

Senate Judiciary Subcommittee on Administrative Oversight and the Courts

Congressional Testimony

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Two weeks into my career as a prosecutor, I was asked to litigate a termination of parental rights case. The most dramatic moment of that trial came when a young social worker was grilled by the defense attorney about all the things he had done wrong during the investigation. When cross-examined about removing a baby from the home—something he lacked the legal authority to do—the social worker began to cry and said “the baby was covered with maggots, I didn’t know what I was supposed to do.”

None of us in that case knew what we were supposed to do. An absence of training on child abuse at the undergraduate and graduate level and a shortage of quality training for professionals in the field left us to figure it out as we went along. Twenty five years later, many communities face the same struggles.

It would not take much, certainly not a large investment of federal financial resources, to fundamentally and forever improve the training of child protection professionals. This improvement in training would impact the work of tens of thousands of law enforcement officers, social workers, prosecutors and medical and mental health professionals who, in turn, would impact the lives of millions of child. This impact would almost certainly contribute to a reduction of child abuse in the United States² and a corresponding reduction of numerous medical and mental health conditions correlated with abuse.³ To achieve this goal, seven reforms must be sustained and expanded.

First, and foremost, we must end on-the-job-training of future child protection professionals in the United States. Both research and the near universal experience of front line child protection professionals confirm that very little, if any, instruction on handling these cases is provided at the undergraduate or graduate level.⁴

¹ Director, National Child Protection Training Center

² See generally, Victor Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years (revised and expanded)*, 28(1) *HAMLIN JOURNAL OF PUBLIC LAW & POLICY* 1 (2006).

³ See generally, Vincent J. Felitti and Robert F. Anda, *The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders and Sexual Behavior: Implications for Healthcare*, in RUTH LANIUS, ERIC VERMETTEN, & CLARE PAIN (EDS), *THE IMPACT OF EARLY LIFE TRAUMA ON HEALTH AND DISEASE: THE HIDDEN EPIDEMIC* (2010)

⁴ In a 2006 study, Winona State University analyzed the web sites of 1,416 university and colleges. These universities offered baccalaureate degrees in criminal justice/law enforcement (393), social work (340), human services (113), nursing (390), medicine (96), psychology (794), sociology (639), and education (105). WSU professors searched these sites using the terms “child maltreatment,” “child abuse and neglect,” “child protection,” “child welfare,” and “child advocacy.” Only 29% (410) of these web sites had *any* course work addressing issues of child maltreatment. Moreover, when course work was offered, it was typically in fields of sociology or psychology—thus leaving the vast majority of child protection professionals with no training at the undergraduate

As a result, many professionals in the field go years without being fully trained on even the basic aspects of responding to child abuse cases. When this happens, cases are not properly investigated or are not investigated at all. According to the most recent National Incidence Study (NIS-4), 70% of the most serious cases of child abuse identified by NIS researchers were not investigated by child protection workers.⁵

To correct this problem, Winona State University examined many of the best training programs for professionals in the field and partnered with the National Child Protection Training Center and the National District Attorneys Association in developing an intensive inter-disciplinary minor called *Child Advocacy Studies* or CAST. We have also developed CAST graduate programs for medical schools, law schools and even seminaries. These courses have dramatically improved the knowledge and skills of these professionals.⁶ We have replicated CAST in 27 institutions of higher education from 17 different states.⁷ By the end of this summer, we expect to have over 70 institutions engaged in implementing this reform. We hope to have this reform in place or under development in 100 universities by 2013 and 500 by 2018.⁸ I have attached as exhibit “A” a paper I co-authored with 26 child protection professionals and academics that details CAST and its importance. This paper, entitled *Lessons from Penn State*, was recently distributed nationwide by the United States Department of Health and Human Services.

level. Even when universities had some undergraduate coursework on child maltreatment, the coverage was often cursory. Indeed, not one of the 1,416 universities analyzed had a concentration, much less a minor on child maltreatment. This finding is confirmed by other studies, including: 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); Ann S. Botash, *From Curriculum to Practice: Implementation of the Child Abuse Curriculum*, 8(4) CHILD MALTREATMENT 239 (November 2003). Jenny et al., *Analysis of missed cases of abusive head trauma*, 281 JAMA 621-626 (1999).

⁵ The NIS-4 uses “sentinels” to collect data on children they encounter who may have been abused. For this study, the researchers had over 10,000 sentinels from 122 counties. FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4), U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES 2-7, 2-8, 2-9 (2010).

⁶ Michele Knox, Heather Pelletier, & Victor Vieth, *The Effects of Training in Child Advocacy and Child Abuse Prevention and Intervention for First Year Medical Students* (paper submitted for publication October, 2011).

⁷ These universities are: Winona State University (MN), Montclair State University (NJ), Kennesaw State University (GE), University of Pittsburgh (PA), University of South Carolina-Upstate, Wilmington University (DE), Oklahoma City University, Michigan State University (first course planned for 2012, with plans for certificate to follow), University of Wisconsin-Platteville, Missouri State University, Athens State University (AL), Northern State University (SD), University of the District of Columbia, Judson University, New Mexico State University, Northeastern Illinois University, Arkansas State University, Northwest Arkansas Community College, Liberty University (CAST approved but not yet taught), University of Toledo (implemented CAST at the medical school), Florida Institute of Technology, and Alliant International University in San Diego, California (CAST classes will begin in the Spring of 2012). A CAST course for law students interested in a career in child protection is offered at Hamline University School of Law (MN), William Mitchell College of Law (MN) and Liberty University School of Law (VA). A CAST seminary course is taught at Bethany Lutheran Theological Seminary (MN) and Wisconsin Lutheran Seminary (WI).

⁷ Montclair State University in New Jersey, for example, offers a post BA “certificate in child advocacy”

⁸ Each summer, the National Child Protection Training Center trains professors from an additional 20 universities to implement CAST. The Center also provides courses for law schools and seminaries interested in CAST reforms and is developing a similar course for interested medical schools.

Second, there must be an infrastructure to develop, grow and maintain the integrity of CAST reforms. To this end, the National Child Protection Training Center intends to develop four and perhaps five regional CAST universities that will take a leadership role in disseminating CAST and maintaining its quality. This plan is modeled after the concept of regional Children's Advocacy Centers that have helped spread that reform to hundreds of communities throughout the country.

Third, we must realize that, although there is a role for national child abuse conferences in providing ongoing training for professionals in the field, the most effective training will be done at the state and community level. Ten years ago, there were a number of high quality forensic interview training programs offered by CornerHouse, APSAC, the National Children's Advocacy Center and other stellar organizations. Unfortunately, the intense nature of these courses limited class size to 10-40 professionals and thus impacted only hundreds of professionals each year. Beginning in 2000 and continuing until today, the National District Attorneys Association and now the National Child Protection Training Center worked with CornerHouse to establish five day forensic interview training programs that are locally taught but that meet national standards. I have attached to my written testimony "Exhibit B." This exhibit shows the spread of this initiative to 20 states and two additional countries as well as the reach of the program within each individual state.

A forensic interviewer from Pennsylvania who attended that state's course wrote us:

What an amazing week. I have been to so many trainings, my CV seems to go on forever. I have been qualified as an expert witness in criminal and family court many times but never felt it and have never been challenged by the defense attorney (definitely some divine intervention there). Wednesday night at dinner I told my team members that the most incredible transformation has happened within me...I have gone from feeling like I was pretending to know what I was doing to a feeling of competence. You have no idea how much that means. I am actually excited about going back to work on Monday to see what new cases are lying on my desk. To be able to use all the new tools you have given me, to do it right, and to have the knowledge to back it up.

In addition to developing state forensic interview training programs, national training centers including the National Center for Prosecution of Child Abuse and the National Child Protection Training Center have emphasized state and local training which can access more professionals and that can be tailored to the laws and unique needs of each community. When I directed the NDAA's child abuse programs and oversaw this shift, we tripled the amount of professionals we were reaching each year.

Fourth, training at the undergraduate and graduate level, as well as training for professionals in the field must be as realistic as possible and that includes the development of facilities that include mock courtrooms, forensic interview rooms, mock medical

facilities, and mock houses in which to conduct simulated exercises. Exhibit A includes some photographs of the type of facilities we envision across the country and that have already been developed in Minnesota with a second facility soon to be completed in Arkansas.

Fifth, we must recognize the value of technical assistance and practical publications for frontline professionals—particularly from small, rural communities. In many large prosecutors' offices, there is a seasoned child abuse prosecutor to mentor those new to the profession. In many rural communities, the small staff sizes, often only one or two prosecutors, necessitates handling everything from speeding to murder cases with little time to develop expertise in any particular area. Accordingly, manuals such as NDAA's *Investigation and Prosecution of Child Abuse* as well as NDAA's Update newsletter and our own Center's *CenterPiece* publications make a significant difference for front line professionals. One rural prosecutor with 16 years of service recently told me that he used our article on closing arguments in child abuse cases and his ability to effectively prosecute these cases improved dramatically.

Sixth, we need to expand training programs that develop bridges between the faith and child protection communities. Research suggests that as many as 93% of sex offenders are religious,⁹ that 20% of all congregations have a convicted sex offender,¹⁰ and that the offenders who accumulate the youngest and most victims are often actively involved in a church.¹¹ Many offenders use religious or spiritual themes in the abuse of children¹² and this is particularly problematic because many victims rely on their spirituality to also cope physically and emotionally with maltreatment.¹³ Accordingly, there is an urgent need to improve seminary training on these dynamics and to develop more effective partnerships between the faith and child protection communities.

Seventh, and most importantly, we must realize that high quality training is the determining factor of whether or not many children will be spared from abuse. As one example, a child protection worker who attended one of our state and local trainings wrote us:

⁹ GENE ABEL & NORA HARLOW, *THE STOP CHILD MOLESTATION BOOK* (2001).

¹⁰ Marian V. Liautaud, *Sex Offenders: Coming to a Church Near You*, CHRISTIANITY TODAY (posted online 10/25/10).

¹¹ Donna Eshuys & Stephen Smallbone, *Religious Affiliations Among Adult Sexual Offenders*, 18 SEX ABUSE 279 (2006); see also, Philip Firestone, et al, *Clerics Who Commit Sexual Offenses: Offender, Offense, and Victim Characteristics*, 18 JOURNAL OF CHILD SEXUAL ABUSE 442 (2009).

¹² See generally, Victor I. Vieth, *When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During, and after the Forensic Interview*, 2(10) CENTERPIECE (2010) (available online at www.ncptc.org); Adam Saradjian & Dany Nobus, *Cognitive Distortions of Religious Professionals Who Sexually Abuse Children*, 18 J. OF INTERPERSONAL VIOLENCE 905, 918 (2003)

¹³ Terry Lynn Gall, *Spirituality and Coping with Life Stress Among Adult Survivors of Childhood Sexual Abuse*, 30 CHILD ABUSE & NEGLECT 829 (2006); Lawson, Drebing, Berg, Vincelle, & Penk, *The Long Term Impact of Child Abuse on Religious Behavior and Spirituality in Men*, 22(5) CHILD ABUSE & NEGLECT 369, 376-377 (1998); Barbara R. McLaughlin, *Devastated Spirituality: The Impact of Clergy Sexual Abuse on the Survivor's Relationship with God*, 1(2) SEXUAL ADDICTION & COMPULSIVITY (1994).

Right after your training, I had a new sexual abuse case at the homeless shelter where a 5 year old was the victim. I had to adapt the protocol and do the interview in the shelter with the police officer sitting in...I got the disclosure of fondling and anal sex, incredible child who was able to provide so much detail regarding setting, clothing, etc. This officer was floored at what I was able to get out of this child without asking one leading question... ..When we were done I told him we needed the clothing and photos of their room. Because he is not a Detective he is not allowed to collect evidence. So *I* took photos of the room...and (*I*) had mom find the clothing that she wore during the assaults - the child should never have to stand alone...This is the first case in our County where this type of evidence will be available to the prosecution. Thank you so much for giving me the knowledge I needed to give the children a real voice and to do it right.

In giving front line child protection the training and resources they need and that maltreated children deserve, we will speed toward the day our country can say to hurting children, in the words of Aeschylus “Take heart. Suffering when it climbs highest lasts but a little time.”

Exhibits

Exhibit A: *Lessons from Penn State*, pages 7-32

Exhibit B: *National and state maps depicting the reach of state forensic interview training programs*, pages 32-35

Lessons from Penn State: A Call to Implement a New Pattern of Training for Mandated Reporters and Child Protection Professionals

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*"Each child is an adventure into a better life--
an opportunity to change the old pattern and make it new."
--Hubert Humphrey*

Introduction

The recent child sexual abuse scandal at Penn State University,⁴¹ in which multiple, well-educated professionals declined to report clear evidence of maltreatment,⁴² is not an isolated instance. Twenty years of research documents what every child protection professional in America already knows—that most people most of the time won't report even clear evidence of maltreatment or otherwise intervene to save a child.

Although less clear, the Penn State scandal also draws attention to an equally disturbing problem—that even when reports of abuse are made, these reports are often handled ineffectually if not incompetently. According to media reports of the Penn State scandal, investigators and prosecutors did review a 1998 report of inappropriate intimate contact with a boy.⁴³ The alleged perpetrator, Jerry Sandusky, even admitted to two university detectives that he hugged the boy while both were naked and stated “I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead.”⁴⁴ Although this recorded admission of Sandusky's is an incriminating if not out-right confession of indecent contact with a boy,⁴⁵ no charges or additional actions were taken.⁴⁶

³⁷ Associate Professor of Psychology, Montclair State University.

³⁸ Principal Investigator, Child Welfare Education and Research Programs School of Social Work University of Pittsburgh.

³⁹ Clinical Psychologist, Associate Professor of Psychiatry, University of Toledo College of Medicine.

⁴⁰ Co-chair, National Partnership to End Interpersonal Violence (NPEIV); Professor of Psychology and Associate Dean for Research at the College of Arts and Sciences, University of North Carolina at Greensboro.

⁴¹ See generally, Erik Brady & Jack Carey, *Did Penn State Protect Itself, Rather than Kids?*, USA TODAY at 1A, November 8, 2011.

⁴² See *Victim 1*, USA TODAY at 1A, 2A November 11, 2011 (summarizing grand jury finding of multiple adults who failed to report even when confronted with strong evidence).

⁴³ *Id.* at 2A.

⁴⁴ *Id.*

⁴⁵ In Pennsylvania, it is a crime to have “indecent contact” with a child below the age of 13. PENNSYLVANIA STATUTES § 3126. Indecent contact is defined as “any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.” PENNSYLVANIA STATUTES § 3101. Even if no additional evidence came forth, Sandusky's admission of “hugging” a boy while both were naked could reasonably be interpreted by a jury as indecent contact for Mr. Sandusky's sexual gratification—hence his intense feelings of guilt, even wishing he was dead.

⁴⁶ *Victim 1*, USA TODAY at 1A, 2A November 11, 2011.

The inability, even failure of criminal justice authorities to take meaningful action to protect a child is also not an isolated anecdote. Indeed, a large body of research and the universal experience of the nation’s child protection professionals confirm inadequate training at the undergraduate and graduate level—a woeful lack of preparation that increases the chances children will fail to be protected or that false accusations will be made.

In the past eight years, the United States Department of Justice has begun to address both of these issues through the rapid development and dissemination of model undergraduate and graduate curricula that will better prepare mandated reporters to fulfill their responsibilities to children and that will also better prepare criminal justice, social work, mental and medical health professionals to respond appropriately to instances of maltreatment. These related reforms will reduce, if not rid the country of “on the job training” as the primary means of educating both mandated reporters and the child protection professionals who investigate or otherwise respond to reports.

This white paper details these reforms—and urges the Department of Justice to continue funding and to even expand these initiatives.

The failure of mandated reporters to report child maltreatment

The Penn State scandal involves multiple adults, many of them well educated and in positions of authority who failed to report to law enforcement officials or take any meaningful action in response to strong evidence of child sexual abuse. As summarized by one national media source:

(T)he 23-page grand jury report is littered with instances in which university officials and other authorities failed to act, effectively allowing the list of victims to grow.⁴⁷

The failure of multiple parties at Penn State to report clear evidence of child molestation is not unusual—it is a norm documented by more than 20 years of research. 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).⁴⁸ A study published one decade later found that 65% of social workers, 53% of physicians and 58% of physician assistants were not reporting all cases of suspected abuse.⁴⁹

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

⁴⁷ *Victim 1*, USA TODAY at 1A, 2A November 11, 2011.

⁴⁸ David Finkelhor, *Is Child Abuse Overreported?*, PUB. WELFARE, Winter 1990 at 25.

⁴⁹ Steven Delaronde, et al, *Opinions Among Mandated Reporters Toward Child Maltreatment Reporting Policies*, 24 CHILD ABUSE AND NEGLECT 901, 905 (2000).

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.⁵⁰

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.⁵¹ This is true even though the teachers in this study averaged 10 years of experience.⁵² When reports are made, it is typically only to a supervisor.⁵³

The consequences of failing to report

When a report is not made, not only is the abuse of a given child likely to continue, but the chances an offender will violate other children also increases. Sex offenders who have been “caught” abusing a child without a report being made to the authorities or without any meaningful consequences often feel emboldened, giving them a sense of invincibility.⁵⁴

Reasons reporters fail to report

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 failing to comply with the law.⁵⁵ 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 state law.⁵⁶

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.⁵⁷ 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

⁵⁰ 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.

⁵¹ Maureen C. Kenny, *Child Abuse Reporting: Teachers’ Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81, 88 (2001).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Personal correspondence with sex offender treatment provider Anna Salter, Ph.D, November 13, 2011.

⁵⁵ Maureen C. Kenny, *Child Abuse Reporting: Teachers’ Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81 (2001).

⁵⁶ See Margaret H. Meriwether, *Child Abuse Reporting Laws: Time for a Change*, 20 FAM. L. Q. 141, 142 (1986).

⁵⁷ *Teachers and Child Abuse*, National Center for Prosecution of Child Abuse UPDATE (American Prosecutors Research Institute, Alexandria, Virginia), October, 1989.

reporters.⁵⁸ 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.⁵⁹

In the case of the Penn State scandal, inadequate training of mandated reporters may have played a role in the failure of many adults to disclose evidence of abuse to the authorities. In a survey of 1,400 mandated professionals from 54 counties in Pennsylvania, 14% said they had *never* received mandated reporter training.⁶⁰ Another 24% said they had not received mandated reporter training in the past five years.⁶¹ 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.⁶²

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.⁶³ In small towns, patients may be reluctant to visit a physician who has previously reported abuse, particularly if the report is viewed as frivolous.⁶⁴ 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.⁶⁵

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.⁶⁶

⁵⁸ Steven Delaronde, et al., *Opinions Among Mandated Reporters Toward Child Maltreatment Reporting Policies*, 24 CHILD ABUSE AND NEGLECT 901, 905 (2000). 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 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. Grosseohme, *Child Abuse Reporting: Clergy Perceptions*, 7 CHILD ABUSE & NEGLECT 743-747 (1998).

⁵⁹ Maureen C. Kenny, *Child Abuse Reporting: Teachers’ Perceived Deterrents*, 25 CHILD ABUSE & NEGLECT 81, 88 (2001).

⁶⁰ *Mandated Reporter Survey Report*, THE PROTECT OUR CHILDREN COMMITTEE 1, available online at www.protectpachildren.org (last visited November 14, 2011).

⁶¹ *Id.*

⁶² *Id.* at 2.

⁶³ Martha Bailey, *The Failure of Physicians to Report Child Abuse*, 40 U. TORONTO FACULTY L. REV. 49, 55, 57 (1982).

⁶⁴ *Id.*

⁶⁵ Victor I. Vieth, *A Strategy for Confronting Child Abuse in Rural Communities*, 28 THE PROSECUTOR 15, 16 (September/October 1994).

⁶⁶ Gail Zellman, *Reducing Underresponding: Improving System Response to Mandated Reporters*, JOURNAL OF INTERPERSONAL VIOLENCE 115, 116-117 (March 1991).

A call for better training of mandated reporters

A number of researchers have recognized the urgent need to improve the training of mandated reporters at both the undergraduate and graduate level as well as when these reporters are in the field.

Commenting on three decades of studies, one team of researchers concluded:

Failure of professionals to report child maltreatment may leave hundreds of thousands of children and their families without needed interventions and at increased risk of further maltreatment. During the past 30 years, several reasons have been consistently found to influence professionals to ignore legal mandates to report suspected child abuse and neglect, including inability to recognize signs and symptoms of child abuse and neglect, misunderstanding State child abuse and neglect reporting laws, and fear of negative consequences resulting from the report. *These concerns maybe easily allayed through increased availability of training programs, implementing educational programs that emphasize potential consequences of reporting, and improving the working relationship with CPS* (emphasis added).⁶⁷

The inadequate training of child protection professionals at the undergraduate and graduate levels

Even when reports are made, the front line child protection professionals called to respond are often inadequately trained. Over two decades of research documents that this nation's law enforcement officers, social workers, nurses, doctors, prosecutors, judges, and other child protection professionals leave their undergraduate and graduate institutions inadequately prepared to respond to a case of child maltreatment.⁶⁸

In a 2006 study, Winona State University analyzed the web sites of 1,416 university and colleges. These universities offered baccalaureate degrees in criminal justice/law enforcement (393), social work (340), human services (113), nursing (390), medicine (96), psychology (794), sociology (639), and education (105). WSU professors searched these sites using the terms “child maltreatment,” “child abuse and neglect,” “child protection,” “child welfare,” and “child advocacy.” Only 29% (410) of these web sites had *any* course work addressing issues of child maltreatment. Moreover, when course work was offered, it was typically in fields of sociology or

⁶⁷ Krisann M. Alvarez, Maureen C. Kenny, Brad Donahue, & Kimberly M. Carpin, *Why are Professionals Failing to Initiate Mandated Reports of Child Maltreatment, and are there any Empirically Based Training Programs to Assist Professionals in the Reporting Process?*, 9 *AGGRESSION AND VIOLENT BEHAVIOR* 563, 574-575 (2004).

⁶⁸ See generally, Victor I. Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years (revised and expanded)*, 28 *HAMLIN JOURNAL OF PUBLIC LAW & POLICY* 1 (2006).

psychology—thus leaving the vast majority of child protection professionals with no training at the undergraduate level.⁶⁹

Even when universities had some undergraduate coursework on child maltreatment, the coverage was often cursory. Indeed, not one of the 1,416 universities analyzed had a concentration, much less a minor on child maltreatment.⁷⁰ This research echoes findings by other researchers and commentators.

Reporter Anna Quindlen describes a child protection 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 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.⁷¹

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.”⁷²

The problem extends to graduate schools as well. A 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.⁷³ 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.”⁷⁴

⁶⁹ This research was conducted by Dr. Jackie Hatlevig, nursing professor at Winona State University. For further details concerning this study, contact the National Child Protection Training Center at 507-457-2890.

⁷⁰ *Id.*

⁷¹ Anna Quindlen, *Forward to MARC PARENT, TURNING STONES: MY DAYS AND NIGHTS WITH CHILDREN AT RISK* (1996). Many individuals in the general public, as well as those in professions other than social work, use the term “social worker” to describe individuals who work in the child protection field. This is inaccurate and uninformed. Social work is a profession grounded by a specific theoretical orientation, body of knowledge, history, and code of professional ethics. Professional social workers comprise approximately 30% of the child welfare workforce nationwide. Many individuals in the child protection field are not professionally educated and trained social workers. The term “social worker” and “caseworker” are not synonymous. Working in a law firm or a hospital doesn’t make an individual a “lawyer” or a “doctor” anymore than working in child welfare makes one a “social worker” if that individual does not have the requisite educational qualifications.

⁷² *Id.*

⁷³ 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). As is true of most child protection professionals, many of our best and brightest psychologists acquired their knowledge through on the job training.

⁷⁴ *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.⁷⁵

The training provided 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.”⁷⁶ As a result, egregious errors occur. In one study, for example, researchers found that 31% of abusive head trauma cases were not recognized by the physicians who first evaluated these victims.⁷⁷

Many serious cases of maltreatment are not investigated

When universities and other institutions of higher education fail to teach practical information to the child protection professionals of tomorrow, it means these professionals must learn on the job with the lives of children hanging in the balance. As a result, even cases of severe child maltreatment are screened out of the system with little or no investigation.

Indeed, according to the Fourth National Incidence Study of Child Abuse and Neglect (NIS-4), a large percentage of maltreated children *identified* by mandated reporting professionals did *not* receive child protection investigation.⁷⁸ Specifically, only 50% of the nation's *identified* abused children received child protection investigation and only 30% of the children suffering “serious harm” received child protection investigation.⁷⁹ The NIS-4 researchers labeled “serious harm” cases as those child abuse or neglect cases in which “an act or omission result in demonstrable harm.”⁸⁰

The NIS-4 data are summarized in the following graph taken from the report to congress:

⁷⁵ ANNA C. SALTER, PH.D, PREDATORS 2 (2003).

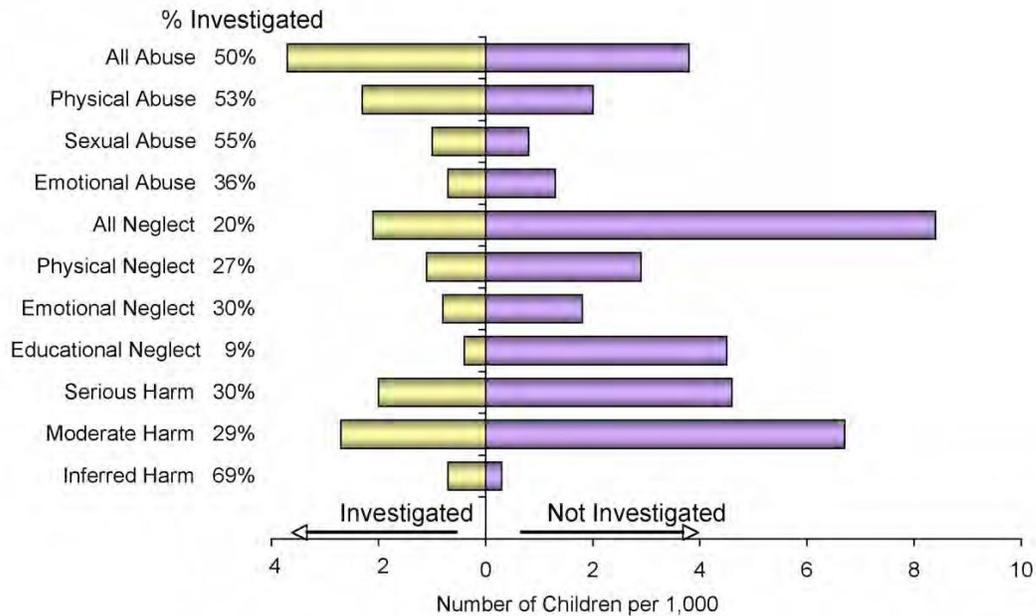
⁷⁶ Ann S. Botash, *From Curriculum to Practice: Implementation of the Child Abuse Curriculum*, 8(4) CHILD MALTREATMENT 239 (November 2003).

⁷⁷ Jenny et al., *Analysis of missed cases of abusive head trauma*, 281 JAMA 621-626 (1999).

⁷⁸ The NIS-4 uses “sentinels” to collect data on children they encounter who may have been abused. For this study, the researchers had over 10,000 sentinels from 122 counties. FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4), U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES 2-7, 2-8, 2-9 (2010).

⁷⁹ *Id.*

⁸⁰ FOURTH NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT (NIS-4), U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES EXECUTIVE SUMMARY 3 (2010)



This is not a recent or isolated finding but, rather, a finding that has been found repeatedly over a period of decades. Indeed, researchers note “Throughout its history, the NIS has consistently found that child protective services agencies (CPS) investigate maltreatment of only a minority of the children the NIS identifies.”⁸¹

Improving the undergraduate and graduate training of mandated reporters and child protection professionals

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,⁸² we are leaving most child victims to fend for themselves. To correct this problem, two things must happen.

First, every university must teach students entering mandated reporting professions the necessary skills to competently perform this task. Simply put, 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

⁸¹ *Id.* at 16.

⁸² See David Finkelhor, *Is Child Abuse Overreported?*, PUB. WELFARE, Winter 1990.

how to do an autopsy but we should teach them about unusual sexual behaviors⁸³ 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 Virginia, where simply alerting the principal is sufficient,⁸⁴ 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 National Child Protection Training Center is partnering with a prestigious university in Minnesota in implementing this plan.⁸⁵ A number of other universities throughout the United States are also moving in this direction.⁸⁶ In targeting the primary reasons mandated reporters fail to report, including ignorance and fear, it is predictable that graduates of this course will make a higher percentage of substantiated reports than others in their profession who have not received this training. Indeed, preliminary research on a version of the curriculum at the University of Toledo College of Medicine has found a significant improvement in the willingness of future doctors to report abuse.⁸⁷

Second, child protection workers called on to investigate and repair families damaged by abuse must be competent to perform these tasks. Child protection workers routinely report 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 repair or otherwise respond to the impact of maltreatment.⁸⁸ Simply stated, untrained child protection 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

⁸³ See generally ELIANA GIL & TONI CAVANAGH JOHNSON, *SEXUALIZED CHILDREN: ASSESSMENT AND TREATMENT OF SEXUALIZED CHILDREN AND CHILDREN WHO MOLEST* (1993).

⁸⁴ VA. CODE. ANN SECTION 63.2-1509.

⁸⁵ 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); PETER HENDERSON, *HER STAR SHALL NOT DIM: A SESQUICENTENNIAL HISTORY OF WINONA STATE UNIVERSITY* (2008).

⁸⁶ See Charlotte Tubbs, *State Rethinks Education*, ARKANSAS DEMOCRAT GAZETTE (August 12, 2006) (noting that Linda Beene, the director of the Arkansas Department of Higher Education plans to “inventory current academic programs that address child abuse and spread awareness for the need to train psychology, social work, criminal justice, nursing and education students on this issue.”).

⁸⁷ Michele Knox, Heather Pelletier, & Victor Vieth, *The Effects of Training in Child Advocacy and Child Abuse Prevention and Intervention for First Year Medical Students* (paper submitted for publication October, 2011).

⁸⁸ The National Child Protection Training Center trains as many as 15,000 child protection professionals each year and, from this experience, the Center encounters thousands of professionals lamenting that even the most basic skills necessary to respond to cases of child abuse are not provided at undergraduate or graduate institutions.

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.”⁸⁹

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.⁹⁰ Although many measures can be taken to address the ongoing stress of working in the field,⁹¹ 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.

Child Advocacy Studies Certificate and Minor

Winona State University developed a three course Child Advocacy Studies (CAST) certificate program as well as an interdisciplinary minor certified by the Minnesota State College and University System (MNSCU). This curriculum has now been implemented at twenty-two universities⁹² with some universities implementing the curriculum as a minor or even graduate program.⁹³ The curriculum is based on an outline originally published in the *Journal of Aggression, Maltreatment and Trauma*.⁹⁴ That outline called for three essential courses and a series of electives:

Child Abuse 101: The Mandated Reporter Training Course

⁸⁹ Kristen Kreischer, *Burned Out*, CHILDREN’S VOICE (July/August 2002) available online at www.cwla.org/articles/cv0207burnedout.htm

⁹⁰ *Id.*

⁹¹ See Amy Russell, *Vicarious Trauma in Child Sexual Abuse Prosecutors*, 2(6) CENTERPIECE (2010) (a publication of the National Child Protection Training Center); Victor I. Vieth, *When Days Are Gray: Avoiding Burnout as Child Abuse Professionals*, 14(4) UPDATE (2001) (published by NDAA’s National Center for Prosecution of Child Abuse, Alexandria, VA).

⁹² These universities are: Winona State University (MN), Montclair State University (NJ), Kennesaw State University (GE), University of Pittsburgh (PA), University of South Carolina-Upstate, Wilmington University (DE), Oklahoma City University, Michigan State University (first course planned for 2012, with plans for certificate to follow), University of Wisconsin-Platteville, Missouri State University, Athens State University (AL), Northern State University (SD), University of the District of Columbia, Judson University, New Mexico State University, Northeastern Illinois University, Arkansas State University, Northwest Arkansas Community College, Liberty University (CAST approved but not yet taught), University of Toledo (implemented CAST at the medical school), Florida Institute of Technology, and Alliant International University in San Diego, California (CAST classes will begin in the Spring of 2012).

⁹³ Montclair State University in New Jersey, for example, offers a post BA “certificate in child advocacy” for child protection workers and a Master of Arts in Child Advocacy with an optional concentration in child public welfare. This master’s program provides 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. See Robert H. McCormick, *The Master of Arts in Child Advocacy: A Contribution to an Emerging Discipline*, 12 (3/4) JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA 149 (2006).

⁹⁴ Victor I. Vieth, *Unto the Third Generation: A Call to End Child Abuse in the United States within 120 Years*, 12 JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA 5 (2006). A revised version was published in volume 28 of the HAMLIN JOURNAL OF PUBLIC LAW AND POLICY 1 (2006).

This full semester course is designed for anyone who may be a mandated reporter or anyone who wants a deeper appreciation of recognizing and responding to cases of child abuse. The course details the legal and clinical definitions of all forms of maltreatment and assist students in recognizing potential signs of abuse. The course also assists students in understanding the child protection system. The course also teaches students ethics. What, for example, should a future teacher do if state law only requires her to report maltreatment to a supervisor and yet she knows the supervisor will never make a report of abuse? Fear of losing a job or other consequences deters some reporters from calling the authorities. In the Penn State case, a janitor reportedly witnessed Sandusky performing oral sex on a boy in the Penn State showers but he and other workers did not call the police out of fear of losing their jobs.⁹⁵ Accordingly, it is critical to help potential reporters understand the statutory and other protections afforded those who report.

Child Maltreatment Investigations

This interdisciplinary course teaches future social workers, law enforcement officers, psychologists, nurses and other professionals to work together in fully assessing and responding to a report of maltreatment. Students are taught to interview children, suspects and non-offending caretakers. Students are taught to find corroborating evidence and to testify in courts of law. Students are taught to conduct traditional MDT investigations as well as alternative or differential response assessments.⁹⁶ Students conduct numerous, hands on exercises.

Child Maltreatment Responses

When confronted with child maltreatment, students are taught the art and science of meeting the needs of maltreated children and repairing families when possible. Students are also taught to identify factors contributing to maltreatment and to develop community prevention programs.

Electives

In completing a minor, students can choose from a wide variety of courses pertaining to the trafficking of children, the correlation between poverty and some forms of maltreatment, and gender and interpersonal violence.

Progress in reforming undergraduate training of child protection professionals

As previously stated, a three course model consistent with this outline has already been developed at Winona State University (WSU). The courses are designed for criminal justice, social work, nursing, education, psychology and other disciplines who may work as part of a

⁹⁵ *Victim 1*, USA TODAY, 1A, 2A, November 11, 2011.

⁹⁶ See e.g. 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).

multi-disciplinary team.⁹⁷ Preliminary research on the Child Advocacy Studies (CAST) curriculum conducted by the university is promising.⁹⁸ WSU expanded the curriculum into a minor in 2007.⁹⁹ An outline of the Winona State University Child Advocacy Studies minor is attached as “Appendix A.”

Montclair State University in New Jersey has also adopted a model curriculum consistent with the course content proposed in this article.¹⁰⁰ To ensure its curriculum addressed the needs of front line professionals, Montclair State University worked closely with New Jersey’s Division of Youth and Family Services (DYFYS) and other child welfare experts.¹⁰¹

With funding through the United States Department of Justice, more than 50 universities have attended conferences at Winona State University to learn more about implementing a CAST certificate or minor program. As of this writing, 22 universities have implemented an undergraduate or graduate Child Advocacy Studies program.¹⁰²

CAST at Graduate Schools

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.

⁹⁷ For more information about the CAST curriculum, visit WSU’s on line course descriptions at:

<http://www.winona.edu/coursecatalog/ChildAdvocacy.asp>

⁹⁸ Winona State University has conducted examinations of students at the beginning of the CAST courses and again upon completion of the courses. This research shows a dramatic improvement in the knowledge of students who complete the courses. Students, themselves, acknowledge a dramatic improvement in their knowledge after completing only the first of the three courses. After the first class, for example, students were asked: “When I started this class I knew (0 very little; 10 a great deal about child maltreatment).” The answers ranged from 0-8 with the mean at 5.1, the median at 5 and the mode at 5. When asked their knowledge base after completing just the first course, the students had a range of 8-10 with the mean at 9.3, the median at 9 and the mode at 10. For additional information about the research being conducted on the CAST curriculum, contact the National Child Protection Training Center at (507) 457-2890.

⁹⁹ Winona State University plans on adding a course exploring the impact of poverty on child abuse and a second course addressing child sexual exploitation. The latter course will address on-line crimes against children, the prostituting of children, and child pornography.

¹⁰⁰ See Robert H. McCormick, *The Master of Arts in Child Advocacy: A Contribution to an Emerging Discipline*, 12 (3/4) JOURNAL OF AGGRESSION, MALTREATMENT & TRAUMA 149 (2006).

¹⁰¹ *Id.*

¹⁰² These universities are: Winona State University (MN), Montclair State University (NJ), Kennesaw State University (GE), University of Pittsburgh (PA), University of South Carolina-Upstate, Wilmington University (DE), Oklahoma City University, Michigan State University (first course planned for 2012, with plans for certificate to follow), University of Wisconsin-Platteville, Missouri State University, Athens State University (AL), Northern State University (SD), University of the District of Columbia, Judson University, New Mexico State University, Northeastern Illinois University, Arkansas State University, Northwest Arkansas Community College, Liberty University (CAST approved but not yet taught), University of Toledo (implemented CAST at the medical school), Florida Institute of Technology, and Alliant International University in San Diego, California (CAST classes will begin in the Spring of 2011).

Law schools

Law students interested in becoming prosecutors or public defenders may be the best candidates to interact with abused children before or during court, but 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.¹⁰³

To this end, law schools should introduce tomorrow's trial attorneys and judges to the concept of court schools¹⁰⁴ and the art of preparing children for court.¹⁰⁵ Law students should understand the research on conducting developmentally appropriate oaths.¹⁰⁶ Most importantly, tomorrow's trial attorneys and judges must be introduced to the concept of questioning children in a manner they can understand.¹⁰⁷ 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, two-thirds of public defenders and one-third of prosecutors admitted questioning children in a manner designed to confuse the child.¹⁰⁸ 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.

¹⁰³ A 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. 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 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).

¹⁰⁴ 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).

¹⁰⁵ See LYNN M. COPEN, *PREPARING CHILDREN FOR COURT* (2000).

¹⁰⁶ See Thomas D. Lyon & Karen Saywitz, *Young Mistreated Children's Competence to Take the Oath*, 3(1) *APPLIED DEVELOPMENTAL SCIENCE* 16-27 (1999).

¹⁰⁷ See ANNE GRAFFAM WALKER, *HANDBOOK OF QUESTIONING CHILDREN* (2d Edition) (1999); see also John E.B. Myers, Gail S. Goodman, & Karen J. Saywitz, *Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviews and Courtroom Testimony*, 27 *PACIFIC L. JOURNAL* 1 (1996).

¹⁰⁸ 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).

Implementation of a child protection course at law schools

Working with a team of accomplished child abuse prosecutors, the National Child Protection Training Center developed a full semester course entitled *Child Abuse and the Law*. The course is currently being taught in three ABA accredited law schools.¹⁰⁹

Medical schools

The role of physicians in addressing 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.¹¹⁰ 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.¹¹¹ Accordingly, medical schools must give the 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).¹¹² Beginning in medical school, physicians must learn to identify and respond to the physical and psychological neglect of children¹¹³ 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

¹⁰⁹ These law schools are Hamline University School of Law, William Mitchell College of Law, and Liberty University Law School.

¹¹⁰ See generally, Joyce Adams, et al, *Guidelines for Medical Care of Children Who May Have Been Sexually Abused*, 20 JOURNAL OF ADOLESCENT GYNECOLOGY 163 (2007).

¹¹¹ 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 right next to us at the bedside is great." Herbert Schreier, *Munchausen Syndrome by Proxy Defined*, 110(5) PEDIATRICS 985, 987-988 (2002).

¹¹² 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).

¹¹³ 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.

professionals in the art of testifying.¹¹⁴ 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. Many physicians report feeling underprepared and trained both in the area of addressing parenting skills, but also in identifying and reporting child maltreatment.¹¹⁵

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—for whom there is already a specific board certification.¹¹⁶ This is because specialists “practice in academic centers” thus making the distribution of these specialists “somewhat limited.”¹¹⁷ 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.”¹¹⁸

Implementation of a medical school curriculum at the University of Toledo

Working with the Mayo Clinic and several pediatric experts on child abuse, the National Child Protection Training Center outlined a medical school curriculum designed to better prepare future doctors to recognize, report, and otherwise respond to a case of child maltreatment. The curriculum has been implemented at the University of Toledo College of Medicine and a recently completed study of 17 medical students completing the course found “medical students’ self-reported preparedness to identify signs of child maltreatment, to report a case of suspected child maltreatment, to recommend or secure needed services for a maltreated child and likelihood to report suspected child maltreatment even if they were not sure were significantly improved...”¹¹⁹

Other graduate schools

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

¹¹⁴ 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).

¹¹⁵ See E.G. Flaherty, et al., *Pediatrician Characteristics Associated with Child Abuse Identification and Reporting: Results from a National Survey of Pediatricians*, 11(4) CHILD MALTREATMENT 361 (2006); E.G. Flaherty, et al., *From Suspicion of Physical Child Abuse to Reporting: Primary Care Clinician Decision-Making*, 122 PEDIATRICS 611 (2007); Gunn, et al., *Factors Affecting Pediatricians’ Reporting of Suspected Child Maltreatment*, 5(2) AMBULATORY PEDIATRICS 96 (2005); Warner-Rogers, et al., *The Influence of Case Professional Variables on Identification and Reporting of Physical Abuse: A Study with Medical Students*, 20(9) CHILD ABUSE & NEGLECT 851 (1996).

¹¹⁶ See A GUIDE TO BOARD CERTIFICATION IN PEDIATRICS, available online at: <https://www.abp.org/abpwebsite/publicat/certboi.pdf> (last visited November 11, 2011).

¹¹⁷ Suzanne P. Starling & Stephen Boos, *Core Content for Residency Training in Child Abuse and Neglect*, 8(4) CHILD MALTREATMENT 242-243 (November 2003).

¹¹⁸ *Id.*

¹¹⁹ Michele Knox, Heather Pelletier, & Victor Vieth, *The Effects of Training in Child Advocacy and Child Abuse Prevention and Intervention for First Year Medical Students* (paper submitted for publication October, 2011).

schools that train tomorrow's psychologists,¹²⁰ dentists,¹²¹ journalists, clergy-persons¹²² and veterinarians¹²³ are but some of the professionals that will come into contact with maltreated children and who should be better prepared to meet or at least recognize and report instances of abuse.¹²⁴

Disseminating undergraduate and graduate reforms

Working with dozens of colleges, universities, law schools, medical schools and seminaries, the National Child Protection Training Center intends to continue to implement undergraduate and graduate reforms throughout the United States.

100 universities by 2013 and 500 by 2018

Each summer, NCPTC selects 20 universities to participate in a week-long conference at Winona State University. Professors attending the conference attend workshops presented by CAST professors from WSU and at other institutions. They are given course materials, participate in course exercises and interact with CAST students. NCPTC provides ongoing assistance until CAST is implemented.

CAST professors continue to interact and support each other through a listserv and other interactive media. Working with the CAST universities, NCPTC will assist in developing national accreditation standards to assist in maintaining the integrity and quality of the courses.

¹²⁰Kelly 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).

¹²¹ 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).

¹²² There is research suggesting that sex offenders with the most victims and the youngest victims tend to be those who are most actively involved in their faith communities. See Donna Eshuys & Stephen Smallbone, *Religious Affiliations Among Adult Sex Offenders*, 18 SEX ABUSE 279 (2006). When clergy or others use religion in the abuse of a child this has a profound impact on the child emotionally and spiritually. Barbara R. McLaughlin, *Devastated Spirituality: The Impact of Clergy Sexual Abuse on the Survivor's Relationship with God*, 1(2) SEXUAL ADDICTION AND COMPULSIVITY (1994); Adam Saradjian & Dany Nobus, *Cognitive Distortions of Religious Professionals Who Sexually Abuse Children*, 18 JOURNAL OF INTERPERSONAL VIOLENCE 905 (2003).

¹²³ 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 (2004) (Published by NDAA's National Child Protection Training Center, Winona, MN).

¹²⁴ The National Child Protection Training Center has already developed a seminary course on child maltreatment. The curriculum has been implemented at Bethany Lutheran Theological Seminary in Mankato, Minnesota and Wisconsin Lutheran Seminary in Mequon, Wisconsin.

By July of 2012, at least 70 universities will be involved in the work of implementing CAST at the undergraduate or graduate level. The goal of NCPTC is to implement the curriculum in at least 100 universities by 2013—a goal that is within reach.

The Development of Regional Centers to Sustain CAST

By 2013, NCPTC intends to have university regional partners who have not only implemented CAST successfully but who will take a leadership role in disseminating CAST throughout their regions and in conducting site visits and otherwise ensuring the ongoing integrity of the reforms.

These four regional centers will also provide up to 60 weeks of intensive training (15 weeks per center) for child protection professionals currently in the field. The training will be conducted in “laboratory” facilities that include mock courtrooms, forensic interview rooms, mock sexual assault examination rooms, and a mock house in which to conduct simulated investigations.

Winona State University has already developed such a facility for the training of CAST students as well as professionals in the field. The exterior of the facility is depicted below.



The facility’s mock house, in which simulated child abuse investigations are conducted, is shown below.



The facility also includes five courtrooms. One of these courtrooms is pictured below:



Conclusion

It would not require a large investment of financial and human resources to fundamentally improve our nation's mandated reporting and child protection systems. We would, though, have to start at the source of training for most of these professionals—undergraduate and graduate programs.

With funding from the United States Department of Justice, the National Child Protection Training Center has worked with dozens of universities in developing and implementing intensive undergraduate and graduate courses and degrees. With a minimal investment from federal, state and private sources, these reforms will not only be sustained, they will quickly spread throughout the nation.

The tragic events at Penn State University remind us how much our mandated reporting and child protection professionals need to improve. The events at Penn State are not isolated—they are the norm as documented by numerous studies and thousands of painful anecdotes. If we adhere to the recommendations of various researchers and countless child protection professionals, we can quickly develop a new norm in which reasonable suspicions of abuse are routinely reported and competently assessed.

Generations of children await our decision.

Appendix A

Child Advocacy Studies at Winona State University: Catalogue Description

PURPOSE

The focus of the Child Advocacy Studies curriculum is experiential, interdisciplinary, ethical and culturally sensitive content that would provide professionals working with children a common knowledge base for responding to child maltreatment. This program focuses on developing students' understanding of the numerous factors that lead to child maltreatment, and of existing responses to incidents of child maltreatment, in order that they may work more effectively within systems and institutions that respond to these incidents. Students will learn about the various disciplinary responses to child maltreatment, and will develop a multi-disciplinary understanding of the most effective responses. Students completing the courses in this program will be better equipped to carry out the work of agencies and systems (health care, criminal justice

CHILD ADVOCACY STUDIES MINOR

MINOR REQUIRED COURSES/ELECTIVES (21 S.H.)

301	Perspectives on Child Maltreatment & Child Advocacy (3) (required)
401/501	Professional & System Responses to Child Maltreatment (4) (required)
402/502	Responding to the Survivor of Child Abuse and Survivor Responses (4) (required)
302	Global Child Advocacy Issues (3) (required)
407	CAST Capstone Experience (4) (required)
405	Gender, Violence and Society (elective) (4)
403	Child Exploitation, pornography & the Internet (elective) (3)
404	Sociology of Child Poverty (elective) (3)
406	Child Advocacy Research Studies (elective) (3)
Total	(21 credits) (18 credits required + 3 credits elective)

CERTIFICATION

Students who complete all three courses offered in the discipline receive a certificate of completion from WSU and the NCPTC.

CERTIFICATION REQUIRED COURSES/ELECTIVES (11 S.H.)

Child Advocacy Studies (CAST)

301	Perspectives on Child Maltreatment & Child Advocacy
401/501	Professional & System Responses to Child Maltreatment
402/502	Responding to the Survivor of Child Abuse and Survivor Responses

COURSE DESCRIPTIONS

301 - Perspectives on Child Maltreatment & Child Advocacy—3 S.H. (required).

This course is the introductory course for child advocacy studies. This course covers the history, comparative perspectives, the legal framework, responses to child maltreatment, the skills necessary to do the work, other pertinent issues pertaining to child maltreatment and child advocacy, and the future. The field of child maltreatment is fraught with controversy. Much of the class focuses on these controversies. The approach of the course will be from a variety of diverse, professional perspectives including the perspectives of a prosecuting attorney versus a defense attorney. The course is designed for students majoring in criminal justice, education, social work, sociology, psychology, nursing, paralegal, or other areas where knowledge of child maltreatment and advocating for children might be necessary. Much of the work will be hands-on. This course is accepted as meeting the University studies critical analysis criteria. No prerequisites are required.

401/501 - Professional & System Responses to Child Maltreatment—4 S.H.

(required) This course is the second course for the child advocacy studies and focuses on the responses of professionals to allegations of child maltreatment. The purpose of this course is to expand the student's knowledge and skills in identifying, investigating and prosecuting child maltreatment. Students majoring in criminal justice, education, social work, sociology, psychology, nursing, paralegal and other areas where knowledge of child maltreatment investigation and advocacy are necessary will receive competency based skills training such as forensic interviewing, documentation, etc. CAST 301 (SOCW 440) is a prerequisite for 401/501 or consent of instructor. PSY 250 Developmental psychology and MC --- Communication for Professionals or equivalent course content within the major is recommended as a prerequisite. Students taking this course for graduate credit will be expected to complete an additional assignment.

402/502 - Responding to the Survivor of Child Abuse and Survivor Responses—4

S.H. (required) This course is the third course for child advocacy studies. The purpose of this course is to prepare students to recognize the effects of child maltreatment and apply interventions strategies for children and their families. Multidisciplinary approaches to prevention, advocacy and treatment of child maltreatment survivors will be presented and discussed. The course is designed for students majoring in criminal justice, education, social work, sociology, psychology, nursing, paralegal, or other areas where knowledge of child

maltreatment and advocating for children will be necessary. The experiential lab for this course involves court room observation and interaction with children. Prerequisite courses for this course are 301 and 401, or consent of instructor. Students taking this course for graduate credit will be expected to complete an additional assignment.

302 -Global Child Advocacy Issues -3 S.H. (required). This course is a core course for child advocacy studies minor. The purpose of this course is to prepare students to recognize child advocacy issues around the world. The course is designed for students majoring in criminal justice, education, social work, sociology, psychology, nursing, paralegal, or other areas where knowledge of child maltreatment and advocating for children will be necessary. Multidisciplinary approaches to advocacy in different countries throughout the world will be presented and discussed. No prerequisites are required. *This course is approved as a University Studies course under the category of Unity and Diversity: Global Perspectives. (If course passes all US requirements)*

407 -CAST Capstone Experience -4 S.H. (required). This course included an intense site-based experience of student's choice designed to encapsulate the essence of baccalaureate professional role development in a internship experience. This synthesis course allows the student to expand their understanding of major concepts of child advocacy, experiential learning, and evidenced based practice in a setting of their choice. A multidisciplinary approach will be emphasized as students focus on ethical decision-making and cultural sensitivity with clients in a community location. Students work with preceptors in agencies and develop a project addressing a need within that agency. CAST 301, 401/501, and 402/502 or permission of instructor are prerequisites

403 -Child Exploitation, pornography & the Internet-3 S.H. (elective). The overall goal of this course is the study and analysis of child sexual abuse and the responses to this problem by human and social services. Specifically, this course will examine the predatory actions of offenders who engage in child sexual abuse and exploitation. Included in this assessment is an understanding of the use of computers, the internet and emerging technologies by perpetrators to exploit children. Students will also gain an understanding of the responses of social services and the criminal justice system to this phenomenon. Thus, the student will be able to gain an understanding and appreciation of the roles of law enforcement, forensics, courts, social workers, and health service providers in the detection, investigation, and prosecution of this specific form of child exploitation.

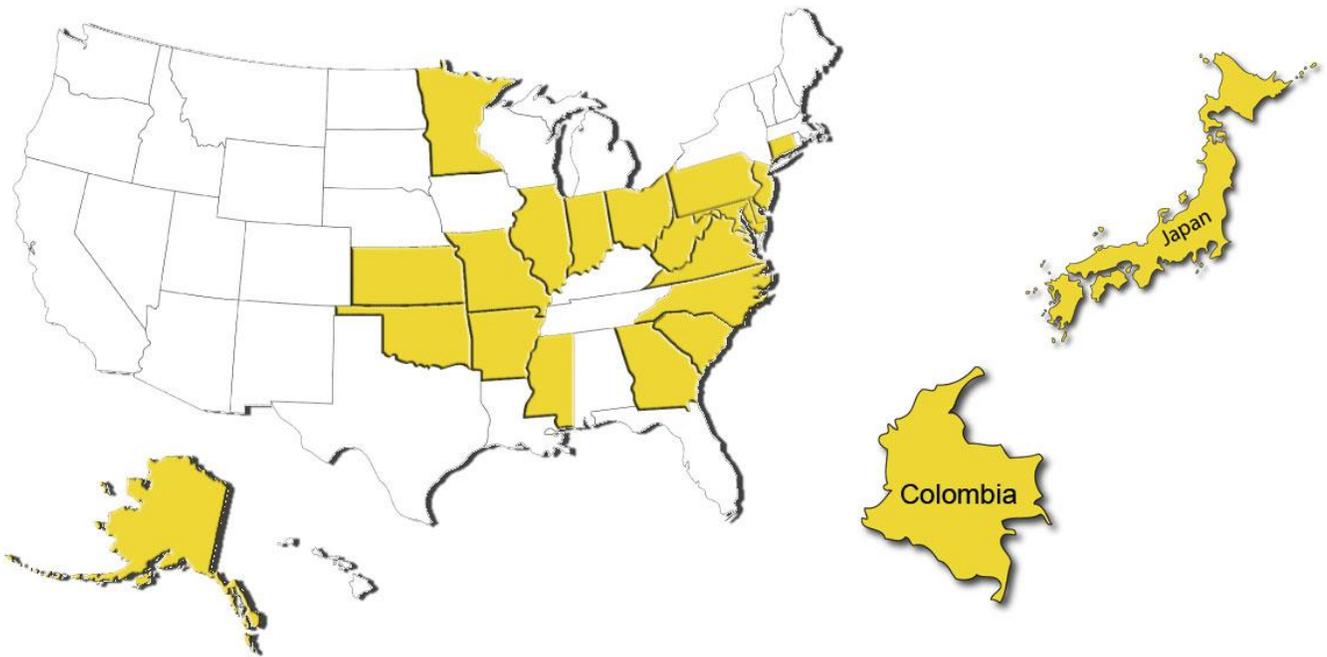
404 -Sociology of Child Poverty-3 S.H. (elective). Students will analyze poverty and child poverty in the U.S. while placing both in an international and historical context. They will understand the demographics of poverty and the effects of poverty on children. They will critically evaluate sociological research and theories for poverty and child poverty. Students will also evaluate societal responses to poverty and child poverty, particularly as poverty relates to

child maltreatment. This course is useful for students in fields such as nursing, criminal justice, education, social work, sociology, pre-medicine, and pre-law.

405 - Gender, Violence and Society-4 S.H. (elective). This course introduces students to the roots of gender-based violence, the political and cultural structures that perpetuate it, and explores how this violence might be brought to an end. Students will investigate the local and global impact of violence; how gendered violence intersects with race, class, sexuality, age, physical ability and the oppressions that are linked to these identities; and strategies for addressing gender-based violence. The overlap between gender based violence and child abuse and neglect will be addressed under each topic. As part of the class, students will complete a 45-hour advocacy training (Plus 15 hours of volunteer advocacy work) offered in partnership with the Women's Resource Center of Winona. Course time will be divided between 2 credits of lab and 2 credits of theory. Prerequisite: CAST 301 or permission of instructor

406 –Child Advocacy Research Studies (elective) (3). Students will read, interpret, and evaluate the significance of research findings to child advocacy study. The course helps students understand the role of research and information technology in providing evidence based practice for child advocacy study within their respective disciplines. Students work in small groups to critique research studies and synthesize their knowledge of the research process in the analysis of several studies. These studies focus on concepts relevant to child advocacy such as the effects of maltreatment, prevention and education, cultural elements of practice, as well as other factors that influence practice with families affected by maltreatment. Research design, ethical issues in research, the professional's role in research and the application of technology are examined. Students will explore the use of computers and technology for processing and managing data. Prerequisites: CAST 301, 401/501, and 402/502 or permission of instructor.

Exhibit B



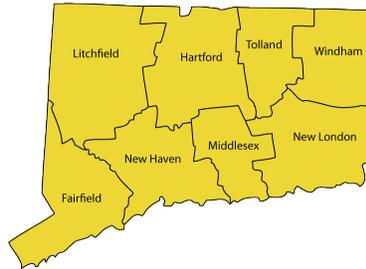
Arkansas

471 Professionals Trained
62 of 75 Counties Represented



Connecticut

340 Professionals Trained
8 of 8 Counties Represented



Delaware

259 Professionals Trained
3 of 3 Counties Represented



Georgia

1084 Professionals Trained
113 of 159 Counties Represented



Illinois

515 Professionals Trained
96 of 102 Counties Represented



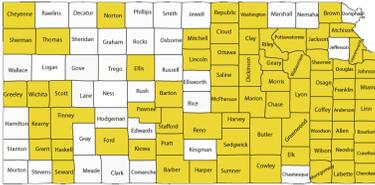
Indiana

1435 Professionals Trained
81 of 92 Counties Represented



Kansas

900 Professionals Trained
69 of 105 Counties Represented



Maryland

617 Professionals Trained
24 of 24 Counties Represented



Minnesota

MDTs from all counties trained by
CornerHouse



Mississippi

320 Professionals Trained
62 of 83 Counties Represented



Missouri

1000 Professionals Trained
79 of 115 Counties Represented



New Jersey

1000 Professionals Trained
21 of 21 Counties Represented



North Carolina

55 Professionals Trained
13 of 100 Counties Represented



Ohio

203 Professionals Trained
30 of 88 Counties Represented



Oklahoma

241 Professionals Trained
40 of 77 Counties Represented

