

Questions for the Record from Senator Charles E. Grassley

Senate Committee on the Judiciary

Protecting Our Children – The Importance of Training Child Protection Professionals

May 23, 2012

For Victor Vieth:

1. I'm interested in your thoughts about teacher reporting laws. In your opinion, how effective are teacher reporting laws? What additional training may be necessary to provide to teachers to ensure that they report suspected child abuse to the proper authorities?

It is critical that teachers serve as mandated reporters because educators, more than any other profession, interact with and identify maltreated children. According to the *Fourth National Incidence Study of Child Abuse & Neglect*, “staff in schools (teachers, nurses, and counselors) recognized more children than any other single sentinel group, over one-half (52%) of the children who fit the Harm Standard.”¹ Unfortunately, recognizing that a child may be a victim of maltreatment doesn't always translate into compliance with mandated reporting laws. Although educators comprise a large segment of the total reports made each year (16/4%) to child protective services,² many educators fail to report even clear evidence of abuse.

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.³

According to this same study, 73% of teachers reported they had *never* made a report of child abuse and those who had made a report averaged only one report.⁴ This is true even though the teachers in this study averaged 10 years of experience.⁵ When reports are made, it is typically only to a supervisor.⁶

¹ Sedlak, A.J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., and Li, S.

FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4): REPORT TO CONGRESS 7-4 (U.S. Department of Health and Human Services, Administration for Children and Families 2010).

² UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES, CHILD MALTREATMENT 2010, p. 7 (2010).

³ 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.

⁴ Maureen C. Kenny, *Child Abuse Reporting: Teachers' Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81, 88 (2001).

⁵ *Id.*

⁶ *Id.*

There are many reasons that teachers, and most other reporters, fail to report. Insufficient evidence, lack of certainty that abuse has occurred, a fear of repercussion, and the belief a report will cause additional harm are some of the reasons cited by reporters failing to comply with the law.⁷ Ambiguity in some mandated reporting statutes also contributes to underreporting. A survey of mandated reporters in Iowa revealed that reporters had difficulty in determining whether a given injury was reportable under state law.⁸ Most, if not all of these reasons could be overcome with better training. Unfortunately, mandated reporter training for teachers is extremely poor.

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.⁹ In a 2001 study of 197 teachers, 74% said they 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.¹⁰

In the case of the Penn State scandal, inadequate training of mandated reporters may have played a role in the failure of high school and college educators in failing to report their suspicions of Mr. Sandusky.¹¹ In a survey of 1,400 mandated professionals from 54 counties in Pennsylvania, 14% said they had *never* received mandated reporter training.¹² Another 24% said they had not received mandated reporter training in the past five years.¹³ The professionals that had received training on their obligations as mandated reporters, may not have received quality training. Approximately 80% of the respondents to the survey said the training was not approved for continuing education units or they were uncertain.¹⁴

In terms of improving training for teachers, two things should be done. First, undergraduate training of teachers should include a rigorous, full semester course on child maltreatment. This is important not only to fulfill the obligations of teachers as mandated reporters but to fulfill their obligations as educators. Maltreated children are more likely to suffer from numerous medical and mental health conditions¹⁵ and teachers need to fully understand the impact of child abuse on the maltreated children with whom they are in contact with on a daily basis.

⁷ Maureen C. Kenny, *Child Abuse Reporting: Teachers' Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81 (2001).

⁸ See Margaret H. Meriwether, *Child Abuse Reporting Laws: Time for a Change*, 20 FAM. L. Q. 141, 142 (1986).

⁹ *Teachers and Child Abuse*, National Center for Prosecution of Child Abuse UPDATE (American Prosecutors Research Institute, Alexandria, Virginia), October, 1989.

¹⁰ Maureen C. Kenny, *Child Abuse Reporting: Teachers' Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81, 88 (2001).

¹¹ See generally, Victor Vieth, et al, *Lessons from Penn: A Call to Implement a New Pattern of Training for Mandated Reporters and Child Protection Professionals*, 3 CENTERPIECE (2012) (available online at www.ncptc.org)

¹² *Mandated Reporter Survey Report*, THE PROTECT OUR CHILDREN COMMITTEE 1, available online at www.protectpachildren.org (last visited November 14, 2011).

¹³ *Id.*

¹⁴ *Id.* at 2.

¹⁵ Vincent J. Felitti & Robert F. Anda, *The Relationship of Adverse Childhood Experience to Adult Medical Disease, Psychiatric Disorders and Sentinel Behavior: Implications for Healthcare*, in THE IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC (Cambridge Press 2010).

Second, teachers and other mandated reporters should receive refresher training on mandated reporting at least once a year. This training should be at least six hours and should cover physical abuse, sexual abuse, neglect and emotional abuse. The teachers should receive practical, concrete instruction on what is or is not suspicious of abuse. The training should not be an online course but rather conducted in person by an experienced child abuse professional. In this way, the teachers will be able to ask questions and to interface with an experienced child protection professional.

Every county in the United States should have at least one designated representative to conduct the training. This person can be a local child abuse detective, social worker, prosecutor or other interested party. In order to ensure uniformity, the training materials could be developed for statewide usage by state prosecutor associations, Children's Advocacy Centers, or law enforcement programs specializing in child maltreatment—but they must be taught at the local level by someone in the teacher's county who will better understand local dynamics that may impede a report from being made.

2. It appears that there's a great deal of cooperation at the local level, including multi-disciplinary teams and Child Advocacy Centers. At the federal level, both the Department of Justice and the Department of Health and Human Services are vital to helping train professionals in the field. Is there anything done at the federal level that impedes cooperation at the local level? Do you have suggestions on what the federal government can do better to encourage more state and local cooperation?

In the United States, we have two distinct child protection systems—criminal justice and child protection services (CPS). Criminal justice professionals respond to the criminal aspects of maltreatment, while CPS professionals work to repair families impacted by abuse and, many times, to work toward reunification of children with abusive or neglectful parents. Historically, these systems did not properly coordinate their investigations or other functions resulting in multiple interviews as well as other duplicative, even harmful practices.

In encouraging states to mandate multi-disciplinary responses and in funding Children's Advocacy Centers and other reforms, the federal government has improved coordination among community agencies.¹⁶ Unfortunately, there are also two ways in which the federal government impedes coordination at the state and local level.

First, there are instances in which one or more agencies of the federal government launches or supports an initiative without fully taking into account the potential impact on all of the professions who may be part of a multi-disciplinary response to instances of abuse or neglect. For example, the United States Department of Health and Human Services has assisted child

¹⁶ See generally, Nancy Chandler, *Children's Advocacy Centers: Making a Difference One Child at a Time*, 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 315 (2006) (Providing an overview of the history and work of Children's Advocacy Centers).

protection agencies in implementing an alternative or differential response system in which CPS is able to provide services to less severe forms of abuse.¹⁷ The United States Department of Justice has played virtually no role in differential response and the disconnect between these agencies at the federal level has translated into difficulties for frontline child protection professionals.

Although differential response is supported by some research and may be an effective means of preventing egregious maltreatment, it has also resulted in the exclusion of the multi-disciplinary team from the decision making process of many cases of maltreatment. In 85% of the states using this model, the decision of whether or not to forward a child into the alternative response system is made by the assigned social worker with approval or other involvement from a supervisor.¹⁸ In my travels across the country, I frequently encounter criminal justice professionals who are frustrated that they now have a limited role in determining whether or not a report of abuse warrants an investigation. In the eyes of these criminal justice professionals, the alternative response system is reversing years of progress in getting agencies at the local level to work together.¹⁹

This is not to say that differential response is a bad idea—indeed, I think the idea has great potential. However, there should be a much fuller consideration of the impact of such a system on multi-disciplinary teams as well as the danger of allowing any one entity to make such critical decisions unilaterally. At the very least, both the Department of Health and Human Services and the Department of Justice should work together in explaining major policy changes of this nature to all of the frontline professionals impacted.

Second, there is a need to involve more frontline professionals in decision making processes. Over the past 15 years, I've been invited to a number of think tanks for a variety of federal agencies contemplating important policies that will impact front line professionals. What is often absent from these events is a strong representation of *practicing* front line professionals—those who are daily interacting with abused children. To some extent, this absence is understandable. The difficulty in selecting a representative sample of frontline child protection professionals may be part of the reason invitations are often extended to agents of national organizations or others who have published extensively or otherwise received some recognition in the field. Unfortunately, the work of researchers, policy makers and even the directors of national organizations are often disconnected from the work of actual child protection practitioners.

This is not to say that researchers and policy makers are unimportant so much as to recognize that their work must be driven by the experiences of those directly working with children. Indeed, history has repeatedly shown that, in the field of child protection, the best ideas typically come from front line professionals. For example, the Children's Advocacy Center movement didn't begin in Washington or in the mind of national officials—it came from a solitary

¹⁷ UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIFFERENTIAL RESPONSE TO REPORTS OF CHILD ABUSE & NEGLECT (February 2008).

¹⁸ UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL STUDY OF CHILD PROTECTIVE SERVICES SYSTEMS AND REFORM EFFORTS, REVIEW OF STATE POLICY (April 2003) pages

¹⁹ See Michael Johnson and Victor Vieth, *When the Call Comes: APSAC's Historic Recognition of Law Enforcement Officers and Prosecutors as Professionals*, APSAC ADVISOR 25, 27 (Winter/Spring 2012) (commenting on the concerns of law enforcement officers and prosecutors on the alternative response system).

prosecutor in Huntsville, Alabama who thought there must be a better way to meet the needs of these children.²⁰ Similarly, the emerging movement to reform undergraduate and graduate training of child protection professionals did not begin in Washington, it began at a small university in southeastern Minnesota dedicated to this simple but profound reform.²¹

In recognition of this history, the federal government must be more proactive in soliciting the views and taking into account the experiences of frontline child protection professionals. This can be as simple as utilizing modern technology (Survey Monkey, etc) to enable front line professionals to routinely comment and otherwise provide significant input on federal child protection policies and to apply to serve as peer reviewers on federal grants. Indeed, there should be a requirement that child protection professionals currently working directly with children as investigators, prosecutors, social workers, forensic interviewers or other disciplines are strongly represented in reviewing requests for federal funding of child protection initiatives. This also includes a review of proposals for research dollars. Although many frontline professionals may not be equipped to comment on a research design, they are in the best position to determine whether a particular research project would be helpful to those working directly with abused or neglected children. On more than one occasion, the federal government has funded or promoted research projects that have limited value to child abuse investigators, prosecutors or other officials. With greater involvement of front line professionals in selecting research grantees, the federal government would be able to invest its child protection dollars more wisely.

²⁰ Robert E. Cramer, *Symposium on Child Sexual Abuse Prosecutions: The Current State of the Art*, 40 U. MIAMI L. REV. 209 (1985).

²¹ Victor Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years*, (revised and expanded), 28 HAMLINE JOURNAL OF PUBLIC LAW & POLICY (FALL 2006) (discussing the Child Advocacy Studies program that began at Winona State University and is now unfolding at dozens of universities in more than 15 states).