

# **Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years\***

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*"Take heart. Suffering when it climbs highest lasts but a little time."*

*--Aeschylus<sup>2</sup>*

- I. Introduction
- II. The history of the fight against child abuse
- III. The present state of the conflict: the five obstacles to ending child abuse
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<sup>2</sup> MAXWELL KENNEDY TAYLOR, MAKE GENTLE THE LIFE OF THIS WORLD 145 (1998).

- E. Because the child protection community lacks a unified voice in communicating the needs of maltreated children, these victims receive an inadequate share of our country's financial resources

IV. The battle plan for ending child abuse

- A. Abused children must be reported into the system and those reports must be of high quality

- 1. Every university must teach students entering professions where they will be mandated reporters the skills necessary to perform this task
- 2. Mandated reporters in the field must receive annual training on the detection of abuse and their obligations to report

- B. Child protection workers and law enforcement officers must conduct a competent investigation of every child abuse case that comes to their attention and, when abuse is substantiated, pursue appropriate civil and criminal actions

- 1. Children reported into the system must be interviewed by a social worker, police officer or other professional trained in the art of speaking to children.
  - a. Develop state of the art forensic interviewing courses such as APRI/CornerHouse's *Finding Words*
  - b. Each state must have a forensic interview training course of the quality of *Finding Words* that is locally run and taught
  - c. In addition to quality forensic interviews, there must be in place a system to assist children that do not respond well to an investigative interview
- 2. Child protection professionals called on to investigate and repair families damaged by abuse must be competent to perform these tasks
  - a. Every university must teach child protection professionals necessary investigative skills
  - b. Every university must teach child protection professionals to work meaningfully with families impacted by child abuse
  - c. Graduate schools must adequately prepare professionals to work with child victims
    - 1) Law schools
    - 2) Medical schools
    - 3) Other graduate schools

- d. Once in the field, civil child protection professionals must have access to ongoing training and technical assistance
  - 3. Prosecutors must be adequately trained to prosecute child abusers
- C. We must teach police officers, social workers, prosecutors and other child protection professionals to be community leaders in the prevention of child abuse
  - 1. The training must begin in college and continue so long as these professionals are in the field
  - 2. In their role as community leaders, these child protection professionals must enlist the support of the faith based community
  - 3. Prevention efforts must be developed and run at the local level and tailored to meet local needs
  - 4. Everyone engaged in the campaign against child abuse must understand their role in history and act accordingly
- V. The timeline for ending child abuse within 120 years
  - A. The first 40 years: 2001-2040
    - 1. Every suspected case of child abuse will be reported and every report will be of a high quality
    - 2. Every child reported into the system will be interviewed by someone who can competently interview a child about abuse and the investigation of all child abuse allegations will likewise be competently done
    - 3. Every substantiated case of egregious abuse must be prosecuted by a child abuse prosecutor skilled at handling these complex cases
    - 4. Every CPS worker will be competent to work with child abuse victims and their families from day one
    - 5. Every child protection social worker, police officer and prosecutor will be a community leader in preventing child abuse
    - 6. Every child protection worker and attorney will have access to ongoing training, technical assistance and publications to constantly refresh and improve their skills
  - B. The next 80 years (2040-2120): the search for a tipping point
- VI. Ending child abuse: the last full measure

## I. INTRODUCTION

The thought had been in my head for some time but I had never said it aloud much less in a setting quite as public as this one.<sup>3</sup> And yet, there I was sitting as part of a panel discussion in front of 200 Mississippi child protection professionals and faced with the question of predicting the future for child abuse victims in our country. I could have played it safe and offered thoughts on likely challenges and reforms we will see in the years ahead. Instead, I said what I really thought and I will say it again now.

I believe we can end child abuse<sup>4</sup> in the United States within three generations. If we start the clock ticking from this moment, this gives us 120 years to get the job done.<sup>5</sup>

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<sup>3</sup> Throughout this paper, I will revert to the first person as I share some personal experiences. I do this because I share with some legal scholars the conviction that “individual experience must be considered more carefully, analyzed more critically, and elevated in importance.” Charles Ogletree, *Beyond Justifications: Seeking Motivations to Sustain Public Defenders*, 106 HARV. L. REV. 1239, 1244 (1993). According to Ogletree, the “formalized, doctrinal style of argument that characterizes much contemporary legal writing can too easily elude the realities of human experience.” *Id.*

<sup>4</sup> For purposes of this article, the child abuse we seek to end should be construed in the broadest sense possible: physical abuse, sexual abuse, neglect and emotional maltreatment. To do otherwise is to suggest that child abuse at any level is acceptable. As acknowledged in this paper, we may never achieve the complete eradication of child abuse but nothing less than complete victory must be our unequivocal goal. Until we speak of ending child abuse in serious terms, as opposed to expressing this sentiment as a mere platitude, we can never achieve the massive reformation necessary to move us dramatically toward the desired end. It is also important for those on the front lines, those who often devote their entire lives to children, to know this country is seriously working toward the great goal. Just as the “sentiment of the United States brightened up very much” when President Franklin Roosevelt announced our country would battle the Nazi powers until there was an “unconditional surrender” we must likewise comfort front line child protection professionals with a firm commitment to ending the suffering of all of America’s maltreated children. For the impact on American soldiers and citizens of Roosevelt’s unconditional surrender demand, see JUSTICE ROBERT H. JACKSON, *THAT MAN* 109 (2003). Of course, defeating the Nazis was arguably easier than defeating child abuse. Even if this is true, there is tremendous value in seriously working for a cause as noble as ending child abuse. Martin Luther King, Jr. pointed out that although Woodrow Wilson, Mahatma Gandhi and other historical figures did not obtain world peace, their unyielding efforts toward this end achieved great things. In the words of Dr. King: “(S)o often as you set out to build the temple of peace you are left lonesome; you are left discouraged; you are left bewildered. Well, that is the story of life. And the thing that makes me happy is that I can hear a voice crying through the vista of time, saying ‘It may not come today or it may not come tomorrow, but it is well that it is within thine heart. It’s well that you are trying.’ You may not see it. The dream may not be fulfilled, but it’s good that you have a desire to bring it into reality... Thank God this morning that we do have hearts to put something meaningful in.” DR. MARTIN LUTHER KING, JR., *A KNOCK AT MIDNIGHT* 192-194 (1998) (CARSON & HOLLORAN, EDS).

<sup>5</sup> The title for this paper came about this way. The reaction to my Mississippi talk was quite positive with a number of folks urging me to turn these ideas into an article. As I began to outline the article on a subsequent flight to Las Vegas, I was struck with the idea of three generations or 120 years. I recalled the Sunday school lesson of God warning Moses about the dangers of idolatry: “I, the Lord your God, am a jealous God, punishing the children for the sins of the fathers unto the third and fourth generation...but showing love to a thousand generations of those who love me and keep my commandments.” Exodus 20:5 (NIV). Although this story about idolatry has, on its surface, nothing to do with child abuse, I couldn’t, and still cannot, get from my head this powerful literary allusion. Because child abuse is so often cyclical, we pass down the consequences of this evil to generation upon generation. I can recall many cases in which police or child protection investigators told me that abuse had been rampant in a given family dating back

Please do not misunderstand me. This statement is not the sort of platitude offered by those seeking votes every other November. I am not carelessly joining the throng of those who speak wistfully but insincerely about ending this nightmare. I really mean it. We can end child abuse and we can do so within the lifetimes of our great grandchildren.

When I say “end” child abuse I mean we can achieve the sort of victory we have in the fight against polio. There will be re-occurrences and I can think of no means to prevent rage, mental illness or other factors from always contributing at some level to the abuse and neglect of children. We can, though, end cyclical child abuse and reduce from millions to thousands the number of children victimized over the course of any decade.

In saying this, I am echoing the voice of many leaders in the child protection field. Although Dr. David Chadwick contends that a significant reduction, much less elimination of child abuse cannot be achieved in less than a century, he does believe victory is possible.<sup>6</sup> According to Chadwick, this victory will "require keepers of a plan who will devote many decades of their lives to the effort. The keepers will keep the message alive. It will take sweat and tears. These keepers must recruit successors with similar dedication. Who, among you, are the keepers? Who will be willing to step forward and work tirelessly to keep the message alive?"<sup>7</sup>

Anne Cohn Donnelly also sees the potential for a very different America a century or so from now but she warns that truly ending child abuse will require "adopting a far longer view than we have historically held, such as planning out our efforts over decades, not years, and likewise measuring their success over decades not years. This new approach would require flexibility and a great deal of patience. But in my own view, it is possible. Not that we will ever totally eradicate child maltreatment, but rather that we do have it within us to bring about very significant reductions in maltreatment over the long haul."<sup>8</sup>

While there may be, then, a consensus that the near eradication of child abuse is possible over the course of a century, there remains the question of who will be the keepers of this plan and what, exactly, will the plan entail? The keepers, I suggest, are the universities that train front line professionals and, in turn, the front line professionals who serve children in need. As for the plan, many specifics will have to be developed between university professors and front line professionals as we strive to bring academia into the street. Having said this, I believe a meaningful blueprint for action is emerging across

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to a victim's grandfather or even great-grandfather. What if, though, we ended abuse once and for all? Would not a thousand generations be blessed? Stated differently, “families give our destiny its first momentum.” AL & TIPPER GORE, JOINED AT THE HEART 3 (2002). As president Hoover once observed, "if the United States could have but one generation of properly born, trained, educated and healthy children, a thousand problems of government would vanish overnight...It is not the delinquent child that is at the bar of judgment, but society itself." HERBERT HOOVER, ON GROWING UP 6-7 (1990).

<sup>6</sup> David L. Chadwick, *The Message*, published as part of *Convening A National Call to Action: Working Toward the Elimination of Child Maltreatment*, 23 CHILD ABUSE & NEGLECT 957, 959 (1999).

<sup>7</sup> *Id.* at 957.

<sup>8</sup> Anne Cohn Donnelly, *The Practice*, published as part of *Convening A National Call to Action: Working Toward the Elimination of Child Maltreatment*, 23 CHILD ABUSE & NEGLECT 987, 993 (1999).

America. Unlike so many social epidemics, the changes now unfolding in our land are being driven from the bottom up. The mobilization on the front lines means there is every reason to expect success. This is because only when those closest to the front speak with a common, if not altogether united, voice will child maltreatment end.

That day is approaching.

## II. THE HISTORY OF THE FIGHT AGAINST CHILD ABUSE

In American history, we can find skirmishes against the social ill of child abuse but, to a great extent, we have abandoned children to the mercy of those who harm them. In 1865, the Society to Prevent Cruelty to Animals was founded but it wasn't until 1874 that the Society to Prevent Cruelty to Children was founded. It wasn't until the 1930's with the passage of the Social Security Act that the federal government recognized an interest in protecting children from abuse. It wasn't until 1962 when C. Henry Kempe authored the Battered Child Syndrome that physicians recognized child abuse as an independent diagnosis. It wasn't until 1967 that all 50 states passed mandated reporting laws. It wasn't until the 1970's that these laws were expanded to include within their purview protecting children victimized sexually. Even then, though, the primary purpose of the laws was to intervene solely with social services. Although the prosecution of child abusers was not new<sup>9</sup>, the 1980's produced a dramatic increase in the number of cases brought to court.<sup>10</sup> Unfortunately, child abuse cases are so complex and so different from other crimes that the investigators and prosecutors courageous enough to pursue these cases often did so incompetently. As a result, there was a backlash<sup>11</sup> and many prosecutors simply chose not to pursue child abuse cases unless there was clear medical evidence or a confession. For all practical purposes, this means that many parts of the country did not, and still do not, prosecute child abusers.

The handling of child abuse cases on the front lines reflects the view of child victims contained in academic literature. As noted by one commentator, prior to the mid-1970's, the "legal, mental health, and medical literature contributed to a legacy of skepticism about allegations of rape and child sexual abuse."<sup>12</sup> Although there continue

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<sup>9</sup> As an example of the dramatic increase in prosecuting child abusers in recent years, consider this. In 1996, there was an estimated 1,500 appellate opinions addressing cases of child sexual abuse. From 1900-1950, there was approximately 500 appellate opinions. See John E.B. Myers, Susan E. Diedrich, Devon Lee, Kelly Fincher & Rachel M. Stern, *Prosecution of Child Sexual Abuse in the United States*, in CRITICAL ISSUES IN CHILD SEXUAL ABUSE 27, 47-48 (2002) (J. CONTE, ED).

<sup>10</sup> This history of U.S. efforts against child abuse is a summary taken from Victor I. Vieth, *In My Neighbor's House*, 22 HAMLINE L. REV. 143, 145-146 (1998). For a much more complete history of child protection in the United States, see JOHN. E.B. MYERS, A HISTORY OF CHILD PROTECTION IN AMERICA (2004).

<sup>11</sup> See generally, DAVID HECHLER, THE BATTLE AND THE BACKLASH (1988).

<sup>12</sup> Myers, et al, *supra* note 9 at 41. Famed psychologist Dr. Anna Salter put it more bluntly when she wrote:

The history of psychology in the past one hundred years has been filled with theories that deny sexual abuse occurs, that discounts the responsibility of the

to be “serious” academic articles perpetuating ancient myths about child victims,<sup>13</sup> the shift in scholarship in the mid-1970’s was the forerunner of reforms on the front lines.

In 1985, the National District Attorneys Association took action to improve the quality of investigations and prosecutions by creating the National Center for Prosecution of Child Abuse with funding support from the United States Congress. The organization quickly became and still remains the premiere trainer of child abuse investigators and prosecutors in the United States. In the past three years, for example, NCPCA has traveled to every part of this country and trained over 30,000 police officers, social workers and prosecutors.

In addition to NCPCA, other national organizations began to seek reforms in the handling of child abuse cases. As a result, most states today require that child abuse cases be handled by a multi-disciplinary team (MDT).<sup>14</sup> There is also a clear consensus that children should be interviewed in child friendly environments such as child advocacy centers (CAC). Today there are literally hundreds of CACs that can be found in 48 states and several U.S. territories.<sup>15</sup>

As a nation, we have done more to address child abuse in the past 30 years than occurred in the first 200 years of our history. Unfortunately, the obstacles that remain are nothing less than mountains.

### **III. THE PRESENT STATE OF THE CONFLICT: THE FIVE OBSTACLES TO ENDING CHILD ABUSE**

#### **A. Many children suspected of being abused are not reported into the system**

A 1990 study found that only 40% of maltreatment cases and 35% of the most serious cases known to professionals mandated to report were in fact reported or otherwise getting into the child protection system (CPS).<sup>16</sup> A study published one decade

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offender, that blame the mother and/or child when it does occur, and that minimize the impact. It constitutes a sorry chapter in the history of psychology, but it is not only shameful, it is also puzzling. Hostility toward child victims and adult women leaks through the literature. ANNA C. SALTER, PH.D, PREDATORS 57 (2003).

<sup>13</sup> See SALTER, *supra* note 12 at 57-61 (2003) (criticizing some contemporary articles and books minimizing sexual abuse and its impact). Consider, for example, a book published by the University of Minnesota Press in which its author advocates lowering the age of consent to 12. JUDITH LEVINE, HARMFUL TO MINORS (2002).

<sup>14</sup> Jerome R. Kolbo and Edith Strong, *Multidisciplinary Team Approaches to the Investigation and Resolution of Child Abuse and Neglect: A National Survey*, 2 CHILD MALTREATMENT 61 (1997).

<sup>15</sup> For information on the exact number and location of CACs, visit the website of the National Children’s Alliance at [www.nca-online.org](http://www.nca-online.org)

<sup>16</sup> David Finkelhor, *Is Child Abuse Overreported?*, PUB. WELFARE, Winter 1990 at 25.

later found that 65% of social workers, 53% of physicians and 58% of physician assistants were not reporting all cases of suspected abuse.<sup>17</sup>

In a survey of 197 teachers, these educators were given two hypothetical cases of abuse. In the first hypothetical, the teachers were asked if they would make a report when a student tells them a stepfather has been touching their genitals. In the second hypothetical, the teachers were asked if they would make a report when a student tells them that another teacher was touching their genitals. Only 26% of the teachers said they would report the first instance to the authorities and only 11% said they would report the second incident to the authorities.<sup>18</sup>

There are several reasons why mandated reporters do not report. Insufficient evidence, lack of certainty that abuse has occurred, the belief a report will cause additional harm, and the need to maintain a good relationship with patients and clients are some of the reasons cited by reporters who fail to comply with the law.<sup>19</sup> Ambiguity in some mandated reporting statutes also contributes to underreporting. A survey of mandated reporters in Iowa revealed difficulty in determining whether a given injury was reportable under the Iowa law.<sup>20</sup>

Even when the law is clear, ignorance of its provisions may prevent a report from being made. For instance, I once handled a case where a physician was frustrated that he could not report a pregnant mother's use of cocaine. In fact, Minnesota law required him to make such a report.<sup>21</sup>

A lack of training may explain the ignorance of some mandated reporters about their obligations. In a 1989 survey of 480 elementary school teachers, 50% said they had not received any in-service training on mandated reporting and most of the teachers were not fully aware of their school's policies as to the handling of child abuse cases.<sup>22</sup> One decade later, inadequate training of reporters persists. In a 1999 survey of 382 master's level social workers, pediatricians, physicians, and physician assistants, researchers found that 57% of the respondents had received less than ten hours of training on their obligations as mandated reporters.<sup>23</sup> In a 2001 survey of 197 teachers, 74% said they

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<sup>17</sup> Steven Delaronde, et al, *Opinions Among Mandated Reporters Toward Child Maltreatment Reporting Policies*, 24 CHILD ABUSE AND NEGLECT 901, 905 (2000).

<sup>18</sup> Maureen C. Kenny, *Child Abuse Reporting: Teachers' Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81, 88 (2001). Journalists are echoing the work of scholars by documenting in mainstream media egregious instances of professionals failing to report unequivocal cases of child abuse. See e.g., Annette Foglino, *Teachers who prey on kids: Why they're still going free*, GOOD HOUSEKEEPING (December 2003) p. 61.

<sup>19</sup> Kenny, *supra* note 18 at 902.

<sup>20</sup> See Margaret H. Meriwether, *Child Abuse Reporting Laws: Time for a Change*, 20 FAM. L. Q. 141, 142 (1986).

<sup>21</sup> MINN. STAT. SECTION 626.5561, SUBD. 1 (2003).

<sup>22</sup> *Teachers and Child Abuse*, National Center for Prosecution of Child Abuse UPDATE (American Prosecutors Research Institute, Alexandria, Virginia), October, 1989.

<sup>23</sup> Delaronde, *supra* note 17 at 905. Inadequate training leading to a shortage of quality reports is also a problem in the faith community. The pastoral care department of the Children's Hospital Medical Center of Akron, Ohio surveyed 143 clergy of numerous faiths and found that 29% believed that actual evidence of



received “minimal” or “inadequate” preparation in college to prepare them for the work of being a mandated reporter and 58% said they were receiving minimal or inadequate training on child abuse once they entered the field.<sup>24</sup>

Even if a reporter is not ignorant about his obligations, other factors come into play. Physicians often worry about the effects of an unfounded report on their private practice.<sup>25</sup> In small towns, patients may be reluctant to visit a physician who has previously reported abuse, particularly if the report is viewed as frivolous.<sup>26</sup> Although the identity of a reporter is to be handled in confidence, small-town life is such that the identity of the reporter can often be detected.<sup>27</sup>

Some skilled reporters recognize that child protection investigators must prioritize the reports received and may be able to respond to only the most serious. Recognizing this, some reporters may not call in a suspicion of abuse because it is believed no action can be taken.<sup>28</sup>

### **B. Even when reports come into the system, most children will never have their cases investigated.**

In 1999, there were 3.244 million children reported as abused and neglected.<sup>29</sup> Most of these cases will never be investigated. According to the Third National Incidence Study of Child Abuse and Neglect (NIS-3), only 28-33 percent of America’s maltreated children have their cases investigated by CPS.<sup>30</sup> The report found “especially remarkable

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abuse, as opposed to suspicion was necessary before a report could be made. The same study found that only 22% of the respondents were required by their denomination/faith group to receive child abuse training. This study also documented an under-reporting of suspected abuse cases with the most prevalent reason being “lack of trust in Children’s Services Bureaus.” The 143 clergy responding to this survey impact, at some level, the lives of 23,841 children. Daniel H. Grossoehme, *Child Abuse Reporting: Clergy Perceptions*, 7 CHILD ABUSE & NEGLECT 743-747 (1998).

<sup>24</sup> Kenny, *supra* note 18 at 88.

<sup>25</sup> Martha Bailey, *The Failure of Physicians to Report Child Abuse*, 40 U. TORONTO FACULTY L. REV. 49, 55, 57 (1982).

<sup>26</sup> *Id.*

<sup>27</sup> Victor I. Vieth, *A Strategy for Confronting Child Abuse in Rural Communities*, 28 THE PROSECUTOR 15, 16 (September/October 1994).

<sup>28</sup> Gail Zellman, *Reducing Underresponding: Improving System Response to Mandated Reporters*, JOURNAL OF INTERPERSONAL VIOLENCE 115, 116-117 (March 1991).

<sup>29</sup> Prevent Child Abuse America, *The Results of the 1999 Fifty State Survey*, found at [www.preventchildabuse.org](http://www.preventchildabuse.org)

<sup>30</sup> ANDREA J. SEDLAK & DIANE D. BROADHURST, U.S. DEP’T. OF HEALTH & HUMAN SERVS., THIRD NAT’L INCIDENCE STUDY OF CHILD ABUSE & NEGLECT 7-16 (Sept. 1996). A more recent study finds that nearly 2/3rds of reports are screened into the CPS system but that investigations result in only 27.5 of the cases as being substantiated for abuse or neglect. In each of the past 5 years, abuse has been substantiated in no more than 29% of the cases accepted for referral. CHILD MALTREATMENT 2001 (Published by U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Washington, D.C., U.S. Government Printing Office, 2003). This data suggests that the reporters, investigators or both are performing poorly in locating and assisting abused children. One problem may be the sheer number of reports that must be investigated. The average CPS investigator conducts 69 investigations per year—more than one per week. *Id.* 10. Given that a quality investigation may require interviewing numerous witnesses,

the finding that CPS investigation extended to only slightly more than one-fourth of the children who were seriously harmed or injured by abuse and neglect.” The gloomy conclusion of NIS-3 is that “as the total number of maltreated children has risen, it means that a larger percentage of these children have not had access to CPS investigation of their maltreatment. This picture suggests that the CPS system has reached its capacity to respond to the maltreated child population.”<sup>31</sup>

Seven years after this disheartening conclusion, researchers continue to document that the large volume of children whose allegations are either not investigated or that result in a CPS finding of “unsubstantiated” are just as likely to be victims of abuse as are those children whose allegations are substantiated. As one recent study documents, the “high level of recidivism among unsubstantiated cases show unambiguously that such cases are at high risk for subsequent maltreatment and show clearly that these cases are not simply erroneous reports made against families unlikely to engage in child maltreatment.”<sup>32</sup>

In Missouri, for example, approximately 80% of child maltreatment reports were not substantiated and yet this “large number of initially unsubstantiated victims comprises more than three quarters of the victims that later return to the attention of the child welfare system.”<sup>33</sup>

In summarizing twenty years of work with child molesters, famed psychologist Dr. Anna Salter laments:

In the interviews I have done, they (the perpetrators) have admitted to roughly 10 to 1,250 victims. What was truly frightening was that *all* the offenders had been reported before by children, and the reports had been ignored (emphasis added).<sup>34</sup>

### **C. Even when cases are investigated, the investigators and other front line responders are often inadequately trained and inexperienced**

Undergraduate, graduate and law schools seldom prepare students for the reality of child protection. Reporter Anna Quindlen describes a social worker’s obstacles as follows:

Their training is inadequate, and the number of workers is too small for the number of families in trouble. Some of the cases would require a

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searching the premises where the alleged abuse took place, collecting and reviewing data from numerous other agencies, CPS investigators may simply lack the time to conduct competent investigations. This is particularly so when we recall that investigators may have many other duties as well. In rural communities, for example, the investigator is often responsible for providing ongoing services. *Id.*

<sup>31</sup> SEDLAK, note 30 at 7-16.

<sup>32</sup> Brett Drake, Melissa Jonson-Reid, Ineke Way & Sulki Chung, *Substantiation and Recidivism*, 8(4) CHILD MALTREATMENT 248, 257 (November 2003).

<sup>33</sup> *Id.*

<sup>34</sup> SALTER, note 12 at 57.

battalion of cops, doctors, and social workers to handle; instead there are two kids fresh out of college with good intentions and a handful of forms.<sup>35</sup>

Commenting on his lack of training, social worker Marc Parent said he received “two weeks of solemn discussion on child protective issues, but little on getting a drug dealer to let you into an abandoned building or talking a restless police officer into sticking around until you get through with a case and back into your car.”<sup>36</sup>

Part of the problem may be the standards promulgated by the Council on Social Work Education (CSWE) for accreditation of social work undergraduate programs. Although CSWE recognizes the “purposes of social work education are to prepare competent and effective professionals,”<sup>37</sup> some of the accreditation standards limit the ability of universities to adopt curricula that will produce competent child protection workers. Specifically, the accreditation standards state that “baccalaureate social work education programs prepare graduates for *generalist* professional practice” and that only “master’s social work education programs prepare graduates for advanced professional practice in an area of concentration”<sup>38</sup> (emphasis added).

The problem with the CSWE standards is that when it comes to the work of child protection, there simply is no room at the inn for generalists. From day one, front line child protection workers must be able to interview child victims, conduct assessments or investigations, collect evidence for child protection proceedings, develop case plans with a realistic hope of preventing the re-occurrence of abuse and, in some cases, to advocate for termination of parental rights. When CPS workers lack these and other essential skills, children continue to be abused and, in some cases, they die.

The problem extends to graduate schools as well. A recently published study of American Psychological Association (APA) accredited graduate programs found that many of the programs “fall far short” of guidelines proposed by the APA for minimal levels of competence in handling child maltreatment cases.<sup>39</sup> The study finds the lack of graduate training for psychology students “contradicts the rapidly expanding literature on responding to maltreatment and the demands of this interdisciplinary, professional endeavor.”<sup>40</sup>

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<sup>35</sup> Anna Quindlen, *Forward* to MARC PARENT, TURNING STONES: MY DAYS AND NIGHTS WITH CHILDREN AT RISK (1996).

<sup>36</sup> *Id.*

<sup>37</sup> HANDBOOK OF ACCREDITATION STANDARDS AND PROCEDURES, 5<sup>TH</sup> ED., standard 1.1, chapter 2 (published by Council on Social Work Education 2003).

<sup>38</sup> *Id.* at standard 2.0, chapter 2.

<sup>39</sup> Kelly M. Champion, Kimberly Shipman, Barbara L. Bonner, Lisa Hensley, and Allison C. Howe, *Child Maltreatment Training in Doctoral Programs in Clinical, Counseling, and School Psychology: Where Do We Go From Here?*, 8 CHILD MALTREATMENT 211, 215 (August 2003).

<sup>40</sup> *Id.* at 215. To improve graduate training of psychologists, the authors recommended “team-taught classes, visiting instructors, and class visits by outside professionals” as “means by which to increase interdisciplinary training without developing entirely new programs.” *Id.*

Discussing her educational background, psychologist Anna Salter writes:

In the two years I spent at Tufts getting a Masters degree in Child Study and the five years I spent at Harvard getting a Ph.D. in Psychology and Public Practice, there was virtually nothing on child sexual and physical abuse in any course I took. I had one lecture on the victims of child abuse, but not a single lecture anywhere on offenders. Ironically, many of the lectures were on maladies so rare I've yet to see them in twenty years of practice.<sup>41</sup>

The training we provide to medical professionals is similarly inadequate. When it comes to medical schools, the reality is that “more than 40 years after the diagnosis of battered child syndrome entered the literature, our pediatric residency programs do not have a significant education requirement for preventing, recognizing, or managing child abuse.”<sup>42</sup> As a result, egregious errors occur. In one study, for example, researchers found that 31% of shaken baby cases were not recognized by the physicians who first evaluated these victims.<sup>43</sup>

When universities and other institutions of higher education fail to teach practical information to the child abuse professionals of tomorrow, it means these professionals must learn on the job with the lives of children hanging in the balance. As a result, children are often not protected or even die and child protection workers lose their idealism and add themselves to the list of burned out workers.

**D. Even when an investigation successfully substantiates abuse and gets a victim into the system, the child is typically older and it is more difficult to address the physical, emotional and other hardships caused by the abuse**

The inability of many investigators to interview and otherwise work with young children means that we fail to address child abuse at the outset.<sup>44</sup> As a result, it is primarily older victims who are accepted into the system. The average age of victims who come to court is 10 and the median age is 13.<sup>45</sup> In many cases, older victims come into the system as delinquents, runaways, and prostitutes.<sup>46</sup> If, as a nation, we are ever going to break the cycle of child abuse we must intervene in the lives of these children when they are much younger. At the present time, the cost of dealing with child abuse primarily when its victims are older or have reached adulthood is staggering. Each year,

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<sup>41</sup> SALTER, *supra* note 12 at 2.

<sup>42</sup> Ann S. Botash, M.D., *From Curriculum to Practice: Implementation of the Child Abuse Curriculum*, 8(4) CHILD MALTREATMENT 239 (November 2003).

<sup>43</sup> Jenny et. al, *Analysis of missed cases of abusive head trauma*, 281 JAMA 621-626 (1999).

<sup>44</sup> According to one expert, the “most common age at which sexual abuse begins is three.” Gavin de Becker, *Foreword* in SALTER, note 12 at x.

<sup>45</sup> Thomas D. Lyon, *False Allegations and False Denials in Child Sexual Abuse*, 1 PSYCHOLOGY, PUBLIC POLICY AND LAW 429, 433 (1995).

<sup>46</sup> *See generally*, Richard Estes, *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, available online at <http://caster.ssw.upenn.edu/~restes/CSEC.htm>

we spend approximately 100 billion dollars in dealing with the aftermath of child abuse.<sup>47</sup> Many of these costs could be avoided if we can get more kids into the system at younger ages and address the child abuse in its earliest stages.

**E. Because the child protection community lacks a unified voice in communicating the needs of maltreated children, these victims receive an inadequate share of our country's financial resources**

Although child abuse and neglect has been appropriately termed a "public health epidemic," our nation has not invested money in addressing this ill to the extent we have other epidemics. For example, a study of federal research commitment found we invest one nickel for every 100 dollars of societal cost associated with child abuse whereas we invest two dollars for every 100 dollars of societal cost associated with cancer.<sup>48</sup> This is so even though the rate of child abuse is ten times greater than the rate of cancer.<sup>49</sup> In the words of Dr. Chadwick and colleagues, "(w)ithout the appropriate investment, it will be difficult to successfully achieve a systematic, coordinated national effort to ameliorate child abuse and neglect."<sup>50</sup>

In a paper discussing the modern political history of child abuse and neglect, Dr. Richard Krugman, Dean of the University of Colorado School of Medicine, offers this analysis of the problem:

Effective policy making requires an 'iron triangle:' an effective lobbying organization, several congressional 'champions,' and inside help from a supportive bureaucracy. In contrast to the many instances of effective political efforts in health and defense, for example, the child protection system is ineffective. There are few notable Congressional advocates, a weak lobby, and an even weaker bureaucracy.<sup>51</sup>

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<sup>47</sup> Prevent Child Abuse America, *Total Estimated Cost of Child Abuse and Neglect in the United States* (2001) found at [www.preventchildabuse.org](http://www.preventchildabuse.org)

<sup>48</sup> Blair L. Sadler, David L. Chadwick, and Dominique J. Hensler, *The Summary Chapter--The National Call to Action--Moving Ahead*, 23 CHILD ABUSE & NEGLECT 1011, 1016 (1999).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Richard Krugman, *The Politics*, published in *Convening A National Call to Action: Working Toward the Elimination of Child Maltreatment*, 23 CHILD ABUSE & NEGLECT 963 (1999). Of course, there are some political figures who have advocated for maltreated children. As noted in the foreword to this volume, U.S. Rep. Robert E. "Bud" Cramer was instrumental in creating the child advocacy center movement. Former United States Senator Walter F. Mondale was the driving force behind the Child Abuse Prevention and Treatment Act (CAPTA) which became law in 1974. CAPTA provided federal funds for numerous child protection initiatives and played a significant role in shaping our modern child protection system. JOHN E.B. MYERS, A HISTORY OF CHILD PROTECTION IN AMERICA 299-303 (2004) (Mondale's role in enacting CAPTA is referenced or discussed on pages 289-291, 299, 351-352, and 354 in the Myers book). Other political figures have played a role in establishing some of the reforms discussed in this paper. Ohio Attorney General Jim Petro, for example, has played a key role in establishing the *Finding Words* program in his state.

Arguably the most effective voice for children is the front line professionals closest to the problem. Unfortunately, the turnover rate for social workers and other professionals is so high that it results in those closest to the situation never mastering the art of handling their assigned caseloads much less learn how to communicate to governmental leaders what does and does not work in addressing child abuse and neglect.

#### **IV. THE BATTLE PLAN FOR ENDING CHILD ABUSE**

Stated in its simplest terms, three things must happen if we are to significantly reduce and eventually end child abuse. First, abused children must be reported into the system and those reports must be of a high quality. Second, the system must conduct a competent investigation of every child abuse case that comes to its attention and, when abuse is substantiated, appropriate civil and criminal actions must be competently pursued. Third, we must teach police officers, prosecutors and social workers to be community leaders in the prevention of child abuse. As part of this responsibility, front line child protection professionals must effectively communicate to governmental and other leaders the needs of maltreated children and the means most effective in addressing these needs.

##### **A. Abused children must be reported into the system and those reports must be of a high quality**

Teachers, day care providers, foster parents, doctors and others who work daily with young children are on the front lines of the child protection system. If these professionals are ignorant in the detection of abuse or, even if knowledgeable of their obligations, are unwilling to report, most victims will be left unprotected. If the vast majority of these cases are not reported,<sup>52</sup> we are leaving most child victims to fend for themselves. To correct this problem, two things must happen.

##### **1. Every university must teach students entering mandated reporting professions the necessary skills to competently perform this task**

The United States must end on-the-job training for mandated reporters. To this end, every graduate of every American university that declares a major in a field where they will likely be mandated reporters must receive comprehensive training that equips them for this task. Moreover, the training must be tailored to the professions the students will be entering. We should not, for example, teach future teachers how to do an autopsy but we should teach them about unusual sexual behaviors or bruising patterns that indicate abuse.

We must also teach ethics to tomorrow's mandated reporters. What should a teacher do, for example, if she suspects abuse and alerts her principal but the principal tells her not to report? We must teach these students to make the report for the sake of the child and to comply with the law. Even if the student takes a position in a state such as

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<sup>52</sup> See Finkelhor, *supra* note 16 and accompanying text.

Virginia, where simply alerting the principal is sufficient,<sup>53</sup> we must encourage future teachers to go the extra mile and make the report themselves. They, after all, will have the best and most direct knowledge of the child and the basis for their suspicions.

This is not a pie in the sky proposal. The American Prosecutors Research Institute (APRI) is partnering with a prestigious university in Minnesota interested in becoming the first institution to adopt this plan.<sup>54</sup> Several other universities have approached us to assist them in developing something similar. Once developed, we believe that graduates of these programs will make a higher percentage of substantiated reports than others in their profession who have not received this training. It is our hope that we can demonstrate this with research and persuade hundreds of universities to follow suit.

## **2. Mandated reporters in the field must receive annual training on the detection of abuse and their obligations to report**

For those mandated reporters already in the field, child protection professionals should take the lead in their communities to ensure reporters are adequately trained on an annual basis. This was the practice in Cottonwood County, Minnesota, where I served as a child protection attorney and child abuse prosecutor for several years.<sup>55</sup> This practice was based on the simple theory that if abused children are not reported, society will be unable to stop the abuse and repair the child's family.

### **B. Child protection workers and law enforcement officers must conduct a competent investigation of every child abuse case that comes to their attention and, when abuse is substantiated, pursue appropriate civil and criminal actions**

#### **1. Children reported as victims or witnesses to an act of child abuse must be interviewed by a social worker, police officer or other professional trained in the science and art of speaking to children**

##### **a. Develop state of the art forensic interviewing courses such as APRI/CornerHouse's *Finding Words***

Front line interviewers must have basic training on child development, linguistics, memory and suggestibility and other issues impacting on the child interview. Interviewers must have a thorough understanding of how the dynamics of abuse will impact the interview. An older child, for example, may not view herself as a victim or may have guilt over her "compliance" with the act.<sup>56</sup> Irrespective of their age, children

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<sup>53</sup> VA. CODE. ANN SECTION 63.2-1509 (2002).

<sup>54</sup> The university referenced is Winona State University. For an overview of the extraordinary history of WSU, See R.A. DUFRESNE, WINONA STATE UNIVERSITY: A HISTORY OF ONE HUNDRED TWENTY-FIVE YEARS (1985).

<sup>55</sup> Vieth, *supra* note 10 at 177-179.

<sup>56</sup> See Ken Lanning, *Law Enforcement Perspective on the Compliant Child Victim*, THE APSAC ADVISOR (Spring 2002).

should be interviewed as part of a forensic interviewing protocol that is supported by research.<sup>57</sup>

There are a number of national and state organizations that offer quality forensic interview training including the American Professional Society on the Abuse of Children (APSAC),<sup>58</sup> the National CAC Academy in Huntsville,<sup>59</sup> CornerHouse,<sup>60</sup> the Cincinnati Children's Hospital Medical Center,<sup>61</sup> and First Witness.<sup>62</sup>

In 1998, APRI's National Center for Prosecution of Child Abuse partnered with CornerHouse, a child sexual abuse evaluation and training center in Minnesota, to present a forensic interview training program entitled *Finding Words*.<sup>63</sup> One of the unique features of this program is that *Finding Words* trains teams as opposed to individuals and insists that prosecutors be part of the team. Since an investigative interview may need to be defended in court the prosecutor must have the same base of knowledge as the investigator. Equally important, the prosecutor who may call a child as a witness must be well versed in asking questions the child can understand.

*Finding Words* not only teaches the students pertinent research in child development, linguistics and memory and suggestibility but requires students to read much of the literature. Each student interviews a child about a non-abuse event such as a trip to the zoo and then is critiqued.

The heart of the course is the final two days when the 40 students are divided into four groups of ten. The students then receive ten fictitious reports of child sexual abuse. Working with their teams, they chart out a game plan of how a particular interview will unfold. Developmentally, what is the child's likely attention span? What cultural barriers or blocks should I be on the lookout for? What alternative hypothesis will I explore in the interview? Then, each student gets a chance to do a 30 minute videotaped interview with

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<sup>57</sup> See generally, Erin Sorenson, Bette L. Bottoms & Allison R. Perona, *Research-Based Guidelines for Forensic Interviews with Child Witnesses*, JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA (this volume). There are many forensic interviewing protocols in use around the country. Each protocol has strengths and weaknesses and there will never be a perfect model. Nonetheless, most protocols share common features such as the importance of building rapport, incorporating instructions into the interview, using developmentally appropriate questions and aids, and a sensitive closure to the process. Some of the leading protocols are discussed in the Sorenson, et al, article cited above. For a discussion of the protocol used in San Diego, see Deborah Davies, et al, *A Model for Conducting Forensic Interviews with Child Victims of Abuse*, 1 CHILD MALTREATMENT 189 (1996). For a discussion of the protocol used in the forensic interview training programs of CornerHouse and the American Prosecutors Research Institute, see Lori S. Holmes & Victor I. Vieth, *Finding Words/Half a Nation: The Forensic Interview Training Program of CornerHouse and APRI's National Center for Prosecution of Child Abuse*, 15(1) APSAC ADVISOR 4-8 (Winter 2003).

<sup>58</sup> For more information, visit the APSAC web site at <http://www.apsac.org/>

<sup>59</sup> This program offers basic and advanced forensic interview training as well as a course on Spanish speaking forensic interview training. For more information, visit the Academy's website at <http://www.nationalcac.org/academy/acad.html>

<sup>60</sup> For more information, visit the CornerHouse website at <http://www.cornerhousemn.org>

<sup>61</sup> For more information, visit the Children's Hospital website at [www.cincinnatichildrens.org](http://www.cincinnatichildrens.org)

<sup>62</sup> For more information visit the First Witness website at [firstwitness.org](http://firstwitness.org)

<sup>63</sup> For an overview of the history and quality of this program, see Holmes & Vieth, *supra* note 57 at 4-8.



a sexual abuse victim. The “victims” are portrayed by adult actors/actresses who themselves have received some child development training. In this way, a student who asks a developmentally inappropriate question will get the answer he is not looking for. If, for example, the student asks the actor if “daddy’s pee-pee was hard or soft”, the student is trying to find out if the alleged perpetrator had an erection. If the actor, though, is playing the role of a 4 year old child he will respond “soft” because, at that age, the child is likely thinking in terms of texture.

When the student completes the interview, he or she receives critiques from each of his nine peers. The reason we require the students to critique one another is that we are trying to build into each community the idea of ongoing peer review. We are trying to drive home to the students the idea that when it comes to protecting children, there is no room for egos. The final critique would be from the professional interviewer assigned to the room.

The last part of the course is an essay examination to measure the students’ grasp of the materials. As of this writing, we have had over 300 graduates of *Finding Words* and all but a handful of students have successfully completed the course.

**b. Each state must have a forensic interviewing course of the quality of *Finding Words* that is locally run and taught**

Quality forensic interview training programs must provide hands-on instruction in which students can practice their skills. Unfortunately, this necessary approach limits the number of students and creates a demand for training that no national course can provide. In the case of *Finding Words*, for example, the demand for admittance into the course was so great that APRI was turning away as many as 90% of the investigators and prosecutors who applied.<sup>64</sup> As a result, APRI concluded that the future of forensic interview training lay in establishing state and local training courses that uphold national standards.

To establish state-run forensic interview training courses, APRI launched a program entitled *Half a Nation by 2010*. By the end of the decade, we will establish in at least 25 states their own version of *Finding Words* that will be locally run and taught. The genesis of the project comes from Minnesota where our partner, CornerHouse, has trained police officers, social workers and prosecutors in 85 of Minnesota’s 87 counties.

The *Half a Nation* project was successfully launched in South Carolina and, as of this writing, teams of students from more than 50 percent of the counties in that state have received the training. The project has also been completed in the states of Indiana, Mississippi, New Jersey, Georgia and Missouri. In 2004, the project will be completed in the states of West Virginia, Maryland and Illinois. In 2005, Kansas and Ohio will complete the project. In total, representatives from over 40 states have expressed interest in the project.

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<sup>64</sup> Victor I. Vieth, *Half a Nation by 2010*, Volume 14(2) Update (2001) (published by APRI’s National Center for Prosecution of Child Abuse, Alexandria, VA). *See also*, Holmes & Vieth, *supra* note 57 at 4-8.

If APRI reaches its goal of completing the project in 25 states by the end of the decade, hundreds of thousands of children victimized by abuse or neglect will be empowered to share their experiences at a much younger age because the system will be better able to address their needs.

There may be states that choose not to be part of the *Half a Nation* project. Within the states that do become part of the project, there may be some jurisdictions that choose an alternative training program for its forensic interviewers. This is perfectly acceptable. What is not acceptable, however, is for any state or local jurisdiction to maintain a status quo that puts thousands of abused children into the hands of inadequately trained, even incompetent forensic interviewers.

**c. In addition to quality forensic interviews, there must be in place a system to assist children that do not respond well to an investigative interview**

*Finding Words* employs a child first doctrine that acknowledges that not every child will respond well to a forensic or investigative interview. Pre-school aged children, for example, may lack the verbal skills to participate in such a model.<sup>65</sup> Some children may have the verbal skills to participate in a forensic interview but, for any number of reasons, will require a more extended forensic evaluation to determine whether or not they have been maltreated.<sup>66</sup> Some children may respond better to a medical model of forensic interviewing in which a physician or nurse is the primary interviewer.<sup>67</sup> Accordingly, MDTs must be prepared to employ alternative approaches when necessary to meet the needs of each victim who comes into the system. Simply educating front line professionals about these alternative models and where to locate professionals and facilities using these alternative approaches may be sufficient to reduce the chance of leaving any child unprotected.

**2. Child protection workers called on to investigate and repair families damaged by abuse must be competent to perform these tasks**

Each year, I train thousands of child protection professionals, many of whom are front line social workers. I have asked hundreds of these workers if college taught them anything of value to their jobs. In response, these workers tell me that although college may instruct them as to the prevalence of child abuse, various dynamics that contribute to child abuse, and even offer various theories to address the problem both from inside and from outside the system, that very little instruction is given on the mechanics of investigating a report of abuse and working with a given family to end the maltreatment

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<sup>65</sup> See generally, SANDRA K. HEWITT, *ASSESSING ALLEGATIONS OF SEX ABUSE IN PRE-SCHOOL CHILDREN* (1999).

<sup>66</sup> Connie Nicholas Carnes, Charles Wilson and Debra Nelson-Gardell, *Extended Forensic Evaluation When Sexual Abuse is Suspected: A Model and Preliminary Data*, 4(3) *CHILD MALTREATMENT* 242-254 (1999).

<sup>67</sup> The Midwest Children's Resource Center in Minnesota is an excellent example of this model. For more information about MCRC, contact them at 347 N. Smith, Suite 401, St. Paul, MN 55102.

once and for all. Although well-intentioned and filled with idealism, untrained social workers are ill-equipped to handle the stress and complexity of a situation such as entering a crack house to rescue an addicted baby. As noted by one commentator, “few colleges and universities...provide training ‘that specifically targets workers who deliver direct services to children and families. As a result, agencies must hire workers who are woefully unprepared for these critical positions and responsibilities.’”<sup>68</sup>

The failure of colleges to provide adequate training leaves many workers disillusioned. Burnout is so common that it is unlikely that any CPS system in the country has a truly knowledgeable, experienced team of investigators.<sup>69</sup> Although many measures can be taken to address the ongoing stress of working in the field,<sup>70</sup> we must end the practice of on-the-job training as the primary source of education for child protection professionals. No child’s life should be placed in the hands of someone who is inadequately prepared for the task.

The proposed curriculum detailed below constitutes the minimum level of skills front line child protection professionals must have. Hopefully, universities will go even further than this outline in designing curricula that will dramatically improve our nation’s ability to protect abused children.<sup>71</sup>

**a. Every university must teach child protection professionals necessary investigative skills**

In addition to teaching mandated reporters to competently fulfill their responsibilities, universities must provide rigorous, hands on instruction to tomorrow’s police officers and social workers. As a starting point, universities should, in a full semester course, teach students to competently conduct a multi-disciplinary investigation of a report of child abuse.

On the first day of this semester course, students could be presented with a realistic, complex report of child abuse. This hypothetical case can be referred to repeatedly as students learn from the ground up how to build a meaningful investigative response to child abuse allegations. Students should learn about infamous child abuse

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<sup>68</sup> Kristen Kreischer, *Burned Out*, Children’s Voice article (July/August 2002) available online at [www.cwla.org/articles/cv0207burnedout.htm](http://www.cwla.org/articles/cv0207burnedout.htm)

<sup>69</sup> *Id.*

<sup>70</sup> See, Victor I. Vieth, *When Days Are Gray: Avoiding Burnout as Child Abuse Professionals*, 14(4) Update (2001) (published by APRI’s National Center for Prosecution of Child Abuse, Alexandria, VA)

<sup>71</sup> Montclair State University in New Jersey, for example, offers a post BA “certificate in child advocacy” for child protection workers and is developing a Master of Arts in Child Advocacy with an optional concentration in child public welfare. This master’s program will provide students with knowledge of mandated reporting laws, investigative techniques including the child interview, and legal issues surrounding these cases. Reflecting the multi-disciplinary nature of child protection work, the faculty is drawn from diverse fields. By addressing the need for practical education of front line child protection workers at both the undergraduate and graduate levels, Montclair State University is well-positioned to be recognized as a true pioneer in child protection education. See Robert H. McCormick, *The Master of Arts in Child Advocacy: A Contribution to an Emerging Discipline*, JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA (this volume).

cases where failed investigations left alleged perpetrators and victims in limbo and ruined the lives of many, including the investigators. Students should learn to create a multi-disciplinary team by exploring different approaches and then drafting an investigative protocol for their hypothetical community. Students should then learn the art of investigating a child abuse report as part of an MDT. Instruction should include interviewing the suspect, interviewing the non-offending parent, and interviewing the children alleged to be abused or who dwell in an abusive environment. Students should learn the importance of corroborating evidence and how to find it.

As the course progresses, students should be teamed up as part of a fictitious MDT that will be called on to investigate the report of child abuse. Near the end of the semester, the teams of students should enter a house to conduct an investigation. The students should interview professional actors/actresses posing as the child abuse suspect, non-offending parent, and several children who may have been victimized or exposed to the victimization of siblings.<sup>72</sup> Students should search the house for evidence and document their findings with photographs, videotapes, etc.

Once the investigation is complete, students should present their evidence in a mock trial. Students should work with a real prosecutor in presenting the evidence and then be cross-examined by a defense attorney. Students should be critiqued on their performances.

**b. Every university must teach child protection professionals to work meaningfully with families impacted by abuse**

Once students learn to competently investigate these cases, they must learn the art of repairing troubled homes. To this end, the child protection workers of tomorrow should complete another semester long course that exposes them to the aftermath of a proven case of child abuse. Taking the case investigated in the previous course, students should be called on to develop a case plan to address the needs of the family in the hopes of healing wounds, building parenting skills, dealing with the mental health needs of the victims and, perhaps, reunification with the perpetrator. Students should also learn approaches to developing programs or otherwise reforming child protection systems that are inadequate to respond to the needs of families impacted by abuse.

Students should also be exposed to alternative responses to reports of maltreatment. According to a study of the U.S. Department of Health and Human Services, alternative response is defined as a “formal response” by a CPS agency that “assesses the need of the child or family without requiring a determination that

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<sup>72</sup> The use of well-trained actors has been a very successful formula in bringing academia into the street by forcing students to think on their feet and apply the instruction they have been given in realistic settings. CornerHouse uses this approach in their forensic interview training and APRI has adopted this approach in the *Finding Words* curriculum. All actors, however, must be adults including those playing the roles of children. Given the nature of the subject matter, it is unethical to use child performers in such a role. If the adult actor is properly trained in child dynamics, he/she can respond in a realistic way to the fictitious investigation suggested in this paper.

maltreatment has occurred or that the child is at risk of maltreatment.”<sup>73</sup> Alternative response approaches are available in 20 states with 11 states implementing the practice statewide.<sup>74</sup> This approach may be appropriate for many neglect reports or other less “serious” allegations.<sup>75</sup> In cases such as these, an alternative response may prevent mild maltreatment from becoming severe. State policies do not permit alternative responses for maltreatment cases involving criminal offenses, sexual abuse, or cases involving physical injury or endangerment.<sup>76</sup>

A curriculum along these lines should produce child protection workers who will remain on the job longer, will have higher job satisfaction and will perform their jobs better than those CPS workers who receive only on the job training. If this logical hypothesis proves to be true, model child protection curriculums may become the norm for every American university undertaking the task of preparing child protection workers for the most difficult, and important, of jobs.

**c. Graduate schools must adequately prepare professionals to work with child victims**

Although there is no substitute for adequate undergraduate training, a number of graduate schools also train professionals who almost certainly will encounter child abuse victims. Consider the following examples.

**1) Law schools**

Although law students interested in becoming prosecutors or public defenders are the best candidates to interact with abused children before or during court, tomorrow’s civil attorneys will also encounter child witnesses in divorce/custody cases, civil child protection proceedings, and in other instances involving civil litigation. Future judges must also deal with child witnesses.<sup>77</sup>

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<sup>73</sup> NATIONAL STUDY OF CHILD PROTECTIVE SERVICES SYSTEMS AND REFORM EFFORTS (U.S. Department of Health and Human Services, Washington, D.C., U.S. Government Printing Office, 2003).

<sup>74</sup> *Id.* at 5-1.

<sup>75</sup> There is research to suggest that various types of child neglect, such as emotional abuse, may increase the risk for poor outcomes in adulthood to a greater extent than other forms of maltreatment. *See e.g.* Stephanie Hamarman, Kayla H. Pope, & Sally J. Czaja, *Emotional Abuse in Children: Variations in Legal Definitions and Rates Across the United States*, 7(4) CHILD MALTREATMENT 303 (2002). Accordingly, we should not say we are putting neglect cases into the alternative response system because this form of maltreatment is less egregious but rather because this form of maltreatment is better handled in an informal setting without the adversarial nature of a legal proceeding.

<sup>76</sup> NATIONAL STUDY OF CHILD PROTECTIVE SERVICES SYSTEMS AND REFORM EFFORTS, *supra* note 73 at 5-1, 5-2.

<sup>77</sup> A recent survey of 2,240 judges found that barely 50% of them had received any child welfare training before hearing child dependency and neglect proceedings. *View from the Bench: Obstacles to Safety & Permanency for Children in Foster Care* (July 2004) (this survey was conducted by the Children & Family Research Center, School of Social Work, University of Illinois, Urbana-Champaign and is available on line at [www.fosteringresults.org](http://www.fosteringresults.org). Much has been written about the proper credentials for being a trial judge including courage, self-doubt, and a deep and genuine affection for the law. *See* Victor I. Vieth *Selecting Trial and Appellate Judges: Exceptions to the Rules and Rules to Find the Exceptions*, 18 HAMLIN J. PUB. L. & POL’Y 52 (1996). To this list should be added experience with child witnesses. Indeed, there is

To this end, law schools should introduce tomorrow's trial attorneys and judges to the concept of court schools<sup>78</sup> and the art of preparing children for court.<sup>79</sup> Law students should understand the research on conducting developmentally appropriate oaths.<sup>80</sup> Most importantly, tomorrow's trial attorneys and judges must be introduced to the concept of questioning children in a manner they can understand.<sup>81</sup> Just as we would oppose questioning in English a child who could only speak Spanish, we must oppose the practice of questioning children in a manner they cannot comprehend. According to one study, 2/3 of public defenders and 1/3 of prosecutors admitted questioning children in a manner designed to confuse the child.<sup>82</sup> Law schools must take the lead in teaching the attorneys and judges of tomorrow that questioning designed to take advantage of a child's vulnerabilities is unethical.

## 2) Medical schools

The role of physicians in ending child abuse cannot be over-stated. A significant portion of child abuse and neglect reports comes from medical providers. Accordingly, the early detection of child abuse and neglect in doctor's offices, emergency rooms, dental and community health offices is essential if we are to address abuse at an age where society is best able to respond effectively. Even when children do not come into the system as a result of a report from a medical provider, many of these children will nonetheless come into contact with a doctor once they enter the system. This is because medical evaluations are an essential part of not only making the case against the perpetrator but also ensuring the child that his or her body is healthy. Accordingly, it is essential that medical students have rigorous training in the recognition, intervention and prevention of child abuse.

In designing a medical school curriculum, it is helpful to remember that child abuse is not always easily detectable.<sup>83</sup> Accordingly, medical schools must give the

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literature suggesting that unless a judge is well-versed in linguistics, child development, memory and suggestibility and other issues impacting on the child witness, that he/she is incompetent to serve as a judge in a case involving the testimony of children or in a case where the statements of children is an issue of some sort. See Victor I. Vieth, *When Cameras Roll: The Danger of Videotaping Child Abuse Victims Before the Legal System is Competent to Assess Children's Statements*, 7(4) JOURNAL OF CHILD SEXUAL ABUSE 113-121 (1999).

<sup>78</sup> For an excellent overview of the concept and use of court schools, see Martha J. Finnegan, *Creating and Administering a Kids Court Program*, 13(5) UPDATE (2000) (published by APRI's National Center for Prosecution of Child Abuse, Alexandria, VA).

<sup>79</sup> See LYNN M. COPEN, PREPARING CHILDREN FOR COURT (2000).

<sup>80</sup> See Thomas D. Lyon & Karen Saywitz, *Young Mistreated Children's Competence to Take the Oath*, 3(1) APPLIED DEVELOPMENTAL SCIENCE 16-27 (1999).

<sup>81</sup> See ANNE GRAFFAM WALKER, HANDBOOK OF QUESTIONING CHILDREN (2d Edition) (1999); see also Myers, Goodman, & Saywitz, *Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviews and Courtroom Testimony*, 27 PACIFIC L. JOURNAL 1 (1996).

<sup>82</sup> Michael R. Leippe, et al, *The Opinions and Practices of Criminal Attorneys Regarding Child Eyewitnesses: A Survey*, in CECI, ET AL, PERSPECTIVES ON CHILDREN'S TESTIMONY 100, 118 (1989).

<sup>83</sup> Munchausen Syndrome by Proxy cases, for example, are extremely complex and since the abusive caretaker often has medical training, the treating physician "will be hard pressed not to be caught up in trying 'too hard' to find the cause of the child's pain (and) the potential for missing that she is standing

medical professionals of tomorrow a thorough understanding of taking a history/interviewing a child, conducting a physical examination of a possible victim of abuse, the collection of appropriate laboratory data, diagnostic considerations, proper record keeping not only for assisting the patient but in preparation for court, long term treatment of the child, and various legal issues (hearsay, mandated reporting, etc).<sup>84</sup> Beginning in medical school, physicians must learn to identify and respond to the physical and psychological neglect of children<sup>85</sup> and continue to receive training on these complex issues. Just as social workers, police officers and other child protection professionals must learn how to conduct themselves in court and, for the welfare of the child victims, present their findings in a convincing way, it is important to instruct medical professionals in the art of testifying.<sup>86</sup> Intervention, of course, is only one piece of the puzzle. As with all professions involved in child abuse, doctors should receive courses on the prevention of abuse and their role in giving parents anticipatory guidance.

Residency training may be the best place to provide this education so long as the training is not only for those desiring to be child abuse specialists. This is because specialists “practice in academic centers” thus making the distribution of these specialists “somewhat limited.”<sup>87</sup> Instead, the “complete education of primary care physicians in the evaluation of child abuse and neglect is mandatory in order to reach most pediatric patients with quality evaluation services.”<sup>88</sup>

As with all professionals, the training must not end in medical school. In some states, child abuse continuing education is a condition of continued license. This requirement should be expanded to all states. Moreover, it is time that specialists in child abuse and neglect receive subspecialty status in the profession and be certified through examination, provision of fellowships, and a career track in this subspecialty.

### 3) Other graduate schools

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right next to us at the bedside is great.” Herbert Schreier, *Munchausen Syndrome by Proxy Defined*, 110(5) PEDIATRICS 985, 987-988 (2002).

<sup>84</sup> For a more thorough analysis of these issues, see American Academy of Pediatrics/Committee on Child Abuse & Neglect, *Guidelines for the Evaluation of Sexual Abuse of Children: Subject Review*, 103 PEDIATRICS 186-191 (1999).

<sup>85</sup> Even in a busy clinic, physicians may be able to identify neglect by “brief screening questions” on issues such as “access to health care and medications, adequacy of food supplies, possible depression, and social supports and coping.” Howard Dubowitz, et al, *Child Neglect: Outcomes in High-Risk Urban Preschoolers*, 109(6) PEDIATRICS 1100, 1105 (2002). In terms of screening for psychological neglect, physicians can assess the parent-child interaction and ask questions such as “is the overall tone of the interaction positive? What is the nature of their affect? It is useful to note the responsivity of parent and child to each other. Do they listen to and consider each other?” *Id.* at 1105.

<sup>86</sup> See Charles Felzen Johnson, *The Use of Charts and Models to Facilitate a Physician’s Testimony in Court*, 4 CHILD MALTREATMENT 228 (1999); Victor I. Vieth, *Tips for Medical Professionals Called as Witnesses*, 13(2) UPDATE (2000).

<sup>87</sup> Suzanne P. Starling & Stephen Boos, *Core Content for Residency Training in Child Abuse and Neglect*, 8(4) CHILD MALTREATMENT 242-243 (November 2003).

<sup>88</sup> *Id.*

All graduate schools that teach students who will inevitably encounter child abuse victims must adequately prepare these men and women for the challenges they will encounter. Graduate schools that train tomorrow's psychologists<sup>89</sup>, dentists<sup>90</sup>, journalists, clergy-persons and veterinarians<sup>91</sup> are but some of the professionals that come to mind.

**d. Once in the field, civil child protection professionals must have access to ongoing training and technical assistance**

In addition to the aforementioned undergraduate and graduate courses, front line child protection workers must never be left alone in the field. These workers must be able to access ongoing training, technical assistance and publications. A social worker or child protection attorney should receive monthly newsletters to keep themselves current, should be able to attend trainings from nationally renowned presenters, and should have a national program they can call for advice or other technical support on individual cases.

To this end, there are already efforts underway. In February of 2003, Congress appropriated approximately one million dollars to create a National Child Protection Training Center on the campus of Winona State University. The program is up and running, provides precisely the services discussed above, and is modeled after the National Center for Prosecution of Child Abuse's efforts on behalf of prosecutors.<sup>92</sup> If we can achieve on the civil side what we have accomplished on the criminal side, namely training thousands of professionals in the field, we will dramatically improve the quality of work on the civil side of child protection, the side that is necessary to end the cycle of abuse family by family.

**3. Prosecutors must be adequately trained to prosecute egregious child abusers**

Child abuse was, to a large extent, ignored by our criminal justice system until the 1980's. Unfortunately, the criminal justice system was ill equipped to handle these cases and, in a number of instances, did so incompetently. As a result, there was a backlash that deterred many from prosecuting these cases.<sup>93</sup> As I travel around the country, the impact of the backlash remains real and rampant. In some states, for example, prosecutors hold

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<sup>89</sup> For a discussion of the inadequate training of psychologists working with victims of child maltreatment, see notes 39-40 and the accompanying text.

<sup>90</sup> Numerous studies document that dentists under-report cases of abuse and neglect because of lack of knowledge as to what injuries are consistent with abuse. For a summary of these studies and a call for continued and increased efforts to educate dentists about child maltreatment, see Howard L. Needleman, *Oral Facial Trauma in Child Abuse and the Role of the Dental Profession*, 12 APSAC ADVISOR 10 (Summer 1999).

<sup>91</sup> There is a growing body of evidence showing a correlation between animal abuse and child abuse. As a result, some states, such as Ohio, have made veterinarians mandated reporters. For an excellent overview of the research documenting the correlation between animal abuse and child abuse, see Allie Phillips, *How the Dynamics Between Animal Abuse and Child Abuse Affect the Forensic Interview Process*, 1(4) REASONABLE EFFORTS (Published by APRI's National Child Protection Training Center, Winona, MN).

<sup>92</sup> See Victor I. Vieth, *The National Child Protection Training Center: A Partnership between APRI and Winona State University*, 38(1) THE PROSECUTOR 33 (January/February 2004).

<sup>93</sup> See generally, HECHLER, *supra* note 11.



fast to the idea that they will not prosecute a child sexual abuse case unless there is clear, unmistakable medical evidence. Because such evidence is rare,<sup>94</sup> this means that most children will never have their perpetrators brought to justice.

There are some who maintain the criminal justice system is more of a hindrance than help in addressing the horror of child abuse. Hubert Humphrey, for example, once advocated reducing child abuse crimes to nothing more than a misdemeanor in the hope of encouraging more reports.<sup>95</sup> Though well meaning, such an argument relegates children to the back of the bus of our criminal justice system. We would never suggest that those who beat or rape ourselves or other adults should receive relatively meaningless consequences or that such cases should be handled by unskilled prosecutors. To say that a different standard should apply when the victim is a child is to designate the most helpless part of our population to the status of second-class citizen. The criminal justice system defines our deepest beliefs as to what is right and wrong, moral and immoral. If we fail to say as a society that beating, burning, binding, raping and murdering children is worthy of consequences then we forfeit the right to call ourselves civilized.

Moreover, prosecution is an essential part of prevention. According to one study, 561 non-incarcerated sex offenders accounted for the sexual abuse of 195,000 victims.<sup>96</sup> From studies and personal experience we know that many offenders will accumulate hundreds of victims unless and until they are caught. For every apprehended offender, dozens, even hundreds of other victims can be spared.

Improving the quality of prosecution can only be done through education. Since law schools do not presently teach future prosecutors the intricacies of successfully handling these cases, the training must come elsewhere, must be comprehensive, and must be consistent throughout the nation.

In 1985, the National District Attorneys Association secured from congress funding of 1.5 million dollars to create the National Center for Prosecution of Child Abuse. The purpose of NCPCA is to provide training, technical assistance and publications for front line investigators and prosecutors. NCPCA stands today as the premiere trainer of front line professionals. In 2001, for example, we trained over 14,000 investigators and prosecutors in over 30 states in every region of the nation. In 2002, we again traveled to over 30 states and trained over 12,000 child protection professionals and, in 2003, we continued at this level.<sup>97</sup>

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<sup>94</sup> Adams and Wells, *Normal Versus Abnormal Genital Findings in Children: How Well Do Examiners Agree?*, 17 CHILD ABUSE AND NEGLECT 663, 673 (1993).

<sup>95</sup> SHELDON D. ENGELMAYER & ROBERT J. WAGMAN, HUBERT HUMPRHEY AND HIS DREAM 313 (1978).

<sup>96</sup> Gene G. Abel et al, *Self-Reported Sex Crimes of Nonincarcerated Paraphiliacs*, 2 J. INTERPERSONAL VIOLENCE 3, 17 (1987).

<sup>97</sup> NCPCA hosts several national conferences a year. However, most of our training is conducted at the state and local level. A child protection professional asks an NCPCA trainer or trainers to visit their state and teach one or more workshops. Training at the state and local level is often-times more effective because it requires the speaker to tailor the training to local laws and dynamics.

Unfortunately, Congress has not increased NCPA's funding and the program has been forced to do more and more with less. United States Senator Paul Wellstone examined the program's funding and wrote a letter to the Senate Appropriations Committee asking the funding be tripled to 4.5 million dollars so that, in real dollars, the program has the same operating capacity that it did in 1985. With a relatively small increase in its budget, NCPA could reach thousands of additional professionals annually.

**C. We must teach police officers, social workers, prosecutors and other child protection professionals to be community leaders in the prevention of child abuse**

**1. This training must begin in college and continue once these professionals are in the field**

Universities must not only equip future social workers and police officers to competently investigate cases of abuse but must teach them to be community leaders who proactively seek to prevent child abuse. Students should be taught interpersonal skills that will be necessary to move entrenched child protection systems. If, for example, a new graduate comes into a community with a poorly defined MDT, how does he or she convince a long-standing and popular sheriff to make the needed reforms? As individual or class projects, students should be given true to life community projects and be asked to develop prevention efforts. If, for example, a community has a significant problem with poor parents not being able to afford infant car seats, is there an alternative to filing neglect petitions or writing citations? The solution could be as simple as giving the offending parent 48 hours to visit the local CPS center and pick up a free car seat donated by community members and organizations. Universities must require students to think meaningfully in both a micro and macro approach to combating child abuse.

In teaching students the art of prevention, a sea of front line professionals will be able not only to initiate new reforms but to complement existing and promising practices such as home based services aimed at preventing abuse in at-risk families.<sup>98</sup>

The idea of teaching college students to be community leaders on a given topic, as opposed to simply passing on ideas to those who are already community leaders, is not necessarily new but it does challenge the status quo in a way that may make some uncomfortable.<sup>99</sup> What was once perceived as novel, though, must become the norm if

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<sup>98</sup> For an excellent overview of the promising practice of home-based services, see John M. Leventhal, *The Prevention of Child Abuse and Neglect: Successfully out of the Blocks*, 25 CHILD ABUSE & NEGLECT 431 (2001). For an additional discussion of home based services and other prevention programs that do and do not work, see Sharon Portwood, *What we Know—and Don't Know—About Preventing Child Maltreatment*, JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA (this volume).

<sup>99</sup> When Paul Wellstone was a political science professor at Carleton College he taught students to bring academia into the street by organizing on behalf of poor people. When his students began collecting data that would be used by and for poor people, the university reacted harshly. The president of Carleton said "(o)ne would think that in good public policy research, there would be a clear set of policy

child abuse is to end. We simply must produce, beginning in college, an army of front line workers well equipped to organize all the players in their local communities for the betterment of children. We must teach child protection workers not only how to organize their communities in efforts that address child abuse, we must teach them the skill of communicating the needs of child abuse victims to governmental leaders. The child protection system is woefully under-funded simply because children cannot communicate their needs to the powers that be.<sup>100</sup>

There is a very compelling reason why the future of children depends on turning front line child protection workers into community leaders. It is because these are the professionals who work directly in our community with children in need. These are the professionals who, in the words of Theodore Roosevelt, are "in the arena"<sup>101</sup> as the brave-hearted souls undertaking to remove bleeding boys and girls from the jaws of the beast. Because experience instills her lessons in a way no other teacher can, these are the professionals most likely equipped to identify necessary programs and services that will prevent abuse.

In my former community, for example, our social workers believed a Parent's Anonymous program would be helpful in preventing egregious acts of abuse. Working with other community leaders, we developed and implemented the program within a year.<sup>102</sup> Just as "all politics is local,"<sup>103</sup> so must be all child abuse prevention efforts. What is needed and what will work in a rural community in Minnesota may be very different from what will work in an apartment complex in New York. The future role of child protection workers must include an assessment of what is needed at the local level to get the job done. The job of policy makers must be to listen to those on the front lines and to adequately fund meaningful efforts.

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recommendations for the relevant decision makers." Although university animosity led to Wellstone's firing, a student revolt resulted in this "radical" professor being tenured at the age of 28. SENATOR PAUL WELLSTONE, *THE CONSCIENCE OF A LIBERAL* 5, 6-7 (2001).

<sup>100</sup> According to Hubert Humphrey, "child abuse has been ignored because children have no political muscle, no effective way of articulating their needs to those of us who write the law." ENGELMAYER AND WAGMAN, *supra* note 94 at 313. In 2001, Senator Wellstone echoed these sentiments when he wrote "(w)hen historians write about American politics over the past several decades, the ultimate indictment will be of ways in which we have abandoned our children and devalued the work of adults who take care of children." WELLSTONE, *supra* note 99 at 73.

<sup>101</sup> Child protection workers who so often are subject to criticism for their action or inaction may be comforted by the words of Theodore Roosevelt: "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly, who errs, and comes short again and again; because there is not effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause, who at the best knows in the end the triumphs of high achievement and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat." This quote appears on the title page in RICHARD NIXON, *IN THE ARENA* (1990).

<sup>102</sup> For a discussion of these and other efforts in Cottonwood County, Minnesota *see* Vieth, *supra* note 10.

<sup>103</sup> These are the words of former Speaker of the House Tip O'Neill as recorded in WELLSTONE, *supra* note 99, at 200.

Prosecutors must also think outside the box and become well versed in the art of community prosecution. Under this approach, prosecutors are proactive in preventing crime. APRI has developed an entire program on the subject of community prosecution and this concept is part of many of our child abuse trainings. We must, though, accelerate the numbers trained in these programs from hundreds to thousands.

## **2. In their role as community leaders, child protection professionals must enlist the support of the faith based community**

When police officers, social workers and prosecutors become community leaders proactive in preventing child abuse they learn the art of reaching out to other community leaders who are often hostile to the government's handling of child abuse. Specifically, it is essential that child protection leaders develop bridges with America's faith communities. There are two reasons for this.

First, the work of child protection necessarily involves the social worker or police officer in the religion of families in need. What, for example, does the front line worker do when he or she contends an act of corporal punishment is child abuse but a parent contends the corporal punishment is a fundamental teaching of their church?<sup>104</sup> What does a front line worker do if a parent is healing a child through prayer or other spiritual means as opposed to traditional medical care?<sup>105</sup> What if a child needs a blood transfusion but the child refuses because, as a Jehovah's Witness she believes the transfusion would violate the tenets of her faith?<sup>106</sup> What if a child is to participate in a snake handling ritual as a testament to the child's faith?<sup>107</sup> In conducting an investigation, does the religion or culture of a child make a difference in terms of the tools we use when we interview the victim or investigate the case? Dr. Erna Olafson from the University of Cincinnati, for example, has raised a very important question of whether it would be wise to use anatomical diagrams or dolls with an Amish child who may be particularly sensitive to such tools.<sup>108</sup> It may, of course, be that if an Amish child is particularly sensitive to discussing alleged sexual abuse that the anatomical diagrams or dolls may be even *more important*. The point is that although we can make a plausible argument on both sides of this debate, there is little research to support either position. What, then, should a child protection worker do? What does a child protection worker do when the *child victim* raises a question of religion? For example, many child protection workers have been in the situation of a victim asking questions such as "am I still a virgin in God's

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<sup>104</sup> See Victor I. Vieth, *Corporal Punishment in the United States: A Call for a New Approach to the Prosecution of Disciplinarians*, 15 JOURNAL OF JUVENILE LAW 22, 27-30 (1995).

<sup>105</sup> See generally, MARY BAKER EDDY, SCIENCE AND HEALTH (2000). See also, S.M. Sasser & R. Swan, *Deaths from Religion-motivated Neglect*, 101(4) PEDIATRICS 625 (1998).

<sup>106</sup> See *In Re EG*, 133 Ill. 2d 98, 549 N.E.2d 322 (1989).

<sup>107</sup> I once took a technical assistance question from a prosecutor dealing with this very issue. As the prosecutor related the situation to me, the parents were "snake handlers" who believed that, as a sign of their child's faith, the boy should be allowed to handle venomous snakes and to drink poison. The boy was eleven years old at the time.

<sup>108</sup> Dr. Erna Olafson of the University of Cincinnati shared this concern with me in her role of advising APRI about our forensic interviewing course, *Finding Words*.

eyes?" These are not only spiritual questions, they are mental health issues that would be cruel to ignore.

Child protection workers must confront the religion of families not only when investigating a case of abuse but also when selecting and administering services. Indeed, the law requires us to be sensitive to the culture and religion of families.<sup>109</sup> What does a child protection worker do, for example, if a parent or child needs counseling but the family objects to secular counseling and insists that the counselor be a member of their faith? It may be an easy question if the "religious" counselor is equal in all other respects to the secular counselor. But what if the family's chosen therapist is lacking fundamental knowledge of a given subject that needs to be addressed? When can a child protection worker, and our courts, compel services that a given family considers insensitive to their culture?

These and myriad other issues have been present from the moment the very first child protection case came into the system. Unfortunately, little is being done to prepare social workers and other players in the system to address these issues. As a result, the conflict between the child protection and faith communities continues to rise. The casualties in this conflict are not the faith or child protection communities so much as the children both communities care about.

Second, we must reach out to diverse faiths because this community can play an important role in protecting children. In every great social reform, there is a moral backbone driving the effort. In many cases, the religious community provides this moral compass. Although religion is responsible for crusades, bigotries, and an assortment of other evils, religion has also played an important role in social movements such as the abolition of slavery and social reforms such as hospice care and Habitat for Humanity.<sup>110</sup> Mahatma Ghandi in India, Martin Luther King, Jr., in America, and Dietrich Bonhoeffer in Germany are examples of men who used religion to galvanize others to combat bigotries and hatreds and build a better life in this world.<sup>111</sup>

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<sup>109</sup> In Minnesota, for example, the law provides: "Once a child alleged to be in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts including *culturally appropriate services* by the social services agency are made..." MINN. STAT. SECTION 260.012(a). The same statute reiterates this several paragraphs later when it provides that in determining whether the government has made reasonable efforts in working with a child in need, the court must consider whether the services offered to the child and his/her family were "culturally appropriate." MINN. STAT. SECTION 260.012(c)(3). Nebraska requires placing the abused child in a foster family with religious practices similar to the biological family whenever practicable. NEB. REV. STAT. SECTION 43-29B (2003).

<sup>110</sup> PHILIP YANCEY, SOUL SURVIVOR 3-4, 8-9 (2001).

<sup>111</sup> In writing about his obligation to improve the world, Lutheran theologian Dietrich Bonhoeffer said: "The essence of optimism is not its view of the present, but the fact that it is the inspiration of life and hope when others give in; it enables a man to hold his head high when everything seems to be going wrong; it gives him strength to sustain reverses and yet to claim the future for himself instead of abandoning it to his opponent. It is true that there is a silly, cowardly kind of optimism, which we must condemn. But the optimism that is will for the future should never be despised, even if it is proved wrong a hundred times; it is health and vitality and the sick man has no business to impugn it." DIETRICH BONHOEFFER, LETTERS AND PAPERS FROM PRISON (1997). This optimism led Bonhoeffer to resist Hitler and his reign of terror. The Nazis executed Bonhoeffer in 1945. Sargent Shriver is another example of a man whose religious faith compelled him to develop programs of lasting benefit to humanity. Shriver "inspired, led or created" the

Dr. King, for example, believed religion provided the “necessary foundation” for the civil rights movement,<sup>112</sup> and contended the “thing that we need in the world today is a group of men and women who will stand up for right and be opposed to wrong, wherever it is.”<sup>113</sup> In his famous letter from a Birmingham jail, King recognized the importance of awakening the religious community to speak out against the evil of segregation. King lamented that “(s)o often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church’s silent--and often even vocal--sanction of things as they are.”<sup>114</sup>

Just as Dr. King recognized the essential role the church would play in ending segregation, we must likewise awaken the faith community to end its silence and, in some quarters, its vocal support of child abuse.<sup>115</sup> To this end, APRI has already developed some workshops and has written a paper with concrete proposals for crossing the divide between these communities.<sup>116</sup> We are also in the process of creating a working group of faith and child protection leaders to develop further solutions to this problem. One possibility is to design a model curriculum for seminaries on the issues surrounding child abuse.

When the cause is protecting children, liberals and conservatives alike should be able to find room at the table for the nation’s faith communities.<sup>117</sup>

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Peace Corps, Head Start, VISTA, Job Corps, Community Action, Upward Bound, Foster Grandparents, and the Special Olympics. SCOTT STOSSEL, *SARGE* xi (2004). Bill Moyers described Shriver as “the Christian who comes closest, in my experience, to the imitation of Christ...Shriver has lived his life as a great gamble that what we do to serve, help, and care for our fellow human beings is what ultimately counts.” *Id.* Even many of those who reject a spiritual worldview acknowledge the contributions, real or hoped-for, of religion in creating a moral society. For example, Supreme Court Justice Hugo Black was an agnostic who nonetheless used various religious teachings, from diverse faiths, to illustrate moral truths. HUGO BLACK, JR., *MY FATHER* 172-176 (1975).

<sup>112</sup> CLAYBORN CARSON & PETER HOLLORAN, *EDS, A KNOCK AT MIDNIGHT* xiv (1998).

<sup>113</sup> *Id.* at xii

<sup>114</sup> FLIP SCHULKE, *ED, MARTIN LUTHER KING, JR. A DOCUMENTARY...MONTGOMERY TO MEMPHIS* 217 (1976)

<sup>115</sup> In his last sermon before going to jail, Rev. Arthur Allen Jr. removed his belt and waved it behind a 14 year old boy as part of a mock whipping to demonstrate his unwillingness to accept the verdict that his previous whipping of boys who had to be restrained by men constituted cruelty to children. *Pastor Encourages Parish to Whip Children*, WASHINGTON POST A28 (Tuesday, October 22, 2002).

<sup>116</sup> Victor I. Vieth, *Keeping the Faith: A Call for Collaboration Between the Child Protection and Faith Communities*, to be published in GIARDINO, COOPER, VIETH, & KELLOGG, *MEDICAL & LEGAL ASPECTS OF CHILD SEXUAL EXPLOITATION* (forthcoming from GW Publishing, 2004).

<sup>117</sup> In writing about the need for grassroots efforts to create positive social reform, Senator Paul Wellstone not only saw the importance of the faith community but he felt they were coming into stride. In his last book, Wellstone applauded the part of the religious community that is “finally finding its voice.” WELLSTONE, *supra* note 99 at 212. Although he opposed the involvement of religious leaders in either Democratic or Republican politics, President Richard Nixon believed that religion played an important role in motivating men and women to accomplish noble deeds. According to Nixon, “God’s will is expressed by men through their actions toward and on behalf of others...the most important step is using the energy and creativity faith gives you to make the world a better place.” RICHARD NIXON, *IN THE ARENA* 97 (1990).

### 3. Prevention efforts must be locally run and tailored to local needs

There are many factors that contribute to child maltreatment. Caregivers engaging in substance abuse or who themselves had poor parental role models are at greater risk to offend against their children.<sup>118</sup> Parental age, stress levels, unemployment, poverty, and child characteristics such as disabilities are additional factors that increase the chances of maltreatment.<sup>119</sup> These and other factors, however, may not be present in every community. For example, poverty may contribute to child abuse and yet not every community has measurable rates of poverty. Even factors that may be present in each community, such as substance abuse, may exist at different levels or take different forms. One community may have a significant problem with cocaine while another deals primarily with alcoholism.

In many communities, widespread ignorance about child sexual abuse increases pedophiles' success rate of abusing children undetected. If prevention efforts can create a well educated populace that understands child molesters can be the local softball coach as well as the community flasher, parents will be less likely to give a potential abuser unbridled access to their child.<sup>120</sup>

Given the numerous factors that contribute to maltreatment, and the different levels of these factors in each community in this country, we can never launch effective prevention programs unless these programs are designed at the local level by those closest to the situation and unless these programs are tailored to the dynamics unique to each community.

Deborah Daro and Anne Cohn Donnelly recently evaluated the history of child abuse prevention efforts in America and found six factors contributing to the shortcomings of these efforts.<sup>121</sup> When the shortcomings of past prevention efforts are

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<sup>118</sup> JILL GOLDMAN, MARSHA K. SALUS, DEBORAH WOLCOTT, KRISTIE Y. KENNEDY, A COORDINATED RESPONSE TO CHILD ABUSE AND NEGLECT: THE FOUNDATION FOR PRACTICE 28-29 (U.S. Dep't of Health and Human Services, Washington, D.C. 2003).

<sup>119</sup> *Id.* at 32-33. Some people suggest that we can never significantly reduce child abuse until we significantly reduce poverty in the United States. According to John Myers, "If child maltreatment is a piece of cloth, poverty is the thread that holds it together. Cut the thread and the cloth unravels. Although we will never rid ourselves entirely of maltreatment, we guarantee high rates of suffering as long as we tolerate widespread poverty." JOHN E.B. MYERS, A HISTORY OF CHILD PROTECTION IN AMERICA 444 (2004). Although there is no question that reducing poverty would reduce the rate of some forms of maltreatment, this would not, by itself, eliminate child abuse. This is because maltreatment, at some level, exists among all socioeconomic classes. Moreover, it may not be an absolute necessity to reduce poverty before reducing the rate of child abuse among poor people. This is because most poor people do not abuse their children. If we can determine the skills, resources or other factors that prevent most poor families from maltreating their children, and instill these dynamics in poor families where maltreatment does occur, we may be able to limit the role of poverty in contributing to child abuse.

<sup>120</sup> See generally, SALTER note 12.

<sup>121</sup> Deborah Daro and Anne Cohn Donnelly, *Charting the Waves of Prevention: Two Steps Forward, One Step Back*, 26 CHILD ABUSE & NEGLECT 731 (2002).

compared to the overall structure of the *Unto the Third Generation* proposal, there is reason to believe this approach will be more successful.

First, Daro and Donnelly accuse prevention proponents of "oversimplifying things" and promoting "singular solutions."<sup>122</sup> Prevention as envisioned by *Unto the Third Generation* will be just the opposite. Recognizing that prevention is complex and will differ from community to community, this proposal puts the responsibility of prevention in the hands of front line child protection workers, police officers and prosecutors who are closest to the situation. The nation's communities will serve as mini-laboratories testing myriad prevention efforts until we finally get it right.

Second, Daro and Donnelly accuse prevention proponents of overstating "prevention's potential, allowing rhetoric to outpace research and empirical support."<sup>123</sup> According to these authors, "prevention efforts are framed as offering the potential for success in all cases, an impossible standard to achieve."<sup>124</sup> The *Unto the Third Generation* proposal realizes that prevention will not succeed in all cases and thus advocates competent investigators and full funding for training programs that will assist in the prosecution of egregious child abusers and in providing competent child protective services in those cases where family preservation is a realistic goal.

The third and fourth factors are related. Daro and Donnelly allege that prevention advocates "continue to misrepresent the pool of families they can successfully attract and retain in voluntary prevention services" and that these advocates have "failed to establish a significant partnership with their local child protective services."<sup>125</sup> Recognizing that many, if not most, abusive families will not seek or stay in services, the *Unto the Third Generation* proposal places the primary responsibility of these efforts in the hands of child protection workers and allied professionals. When generic prevention efforts come up short, the well trained child protection workers of tomorrow will be able to competently investigate abuse reports and get more of these hurting children into a system better prepared to receive them.

Fifth, Daro and Donnelly contend that prevention efforts have focused more on breadth than depth and there has been too much emphasis "on increasing the number of program sites before it fully understood what it would take to make these programs sustainable and effective."<sup>126</sup> Because the *Unto the Third Generation* proposal decentralizes prevention efforts, making them the responsibility of local professionals, these professionals will not implement prevention programs as if they were a franchise in a fast food chain. Instead, they will take ownership of their efforts and tailor them to local needs. This ownership will give these programs depth and, through the work of the National Child Protection Training Center, the very best approaches will be shared with other communities interested in applying hopeful practices.

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<sup>122</sup> *Id.* at 737.

<sup>123</sup> *Id.* at 737.

<sup>124</sup> *Id.*

<sup>125</sup> *Id.* at 738.

<sup>126</sup> *Id.* at 738.



Sixth, Daro and Donnelly contend the "field has failed to establish the public will and the political clout to bring to fruition the policies and programmatic reforms needed to prevent child abuse."<sup>127</sup> Again, the *Unto the Third Generation* proposal advocates teaching child protection professionals beginning in college that they have a responsibility to prevent abuse and develop all necessary services from the ground up. This responsibility includes organizing their community and effectively communicating the needs of child abuse victims to local, state and national leaders. As these model university programs sweep across the land, we will eventually have thousands of child protection workers serving as public advocates for the children so often left out of public policy considerations. The world will change, and it will change in relatively quick order.

#### **4. Everyone engaged in the campaign against child abuse must understand their role in history and act accordingly**

Whether we are dealing with divergent faiths or divergent members of our multi-disciplinary teams, we must understand that we have within our means the ability to significantly reduce if not eliminate child abuse within several generations. To this end, our conduct will eventually be judged by those who come after us.

At the national level, this means that organizations competing for limited resources must put children first and work with any ally in the fight against child abuse. When I became director of NCPCA, I developed a set of seven principles that would serve as the ethical core of our program.<sup>128</sup> One of those principles requires us to

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<sup>127</sup> *Id.* at 738.

<sup>128</sup> These principles are as follows: 1) **Take actions that help children and prosecutors.** With respect to every action, NCPCA employees must ask the question "is it good for kids and prosecutors?" If the answer is yes, we should engage in the task. If the answer is no, we should move on to another project. 2) **We are not bridge burners, we are bridge builders.** We cannot function effectively if we operate in a vacuum. Where possible, we will collaborate with other units of APRI and other organizations who can assist us in our primary mission of helping prosecutors help the children whose lives depend on us. We are not in competition with other child abuse organizations. We are in competition with child abusers for the futures of a sea of children. As long as children and prosecutors are being served, it doesn't matter who gets the job done and it matters even less who gets the credit. 3). **Mistakes do not matter, responsibility does.** An error is simply evidence of our human nature. In some cases, an error is caused by our creativity and willingness to try new approaches. When things go awry, however, we must take responsibility for our errors and work to correct any problems the error may have caused. 4). **We will never settle a score by hurting a child.** We work with many of the best and brightest child abuse professionals in the world. On occasion we may have a conflict with one or more of these professionals. All conflicts will be dealt with in a professional manner. Under no circumstance will this office be used to punish a child protection professional who rubs us the wrong way. For instance, being angry with a prosecutor is not justification for

“collaborate with other organizations that can assist us in our primary mission of helping prosecutors help the children whose lives depend on us. We are not in competition with other child abuse organizations. We are in competition with child abusers for the futures of a sea of children. As long as children and prosecutors are being served, it doesn’t matter who gets the job done and it matters even less who gets the credit.”<sup>129</sup>

The founders of our nation were acutely aware of their role in history and this no doubt enabled them to put significant differences, even hatreds aside for the good and glory of their cause.<sup>130</sup>

## V. The timeline for ending child abuse within 120 years

### A. The first 40 years: 2001-2040

We must within the next 40 years achieve six goals. Although each goal will require a great deal of effort and some financial resources, the effort and money pales in comparison to the time and money we currently spend on dealing with child abuse. Unless we believe the status quo is the best we can do, a new course must be set. Efforts are already under way to achieve each of these goals within the suggested time frame.

#### 1. Every suspected case of child abuse will be reported and every report will be of a high quality

We must complete and perfect in one or more universities a comprehensive training program that provides everyone entering a mandated reporting profession the skills necessary to perform this task. We must then replicate the program in every university in our nation. If this can be achieved by 2040, we will have gone a long way in ensuring that children suspected of being abused will be reported as required by law and that those reports are of a high quality.

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denying that prosecutor technical assistance on a case of child abuse. Such conduct merely serves to hurt a child who needs us and will not be tolerated. 5). **When on the road, take the time to get to know the students.** Before speaking at a conference, NCPCA trainers will walk around the room, shake hands with the students and get a sense of what the audience is looking for in a given lecture. We will not wait for students to come to us with their needs, we will seek out the students. 6) **Let me know when I’m wrong, inconsistent or adrift.** You can count on me to make mistakes and you can count on me to be unaware of some of my errors. Point them out to me. Churchill called critics his friends because the critics allowed him to see his errors and to improve. Be my friend and point out deficiencies I need to work on. 7). **Remember Lincoln and Einstein.** Lincoln said “determine that the thing can be done and it will be done.” We do not have limitless resources and we will face the occasional difficulties that come with being alive. We must, however, be dedicated to overcoming any roadblock that separates children from justice. Einstein said that there are only two ways to look at life. The first way to view life is as if nothing you see is a miracle and the second is as if everything you see is a miracle. We agree with Einstein that the latter choice is preferable. When the varied talents and abilities of NCPCA workers come together to serve a higher purpose, we are not only witnesses but participants in a miracle.

<sup>129</sup> *Id.*

<sup>130</sup> See JOSEPH J. ELLIS, FOUNDING FATHERS 4-5 (2000).

**2. Every child reported into the system will be interviewed by someone who can competently interview a child about abuse and the investigation of all child abuse allegations will likewise be competently completed**

We must, by 2010, complete the project *Half a Nation* in 25 states and complete the project in the remainder of our country by 2020. In each state, the local leaders must work diligently to make sure that, by the year 2040, every child reported to be abused or neglected will be interviewed by someone trained to competently interview children.

**3. Every substantiated case of egregious child abuse must be prosecuted by a child abuse prosecutor skilled at handling these complex, special cases**

We must as a society draw a line in the sand and say that just as those who beat, rape and murder adults are subject to prosecution, those who commit egregious acts of child abuse will also be held accountable in our criminal courts. This sends a message to the perpetrators and to society that this conduct is intolerable. To do this, we must give state and local prosecutors ready and stable access to high-quality training, technical assistance and publications. Simply put, we must ensure that every child abuse prosecutor competently handles these cases.

**4. Every CPS worker will be competent to investigate and work with child abuse victims and their families from day one**

We must implement in one or more universities the type of comprehensive training outlined in this paper and make sure that, within 40 years, every university that undertakes to train child protection workers gives them the necessary skills to investigate these cases, defend their actions in court and, equally important, the skills to address the myriad problems child abuse brings to a family in the hopes of breaking forever the cycle of abuse in each of these homes.

**5. Every CPS worker will be a community leader skilled in the art of prevention**

We must ensure that every university teaches social workers to be community leaders who can assess the needs of the children and families they interact with and develop those programs necessary to prevent abuse.

**6. Every child protection worker and attorney will have access to national trainings, publications and technical assistance**

The work of child protection is an ever-changing field. As we improve our ability to work with child abuse victims and their families, this information must be shared quickly and effectively with those on the front lines. Accordingly, we need a national

program that can annually train thousands of child protection professionals at the state and local level regarding new and better practices. We also need a program that those in the field can call when in need of assistance on individual cases. Again, the National Child Protection Training Center at Winona State University is one effort currently being undertaken to achieve this goal.

### **B. The next 80 years (2040-2120): the search for a tipping point**

What if, in the next 40 years, we created an America where every suspected case of abuse was reported and those reports were of a high quality? What if every child reported into the system was interviewed by a child protection professional trained in the art of speaking to children? What if every child abuse case was the subject of a quality investigation? What if every child abuse prosecutor was trained in the art of prosecuting those who commit egregious acts of abuse? What if every CPS worker was well trained to work with families impacted by abuse? What if our CPS workers, those closest to the crisis of child abuse, were trained as community leaders to develop at a local level the resources necessary to prevent abuse and to deal with it when it has occurred?

What if we achieved all of the above within 40 years and then sustained these efforts for another 80 years or an additional two generations? Although only God knows for sure, I suspect we would dramatically reduce, if not eliminate child abuse in our country. This would occur because we would get most of the victims into the system when they were younger and the problems associated with abuse would be easier to address. We would be removing from society the hard-core child abusers who, left unchecked, do immeasurable damage to countless children. We would be developing prevention efforts at the local level by those closest to the problem. And the difficult task of breaking the cycle of abuse in these homes would be placed in the hands of child protection workers well trained from day one in the art of working with these families. We would also be providing the ongoing support and training all of these heroes and heroines so richly deserve. This would reduce burnout and, over time, create a child protection work force that is not only well trained but is experienced.

#### *The tipping point*

At some point in this process we would find what Malcolm Gladwell calls a "tipping point" that results in a social epidemic of positive change.<sup>131</sup> To create a social epidemic, Gladwell argues that three things are necessary. First, social epidemics are driven by "the efforts of a handful of exceptional people" who are "sociable...energetic...or knowledgeable or influential among their peers."<sup>132</sup> To some extent, the initial charge of *Unto the Third Generation* will be led by the attorneys and other child protection professionals employed at the National Center for Prosecution of Child Abuse (NCPA) and the National Child Protection Training Center (NCPTC). NCPA alone trains thousands of child protection professionals each year. These numbers will expand as the NCPTC begins its training of those handling the civil side of

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<sup>131</sup> MALCOLM GLADWELL, *THE TIPPING POINT* (2000).

<sup>132</sup> *Id.* at 21.

child protection cases. The NCPCA and NCPTC messengers, however, will not be alone. States participating in the *Finding Words/Half a Nation* initiative consist of statewide coalitions of child protection professionals that will also be instrumental in disseminating the message. As Winona State University develops a model undergraduate curriculum, and other universities follow suit, the academic community will also play a critical role in spreading the word. To the extent medical schools, law schools and other graduate schools get on board, these institutions will also fuel this train. Finally, and most importantly, it is the front line professionals who receive this message and who are at the heart of the reformation, who must communicate the message to their peers and to the leaders of local, state, and national governments. All things considered, the conditions are ripe for a social epidemic.

Second, Gladwell says a social epidemic must have a message that possesses a quality he calls "stickiness." According to Gladwell, "(s)tickiness means that a message makes an impact. You can't get it out of your head. It sticks in your memory."<sup>133</sup> The goals of the NCPCA are easily understood by academics and those on the front lines. The goals of our programs are contained in the titles themselves. *Half a Nation by 2010* clearly states the goal of establishing the *Finding Words* course in 25 states by the end of the decade. *Unto the Third Generation* contains a similarly understood goal of ending child abuse within 120 years. More importantly, each of these proposals has an easily understood blueprint for accomplishing these ideals. That blueprint is contained in the pages of this article. The stickiness of this proposal is exemplified in the fact that its supporters have included famous liberals<sup>134</sup> and conservatives.<sup>135</sup>

Third, Gladwell claims a social epidemic is driven by the "power of context." Gladwell contends that when too many people are assigned the task of solving a problem, the problem continues unabated. He argues the "key to getting people to change their

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<sup>133</sup> *Id.* at 25.

<sup>134</sup> U.S. Senator Paul Wellstone advocated that the appropriation for NCPCA be tripled to 4.5 million dollars and supported full funding for the NCPTC (3 million dollars). At a campus memorial service, Winona State University President Darrell Krueger spoke of a brief walk across campus in which he and Senator Wellstone discussed their plans to develop in Winona the National Child Protection Training Center. Stacy Booth & Theodore Evans, *Memorial Held for Wellstone*, 81(8) WINONAN (November 6, 2002). As another example of progressive support for *Unto the Third Generation*, I was honored to deliver the keynote at the 20<sup>th</sup> anniversary of the Minnesota Justice Foundation in November of 2002. This is a progressive group originally founded by law students seeking to address the needs of the poor. This "liberal" group responded to the *Unto the Third Generation* proposal with a standing ovation. In a letter from MJF president Sharon H. Fischlowitz I was told: "Our audience loved your speech. People found it very moving and have told me it was a very memorable evening. As I mentioned last night, rarely does this audience deliver a standing ovation...I know people felt privileged to have heard your insights." *Letter from Sharon H. Fischlowitz*, dated November 7, 2002 (The original is on file with the National Center for Prosecution of Child Abuse).

<sup>135</sup> Talk show host Dr. Laura Schlesinger also advocated that NCPCA's budget be tripled and urged her 12 million listeners/readers to write their senators and representatives in support of the NCPTC. Dr. Schlesinger called the *Unto the Third Generation* concept the "best hope for children in crisis in America." She likened NCPCA's call to end child abuse to JFK's challenge to put a man on the moon and urged her listeners/readers not to underestimate "the troops at the National Center for Prosecution of Child Abuse...these remarkable public servants will point the way." Dr. Laura Schlesinger, *Child Abuse is Terrorism*, DR. LAURA PERSPECTIVE 10-13 (January 2003).

behavior, in other words to care about their neighbor in distress, sometimes lies with the smallest details of their immediate situation."<sup>136</sup> This is perhaps the greatest hope that *Unto the Third Generation* will cause a social epidemic that greatly reduces, if not eliminates, child abuse. In the past, the great cause of ending child abuse was the subject of university debate or political banter. *Unto the Third Generation* turns the world upside down by making the front line professionals the army that will win this fight and subordinates politicians and academics to the role of providing these soldiers with the necessary ammunition. By placing the task of ending child abuse on the shoulders of those closest to the front, we will force a massive army to act on behalf of the smallest victims.<sup>137</sup>

When we reach the tipping point, the culture that permits child abuse will be crushed and the numbers will spiral down rapidly. Take, for example, the crime rate in the City of New York. During the 1980's crime was rampant, reaching a high point in 1990 with over 2,000 murders and 600,000 violent felonies. Suddenly, the murder rate was cut by 2/3rds and violent felonies were cut in half.<sup>138</sup> Given that New York's economy was stagnant, poor neighborhoods were being negatively impacted by welfare cuts, and the population was getting younger, logic would suggest an increase in crime as opposed to a dramatic reduction.<sup>139</sup>

The crime rate in New York decelerated rapidly because the city, under the leadership of Mayor Rudolph Guiliani,<sup>140</sup> employed the "Broken Windows" theory of criminologists George Kelling and James Q. Wilson.<sup>141</sup> Under this theory, if the city continued to allow broken windows, graffiti, and turnstile jumpers at subway stations, it was conveying the image of chaos and sending to criminals the message that anything goes. Under this theory, the criminal "far from being someone who acts for fundamental, intrinsic reasons and who lives in his own world--is actually someone acutely sensitive to his environment, who is alert to all kinds of cues, and who is prompted to commit crimes based on his perception of the world around him."<sup>142</sup> If this is true, we may not have to undertake the Herculean tasks of ending poverty or social injustice to reduce crime. It may be that our task is as simple as ending the culture that permits the disease.

If the broken windows theory worked in New York and reduced so dramatically the incidence of murders and violent crimes, perhaps the same theory can be applied to the ending of child abuse. The *Unto the Third Generation* proposal will strike at the heart of the culture permitting child abuse. Mandated reporters will learn in college that their first priority is to recognize and report suspected abuse. Police chiefs and social service

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<sup>136</sup> GLADWELL, *supra* note 131, at 29.

<sup>137</sup> There is evidence that the UTG proposals are resonating with front line child protection professionals. See Maja Beckstrom, ST. PAUL PIONEER PRESS 3F (May 23, 2004) (noting the UTG proposals were "met with enthusiasm" at a child abuse conference in the Twin Cities).

<sup>138</sup> GLADWELL, *supra* note 131 at 135, 137.

<sup>139</sup> *Id.* at 140.

<sup>140</sup> For a summary of Guiliani's role in reducing New York's crime rate, see RUDOLPH W. GULIANI, LEADERSHIP 71-82 (2002).

<sup>141</sup> GLADWELL, *supra* note 131 at 141.

<sup>142</sup> *Id.* at 150.

supervisors will understand that on the job training is no longer acceptable when it comes to handling child abuse cases. Instead, they must hire graduates only from universities who adequately teach these professionals to perform at a high level from day one. Moreover, these professionals will never again be left alone but will have access to ongoing training on both the civil and criminal side of child protection. Most importantly, child protection professionals will be taught beginning in college to be community leaders who, in essence, create a broken windows policy in each town in our country.

At some point, the message will be clear to all offenders. If you fail to respond to the prevention efforts in your community and proceed to beat or rape a child, a mandated reporter will call the authorities, the authorities will respond competently, egregious abusers will be incarcerated, and social services will repair the remaining family by every means necessary to break the cycle of abuse once and for all.<sup>143</sup>

Will ending the culture permitting child abuse really end abuse altogether? Since nothing this sweeping has ever been attempted, no one can be absolutely certain if the ultimate victory will be achieved at all, much less quickly. We can, though, be certain of this much--even if our aiming for the stars falls short we will, three generations from now, land at a better place than we are presently at.

If we can reach the tipping point in the next 40 years, we will have at least two more generations who can analyze the extent of our success and build on what we accomplish. Just as an earlier generation instilled in the child protection community the idea of multi-disciplinary investigations and the importance of child advocacy centers, our present generation can instill in this country the ideas that child protection professionals should receive more than on the job training and that all prevention is local. The task of the second and third generations will be to finish any part of the job that remains once the enormous undertaking set forth in this paper is part of history.

## **VI. Ending child abuse: our last full measure**

History is replete with examples of dreamers who accomplished things as difficult as ending child abuse. Henry A. Wallace, who served as Agriculture Secretary under President Franklin Roosevelt contended that the “highest joy of life is complete dedication to something outside of yourself.”<sup>144</sup> One of the tasks that Wallace dedicated himself to was ending world hunger. Wallace’s work with hybrid corn and chicken breeding impacted the world.

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<sup>143</sup> This may require some social service agencies to alter their view of their work. In one survey of social service supervisors, 60% saw the role of their agency simply to identify the problems in abusive or neglectful homes and to offer services as opposed to actually changing the behavior of abusive or neglectful parents. Thomas D. Merton, *Compliance vs. Change*, COMMENTARY (February 2003) (published by the Child Welfare Institute, Duluth, GA).

<sup>144</sup> JOHN C. CULVER AND JOHN HYDE, *AMERICAN DREAMER, A LIFE OF HENRY A. WALLACE* 528 (2000).

In 1931, the United States corn yield was 24.1 bushels per acre, largely unchanged since the end of the Civil War.<sup>145</sup> By 1941, the figure rose to 31 bushels an acre and, by 1981, the United States was producing three times as much corn on one-third the acres we had in 1931.<sup>146</sup> The introduction of hybrid maize in this country and around the world saved and continues to save countless lives and the person most deserving of credit is Henry Wallace.<sup>147</sup> Wallace's efforts to produce the "perfect chicken" also met with success. Even a quarter of a century after his death in 1965, one-third of all the eggs eaten in the United States and nearly fifty percent of the eggs consumed in the world were laid by descendants of Wallace's chickens.<sup>148</sup> Orville Freeman said "no single individual contributed more to the abundance we enjoy today than Henry Wallace."<sup>149</sup>

How could one man, in his lifetime, set in motion an agricultural revolution that saved millions around the world from starvation? According to Dr. Paul Mangelsdorf of the Harvard Botanical Museum, "it was Wallace's fate to be often regarded as a 'dreamer' when actually he was only seeing in his own pragmatic realistic way some of the shapes of things to come..."<sup>150</sup>

Although Wallace's pragmatism saved untold lives, world hunger remained because succeeding generations did not pick up the banner and eliminate political and other factors that contribute to malnutrition and starvation. Wallace may have given us the capacity to feed the world but he could not give us worthy successors that would complete the job.

Therein lies the dilemma. Just as Wallace did with world hunger, we can pledge our lives, fortunes and sacred honors to the equally noble task of ending child abuse. Unfortunately, this is not a dream that can be achieved in our lifetimes and, no doubt, there are many stone-throwers eager to argue that ours is a dream that can never be realized, a dream that only fools can harbor.

How do we live, and die, for such a cause?

### *The last full measure*

What, for me, began as a handful of hesitant comments on a stage in Mississippi culminated on a Pennsylvania battlefield. Until I visited Gettysburg with my family, I had no response to the critics who contend our quick-fix, fast-food nation will never dedicate itself to a long-term battle against child abuse, a battle that may extend into the next century.

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<sup>145</sup> *Id.* at 149

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.* at 531.

<sup>150</sup> *Id.* at 531



As I walked the hallowed grounds of Gettysburg, though, an idea began to take shape. I was deeply moved by the displays of unbridled courage on both sides of the conflict. Although we didn't have the time to fully absorb every aspect of the battle, I did, as a native Minnesotan, make a special effort to visit the monument commemorating the valor of my home-state heroes. As I read of their sacrifice, I began to understand the sort of faith we must have in the campaign to end child abuse.

In the second day of battle at Gettysburg, Union General Daniel Sickles erred in seeking higher ground to defend. As a result of this error, Sickles' soldiers were subjected to a relentless attack from Confederate General Longstreet and the Union line was in danger of collapsing to advancing rebels. If the line had folded, the battle and likely the war would have been lost.

Union General Winfield Scott Hancock, who had an uncanny ability to appear at the moment of greatest danger, perceived the situation and immediately looked for help. All he found was a Minnesota regiment of 262 soldiers. "My God," asked the general, "are these all the men we have here?" Hancock then ordered the regiment to charge in the hope he could slow the confederate advance for five minutes and get reinforcements.

Upon this order, 262 Minnesotans charged into a field of 1,600 advancing troops. It was, in every sense of the word, a suicide charge in the hope of buying a few minutes time for soldiers who may or may not later appear and secure the victory. With casualties approaching 82% and a death toll of 70%, no regiment gave more at Gettysburg. General Hancock later said, "I saw that in some way five minutes must be gained or we were lost. It was fortunate that I found there so grand a body of men as the First Minnesota. I knew they must lose heavily and it pained me to give the order for them to advance, but I would have done it if I had known every man would be killed. It was a sacrifice that must be made...There is no more gallant deed recorded in history." For their country, and for all that our nation has been and can be, these Minnesotans gave their last full measure.<sup>151</sup>

For our country, and for our children, we too must give our last full measure in the hope that others just as dedicated will come after us and complete what we begin. Someday, somewhere, somebody will write the history of our nation's victory over child abuse. When that history is written, may it be recorded that the beginning of the end occurred in the early part of the 21<sup>st</sup> century when thousands of child protection professionals from every region of the country joined forces to lead the charge.

If we act now and for the rest of our lives as a testament to the invisible attributes of faith, hope and love, a later generation may one day see with their eyes what our hearts tell us is our nation's destiny.

Child abuse will end.

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<sup>151</sup> For an account of this part of the battle at Gettysburg, *see* RICHARD MOE, *THE LAST FULL MEASURE* (1993).

