agencies, nonprofits, or families. Social Work Degrees Graduates holding a social work degree can work in a variety of fields, including human services, healthcare, criminal justice, and education. Many schools offer robust curriculum options that examine social work principles and ethics plus related fields of psychology or sociology. Internships provide hands-on experience in a practical setting. Individuals interested in clinical social work services such as diagnosing mental illness or providing one-on-one counseling must be licensed by their state. When evaluating educational programs, prospective students should seek social work degrees accredited by the Council on Social Work Education, which is a requirement for many jobs and state licensure. Many on-campus programs require students to attend school full time for two years to complete the curriculum and internships. This may extend the time it takes to graduate. Students may study general social work, conduct research, or complete specialized curriculum tracks. Wages can vary significantly depending on the region and employer. Students gain an understanding of the role of scientific research and inquiry in advancing professional social work practice. The course covers areas of quantitative and qualitative research, how to collect relevant data, and how to analyze that data. Human Behavior and the Social Environment: This course explores the social, biological, and psychological perspectives of human behavior and interaction. Students evaluate the role of the environment on individuals and communities, from the air or water quality to economic and cultural factors. Social Work and Law: Attorneys, correctional institutions, juvenile facilities, and judges often work with social workers in a collaborative effort to help clients overcome addiction, education, or socioeconomic barriers. Policy and Advocacy in Professional Social Work: Social workers must navigate complex systems and policies to serve their clients effectively. This course helps students understand how those systems interconnect and how they can use available resources to help clients overcome barriers. Applied Learning in Field Education: Field-based learning also helps students test drive specific specialties. Child Welfare and Social Welfare Degrees Child welfare social workers may assist families , protecting children and helping adults break destructive habits. As one of the specialized careers in social work, a child welfare social worker may need training beyond an undergraduate degree. Many universities offer concentrations or specialization within their undergraduate or graduate curriculum. Many also offer child welfare certificate programs online while several states offer their own training academies. Duties may include investigating allegations of child abuse or neglect, inspecting homes, and talking to children about any problems they may be experiencing. Those holding a child welfare social worker degree also develop plans to reunite families if children have been removed from a home. Other caseworkers connect families to physical or occupational therapy services and help coordinate complex care plans for children with serious illnesses or disabilities. This course focuses on evidence-based practices for assessment and treatment of child maltreatment and the relevant policies and laws governing child welfare and protection. Students learn about different intervention strategies for working with children, adolescents, and families. Interventions with Children and Youth: Students gain an introduction to standard techniques used to intervene with children and their families, including cognitive-behavioral

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therapy, social skills training, and parent management training, as well as adaptations for specific demographics. Foster Care and Permanency Planning: Assessment of Mental Health in Children and Adolescents: The signs and symptoms of mental health disorders in children may vary from those of adults. While the Diagnostic and Statistical Manual of Mental Disorders offers a guide for mental health assessment, it may not adequately address the unique disorders of children and adolescents. Behavioral Problems in Children and Youth: Children with behavioral health problems can strain family and support relationships. Children may struggle with severe anxiety or depression or engage in risky behavior such as drug use or high-risk sexual activity. Students study effective intervention programs that incorporate a collaborative effort among schools, families, and communities. Additional education provides opportunities to seek state licensure and offer clinical services to clients. Specialized social work curriculums prepare social workers to work with children and address their unique needs.

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## Chapter 3 : Foster Care Bill of Rights

*Child welfare workers and agencies are vulnerable to lawsuits. Recent court rulings have more clearly defined the liability of workers. The distinguishing variable is custody. Children injured while in the custody of the state are entitled to sue for damages. Children injured by their parent, even.*

Sad, joyous, shocking, and scary are just a few descriptors. There are not many jobs where you get to encounter uniquely different situations every day. These situations can bring out a wide array of emotions from joy to anger. To manage these situations and emotions, supervision is one of the most important tools we have. There is no one approach or perfect practice to strive for; each situation demands its own assessment and tactic. Just as no one worker is perfect, no one system is perfect. If you can live with all of this, you will discover that child protection is an awesome job. Each day is different, and each case calls for different skills. Day to day, I bring up difficult and bizarre subjects with people about their sex lives and sexual interests, childhood experiences, criminal pasts, thoughts about parenting, life goals, vacation plans, hobbies, romantic relationships, intelligence, religion, food preferences, and even their favorite movies and TV shows. I often start my day sitting at my desk, and through the course of the day I may end up being called to a school and then a police station. Next thing I know, I am sitting at a hospital at 8 p. There is no end to the possibilities and situations I might find myself in. One youth I worked with had me start my day sitting with her in court, waiting for her no-contact application to be heard, and then ended with me taking her shoe shopping and dropping her off at her placement. Another report called for me to take a child to the airport, which was three hours away, at 5 a. The wide scope of our job often brings out a wide array of emotions. At times, it is difficult to keep these emotions in check. I have lost my temper with a client. I have cried with and for a client. I have been sarcastic with a client. I have cared deeply about a client. I have laughed at and with a client. And I have been attracted to a client. Child protection can be so serious at times. Once, I had to drive a mother of an infant to a forensic medical appointment at a specialized hospital. During the car ride, she was anxious and nervous about her exam, and I had been talking to her about what to expect and trying to calm her. During a moment of silence, I sang a verse from the song on the radio under my breath. She started to sing it quietly, too. I turned the volume up, and we sang the song loudly together, laughing. It is sometimes difficult to remain level headed when you are involved in a complex and highly volatile situation. Parenting is a deeply personal thing, and most people have strong feelings and opinions about it. When the situation calls for it, separating a mother and father from their children can be the hardest part of the job. There are lots of emotions surrounding the removal of a child—relief, fear, and doubt about whether you are making the best decision are just a few. Sometimes, the only thing you can do is go home at night and reflect that you made the best decision with the information you had at the time. The wide array of emotions needs to be untangled. For me, an important part of child protection has always been supervision and debriefing. If you cannot discuss and examine details of a case at length with a supervisor who is smarter or more experienced than you, you will burn out. One way to process information is through talking and examining situations, and child protection is no exception to the process. I have often thought that child protection social workers should have partners, like police officers do—one person you can conduct meetings and investigations with, one person to bounce ideas off of, and two assessments of each situation. This also allows for comradery and the feeling that someone else has shared your experience, traumatic or happy. There is a comfort in that. Regular supervision provides the ability to talk about and look at your experiences from different perspectives. A good supervisor allows you to talk about your personal feelings about a situation and reflect on what could be done differently. The more years I work in child protection, the more I realize it is more important to have a good supervisor you respect and trust than to have a higher paying prestigious position. There is no one theory or approach that works in each situation. Each person and situation is different, and the best we can do is to be flexible and meet the clients where they are. Seek advice from experienced workers if you are having trouble, and be able to acknowledge when what

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you are doing is not working. These are my experiences, and I am writing as an average child protection social worker. I am not advocating a particular approach to practice, and I am not advocating you practice as I do. My practice is not always spot on, and no one is perfect. Child protection is a difficult job for many reasons. I used to wonder why my year-old self would choose this as a career path. Why would I purposely subject myself to people who are in constant emotional pain, and to children who are physically hurt or killed by the people who are supposed to love and protect them? But it is the best we have from intake to investigation to court. She worked in child protection for six years in Northern rural communities. In , she graduated with her MSW degree and moved to Australia to practice child protection. Cathy has moved back to British Columbia and resumed her work in child protection.

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## Chapter 4 : Domestic Violence and Worker Safety - Child Welfare Information Gateway

*liability in all areas of child welfare work, may be obtained from the American Bar Association's National Legal Resource Center on Child Advocacy and Protection, M Street, NW, Washington.*

We shall examine the torts of misfeasance, breach of statutory duty and negligence. A tort is a wrongful act or infringement of your rights that means you may be entitled to compensation for any harm caused by the wrongful act. The case law reveals two different forms of liability for misfeasance in public office. First there is the case of targeted malice by a public officer, i. This type of case involves bad faith in the sense of the exercise of public power for an improper or ulterior motive. The second form is where a public officer acts knowing that he has no power to do the act complained of and that the act will probably injure the plaintiff. It involves bad faith inasmuch as the public officer does not have an honest belief that his act is lawful. A more realistic route is likely to be a claim under the Human Rights Act as some judges have commented that by bringing the Human Rights Act into force, Parliament intended that the infringement of rights protected by that Act should be remedied under the Act, and not by any other parallel remedies. In this case the LA thought wrongly, but genuinely, that they had lawful authority to remove children pursuant to section 20 of the Children Act Thus misfeasance could not be established. Breach of Statutory Duty A person may have an action in tort for damage they have suffered as a result of a breach of a statutory duty. The claimant must show: The distinction between breach of statutory duty and negligence see below is often blurred. The tort of negligence. It means a failure to exercise the kind of care that could reasonably be expected in all the circumstances; it is about acting carelessly, not maliciously. Putting it the other way round, a man is not negligent, if he is acting in accordance with such a practice, merely because there is a body of opinion who would take a contrary view. In order to succeed in getting compensation because of a negligent act you will need to show: This is a complex area of law and you will probably need specialist advice. A duty of care may arise in the following circumstances, which overlap to some degree: At the moment, the law does not allow the existence of a duty of care towards parents who are under investigation. When is a duty of care owed to parents by a local authority? No duty of care: Parents who are subject to investigation or assessment by social workers or health professionals would at first glance appear to merit a duty of care, given the obvious harmful consequences of a botched investigation. However, the current legal position is that parents are NOT owed a duty of care from child protection professionals when they carry out their statutory duties to investigate and assess children. The case involved a number of appeals against decisions of the lower courts not to allow actions in negligence to proceed. Each case involved a child with a medical condition that was misdiagnosed and this misdiagnosis was assumed to be due to the failure by the the doctor or social worker to exercise the standard of skill and professional care that could reasonably be expected from such professionals. The parents suffered psychiatric harm by being wrongly accused of harming their children, and in some cases losing the care of their children whilst an investigation was carried out. See *CN v Poole BC* But the majority of the Judges agreed that there was no duty of care to parents if a professional got it wrong about whether or not a child had been harmed. Why there should be no duty of care; arguments of public policy. It is a very important principle in law is that wrongs should be remedied. We should only depart from this principle if there are powerful arguments in favour of doing so. The child protection system is set up by statute to protect children from harm done to them by others. This gives professionals powers which they would not have without the authority of the statutes and the accompanying guidance. To expand on that general principle: The child protection system involves lots of people from a variety of different roles, such as police, social workers, doctors and teachers who are obliged to work together and share information. At all stages the system involves joint discussions and joint decisions. Therefore it could be very difficult to identify precisely who was responsible for making the wrong decisions. It can be very difficult to make decisions about children at risk and a lot of factors have to be taken into account. If child protection professionals were at risk of being sued

for damages it might mean that they would adopt a more cautious and defensive approach and would delay making necessary decisions and put children at risk. The relationship between the parents and the professionals can often be very difficult and one of conflict which could lead to vexatious and costly litigation. There are other remedies for the parent, such as following statutory complaint procedures or seeking damages for breach of their rights under the European Convention. Imposing a duty of care in these circumstances would be a big change for the law and therefore requires Parliament to intervene and draft the new law, rather than the Judges deciding it. However, it is interesting to note that one of the Law Lords, Lord Bingham did not agree with the majority decision in the East Berkshire case. He pointed out at para 3: But the law in this area has evolved very markedly over the last decade. What appeared to be hard-edged rules precluding the possibility of any claim by parent or child have been eroded or restricted. The court held that the children had no remedy in English law. This is because the parents were not complaining that there had been an investigation in the first place, but rather that the investigation had not been properly carried out and there had been a negligent failure to properly test the evidence. Therefore, there is arguably no conflict between parents and professionals – every one should agree that investigations should be carried out properly, regardless of the identity of the perpetrator. However, the courts can probably go no further without some intervention from the government to explicitly change the existing law. Parents who are not part of the investigation. The courts have been prepared to find a duty of care existed between local authorities and parents when the parents complained that they had suffered harm due to a failure to protect their children or given the parents relevant information about their children. In this case, the mother of two children sought damages for psychiatric injury she suffered due to the negligence of the LA to properly investigate the sexual abuse of her children by another child. The LA wanted to strike out her cause of action. Duty of care owed to children. The claim in *W v Essex County Council* [2002] 2 AC was made not only by children or those who had been children when they suffered abuse but also by parents. The parents had fostered a child on an assurance that he was not a known sexual abuser when, to the knowledge of the local authority, he was, and during his placement with the parents he sexually abused their children. In each case the plaintiff complained of allegedly negligent decisions concerning his or her education made by the defendant local authorities. It was held to be clear in principle that a teacher or educational psychologist could in principle owe a duty of care to a child as well as an employing authority: Valid claims in negligence were not to be excluded because claims which were without foundation or exaggerated might be made: There was no reason to exclude the claims on grounds of public policy alone: In the case of *Kirsty X v Oldham Metropolitan BC* [2002] 1 AC, a former care leaver brought an action against the LA for failing to remove her earlier from her parents and failing to provide her with effective therapy. The Judge commented at paras 43 and 44: Dr Dale acknowledged in cross-examination that an unsuccessful attempt to remove a child through court proceedings can often end cooperation with the parents. Professor Payne also referred to the difficulty of getting parents to cooperate in the absence of an order. After the assault, the records show that the parents were cooperating and there were some positive signs. Failed court proceedings at that stage risked undoing that. Accordingly any proper assessment of risk would not have been all one way. Those best placed to judge the risks were those on the ground working with the family at the time. There would be a range of reasonable responses from social workers acting in such circumstances. I accept that some would have sought removal at an earlier stage. However, having weighed all the evidence, I cannot say that the decision not to seek removal before September fell outside the ambit of decisions open to responsible social workers. Professor Payne and Dr Dale have very different views as to the appropriate response in November. The fact that the Defendant adopted one rather than the other does not lead to a finding that it acted negligently. The current position appears to be that local authorities CAN be vicariously liable for the damage caused by abusive acts carried out by their foster carers, but the discussion of the case law that follows shows clearly that this is certainly not a simple or easily identifiable issue and the Supreme Court remains split on the best way to handle it. You will certainly need specialist legal advice if you are considering legal action in this field. Lord Philips identified as the relevant issue whether the relationship between the

local authority and the foster parents was sufficiently akin to an employment relationship to be capable of giving rise to vicarious liability. The employer will be vicariously liable when the employee commits a tort in the course of his employment. There is no difficulty in identifying a number of policy reasons that usually make it fair, just and reasonable to impose vicarious liability on the employer when these criteria are satisfied: The Court of Appeal cited approvingly an earlier Canadian authority: Foster families serve a public goal "the goal of giving children the experience of a family, so that they may develop into confident and responsible members of society. However, they discharge this public goal in a highly independent manner, free from close government control. Foster parents provide care in their own homes. They have complete control over the organization and management of their household; they alone are responsible for running their home. The government does not supervise or interfere, except to ensure that the child and the foster parents meet regularly with their social workers, and to remove the child if his or her needs are not met. First, the duty arises because there is already a relationship between the defendant and the claimant. Secondly, the duty is a positive one to protect a particular class of persons against a particular class of risks Thirdly, the duty is by virtue of that relationship personal to the defendant para 7. As a child, the claimant was abused physically and sexually by two different sets of foster parents. The court did not find that the local authority were negligent in the selection or supervision of the foster parents. The Supreme Court examined both the issues of vicarious liability and the non-delegable duty of care. With regard to the issue of non-delegable duty of care, the judge found it would not be fair or reasonable to impose a duty on the local authority: Funds used to compensate the victims of historical abuse would not be available to meet current needs. There would also be a significant financial impact on local authorities in terms of recruitment practices, training requirements and supervision, all of which might become more intensive. Financial compensation was in any event an unsatisfactory form of recompense for abuse. That was a benefit to the children in foster care and was necessary in order to give them the experience of family life which was the purpose of fostering. The Court of Appeal agreed with the judge at first instance, but gave a variety of reasons why. The Supreme Court looked at the issue of non delegable duty and considered at para The critical question is whether the function of providing the child with day-to-day care, in the course of which the abuse occurred, was one which the local authority were themselves under a duty to perform with care for the safety of the child, or was one which they were merely bound to arrange to have performed, subject to a duty to take care in making and supervising those arrangements. But when considering the issue of vicarious liability, the Supreme Court held that the local authority were so liable for the abuse carried out by the foster carers.

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## Chapter 5 : Negligence and misfeasance | Child Protection Resource

*Child protection will give you a breadth of knowledge that will stand you in good stead if you want to branch out to a different area of social work. Experienced child protection workers are.*

Parental responsibility PR was introduced by section 2 of the Children Act. It replaced the concept of parental rights in section 4 of the Family Law Act. It is defined at section 3(1) of the Children Act as: The court described PR in this way in the case of *Re D* [1]: That the status relates to welfare not the mere existence of paternity or parenthood is clear from the decision in *Smallwood v UK*. Whether or not a parent has parental responsibility is not simply a matter that achieves the ticking of a box on a form. It is a significant matter of status as between parent and child and, just as important, as between each of the parents. PR in practice Generally, if you are a parent with PR you should expect to be consulted by the other parent about major matters such as education and health issues. The following are examples of situations where you need to inform and consult the other parent before making a decision. Day to day decisions about what time the child gets up, what he has for breakfast etc are not usually issues that you have to consult with the other parent about. Taking children abroad You can only take your child out of England and Wales without the consent of anyone else who has PR for 28 days IF you have a child arrangements order previously called a residence order. Many countries will now require that you travel with a letter from the other parent, confirming that they consent to their child travelling. See this article for further discussion. If you have a Special Guardianship Order SGO you can take the child out of the jurisdiction for up to 3 months without consent. Different treatment of mothers and fathers Men and women are treated differently when it comes to PR. Mothers and married fathers have PR automatically. An unmarried father has parental responsibility for his child by: An unmarried father can only lose parental responsibility by an order of the court to that effect. See section 4(1). It has become more common for parental responsibility to be considered by a court before other substantive welfare decisions are made because it is an important status which is an incident of the family and private lives of the adults and child concerned and which is reflected in the way in which parents should exercise their responsibilities for their child. It should be rare for a father not to be afforded this status. What do the courts consider if a father is arguing for parental responsibility? The paramountcy test is overarching and no one factor that the court might consider in a welfare analysis has any hypothetical priority. The factors that are often considered are the degree of commitment which the father has shown to the child, the degree of attachment which exists between the father and the child and the reasons of the father for applying for the order. Neither mothers nor married fathers can have their parental responsibility removed, unless an adoption order is made. Unmarried fathers can have their PR removed if the court finds this is in the best interests of the child. Consequences for PR of different orders A care order The key distinction between care and supervision orders is found under section 33(3) of the Children Act. Only a care order can give the LA parental responsibility and the power to decide how any one else can exercise their parental responsibility. For further information about the impact of care and supervision orders, see this post. See 14C of the Children Act. For more information on SGOs, see this post. An adoption order This will sever all legal ties between the child and the birth family and the parents will no longer have PR. Parental Responsibility – how is it gained and lost? England and Wales – House of Commons briefing, it considers the meaning of parental responsibility, and the fact that it is not a constant right, but diminishes as the child gets older and so can reach a sufficient understanding and intelligence of the consequences of decisions relating to them. How parental responsibility can be acquired and lost can depend on the person concerned and certain court orders. There can be restrictions on how parental responsibility is exercised, including the gaining of court orders in order to settle or prohibit a particular action by someone with parental responsibility.

## Chapter 6 : Child protection - Wikipedia

*Child Protection. The Center for States provides services to assist agencies with improving the front end of the child welfare system. Strategies within this focus area include the development and distribution of tools and guides to increase knowledge and awareness of best practices, peer network development and support for best practice exchange, and learning experiences for knowledge.*

The information in this section is, in part, informed from the website of the Department of Children and Youth Affairs. What is the legal definition of a child in Ireland? There are four recognised forms of child abuse: National Guidance for the Protection and Welfare of Children Who deals with child protection concerns? If you are a member of the public and you have any concerns about the welfare of a child you should contact the Child and Family Agency Child Protection Social Work Services. If you work or are a volunteer in an organisation that has a child protection policy, you should in the first instance follow this. For more information on your role and responsibility in identifying and responding to child protection and welfare concerns please see [http:](http://) However you can always contact your local Social Work Department. Who deals with child protection concerns in a school? The name of the DLP should be displayed in a prominent position near the main entrance to the school. If you wish to report a child protection concern you should speak to the DLP in your school and that person will be responsible for making the report. In such cases, the Chairperson or CEO as appropriate shall assume the role normally undertaken by the DLP and shall follow the procedures set out in section 4. Yes, you can report a child protection concern about a school directly to the Child and Family Agency Child Protection Social Work Services by contacting your local social work office. TUSLA will tell you how best to proceed. It may then contact the school or ask you to contact the school or others. What is in place to assist schools and the department in dealing with child protection concerns? National Guidance for the Protection and Welfare of Children promotes the protection of children from abuse. The Department of Education and Skills is responsible for developing and implementing child protection procedures for schools based on the Children First: The Department inspects and evaluates the implementation by schools of these procedures. When conducting a Whole School Evaluation , Department inspectors seek evidence to confirm that a school is complying with the requirements of the Child Protection Procedures for Primary and Post-Primary Schools Any deficiency is considered by the Department as serious and school management will be advised that the issues identified should be addressed without delay. Where a subsequent recommendation is made in a publishable report, the inspector will inform school management that the Department expects the board to use the school response form to confirm that the issues have been addressed. The Department has procedures for its own staff to provide them with direction on what to do, if a child protection concern is brought to their attention. A concern about a potential risk to children posed by a specific person where reasonable grounds for the concern exist, even if the children are unidentifiable, should also be communicated to TUSLA. Should I ask the Department of Education and Skills for advice on what to do? The Department cannot advise you on any child protection concern and the Department cannot assure you of confidentiality if you bring a child protection concern to the attention of its staff. The Department has no role in assessing or investigating child protection concerns and cannot establish if there are any reasonable grounds to formally refer them to TUSLA. Can I report a child protection concern to the Department? We must pass them on even if you ask to speak with us in confidence. The Department will pass on your concern without judgment. You can contact the Department by Email: Neither the school nor the Department can assure confidentiality to people who report a child protection concern to them. Not giving your name does not change what the Department or schools do with your concern. However by not giving your name, or not wanting your name associated with the concern, an examination and investigation of the concern may be restricted or inhibited. What if I feel a child is in immediate danger? I was abused when I was a child, who do I contact? The HSE National Counselling Service is in place to listen to, value and understand those who have been

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abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country. The service can be accessed either through healthcare professionals or by way of self-referral Freephone. What should I do if I am concerned about a child and I am not sure if I should make a report? This consultation is an opportunity to discuss the query in general and to decide together whether a formal referral is warranted. The consulting party should state that they are not at this point making a referral and therefore they do not need to give identifying information until the point that they are advised by the social worker that a referral is warranted. Can I get into trouble for reporting a child protection concern, if it is subsequently found to be false? No, so long as you report reasonably and in good faith. In summary this means that even if a reported child protection concern proves unfounded the person who reported the concern cannot be prosecuted if the accusation was made in good faith. However, a person who makes a false report of child abuse, knowing that statement to be false, is guilty of an offence and may be prosecuted. The Children First Act provides for a number of key child protection measures that are relevant to schools and registered teachers including: National Guidance for the Protection and Welfare of Children. National Guidance for the Protection and Welfare of Children published on 2 October also became operational on 11 December. The Children First National Guidance sets out the above statutory obligations under the Act and also the best practice non-statutory obligations which will continue to apply to all schools. It is important to note that the fact that a member of school personnel has dealt with a child protection concern in accordance with the Child Protection Procedures for Primary and Post-Primary Schools does not absolve that person of their legal obligation to disclose information to the Gardai under this Act where that person has information that falls within the ambit of the Act. It should also be noted that where a member of school personnel has disclosed information to An Garda Síochána and the information relates to a matter that would also fall to be dealt with under the Child Protection Procedures for Primary and Post-Primary Schools, that member of school personnel must also deal with the matter in accordance with the relevant provisions of the Child Protection Procedures for Primary and Post-Primary Schools. The Vetting Act has put in place statutory requirements for the Garda vetting of persons involved in working with children or vulnerable persons, including those working in schools. The Vetting Act applies to recognised schools and centres of education that employ, contract, permit or place persons in relevant work or activities with children or vulnerable persons. The Act caters for two main overarching aims: Further information in relation to the role of the Teaching Council can be found on the Teaching Council website [www](http://www.teachingcouncil.ie).

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## Chapter 7 : Social Work vs Child Welfare Work | What's the Difference?

*A Child Protection Social Worker is responsible for a number of different types of services designed to help families and children through various hardships and difficulties. Most often employed by state governments, a social worker specializing in children's protection must be prepared to face a number of circumstances and situations.*

This may not be in quite the way you thought when you came into the post, but nevertheless you will. Alamy You will not be bored No two days will ever be the same. The variety of children, families, complex problem-solving, situations and locations will keep your brain moving at a pace. You will be in a process of continuous learning for as long as you stay in the job. What you will learn about yourself The physical and emotional demands placed on you will highlight levels of personal resilience and skill that you never knew you had, or were capable of. You will develop a high level of emotional intelligence, and perceptive skills that you never thought possible. How does child protection work affect social workers? Read more Team spirit Daily life in busy child protection teams builds relationships with colleagues that will see you through the challenging times, and bring you together in a way that no ordinary office life can. Remember, you will encounter cases that change the way you practise, and might even alter your whole outlook on life. Working in this environment will build relationships that stay with you through your social work career. Treat that with respect, keep those key values close to you and you will always feel honoured to be in such a position. Feel proud You work for the local authority, on the frontline, at the heart of making a difference and achieving change. That is something to feel proud of, there are many who would not tread that path, and for those who do, be proud of what you do and where you work. Career opportunities There are lots of career opportunities, whether you want to be a social worker or move to management. Child protection will give you a breadth of knowledge that will stand you in good stead if you want to branch out to a different area of social work. Experienced child protection workers are always in high demand. Enhanced critical thinking abilities What other profession requires you hold, juggle and analyse such a huge amount of complex information, and make sense of it? The complexity can be astounding, but it will be a personal challenge to get through it. And when you do, it will be worth it. Remember to be aware of cognitive bias, from yourself and other professionals; it will be one of your biggest challenges on this road. Child protection is tough, but some moments make it all worthwhile Read more The profession needs you Do not think of this as a short-term career: The profession needs experienced workers, and children need experienced workers. It can be fun It will make you laugh, but not all the time. You will make a difference And most importantly, you will make a difference. They may be enormous, life-changing events such as adoption, that you have been instrumental in progressing. They will mostly be small shifts or changes that you never thought possible. The parent who has started to take her child to nursery, the mother who came to one last contact, the family that came to court without tracksuits on on your advice. They are all small things that make a difference to outcomes, and if you decide to stay in this role, make sure you allow yourself mental space to consider the outcomes you achieve. It will preserve your sense of self-efficacy and spur you on. The learning and development hub is funded by Skills for Care. All content is editorially independent except for pieces labelled advertisement feature. Find out more here.

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## Chapter 8 : Child Protection - Department of Education and Skills

*Parental responsibility is an issue concerned with the upbringing of a child and therefore under section 1(1)(b) CA the child's welfare will be the court's paramount consideration.*

If such contact or visitation is inappropriate, the child has the right to be notified of the reason for that decision. To receive a copy of this act and have it fully explained to them when they are placed in the custody of the department. To enjoy individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state. To have their privacy protected, have their personal belongings secure and transported with them, and, unless otherwise ordered by the court, have uncensored communication, including receiving and sending unopened communications and having access to a telephone. To have personnel providing services who are sufficiently qualified and experienced to assess the risk children face prior to removal from their homes and to meet the needs of the children once they are in the custody of the department. To remain in the custody of their parents or legal custodians unless and until there has been a determination by a qualified person exercising competent professional judgment that removal is necessary to protect their physical, mental, or emotional health or safety. To have a full risk, health, educational, medical and psychological screening and, if needed, assessment and testing upon adjudication into foster care; and to have their photograph and fingerprints included in their case management file. To be referred to and receive services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identification of the need for such services by the screening and assessment process. To be placed in a home with no more than one other child, unless they are part of a sibling group. To be placed away from other children known to pose a threat of harm to them, either because of their own risk factors or those of the other child. To be the subject of a plan developed by the counselor and the shelter or foster caregiver to deal with identified behaviors that may present a risk to the child or others. To be involved and incorporated, where appropriate, in the development of the case plan, to have a case plan which will address their specific needs, and to object to any of the provisions of the case plan. To receive meaningful case management and planning that will quickly return the child to his or her family or move the child on to other forms of permanency. To receive regular communication with a caseworker, at least once a month, which shall include meeting with the child alone and conferring with the shelter or foster caregiver. To enjoy regular visitation, at least once a week, with their siblings unless the court orders otherwise. To enjoy regular visitation with their parents, at least once a month, unless the court orders otherwise. To receive a free and appropriate education; minimal disruption to their education and retention in their home school, if appropriate; referral to the child study team; all special educational services, including, where appropriate, the appointment of a parent surrogate; the sharing of all necessary information between the school board and the department, including information on attendance and educational progress. To be able to raise grievances with the department over the care they are receiving from their caregivers, caseworkers, or other service providers. To be heard by the court, if appropriate, at all review hearings. To have a guardian ad litem appointed to represent, within reason, their best interests and, where appropriate, an attorney ad litem appointed to represent their legal interests; the guardian ad litem and attorney ad litem shall have immediate and unlimited access to the children they represent. To have all their records available for review by their guardian ad litem and attorney ad litem if they deem such review necessary. To organize as a group for purposes of ensuring that they receive them services and living conditions to which they are entitled and to provide support for one another while in the custody of the department. To be afforded prompt access to all available state and federal programs, including, but not limited to: Hawaii a The department or an authorized agency, as resource family or permanent custodian, shall abide by the following guiding principles and ensure that a child in foster care: These rights are intended to guide the Department and its providers in the delivery of care and services to foster youth with the commitment to permanency, safety and well being. Shall have family and relatives

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explored first as potential placement providers. Shall have reasonable access to a caseworker who makes case plan decisions. Shall participate in the development and review of the service plan and have input into changes to the plan that affect permanence, safety, stability or well being. Youth age 14 and older should also be presented with the service plan for their review and signature. Shall be included in the Foster Care Review meeting, Permanency Hearing and Lead Agency Team meeting if age 14 and older, unless documented by court order or service plan that participation would be detrimental to the youth. Shall be provided with information about a foster family or program and, whenever possible, Shall have an opportunity to meet the foster parent or program staff before placement occurs. Shall have involvement as appropriate with family members and should participate in the development of visitation plans. Shall have access to medical, dental, vision, mental and behavioral health services regularly and more often as needed. Shall have access to information contained in medical, dental, and educational records held by DCF as well as personal documents such as social security card, birth certificate, green card, etc. When youth leave DCF, they Shall be given copies of medical, dental and educational records held by DCF and original social security card, birth certificate, and green card. Shall have the opportunity to have private conversations with social worker on a regular basis. Foster youth should also be made aware of the process for contacting the supervisor and attorney regarding any questions or concerns. Shall be informed of the names and phone numbers of assigned attorneys and be aware that they can contact their attorneys and that there is a process to request a change of attorneys. Shall have access to personal possessions, personal space and privacy with allowance for safety. Shall receive assistance in acquiring life skills, education, training and career guidance to accomplish personal goals and prepare for the future and be informed of the post-secondary educational and employment supports available to youth in care through the Department. Shall be informed that DCF provides clothing, birthday and holiday payments to foster parents and placement providers for youth in placement. Establishes that each child-placing agency shall promote educational stability for foster children when making placement decisions by considering their current school attendance area. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement. Establishes certain rights of children who are placed in foster homes. The law standardizes rights for children in foster care among foster care and treatment providers. It ensures consistency of care for children among the various types of care provided. It brings issues related to the Bill of Rights for Children in Foster Care into one place in the statute to allow more effective communication among families. The law also sets a standard so that all foster children are afforded the same basic rights. Requires a provider of family foster care that places a child in a foster home to inform the child of his or her rights and to provide the child with a written copy of those rights. The law requires each group foster home that provides care to more than six children to post a written copy of these rights in the group foster home. Authorizes a child placed in foster care who believes that his or her rights as set forth in this law have been violated to raise and redress a grievance with any of a number of people or institutions responsible for the child. To placement outside his home only after the applicable department has made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home; 2. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child with a relative; 3. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child in an appropriate setting in his own community; 4. To be free from physical or psychological abuse and from repeated changes in placement before the permanent placement or return home of the child; 9. To receive adequate, safe and appropriate food, clothing and housing; To receive adequate and appropriate medical care; and To be free from unwarranted physical restraint and isolation. When a child requires care outside the family unit, it is the duty of the State to assure that the quality of substitute care is as close as possible to the care and nurturing that society expects of a family. To that end, the General Assembly promotes the following in the provision of foster care: It defines corporal punishment as a form of physical discipline in which an individual is spanked,

paddled or hit on any part of the body with a hand or instrument. It also provides for a grievance policy and procedure and provides that a copy of the grievance policy and procedure shall be given to the child. Children in foster care. Children in foster care shall be provided with the following: In the absence of relatives, to have any kinship resource be considered as the preferred placement resource if the placement is consistent with the best interest of the child and the needs of other children in the kinship residence. Puerto Rico PR Sess. No child in DCYF care shall be deprived of any personal property of civil rights without due process. Each child shall receive humane and dignified treatment with full respect for his or her personal dignity and right to privacy. Regarding children in secure facilities, DCYF shall specify when restraint and seclusion may be used, and when and how communication by mail or phone may be restricted. Each child in a secure facility may receive visitors, including his or her attorney, Guardian ad litem, special advocate, Child Advocate, physicians, mental health professionals, and members of the clergy. A child is entitled to a free and appropriate education immediately upon being placed. Child victims as witnesses are afforded statutory protections. A child cannot be denied drug treatment solely because of DCYF placement. A school district must not place additional enrollment requirements on a child based solely on the fact that the child is in foster care. B Each school district shall: D Educational and school placement decisions for children in foster care must be made to ensure that each child immediately is placed in the least restrictive educational program and has access to all academic resources, services, and extracurricular and enrichment activities that are available to all students. E Each school district shall accept for credit full or partial course work satisfactorily completed by a child in foster care while attending a public school, nonpublic school, or nonsectarian school in accordance with state and district policies or regulations. G Each school district shall ensure that if a child in foster care is absent from school due to a certified court appearance or related court-ordered activity including, but not limited to, court-ordered treatment services, these absences must be counted as excused absences upon submission of appropriate documentation. If these absences exceed the limit provided for by law, the school administrator shall allow the child an opportunity to make up all assignments and required seat time. H Each school district, subject to federal law, may permit an authorized representative of the Department of Social Services to have access to the school records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child. Laws, HB , Chap. It further requires the department to promote participation of foster children and former foster children in educating other foster children about the Bill of Rights and in developing and implementing a policy for receiving and handling reports that the rights of a foster child are not being observed. Requires the Department of Family and Protective Services to ensure that each child in foster care who is age 16 or older annually obtains a free copy of his or her credit report and information regarding interpreting the report and correcting inaccuracies, until the child is discharged from foster care.

## Chapter 9 : Parental Responsibility | Child Protection Resource

*Child protective services (CPS) casework practice can encompass a variety of interventions. Effective casework practice allows child protection staff to work together with families to identify strengths, needs, goals, and desired outcomes.*

Licensing Act Children and Young Persons Act It is illegal to sell, serve or offer alcoholic drinks to anyone under the age of 18. It is illegal to sell or offer liqueur confectionery to anyone under the age of 16. It is illegal to serve beer, wine or cider on licensed premises to anyone under the age of 16; and year-olds may be served if an adult orders with a meal not needed in Scotland. It is illegal to give alcohol to children under the age of 5 years on private premises. It is illegal to permit anyone under the age of 16 to smoke in England and Wales. Gambling Act National Lottery Regulations It is illegal to permit anyone under the age of 18 to enter a casino or licensed gambling premises, and to permit them to gamble. It is illegal to sell scratch cards or lottery tickets to anyone under the age of 16. Children can work a maximum 40 hours per week, if they have reached the minimum school leaving age. To work full-time one must be at least 16 years of age. Some hazardous or high risk work requires a person to be 18 or over, working as a police officer or a firefighter for example and in some cases 21 and over working as a driving instructor or large HGV driver for example Fireworks Pyrotechnic Articles Safety Regulations Fireworks Regulations It is illegal to sell or possess adult fireworks category 2 and 3 under the age of 18. It is illegal to sell or possess fireworks category 1 under the age of 16. It is illegal to sell or possess "Christmas crackers" under the age of 16. Video games and films Video Recordings Acts of 1989 and 2000 It is illegal to sell, rent or permit to see a movie to anyone under the approved age restriction. Films, as of the age ratings currently include, U Universal, recommended for all ages PG Parental Guidance, recommended for all ages, although some content may be unsuitable for younger children, typically under the age of 8 12 and over only suitable for persons 12 and over 12A only suitable for persons 12 and over, although a person under 12 may view a 12A in a cinema if accompanied by a person 18 or over. This is a special rating used only for the sale and viewing of pornography in licensed sex shops. It is illegal to sell or rent films to anyone under the approved age restriction. U and PG ratings are unrestricted Video games, as of the age ratings currently include, PEGI 3 only suitable for persons aged 3 or over PEGI 7 only suitable for persons aged 7 or over PEGI 12 only suitable for persons aged 12 or over PEGI 16 only suitable for persons aged 16 or over PEGI 18 only suitable for persons aged 18 or over It is illegal to sell or rent video games to anyone under the approved age restriction. Cruelty to persons under sixteen Children and Young Persons Act 1933 It is illegal to anyone 16 or over who has responsibility for any child or young person under that age to: Causing or allowing persons under sixteen to be used for begging Children and Young Persons Act 1933 It is illegal to let anyone beg in public places under the age of 16. However, it is illegal for someone to have sex with anyone under the age of 16, or under the age of 18 for those in a position of trust. A person in a position or trust includes a person such as a teacher, doctor, etc. The act followed *Donoghue v Stevenson* [1932] UKHL to reflect the new law of negligence and demolition of the privity barrier in the law of contract. The new law recognised that the product manufacturer may be many parties removed from the ultimate product consumer and that the product may contain potentially hazardous but un-examinable content. This may be either through ingredient or packaging. Food intolerances are a simple example. The purchaser will be unaware of potentiality allergic content unless clearly advised by the producer. A parent procures for a child who is, potentially, the most vulnerable consumer. The approach is no different to employment health and safety, but for the consumer rather than the employee. It is the "manner" of acting that is important: Safeguarding the welfare of the child[edit ] Child safeguarding follows directly from these principles. The list is both endless and, to the most part, obvious common sense. Failure by the responsible person is an offence of child cruelty on the grounds of failing to protect the child in circumstances consistent with the provision of safe and effective care. Just as in employment health and safety, the powers of parenthood can be delegated but not the duties. Parents should make arrangements for suitable and properly informed others to have responsibility for their children see also

s. Health and medical treatment may involve some form of physical contact in which case lack of proper consent is a potential battery, or even assault, of the person. The procurer must be placed in a position to assess any potential risk to the child in the reliable use of the product. Welfare, risk assessment and the calculus of negligence[ edit ] Just as in all of life, the likely benefits of a procured product come with possible non-beneficial qualities. Procurement is a careful activity attempting to achieve the best value for money. The benefits of the product must be satisfactorily delivered as specified for performance in the law of contract. Just as in food intolerances and consent to examination and treatment, the procurer must be made aware of any potential hazards in their circumstances of a product that performs reliably. The calculus of negligence is a legal approach, in the spirit of procurement efficiency, that attempts to strike that balance on economic grounds. This is most easily understood in terms of insurance liability. Should a car driver have a duty of care towards unlit cyclists at night or should the cyclist have a duty of care to properly illuminate his bicycle at night? The costs of bicycle illumination are considerably less than the cost of driving with a duty of care to unlit cyclists. Failure to do so is, again, an offence of child cruelty under s. The best interests of the child[ edit ] Decision making[ edit ] Decisions made on all the necessary products: A child is a person, not an object of concern who simply lacks the capacity to give consent on her own behalf until Gillick Competent to do so. Failure of the responsible person to do so is an offence on the grounds of emotional neglect see, Part 2 B, 24, sentencing guidance, Overarching Principles: The welfare checklist[ edit ] Working Together to Safeguard Children extends mental capacity to parental capacity for a person with parental responsibility and the best interests consideration under s. Just as in employment health and safety, these are the risks of the present care environment. Decision making and legal disability[ edit ] There is both a business and social imperative to give all the opportunity for safely and satisfactorily consuming the offerings of producers. Some, may not have the capacity to be capable of giving proper consent or agreement for the products that best serve their needs to use those products safely. This is called Legal Disability. Disability is the difference between capacity and capability. In the case of parents parental capacity of Working Together and parental capability of s. Disability is defined as a mental or physical impairment with and adverse effect on normal day-to-day activities. A person without the use of their legs lacks the physical capacity to walk. They are not capable of carrying out the normal day-to-day activity of, say, shopping without some corrective measure such as a mobility scooter see s. A lack of mental capacity to process the information and make decisions is a legal disability leaving the person incapable of instructing a solicitor s. Physical health is the mental capacity to understand the effects of matter and energy on both self and others. That is, to understand how a person may be physically harmed which is called causality in the law of negligence. Moral health is the mental capacity to recognise the persons and environment that may be damaged by the acts and omissions in the law of negligence, the neighbour and neighbourhood. The offence of child cruelty under s. It means nothing more than setting a bad example in either behaviour towards others moral health or carelessness with potentially dangerous items, e. Emotional health is firstly intellectual health, the capacity to reason based on the understandings of physical and moral health when making decisions so as not harm a neighbour or neighbourhood. It is secondly the competencies to engage in social relationships, personal or business, under the terms of proper consent or agreement following that reasoning and decision making. Thirdly, it is the likely capability of applying those competencies to take opportunities in the cause of growth and well-being and then to perform reliably. Child development and parental responsibility[ edit ] The Department of Health Introduction to the Children Act described new notion of parental responsibility as "the authorities conferred by parental responsibility exist only for raising the child to physical, emotional and moral health". As a medical discipline, child welfare under s. Lord McKay also said when introducing the act, "The days when a child was regarded as a possession of his family, indeed to sue on their loss, are today buried forever". The child is socially and emotionally developed, whilst he lacks capacity, by full involvement in the decision making process in his best interests until he becomes competent as Gillick Competent. Disability, parental disability and social inclusion[ edit ] The Department of Work and Pensions disability assessment is a measure

of physical and mental capacities under clinical or controlled conditions from occupational health in respect to employment performance. The test for disability is capability as "the mental or physical impairment with an adverse effect on day-to-day activities" as social performance. The assessment of capacity is used in a home based disability assessment under s. The services include advocacy services for advice and assistance in decision making when exercising the authorities of parental responsibility. This was another clear intention of the act described in the Department of Health Introduction as " To do so they must meet the public law thresholds that the child is suffering, or likely to suffer, significant harm attributable to the care it would be reasonable to expect a parent to give, the same criteria as for parental disability support. State intervention[ edit ] It is assumed that the parent has been given the necessary support for any parental disability under the terms of proper consent, that the welfare of the child has been safeguarded and the risk to the child is parental negligence. The test of parental negligence is, following Donoghue later called the Bolam Test , the same test as for professional negligence. If a care order is made the local authority acquires parental responsibility under s. These thresholds are highly controversial and poorly understood. A number of esoteric legal principles are involved and most easily understood in terms of employment performance and health and safety. A parent, just like the CEO of a corporate body, must be, and be seen to be a fit and responsible person. If called into question the court will firstly examine the facts. In employment health and safety there are the facts of accidents, the accident record book of harm suffered, [22] and the facts of the employment environment, harm likely to be suffered, [23] say, from a trip hazard. If so, do these found facts amount to a trip hazard? This conforms that the alleged events occurred and were unlawful but that is not enough there is next the issue of culpability or State of Mind. Negligence is a state of mind. This notion comes from the criminal law and the offence of child cruelty under s. What was the motivation, carelessness or malice? There is a defence of diminished responsibility , the offence occurred but was not voluntary or reasonably foreseeable by an impaired or incapacitated defendant. The offence of child cruelty allows a defence of parental incapacity on a wide range of grounds see sentencing guidance, Overarching Principles: Assaults on children Assaults on children and Cruelty to a child. To summarise so far, as a matter of fact found on the balance of probabilities, the child has suffered harm or been exposed to an unsafe environment. This is all based in the present and the final finding is as a fit and proper person to hold this responsibility into the future. Is there a track record of such irresponsible behaviour? Preventing child neglect and abuse[ edit ] The offence of child cruelty can be prosecuted concurrently with any assault on the child. If a child is assaulted, sexually or physically, then both the assailant and the person responsible for keeping the child safe from the assault are culpable for the harm suffered as physical abuse or sexual abuse. This completes the definitions of child neglect and abuse in Annex A of Working Together see also Preventing child maltreatment: