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**CHILD ABUSE AND NEGLECT REPORTING AND INVESTIGATION:
POLICY GUIDELINES FOR DECISION MAKING**

Final Draft

* * * Final Draft * * *

October 8, 1987

This report is based on a consensus-building process conducted under the auspices of the American Bar Association's National Legal Resource Center for Child Advocacy and Protection in association with the American Public Welfare Association and the American Enterprise Institute. Its contents do not necessarily reflect the views and policies of the sponsoring organizations.

Douglas J. Besharov
Rapporteur

PREFACE

This report seeks to provide guidance to state and local officials, professionals, and advocates seeking to improve the reporting and investigation of suspected child abuse and neglect. It embodies the consensus of a national group of child protective professionals. The consensus-building process was conducted under the auspices of the American Bar Association's National Legal Resource Center for Child Advocacy and Protection in association with the American Public Welfare Association and the American Enterprise Institute. Financial support was provided by the National Center on Child Abuse and Neglect, Administration on Children, Youth and Families, Department of Health and Human Services.

A preliminary draft of this consensus document was prepared by Douglas J. Besharov, and revised by the participants in a three day consensus-building conference at Airlie House, Virginia, May 29-31, 1987. At the meeting, the preliminary draft was reviewed and edited by the entire group. Based on the results of the meeting, a revised draft was sent to all participants for their further review and approval. This report, revised in accordance with the comments of Howard Davidson and Betsey Rosenbaum, is the culmination of this consensus-building process.

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I. INTRODUCTION

Over the past twenty years, much progress has been made in protecting abused and neglected children. Every state has passed a mandatory reporting law. The result has been an enormous increase in reported cases.¹

In 1985, more than 1.9 million children were reported to the authorities as suspected victims of child abuse and neglect. This is more than twelve times the estimated 150,000 children reported in 1963.

Increased reporting and specialized child protective agencies have saved many thousands of children from death and serious injury.

Despite this progress, major gaps in protection remain:

Professionals—physicians, nurses, teachers, social workers, child care workers, and police—still fail to report many of the maltreated children whom they see, including those with observable injuries severe enough to require hospitalization.

Many thousands of other children suffer serious injuries after their plight becomes known to the authorities. Studies in a number of communities indicate that 25 to 45 percent of the children who die under circumstances suggestive of child maltreatment have previously been reported to child protective agencies.

There is some reason to believe that, after many years of decline, child fatalities attributable to child maltreatment rose in 1986.

At the same time, the nation's child protective agencies must investigate a large number of reports that are not substantiated:

¹The following statistics concerning reported cases are derived from various reports of the American Humane Association.

Nationwide, only about 40 percent of all reports are "substantiated" (or a similar term) after investigation. This is in sharp contrast to 1975, when about 65 percent of all reports were "substantiated."

Each year, over 500,000 families are investigated for reports that are not substantiated.

These simultaneous problems are unfair to the children and parents involved, and they threaten to undo much of the progress that has been made in building child protective programs. There is widespread confusion about what should be reported and investigated--and what should not be. This report recommends policy changes designed to reduce such confusion.

Almost all the recommendations made in this report can be implemented through changes in child protective agency administrative procedures and training manuals. In most states, no new laws need be passed. Moreover, the recommendations are consistent with the Federal Child Abuse Prevention and Treatment Act, so that their adoption will not threaten a state's eligibility for grants under that Act.

II. THE "CHILD PROTECTIVE MISSION"

Child abuse and child neglect are serious national problems. Only firm and effective government intervention protects many children from serious injury and even death.

The Role of Child Protective Services

The responsibility to receive and investigate reports of

suspected child abuse and neglect is primarily assigned to a single, statutorily created public agency, usually called the "Child Protective Service Agency" (or CPS). To protect children from abuse or neglect, Child Protective Service Agencies perform the following functions: report taking, screening, investigation, initial risk assessment, crisis intervention, report disposition, case planning and implementation, and case closure.

The objective of Child Protective Service Agencies is to protect children from abuse and neglect. They do so by strengthening families so that children can remain within or be returned to their families; by temporarily removing children from situations of immediate danger; and by pursuing the termination of parental rights and assuring the child permanency in a substitute family if the custodial family cannot be preserved without serious risk to the child.

The Wider Role of Community-based Services

Nevertheless, the protection of children from abuse and neglect is a community-wide concern. Child protective services must be provided as an integral component of a larger array of child welfare services designed to enhance the well-being of children, and of an even broader continuum of human services designed to help meet the needs of children and families. Special responsibility is placed on child welfare, law enforcement, medical and public health, mental health, and educational agencies and professionals.

Across the nation, however, Child Protective Service Agencies are being pushed to respond to the absence of other, more appropriate services. Child abuse hotlines, for example, are receiving thousands of "reports" that, at base, are not about child abuse or child neglect, but are really requests for needed family-oriented social services. Many of these reports involve adolescent behavioral problems (such as truancy, delinquency, school problems, substance abuse, and sexual acting out); children who need specialized education or treatment; and chronic parent-child conflicts with no indication of abuse or neglect. Some of these reports result in the family receiving much needed services, but most do not. In any event, these additional, inappropriate calls to CPS hotlines significantly increase the number of unsubstantiated cases.

In effect, callers are trying to use Child Protective Service Agencies to fill gaps in what should be a comprehensive child welfare system. To prevent this misdirection of scarce resources, and to reduce the number of unsubstantiated cases, Child Protective Service Agencies must develop policies and procedures that specify the kinds of calls that are appropriate and that should be accepted for investigation.

Law Enforcement

Child abuse is a crime and, therefore, a legitimate concern--and responsibility--of police and other law

enforcement agencies. A number of calls made to CPS agencies may involve matters that are the sole or joint responsibility of law enforcement to evaluate and investigate. Recognizing this, there is a need to eliminate unnecessary multiple interviews of children and other unnecessary duplications of effort, to promote proper and expeditious collection and preservation of physical and other evidence, and to carry out the statutory mandate in the majority of states for law enforcement and CPS agencies to cross-report such cases. Joint efforts with law enforcement--police and prosecutors-- should be made to develop a coordinated system for identifying and investigating appropriate calls.

A recent tendency has been to broaden the definition of the those who may be reported for "child abuse and neglect," particularly in cases of sexual abuse, to include all adults, whether or not in the child's home and whether or not responsible for the child's care.² Cases of maltreatment by babysitters, adults not in the child's home, and strangers are more appropriately assigned to law enforcement agencies. They should not be investigated by Child Protective Service Agencies unless the parents appear unwilling or unable to protect the child.

Institutional Abuse

Child Protective Service Agencies are family oriented.

²This expanding of the definition goes beyond child maltreatment in out-of-home care, which is discussed in the next section.

Therefore, although the abuse and neglect of children in public and private institutions is intolerable, its investigation is beyond the scope of functions best performed by child protective service workers. Child Protective Service Agencies should be assigned investigatory responsibility only over intrafamilial or quasifamilial child maltreatment, broadly defined to include parents, guardians, foster parents, and other persons (such as boyfriends or girlfriends) continuously or regularly in the child's home.

The investigation of child maltreatment in out-of-home care, on the other hand, requires specialized units of professionals (often law enforcement or licensing) with the necessary expertise and authority. Furthermore, such units must be independent of the agency or facility being investigated, so that there is no conflict of interest.³

Parental Rights

If the parent declines help from the Child Protective Service Agency--or refuses to cooperate altogether--the agency and the courts must decide whether the danger to the child is so great that specific treatment services must be imposed or the child removed from the home.

Laws against child abuse and child neglect are an implicit recognition that parental rights are not absolute, and that society, through its courts and social service

³See 45 Code of Federal Regulations sec. 1340.14 (e) (January 26, 1983).

agencies, should intervene into private family matters to protect endangered children. But in seeking to protect helpless children, it must be remembered that, in large part, only suspicions are being reported. The parents' innocence should be presumed--unless evidence establishing the suspected maltreatment is obtained. CPS Agencies cannot impose treatment services on unwilling parents without a court order.

Poverty Issues

Many of the families reported to Child Protective Service Agencies are poor and on welfare. If the child is actually neglected, that is, if parental failure poses a danger to the child, protective action is required. Even some serious situations, however, reflect not parental failure but, rather, social factors beyond the control of individual families.

Poor children and their families have a right to the assurance of their basic needs, including food, clothing and shelter. These needs must be ensured, however, through reform of income support programs (such as public assistance, child support, and food stamps) or through the use of family-centered or family preservation services. Child Protective Service Agencies have not been established as society's response to poverty, and for them to assume, or be assigned, this role misdirects those services and resources from their proper mission.

Meeting Unmet Needs

Children and families have many unmet social service needs for which the label "child abuse and neglect" and a child protective response are inappropriate.

Institutionally, Child Protective Service Agencies should advocate and broker for the remedies these families need.

Individually, Child Protective Services workers, like all other human service professionals, have a responsibility to help provide necessary crisis services for all children and their families.

III. DEFINITIONAL CLARIFICATION

Statutory and agency definitions of "child abuse and neglect" establish reporting responsibilities; they also determine what reports will be investigated, and their disposition. Most existing definitions, however, are broad and imprecise. Potential reporters and child protective workers need clearer and more specific guidelines to help their decision making.

While statutory reform would be helpful, existing laws can be clarified through a combination of more specific administrative rules and better training materials (consistent with relevant state judicial precedents). Such materials should reflect the following policy and definitional considerations.

Sufficient Severity

The Federal Child Abuse Act requires the reporting of instances of physical and mental "injury . . . under circumstances which indicate that the child's health or welfare is harmed or threatened thereby." No one, therefore, would suggest that minor scratches, which are indeed "injuries," should, by themselves, be a reason to require a report.⁴

Involuntary Child Protective Service Agency intervention (action taken after a report has been investigated) should be limited to situations of serious harm or threatened harm to the child. This limitation is meant to protect the rights of parents to exercise their best judgment about how to raise children and to protect regional, religious, cultural, and ethnic differences in such beliefs.

There has been much confusion about the concept of sufficient "seriousness," however. It is not restricted to life-threatening situations. Reflecting the need to specify the level of severity, the National Center on Child Abuse and Neglect provides the following definitions:

"Physical injury" means death, or permanent or temporary disfigurement or impairment of any bodily organ or function.

"Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by an observable and substantial impairment in his

⁴For the definitive exposition of how severity of injury effects--and should effect--child protective decision-making, see Giovannoni and Becerra, Defining Child Abuse (1979).

ability to function within his normal range of performance and behavior, with due regard to his culture.⁵

Any narrower definition of "serious" would threaten the state's eligibility under the Federal Child Abuse Act.

Threatened Harm

Deciding to intervene is relatively easy when the child has already suffered serious physical or mental injury. If the parents cannot satisfactorily explain what happened--and there is reason to believe that the parents are responsible--protective action must be taken.

Society, however, does not wait until a child is seriously injured before taking protective action. The purpose of child protective intervention is also to protect children from future injury. Hence, the laws of all states authorize Child Protective Service Agencies and courts to intervene before children have suffered an injury, even a minor one.

This authority (requirement, in fact) to protect children from "threatened harm"--that is, to predict future danger to the child--adds immeasurably to the subjectivity of reporting and investigatory decisions. Despite years of research, there is no psychological profile that accurately identifies parents who will abuse or neglect their children in the future.

⁵National Center on Child Abuse and Neglect, Child Protection: A Guide for State Legislation subsections 4 (h) and (i) (Draft 1983).

Children who have already been abused or neglected are in clear danger of further maltreatment. So are their siblings. But--and this is the key to understanding when a prediction of future danger is justified--the parents' conduct need not already have seriously injured the child for it to be considered "abusive" or "neglectful," and for it to be the ground for Child Protective Service intervention. If the parent did something that was capable of harming the child, the parent has demonstrated that he is a continuing threat to the child. It is reasonable to assume that--unless there is a change in circumstances--a parent who has already engaged in harmful conduct toward the child will do so again. Of course, such behavior must be relatively recent; ordinarily, involuntary intervention should not be based on behavior from the distant past.

Therefore, involuntary Child Protective Service intervention should be authorized only if:

- (1) the parent has seriously harmed the child or engaged in behavior capable of seriously harming the child, whether or not actual harm resulted; or
- (2) the parent is suffering from a severe mental disability⁶ that demonstrably prevents the parent from adequately caring for the child.

⁶Including severe mental illness, severe mental retardation, severe drug abuse, and severe alcohol abuse, as defined in American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorder (DSM III) (1980).

The latter condition requires a specific assessment of parental functioning and the risk to the child.

The Forms of Child Maltreatment

Early child protective laws focused only on physically abused and battered children. But sexual abuse can leave lasting psychological scars on its young victims, and child neglect can be just as damaging, and just as deadly, as physical abuse. Therefore, Child Protective Service Agencies should respond to all forms of physical, sexual, and psychological maltreatment, in accordance with the following definitions.

Physical Abuse -- physical acts (such as striking, punching, kicking, biting, throwing, burning, or violent shaking) that caused, or could have caused, physical injury to the child.

Reasonable corporal punishment is not child abuse, and it is therefore not reportable. The laws of all states recognize the right of parents to physically discipline their children--as long as the punishment is "reasonable" or not "excessive."

Sexual Abuse -- vaginal, anal, or oral intercourse; vaginal or anal penetrations; or other forms of contacts for sexual purposes.

Sexual Exploitation -- using of a child in prostitution, pornography, or other sexually exploitative activities.

Physical Neglect -- failing to provide needed care (such

as food, clothing, shelter, protection from hazardous environments, care or supervision appropriate to the child's age or development, hygiene, and medical care) that caused, or over time would cause, serious harm.

Abandonment -- leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

Psychological Maltreatment⁷ -- acts or omissions that caused, or could cause, serious conduct, cognitive, affective, or other mental disorders.⁸

Psychological maltreatment is a serious problem requiring Child Protective Service intervention. Its subjectivity and potential overbreadth, however, require that Child Protective Service Agencies exercise special care in this area. There is insufficient professional knowledge about the harmfulness of certain parent/child interactions. In many cases, there is no way of predicting, with any degree of certainty, whether a particular parent's behavior will result in severe harm to the child.

Therefore, a two level approach to the definition of psychological maltreatment is recommended. For such extreme acts as torture and close confinement, no demonstrable harm

⁷This category is often labelled "emotional maltreatment." The broader phrase was adopted to reflect the fact that it encompasses the full range of serious psychological disorders.

⁸As defined by DSM III, supra n. 4.

to the child is required. For less severe acts, such as habitual scapegoating, belittling, and rejecting behavior, demonstrable harm is required. Similarly, some extreme forms of developmental neglect have unambiguous signs, for example, non-organic failure-to-thrive. In less severe cases, assessment by a mental health professional is necessary before proceeding. In these cases, consideration must be given to the severity, chronicity, and context of the parent's acts or omissions. Another important factor can be the parent's failure to seek (or accept) help for such emotional problems in the child.

The meeting participants could not reach agreement on the role of Child Protective Service Agencies in cases of educational neglect. All agreed that parental failure to send a child to school is a serious problem. There was broad feeling, however, that this is not an appropriate area for Child Protective Service intervention. A substantial number of participants would have limited Child Protective Service responsibility to cases of active parental interference with the child's school attendance. An even larger number would have Child Protective Service Agencies play no role in such cases, leaving intervention entirely to school authorities unless other forms of abuse or neglect are present.

IV. DECISION MAKING GUIDELINES

Child protection is a multi-stage process of intervention, ascending in accordance with the child's need for protection. The level of intervention rises at a number of discrete points. At each stage of decision making, the Child Protective Service Agency must consider two interrelated factors: (1) the degree of harm or threatened harm to the child, and (2) the certainty of evidence.

Thus, most reports are based on a suspicion, usually described as "reasonable cause to suspect,"⁹ that the child has been abused or neglected. To determine that a report is substantiated, states require either "some credible evidence" or sufficient reason to conclude that the child has been abused or neglected. For the imposition of involuntary court ordered services, state laws require either a "preponderance of the evidence" or "clear and convincing evidence." Similarly, most court opinions on the subject require serious harm or the threat of serious harm for the imposition of involuntary court ordered services.

Decisionmakers do not have specific and widely accepted guidelines that would help ensure uniform and more appropriate reporting and case disposition. More specific operational definitions and decision making criteria must be

⁹Some states adopt a probable cause standard, that is, "reasonable cause to believe."

developed for each stage of the child protective process.

Public and Professional Education

Potential reporters are not required to be sure that a child is being abused or neglected, or to have absolute proof of maltreatment. Instead, reports are required if there is "reasonable cause to suspect" or "reasonable cause to believe" that a child is abused or neglected. This is not, however, an open-ended invitation to report whenever one has a vague, amorphous, or unspecified concern over a child's welfare. Better public and professional materials are needed to obtain more appropriate reporting.

For the general public, educational materials and programs should: (1) clarify the legal definitions of child abuse and neglect, (2) give general descriptions of reportable situations (including specific examples), and (3) explain what to expect when a report is made. Brochures and other materials for laypersons, including public service announcements, should give specific information about what to report--and what not to report.

Professional education should include more specific information about the basis for a report. Keyed to the specific professions most likely to report, it should explain the importance of obtaining--and of providing to the Child Protective Service Agency--information about the nature of the child's injuries or maltreatment; the history of prior injuries or maltreatment of a child; the condition of a

child, including his personal hygiene and clothing; the statements and demeanor of a child or parent--especially if the injuries to the child are at variance with the parental explanation of them; the condition of the home; and the statements of others. The need for the professional who made the report to continue to be involved in efforts to protect the child should also be stressed.

"Behavioral indicators" of child abuse, especially of sexual abuse, have a valid place in decision making. Particularly when there is an otherwise unexplained change in behavior, they provide important clues for potential reporters to pursue, and they provide crucial corroborative evidence of maltreatment. However, the lists of "behavioral indicators" now being circulated, standing on their own and without an accompanying full history of past and present behaviors, should not be the basis of a report. Such behaviors have many other possible explanations. Nevertheless, some alarming and unusual child behaviors may, in and of themselves, warrant a report by qualified professionals. More work needs to be done in developing descriptions of such behaviors and educating professionals about them.

Education for both public and professional audiences should describe the range of community resources--beyond Child Protective Services--available for children and families with problems other than child abuse or neglect.

Receiving Reports

Not all calls to Child Protective Service Agencies are reports of suspected child abuse and neglect. Because of the volume of calls they receive, the danger of harassment, and the need to limit unnecessary investigations, Child Protective Service Agencies have an obligation to determine whether a call is appropriate for investigation. Agencies that carefully screen calls have lower rates of unsubstantiated reports and expend fewer resources investigating inappropriate calls.

Child Protective Service Agencies should develop more specific policies and procedures for determining whether to accept a call for investigation. Such policies should require a determination that the call falls within the state's statutory definition of reportable suspected child maltreatment. Factors to be considered include: (1) the age of the child, (2) the identity of the responsible caretaker and relationship to the child, (3) the suspected existence of an incident or circumstance falling within the state's definition of child maltreatment, and (4) the existence of demonstrable harm or risk of harm to the child. When appropriate, calls may be referred to other agencies that can provide services needed by the family.

This kind of intake decision making cannot be done by clerks, nor by untrained caseworkers. A sophisticated judgment about the child's need for protection must be made.

In addition, the intake staff must be able to provide advice and consultation to the person on the telephone. Experienced and qualified CPS workers should be assigned to intake--where they can do the most to improve agency decision making.

Case/Dispositional Decision Making

Definitions of child abuse and neglect must distinguish between those child rearing situations that society thinks are less than optimal--and for which voluntary services should be offered--from those of such severity that society is prepared to impose, through court action, treatment services and, if necessary, removal of the child. This is meant to protect the rights of parents to exercise their best judgment about how to raise children and to protect regional, religious, cultural, and ethnic differences in such beliefs.

In effect, Child Protective Service Agencies need specific guidelines for deciding what kind of intervention is needed, and for determining whether to pursue involuntary intervention. The National Association of Public Child Welfare Administrators (NAPCWA), has identified the relevant factors to be considered in assessing the severity of danger to the child and the certainty of evidence:

- (1) Action or failure to act of the parent or caretaker
- (2) Impact of parental/caretaker behavior on child/ severity of the alleged abuse
- (3) Age of child
- (4) Frequency/recency of the alleged abuse
- (5) Credibility of reporter

- (6) Type and amount of evidence and corroboration
- (7) Relationship of alleged perpetrator to the child
- (8) Location of child
- (9) Parental willingness to protect the child
- (10) Parental ability to protect child.¹⁰

These guidelines need to be reviewed and operationalized.

Interdisciplinary Consultation

Reporting, investigatory, and dispositional decision making often entail a complex weighing of medical, social work, child development, and legal considerations. Decision making becomes easier--and more accurate--when it is made in consultation with other professionals whose skills and experience can help assess the situation. Consultation can be accomplished informally or through the more formal mechanism of a "Multidisciplinary Team" (sometimes called a "Suspected Child Abuse and Neglect" or "SCAN" Team) comprised of professionals from many disciplines.

V. INVESTIGATORY DETERMINATIONS

Child Protective Service Agencies must determine the validity of reports so that basic case-handling decisions can be made. This is especially true because the laws under

¹⁰National Association of Public Child Welfare Administrators, Guidelines for the Development of Protective Services for Abused and Neglected Children and Their Families, pp. 6-9 (March 18, 1987).

which Child Protective Service Agencies operate give them the right to intervene against parental wishes. In addition, procedures for the sealing or expunging of records often depend on such determinations.

Some Unsubstantiated Reports Are Necessary

Nationwide, only about 40 percent of all reports are "substantiated." The rest are dismissed after investigation.¹¹ Although rules, procedures, and even terminology vary (some states use the phrase "unsubstantiated," others "unfounded" or "not indicated"), in essence, an "unsubstantiated" report is one that is dismissed after an investigation finds insufficient evidence to warrant further Child Protective Service involvement.

Many unsubstantiated cases involve situations of poor child care that, though of legitimate concern, simply do not amount to child abuse or neglect. In fact, a substantial proportion of unsubstantiated cases are referred to other social agencies that can provide needed services to the family. Others involve situations in which the person reporting, in a well-intentioned effort to protect a child, overreacts to a vague and often misleading possibility that the child may be maltreated.

Moreover, an unsubstantiated report does not necessarily mean that the child was not actually abused or neglected.

¹¹American Association for Protecting Children, Highlights of Official Child Neglect and Abuse Reporting (1985), p.9, Table 2 (The American Humane Association, 1987).

Evidence of child maltreatment is hard to obtain, and may not be uncovered when agencies lack the time and resources to complete a thorough investigation or when inaccurate information is given to the investigator. Other cases are labelled unsubstantiated when there are no services available to help the family. Some cases must be closed because the child or family cannot be located.

A small percentage of unsubstantiated reports are deliberate misstatements. Studies of sexual abuse reports, for example, suggest that, at most, from 4 to 10 percent of these reports are knowingly false.¹² Malicious reports are illegal. In appropriate cases, a referral for civil or criminal prosecution should be considered.

A certain amount of unsubstantiated reporting is an inherent--and legitimate--aspect of reporting suspected child maltreatment and is necessary to ensure adequate child protection. We ask hundreds of thousands of strangers to report their suspicions; we cannot ask that they be certain.

These realities make it important, for both programmatic effectiveness and agency image, that the meaning of statistics about unsubstantiated cases be clarified. First, the categories of reasons for closing a case after an initial investigation should be standardized across the states. Second, to document the role of Child Protective Service

¹²See, e.g., L. Berliner, "Deciding Whether a Child Has Been Sexually Abused," in Sexual Abuse Allegations in Custody and Visitation Cases, (in press, American Bar Association).

Agencies in providing services to families, the category of "unsubstantiated" reports should be divided into two parts:

- (1) Unsubstantiated--no further action taken, and
- (2) Unsubstantiated--services provided or arranged.

CONCLUSION

This report has sought to provide policy guidelines for improved reporting and investigatory decision making. Its recommendations can be summarized as follows:

1. Child Protective Services should be defined as a program limited to abused or neglected children and their families within a broader child welfare service system, not as the child welfare program.
2. The community, not the Child Protective Service Agency alone, has the primary and ultimate responsibility for preventing and treating child abuse and neglect. The community and professionals do not satisfy this obligation merely by reporting cases.
3. Child Protective Service Agencies should be assigned investigatory responsibility only

over intrafamilial or quasifamilial child maltreatment, broadly defined to include parents, guardians, foster parents, and other persons (such as boyfriends or girlfriends) continuously or regularly in the child's home.

4. Investigating nonfamilial abuse and neglect should be the responsibility of law enforcement, licensing, or other agencies with the expertise and authority to investigate such cases, not of the Child Protective Service Agency. Furthermore, such units must be independent of the agency or facility being investigated, so that there is no conflict of interest.
5. Consistent with the need to safeguard the welfare of endangered children, every effort must be made to protect parental rights.
6. Definitions of child abuse and neglect and implementing rules should be redrafted to be more specific and to clarify the types of cases that should be reported--and not reported--to the Child Protective Service Agency.

7. Involuntary Child Protective Service intervention should be authorized only if: (1) the parent has engaged in seriously harmful behavior toward the child, whether or not actual harm resulted; or (2) the parent is suffering from a severe mental disability that demonstrably prevents the parent from adequately caring for the child.

8. Decisionmakers do not have specific and widely accepted guidelines that would help ensure uniform and more appropriate reporting and case disposition. More specific operational definitions and decision making criteria must be developed for each stage of the child protective process.

9. Public and professional education should provide clear information about what to report (and not to report), give descriptions and examples of reportable conditions, explain what to expect when a report is made, and give information on appropriate alternative resources for other child and family problems. Professionals should be asked to give more specific information than the general public

when making a report.

10. "Behavioral indicators" of child abuse, especially of sexual abuse, have a valid place in decision making. However, the lists of "behavioral indicators" now being circulated, standing on their own and without an accompanying full history of past and present behaviors, should not be the basis of a report.
11. State law should allow for, and guidelines should support, the screening of reports by qualified staff--in order to limit the Child Protective Service Agency's involvement in inappropriate cases.
12. The extent of Child Protective Service Agency intervention should vary with the degree of harm or threatened harm to the child and the certainty of the evidence. Guidelines to assess both should be developed.
13. Reporters should not be expected to decide if abuse or neglect has occurred before making a report. Thus, a certain number of unsubstantiated investigations is necessary to

ensure adequate child protection.

14. Uniform categories and definitions of investigative findings should be developed. They should accurately reflect the disposition and the services provided in cases that are not substantiated.