



## Addressing a Perceived Conflict of Interest in Out-of-Home Care Licensing



It happens thousands of times each day. Child protective services (CPS) receives a referral about a child allegedly being abused or neglected. The referral is screened and, depending on the result, an investigation is made by a highly committed CPS worker whose constant focus is on the safety of children, and on providing support to parents, families, and communities.

Despite CPS workers often being overworked and under-appreciated, there is no reason to think that in any particular case an investigator will be anything other than thoroughly professional, and certainly not purposely biased. But what if the investigation concerns a child in an out-of-home setting (foster home, group home, residential treatment center, day care center) licensed by the same department that houses CPS? Might there

be an appearance of a conflict of interest? Could some critics believe that the department might hesitate, for economic or public relations reasons, to point the finger at itself for inadvertently permitting an unqualified applicant to become or continue to be a licensed provider?

In general, a conflict of interest arises when a person or organization involved in making a decision for an organization has an interest in the outcome. That interest may be economic, personal, or professional. In the government arena, ethical conflicts of interest are codified concerning numerous aspects of behavior: impartiality, fairness, or bias. Accordingly, a conflict of interest may result in a violation of federal or state law.

Whether in business or government, we are keen to recognize and address

the need to establish safeguards to prevent employees, subcontractors, agents, and collaterals from using their position for purposes that are not truly at arm's length. Applied to child protection, we expect workers to conduct their professional duties with maximum integrity, and to avoid activities that could diminish the effectiveness of the CPS investigative process.

A potential conflict of interest does not refer only to economic issues. A conflict of interest may be created by a set of circumstances that involves a risk that professional judgment, duty, responsibility, or action may be unduly influenced because of an inherent existing relationship. All conflicts of interest—perceived, potential, and actual—must be taken seriously.

As the state's child protection agency, its conduct must be seen as

meeting the highest ethical standards. To what extent is there a perception that there may be an inherent conflict of interest in the CPS/out-of-home investigatory process? If there is one, how can it be managed? Is there a need for an independent body to promote and facilitate compliance with ethical norms, develop a conflict of interest policy framework, review compliance, and otherwise provide guidance and support? Such a body would be knowledgeable about the agency's mission and functions and have the ability to monitor and mitigate any appearance of impropriety. While maintaining a healthy oversight stance, it would have the capacity to act as a receiver of whistleblower concerns and be a whistleblower itself, if necessary.

In business, an arm's length transaction is one in which buyers and sellers act independently and have no relationship to each other. The concept of an arm's length transaction ensures that one party is not subject to any pressure from the other party and assures the public that there is no complicity.

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Unfortunately, public agencies in general may be commonly regarded as inefficient and bureaucratic. Consequently, even the appearance of anything less than absolute principled and irreproachable behavior can be devastating to a CPS agency. Public perception and confidence matter. Putting in place measures to ensure

there is no appearance of a conflict of interest would be a positive step in further enhancing the reputation of child protective services. 📧

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