

**PROTECTING OUR CHILDREN—THE IMPORTANCE
OF TRAINING CHILD PROTECTION PROFESSIONALS**

HEARING

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE
OVERSIGHT AND THE COURTS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

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WEDNESDAY, MAY 23, 2012

U.S. SENATE,
SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE
COURTS,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Subcommittee met, pursuant to notice, at 10:09 a.m., Room SD-226, Dirksen Senate Office Building, Hon. Amy Klobuchar, Chair of the Subcommittee, presiding.

Present: Senators Franken and Grassley.

OPENING STATEMENT OF HON. AMY KLOBUCHAR, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator KLOBUCHAR. Thank you, everyone, for being here today. And I am so honored to have the Ranking Member of the Senate Judiciary Committee, Senator Grassley, here today, as well.

Today we are going to be examining something that is quite literally a life-and-death issue, child abuse, more specifically. We are going to be focused on the need to provide adequate training to people across the country who work with children every day, people who are on the front lines protecting our children, people who need to be prepared to prevent, detect, and respond to cases of child abuse. This includes doctors, law enforcement officers, court employees, teachers, social workers, family lawyers, and clergy—anyone who interacts regularly with children from a position of responsibility.

These professionals represent far-ranging occupations, but they are also potential allies in the fight against child abuse.

I spent eight years as chief prosecutor in Hennepin County, which is Minnesota's largest county, and I saw all types of horrible crimes, but it really was the faces of the children that stick with you the most. Those that were affected by abuse really stick out in my mind, whether they were direct victims of abuse or because they lived in violent homes and it affected them forever and ever.

It was heartbreaking to see these children. So many of them, after they would be witnesses to horrible crimes or themselves victims of horrible crimes, would continue to be proud of how they would do in school, continue to work to pretend everything was normal when we knew it was not. And so that is why we are so focused on this issue of making sure that we are training people

right who work with these kids every day so we can prevent this from happening to other children and that we can do our best to help the kids who are victims.

I think of the two-year-old child who died in Minneapolis, a case that we had. The police found him naked on the bathroom floor, malnourished, dehydrated, and having suffered blunt force injury; or Benjamin Mitchell, who was just two months old when he died because his mom just stopped feeding him; Kyle Lawver from Minnetonka, Minnesota, who was three years old when he died from a skull fracture and other injuries he received from his mom's boyfriend.

It is just impossible for most of us to imagine this in our homes, but, sadly, it happens every day. But we also know that there are good people who are in a position to help every single day, as well. All the people that I mentioned earlier, those occupations, they are there on the front lines.

Sometimes they are called child protection professionals, sometimes mandated reporters, because they are required by law to report abuse. There is no doubt, in my mind, that practically all of these people want to do everything they can and to do the right thing to stop kids from being exploited.

But there is an issue, and, that is, sometimes well-meaning professionals, well trained in their respective fields, are not adequately trained to recognize or confront child abuse. Sometimes they are trying to do the right thing, but it is not the right thing in terms of getting a child to be a witness, in terms of getting a child to tell the truth, in terms of trying to figure out what we can do to stop the abuse.

Our witnesses today have dedicated large parts of their careers to child protection issues. They have investigated child abuse cases, prosecuted the criminals who prey on children, and work to train child protection professionals in the various skills needed to address child abuse.

I am proud that the National Child Protection Training Center is in Winona, Minnesota, a beautiful town, not too far from Iowa. Right? That is the most important part about it for today.

[Laughter.]

Senator KLOBUCHAR. But it also is a beautiful river town and the home of Winona State, which is a great college that we are very proud of in Minnesota. I have visited it many times. And we are going to be hearing from two people affiliated with the National Child Protection Training Center on our second panel.

Among its initiatives, the training center has developed curriculums to be used at colleges, law schools and medical schools, and has directly trained thousands of professionals on child protection.

We will also hear from a representative of the National Children's Advocacy Center in Huntsville, Alabama. The NCAC has also made great strides in the fight against child abuse since its founding in 1985 and holds the National Symposium on Child Abuse every year.

The Department of Justice is, of course, very involved in protecting our Nation's children, as well, through the Office of Juvenile Justice and Delinquency Prevention and other offices within the Department.

But as I am sure we will hear from our witnesses, there is much work left to be done. That is why I am working on legislation that would seek to build on the efforts of NCPTC in Minnesota, the National Children's Advocacy Center, and the Department of Justice and others.

I believe there are very few issues that get people more concerned when they look at the real facts. It is always easy to talk about the numbers and to look at the trends and to look at what is happening, but when you actually see the faces of these children, I know what they have been through and hear their stories, you get committed all over again to making sure that we are doing everything we can to have adults trained the right way so that they can detect this and actually help these children.

So with that, I turn it over to our colleague from Iowa, not far from Winona, Senator Grassley.

**STATEMENT OF HON. CHUCK GRASSLEY, A U.S. SENATOR
FROM IOWA**

Senator GRASSLEY. The effects of child abuse are profound. They have far-reaching consequences. Abuse, if ignored, can harm the health and well being of our young people. Exposure to abuse and violence at any early age can affect a child throughout their entire lifetime.

Research has shown, and as our experts here today will echo, that preventing and intervening in child abuse is a key to improving the world in which we live and maintaining strong and healthy families.

We are discussing ways that we can enhance training to help child protection professionals better detect, report and process child abuse. It is an opportunity to listen to each other, to understand what programs exist and learn how efforts can be improved.

The hearing will mostly discuss programs under Judiciary Committee jurisdiction. There are many worthwhile programs that provide training to help state and local entities, law enforcement, juvenile justice, and health care professionals.

There are programs designed to help communities combat human trafficking and protect children from online sexual predators. The Amber Alert Act program is a great public/private partnership targeting efforts to respond to child abduction and missing child cases.

However, there are other programs that help victimized children who have, unfortunately, been taken from their home that fall outside of this Committee's jurisdiction, but are still very important for the purposes of this discussion.

One example, the Court Improvement Program supports states in their efforts to improve the way they handle children who enter the child welfare system. This funding, authorized under the Social Security Act, supports efforts to improve the quality of legal representation for children, to help reduced caseloads and update systems to be more efficient.

The States' highest courts collaborate with child welfare agencies, and, together, work to achieve safe, stable, and permanent homes for children.

I raise the issue of foster care because these young people in our child welfare system are most vulnerable to abuse. Three years

ago, I helped, along with Senator Landrieu, establish the Senate Caucus on Foster Youth. The caucus is an avenue to bring experts together, raise awareness about the challenges faced by children in the foster care system, including issues surrounding educational stability, substance abuse, and sexual exploitation.

We have heard from youth and we have learned from experts on ways to improve how we deal with child abuse and neglect cases that occur in that environment.

This month of May is the designated month for foster care youth. It is fitting that we are having this hearing today to discuss improvements to our prevention and intervention efforts of all children, including foster youth.

While these programs are vital to ensuring the safety of children, that does not mean that we should simply continue to authorize programs without serious review. Given the potential for duplication and overlap among programs, it is important that we discuss opportunities to reduce this duplication and overlap so we get more for our money. Doing so will ensure that the limited taxpayers' resources available will help as many children as possible.

These programs are vital to protecting children from victimization, but any dollar that falls through the cracks or is misspent is a dollar that takes away from those that need help. This is especially important in the current budget environment.

I am glad to have Melodee Hanes here, acting Administrator of the Department of Justice Office of Juvenile Justice and Delinquency Prevention. She has a distinguished background that includes working in Iowa for a long period of time, serving as an assistant county attorney in Polk County. She has had an immense impact on children throughout the country, including many in Iowa, and is dedicated to helping ensure that they are not forgotten.

I also look forward to hearing the from other distinguished witnesses.

Thank you. And welcome, Melodee.

Senator KLOBUCHAR. Well, thank you very much. I was going to do the introduction of Melodee Hanes, but Senator Grassley has done such a good job. I would just, again, reiterate that she is the acting Administrator in the Justice Department's Office of Juvenile Justice and Delinquency Prevention.

We are just glad to have her here and glad that she has such a distinguished career in prosecuting in Iowa, as well as in Montana.

So thank you very much. Thanks for being here.

**STATEMENT OF MELODEE HANES, ACTING ADMINISTRATOR,
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Ms. HANES. Thank you very much. Chairwoman Klobuchar, Ranking Member Grassley, thank you so much for the opportunity to be here today.

As indicated, and for point of record, I am Melodee Hanes. I am the acting Administrator for the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice and within the Office of Justice Programs.

You have asked that I address the specific issue today of training for child protection professionals to recognize and respond to cases of child abuse. OJJDP has done much good work in that arena, and I am very pleased to be able to share that with you today.

As we talk about child abuse investigation and prosecution, it is most appropriate to acknowledge that today we are commemorating National Missing Children's Day.

OJJDP's mission is to provide national leadership and resources to respond to the needs of all youth who come into contact with the juvenile justice system. This means all kids along this spectrum, children who are on the front end, who are victims of abuse, neglect, exploitation, but, also, children who are on the back end of that spectrum who commit acts that cause them to fall into the criminal justice system.

And what we have learned through 38 years at OJJDP, through our research, through our programs, through our experience, is that these are all the same kids, the ones on the front end and the ones that end up in the system.

Studies indicate 55 percent of children who are abused or neglected are at risk to be arrested as juveniles; 96 percent are at risk of committing violent crimes.

With statistics like this, it seems only a matter of common sense that the best practices in the investigation and prosecution of child abuse on the front end is going to go a long ways to save lives and resources on the back end.

I can assure you, from my personal experience as a child abuse prosecutor for many years in Iowa and then in Montana, that effective multi-disciplinary investigations and prosecutions of child abuse by specifically trained professionals save lives.

That is why excellent programs, like the National Child Protection Training Center at Winona State University in Minnesota, are so critical to this field.

In fact, there were many times in the heat of battle that I would call Victor Vieth, when he was the director of the National Center for the Prosecution of Child Abuse, for a lifeline to help me in matters that were beyond my expertise.

The research and work that we have done over the years at OJJDP focuses on finding the best practices through evaluation and science to really know for a fact what works and what does not work. It is our Congressional mandate at OJJDP, then, to share that information with the field through training.

We have done just exactly that with regard to investigation and prosecution of child abuse cases, and I am happy to say we have supported training in the field to law enforcement officers, prosecutors, judges, and child advocates.

Our training covers the whole spectrum of important topics regarding investigation and prosecution of child abuse. It includes the investigation and prosecution of physical abuse, of neglect, of sexual abuse, and identification and assistance to children who are victims of commercial sexual exploitation.

We have provided training on the investigation and apprehension of perpetrators of Internet crimes against children. And we have assisted in training for search and recovery of missing children.

We provide these training opportunities to child abuse professionals through several of our initiatives. And I cannot go into detail about all of them, but I would like to mention them.

Defending childhood: a significant and major initiative of this attorney general to reduce the incidence of children's exposure to violence by encouraging communities to work together collaboratively, in a multi-disciplinary fashion, to reduce exposure to violence.

The Internet Crimes Against Children Task Forces: There are 61 that we support across the United States and territories.

The National Center for Missing and Exploited Children: the Congressionally designated resource center to help in the investigation of children who are missing or exploited.

Amber Alert, as was referenced in your opening statement: the nationwide initiative that requires states to implement and maintain a plan to deal with missing children, as well as the model courts program and our Tribal Youth Program to provide best practices in Indian country for the investigation and prosecution of child abuse.

Even though we have limited budgets and the constraints on funding have caused us to tighten our belts, OJJDP programs aimed at enhancing the prosecution of child abuse cases and protecting this Nation's children are a top priority of this Attorney General.

It is our firm commitment at OJJDP to continue this work despite the challenges because it is our belief that working together, we can make a difference for America's children.

Thank you.

[The prepared statement of Ms. Hanes appears as a submission for the record.]

Senator KLOBUCHAR. Thank you very much.

Senator Grassley, do you want to start with questions?

Senator GRASSLEY. That is nice of you. Thank you very much.

You testified that OJJDP currently supports nearly 50 projects that provide multi-disciplinary training on a broad range of child protection issues.

I would like to know how the Department determines if these projects are successful and how it takes what is learned and shares it with others.

Does DOJ conduct an internal audit or audits to ensure that grant recipients are using evidence-based practices for responding to child abuse?

Ms. HANES. Senator, we, as I indicated, have, obviously, tight budget constraints in these days. We want to make the best use of every single dollar, and implementing performance measures with every one of our grants is something that we do as a matter of course at OJJDP.

But it is also particularly a focus of this Attorney General to rely on those things that work through robust evaluation, through science, that can tell us specifically the programs that work and those that do not.

A good example would be the Zero-to-Three courts that I think, Senator Grassley, you assisted in obtaining discretionary funding for in Polk County, Iowa. We know through evidence and research and performance measures in that program that, in fact, it does

work and improves the outcomes for young children that go into foster care.

So it is a top priority of this Department that we rely on science-based programming, and then it is our job to disseminate that to the field.

Senator GRASSLEY. Do you know of any consolidation or, maybe better, are there any opportunities for consolidating any of the programs under your purview with other Federal funding initiatives?

Ms. HANES. Yes.

Senator GRASSLEY. And I would say efficiency purposes maybe.

Ms. HANES. Absolutely. And, again, because we have tightening budgets, we have looked for ways to really leverage with other divisions within the Department. A great example is Defending Childhood. That is targeted at reducing children's exposure to violence.

We released study findings in 2009 indicating that 60 percent of children in America are exposed to violence. To address this problem, we worked very closely with the Office of Violence Against Women and Community-Oriented Policing, the Office of Victims of Crime, and we sat down together, identified our individual funding streams.

For example, at OJJDP, this targeted toward the courts. At OVW, their funding stream is targeted toward kids who are exposed to violence in a domestic violence situation.

We pooled our various streams of funding to complement each other into a river of funding for one primary objective, and that is to reduce children's exposure to violence. We worked together to draft, together, a solicitation. It was awarded to eight sites. And together, I am happy to say that these agencies still meet as one to make sure that there is proper oversight and implementation of the project.

Senator GRASSLEY. On another issue, since teachers are required by law to report suspected child abuse and they, obviously, at least nine months out of the year, observe students every day and are in a position to notice changes, could you tell me how you think how effective are teacher reporting laws and what additional training may be necessary to provide to teachers to ensure that they report suspected child abuse to the proper authorities?

Ms. HANES. Mandatory child abuse reporting laws were really the turning point for the onset of prosecution and investigation of child abuse cases. The importance of those laws cannot be overstated. And the training of teachers is, in part, our responsibility, along with the other Federal agencies that we work with, to assure that it is state-of-the-art training to help teachers identify, to properly understand the dynamics of children who are neglected or abused or being exploited, and to make the proper reports.

Senator GRASSLEY. Thank you.

Senator KLOBUCHAR. Thank you very much, Senator Grassley.

Welcome, Ms. Hanes. Thanks for being here.

First of all, I know that the funding for the Office of Juvenile Justice and Delinquency Prevention has been reduced in recent years. How have the cuts affected your ability to train child protection professionals?

Ms. HANES. Thank you, Senator. We have seen a reduction of 50 percent since the day I walked in the door in 2009. That is a significant reduction in funding.

We have had to make incredibly difficult choices about what we are able to fund and what we are not. And our inability to fund some programs does not reflect on the fact that they are excellent or state-of-the-art. It is just simply a limited amount of resources.

So we have experienced a significant reduction in what we are able to do. The good news is we have learned to do business a bit differently and we have started to leverage private partnerships.

We learned last year that 60 percent of students in Texas were expelled or suspended at least once, and the Attorney General made it a priority to address that issue, because those kids then tend to channel into the juvenile justice system.

We were able to form new partnerships we have never done before with Atlantic Philanthropies, with the California Endowment, as well as with the Department of Education.

So we have learned to do more with less. It has been difficult and challenging and restricted our ability to provide proper training.

Senator KLOBUCHAR. Last week at our Judiciary Committee, FBI Director Muller testified and I discussed with him the resources the agency, FBI, dedicates to child protection, including child abduction rapid deployment teams, the Innocence Lost national initiative, and the Innocence Images national initiative.

We found out there that the FBI has only four expert child forensic interviews. So they are in a lot of demand across the country. They do good work, but there are only four of them.

I know you are not at the FBI, but do you think that the DOJ offices, including the FBI, given those numbers, and, also, other segments of the department, could benefit from broader collaboration with places like the National Child Protection Training Center and the National Children's Advocacy Center? Because I am thinking if these numbers are so low, even though they are very well-trained agents and in demand, that maybe there needs to be some more coordination with the specialized training institutes, maybe a wider availability of training opportunities on skills such as forensic interviewing.

Ms. HANES. While there may be four child forensic interviewers at the FBI, there are 12,500 police departments across this country. We can just hardly do enough to provide training to all of those officers.

There are 2,300 state prosecutors' offices that handled over 2.9 million felonies since 2007. It is hard to overstate the necessity to be able to provide the important specialized training for the investigation and prosecution of child abuse.

I know from experience in the courtroom in Iowa that the absence of those skills, the inability to know what to do and how to investigate a case—I can tell a dozen stories.

Senator KLOBUCHAR. Do you want to tell one?

Ms. HANES. Yes, I do. When I was a brand new lawyer in 1987 in Polk County, Iowa, there was a five-month-old baby, Jonathan, who suffered burns over 50 percent of his body and it was clear that the mother's live-in boyfriend had inflicted the injuries. And Jonathan was taken to the hospital, where he fought for his life.

And over the next three days, the law enforcement authorities fought with the juvenile justice—or the juvenile court investigators over who needed to go out and do this investigation.

In the meantime, mom reconciled with the boyfriend. The evidence was destroyed. And a couple of months later, Jonathan was returned to this home. Six months after that, another physical abuse allegation was received, again, the same perpetrator and the same child subjected to that.

At that point, in Polk County, we decided we are never going to let that happen again, and so we began to seek out best practices, like multi-disciplinary investigations and working together, some of the practices that we at OJJDP provide training for, and it made a vast difference in reducing the number of Jonathans in Polk County.

Senator KLOBUCHAR. Thank you, and thank you for doing that.

One last thing. Despite that story and the stories of improvement that I know we saw in the State of Minnesota, as well, with the training—and we are so lucky to have the Winona Center right in our state. But according to the Fourth National Incidence Study of Child Abuse and Neglect, only 50 percent of the Nation's identified abused children in 2010 actually had their cases investigated.

What kind of training do you think that we need to provide to improve these numbers?

Ms. HANES. The training needs to be broad-based and multifaceted. Child abuse is complex and investigating these cases and prosecuting them requires a sophisticated level of expertise. Often it involves complex medical evidence and difficult evidence to acquire.

And so the training is really necessary across the spectrum from the first investigator that receives the report, of understanding the dynamics of child abuse through the police officers, the CPI workers, the courts, the prosecutors, the defense attorneys, and then, on the back end, anybody who is working with the family in recovery and trauma-informed care.

It is by far not simple and it is ultimately one of the most important things we can do for our children.

Senator KLOBUCHAR. Thank you very much. Thank you for your good work.

Senator Franken.

Senator FRANKEN. Madam Chairwoman, I would like to thank you for your leadership on this issue. From your days as a prosecutor in Minnesota to your days as a Senator, you have been a champion for the children of our State.

I am proud to cosponsor your Child Protection Training Act, and I would like to recognize all the hard work you have put into that bill.

Your last remark about how hard this is, so important to this hearing. The Federal Government estimates that there are more than 750,000 instances of child abuse each year. Of course, one instance of abuse is one too many, but 750,000 instances is just hard to wrap your head around.

The Chairwoman's bill will address this problem by creating a national plan and a national commitment to train people how to

recognize and report abuse, and that, I think, speaks to the complexity that you are talking about.

This is a complex issue and people need that training to come in at the beginning and address it and to prevent—hopefully, to prevent more Jonathans.

Thank you for your testimony, Acting Administrator Hanes. I am interested in the Defending Childhood initiative that you described. As I understand it, that initiative is intended to address children's exposure to violence.

I sit on the Indian Affairs Committee and I have heard testimony about the cycle of violence in many communities. Children who are exposed to violence are more likely to commit acts of violence when they become adults. And you talk about the complexity of this.

We are talking about, on reservations, the pathologies that come from cultural trauma. We are talking about drug abuse, alcohol abuse, talking about mental illness.

Can you talk a bit about the Defending Childhood initiative and how it would go about breaking the cycle of violence?

Ms. HANES. I would be delighted to, Senator Franken. Thank you.

The Defending Childhood initiative began in 2009 as a result of the study that I referenced earlier that OJJDP did in conjunction with the Center for Disease Control, indicating that 60 percent of children in this country are exposed to violence in the home, school or community.

And it is not just a bad result in terms of criminal justice, as you referred to it, but it is a bad outcome for these kids. Research indicates that they suffer psychological damage, emotional damage, but, also, and importantly, physical consequences.

These children seem to have much significantly increased physical problems, as well. So it becomes not just a criminal justice issue, but a health issue for our children.

In response to the study, the Attorney General, carrying on really what he began as Deputy Attorney General in 1999 with Safe Start, began the Defending Childhood initiative. And it is a demonstration project, a collaboration, as I explained to Ranking Member Grassley, between several divisions, where we fund eight sites to encourage the community to develop a strategic plan to work together, in a multi-disciplinary way, it takes a village, to reduce the incidence and impact of children's exposure to violence.

We have proceeded beyond the strategic planning and now eight sites are implementing those plans and we are providing assistance to them. Two of those sites are, in fact, in Indian country in South Dakota and in Montana.

At the same time, we are providing assistance to each of those sites with the best practices that we can give them across the spectrum of the children's exposure to violence, whether it is domestic violence, whether it is in the schools, whether it is gangs in the community.

We are arming these sites with the best practices that we have from our research to implement them in their communities to reduce the exposure to violence. And we are also evaluating the sites at the same time to assure the best value for our investment.

Additionally, the Defending Childhood initiative has another component that I would like to share with you, and that is the Task Force on Children Exposed to Task Force on Children Exposed to Violence. It is a task force appointed by this Attorney General of 13 of the best and brightest experts across the Nation to look at the issue of children's exposure to violence in this country, including in Indian country.

They have conducted four hearings across the United States, and we expect them to make findings and recommendations to the Attorney General, hopefully by the end of the year, with concrete next steps of what we call can do to reduce children's exposure to violence.

Senator FRANKEN. Thank you. My time is out. I would just like to make two comments.

This is why, in VAWA, I think the element of Indian country is so important and I also think why it is so important, again, in VAWA, that we have transitional housing and enough transitional housing when there is domestic violence so that a mother can take her children out of a setting where there is violence.

And I think that we have to remember how much we do pay down the line for this, and it is penny wise and pound foolish not to be funding these programs.

So I thank you very much for your work.

And I thank you, Madam Chair, for your work in this and leadership.

Senator KLOBUCHAR. Thank you very much.

I think Senator Grassley had one more question. Oh, you are okay. Thank you.

All right. Well, thank you very much, Ms. Hanes. It is very informative, and thank you for your work you have done with kids for so many years.

Now, we are going to bring up our second panel. Thank you.

Alright, well thank you all for being here. I am going to introduce each of you and then we will have you get started.

First, we have Victor Vieth, a friend. He serves as the Executive Director of the National Child Protection Training Center at Winona State University in Winona, Minnesota.

Before his work with the center, he prosecuted child abuse cases in rural Minnesota and the American Bar Association, the National Bar Association named him one of the 21 young lawyers leading us into the 21st century.

Mr. Vieth has trained thousands of child protection professionals and written extensively on the issue of child abuse. I remember, as Hennepin County attorney, being able to be there when they inaugurated the center. He has done great work and we have worked very hard to keep that center strong.

So thank you for what you are doing on behalf of thousands of kids who are never even going to know that you helped them.

Michael Johnson joined the Boy Scouts of America in July 2010 as its youth protection director. From 1982 until 2010, he served in the Plano, Texas, Police Department in a number of different capacities. In 1988, he began focusing exclusively on the investigation of crimes against children.

Mr. Johnson serves on the board of the American Professional Society on the Abuse of Children and has worked to change state laws with respect to child abuse.

You should know, Mr. Johnson, that my in-laws were scout leaders and that, in fact, my husband and his five brothers were very involved.

Five of the six boys, Senator Grassley, became Eagle Scouts, and I never like to say which one did not make it, because I do not like to embarrass my husband.

[Laughter.]

Senator KLOBUCHAR. So in any case, we welcome you here today. He rebelled and disobeyed.

Next, we have with us Chris Newlin. Chris has been the Executive Director of the National Children's Advocacy Center since July 2005. He was formerly the Executive and Clinical Director of Harbor House, which is the Northwest Georgia Child Advocacy Center in Rome, Georgia.

He is a former board member of the Georgia Association for the Treatment of Sexual Abusers, and the former president of the Children's Advocacy Centers for Georgia. He also served as a counselor and forensic interviewer at the Children's Advocacy Center's Services of Greater St. Louis.

Thank you for being here, Mr. Newlin.

And then, finally, we have Stephanie Smith. Stephanie Smith is the Southern Regional Director for the National Child Protection Training Center at Northwest Arkansas Community College in Bentonville, Arkansas.

From 1998 until 2009, she served in the Hamilton County, Indiana prosecutor's office, specializing in crimes against children, including physical and sexual abuse, neglected, and Internet-related offenses.

Ms. Smith was also a member of the advisory board for Project Safe Childhood, which was a Department of Justice effort, which we just heard about from Melodee Hanes, to promote education about the dangers for children on the Internet.

Thank you all for being here. And we will start with Mr. Vieth.

STATEMENT OF VICTOR VIETH, EXECUTIVE DIRECTOR, NATIONAL CHILD PROTECTION TRAINING CENTER, WINONA STATE UNIVERSITY, WINONA, MINNESOTA

Mr. VIETH. Thank you, Senator Klobuchar.

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 did wrong during the investigation.

When cross-examined about removing the 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. And absence of training on child abuse at the undergraduate and graduate level, 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 struggle. To address this, I would like to focus on two reforms.

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

As a result, many professionals in the field go years without being fully trained on even the most basic aspects of handling a case of child abuse. When this happens, cases are not properly investigated or are not investigated at all.

According to the most recent National Incidence Study, 70 percent of the most serious cases of child abuse identified by NIS researchers were not investigated.

To address this, 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 interdisciplinary minor called child advocacy studies, or CAST. We have also developed CAST graduate programs for medical schools, law schools, even seminaries.

These courses have dramatically improved the knowledge and skills of these professionals. We have replicated CAST in 27 institutions of higher education from 17 different states, with the realistic goal of 500 CAST universities by 2018.

Second, we must realize that although there is a role for national child abuse conferences and providing ongoing training for professionals in the field, the most effective training will always be at the state and local 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 the class size to no more than 40 professionals and, thus, impacted only hundreds a year. But 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 met national standards, but that were taught at a State level.

Twenty States implemented the reform and very quickly we went from training hundreds a year at the national level to training thousands a year at the State level.

A forensic interviewer who graduated last year from our Pennsylvania course wrote us, "What an amazing week. Wednesday night at dinner, I told my team members that the most incredible transformation had happened. I've 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."

When discussing these and other reforms, we must keep in mind 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 went through one of our State trainings, she wrote us, "Right after your training, I

had a new sexual abuse case at the homeless shelter where a five-year-old was the victim. The police officer was floored at what I was able to now get out of the child without asking one leading question. When we were done, I told him we needed the clothing, we needed the photos of the room. 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 do it right.”

Senators, in empowering frontline child protection professionals like that to do it right, we will speed toward the day our country can say to hurting children, in the words of Aeschylus, “Suffering, when it climbs the highest, lasts but a little time.”

Thank you.

[The prepared statement of Mr. Vieth appears as a submission for the record.]

Senator KLOBUCHAR. Thank you very much.

Mr. Johnson.

STATEMENT OF MICHAEL JOHNSON, DIRECTOR OF YOUTH PROTECTION, BOY SCOUTS OF AMERICA, IRVING, TEXAS

Mr. JOHNSON. Thank you, Senators and Ranking Member, Senators Grassley and Franken. It is a pleasure to see you and meet you.

I realize that I am the guy who responds at two in the morning when there is a shaken baby case. I am the guy that, when that child is sexually assaulted, I am the police detective, along with my child protective services colleagues, that responds.

Frankly, our country needs solutions to abuse and exploitation of youth—professionals that are highly trained to prevent, respond and protect our youth.

I am a 28-year law enforcement veteran. I investigated, as a detective, 24 years, primarily the area of child abuse and neglect and exploitation.

I am a founder of our local children’s advocacy center, its multi-disciplinary team, and I helped create a family violence unit protocol for ours. So we were not just looking at child abuse. We were looking at all issues that occur within the home.

I have interviewed, responded, investigated, interrogated all aspects of victims, witnesses, and perpetrators of all types of abuse and exploitation of our youth. I have trained thousands of law enforcement investigators and child protective service workers, prosecutors, advocates, therapists, both nationally and at my colleague—a national conference in Huntsville, Alabama, the APSAC, San Diego Children’s Conference, all the national conferences.

I have trained at both State and regional levels, some of the most effective trainings I have been involved in, over 300 in my 12-year training career, at local levels in communities.

Senators, why am I here? The safety of our children mandates that every jurisdiction in America be able to respond effectively to child abuse, maltreatment and exploitation with highly trained, fully functional investigative multi-disciplinary team members.

When I began investigating abuse, little or no training was available and there was no support system, somebody that you could call. So at two in the morning, when I needed somebody to call, I

was dependent on the other detectives or maybe a prosecutor who was nice enough to give me their cell phone number, and we would muddle our way through it.

I came to realize that abuse investigation needed training in numerous areas prior to being assigned their first case, and I think that is important for all of us to remember. They need to be trained prior to their first case.

I had to have knowledge in the areas of evidence, evidence collection, forensic interview of children, adolescent victims, youth and adult witnesses, non-offending caregivers, the dynamics involved in neglect, abuse, perpetrator dynamics, typology, deception, abusive head trauma, you name it, all prior to my first assignment.

Thus, when I first became a child abuse detective, I, quite frankly, had no idea what I was doing. The answer for what we need was clearly summed up in the testimony that I submitted, an article by Robert Giles, in which he makes a compelling argument for the importance of multi-disciplinary investigations.

Unfortunately, it is not enough to form an MDT. Those team members must be properly trained.

If you were to then follow up with these same professionals—when I present at national conferences, I usually will ask the question of my law enforcement colleagues, “How many of you are adequately, properly trained before first assignment?”

Of 100 law enforcement officers, all of them typically will raise their hand and say that they were not adequately, properly trained before their first investigative assignment.

If you were to follow up with those same investigators three years later, that number would be the same. This is fundamentally unacceptable.

There are three things that we need to do to address this issue. First, we need to increase and create, actually, undergraduate and graduate programs to provide proper education and training.

Number two, we need large regional conferences and not rely solely on national conferences for these trainings. The best trainings occur at the local level where we can address the specific issues of that community, address the specific laws and procedures, and give that intensive training.

And, third, that training needs to be hands-on and specific. One of the proudest moments I had in my professional career was actually helping to design the child abuse house, the mock house on Winona State University, where we can take police detectives, social workers, forensic interviewers, whoever is a part of that multi-disciplinary team training and have them go through real life, situationally specific incidences.

We would rather them make those mistakes there instead of making those mistakes in the field where a child’s life may hang in the balance.

Thank you.

[The prepared statement of Mr. Johnson appears as a submission for the record.]

Senator KLOBUCHAR. Very good. Thank you very much, Mr. Johnson.

Mr. Newlin.

STATEMENT OF CHRIS NEWLIN, EXECUTIVE DIRECTOR, NATIONAL CHILDREN'S ADVOCACY CENTER, HUNTSVILLE, ALABAMA

Mr. NEWLIN. Thank you very much, Chairwoman Klobuchar, Ranking Member Grassley, Senator Franken, my distinguished panelists. It is an honor to be here and to speak about this issue that all of us at this table have dedicated our lives to.

I remember when I—my first job out of school, I was working in a residential treatment program for kids who had emotional or behavioral problems. And during the five years that I worked there, while I was going to graduate school, I began to hear the stories of these kids, that all of them, every single kid that I saw for five years that was in this program had experienced multiple forms of violence, sexual abuse, physical abuse, domestic violence in the home, substance abuse in the home, much like Melodee Hanes was talking about earlier.

And it just challenged my view of the world. It said, "How can this be? Is this what's really happening to our children out there?" And this was further reinforced when I began to work at a children's hospital providing treatment and a girl named Cary said to me one day, after she had been—she had been sexually abused by her dad on two occasions, and I was seeing her in treatment.

And she looked at me 1 day and she said, "If I had it to do all over again, I wish I hadn't told." And all I could think about—I remember that day like it was yesterday, where we were sitting, the time of day, what the weather—everything, because this was a transformative moment.

She indicated that the way the system had responded to her was absolutely more traumatic to her than being sexually abused twice by her father. Now, that is a sad commentary and I think that is a mutual commentary that we all have our own stories.

We have all gone different directions, but my efforts said we need to have a better process in place to bring together the people so that we are not re-traumatizing children, that we are doing a good job.

And that led me to the Children's Advocacy Center movement, which, in my opinion, has revolutionized our Nation's response to child abuse.

Throughout the United States, there are more than 850 children's advocacy centers that last year served over 270,000 children. These are children where there were allegations of sexual abuse, physical abuse, exposure to other forms of violence or witness to murder.

These programs are clearly demonstrated to be highly effective, better access to medical care, better access, higher caregiver satisfaction ratings.

All the research that Senator Grassley had asked about before is solidly supporting the intervention of these CACs, and they are making a big difference in our country.

The NCAC has a two-part mission. When we were founded by former Congressman Bud Cramer, the idea was we need to provide quality services at home, but we also need to be training professionals, because his experience was the same as everyone at this table, which is there is not good quality training out there.

Since the late 1980s, we have trained more than 70,000 child abuse professionals in the United States. And part of that is at our national conference, but even more of that is through our online trainings or trainings that we are increasingly doing out in the field at the state level on all types of topics, most commonly, forensic interviewing, how to elicit information from children, and how to coordinate the multi-disciplinary response to child abuse.

Why is this important? Senator Franken mentioned earlier it has an impact on our country, and it does. The research clearly says that women who have been sexually abused have 16 percent higher health care costs across their life span. And if a woman was both sexually and physically abused, those health care costs are 36 percent higher.

When we talk about the rising cost of health care and the health of our Nation, this is an issue that ties all the way back to exposure to violence, and especially child abuse. And it affects our Nation's economy, too, that individuals—we know from the research that individuals that have been sexually or physically abused earn \$8,000 less per year on average than their non-abused peers.

So this is an issue of child abuse. All of us have looked into the eyes of children on a daily basis when we were on the front lines. But it is also an issue that affects our Nation's future, our Nation's health and economy. And so I think it is incredibly important that we support these efforts.

We have done a training survey recently and we found that over 94 percent of the professionals that responded to this survey, over 2,100 professionals, 94 percent did not have all the training that they needed and over 65 percent of the organizations where they worked have less than \$5,000 a year for an annual training budget. That is not per employee, that is for everybody.

How can you possibly learn to take on these difficult tasks when you are challenged with having such little resources?

So a few recommendations. Number one, I think we must increase Federal funding to help support the response to child abuse. I fully support that we also need to address this issue in college and in graduate and undergraduate programs. That is part of it, but there is emerging research all the time that will require us to have continuing professional education over the life span.

We know so much more now than we did 20 years ago, and in 20 years we will be even better off.

So thank you very much for the opportunity to testify.

[The prepared statement of Mr. Newlin appears as a submission for the record.]

Senator KLOBUCHAR. Very good. Thank you very much.

Ms. Smith.

STATEMENT OF STEPHANIE SMITH, SOUTHERN REGIONAL DIRECTOR, NATIONAL CHILD PROTECTION TRAINING CENTER, NORTHWEST ARKANSAS COMMUNITY COLLEGE, BENTONVILLE, ARKANSAS

Ms. SMITH. Thank you, Chairwoman Klobuchar, Ranking Member Grassley, Senator Franken, my friends on the panel.

In 1998, I finished law school and left a lucrative career to work in a prosecutor's office for one-third of my previous annual salary.

The only explanation I can give for that seemingly strange decision was that I really, really wanted to work for fair and just treatment of children in this country, and somehow I knew this job would take me there.

Two years ago, my last week on the job as a deputy prosecutor, was spent trying a case of child sexual abuse. It was a very difficult case, and, at the conclusion, the victim hugged me and she said, "Thank you. No one has ever fought for me before." And we did not even win that case.

It was the perfect way for me to leave my frontline career as I moved into training others using what I had learned from my experiences. And as much as I would like to take credit for that thank you, I cannot, because I am no one special.

In the world of child protection professionals, I am just one more person who wants that fair and just treatment for children, who wants a better life and opportunity for children to achieve their potential, all children.

What did make me different from the previous prosecutors who had ignored that victim's cry for help was that I had been given the tools I needed to fight. When I was first put in the position of handling child abuse cases, my boss knew that I did not have the necessary background. She knew that law school had not prepared me to present the testimony of a child witness in court or how to protect that child from aggressive defense attorneys.

She knew that neither law school nor my previous caseload had equipped me to help investigators understand how important even the most minute detail was in presenting a case of child abuse. She knew that no one had ever helped me understand the dynamics of a family in crisis or a community that would support an abuser over the child.

She knew all of that because she had been in my shoes. So she mentored me. She did everything she could to find training opportunities and the funds to send me for those trainings. She covered my caseload herself so I could fly 1,000 miles, sometimes more, to get the training.

I am no one special, but my circumstances were, because it is, unfortunately, all too common that many of those who currently supervise child protection professionals do not understand the importance of that specialized training or they do not have the funds to send their people.

So thousands of prosecutors, detectives, social workers, forensic interviewers, victim advocates, and even judicial officers work each day with one hand tied behind their back for lack of knowledge or lack of a place to get information.

They need encouragement and support to become better fighters, and one of the best means of doing that is giving them accessible training that is affordable even for small jurisdictions.

Regionally based trainings can be held more often. They can be designed for smaller groups, and smaller groups will encourage our multi-disciplinary teams to attend together, because we can make those trainings focused.

Smaller groups allow for greater participation and more interaction between our professionals and the trainers. When we conduct trainings at our regional center, the participants not only talk

with the trainers one-on-one, they often bring case files with them and ask us to review.

These smaller settings benefit the trainers, as well. It is very easy for us to help assess what the needs are out in the field so that we can adapt and quickly tailor more trainings to help those who are working these cases.

Greater frequency of these trainings means that a professional is never precluded from a useful training because they had a court case scheduled the one time a year that important training was being held. Instead, they will have two or three opportunities over a 12- or 18-month period to access the training they need.

And these trainings can be more hands on. They do not have to be restricted to lecture-based settings to accommodate hundreds of participants. And this is why many of our evaluations say “It is one of the best trainings I have ever been to.”

Those hands-on courses can be designed to encourage our multidisciplinary teams to attend together, and, thus, reinforce the concept of interdisciplinary unity in these cases.

This approach provides frequent, relevant, cost-effective training for more of our front line, ensuring that they are equipped to fight for every child every day. Those who work so tirelessly for children deserve often to hear the phrase, “Thank you for fighting for me,” at least until the day they no longer need to fight.

Thank you.

[The prepared statement of Ms. Smith appears as a submission for the record.]

Senator KLOBUCHAR. Well, thank you very much, to all of you. That was very straightforward, but, also, passionate testimony, which we do not always get all the time, and I really appreciate the work that you are doing, all four of you.

Do you want to start, Senator Grassley?

Senator GRASSLEY. I appreciate that opportunity. And when I am done questioning, if I can have your leave, I would like to go.

Administrator Hanes mentioned—and by the way, this can be for any or all of you, whoever wants to respond, but I hope a couple of you will respond.

Ms. Hanes mentioned that 60 percent of the children were exposed to some form of violence, crime and abuse. Now, whatever statistics each of you might use, given your expertise and work in the field, what do you make of this statistic? And what do you see as trends in child abuse, getting worse or staying about the same, or maybe some of our work is beneficial and it is getting less.

Any of you.

Mr. JOHNSON. Senator Grassley, I am also on the board of directors of the National Alliance of Child—what is it, NACA? Native American Children’s Alliance. I am sorry. I get all my acronyms mixed up. And it always bothers me anytime I hear these statistics about abuse and neglect because they do not take into consideration Indian country, typically.

I know for a fact that there are some—my Native American colleagues are on reservations where every single female child has been sexually abused at least once. So I take that into consideration.

The other thing my colleagues, Mr. Newlin and Victor, they can talk statistics and research, but when you are in the field, it is that one child at a time, sir. That is what is in front of you. That is what you have got to address, regardless of whether the stats are going up and down.

My colleague, Dr. Finkelhor, refers to the fact that the incidence of reported abuse appears to be going down. Well, you might want to talk to the people over at the ICAC task force to see what is happening online.

So I feel like with the affirmation effect that the Internet has on child sex offenders, we see not only in law enforcement—we see that it is not only getting worse, sir, but the incidences are higher and it is more threatening.

And I think that it really pushes the point that we need professionally, highly trained investigators to address this issue in our communities.

Senator GRASSLEY. Go ahead, sir.

Mr. VIETH. I think I could comment on that. I think child abuse is declining. The NIS studies that were referenced before would bear that out. And there are different thoughts in the field as to why that may be.

But I tend to agree with those researchers who say child abuse is declining because we are so much better off than we were 25 years ago. We have made significant strides. Chris mentioned one of those with the CAC movement.

But as Senator Franken pointed out, 750,000 incidence is still way too many. And so I would urge Congress to continue the momentum. The things that we have talked about today are not stopping what has gone before, but to take it to a higher level.

I would also urge you and others, if you are not familiar with, to take some time and to acquaint yourself with the adverse childhood experience studies. I reference them in my written testimony. They are done by the Centers for Disease Control, they began in 1998, where researchers noticed a correlation between obesity and child abuse, and then they wondered what else is there a correlation of.

And so they queried 17,000 men and women who had gone through an HMO and they discovered there was a statistical correlation between child abuse and virtually every medical and mental health condition that you could envision, even things like liver disease, heart disease, cancer.

And essentially, what those pioneering studies have concluded, if we could significantly reduce child abuse, we would significantly reduce virtually every medical and mental health condition that we are facing today.

Senator GRASSLEY. Go ahead, sir.

Mr. NEWLIN. Thank you very much, Senator Grassley. Actually, the statistic is maybe even a little bit more alarming. The 60 percent—it is actually about 58 percent of kids are exposed to at least one form of violence per year. So in the past year, 58 percent of kids have experienced some form of violence.

Now, those numbers are a little bit inflated because that also includes peer-to-peer violence, so kids at school and stuff, and I am

not sure we necessarily equate that to sexual abuse or physical abuse.

But the problem is that violence is a pervasive theme in our country and the trend is—one of the trends is recognizing that it is not just physical abuse or sexual abuse or this. It is this concept of polyvictimization, that the cumulative effects of different forms of exposure to violence really can be harmful to a child.

And Victor was mentioning the ACE (Adverse Childhood Experiences) study and everything lines up. The A study says we have all these health impacts. That is why our cost of health care is higher for these individuals. Those issues go hand in hand.

I clearly believe there is a reduction in child sexual abuse. We are making progress. We are improving. What we are actually improving is our detection rate. Our ability to detect abuse that actually is going on has doubled over the last 20 years.

We are now able to detect much more commonly when abuse is occurring and able to intervene. The sad thing is that we are still woefully understaffed at the local level to be able to respond to those needs.

Senator GRASSLEY. Could I ask one more question?

Senator KLOBUCHAR. Of course.

Senator GRASSLEY. And this is a question that I ask for any program that is up for reauthorization in this Committee or a lot of other committees. And since you folks are out there seeing how these programs work, I always ask if you have any suggestions for improving existing grant programs, and, particularly, if you see overlap or anything, opportunities for consolidation. And maybe you do not have any suggestions, but if you do, I would like to have that information, because you see the programs where the rubber meets the road.

Mr. VIETH. I have a suggestion. Do you?

Mr. NEWLIN. Yes, I do. It will be interesting. We will see if our suggestions align.

Part of the entire CAC movement is all about eliminating duplication of service, and what we have been able to find just by the CAC model is that we actually save money compared to the traditional method of investigating child abuse.

So we are all about trying to maximize what we are able to do. At this time, and I know this may be a monumental challenge, there is support through the Health and Human Services and the judiciary focusing on the issue of child abuse and training.

I believe if there was some way to really more cohesively integrate those efforts, and that is one of the recommendations I made in my written testimony, to coordinate some of those efforts at the government level, that would be advantageous.

At the front lines, back in our community, that is what we are doing. We have Health and Human Services working with law enforcement and prosecutors and mental health professionals. So if there was a way to strategically allocate the funding so that it is working in concert with each other, I think that would be advantageous.

Mr. VIETH. I have two quick comments. First, what I see at the national and state level is that all of the national organizations really do make a concerted effort to coordinate.

For example, Chris and his team take a leadership role in spreading the children's advocacy centers, and we support that in every way we can.

We have taken a leadership role in reforming undergraduate and graduate training. Chris has supported that every way that he can. The reason we have a CAST program in Alabama is because Chris brought that initiative to his community.

And I have seen OJJDP make a concerted effort to have all of us work together, as well. So that is a positive and goes to your issue of your concern of duplication or overlap.

My one suggestion for Congress is when you are disbursing research dollars under a grant program, it is very important to have a team of researchers and frontline professionals be working together to review those proposals. Mike talked about it in his written testimony, as did I.

But what we have seen is Federal dollars will go to support a research project that has nothing to do with what frontline professionals are actually doing on the front lines.

I have seen projects funded by Congress where we are researching a certain aspect of investigation which is based on a research team's review of one or two cases. But those of us who are on the front lines are looking at that study, saying, "Well, that happen so rarely that maybe there are better research projects that would better help us on the front lines."

So that is my one suggestion. We have to make a concerted effort to have frontline professionals working with researchers in determining research projects funded by the government.

Senator GRASSLEY. Thank you all. Did you want to respond, too?

Mr. JOHNSON. Yes, sir. One quick addition. Not all communities can support a children's advocacy center, but every community can have a multi-disciplinary team. And there are still a lot of—there should be joint investigations, law enforcement, child protective services, prosecution, all the things that we know are the best practices for those multi-disciplinary teams. But there are a lot of very rural, Native reservation communities that do not have that ability and they should have the access to the exact same high quality research-based, practical training as everybody else.

Senator GRASSLEY. Thank you. Thank you very much.

Ms. SMITH. Sir, if I could just add one thing, because Mike has kind of brought this to my head.

One of the most important things about this coordination, whether it is a CAC or a multi-disciplinary team on a reservation, training these people to work together, training them in best practices ultimately saves us money, because when folks know how to do the cases and they know how to work together, they, first of all, get to the root of the problem more quickly.

If they do a thorough investigation, we are much more likely to resolve the case without having to drag it through the judicial process for a couple of years.

I started keeping statistics in my county when I first took over on my job and because we had a great team going, we were getting confessions and guilty pleas in 85 percent of the cases where we had a substantiated disclosure.

And so we know that we saved resources on the back end, but we also got those children the services they needed more quickly. Thank you.

Senator KLOBUCHAR. Thank you very much.

Senator Franken.

Senator FRANKEN. Thank you again, Madam Chair, for this hearing.

Mr. Newlin, I want to ask this question about the young lady who said she wished she had not told about being sexually abused by her father, because I am interested in learning about what is done wrong and how that is corrected.

And so what was her experience that made her come to that conclusion? I do not think that in all this testimony we necessarily hear—we get snippets of it, but what the wrong way to do this is and how that can be—how that is reformed by CAST and the other programs that we are talking about here.

Mr. NEWLIN. Thank you very much. Cary changed my life and, hopefully, I have allowed her to help change the lives of others.

Her experience was of the old school and, unfortunately, is still the current school for some children who experience abuse and neglect. She was interviewed in intimidating environments multiple times, having to go to a child protective services office, having to go to a police department, having to go to the hospital. The hospital was not the problem, but for her, she was interviewed in a way that was accusatory, was not supportive, was not developmentally appropriate, was not trauma-informed.

So her experience from that initial contact is “I am finally having the courage to talk about what my dad has done to me on two occasions, and I am being treated like a criminal.”

And that is criminal, and that was her initial experience. And then for her to face the challenges that many children face when it is intra-familial abuse, where she was—there was all kinds of talk and rumor and innuendo in her community and her neighborhood. All of those issues were really harmful to her. And feeling—all she wanted, she wanted her dad to get some help and she did not want him to do it anymore.

And her being able to have a voice in that process was—she just was not being heard. And because of all of that, that is why she said “I just don’t want to do it?” And that is exactly the same experience that Bud Cramer had when he started the entire CAC movement. He had a grandmother that came into his office and said, “This is crazy. My granddaughter has been interviewed over and over and over. Don’t you people talk to each other?” And he said, “We better.” And that is what led to the movement.

Thank you for the opportunity to respond.

Senator FRANKEN. So what is the training like to address that exactly? In other words, what do people learn, Mr. Vieth, when they go through the training? What is the corrective to that? What is the reform?

Mr. VIETH. First of all, we are trained how to talk to children in developmentally linguistically appropriate ways so that we get accurate information.

Senator FRANKEN. How old was this young lady?

Mr. NEWLIN. She was 13 at the time, really smart, bright, articulate, everything going for her.

Mr. VIETH. And when I say developmentally linguistically appropriate ways, that also includes teenagers. They have their own language. They have their own issues. We have a separate training program just for interviewing adolescents or teenagers.

We have to understand the very dynamics that Chris is talking about as a team and figure out how to address that. Oftentimes, children have a non-offending caretaker that is not supportive. That is the number one risk of recantation, and a lot of times that non-offending caretaker is mom. And somebody on the mental health team needs to sit down with her and help her process her issues.

Senator FRANKEN. Recantation.

Mr. VIETH. Yes. You take it back. You make an allegation of sexual abuse, you realize all these pressures are there, and you take it back.

The number one risk of recantation is when the mother is not supportive of a child. So somebody needs to be working with her, processing her issues, her fears, such as, "Gosh, why wouldn't my child come and make this disclosure to me as opposed to keeping it silent so long? What does it say about me as a mother that I wasn't picking up on what was going on in my home?"

Helping the child immediately access mental health services; figuring out what fears, trepidations the child has about court or other processes and trying to alleviate those as quickly as possible; making sure the child doesn't stand alone.

One of the most stressful things for kids is to think the entire case is resting on their shoulders. That should never be the case.

In the written testimony, there is an article we have on corroborating evidence. We teach that there is always corroborating evidence in sexual abuse cases. You should always have 10 to 15 pieces of corroborating evidence if you know how to look for it.

How to properly talk to the suspect so that you can get incriminating statements, if not a confession. All of those sort of things tend to reduce the stressors in the family and the more quickly we can work to address whatever the underlying issues are.

Senator FRANKEN. Thank you. I know I am over my time. I have one little, short question.

Mr. Johnson, Senator Schumer has introduced the Child Protection Improvement Act, a bill that would give youth-serving organizations access to FBI background checks, and I support that bill.

What steps do the Boy Scouts take to screen volunteers and employees who work with children? And do you conduct background checks or do you rely on FBI background checks or do you access those; and, if so, how valuable are those checks in keeping kids safe?

Mr. JOHNSON. If you are talking about the fingerprint-based background checks, my understanding is that last year that was not funded and that program is gone.

Senator FRANKEN. Right.

Mr. JOHNSON. The Boy Scouts of America did not have access to that.

Senator FRANKEN. Right. We are trying to get that back.

Mr. JOHNSON. Yes, sir. Thank you very much. That is very important.

Now, I will say this. From my background in law enforcement investigation, criminal background checks is not the sole answer. It is a part, one of many tools that we utilize in the Boy Scouts of America.

We have an ongoing process that we think is very important. We want families to be involved in the scouting program, but we understand that we are a part, with other youth-serving organizations, in addressing this risk of child molesters and predators accessing youth through our organizations, whether it is Boy Scouts or any other organization that serves youth.

So we onboard information with our parents when they initially get involved. There is actually a handbook in the front of all of our Cub Scout, Boy Scout, and Webelo guides. We have an application process. We check references. There has to be an approval at the local level of this individual.

But the other big part of what we do is two pronged. We have what are referred to as scouting's barriers to abuse. You cannot review any information from any prevention program that is out there and not find some aspect of a Boy Scout policy in reference to protecting kids; specifically, our two-deep leadership policy and never any one-on-one contact between the youth and any of our volunteers. And that is something that should spread through society at large.

What we do, we conduct criminal background checks. We use Lexus-Nexus to utilize those. But we realize and we acknowledge that that is not the sole answer.

I have some pens. I would be proud to pass them out. We have a motto called "Youth protection begins with you," and that is a personal appeal to every parent, every volunteer, everybody in society that if you suspect that a child is being abused in any way, you have an responsibility to not only stop the abuse, but to report it, whether it is to the organization or to the authorities, given what has taken place.

We take that issue very seriously at the Boy Scouts of America.

Senator FRANKEN. But you would like to see these FBI background checks again available to organizations that use mentors.

Mr. JOHNSON. Sir, absolutely.

Senator FRANKEN. Thank you.

Mr. JOHNSON. Every tool that we can have to protect kids, we need to have it. And I do not think it is an issue that really—I think it is a given, sir. It should be done.

Senator FRANKEN. Thank you.

Mr. JOHNSON. You are welcome.

Senator FRANKEN. Thank you, Madam Chair. And, again, thank you for your leadership on this.

Senator KLOBUCHAR. Thank you.

Mr. Vieth, in your written testimony, you stated that 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.

I was struck by that statement. And could you explain further what you meant and explain why you could do this without a big investment?

Mr. VIETH. Some years ago, we submitted to OJJDP a proposal for \$3 million over 5 years, 600 per year, and we calculated how, within that five years, we could easily put the undergraduate reform in 100 universities and the graduate reforms in dozens of additional institutions.

And just think about that for a moment. At Winona State alone, we have 450 students in the CAST minor and in the 27 institutions, we have several thousand students. And as we expand this to 100 universities very quickly, all of a sudden, tens of thousands of folks will be graduating with the sort of knowledge it took the rest of us five or more years of on-the-job training to acquire.

So they will be able to handle from the word go every aspect of child protection. And we are also teaching them how to be community leaders, how to identify what factors are contributing to abuse in their community, and then how to tailor a prevention program that is uniquely suited to those particular dynamics.

The old adage that you can give someone a fish or teach them to fish and the latter is much more effective, if we can teach NDTs from the word go how to really buildup their programs in individual communities, this would have a transformational impact on the country very quickly.

If you look at my testimony, on pages 32 to 35, we talked about the forensic interviewing initiative. Look how quickly that spun out over the country, with 20 state programs. And those maps show how in each state virtually all of those counties very quickly were trained.

Senator, I was in Pennsylvania two weeks ago, and I was having dinner with an MDT, and one of the child protection workers told me, "I have been in the field for a decade, and I just went through this program, and it is a night-and-day difference of how qualified I am now to do this work."

We can begin to do that in college and we can spread those reforms quickly and have a huge impact.

Senator KLOBUCHAR. Very good. I know this concept that these classes—this training could be integrated in these curriculums makes so much sense to me.

When you used those letters that I thought were really moving about these officers that finally felt they could do it, or a prosecutor, do what they had—I think one of the letters said pretending they were doing before, what kind of mistakes do people make?

And I will tell you my own experience, luckily, not a violent case. I was at a private law firm and we were over prosecuting for six months or so misdemeanors for the city of Minneapolis. And what I most remember from it was this case we had, again, non-violent, but one of the witnesses was five years old.

So I talked to her a little. I did not know quite how to handle it. And then I put her up on the witness stand for the judge to decide if she was able to give testimony and I asked her if she knew the difference between the truth and a lie. And this incident had happened when she was four.

I said, "Do you know the difference between the truth and a lie?" She said, "Yes. But when I was four, I told a lot of lies."

[Laughter.]

Senator KLOBUCHAR. So I thought, OK, this has not gone like it is supposed to go, and she was not allowed to testify.

So it was such a minor story, but it gives you an example. I can just imagine when people do not know how to quite work with these kids, what can happen, or maybe even whether or not they should be witnesses or not and how you make that determination. If you could address that.

Mr. VIETH. I can give you an anecdote from Minnesota very similar to what you are referencing. We consulted on a case where a prosecutor in Minnesota called us in a panic and said, "My four-year-old child who was sexually abused by her dad was just declared incompetent by the judge. What do we do?"

So we asked her to have a transcript of the competency hearing and we very quickly figured out it was not the four-year-old who was incompetent, it was the judge. The judge did not know how to properly question a preschool-aged child.

And some of the errors the judge made were this. She asked the child, "If I told you I had a black Labrador at my house, would I be telling you the truth or a lie?" And the child said, "Well, you would be telling me the truth." And in the judge's order, he cited that and said, "Well, she should have said that 'I don't know, I've never been to your house. I don't even know if you have a dog.'"

That is developmentally inappropriate. The four-year-old is just going to assume the judge is telling her the truth. So she is going to say absolutely. And there were a whole series of questions like that where the judge, well meaning, simply did not know how to question a child.

And if that prosecutor had not known about us—and we spent all night—Amy Russell, our deputy director, spent all night and did about a 100-page affidavit, going through every single question and pointing out how, under research, that every question was inaccurate, that child would not have had her day in court. The case would have been dismissed.

But after we did our affidavit, the judge reversed his decision and the case was allowed to go forward.

Senator KLOBUCHAR. I read one study that showed that two-thirds of public defenders and one-third of prosecutors admitted questioning children in a manner designed to confuse a child.

Can you comment on this dynamic? Is that ethical? And how do you address this issue in training?

Mr. VIETH. It is not ethical and it is one reason it is so important to get into law schools. I want to commend you for your leadership when you were a Hennepin County attorney. You worked with us at the MDA and we developed a law school course at Hanline specifically on child abuse, and that course has a component on ethics, what is the ethical thing to do with a child witness.

It is not covered in current ethics courses. We are not examined on ethics, and that is why you get studies like that.

I once interviewed somebody for a position at the National District Attorneys Association and I asked him, "How do you prepare a child for court?" And he said, "Well, some people think this is

a bad idea, but I don't really talk to the child. I don't prepare them at all. So they'll be extra-emotional when we come to court. And I always make sure I parade them in front of the offender and that will double my chance that they're going to be emotional."

And he actually cited research. He said, "There's research saying most jurors expect a child to be emotional." So he said, "Long-term, I'm doing the child a favor."

That is just one of many examples I hear across the country, and we need to begin to address that in law schools and develop some very specific ethical codes for both prosecutors and public defenders.

Senator KLOBUCHAR. Mr. Johnson, I saw you nod your head when you were thinking probably of past trials. I was picturing you as a police officer getting very mad watching these or you understand what can happen in these court cases.

But if you could address that, as well as what you saw as some common mistakes that officers would make without training?

Mr. JOHNSON. Senator, you are looking at old school police child abuse investigation. I investigated child abuse before there was anything called CACs, NDTs, there was anything called forensic interviewing, back when police officers and the CPS workers just interviewed kids and there was no training. And so you just did what you thought.

And I can tell you—this is a confession, if you will, where I would go in—I thought the best practice was to go to the child's house and to interview the child in their bedroom, get on the floor with them and talk to them in their bedroom, not taking into consideration I am probably literally laying on the crime scene and a part of the crime scene.

And I remember—and what is weird about this is this worked, but I remember taking my badge off my belt and having kids put their hand on the badge and swear to tell me the whole truth and nothing but the truth, and then we would talk about the details of their victimization, because I understood that the details from them about what happened were core and critical to my ability to corroborate, set up the opportunity to interrogate their father, and then to provide a product for prosecutors to prosecute.

Personally, as a police detective, I think it is fundamentally wrong for children to have to testify in a criminal court of law, but I realize that and a dollar will not get a cup of coffee at Starbuck's. I prepare all my children, and I owned them, I probably owned them too much to have to prepare in a court of law.

I have as a goal, as most of us from our team are prosecutors, CPS workers and therapists, that we do not want them to, but we prepare them to go into a court of law. And whether or not we win, get a guilty—and I think you know exactly where I am going with this—or whether or not justice is served with a sentence, if that child had to testify, we felt like we had failed, and that is a goal that we own.

I think you know personally, any prosecutor knows that has been in that courtroom and had to prepare children to do a good job to testify in a criminal court of law in front of their offending abuser, whether it is a father, a brother or whomever, you know what that dynamic is.

Senator KLOBUCHAR. Very good.

Mr. Newlin, I understand there are about 800 children's advocacy centers around the country, and the national center in Alabama has been a model for those centers.

Can you talk about how they work together and if there is a benefit for how they are organized?

Mr. NEWLIN. Thank you very much. Yes. Huntsville was the genesis of the CAC movement and it quickly began to spread. The 850, approximate, CACs in the U.S. are organized under the National Children's Alliance, which is a national membership organization, but all operate independently.

I think you heard some of the panelists speaking about the need for training at the community level, and that is really what the CAC movement has been. It has been a grassroots movement.

It has to be supported. It has to be owned by the local community, receiving external resources to help that, but it has to be a real drive at the local community between law enforcement and child protective services and the prosecutors and the mental health professionals, and that is well supported by the Department of Justice through the Regional Children's Advocacy Centers, which do exactly what we have been talking about on this panel.

They go into communities, they provide training and technical assistance. They customize that training to exactly what the community needs to help those communities be more effective in their daily response to child abuse and to work more effectively as a team.

I do think, though, that an important part that we have not really—we have talked a lot about the investigation and the response to child abuse. I always try to make every decision based on what would I want if it was my child.

And when I think about this, I think I am fully invested in the investigation of cases, but we should not lose sight of the importance of mental health services for kids to help them recover, because if we think about really what helps them heal, going to court, having someone prosecuted, it may be helpful for them, but that is not their primary focus.

I do not want us to ever lose focus from the need for us to provide evidence-based mental health practices, mental health practices that we know will help children heal and recover, because that is how we are going to help them be more successful as adults.

Senator KLOBUCHAR. Very good. Thank you very much.

Ms. Smith, you talked about the Internet part of your work. I understand you spend a lot of time focused on safety on the Internet. We have been doing some work actually in the VAWA bill right now.

Senator Hutchison and I had a bill that is included to update some of our laws for Internet stalking not just exclusively for kids, really for anyone. And could you talk a little bit about how that has changed some of the child protection work and other work that we have done, the new technology and how—there are all kinds of issues, as we know, with everything from bullying among kids to people stalking them to predators on the Internet that later leads to abuse.

Could you talk about that aspect of this? I am just thinking back to some of our early cases when I was county attorney, when it was just new with child pornography and officers showing up at the scene, turning on the computer and then it had been triggered to erase everything on it.

Ms. SMITH. Yes.

Senator KLOBUCHAR. Things like that. And, obviously, there are huge forensics issues across the country about trying to train officers in that area, as well.

Ms. Smith.

Ms. SMITH. Absolutely. Thank you, Senator. That is a multifaceted issue. One aspect is how those who would prey on children now have one more easy tool to do it. Another one is that children are so technology savvy, we have had children—teenagers in forensic interviews who were texting the perpetrator on their phone while in the very early stages of this, before we realized we cannot let children go into the room with their phones, because we do not know what they are going to be doing if they are in love with their perpetrator.

So from the most minute aspect like that to training first responders in a house, do not touch the computer, do not destroy evidence, to what the Internet crimes against children task forces are seeing.

And our county established a local metro task force to work with the state ICAC, and we did it for a couple of reasons. One of them was that we, fortunately, had some people who were really good forensic analysts and who could help with that, but, also, the detective in that unit came out of investigations primarily who were doing crimes against children.

And what they were doing was helping not just the cases they were doing, but their own people to recognize that we can find incredible amounts of corroboration by investigating what technology has out there, but we also can find predators that we would not find otherwise, because very often those who are using that technology are preying on children and have not gotten caught.

And that is a whole new aspect to the training needs that we need to have for—we talk with our forensic interviewers, and I am sure Chris' folks are doing this with their training, as well, how to incorporate that technology piece in. So that technology becomes an aspect of every investigation that we consider.

Whether it is sexual abuse or physical abuse, there will be some kind of documentation on those computers of how life is in that family or how life is with that child or how that child communicates with her friends or his friends, because whatever is of interest to him will have been of interest to a perpetrator.

I am not sure if I got exactly where you wanted to go, but—it is not?

Senator KLOBUCHAR. No, it is very good. Thank you very much.

I wanted to thank all of you for being here today. We had, I think, a really good discussion. We are working on legislation, as all of you know, with my colleagues to make sure that we continue the funding for this important training work.

I have just seen it firsthand in Minnesota and am so proud of the work that Mr. Vieth does, as well as everyone on this panel.

And it has really been actually quite a—I meant what I said at the beginning. Sometimes people are very bureaucratic in their testimony, and this was very personal, which I truly appreciated and I think it brought home the enormous need that we have here and how we can really be smart about our resources, but still make sure these officers are getting trained and some of the testimony that came out about the costs of this if we do not do anything, just the mere fact that kids that grow up in violent homes are—something multiple times, I think I have heard the number 76 times more likely to get involved in violence themselves; that it is a self-fulfilling cycle here if we do not stop it.

So I want to thank you for what you have done. I want to also thank our staff who have worked on this, Craig Kalkut and Sammy Clark, as well as Maria Laverdiere, and everything that they have done to get this hearing going, as well as the staff of the Judiciary Committee; and, Senator Sessions, who could not be here today, but is my Ranking Member, and Senator Grassley, as well.

So thank you very much. We will hold the hearing record open for a week.

And with that, the hearing is adjourned. Thank you.

[Whereupon, at 11:40 a.m., the Subcommittee was adjourned.]

[Questions and answers and submissions for the record follows.]

A P P E N D I X

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Witness List

Hearing before the
Senate Committee on the Judiciary
Subcommittee on Bankruptcy and the Courts

On

“Sequestering Justice: How the Budget Crisis is Undermining Our Courts”

Tuesday, July 23, 2013
Dirksen Senate Office Building, Room 226
3:00 p.m.

The Honorable Julia S. Gibbons
Chair
Committee on the Budget of the Judicial Conference of the United States
Memphis, TN

W. West Allen
Chair, Government Relations Committee
Federal Bar Association
Las Vegas, NV

Michael Nachmanoff
Federal Public Defender
Eastern District of Virginia
Alexandria, VA

PREPARED STATEMENTS OF WITNESSES AND COMMITTEE AND SUBCOMMITTEE
CHAIRMEN



Department of Justice

STATEMENT

OF

MELODEE HANES
ACTING ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
OFFICE OF JUSTICE PROGRAMS

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

AT A HEARING ENTITLED

"TRAINING OF CHILD PROTECTION PROFESSIONALS TO RECOGNIZE AND
RESPOND TO
CASES OF CHILD ABUSE"

MAY 23, 2012

**Melodee Hanes
Acting Administrator
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice**

**Subcommittee on Administrative Oversight and the Courts
Committee on the Judiciary
United States Senate**

**“Training of Child Protection Professionals to Recognize and Respond to
Cases of Child Abuse”
May 23, 2012**

Chairwoman Klobuchar, Ranking Member Sessions, and distinguished members of this Subcommittee, thank you for the opportunity to testify today regarding the importance of training child protection professionals to help them recognize and respond to cases of child abuse. I also appreciate the opportunity to tell you more about the great work being done by the Department of Justice in the areas of child protection and youth violence intervention and prevention.

My name is Melodee Hanes and I serve as the Acting Administrator for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Department of Justice (DOJ) Office of Justice Programs (OJP). Our mission at OJJDP is to provide national leadership, coordination, and resources to respond to the needs of our youth who come into contact with the criminal justice system. As a part of this mission, it is one of our overarching priorities to prevent and respond to child victimization and exploitation.

I personally understand the importance of adequate investigation and prosecution of child abuse cases. As a prosecutor with over 30 years of public service in state courts, I have dedicated much of my career to protecting and seeking justice for our nation’s children. During my tenure as a deputy county attorney in Polk County, Iowa and later in Yellowstone County, Montana, I prosecuted cases involving adults who committed acts of physical and sexual violence against children. In 1987, I prosecuted the first felony child endangerment case in Polk County, Iowa under the newly enacted Iowa Code Chapter 726 - Protection of the Family and Dependent Persons. Over the subsequent years, I handled more than 100 cases involving physical and sexual abuse of children. I have also worked to develop and coordinate local policy around child protection and have lectured and written on the subject for law school and professional audiences. So, I understand firsthand the important and necessary work being done by organizations that provide support to child protection professionals in their efforts to identify and respond effectively to cases of child abuse as well as other OJJDP programs that support essential training and assistance for law enforcement officers, prosecutors, judges, and child advocates. Currently, OJJDP supports nearly fifty projects that provide multi-disciplinary training on a broad range of child protection issues, including:

- the investigation and prosecution of sexual and physical abuse of children;

- policies and procedures to identify and assist child victims of sexual exploitation;
- enhanced investigative capabilities to detect, investigate and apprehend perpetrators of internet crimes against children;
- community responses to assist in the search for and safe recovery of missing children;
- trauma-informed care for children who have experienced violence and abuse; and
- court strategies that reduce the number of children in the child welfare system.

While budget constraints have limited funding for some programs aimed at enhancing the prosecution of child abuse cases, protecting America's children is one of the Attorney General's highest priorities. The Department must and will continue to do great work in these areas in spite of these challenges, through creative partnerships with agencies at federal, state and local levels.

OJJDP recently funded a study that showed 60 percent of children were exposed to some form of violence, crime or abuse, ranging from brief encounters as witnesses to serious violent episodes in the previous year. Research over the years has taught us that the consequences of such exposure are significant and widespread, often associated with long-term physical, psychological, and emotional harm. These children are more likely to be truant, perform poorly in school, abuse drugs and alcohol, suffer depression and engage in criminal behavior.

Research also tells us that early identification and intervention can be effective in countering the effects of violence, enhancing resiliency, and fostering healthy child development. In an effort to address this epidemic, the Department has implemented several major initiatives which include training and technical assistance for child protection professionals at the State and local level. As budgets continue to shrink and grant funding opportunities become increasingly more competitive, training and technical assistance will become even more vital to supporting our state, local, and tribal partners quickly and effectively.

THE DEFENDING CHILDHOOD INITIATIVE

In 2010, Attorney General Eric Holder launched the Defending Childhood Initiative, to help address the exposure of America's children to violence as victims and as witnesses. The Attorney General has been personally and professionally committed to this issue for many years, dating back to early in his career when he served as the U.S. Attorney for the District of Columbia and throughout his tenure at the Department of Justice.

Children's exposure to violence affects every one of us. Effectively addressing it must become our shared concern and our shared cause. Building on lessons learned from previously funded research and programs including Safe Start, the Child Development-Community Policing Program, and the Greenbook Initiative (which examined the co-occurrence of domestic violence and child maltreatment), Defending Childhood leverages existing resources across DOJ to focus on preventing, addressing, reducing, and more fully understanding childhood exposure to violence.

In 2010, the Department of Justice awarded grants to cities and tribal communities in eight sites around the country: Portland, Maine; Boston, MA; Shelby County, TN; Cuyahoga

County, OH; Grand Forks, ND; Multnomah County, OR; the Rosebud Sioux Reservation in South Dakota, and the Rocky Boy Reservation in Montana. Each of these communities developed strategic plans for comprehensive community-driven efforts to respond to violence in families, schools, and communities. Each of these sites received additional support in 2011 to help launch, sustain, and expand programs focused on the development of community-based solutions to address the problem. In addition to the demonstration program grants, DOJ is committing additional funding for research, evaluation, public awareness and training for professional members and affiliates of national organizations through the initiative.

In 2011, as a part of the Defending Childhood initiative, The Attorney General created the Task Force on Children Exposed to Violence (the Task Force) which is composed of 13 leading experts including practitioners, advocates, researchers, and licensed clinicians. The Task Force has held four public hearings in Baltimore, Miami, Albuquerque, and Detroit to explore the nature and extent of children's exposure to violence through the testimony of expert witnesses and survivors. Based on the testimony at these four public hearings, comprehensive research, and written testimony of individuals and organizations nationwide, the Defending Childhood Task Force will issue a final report to the Attorney General presenting its findings and comprehensive policy recommendations in the fall of 2012.

INTERNET CRIMES AGAINST CHILDREN (ICAC)

The Internet Crimes Against Children (ICAC) Task Force is administered by OJJDP and is a cornerstone of the Department's National Strategy for Child Exploitation Prevention and Interdiction. The ICAC Program is a national network of 61 task forces representing more than 3,000 federal, state, and local law enforcement and prosecutorial agencies. They are dedicated to developing effective responses to the online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. The ICAC Program increases the investigative capabilities of state and local law enforcement officers and prosecutors in the detection and investigation of internet crimes against children and the apprehension of offenders. Since 1998, ICAC Task Forces have reviewed over 300,000 complaints of alleged child sexual victimization, resulting in 32,000 arrests. In fiscal year 2011 alone, ICAC investigations led to more than 5,800 arrests, over 45,000 forensic examinations, and the identification of thousands of children who were victims of some form of abuse and neglect. Since 1998, more than 350,000 law enforcement officers, prosecutors, and other professionals have been trained in the United States and in 17 countries on techniques to investigate and prosecute ICAC related cases.

AMBER ALERT (including tribal and Southern Border)

The AMBER Alert™ Program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child.

OJJDP supports a national training and technical assistance program that prepares law enforcement, AMBER Alert coordinators, and other stakeholders to respond to child abduction and missing endangered children cases. OJJDP's efforts under this program have expanded to

include partnerships along the U.S./Canada border, the development of AMBER Alert programs in tribal communities, and continuing efforts to partner with states along both sides of the U.S./Mexico border. OJJDP partners with the National Center for Missing and Exploited Children to support program operations and enhancements, including the secondary distribution of AMBER Alerts issued by law enforcement.

To date, 572 children have been safely recovered and reunited with their families specifically because of AMBER Alerts.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Since 1984, the National Center for Missing & Exploited Children (NCMEC) has provided training and technical assistance on- and offsite for nearly 300,000 law enforcement, criminal/juvenile-justice, and healthcare professionals nationwide and in Canada. Through its Jimmy Ryce Law Enforcement Training Center (in Alexandria, VA) and the Polisseni Law Enforcement Training Center (in Rochester, NY), the National Center for Missing and Exploited Children delivers training in child-sexual-exploitation and missing-child case detection, identification, investigation, and prevention.

HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

OJJDP supports a number of training and technical assistance programs, collaborative demonstration programs, and research projects designed to address the commercial exploitation of children and assist its victims.

This fiscal year, the Department made over \$9 million in grant funding available to states and communities working to combat human trafficking through proactive law enforcement efforts and comprehensive victim services.

Last year, OJJDP funded three agencies under their Mentoring for Child Victims of Commercial Sexual Exploitation Initiative to develop or enhance the mentoring capacity of community service organizations that work with juvenile victims of commercial sexual exploitation and domestic sex trafficking, to increase outreach, and to provide services to these victims. This initiative also includes a technical assistance component to help these agencies achieve their project goals.

OJJDP also funded a project of the Institute of Medicine and the Division of Behavioral and Social Sciences and Education of the National Academy of Sciences to study the commercial sexual exploitation and sex trafficking of minors in the United States. The study is being conducted by a committee of independent experts who are reviewing relevant research and practice-based literatures. The committee will prepare a final report that summarizes the research review and offer findings, conclusions, and recommendations.

THE NATIONAL FORUM ON YOUTH VIOLENCE PREVENTION

The National Forum on Youth Violence Prevention is a network of communities and federal agencies that work together, share information and build local capacity to prevent and reduce youth violence. Established at the direction of President Obama in 2010, the Forum brings together people from diverse professions and perspectives to learn from each other about the crisis of youth and gang violence in America and to build comprehensive solutions on the local and national level.

Participating Federal agencies include the Departments of Justice, Education, Health and Human Services, Housing and Urban Development, Labor, and the Office on National Drug Control Policy. The Forum's first set of participating communities includes Boston, Chicago, Detroit, Memphis, Salinas, and San Jose with more to be added soon.

The Forum operates on three key principles:

- Multi-disciplinary partnerships are key to tackling this complex issue – police, educators, public health and other service providers, faith and community leaders, parents and kids, must all be at the table.
- Communities must balance and coordinate their prevention, intervention, enforcement and reentry strategies.
- Data and evidence-driven strategies must inform efforts to reduce youth violence in our country.

These three principles are critical to directing and leveraging limited resources in order to make a long-standing impact.

EVIDENCE-BASED PROGRAMS

OJJDP has also been proactive in promoting evidence-based practices in juvenile justice. Although we have learned a lot of over the years, we still see practitioners using programs that are ineffective and may result in wasted time, money and resources.

We are working to educate practitioners on the value of evidence-based programs and promote our Model Programs Guide, which is a wonderful resource for the field. There are more than 200 evidence-based programs in the Guide, covering the entire continuum of services, from prevention to reentry.

Additionally, CrimeSolutions.gov was launched in 2010. The CrimeSolutions.gov website uses rigorous research to inform practitioners and policy makers about what works in criminal justice, juvenile justice, and crime victim services and includes nearly 200 programs covering a range of topics from victimization to substance abuse. These programs all come with a rating for effectiveness and information about their proven impact that will be of significant practical use to our partners in the field.

DIAGNOSTIC CENTER

This year OJP will open a State and Local Help Desk and Diagnostic Center. The Diagnostic Center is a one-stop shop for state and local leaders and agency heads seeking real-time diagnostic assistance and resources to solve public safety problems. The Diagnostic Center will operate a hotline, disseminate comprehensive training and technical assistance services focused on evidence-based practices, and support state and community executives in the implementation of evidence-based programs and practices in the field.

CONCLUSION

The programs I have highlighted are but a few efforts being supported by the Department and by our partners in the field to help protect our nation's children. I would like to thank you again for the opportunity to be here today and to testify at this important hearing. Together, we have a collective responsibility to keep this country's children safe from harm, and provide them with support if the unthinkable happens. OJJDP and our partners, at the state, local, and tribal levels are at the forefront on these issues and we look forward to continuing to work with the members on this Subcommittee and your staff on this substantive and important issue.

Senate Judiciary Subcommittee on Administrative Oversight and the Courts

Congressional Testimony

Victor I. Vieth¹

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 (GA), 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) (av ailable 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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¹⁴Director, National Child Protection Training Center.

¹⁵Director, Program on Childhood Trauma and Maltreatment, University of North Carolina-Chapel Hill. Department of Psychiatry.

¹⁶President, Institute on Violence, Abuse & Trauma at Alliant International University, San Diego, CA; President, Family Violence and Sexual Assault Institute, San Diego, CA.

¹⁷Dr. Salter received her Ph.D. in Clinical Psychology from Harvard University and her Master's Degree in Child Study from Tufts. Since 1996, she has served as a consultant to the Wisconsin Department of Corrections. She lectures and consults on sex offenders and victims throughout the United States and is the author of *PREDATORS: PEDOPHILES, RAPISTS & OTHER SEX OFFENDERS* (2004).

¹⁸President, National Coalition to Prevent Child Sexual Abuse & Exploitation; Founder/Director, Sensibilities Prevention Services.

¹⁹ Director, Social Work and Human Services Department, Kennesaw State University.

²⁰ Associate Professor Department of Social Work, College of Education, Health & Public Policy Delaware State University.

²¹ Assistant Professor of Social Work, Kennesaw State University.

²² Professor, Department of Psychology, Michigan State University.

²³Professor, Department of Counseling, School Psychology and Special Education, Michigan State University; Co-Director of O.U.R. Children Coalition.

²⁴ Adjunct Professor, Child Advocacy Studies, Athens State University.

²⁵ Dean of the College of Education, Athens State University.

²⁶Professor of Psychology, Associate Dean of the College of Arts and Sciences, and Director of the Child Advocacy Studies Program at University of South Carolina-Upstate.

²⁷President, Winona State University.

²⁸President, Northwest Arkansas Community College.

²⁹Co-founder and immediate past president of the Pennsylvania Youth and Solicitors Association.

³⁰Assistant Professor of Law, Liberty University School of Law. Professor Tchividjian is a former child abuse prosecutor who teaches *Child Abuse & the Law* at Liberty.

³¹ Professor, Wisconsin Lutheran Seminary.

³² Assistant Chair, Department of Psychology, Indiana University of Pennsylvania.

³³ Professor of Psychology, Indiana University of Pennsylvania.

³⁴ Assistant Professor, Shirley M. Hufstetler School of Education, Alliant International University.

³⁵ Member, Board of Directors of the American Professional Society on the Abuse of Children. Ms. Samuel also serves as a member of the steering committee implementing Child Advocacy Studies at New Mexico State University.

³⁶ Professor, Child & Family Science, New Mexico State University.

*"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 a 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. Grossoehme, *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 I, 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 HAMLINE 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).

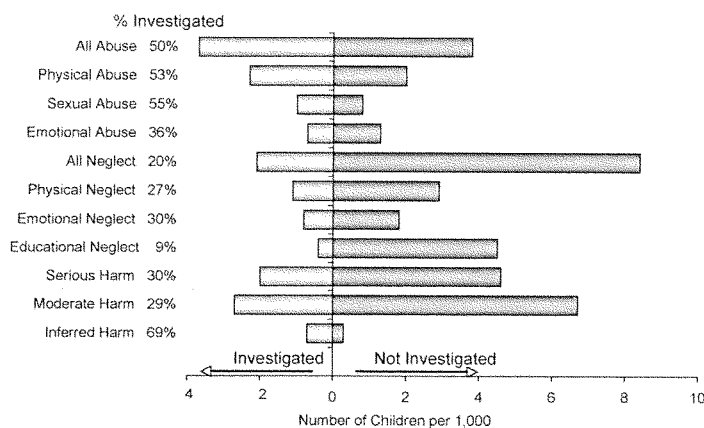
⁷⁶ Ann S. Botash, *From Curriculum to Practice: Implementation of the Child Abuse Curriculum*, 8(4) CHILD MALTREATMENT 239 (November 2003).

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 CECL 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/abpwbsite/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).

¹²¹Numerous 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, *Orofacial Trauma in Child Abuse and the Role of the Dental Profession*, 12 APSAC ADVISOR 10 (Summer 1999).

¹²²There 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).

¹²³There 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).

¹²⁴The 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.

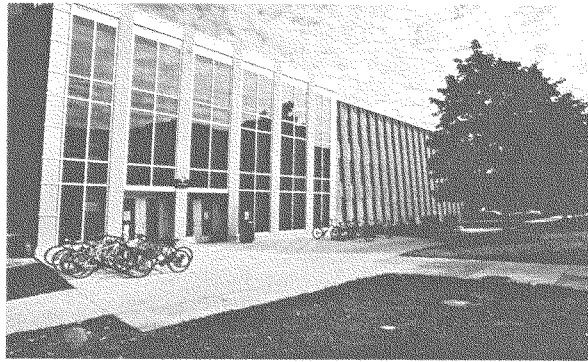
By July of 2012, at least 70 universities will be involved in the work of implementing CAST at the undergraduate or graduate level. The goal of NCPTC is to implement the curriculum in at least 100 universities by 2013—a goal that is within reach.

The Development of Regional Centers to Sustain CAST

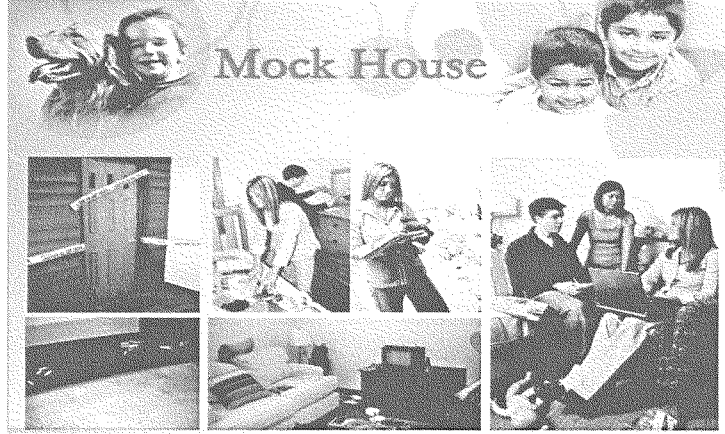
By 2013, NCPTC intends to have university regional partners who have not only implemented CAST successfully but who will take a leadership role in disseminating CAST throughout their regions and in conducting site visits and otherwise ensuring the ongoing integrity of the reforms.

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.



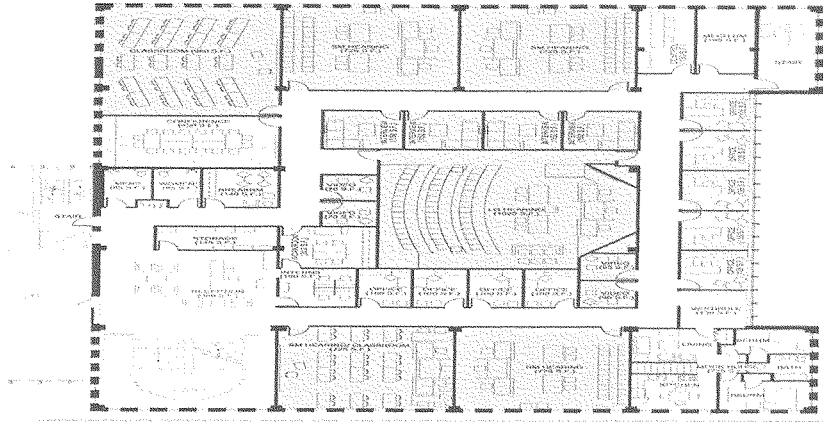
The facility’s mock house, in which simulated child abuse investigations are conducted, is shown below.



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



A diagram of the facility as a whole, including courtrooms, forensic interview rooms and the mock house is below:



A second training facility on the campus of Northwest Arkansas Community College is also under development. The facility will have all of the features of the Minnesota training center but will also include a mock sexual assault examination room and perhaps a mock jail. The architectural rendering of the exterior of the Arkansas training center is 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.

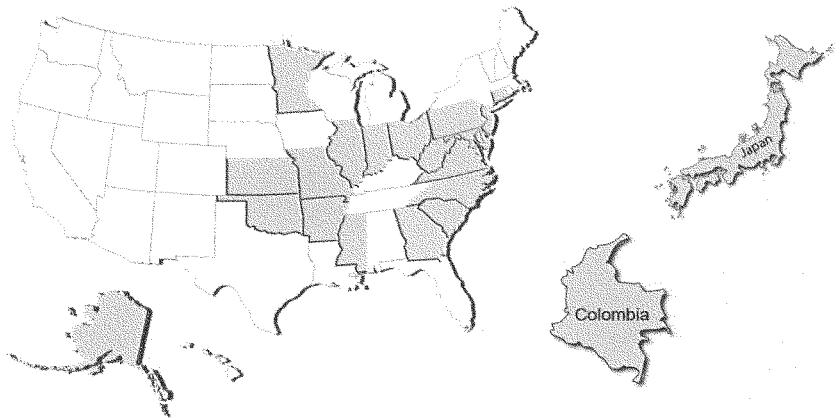
404 -Sociology of Child Poverty-3 S.H. (elective). Students will analyze poverty and child poverty in the U.S. while placing both in an international and historical context. They will understand the demographics of poverty and the effects of poverty on children. They will critically evaluate sociological 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



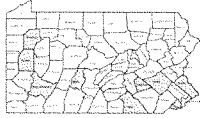
Ohio
203 Professionals Trained
30 of 88 Counties Represented



Oklahoma
241 Professionals Trained
40 of 77 Counties Represented



Pennsylvania
68 Professionals Trained
10 of 67 Counties Represented



South Carolina
672 Professionals Trained
39 of 46 Counties Represented



Virginia
348 Professionals Trained
62 Counties Represented



West Virginia
526 Professionals Trained
48 of 55 Counties Represented



Colombia
95 Professionals Trained



Japan
46 Professionals Trained



Congressional Testimony
Senate Judiciary Subcommittee on Administrative Oversight and the Courts
Michael V. Johnson, Detective, Retired, Plano Police Department
Director, Youth Protection, Boy Scouts of America
May 22, 2012

I am a recently retired child abuse detective who has, over the course of a 28-year career, trained thousands of law enforcement officers and other multidisciplinary team members (i.e., prosecutors, CPS workers, advocates, and therapists) across the United States. Over the past 25 years, I have served on the board of directors for numerous child abuse organizations and currently serve on the boards of the American Professional Society on the Abuse of Children (APSAC) and the Native American Children's Alliance (NACA), as well as several coalitions, task forces, and committees. I am one of the founders of my local Children's Advocacy Center, where I helped to create and serve on its multidisciplinary team, task force, board of directors, and advisory board. Two years ago I left police work to accept the newly-created position of Director of Youth Protection for the Boy Scouts of America.

When I began investigating child abuse, little to no formal training was available, and certainly an investigation-specific national organization I could call for assistance did not exist. Over the course of my career, I came to realize that a child abuse investigator needs training in numerous areas prior to ever being assigned a case, i.e., physical abuse recognition; symptomology of the difference types of abuse; evidence and evidence collection; the forensic interview of a child and adolescent victims; youth and adult witnesses; non-offending caregivers and the dynamics involved therein; neglect; sexual abuse; perpetrator dynamics, behaviors, and typologies; deception detection; and interrogation. From bucket handle fractures to parentification to victim compliancy; interconnection of domestic violence to abuse; abusive head trauma; multi-victim sexual exploitation and, in recent years, Internet-facilitated crimes and the exploitation of children and youth. A lone child abuse investigator or CPS worker may be assigned cases dealing with each of these issues on any given day.

Thus, when I first became a child abuse detective I, quite frankly, had no idea what I was doing. In those days you interviewed victims and parents, interrogated perpetrators, and conducted your own investigations. This was in the years prior to CACs and MDTs, when joint investigations were recommended, but not required. I graduated from a criminal justice-focused university with a BSCJ; but if my professors had a law enforcement or related background, they had not specialized in child abuse. Nor was it covered in any aspect of my coursework, aside from perpetrator behavior being briefly mentioned in Deviant Psychology.

Because I worked for a police department located near Dallas, Texas, I was aware of the Dallas Child Sexual Exploitation unit. I called and asked to observe their perpetrator interrogations, crime scene evaluations, and evidence collection techniques. Unbeknownst to me at the time, this practical, real-life experience with senior level investigators and real cases of abuse would

form the core of my investigative knowledge. It is precisely these same hands-on, practical, scenario-based, close-to-real-life experiences that the National Child Protection Training Center (NCPTC) provides through their lectures, mock crime scenes, courtrooms, and case review training.

Today, child protection professionals attend numerous national and international conferences bringing together a myriad of child maltreatment presenters covering an array of topics. There are multi-state and regional level conferences that do the same. These conferences serve specific niche areas and introduce professionals to new research, academic debates in the field and medical, therapeutic, and advocacy practices. However, these conferences often do not address the needs of new child protection professionals for the basic-to-advanced skills training necessary to intervene and investigate numerous child maltreatment areas. This is because it is difficult, if not impossible, to provide intensive, hands-on training at a large conference.

Over the course of my career, I have conducted hundreds of trainings in nearly every state in the United States and I continue to speak at major conferences. The majority of my trainings have been held with Children's Advocacy Centers and the MDTs based in their service communities, primarily covering skills-based topics of child abuse investigation relevant to them. I have spent a great deal of time at after-event sessions conversing with local professionals and experts alike on "solving the world's problems" as they relate to child abuse. I consider many of our nation's foremost experts my personal mentors, friends, and colleagues.

I followed three basic principles during my training career:

- Protect one child at a time;
- Provide intervening child protection professionals the relevant information I wish someone had taught me when I began my investigative career, in a form and format conducive to real learning and practical application in the field; and
- Make a difference for these professionals as they go to work the next day.

I have included with my testimony an article written by Robert Giles, in which he makes a compelling argument for the importance of MDT investigations. Unfortunately, it is not enough to form an MDT; the team members must receive intensive, practical training. Today, if you polled one hundred law enforcement professionals assigned to investigate all forms of child abuse that may come to their attention and asked them the simple question, "Does your agency, your local CAC/MDT, or a local college or university properly prepare and train you in the BASIC skills needed to respond, investigate, and create a criminally-prosecutable child abuse case prior to being assigned to investigate these cases?," nearly every response would be a resounding "NO." If you were to then follow up with these same professionals in three years, the answer to this question would remain virtually unchanged.

There are three reasons for this. First, undergraduate and graduate programs do not provide this education. Second, large or regional conferences are poorly equipped to provide this training. Third, intensive, hands-on training is not yet widely available at a regional, much less state level. To address this, I believe the following steps should be taken.

First, the training of MDTs must begin at the undergraduate and graduate level, including community colleges and police academies. I continue to see well-meaning, experienced child protection professionals who either lack formal training or, even worse, are poorly trained in the most basic aspects of child abuse investigation. We can continue to pour vast amounts of time and resources into reaching (and retraining) as many of these professionals as possible, or we can address this problem more efficiently at its source, by dramatically improving undergraduate and graduate training of child abuse professionals. I am very familiar with the Child Advocacy Studies curriculum that began at Winona State University and is now spreading across the country. This is greatly needed, long-overdue reform that must be sustained.

Second, federal training funds should be focused on helping states develop the infrastructure necessary to provide intensive training with small class sizes. The work of the National District Attorneys Association, National Child Protection Training Center, and CornerHouse in helping states establish five-day forensic interview training programs that meet national standards is the sort of program Congress should be funding. Instead of offering these programs at a national level, and reaching only hundreds of professionals, we can provide them at the state level and reach thousands.

Third, there should be more emphasis on state and local training than on national training. In an effort to reach those communities most in need of training, I worked with NCPTC to establish their Speaker's Bureau. For the price of sending three or four professionals to a national conference, many communities have found they could work with NCPTC in developing a local training tailored to their unique needs that could reach hundreds. Addressing child abuse in a rural community lacking resources will be very different from addressing maltreatment in an urban setting. As a board member for the Native American Children's Alliance, I can assure you that community-based training in which the leaders of a particular Tribe have significant developmental involvement is the only type of training that will work in these communities.

Fourth, there must be an emphasis on practical publications that help MDTs with the nuts and bolts of responding to an allegation of child abuse. I've attached to my written testimony an article from OJJDP summarizing their portable field guides, as well as an article published by NCPTC on the collection of corroborating evidence. Publications such as these are sorely needed and warmly received by MDTs throughout the country. See my attached "Intervention Window of Opportunity" article as an example.

Fifth, in funding research, Congress should focus on researchers with a deep appreciation for the importance of working with front line professionals. There is a growing awareness that the best researchers, those whose work actually impacts and improves the lives of children

and is applicable to first responders and interventionists, are those who regularly share a cup of coffee with law enforcement officers and prosecutors. Simply stated, many researchers have come to value the practical experience of front line professionals who, in the course of their careers, interact with thousands of child abuse victims, extended family members, and survivors. To the extent this wealth of experience contributes to or drives the research, the research will also drive the work of front line criminal justice professionals. In other words, researchers realize more than ever that the only research impacting the field of child protection is research relevant to the work of front line professionals. The critical importance of working with front line professionals in conducting research is more fully discussed in an article I recently co-authored for the *APSAC Advisor* and is also attached to my written testimony.

Sixth, there must be one or more national organizations available to help frontline professionals on individual cases. No matter how effective training is, or how comprehensive a publication may be, real life cases of child abuse often have myriad nuances that no one has seen before. Accordingly, it is critical for these professionals to have organizations such as the National Child Protection Training Center and the National Center for Prosecution of Child Abuse to help guide them through difficult cases.

Seventh, there is a need to train MDTs to take a more active role in prevention initiatives. Law enforcement officers, social workers, and medical professionals often work with families in need and are in the best position to identify what, if any, prevention programs may work in their community. Accordingly, it is critical to train these professionals at both the undergraduate and graduate levels, as well as once they are in the field, to take a leadership role in the prevention of abuse.

Finally, training dollars should be directed to a larger purpose than simply training. When Victor Victh published *Unto the Third Generation*, and argued that not only could our country end child abuse but proposed a concrete plan to achieve the goal, frontline professionals responded with their hearts and with actions. I have seen communities, states, and regions mobilize and implement not just one, but a series of reforms based on that paper. These reforms include CAST, ChildFirst, and community-based prevention initiatives. If child abuse is to end, it will be accomplished by front line professionals working with the children and families in their communities. Simply stated, the solution must be driven from the bottom up.

Attachments to the testimony of Michael V. Johnson:

1. Robert H. Giles, *Difficult Economic Times Prove Value of Multidisciplinary Approaches to Resolve Child Abuse*, 22(1) UPDATE (2009)
2. Michael Johnson and Victor Vieth, *When the Call Comes: APSAC's Historic Recognition of Law Enforcement Officers and Prosecutors as Professionals*, 24 APSAC ADVISOR 25(WINTER/SPRING 2012)
3. Janet McNaughton, *Overview of the Portable Guides to Investigating Child Abuse: Update 2000*, JUVENILE JUSTICE BULLETIN (FEBRUARY 2000)
4. Victor I. Vieth, *When the Child Has Spoken: Corroborating the Forensic Interview*, 2(5) CENTERPIECE (2010)
5. Detective Mike Johnson, *The Investigative Window of Opportunity: The Vital Link to Corroboration in Child Sex Abuse Cases*, 1(9) CENTERPIECE (2009)



**The National Children's
Advocacy Center**

**TESTIMONY OF CHRIS NEWLIN
EXECUTIVE DIRECTOR, NATIONAL CHILDREN'S
ADVOCACY CENTER**

**Hearing before the
Senate Committee on the Judiciary
Subcommittee on Administrative Oversight and the Courts**

On

**"Protecting Our Children – The Importance of Training Child
Protection Professionals"
Wednesday, May 23, 2012**



Chairwoman Klobuchar, Ranking Member Sessions, Members of the Sub-committee: thank you for the opportunity to testify regarding the importance of training child abuse professionals. I have been working in the child abuse field for my entire career which for the last seven years has been as the Executive Director of National Children's Advocacy Center.

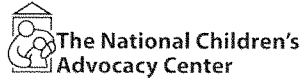
The National Children's Advocacy Center was developed in 1985 in response to our society's growing awareness of child abuse and the need for a more effective response on behalf of our children. The original philosophy articulated by the NCAC Founder, former Congressman Bud Cramer (AL) was:

- Child abuse is a serious issue which must be addressed;
- The "system" intended to protect children should "help" children, not further traumatize or cause lack of trust;
- The protection of children must involve all agencies involved in the investigation and intervention, and these agencies must work together;
- Common sense, challenging the process, cooperation, and collaboration are essential for success

The NCAC has served as a model for the more than 850 Children's Advocacy Centers in the United States which served more than 270,000 children last year alone. These are children who have been sexually and/or physically abused or exposed to other forms of violence and/or trauma. The Department of Justice previously funded a large scale "Multi-Site Evaluation of Children's Advocacy Centers", and all of the published research has demonstrated improved coordinated service delivery, higher satisfaction ratings from clients and families, improved access to medical care, faster criminal charging decisions, and improved prosecution rates when using the CAC model. Further, we also found that the CAC model reduced duplication of services and actually saved approximately \$1,000 per case, a 36% cost savings when compared to the traditional (and less effective) investigation methods.

The NCAC is one of the largest trainers of child abuse professionals in the United States. To date, the NCAC's National Training Center has trained more than 70,000 child abuse professionals from every state in the United States and more than 20 countries. Through our diverse training programs, we host two national conferences each year (National Symposium on Child Abuse and the Child Sexual Abuse and Exploitation Prevention Conference), conduct many skill-development trainings, including:

- Forensic Interview of Children Training
- Overview of the Multidisciplinary Response to Child Abuse Investigations
- Multidisciplinary Team Development Training
- Multidisciplinary Team Facilitator Training
- Investigative Interviewing for First Responders
- Advanced Forensic Interviewing of Children Training
- Extended Forensic Interview (EFI) Training
- Digital Recording of Child Forensic Interview and Medical Examinations



- Victim Advocacy Training
- Responding to Commercial Sexual Exploitation of Children Training
- Prosecuting Child Abuse
- Evidence-Based Mental Health Practices for Victims of Child Sexual Abuse and Exploitation
- Investigation of Child Sexual Abuse and Exploitation
- Child Abuse Community Awareness and Internet Safety Training
- Stop Child Abuse and Neglect (SCAN) Curriculum Training

The NCAC also provides training and technical assistance to child abuse professionals via:

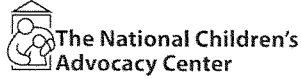
- Webinars and Ask-the-Expert Sessions
- Online Training
- Distance Learning
- Child Abuse Library Online (CALiO) – one of the largest digital collections of child abuse specific research and materials with a primary focus of increasing the evidence-based practice in the child abuse professional and systems

Why is responding to child abuse so important?

The prevention and intervention to child abuse requires a multidisciplinary response because no one professional field is able to respond the multitude of issues which arise in these cases. We have learned over the past 25 years that any effective response to child abuse must involve a response from all of the professionals involved in the response to child abuse. This most typically includes law enforcement, child protection, victim advocates, mental health, and medical professionals.

Studies have found that child maltreatment and exposure to violence have adverse consequences during childhood and throughout life. Children who experience repeated victimizations and several types of victimizations may be at greater risk for suffering complex trauma as a condition rather than an event (Cook, Blaustein, Spinazzola, & van der Kolk, 2003; Finkelhor et al., 2007). Furthermore, maltreated children often exhibit negative behavioral outcomes including violence and aggression (Perry, 2001). Psychosocial development is negatively impacted, including regulation of emotions, impulse control, and ability to have healthy and happy relationships (Putnam, 2006).

According to Ko et al. (2008), first responders are in a unique position to diminish the immediate traumatic stress of the survivors and witnesses whom they encounter, however, few police officers receive training to address the complex issues related to children's psychological development and needs or to assist children in dealing with trauma. Studies have found that police interviews of children resulted in higher probability of false allegations as well as lower levels of credibility. Officers who interview children do not simply need more information, but more ongoing training which leads to increase in skills (Aldridge & Cameron, 1999; Wescott & Kynan, 2006).



Child abuse is not just a children's issue – it is an issue that affects our nation's health and economy. According to Bonomi et.al. (2008), 34% of women who received insurance from a Group Health Cooperative reported a history of childhood abuse; and, total annual health care costs were higher for all groups of women who experienced some form of child abuse: both physical and sexual abuse (36% higher), sexual abuse only (16% higher), and physical abuse only 22% higher. Additionally, individuals with a history of child maltreatment were significantly less likely to own a bank account, stock, a vehicle, or a home; and earned almost \$8,000 less per year than non-abused subjects (Currie, J. & Widom, C.S, 2010). The implication of these findings is further explained by Fanga et. al. (2012) who found the estimated average lifetime cost per victim of nonfatal child maltreatment is \$210,012 across their lifetime, and the estimated average lifetime cost per death is \$1,272,900. Given that there are annually more than 900,000 confirmed victims of child abuse, these costs affecting our nation are nothing short of staggering.

What has the U.S. Government done to support training of child abuse professionals?

The federal government, across numerous agencies, has historically provided some funding to support the training of child abuse professionals. However, given the extraordinary need, this funding is insufficient to support necessary training for the various professionals involved in the response to child abuse. Current federal funding includes, but is not limited to:

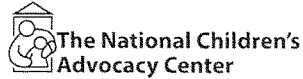
The **Child Abuse Prevention and Treatment Act (CAPTA)** was originally enacted in 1974 (Public Law 93-247) and is funded under the Labor, Health and Human Services, and Education Appropriations Bill. Its funding is comprised of three main parts:

- Title I, Basic State Grants;
- Title II, Community-Based Child Abuse Prevention Grants; and,
- Discretionary Research/Demonstration Grants.

CAPTA also authorizes the Office of Child Abuse and Neglect and the National Clearinghouse on Child Abuse and Neglect Information in the Administration for Children and Families in the Department of Health and Human Services.

The **Victims of Child Abuse Act (VOCA)** was originally enacted in 1992 (Public Law 102-586) and is funded under the Commerce, Justice, Science and Related Agencies Appropriations Bill. Its funding supports the following child abuse professional training and technical assistance projects:

- Regional Children's Advocacy Centers Program - four Regional Children's Advocacy Centers for purposes of providing information, technical assistance, and training to assist communities in establishing facility-based multidisciplinary programs responding to child abuse, particularly CACs;



- Training and Technical Assistance for Child Abuse Professionals - improve the coordinated multidisciplinary investigation and response to child abuse;
- Training and Technical Assistance for Child Abuse Prosecutors - provide technical assistance and training to attorneys and others involved in the prosecution of child abuse cases in state or federal courts to improve the quality of prosecution of such cases;
- Child Abuse Training for Judicial and Court Personnel - provide judicial, legal, and social service professionals with training and technical assistance to meet the challenges facing juvenile and family courts.

The **Children's Justice Act (CJA)** is administered by the U.S. Department of Justice, Office of Victims of Crime (OVC) and the grants are awarded by the Administration on Children, Youth and Families, U.S. Department of Health and Human Services, as outlined in Section 107 of the Child Abuse Prevention and Treatment Act (CAPTA), as amended, by the Keeping Children and Families Safe Act of 2003. CJA provides grants to States to:

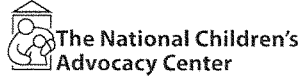
- improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim;
- improve the handling of child fatality cases in which child abuse or neglect is suspected and some cases of children with disabilities and serious health problems who also are victims of abuse and neglect.

Typical CJA activities include:

- Developing curricula and conducting training for personnel in law enforcement and child protective services, as well as health and mental health professionals, prosecutors and judges.
- Establishing or enhancing child advocacy centers and other multidisciplinary programs to serve child victims and their families in order to minimize trauma.
- Establishing and supporting local and/or State child fatality review teams, including multidisciplinary training, team development, and annual reporting.
- Supporting the enactment of laws to improve systems response, including allowing the admission of indirect testimony of children into evidence, making the courtroom setting less intimidating to children, increasing the penalties for sexual offenses against children, requiring mandatory sentencing, shortening the trial process, and permitting victims to make statements prior to sentencing.

What are primary needs of training for child abuse professionals?

Training for child abuse professionals sounds relatively simple until one begins to consider the diversity of expertise needed to effectively intervene in these cases. No one government entity has all of the skills, resources, or mandates to address child abuse, it is only when these entities combine their



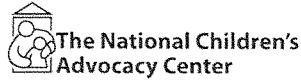
resources with each other and effective non-governmental entities that we are able to be most effective. With this diversity of professionals, there is also a diversity of training specific to each profession, and all must receive training on working as part of a multidisciplinary team. Further complicating this training challenge is the diversity of skills needed across the span of a child abuse case. This ranges from the effective interviewing of children to the implementation of evidence-based mental health services for those involved in the abuse. In summary, we are challenged to provide training to a diversity of professionals and also to provide a diversity of training within each of these professions.

Investigating and responding to child abuse is likely the most difficult type of investigation known to law enforcement. With virtually every other crime, we know a crime has been committed, and we just need to determine who committed the crime. However, in child abuse, we start almost every case one step behind – we first have to determine whether a crime has been committed, and if so, then determine who committed the crime, all the while primarily developing leads with mostly child witnesses and little evidence which is readily available.

Supporting this notion, the International Association of Chiefs of Police (IACP), (2011) conducted a training needs assessment to identify the most pressing issues and concerns facing law enforcement agencies relating to juvenile crime, delinquency and victimization. Abuse (physical, sexual and/or emotional) was indicated as the second most pressing issue, with rural agencies listing abuse as the number one pressing issue. The survey asked what their agencies would need to more effectively manage juvenile or youth-involved cases. The second most often cited need was increased number and better quality training opportunities. Over half of responding agencies reported decreases in training budgets over the preceding year. Fewer than 25% of respondents reported that their agencies provide training on juvenile/youth-involved domestic violence with an average of eight hours training.

Likewise, most health care personnel receive minimal training in traumatic stress or trauma-informed approaches. Sabin, Zatzick, Jurkovich, and Rivara (2006) and Ziegler, Greenwald, DeGuzman, and Simon (2005) found that medical personnel demonstrated difficulty in identifying traumatic stress in the course of medical care. Additionally, Dubowitz and Lane (2009) found that pediatricians who were members of the American Academy of Pediatrics, only report 75% of suspected sexual abuse and 50% of suspected neglect case to Child Protective Services. This clearly highlights the need for additional training on the importance of mandated reporting.

According to the National Council of Juvenile and Family Court Judges (NCJFCJ) Training Activities by State, training opportunities for judges, court-based professionals and others working to improve outcomes for children and families under the jurisdiction of juvenile and family courts have been relatively few compared to the increasing numbers of children seen in the courts (NCJFCJ, 2011). Although judges and other justice system personnel routinely question children and adolescents about events and circumstances in their lives, many in the justice system receive no specialized training about



how to question children non-suggestively and with developmental sensitivity (Olafson & Kenniston, 2008).

A 2012 NCAC survey of over 2,100 child maltreatment professionals from all 50 states assessed training and technical assistance needs of multidisciplinary team members (76% of respondents), CAC staff (65%), Child Protective Services workers (16%), Victim Advocates (11%), Forensic Interview Specialists (12%), Mental Health/Treatment specialists (13%), Law Enforcement (13%). Interestingly, more than 55% of these child abuse professionals have less than ten years of experience in the field. Although respondents expressed the need for more training, over 94% indicated that funding was a prohibitive issue for their agencies to obtain necessary training. Furthermore, close to 60% of respondents indicated that their agency's training budget had decreased over the previous five years with more than 60% having \$5,000 or less budgeted for this training. Unfortunately, cost, instead of professional needs, is the primary determinant of what funding is obtained. A majority of respondents reported that local or state-based training is the most likely venue for training, and this is consistent with the trends noted by the NCAC over the past few years – more training being done at the local or state level as opposed to major national conferences. More than 70% of respondents indicated conference workshops were the best venue for training, and only 33% indicated online trainings are effective training venues for the child abuse issues (The National Children's Advocacy Center, 2012).

Interestingly, almost all of the training available to professionals in this field is provided as continuing education, after these individuals have graduated from college. We are missing a prime opportunity to educate a huge number of individuals who may have contact with children in the future and need to receive additional education about this issue. Thus, concerted efforts to educate undergraduate and graduate students must be further developed and implemented. When I was in both undergraduate and graduate school, I received almost no training on child abuse, a form of institutional denial which causes one to think that child abuse is not a common issue and that it is not something that should be talked about openly. Both of these are false; but, so is the notion that developing these training programs for students is the panacea for all child abuse intervention. Too often we have sought to find the "magic bullet" for child abuse. In the 1980's Family Preservation was the rage, but it was not consistently implemented with fidelity and with the appropriate target population; and thus there were many failures. We must have highly trained, multidisciplinary teams to effectively intervene, and this requires the education of professionals in school and through continuing education.

A useful analogy is found in the medical field. I want to have a doctor who received a quality medical training, but I also want my doctor to stay abreast of emerging research and practices so that I can receive the best care available in 2012, not the standard of care from 1980. Also, it is unrealistic to think a single doctor can address every medical issue I may have. In all cases there will be other professionals involved in my case, and these services must be coordinated for me to receive the highest quality of care. Similarly, we must provide quality education for college students pursuing degrees where they will be working with children; AND, we also must provide continuing education to help develop the skills of



professionals working in the field. The child abuse field is still quite early in its development, and we continue to learn and refine our intervention strategies – reinforcing the need for ongoing professional development.

Summary:

The impacts of child abuse are causing great harm to our nation's health and economy. Consistently, the research has demonstrated that those affected by adverse childhood experiences have higher healthcare utilization, higher healthcare costs, and less earning capacity than their non-abused peers. While this field is clearly focused on the protection of children; at a macro-level, we are focused on improving our nation's health and economy. The child abuse field is less than forty years old, so it is clearly a field which continues to develop and this is seen in the training and technical assistance of professionals working in the numerous professions involved in responding to child abuse. We now have a solid base of research and practice to support our nation's response to child abuse, and the critical need is to help educate the professionals over the course of their careers as we will make additional improvements over time. This must start with an increased attention and education of basic child abuse issues during college, especially focusing on the reporting and dynamics of child abuse. This basal education must be enhanced over time through continuing education which must continue across the professional lifespan. There are numerous current federal funding supports focused on training professionals working in disciplines which respond to child abuse, but the current funding levels dramatically limit the actual amount of training delivered when compared to the need throughout the United States as described previously. All citizens must become more aware, informed, and engaged; and, we must fully develop the training continuum for those professionals who will be responding to protect the children of our nation.

Recommendations:

- Increase current federal funding for the training and technical assistance of child abuse professionals and systems available through current federal grants, cooperative agreements, and other funding initiatives;
- Require funded programs to demonstrate the utilization of evidence-based practices for responding to child abuse;
- Support the funding of programs to increase the education of all professionals working with children to increase the awareness of child abuse and the willingness of professionals to report suspected child abuse, especially focusing on institutions of higher education;
- Coordinate training and technical assistance efforts across the various federal agencies to ensure maximum benefit and coordination. This should include Departments of Justice, Health and Human Services, and Education at a minimum.

**Biographical Information for Witness**

Chris Newlin, MS LPC is the Executive Director of the National Children's Advocacy Center (NCAC) where he is responsible for providing leadership and oversight of evidence-based interventions for children, and participating in national and international training and leadership activities regarding the protection of children. The NCAC was the first Child Advocacy Center in the United States, and continues to provide both prevention and intervention services for child abuse in Huntsville/Madison County, and also houses the NCAC National Training Center, the Southern Regional CAC, and the Child Abuse Library Online (CALiO). In these capacities, Chris oversees a staff of 48 professionals and a yearly budget of 5 million dollars. Chris has presented extensively on numerous child abuse topics nationally and internationally and has worked in both urban and rural Children's Advocacy Centers; and currently serves on the National Children's Alliance Board of Directors, and Alabama Network of Children's Advocacy Centers Board of Directors; and is a member of the International Society for the Prevention of Child Abuse and Neglect, the American Professional Society on the Abuse of Children, and the Association for the Treatment of Sexual Abusers. Chris graduated from Hendrix College, the University of Central Arkansas, and the Harvard Business School Executive Education Program.

Congressional Testimony
Senate Judiciary Subcommittee on Administrative Oversight and the Courts
Stephanie M. Smith
Regional Director, National Child Protection Training Center
May 23, 2012

In 1998, I finished law school and left a lucrative career to work in a prosecutor's office for ¼ of the annual salary I received in my previous job. I have no clear explanation for this decision except that I wanted to work for just and fair treatment of children and somehow this job was going to lead me to that place. Two years ago, my last week on the job as a deputy prosecutor was spent trying a case of child sexual abuse. At the conclusion, the victim said, "Thank you. You are the only person who has ever fought for me." It was the perfect way to leave my front line career as I moved into training others on what I had learned from my experiences.

I would like to take the credit for that "Thank you" but I can't because I am no one special. In the world of child protection professionals, I am one more person who wants just and fair treatment of children; who wants a better life and the opportunity to achieve their potential for all of our children. What made me different from the previous prosecutors who had ignored that victim's cry for help was that I had been given the tools I needed to fight. When I was put in the position of handling child abuse cases, my boss knew I didn't have the necessary background. She knew that law school had not prepared me to present the testimony of a child witness in court or how to protect that child from aggressive defense attorneys. She knew that neither law school nor my previous case load had equipped me to help investigators understand how important corroboration of even minute details would be in child victim cases. She knew that no one had ever helped me understand the dynamics of a family in crisis or a community that would support a child abuser over the abused child.

So she mentored me. She did everything she could to find training opportunities and the funds to send me to take advantage of those trainings. And she often covered my cases herself so that I could leave the office to fly 1,000 miles, sometimes more, to get that training. So while I am no one special, my circumstances were very special. It is unfortunately all too common that many of those who supervise child protection professionals either don't understand the importance of the specialized training necessary or lack the funds to pay the associated costs. There are thousands of prosecutors, detectives, social workers, forensic interviewers, victim advocates and even judicial officers who work each day with one hand tied behind their backs for lack of knowledge or for lack of a place to go for information. These professionals need to be encouraged in several ways.

First, they must know that they are not alone. Providing ongoing, easily accessible and affordable training will increase the skills of these professionals. They must have opportunities to work and train with others to expand and improve their skills and to share experiences and techniques. So often being able to network with other professionals can assist in providing ideas

for better corroboration of current or future cases. Sharing the experiences of others who have “been where” you’ve been may be the difference between burning out or being renewed and reenergized.

Second, they must know that their efforts will extend beyond their working life. Anyone who has worked in a child protection role, has seen innumerable colleagues come and go. Some of these people left because they lacked the necessary training coming into the job and weren’t able to access what they needed to become proficient. Some of these people over time had become extremely good at their jobs but simply wore out, becoming discouraged by the seemingly never-ending stream of victims. Both of these categories of individuals will benefit from the expansion of the Child Advocacy Studies Curriculum (CAST). Prospective child protection professionals attending schools with CAST courses will be given the tools they need to become proficient very early in their careers. Those currently in the field will have the opportunity to utilize some of these courses themselves. More importantly, those currently in the field will recognize the commitment of the institutions to improving training and education for the future front-line. They will be encouraged by the young people taking these courses with an eye toward following the current front liners in the fight to end child abuse. Many of these men and women will “retire” and reenter the work force as adjunct faculty at a CAST college or university. In this way, the future front line learns directly from those who’ve already been in the trenches. **Third, they must have the opportunity to access training closer to home including more intensive and frequent opportunities for those with already have heavy case loads.** The currently existing national conferences provide excellent opportunities for training on a wide array of relevant topics. The downside is that these conferences are limited to a one time per year presentation and can be expensive for medium to small jurisdictions. These trainings require the majority of attendees to travel long distances, stay several nights in hotels and pay a conference fee of several hundred dollars or more. Small jurisdictions are stretched not only financially but many simply lack the manpower to adequately cover their daily workload if officers/investigators/social workers are gone for a week. Regionally based trainings can be smaller in scope and held several times per year with lesser travel costs.

Another advantage of smaller, regional trainings is the greater frequency for fewer attendees at a time. It is difficult for the front line folks to access these national trainers at conferences with hundreds or thousands of attendees beyond what they are able to glean within the ninety-minute presentation itself. Smaller regional trainings allow for smaller attendees per training. Trainers can be available to answer questions or review specific problems of virtually all those attending the training.

Fourth, front line professionals must have a resource for staying abreast of current issues. There are some jurisdictions who may not be able to attend any trainings for financial or manpower reasons. Even those who are able to access regional trainings won’t attend every course offered or may have to deal with an issue not covered in a recently attended course. The ability to access information via webinars or publications can greatly enhance the knowledge and

confidence level of front line workers. Newsletters from the National District Attorney's Association, the National Child Protection Training Center and its prevention program, the Jacob Wetterling Resource Center are excellent sources of ideas and suggestions encompassing all areas of importance for all front line professionals. Continuation and expansion of these types of resources, along with technical assistance by phone or email, place help within the reach of all regardless of jurisdiction size, manpower concerns or financial constraints.

Fifth, research is needed in critical areas, particularly as it relates to the most current issues and trends in the investigation, litigation and prosecution of cases of child maltreatment; prevention efforts which encompass the use of new technology may also be enhanced by research. Future research efforts should include front line child protection professionals in determining the direction of studies to include how our children and those who prey on them are utilizing the ever changing and ever broadening technology landscape. Discourse between scientists and those on the front line will encourage greater applicability of research studies by those in the field, in the courtroom and by those individuals fashioning prevention programs for their communities.

Sixth, let's engage our communities as a whole in the protection of children. Understanding of child maltreatment, its causes and its costs, must be spread throughout all realms of society. Training for mandated reporters must be extended beyond a class period or a few hours for undergraduates studying in a mandated reporter major or minor. Graduate schools should include such training for future doctors, physician assistants, dentists, dental hygienists, seminarians and lawyers. School districts should mandate several hours at the start of each school year for all teachers and administration to receive training and updates. Churches, youth groups, community sports programs and facilities which care for children after school should be involved in annual training. Government alone, no matter how intensive its efforts, will not single-handedly be able to end child abuse. Prevention from the local community up will yield far greater successes if the infrastructure is in place to encourage these local efforts.

Seventh, those committed to ending child abuse must set a cohesive plan for the present and the future. To assure our communities, our front line workers, our future professionals and our children that we are serious about coming together to end child abuse, we must plan, fund and implement a cohesive program to achieve that goal. Universities and colleges teaching practical, real life scenarios, in laboratory settings whenever possible, is the best way to have the future professional ready to hit the ground running. Smaller, more frequent regionally based trainings allow the trainers to interact more closely with the front line and assess directly what their needs of the front line are at a given point in time. This more "hands on" approach allows trainers to identify strengths and weaknesses to be addressed through future training or, in more urgent situations, through publication of an article or webinar directed toward an area of concern. The coordination of these regional centers in reviewing their own programs and discussing the CAST curricula with colleges and universities in their regions will build a "national team" that thinks globally but acts locally. Such a unified approach ensures that we are equipped to fight

for every child every day. Those who work so tirelessly for children should often hear the words
“Thank you for fighting for me.” Until the day that we need fight no more.

QUESTIONS FROM SENATOR CHARLES E. GRASSLEY

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 Melodee Hanes:

1. In your prepared testimony, you stated that despite OJJDP's efforts to publicize evidence based prevention programs, many juvenile justice professionals continue to use ineffective approaches to the problem. What are some of the most commonly used prevention techniques that we can say for certain are a waste of time and money and what are more effective alternatives?
2. In your testimony, you mentioned that the Department administers the Internet Crimes Against Children Task Force. This task force has helped law enforcement and prosecutorial agencies across the country respond to allegations of child sex abuse. I'd like to know what, if anything, is being done to extend this training to other professionals. Do you have suggestions on how we can improve efforts in this area?
3. Can you please explain in detail what type of cooperation is currently taking place between your office, the Department of Justice and the Department of Health and Human Services when it comes to training child protection professionals? Can you provide details about any interagency meetings, groups, or initiatives that discuss ways to improve child abuse prevention and intervention efforts?

For all witnesses on the 2nd panel:

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?
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?

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?
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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 Michael Johnson:

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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 Chris Newlin:

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?
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?

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 Stephanie Smith:

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?
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?

QUESTIONS AND ANSWERS

Questions for the Record
 Melodee Hanes
 Principal Deputy Administrator¹
 Office of Juvenile Justice and Delinquency Prevention
 Office of Justice Programs
 U.S. Department of Justice

Committee on the Judiciary
 United States Senate

“Protecting Our Children – The Importance of Training Child Protection Professionals”
 May 23, 2012

Questions Posed by Senator Grassley

1. In your prepared testimony, you stated that despite OJJDP’s efforts to publicize evidence based prevention programs, many juvenile justice professionals continue to use ineffective approaches to the problem. What are some of the most commonly used prevention techniques that we can say for certain are a waste of time and money and what are more effective alternatives?

As I stated in my testimony, we are working to educate practitioners on the value of evidence-based programs. Replicating programs that have been shown to work and that fit a community’s needs has the potential to save time and resources as compared to implementing untested programs that may or may not address the same problems as effectively. With over 200 programs in both our Model Programs Guide database and the CrimeSolutions.gov website, we have made significant progress in promoting the value of evidence-based programs to the field.

Even so, there are those who continue to rely on programs that simply do not work. Examples of this include the “Scared Straight” type program and similar deterrence programs. Research has shown these types of programs to be ineffective and harmful to children. A study by the Vanderbilt Institute of Public Policy found that students in these types of program were more likely to recidivate than those in the control group.² Similarly, Project D.A.R.E (Drug Abuse Resistance Education), a popular program widely used in many public schools, is also considered ineffective. In 1998, the University of Maryland issued a report funded by the National Institute of Justice at the Office of Justice Programs (OJP), which concluded that “D.A.R.E. does not work to reduce substance use”³ although CrimeSolutions.gov has rated the new D.A.R.E. Plus program as “promising.”

¹ Prior to March 2013, Ms. Hanes served as the Acting Administrator of OJJDP.

² Lipsey, M.W. 1992. Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects. In *Meta-Analysis for Explanation: A Casebook*, edited by T.D. Cook, H. Cooper, D.S. Cordray, H. Hartmann, L.V. Hedges, R.J. Light, T.A. Louis, and F. Mosteller. New York: Russell Sage Foundation.

³ Sherman, Lawrence, W., Gottfredson, Denise, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway - *Preventing Crime: What Works, What Doesn't, What's Promising*. Report for the National Institute of Justice. Chapter 5. School-based Crime Prevention 1998

We want to address why certain programs that may be considered ineffective continue to receive DOJ funding. OJJDP can prohibit the use of discretionary grant funds for specific programs, however, the OJJDP Administrator has no authority to do so for statutory formula programs (such as Title II, Part B, and Juvenile Accountability Block Grants), which may fund ineffective programs. Formula grants are noncompetitive awards to states based on a predetermined formula. The distribution of formula grants is often governed by statute; so long as a state has met the conditions established by law, it has a legal right to the formula funds. OJJDP cannot restrict the use of formula funds for a specific program if they are in compliance with established statutory requirements.

On the other hand, the Children's Advocacy Center (CAC) Program, funded under the Victims of Child Abuse Act (VOCA) is considered to be an effective multidisciplinary model. Independent research indicates that CACs are an effective evidence-based model, in that they serve to: increase prosecutions of child abuse, shorten the length of time to disposition, increase access to mental health and medical services for victims, and improve the satisfaction on rates of non-offending caregivers and abused children when compared with communities that do not have CACs.

2. In your testimony, you mentioned that the Department administers the Internet Crimes Against Children Task Force. This task force has helped law enforcement and prosecutorial agencies across the country respond to allegations of child sex abuse. I'd like to know what, if anything, is being done to extend this training to other professionals. Do you have suggestions on how we can improve efforts in this area?

OJJDP currently funds a number of organizations which provide training and technical assistance to the task force and its affiliate agencies including Fox Valley Technical College (FVTC), the National White Collar Crime Center, SEARCH, the National Forensic Science Technology Center, the Innocent Justice Foundation, and the Girls Educational and Mentoring Services.

Although much of the training and technical assistance is geared towards law enforcement and prosecutors, some of the material is used by probation and parole staff. In addition, there is training and technical assistance that specifically focuses on awareness, exposure and education efforts. This training is open to civilian employees including forensic analysts, aides, assistants, and interns, judges, court personnel, probation/parole personnel, Child Protective Services professionals, Victim Witness Advocates, social workers, mental health professionals, nurses, doctors, other medical personnel and internet service provider employees.

In an effort to reach a broader audience and increase access, we support webinars and distance learning for both Internet Crimes Against Children (ICAC) Task Force members and non-members. Webinars are an important low cost resource addressing relevant ICAC related issues in real-time. The online education tool increases learning, decreases costs, and extends the reach and longevity of content. In addition to improving learning outcomes, distance learning programs have helped federal programs reduce travel, hotel and administrative costs, expand training to underserved populations who cannot participate in face-to-face programs and extend the longevity of educational content.

We also provide speakers for child exploitation conferences conducted by other OJJDP-approved organizations such as the annual National Law Enforcement Training on Child Exploitation training. This training event is offered to more than two thousand law enforcement investigators, forensic examiners, prosecutors, probation and parole officers and tribal partners, and both ICAC Task Force members and non-members. Social service workers are now also permitted to participate in this event.

The Department is working with ICAC Task Force agencies to increase access to, and encourage participation in, training for other child protection professionals offered through the ICAC Program by increasing outreach efforts, expanding training opportunities, developing additional resources, and increasing conference attendance.

3. Can you please explain in detail what type of cooperation is currently taking place between your office, the Department of Justice and the Department of Health and Human Services when it comes to training child protection professionals? Can you provide details about any interagency meetings, groups, or initiatives that discuss ways to improve child abuse prevention and intervention efforts?

DOJ and HHS Collaboration on Training Child Protection Professionals

The National Children's Alliance (NCA) (funded by OJJDP) partnered with the National Child Traumatic Stress Network (NCTSN) (funded by Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA)) on a number of activities. The NCA serves on NCTSN's Advisory Board and participated in the Child Sexual Abuse Workgroup, which produced a series of fact sheets about child sexual abuse. The NCA also partnered with NCTSN grantees to bring evidence-supported mental health treatment to CACs. The agencies worked together to co-author the CAC Director's Guide to Mental Health Services and NCTSN is providing a training track at the NCA conference to improve mental health services in CAC.

The Office of Justice Programs' Office for Victims of Crime (OVC) partnered with the Administration for Children and Families and the American Psychological Association to adapt a training curriculum on evidence-based treatments for children exposed to violence. The goal is to tailor the original curriculum, designed for mental health professionals, into a training targeted to the child protective services field. The curriculum will provide knowledge and skills that will enable the child welfare workforce to advocate for effective evidence-based treatments for children who are impacted by abuse and neglect. The final product will be available to child welfare programs and allied professionals nationwide.

Also, OVC has partnered with key federal agencies to develop a new public awareness resource, a video series on child victimization and exposure to violence. To date, Phase I of the project has been completed and includes four six-minute videos. These videos include the following: Through Our Eyes: Children, Violence, and Trauma (public awareness video); Children, Violence and Trauma: Treatments That Work; Children, Violence and Trauma: The Child Advocacy Center Model; and Children, Violence and Trauma: Community-Based Approaches. Members of the Federal Interagency Workgroup on Child Abuse and Neglect (FEDIAWG),

chaired by HHS' Children's Bureau, played a key role in reviewing the draft materials. The federal partners, including the FEDIAWG, will be involved in Phase II of this project—the development of four additional videos.

Interagency Meetings and Initiatives

The Department has a long history of close collaboration with HHS. Since 1996, HHS' Office on Child Abuse and Neglect within ACF has continued to lead and coordinate the FEDIAWG. Over 40 federal agencies are represented, including representatives from OJP.

The overall goals of the FEDIAWG are to provide a forum through which staff from relevant federal agencies can communicate and exchange ideas and information about child maltreatment related programs and activities, and to provide a basis for collective action through which funding and resources can be maximized.

HHS, OJJDP, and the Office on Violence Against Women meet quarterly to discuss ways to better coordinate Children's Exposure to Violence (CEV) initiatives across federal agencies. The current collaboration includes participation by Defending Childhood sites and HHS grantees in webinars on CEV.

The Department has also worked with other federal agencies to improve child abuse prevention and intervention efforts.

The Justice Issues Work Group, led by OJJDP, has moved swiftly with the American Bar Association Center on Children and the Law, the National Council of Juvenile and Family Court Judges, the Interagency Coordinating Committee on Fetal Alcohol Spectrum Disorders (ICCFASD), and other partners to raise awareness about Fetal Alcohol Spectrum Disorders (FASD) among legal and judicial professionals and to begin developing strategies that more effectively meet the needs of FASD-affected individuals.

OJJDP has been a member of the National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism sponsored ICCFASD since the late 1990s and leads the Justice Issues Work Group, one component of the ICCFASD. Created in 1996, ICCFASD seeks to improve communication and collaboration among agencies to address pressing issues related to FASD, including health, education, developmental disability, research, justice, and social services.

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.neptc.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 *HAMLIN 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).

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 Michael Johnson:

1. **I'm interested in your thoughts about teacher reporting laws. In your opinion, how effective are teacher reporting laws?**

Not very. One of many problems is the variance in definition, mandated reporters, requires training etc. from state to state. By far the biggest complaint of teachers is the length of time it takes to actually report when calling the hotline. Teachers complain about lack of knowledge or follow-up, or what happened with the report, was there an investigation etc. the assumption is state CPS is either investigating or providing services, which may be true, however, the teacher sees the same student, exhibiting or complaining of the same behavior or circumstance.. This creates a dynamic of mistrust between agencies. Higher functioning CAC's and MDT's (should) have addressed this by inclusion in MDT staffing when appropriate.

(See Shakeshaft research for incidence attached).

What additional training may be necessary to provide to teachers to ensure that they report suspected child abuse to the proper authorities?

Honorable Senator Grassley:

All persons should be mandated reporters of Child Abuse. NO exceptions including the common special or privileged relationship

Clergy Penitent

Attorney Client

Doctor Patient

Or other variations state or federal legislators can think of.

Please broaden this discussion to include all youth-serving organizations, children's interests are not served by siloeing or concentrating efforts in one area (e.g., schools) and not others, e.g., youth-serving organizations, youth ministries; camping, mentoring, STEM, or leadership programs, etc. Thus my response is for them all and will thus apply to schools. There is a huge disconnect between what 'real' experts know about abuse, abuse dynamics and offender behavior and lay professionals such as teachers. In real life, child molesters are scary to the lay person and lay professional. These offenders are parents, idealized in the community, charismatic, a "groomer," the reporter has normal reticence to report due to fear of administration, media, impact on the person work or organization, simple ignorance of the observed symptoms or risk, lack of knowledge of

offender behavior, fear of impact on the reporter or fear of involvement of the criminal/civil justice system.

A classic small town refrain, “when you report someone in the am, everyone in town will know in the pm.”

Teachers like doctors (pediatricians) fear a reputation for reporting abuse will adversely impact their career.

Much of the current training is advocate-/survivor-based and primarily in the area of sexual abuse. While many do a good job, real experts know there are numerous challenges facing youth today, and these challenges are here and continuously emerging. The training should be broader yet more detailed, and layered over years as more techniques by offenders are identified, specifically:

- Offender behavior
 - Prevalence and incidence
- Grooming, of child, parents, community organizations
- Compliancy of victims
- Situational predation (not Kenneth Lanning, but Dr. David Finkelhor)
- All forms of physical abuse and neglect with visuals
- ACE research and impact on youth
- Youth-on-youth problematic, sexual, and criminal behaviors
- Outcry and disclosure processes
- How to receive a disclosure
- Reporting procedures

Dr Charol Shakeshaft is a colleague. I am impressed with her work in the area of schools (see attached). I do not know how she is received by school districts and administrations. We met while in the planning stages for Boy Scouts of America National Youth Protection Symposium 2012 in Atlanta Ga., (see attached) the first and still only of its kind geared directly to YSOs, for the purpose of bringing REAL experts into these topical discussion areas with youth serving organizations..

Sir, in my personal opinion, the Sandusky’s of the world will always prey not only on our youth, but our communities, until and unless specialists who know predation are brought in to intervene. Providing lay professionals, teachers, and other YSO with more recognition tools on perpetrator behavior – from the perp’s perspective not victim’s – is a must. However they are no match for the high functioning criminal sexual deviant.

Reporting Laws

Original mandatory reporter laws carried a criminal and penal sanction. Some still do. Ever wonder why the original mandated reporter of child abuse: law enforcement, school personnel, and hospital professionals – the very experts in recognition- needed a criminal or civil sanction for not reporting? My point is there is more at stake here than a simple, Report Abuse.

An examination of the real issues surrounding (lack of)reporting presented by someone who KNOWS the issue of abuse, will bridge the schism.


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?**

Sir, I founded one of the highest functioning CAC's in the nation and set in place the policies, procedure, culture of multidisciplinary and collaboration as well as have traveled and trained at over 250 MDT/CAC communities including Indian Country. With budget cuts at all levels I fear an oversimplification or embellishment of success. CAC's and MDT's make a huge difference in coordination and response however, they are not evolving to meet needs nor are they progressing in the field as they should. Most CAC's are struggling to pay top heavy staff and compromising the service to abused kids and families. As Victor Vieth and I presented, there is STILL a fundamental failure on ALL levels to adequately train the child abuse interveners or child protection workers in the many areas they will be investigating. When I was presenting at national conferences (before employment at BSA), I often asked LE officers to raise their hands if they were adequately trained to investigate the very cases they would be assigned prior to assignment to an MDT/CAC 99 out of 100 would raise their hand. In today's time this is failure. The reality is that if their agency has funding to send them to training, they will get bits and pieces of information over the years. Few having access to the training needed. Keep in mind many work three-five years in CA investigation before rotating out, by burning out, retirement, reassignment or promotion. The next LEO comes in to start the process over.

It takes three weeks of eight-hour training days to adequately train an investigator in all areas he/she may have to investigate the typical forms of child maltreatment an investigator may face.

While we have awesome national conferences, they do not train one in the skills needed to investigate child abuse.
We presented the answer...

I WILL NOT
I WILL NOT
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I WILL NOT
I WILL
I WILL NOT



Know the warning signs of educator sexual misconduct

Educators can prevent much of the sexual misconduct in schools if they know how to recognize and respond to suspicious patterns and if administrators enforce an environment of high expectations for behavior.

By Carol Shakeshaft

You've seen the headlines and watched stories unfold on TV. A local educator is arrested and charged with sexual contact with a student. Sometimes, the educator is a man; sometimes, a woman. The person charged might be a teacher, an aide, a principal, a coach, the band director, or any other adult in the school.

According to the most recent data from a nationwide survey of 8th- to 11th-grade

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students asking about incidents of unwanted sexual attention at school, nearly 7%, or about 3.5 million students, report having physical sexual contact from an adult, most commonly a teacher or coach, in their school (Shakeshaft, 2004). These students describe unwanted touching on breasts, buttocks, and genitals; forced kissing and hugging; oral/genital contact; and vaginal and anal intercourse.

Reports of educator misconduct that doesn't include touching a student, but rather sharing pornography, sexual talk, sexual exhibitionism, or masturbation raised the proportion to about 10%, or nearly 4.5 million students (Shakeshaft, 2004).

I coined the phrase educator sexual misconduct at least a decade ago because it brackets a range of inappropriate to criminal sexual behaviors and includes verbal, visual, and physical misconduct. Some of this behavior is criminal, some not. But all of the behaviors are unacceptable when directed by an adult, especially by a school-based authority figure, toward a student.

While predators are the adults who abuse, adult bystanders also contribute to an unsafe environment. When I talk with teachers in schools where an abuser has been arrested, I hear admissions that they had suspected something but, because they were not completely sure, did not want to say anything. A common explanation for not reporting questionable behavior is, "If I reported and I was wrong, I would have ruined the life of another teacher." I have never heard a colleague say, "If I didn't report and this person had abused, I'd have ruined the life of a student."

The number of students abused is high, especially where prevention is spotty or absent. Most educators, parents, and students don't know the warning signs and patterns of educator abusers. If they did, they'd be more likely to report and therefore prevent harm to children.

It is ironic, if not indeed tragic, that most programs to stop sexual abuse are directed toward children, asking them to do what adults will not — report. While children must learn risky situation identification, refusal, and disclosure skills, adults — not children — are responsible for ensuring that schools are safe places for all students.



Patterns of sexual misconduct

While there are no screening tools to help determine who is an active or potential sexual predator, school leaders can learn to read the warning signs and patterns that identify risk and boundary behavior. The descriptions that follow are archetypes summa-

rized from scores of court cases and from the empirical literature. I offer generalizations because they're grounded in the reality of school-based sexual abuse and, to that extent, may help caring educators understand and act on this circumstance.

I've identified two predominant types of predators in schools. The first is the *fixated abuser* who is most often found in elementary schools and the early middle school grades. This person is more likely to be male than female and is likely to be judged a good teacher by parents, students, other teachers, and administrators. Fixated abusers have a disproportionate number of teaching awards. This should not be interpreted as meaning that outstanding and awarded teachers are child sexual abusers, but rather that most fixated abusers in elementary school are considered to be excellent teachers by the school community.

While predators are the adults who abuse, adult bystanders also contribute to an unsafe environment.

A typical pattern in an elementary school is an outstanding male teacher who identifies a male student as a possible victim. The predator talks with the boy, has him stay after school for extra help, and gives him small gifts. If the child doesn't resist, then the teacher contacts the parent, often the mother in a single-parent home, and tells her that her son has a lot of promise, but needs some extra help. The teacher is soon at the child's home, working with the child. The mother might feel a sense of relief, knowing that a respected teacher has reached out to help her son. She's often grateful for the presence of a positive male role model. The teacher has now secured the trust of the mother. He already had trust at school because of his reputation as a good teacher and a helpful and caring colleague. This predator begins to take the male student to special places — ball games, fishing, camping — that give him private access to the child. The teacher shows the child affection, tells him how much he cares, and escalates touching. When the teacher predator sexually abuses the student, he does so in an environment in which he feels safe. He is respected at school, the family knows him and trusts him, and the child is available to him.

A different pattern at the elementary level is for a male teacher to choose a female student as a

Deepen your understanding of this article with questions and activities in this month's Kappan Professional Development Discussion Guide by Lois Brown Easton. Download the guide at kappanmagazine.org.

class monitor or class helper. For example, a music teacher might select one of the outstanding musicians and tell her she's more capable than others in the class. He compliments her maturity and has her stay after school. Soon, the female student and the teacher are well known to each other. The teacher continues to flatter and charm, and the girl feels special. Soon, the teacher touches the girl and, over time, increases the sexual nature of the touch. By this time, the child trusts and cares for the teacher, and the teacher exploits that trust and sexually victimizes the student.

Anna Salter, an internationally known expert on sexual predators, recently reminded us that fixated abusers work hard to be likeable. Popularity and likability are often confused with trustworthiness. When a fixated abuser is accused, victims protect them, parents refuse to believe the accusations, authorities discount the reports, communities support the predator, and juries acquit (Salter, 2012).

Most programs to stop sexual abuse are directed toward children, asking them to do what adults will not – report.

School faculty and staff often rally around a teacher accused of sexual misconduct while shunning and shaming the victim. Even when the accused admits the crime, colleagues have been charmed and groomed to such a degree that some conclude the predator confessed to spare family and friends the embarrassment of a public trial.

While fixated abusers are difficult to detect because they get parents, children, and other educators to trust them, they can be stopped if administrators and other teachers understand the patterns and are willing to act. In most cases, reporting suspicions to a child protection agency and/or the police will lead to an investigation that will explore the possibility of abuse. While not all investigations accurately identify abusers, many do. Moreover, a complaint and investigation record alerts school personnel to keep an eye on the alleged predator and to make connections with future allegations.

But fixated abusers are not the majority of those who sexually victimize students. Only about one-third of offenders who abuse children under 13 are fixated abusers. The remainder who target the other two-thirds of children under 13 and most students older than 13 are *opportunistic abusers*. These are

adults who take sexual advantage of a situation, but who aren't exclusively attracted to children or teenagers. These adults tend to be emotionally arrested and operate at a teenage level. They are adults who have boundary and judgment problems and aren't difficult to identify once their patterns are familiar to others in the school.

A typical example is the case of a 6th-grade girl whose friend reported the abuse, ultimately leading to the teacher's arrest. Other teachers wore arm-bands in support of their colleague and collected money from students and parents to support his legal defense, including collecting money in the female victim's classroom, in front of her. Other teachers called her a "slut" and accused her of "trying to ruin the career of a good man." The accused teacher confessed to sexually abusing the student. The female victim left the school because she was harassed daily by adults and students. Although the teacher was arrested and lost his teaching license, the treatment of the victim by other adults in the school caused additional damage.

Although students report that instances of educator sexual misconduct by adult males are 4.5 times more likely than instances of abuse by females, 40% of the reported misconduct was from a female working in the schools (Shakeshaft, 2004). Females frequently attribute their misconduct to romantic love for a male student, playing out a redo of their own adolescent fantasies. For instance, a female teacher with a weak self-image might be attracted to a male student in her class and feel excited when she talks with him. She starts to think that pursuing him is acceptable because he's a teenager. She flatters him and makes herself sexually available. The male student might be anxious and repelled or pleased by such attention. Either way, social and cultural norms have taught the young man that he is supposed to feel honored and engage in a sexual relationship. And so, he acquiesces to the female teacher. A similar pattern is a male teacher who finds a female student attractive. He courts her, flirts with her, and romances her. The female student is thrilled that a teacher thinks she's smart, mature, and attractive. She thinks they're dating and in love.

The opportunistic abusers tend to spend a lot of time around groups of students, talking with them, going to the same places they go, and trying to blend in. They are the teachers who want to be seen as hip or cool and who want the students to think they are part of the student peer group. They are adults who comment on the attractiveness of the students, talking about a student as hot or sexy. Their conversations about students are often inappropriately personal. They also know a great deal about the personal lives of individual students, more than would

be available to an adult whose interactions were academic or appropriately friendly.



Environment in which abuse occurs

According to David Finkelhor, director of the Crimes against Children Research Center at the University of New Hampshire, four preconditions facilitate educator sexual misconduct.

- The adult must be motivated to sexually abuse a child. This motivation might be the sexual arousal of a fixated abuser or the happenstance that prompts an opportunistic abuser.
- The adult must overcome both internal and external inhibitions against abuse.
- The adult must have an opportunity to engage in sexual activity.
- The adult must overcome the child's resistance.

Motivation to sexually abuse. No screening devices will identify a fixated abuser nor is there a treatment that will change the sexual desire of a fixated abuser. But schools can create an environment that discourages child sexual abusers. This is true for both fixated and opportunistic offenders. Close supervision, a series of policies and regulations that reduce risk, and the commitment of all staff in a school to protect children — proactively and especially through reporting — can make it difficult for a fixated abuser to groom and abuse children. The same is true for the opportunistic offender, who takes advantage of situations that are generally prevented or proscribed in well-run, closely supervised schools.

Internal inhibitors. Predators don't want to be caught. Fear of arrest and prison can derail the motivation to abuse. Policies and procedures that make it clear that child sexual abuse is a criminal act and that educator sexual misconduct can lead both to termination of a teaching career and prison time go a long way to prevent abuse. Making consequences clear and operating with zero tolerance for educator sexual misconduct impedes abuse. Predators rationalize their actions by using thinking errors such as "She wanted me to do those things to her." "I'm helping him to grow up." "She flirted with me." "He knew what he was doing." "He liked it." "She wanted it." It is possible to provide training that clarifies the criminal consequences of such rationalizations. The climate established by that effective professional learning then provides an additional defense against abuse.

External inhibitors. Good policies and procedures, annual training, clarity about boundaries, parent awareness, and staff vigilance — these all work to minimize abuse. Knowing that other teachers and personnel will report inappropriate or questionable behavior also can inhibit an adult from inappropriate behavior with students. Unfortunately, only 11% of teachers say they would report abuse of a student by a fellow teacher (Shakeshaft, 2004). Students who don't report are often embarrassed, ashamed, and/or afraid they will be blamed. They also believe that school officials will do nothing to help them. Some want the abuse to stop, but don't want the abuser to get in trouble.

Child resistance. Children should learn how to refuse inappropriate behavior and how to report such activity. However, even the best training is no match for a determined predator, and strengthening student skills is not a substitute for adult responsibility.



Creating a safe environment

Keith Kaufman, professor of psychology at Portland State University, advocates a situational prevention approach to preventing sexual abuse by trusted others (2012). With this process approach, schools and districts assess their environments for safety risks and can make necessary improvements.

Careful hiring. While background checks are required in most states, they rarely flag a sexual predator applying for a professional position because these people are not likely to have a criminal record. Therefore, it is important to complete careful reference checks asking direct questions about allegations of sexual misconduct. Applicants moving from one district to another should be given careful scrutiny and reference checks should extend beyond the references listed.

Strong policies. Districts should have clear policies and procedures that systematically and explicitly detail the following:

- What constitutes educator sexual abuse?
- What are acceptable and unacceptable behaviors by educators?
- What are the mechanisms for legally required reporting?
- How can students, teachers, administrators, and parents prevent educator sexual abuse?
- When and how does the school's or district's

system for detecting abuse automatically trigger an investigation and ensure an impartial investigation?

- What are the legal consequences for a violation?

Stakeholders need policies that define verbal, visual, and physical sexual misconduct and make it clear that the district is committed to eliminating sexual exploitation of students by adults.

Policies should provide guidance in identifying and reporting behaviors that might indicate sexual exploitation and make it clear that the entire school family is responsible for identification and reporting. Policies should not only provide direction for reporting concerns to school district officials, but also be clear about requirements for investigating and reporting to local law enforcement and to state education officials who certify and license educators.

Making consequences clear and operating with zero tolerance for educator sexual abuse can impede abuse.

School and district policies should be published in staff, student, and parent handbooks, and the materials need to deal directly and explicitly with educator or staff sexual misconduct. Broad statements about nondiscrimination or child abuse are insufficient to ensure that staff, parents, and students understand what constitutes educator sexual misconduct and the procedures necessary to prevent or report adult sexual exploitation of students in schools.

Policies should stress that any report, rumor, or suspicion of sexual misconduct must be reported to the responsible authorities. Policies should stress that reporting suspected misconduct is both a professional responsibility and the law. Individuals who report suspected abuse are not responsible for determining the validity of the suspicion — that's the role of the subsequent investigation by police or child service workers.

School districts should identify a central source — an office or a person with a specific title — that is responsible for receiving all reports of educator sexual misconduct. This helps avoid situations in which reports are overlooked or patterns unidentified. Directing all complaints to a single source helps ensure that all allegations are investigated and that histories of complaints are compiled.

Finally, policies must stress that even acts of sexual misconduct that do not break the law will not be tolerated and can lead to termination of employment.

Environmental monitoring. Creating a safe environment means changing the school culture and enlisting everyone in assessing risk. Identify areas of potential risks. Classroom doors should have glass windows, and they should never be covered. Locked classrooms, storerooms, and teacher offices are all places where sexual misconduct occurs, often before or after school. They need to be secured. A staff person should be assigned to check classrooms at the end of each school day to ensure that they're empty and that students have left the building unless they are in approved activities. Any before- or after-school tutoring should occur in a public and supervised location.

Environmental monitoring also relates to employee behaviors. Are there staff who consistently cross boundaries, sexual or not? Or who are emotionally needy or who spend most of their free time with students? Do some school personnel hang out with middle or high school students regularly? Do employees know and follow the prohibition against being alone with a child or taking a child in a car?

Safe schools are places where administrators and teachers know what is happening in the next classroom, down the hall, and before and after school.

Training and education. Even the best policies won't work unless staff, students, and parents understand the expectations of the district. Training needs to be done with all staff — professional and nonprofessional workers — as well as with students and parents, and the training must be repeated annually. Annual training ensures that new students and new teachers are aware of the policies and reminds veteran staff of their responsibilities. A one-time workshop will not prevent sexual misconduct. Prevention requires a combination of annual workshops for staff, students, and parents that focus specifically on sexual exploitation of students, written materials in policy books and manuals, posters and flyers that remind students and staff about appropriate conduct, and visible information in all department and administrative offices.

Sexual abuse prevention training is not just for those who might abuse. Such training also is for adults and students who are third-party observers. Staff must understand their legal responsibilities for reporting behavior that might indicate sexual misconduct of staff toward students and learn the consequences for their failure to report. Training should deal with the "it can't happen here" syndrome of denial by discussing specific situations and incidents

that have previously occurred at the school or in the district. If an incident is in the public sphere (newspaper or trial accounts), staff can discuss it in training sessions. If the incident has not been made public, staff can still use it as an example or a case study, without names, in discussions during department, grade-level, and other staff meetings. The more local and specific the training is, the more effective it will be.

If an incident of educator sexual abuse does occur in a school or district, the school and district should immediately conduct a root cause analysis to prevent system and personal failure in the future.

Consistent messaging. The message is that the school and district won't tolerate educator sexual misconduct. In order for the message to be believed, schools and districts must act when confronted with suspicious behavior. Most students and staff members believe that districts won't do anything about sexual misconduct. Students often see cover-ups even when they don't exist, and, for some sad but good reasons, most have little faith that school personnel will take their complaints seriously. Because of this lack of faith in school district personnel, many students and staff members won't report incidents. Administrative actions need to be communicated to the school community to send the message that reports of sexual misconduct are taken seriously.

Consistent enforcement requires that administrators and other staff members listen to rumors and complaints and respond by investigating and following up. Reports of inappropriate sexual behavior are more likely to come from a friend or parent of a student than from the student her or himself. Such reports may be tentative, with disclaimers such as "I'm probably making too much of this" or "I may be overreacting."

Students who report sexual misconduct by teachers are likely to be harassed by other students and by teachers, especially if the accused is a popular teacher. They may also come from homes in which little support will be available to them during this stressful time, although this is not always the case. District officials must ensure that students who report abuse are themselves protected from harassment, and the districts also must provide support systems for student victims.



Preventing sexual misconduct

Schools are microcosms of society. Regrettably, society has not been effective in protecting children from the epidemic of child sexual abuse.

Child sexual abuse has been described as a preventable health problem. A 2012 report from the Centers for Disease Control and Prevention found that the estimated average lifetime cost per victim of nonfatal child maltreatment (which includes sexual abuse) is \$210,012. If we multiply that by the 3.5 million students currently in school who report physical educator sexual misconduct, the result is more than \$735 billion (Fanga, Brown, Florencea, & Mercya, 2012). And that's just for the students currently in school.

The personal costs of educator sexual misconduct are tragic. The Adverse Childhood Experiences Study found that victims of sexual abuse are more likely than nonvictims to have problems with adult relationships, a history of drug or alcohol abuse, the risk of suicide or other harm, and health problems such as diabetes and heart disease (Dube et al., 2005).

The cost of awards or settlements to schools ranges from hundreds of thousands of dollars to millions of dollars, which does not include the legal and personnel costs to the school district in civil cases. For instance, I examined settlements in teacher sexual misconduct in California between 2002 and 2008 and found that the average settlement was \$2,723,000, with awards from \$892,000 to \$6,800,000.

And then there is the loss of trust. Schools are places where parents send their children to learn. They expect those places to be safe and nurturing. While most teachers or school staff members don't sexually abuse children, many do. It is possible to prevent abuse. We know how to do it; we only need the will to do it. **■**

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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 Chris Newlin:

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?

Response: All teachers are mandated reporters as part of the larger Mandated Reporting laws implemented in all fifty states. This could be enhanced by a federal law also requiring teachers to report suspected child abuse and neglect because we know from the research that teachers/school personnel, almost more than any other group, are made aware of abuse concerns/allegations through their significant contact with children. The research has further shown that teachers, along with pediatricians and many other subgroups, do not always report suspected child abuse, thus leaving children potentially vulnerable to further abuse and without any support for the abuse they may have experienced. I find this personally troubling, and we have seen cases in our community where school personnel have endangered the well-being of children by not reporting suspected (even virtually known) child abuse. Teachers, and honestly all professionals working with children, should be required to receive training during college about child abuse and mandated reporting statutes. Further, this should be part of the continuing education school personnel receive each and every year. If we don't keep this issue front and center, it will recede into the darkness as it has for many years. The U.S. Department of Education could require states to implement this type of training in all school districts. Let me say, there are thousands of school personnel who take seriously the Mandated Reporting Laws and personal ethical stance to report suspected child abuse, and I applaud their efforts.

There are more than 850 Children's Advocacy Centers throughout the United States which served more than 270,000 children in 2011 alone. These programs have trained staff, working in collaboration with law enforcement, prosecutors, child protection services, victim advocates, medical experts, and mental health experts, who would be ideally suited to assist with this training. We have done this in our community for many years, and yet, we still have isolated incidents where school personnel do not attempt to intervene on behalf of our children. This must be improved, and I greatly appreciate your attention toward this serious issue.

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?

Response: You are correct that the last 27 years have seen an incredible grassroots movement to facilitate the multidisciplinary response to child abuse, and these efforts are demonstrated to consistently provide better outcomes for the children involved, the investigations and prosecutions of criminal acts, all while also saving approximately \$1,000 per case because of the elimination of duplicative services/activities. While these are very positive advances, we have not seen the same level of collaboration at the federal level. While there are many dedicated federal employees who oversee these efforts within their Departments, they are not always empowered to reach across to other Departments to coordinate funding and intervention efforts. What we lack is a clear National Strategy to Protect Our Children. The federal government should seek to unite the Department of Justice, Department of Health and Human Services, and Department of Education to develop a collaborative strategy for improving the protection of our children while also coordinating their various funding of initiatives focused on the protection of children. By modeling this collaboration at the federal level, we would see even greater implementation at the state and local levels on behalf of our children. Each of these Departments is investing some resources to this issue. Coordinating these efforts with broader goals and metrics would help ensure that we continue to make progress in the fight against child abuse. It is truly an issue that is affecting our nation's health and economic productivity, and our nation/citizens will dramatically benefit from this dedicated effort.

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 Stephanie Smith:

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?

Research studies, anecdotal reports and personal experience lead me to believe that the real issue is not effectiveness or lack of effectiveness of the law. Nor is the issue confined solely to teachers. Much attention is directed toward teachers as mandatory reporters because they, more than any other profession, have the most regular and direct contact with children. However, lack of reporting by those in mandated professions is well below total compliance regardless of the vocation. At the same time, the majority of reports come from those in mandated reporter fields so if we truly hope to get the maximum number of reports investigated, engagement of all mandated reporters is crucial.

Any law is only effective as its enforcement and realistically few prosecutors file a criminal charge for a failure to report abuse. This lack of prosecution is due in large part to the fact that prosecutors exercise their charging discretion to focus their caseload where they can make the greatest impact; the prosecution of an alleged offender who is likely to repeatedly abuse children rather than a teacher or other professional who has failed to report. The penalties for failure to report are relatively minor while these prosecutions will take considerable time and resources to handle and punish a person who may have failed to report due to fear for his/her job or to comply with internal policies* or simply due to a lack of clear understanding of how and what to report or a belief that "nothing" will be done.

All mandated reporters should receive training on more than the letter of the law which appears to be the clear standard currently employed in such training. They must understand how children disclose; the disclosure may be tentative or only partial. Children often try to "test the waters" before making a report especially when they have been groomed to expect that no one will believe or support them. They may disclose long after the event has occurred. Most significantly, they will be alleging abuse by someone close to them, perhaps close to the mandated reporter as well, and this alone will create conflict in the mind of the reporter. Without an understanding of the dynamics of child maltreatment and reporting and what information must be reported, many mandated reporters become paralyzed by the idea of taking the next step. Reporters must be taught what information is required and how to obtain sufficient information without conducting their own "investigation". They need to know that "reasonable cause" or "reasonable belief" is a far lower standard than being convinced beyond a reasonable doubt or even believing by a "preponderance of the evidence" in the veracity of the report.

One possible framework for training mandated reporters would be to coordinate at a statewide level so that every mandated reporter receives the same training. Currently training is left to individual agencies/entities and there is little consistency in who and how this training is provided. Thus clergy may receive one set of training instructions while teachers or daycare providers are trained by others. Even across counties, training is varied within individual states. A central information provider for the state could accurately create a set of materials consistent with state statutes and updated based on statutory revisions as well as providing quarterly updates with input from law enforcement or prosecutors based on emerging issues. The designation of trainers within each county to annually present first time and refresher trainings for all county mandated reporters would ensure the opportunity for every mandated reporter to become familiar with their obligations.

The key to successful implementation is to have a means of ensuring that each mandated reporter attends the full training session. Currently many of those who offer mandatory reporter trainings offer some kind of training or notify employees of training opportunities but have no requirement of attendance.

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?

Greater engagement and communication among state, local and federal personnel would allow for greater opportunities to maximize resources both in personnel and programming. The needs of local communities are as unique as each community itself and there is no "one size fits all" solution for child maltreatment issues. In some areas, ethnic/cultural influences may create the greatest challenge for ensuring child protection while meth labs may be the biggest danger in another. Encouraging regional and statewide collaboration, even across state boundaries, could present a new model for addressing these issues. For example, the creation of the Internet Crimes Against Children Task Forces has engaged federal personnel in both law enforcement and prosecution to work with local law enforcement and prosecution within many counties within individual states. Cases can be prosecuted based on the most likely best outcome or needs/location of the victim rather than a strict jurisdictional basis.

A model of programs incorporating multiple disciplines, such as medical, mental health and child protection/advocacy should incorporate participation by all professionals in the relevant geographic location regardless of federal, state or local employment. As noted by Senator Grassley, Health and Human Services has a significant role to play in training professionals. Policies which impact children and families involved in maltreatment or at high risk for maltreatment should be considered in concert with the legal process just as

legal policies developed by the Department of Justice related to maltreatment/exploitation/trafficking of children must consider the medical and mental health impacts on the child and his/her family.

Both the federal and state resources involved in the child protection field have substantial knowledge and human resources to bring to bear on resolving the problem of child maltreatment. Stronger joint planning and programming can maximize these resources to the benefit of America's children

When the Call Comes: APSAC's Historic Recognition of Law Enforcement Officers and Prosecutors as Professionals

Michael Johnson and Victor Vieth, JD

We so easily overestimate our own work and action in its importance in comparison with what we have become only through others. (Matthews, 2005, p. xiv)

The American Professional Society on the Abuse of Children (APSAC) has had a profound impact on the fields of law enforcement and prosecution. This essay includes a discussion on the benefits APSAC has brought to the nation's law enforcement officers and prosecutors, and also the role APSAC has played in helping other professionals understand the critical role of criminal justice professionals in addressing child maltreatment. In addition to looking at these accomplishments, the authors suggest challenges facing APSAC and the child protection field in the years to come.

APSAC's Recognition of Criminal Justice Professionals

Twenty-five years ago, there was an open debate in the field of child protection as to whether or not law enforcement officers and prosecutors should be considered as professionals on par with professors, researchers, physicians, and mental health professionals with multiple initials attached to their professional titles. Although this was not discussed in journals, it was a water cooler discussion that many in the criminal justice field vividly recall and that, even today, persists in some circles.

Since many law enforcement officers had only an associate's or bachelor's degree and most will not be writing treatises, some in the field of child protection believed that the men and women in blue or brown could learn a lot from the field, but couldn't teach the field anything. Although prosecutors had the degree of juris doctor, many similarly regarded them as having attended no better than a trade school and thus had much to learn and little to offer.

Even today, some of the discussion surrounding research or evidence-based practice by academics and researchers fails to even casually acknowledge the day-to-day successes achieved by law enforcement officers, child protection workers, and prosecutors. No better example of this success exists than the multi-

disciplinary initiatives of David Chadwick and the professionals of the San Diego Children's Hospital or prosecutor Bud Cramer's discussion of the importance of multidisciplinary teams (Chandler, 2006) that led to the development of Children's Advocacy Centers (Cramer, 1985). Field-driven efforts such as those of prosecutor Cramer typically precipitate the research that, eventually, supports the field-driven practices (Faller & Palusci, 2007). The reason for this is that frontline professionals lack the luxury of waiting for research to catch up with emerging issues.

In focusing more on children and less on degrees and titles, the founders of APSAC recognized that law enforcement officers had as much, if not more, to offer the field than any other discipline and that while research can guide the criminal justice field, the vast and rich experiences of criminal justice professionals can and should influence researchers and others working in the child protection field. In extending a hand to law enforcement officers and prosecutors handling child abuse cases, APSAC accorded these criminal justice professionals much needed benefit in several distinct areas.

First, in allowing police and prosecutors to join the American Professional Society on the Abuse of Children, APSAC boldly recognized these men and women as the professionals they are. In other words, APSAC recognized that a profession is more than an advanced degree but also includes advanced knowledge, skills, training, and *experience* in a specialized discipline.

Second, APSAC not only recognized law enforcement officers and prosecutors as professionals but gave them the tools to become professionally-recognized experts in the field of child protection. Through membership in APSAC, many criminal justice professionals are accessing peer-reviewed journals, attending conferences designed specifically for child protection professionals, and now have access to many leading child protection professionals they can call for advice or assistance in their work. Simply stated, APSAC has raised the level of professional expertise of criminal justice professionals and has influenced their work.

 When the Call Comes

Third, APSAC accorded criminal justice professionals an ethical code for working cases of child abuse. Although prosecutors have multiple ethical codes, none of these specifically address cases of child maltreatment. Law enforcement officers must adhere to and enforce constitutional and statutory provisions. However, they do not have a national ethical code, much less an ethical code pertaining to the handling of child abuse cases. Upon membership in APSAC, criminal justice professionals agreed to review and adhere to the APSAC ethical code (APSAC, 1997). Suddenly, the standards of the criminal justice field were elevated.

Fourth, APSAC gave the field investigative guidelines. Although some today debate the purposes of a forensic interview, criminal justice professionals who have been in the field for more than a quarter of a century recall the high-profile day care cases that imploded and left investigators and prosecutors holding the bag (Hechler, 1988). Accordingly, the purpose of a forensic interview was to acquire legally defensible information in a reliable manner. Through the development of national forensic interviewing guidelines (APSAC, 2002) as well as guidelines for the usage of anatomical dolls (APSAC, 1995), APSAC helped investigators and prosecutors develop standards for this critical component of an investigation. The APSAC forensic interviewing clinic also became the model for other forensic interviewing courses—most of which follow the APSAC pattern of 5-day courses rooted in research and practical application.

Contributions of Criminal Justice Professionals to APSAC and the Field

The trust APSAC placed in criminal justice professionals has been rewarded throughout the past 25 years. These contributions include the following:

The Shaping of APSAC

According to Herman Stasse, it is a sign of deep sickness when an organization forgets its forefathers and mothers (Harrison, 2011). In the case of APSAC, law enforcement legends such as Ken Lanning, Bill Walsh, Mike Hertica, Dana Gassaway, and Rick Cage published articles, conducted trainings, and served in leadership roles. In the field of prosecution, pioneers including Patti Toth, Robert Parrish, and Brian Holmgren labored to ensure that the work of prosecutors reflected relevant research and was worthy of the professional status APSAC accorded them. Even today, APSAC continues to draw strength from the criminal justice field with two current or past law enforcement officers and one prosecutor serving on the Board. These and other criminal justice professionals did not make APSAC what it is, but APSAC wouldn't be the same without them.

The Shaping of Other Disciplines

In giving law enforcement officers and prosecutors a significant role in APSAC, these professionals not only shaped the organiza-

tion but they also shaped other disciplines. To a greater extent, medical professionals realized that diagnosis of abusive head trauma or other forms of maltreatment could not be made without a comprehensive investigation and that it was the primary province of law enforcement officers to collect the evidence the medical community needed in making definitive findings. Mental health professionals began to realize that although they could diagnose PTSD and any number of other mental health conditions, it was the work of law enforcement officers and prosecutors that detailed the victim's pain and that procured the court orders to get victims, families, and even perpetrators into the psychologist's office. Child protection workers and child protection attorneys also gained a deeper appreciation of the fact that when law enforcement officers excel in proving a criminal case of abuse, proving a civil child protection case becomes much easier.

The Shaping of Research

There is also a growing awareness that the best researchers, those whose work actually impacts and improves the lives of children and is applicable to first responders and intervenors, are those researchers who regularly share a cup of coffee with law enforcement officers and prosecutors. Simply stated, many researchers have come to value the practical experience of frontline professionals who, in the course of their careers, interact with thousands of child abuse victims, extended family members, and survivors. To the extent this wealth of experience contributes or drives the research, the research will also drive the work of frontline criminal justice professionals. In other words, researchers realize more than ever that the only research that impacts the field of child protection is research that is actually relevant to the work of frontline professionals.

The Shaping of the Law

Criminal justice professionals working closely with leading medical, mental health, and other professionals from APSAC have also influenced the law. Twenty-five years ago, the field was struggling with interviewing children in a manner that did not contaminate the process. Today, a number of appellate courts recognize the concept of forensic interviewing as an emerging discipline that many members of the MDT, including law enforcement officers, are qualified to conduct (Vieth, 2009). Prosecutors have also worked with the medical and mental health community in limiting the scope of questionable practices of some defense experts. Recently, APSAC expanded its involvement with the legal community and is expediting a review of possible amicus (friend of the court) briefs in child protection cases that will significantly impact the field.

This is not to say that criminal justice professionals have also spoken with a unified voice or that our field always got it right. Twenty-five years ago, many prosecutors and law enforcement officers expressed concern about videotaping forensic interviews

(Stern, 1992). Today, recording forensic interviews is widely practiced, and the research to date shows this practice generates more evidence and is more likely to produce convictions, including guilty pleas (Vandervort, 2006). Even when criminal justice professionals have erred, we all learned, and the stronger alliance with researchers and other disciplines has helped the criminal justice community chart a new course—as has largely been the case with recording forensic interviews.

Future Challenges for APSAC and the Field

In the decades ahead, the child protection field will face many new challenges. If the past is prologue, APSAC will play a significant, even deciding, role in meeting these challenges. As vital members of APSAC, law enforcement officers and prosecutors will be critical in addressing emerging issues. From the perspective of the authors, there are at least six emerging issues that warrant the attention of the field and of APSAC.

First, there is a critical need to address child maltreatment in Indian Country. Native American children suffer higher rates of abuse than children in the general United States population (US DHHS, 2009). The distrust of federal authorities likely results in underreporting of abuse in Indian Country (Fox, 2003). APSAC must continue to value the unique culture of Indian Country and devote more resources to empowering child protection professionals to better serve Native American children. APSAC should also expand its collaborations with organizations serving Indian Country, including the Native American Children's Alliance (see www.nativechildrensalliance.org).

Second, the field needs to more fully assess the benefits and limitations of the alternative or differential response system. Although this system has shown some promising results, many prosecutors and law enforcement officers are worried that critical child protection decisions are now made unilaterally without the involvement of criminal justice professionals, and many times without the involvement of medical and mental health professionals. In 85% of the states using this model, the decision of whether or not to forward a child into the alternative response system was made by the assigned social worker with approval or other involvement from a supervisor (US DHHS, 2003). If this trend continues, traditional MDT/CAC investigations will be relevant to only about 25% of the child abuse cases reported to the child protection system (those cases involving child sexual abuse and severe physical abuse). APSAC needs to be a leader in assessing the strengths and weaknesses of the differential response system and the wisdom of excluding so many members of the multidisciplinary team from assessing these cases.

Third, there is a need to expand CAC and MDT work beyond sexual abuse cases. APSAC has played an important role in expanding multidisciplinary and child protection teams and

Children's Advocacy Centers throughout the United States. However, many CACs and MDTs continue to serve primarily sexually abused children (Chandler, 2006)—the smallest percentage of maltreated cases reported to the child protection system (US DHHS, 2011). In the years ahead, APSAC members can play a critical role in the expansion of CACs and MDTs in addressing other forms of maltreatment. As one example, most states have civil and criminal laws prohibiting emotional abuse, and a large body of research exists documenting that this form of maltreatment is just as harmful as other forms of abuse (Vieth, 2004). Unfortunately, most cases of emotional abuse are not investigated, much less investigated by a multidisciplinary team.

Fourth, child protection professionals need to more fully address the role of spirituality in the abuse of children. Law enforcement officers often lament how often child abusers use religious or spiritual themes in the abuse of children (Vieth, 2012). Prosecutors have often faced the spectacle of theologians and church leaders who fill a courtroom in support of an accused offender, and in implicit opposition to a child alleging abuse. There is a growing body of research that offenders not only wound their victims physically and emotionally but also spiritually (Eshuys & Smallbone, 2006; Firestone, Moulden, & Wexler, 2009). This is critical because more than one study finds that, for many victims, their ability to cope with abuse may depend on their ability to cope spiritually (Gall, 2006). MDTs need to devote more attention to this issue, and APSAC should also recognize this growing body of evidence and involve members of the faith community in the organization to a greater extent.

Fifth, the recent events at Penn State University and other institutions have focused the attention of a number of leading professionals to the woeful undergraduate and graduate preparation of future child protection professionals (Vieth, 2012). This poor preparation is a problem for medical schools, law schools, and for undergraduate and graduate psychology, social work, and criminal justice programs (Vieth, 2006). APSAC is well represented in academia and, in the years to come, this representation needs to result in far better training of future child protection professionals at the undergraduate and graduate levels.

Sixth, there is a need to grow APSAC membership among nurses. Law enforcement officers and prosecutors have long recognized the critical role of nurses in documenting behaviors or actions indicative of abuse (Canaff, 2010). Generally speaking, nurses at hospitals and clinics spend as much if not more time with patients and families and are in a better position to document evidence that may be critical in proving abuse, protecting a child, and repairing a family impacted by maltreatment. In child abuse trials, it is not unusual for the prosecutor to call many more nurses than doctors to the witness stand. In recognition of this fact, there is a need to involve more nursing professionals in APSAC.

Conclusion

A lot has happened in 25 years. In the past quarter century, the child protection field has improved markedly—in no small part thanks to leadership of APSAC. This has translated into hundreds of thousands of maltreated children receiving better medical and mental health care, and in more humane treatment from the social service and criminal justice systems. If it is true that child abuse is declining, the vast improvement in our child protection system, and the critical role APSAC played in that improvement, should bring a great deal of pride. As we celebrate these accomplishments, it is also important to remember the millions of children and adults still suffering under the weight of abuse. In focusing on their needs, APSAC is poised to say to hurting children, in the words of Aeschylus: “Take heart. Suffering when it climbs highest lasts but a little time” (Kennedy, 1998, p. 145).

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When the Child Has Spoken: Corroborating the Forensic Interview

Victor I. Vieth

Introduction

The historic purpose of a forensic interview is to take a child's statement in a legally defensible manner.¹ Indeed, the word "forensic" means "pertaining to, connected with, or used in courts of law."² To fulfill these historic and essential purposes, the forensic interviewer must be well trained in memory and suggestibility issues,³ child development,⁴ cognitive development, the usage of anatomical diagrams and dolls,⁵ and must use a forensic interviewing protocol rooted in research.⁶ The forensic interviewer must also participate in peer review, attend basic and advanced trainings and otherwise stay abreast of the field.⁸

A forensic interviewer must also understand the rules of evidence that may govern the admissibility of the forensic interview in a civil and criminal court of law. Failure to understand these rules may cause problems in the event the case comes to trial.⁹ Moreover, the forensic interviewer needs to understand how to defend the forensic interview in a court of law and, if need be, to educate jurors and judges on procedures and protocols relating to forensic interviewing.¹⁰

Finally, and most importantly, the forensic interviewer must understand the critical importance of obtaining, in a developmentally appropriate manner, as many details as possible from the child. It is the details that will enable law enforcement and social service investigators to corroborate a child's statement. If the forensic interviewer excels in this critical aspect of his or her work, investigators should be able to find multiple pieces of corroborating evidence.

Corroborating evidence doubles the chance a suspect will confess to child sexual abuse,¹¹ increases the likelihood of a prosecution,¹² and otherwise makes it more difficult for defense "experts" to attack the forensic interview.¹³ For example, the defense "expert" may still challenge certain questions that lead to details pertaining to the child maltreatment, such as the usage of a lubricant, as suggestive but if the detectives find the lubricant in the exact location the child described, the defense challenge is weakened.

Ten Tips for Corroborating the Child's Statement

In the search for corroborating evidence, forensic interviewers and investigators may benefit from the following ten tips.

1. Think at the child's level

Young children lack the vocabulary of an adult. Accordingly, they often don't have words for "ejaculation," "dildo," "fellatio" or "cumblings." As a result, they may describe a dildo as a "pink snake" or an ejaculation as grandpa's pee pee "throwing up." Accordingly, examine the statements of a child from the perspective of a child. In one case, a four year old girl said she was sexually abused in the room with a "giant eagle."¹⁴ When the suspect's house was searched, the investigators found the bedspread with a depiction of a giant eagle. If this had not been seized the defense counsel could have had a field day with the child, claiming she was fantasizing. In another case, a child described a "worm" on daddy's pee pee. The "worm," of course, turned out to be a condom (the child was apparently thinking about the receptacle on the top of the condom).

UPCOMING conferences

Forensic Interviewer at Trial:

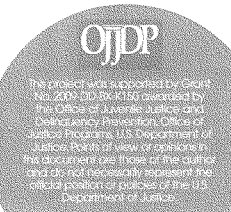
This course is designed for two- prosecutors and forensic interviewers. Prosecutors will be required to conduct a direct examination of forensic interviewers, and then conduct a re-direct examination after their forensic interviewers have been cross-examined. The prosecutors, working with forensic interviewers, must also respond to the critiques of their forensic interviews from a defense expert.

Location: Winona, Minnesota on Winona State University campus

Tuition Fee: Please submit \$50 payment with your registration. Make checks payable to: NCPTC. Or pay online, when you register at: www.ncptc.org.

- September training session: We are accepting registration for ATTORNEYS ONLY!
- October training session: Please register in a team of two (one attorney and one forensic interviewer). Attorneys are also welcome to register without a forensic interviewer for the Oct. 11 - 13, 2010 session.

NCPTC has applied for MN POST Board credits for law enforcement professionals, for both training sessions offered.





2. Motive evidence

In searching the child or perpetrator's house, investigators should look for letters, artwork or gifts the child has made or otherwise presented to the perpetrator. In another case, the victim made his father an award from the computer which announced his dad was the "greatest in the world." Investigators seized this as evidence on the child's love for the perpetrator. In closing argument, the prosecutor can use this evidence to show the child has no incentive to lie. We simply don't lie to get into trouble people we love."

3. Corroborate "sexual oddities"

In a case in South Carolina, a child was asked about sounds daddy makes when he is sexually abusing her. The girl said he makes a "whinny" sound like that of a horse. The investigator interviewed the suspect's wife and several other sexual partners and found that, indeed, the man made a "whinny" sound as he approached climax. This is powerful, corroborating evidence. How else would the child know the sounds the man makes when he has an orgasm if she herself had not been abused?

4. Don't ignore "fantastic statements"

In one case, a child said her dad had a "butterfly on his pee pee." If this issue is not investigated the defense counsel will likely claim the child has an active imagination. The investigators in that case did a search warrant to inspect the suspect's penis and discovered he had tattooed a butterfly on his male organ. In another case, a child said the

perpetrator's penis had a devil on it. Sure enough, the defendant had tattooed the image of Satan on his penis. In a case involving a child who was brutally, anally raped, the child told the forensic interviewer she was with Winnie the Pooh in the 100 Acre Wood when she was being raped. There was powerful, medical evidence the child had been savagely raped. A mental health professional was interviewed and explained the process of dissociation and why, during traumatic events, a child may send her mind to a comfort place. The investigators examined the child's bedroom and found numerous images, videos and toys of Winnie the Pooh—documenting that perhaps, in the child's mind, the 100 Acre Wood is a safe place to go.

5. There is always a crime scene to inspect and photograph

Some officers will take dozens of photos of a fender bender and yet fail to visit the crime scene at which a child was raped. There is always a crime scene that needs to be photographed and otherwise inspected. "The photographs may help the child testify as he/she explains their experiences on the witness stand. The photographs can also be used in cross examination of a suspect. In one case, a defendant claimed that he had sexual intercourse with his teenage daughter but that it was an accident. The defendant claimed he was intoxicated and intended to have sex with his wife but walked into the wrong bedroom. In such a case, the prosecutor could use the crime scene photos and highlight the absurdity that the defendant could have been mistaken as to which room he was in.

6. Videotape the crime scene from the perspective of the victim

In one case, a woman got home after an argument with her boyfriend. As she was showering she heard her boyfriend's pickup pull into her driveway. She quickly dried off and put on a bathrobe. She went to her front door and saw, through the window in the door, that her boyfriend was in a rage, attempting to break into her house. The woman went to the kitchen to get a knife to protect herself. As she started to open the knife drawer she heard the window in the door break and she knew her boyfriend was now reaching his hand through the broken glass to unlock the door. In her

panic, the woman pulled out the entire knife drawer; the drawer fell to the floor and the knives scattered everywhere. The woman then ran down the hall, flung open a closet door, and grabbed a baseball bat. Her boyfriend chased her down the hall and out into the backyard where he tackled her in the snow. The baseball bat went flying as the man kicked and punched the woman. He then sped away in his pickup. The woman collected herself and ran two blocks to a nearby police station. The officer on duty took her statement and then visited the crime scene. The officer videotaped the crime scene from the perspective of the victim. He started his camera in the bathroom and noted everything that corroborated her statement of having recently showered (water on the tile, a damp towel, etc). The officer then went to the kitchen and documented the knives scattered everywhere. The officer next videotaped the front door with the broken glass and he noticed there was blood on the handle—an indication the suspect cut his hand breaking into the house. The officer then videotaped the open closet door and the absence of a bat. The officer then videotaped as he walked down the hall and into the backyard where he documented a scuffle in the snow, some blood in the snow, and a baseball bat lying some distance away. At trial, this videotape was played for the jurors.

7. Photograph bruises on two separate dates

If a child or any other victim has fresh bruises from a recent assault, photograph the bruises on that day but also return a day later and photograph the injuries a second time. The bruises may have changed shape or color and may more accurately reflect the fury of the attack.

8. Consider the possibility of other victims

When conducting a search warrant, always be alert to the possibility that other children may have been victimized. In one case, for example, officers were searching for a "love letter" the teenage boy claimed to have sent to his male school teacher. In searching for the letter the officers found a drawer with the photos of about 100 naked adolescent/teenage boys. In such a scenario, it now becomes plausible that there may be other victims.

9. Investigate divorce/custody cases as the MDT would any other case

If a child sexual abuse allegation arises in the midst of a divorce custody dispute,¹⁶ and the defense is that mom put the child up to making the allegation, investigate the facts surrounding the first disclosure. If mom took the child to the police station, pushed him into a chair and said "you tell the cop what you told me," that would be suspicious of a false allegation. If, though, the child's first disclosure is to a school teacher whom she begs not to tell, that sounds more plausible. Also, examine the mother's statements closely. If the mother simply says something such as "I was giving Molly a bath and I saw some redness in her genitals so I thought I should take her to the doctor" this doesn't sound like the exaggerated sort of claim a liar would make. After all, if the mother is really going to perjure herself why not make it really effective perjury by claiming she walked in on the abuse, or her husband confessed to the abuse, or that the child make a clear disclosure of abuse. Also, in interviewing the child, investigators should see if he or she can provide sensory details. In one case, a child said dad's penis "felt bumpy." When dad's penis was inspected, it was found to have genital warts. If a child can provide sensory details such as this, the allegation is likely credible.¹⁷ This is because although a mother may urge a child to make a false accusation it is unlikely she described what it feels like to perform fellatio on her husband. Also, examine the mother's mental history. The fact she is angry at her husband is not all that important—many divorces end in anger. The question is whether the mother is pathological. To consciously attempt to convince your child that she has been sexually abused when she was not would suggest a complete lack of conscience.

10. Don't delay the forensic interview or the investigation

It is essential that a child receive a forensic interview as soon as possible after a disclosure. It is equally important for the multi-disciplinary team to respond immediately in providing the child with a medical exam, with the interrogation of the suspect, and in searching for corroborating evidence. As Detective Mike Johnson has noted, investigators have a brief "window of opportunity" in which to collect meaningful evidence once the child makes an outcry.¹⁸ When

MDTs or CACS delay the forensic interview or the investigation for days, or even hours, significant evidence is lost and the ability to protect a child from further abuse is limited if not altogether lost.¹⁹

Applying These Tips to Three Case Scenarios

For these and other tips to be successful, the core investigative team should be present for the forensic interview. In addition to the forensic interviewer, the law enforcement officer assigned to the case as well as the child protection worker, prosecutor and child protection attorney should be present. Although only the forensic interviewer will be in the same room with the child, the other team members can watch and listen to the interview behind a two way mirror, via closed circuit television, or any other means that allows the interview to be observed.

Once the interview is complete, the first priority of the team is to ensure the child's safety. The second priority of the team, assuming the child disclosed abuse, is to corroborate the child's allegation. The team has seen the interview live and, assuming the interview was recorded, may now want to watch the interview a second time. Every team member should have pen and paper and should tear the interview apart, paragraph by paragraph, sentence by sentence, word by word if necessary. After every statement of the child, the team should determine how that statement can be corroborated. If, for example, the child says she lives in a blue house on Fairfax Street, the investigators should photograph the blue house and the street sign. If the child says she has a bedroom decorated with images of Winnie the Pooh and that her dog Pancake sleeps on a blanket in the corner, investigators should photograph the room and document there is a dog with the name the child ascribes to the animal.

Investigators should continue corroborating each peripheral detail as they work to the heart of the allegation—child sexual abuse or other forms of maltreatment. The best way to understand this approach is to look at actual case scenarios. All of the cases below are real, though I have changed some of the facts and paraphrased the interviews to serve one or more teaching points.

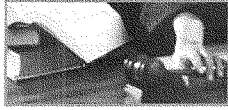
1. The case of the adolescent struggling to remember the "first time"

In one forensic interview, a 12 year old girl said her father sexually abused her for "a long time." However, she struggled to remember the "first time" her father began to abuse her. She did, though, state "the first time Dad did it I was so upset I couldn't go to school for a whole week."

In this scenario, possible corroborating evidence may include:

- **School attendance records.** If investigators are able to locate records documenting a week of absence from school, they may be able to pinpoint the exact date the sexual abuse began—as well as corroborate the child's statement she was absent from school for a week.
- **School photographs.** Once the investigator determines the age of the child when the abuse began, look for school photographs or other records to show how little she was when the abuse began. School records for that year may also document her height and weight. This documentation will help the jury to understand how physically helpless the child was when the abuse began.
- **Investigative interviews.** Interview the teacher or any other school official who may remember the child during that year. Was there any point in the year in which behaviors or school performance changed?





2. The case of the teenage boy "sold" to a perpetrator.

In another forensic interview, a 17 year old boy told the interviewer:

For the past year my father has been selling me as a prostitute to a man who lives down the road, a couple of blocks away. Every couple of days my dad tells me the arrangements have been made. I then walk down the road a couple of blocks to this other man's house. The man lets me in and escorts me upstairs into the bathroom. From the medicine cabinet he produces a jar of what he calls 'white cross pills.' I guess he calls them that because they are colored white with a black cross painted on them. I don't know what they are. He gives me a couple of the pills and tells me to wash them down. There is always a blue cup on the sink. I fill the cup with water, wash down a couple of the pills, and then we go downstairs into the basement. It is a finished basement. There is carpeting on the floor including a bear skin rug. There is a bar down there and a big refrigerator. If you open the refrigerator it is filled from bottom to top with nothing but cans of Budweiser beer. We drink some beer, get a little drunk, toss the empty beer cans around on the carpet and otherwise act crazy. Then we engage in a variety of sexual acts on the floor usually on the bear skin rug. We engage in acts of mutual masturbation and mutual fellatio until we both ejaculate. After the sexual activity is complete he gives me a \$100 bill. I put the bill in my pocket, walk back down the street and give it to my dad. I don't know what he has been doing with the money. That's my life, every couple of weeks for the past year. The last time it happened was 10 days ago.

In this scenario, corroborating evidence may include:

- **The pills.** The "white cross" pills should be seized from the medicine cabinet. The boy gave a clear description of them. An investigator may also choose to do a "pill line up" and determine if the boy can select the

pills that have been seized. Once an investigator is confident the correct pills have been seized, call a pharmacist, toxicologist or other medical professional who can tell the investigator what the pills are, what impact they would have on the child's body and mind, and how that impact would be enhanced if combined with alcohol. Also, determine if based on the child's description of having consumed the pills 10 days ago, there is any possibility the substance would still be in the child's body and, if so, what should be seized (blood, urine, hair) to document the presence of the substance in the child.

- **The blue cup.** The blue cup should be seized from the sink and sent to the lab to determine fingerprints or the possibility of DNA (saliva, etc.) on the cup.
- **Running water.** An investigator should turn on the tap water in the sink to make sure it is running. Although this may seem pointless, it is essential to document every aspect of the child's statement that can be corroborated. The little details that are not corroborated often become the heart of the defendant's case. If, for example, the investigator fails to document the water in the sink is working, the defendant can take the witness stand and say "that boy is not credible. In the year he claims to have been in my house the upstairs bathroom sink was not working. I always used the downstairs bathroom. I'm a handyman and I finally got it fixed but it wasn't working when the child claims to have been using it." Remember, if a suspect actually sexually abused a child, lying about it is the easy part. Accordingly, investigators should document every aspect of the child's statement that can be corroborated.
- **Bathroom photographs.** The bathroom should be photographed and dusted for fingerprints. If the boy's prints can be found in the bathroom, this corroborates this portion of his statement and refutes any argument from the defendant that the boy was never in the house or never in the bathroom.
- **Empty beer cans.** Check the basement for empty beer cans strewn about. Seize them carefully because they could have the boy's prints on them or perhaps his DNA (saliva, etc.).

At the very least, it corroborates the child's allegation that Budweiser beer is consumed in the basement. If there are no empty cans in the basement but there is a garbage container in the driveway waiting for pickup, investigators should seize the garbage, empty it and collect any empty beer cans. Then speak with the garbage collection company and find out the last time garbage was seized from that house. If the last pickup was two weeks ago then arguably the beer cans in the current garbage represent how much was consumed in the past 14 days—the time period in which the boy claims to have been in the house.

- **Refrigerator contents.** Open the refrigerator and see if the boy is accurate in describing a refrigerator filled from bottom to top with nothing but cans of Budweiser beer. If so, photograph the refrigerator and seize all the beer cans. Although this may seem overkill, it could become critical at trial. If this aspect of the child's statement is not corroborated a defense attorney can say "it doesn't make sense jurors. The boy says they never had water or soda or even any alcohol other than Budweiser. This kid is on some sort of script and that, in and of itself, is reasonable doubt." If, though, the investigator seizes dozens of Budweiser beer cans and says that was the only beverage in the basement, the child's credibility is enhanced.
- **Semen stains.** The investigator must check for semen stains on the carpet with an emphasis on the bear rug. In particular, the investigator is looking for semen stains that can be traced back to both the defendant and the victim. There could, of course, be legitimate reasons for the defendant's semen stains to be on the carpet. Accordingly, it is essential to lock him into a story by asking him if there is any reason for his semen to be on the carpet? If he says no and semen stains are discovered, the investigator has established the defendant is a liar. If the defendant gives a plausible reason for his semen to be in the basement, an investigator should follow up on his explanation. For example, if the defendant says he had sex with a girlfriend on the floor, find out the name of the girlfriend and speak to her immediately (before the defendant does) to see if she vouches for the defendant.

- **Witnesses.** Investigators should canvass the neighborhood and see if anyone can corroborate that the boy has been going to and from the suspect's house for the past year. Also, ask if the neighbors have seen any other children going into or out of the house. If the man has purchased one child for sexual purposes it is possible he has purchased or victimized others.
- **Documentation of the arrangements.** Investigators should check phone, cell phone, and e-mail records to determine how the transaction was arranged between the father who was selling his son and the man who was purchasing the child for sexual favors.
- **Bank records.** Investigators should check the bank records of both the men to see if there is any pattern of \$100 withdrawals or deposits. If the man who has been receiving the money has no pattern of \$100 deposits this means he has likely been spending the money. Find out where he typically goes to get gas, groceries or alcohol and find a clerk who knows the man and can recall him paying with a \$100 bill. If the man is arrested and there is a \$100 bill in his wallet, seize the bill—it is likely the bill he received 10 days ago.
- **Crime scene photographs.** The basement in which the criminal activity took place must also be photographed. The photographs may help the child testify, may assist the investigator in interrogating the suspect, may assist the prosecutor in cross-examining the suspect, and independently serve as corroborating evidence.²⁴

3. The case of the camping and fishing trip

During a forensic interview, a nine year old boy makes the following disclosure:

I'm a nine year old boy. Two weekends ago my Grandpa took me to Camp Whitewater. We camped and went fishing and I caught lots of fish. I had lots of fun except that, in the middle of the night, Grandpa started to touch my privates. He then told me to lick his pee pee. I licked his pee pee until it threw up.

In beginning the investigation, the multi-disciplinary team learns the boy's father died some years ago. In interviewing the boy's mother, investigators learn that she

is a chronic alcoholic who passes out drunk most weekends. She tells the investigators candidly and truthfully that she has no memory of two weekends ago. She says her son may have gone on a camping/fishing trip with his grandfather but she doesn't remember. Investigators then interview the grandfather but he immediately invokes his Fifth Amendment rights.

Under this scenario, corroborating evidence may include:

- **Registration records.** Investigators should check the registration records from the campground and document the grandfather was registered that weekend. It is also important to find out when the registration was made. Let's assume the registration was made 8 months in advance and the grandfather specifically asked for campsite 78. Examine the campsite, photograph it and consider obtaining an aerial photograph. Chances are this site is the most barren, desolate part of the campground. If so, the prosecutor now has an argument that the defendant put a great deal of thought into how he would minimize the chance of witnesses. If this is not done, the defense can say to the jurors "come on, people. Memorial Day weekend, a crowded campground. Somebody would have seen or heard a child cry out. Certainly no one would have risked sexually abusing a child with so many people around."
- **Witnesses.** Investigators should find out who else was registered that weekend and speak with those closest in proximity to the boy's campsite. An investigator can likely find someone who saw the boy and the grandfather together and might even find a witness who saw or heard something that, in the context of the child's statement to the authorities is corroborative—such as a witness who heard the child cry as he was strolling through the woods at night and walked near the tent where the boy was sleeping.
- **Incriminating statements.** Just because Grandpa didn't talk to the investigators doesn't mean he didn't speak to others. He may have told his colleagues at work or perhaps his neighbors about a camping or fishing trip with his grandson.

- **Physical evidence.** Investigators need to search the grandfather's house for evidence documenting the camping/fishing trip. This may include photos of the weekend, frozen fish in the freezer (make sure the fish are of a type that could have come from the lake where the boy went fishing with his grandfather), receipts for purchases relating to the trip, a fishing license, fishing equipment, etc.
- **Semen stains.** Investigators must also look for semen stains. The boy said grandpa's pee pee "threw up." Seize the sleeping bag and tent. Ask the boy what he was wearing that night and what grandpa was wearing and see if the clothes can be located. Given the condition of the boy's mother, it is unlikely she has done laundry recently. If investigators can find trace evidence of semen on the boy's clothes, the grandfather's clothes, or inside the tent, this is powerful evidence.

Conclusion

The field of forensic interviewing is quickly emerging as an independent profession with a unique set of skills. As encouraging as this development is, it is critical to keep in mind the primary purpose of the forensic interview—to obtain enough details that investigators can establish whether or not a child has been maltreated. When the forensic interviewer obtains these details, it is necessary for the investigators to respond immediately in corroborating every detail the child provided.



End Notes

¹ Director, National Child Protection Training Center. The author thanks Mike Johnson and Amy Russell for their helpful comments and suggestions on this article.

² See generally, BATTLE AND THE BACKLASH: THE CHILD SEXUAL ABUSE WAR (1989) (detailing the controversies resulting when investigative interviews were conducted inappropriately and repeatedly); RANDOM HOUSE DICTIONARY (2010), www.dictionary.com (last visited June 16, 2010).

³ See generally, Thomas D. Lyon, *The New Wave in Children's Suggestibility Research: A Critique*, 84 CORNELL LAW REVIEW 1004 (1999).

⁴ Jennifer Massengale, *Child Development: A Primer for Child Abuse Professionals*, 14(3) UPDATE (2001) (Update is a publication of the National Center for Prosecution of Child Abuse and can be accessed online at www.ndaa.org).

⁵ See generally, Amy Russell, *Out of the Woods: A Case for Using Anatomical Diagrams in Forensic Interviews*, 21(1) UPDATE (2008) (Update is a publication of the National Center for Prosecution of Child Abuse and can be accessed online at www.ndaa.org); Kathleen Colburn Falter, *Anatomical Dolls: Their Use in Assessment of Children Who May Have Been Sexually Abused*, 11(3) JOURNAL OF CHILD SEXUAL ABUSE 2 (2005).

⁶ Most, if not all, of the major forensic interview training programs provide this instruction and teach a protocol based on research. For example, the CornerHouse forensic interview protocol RATAF, which is the most widely used model in the United States, is based on hundreds of research articles. See generally, Jennifer Anderson, Sara Hinger Jolie, Ellison, Josh Lashley, Anne Lukas, Miller, Jolie

Stauffer, Judy Weigman & Amy Russell, *The Courtroom Forensic Interview Protocol RATAF*, 22 THOMAS M. COOLEY JOURNAL OF PRACTICAL AND CLINICAL LAW (forthcoming Fall 2010).

⁷ For example, one of the emerging issues in the field is the possibility of credentialing forensic

interviewers. See generally, Mike Hinesy, Victor I. Vieth, and Hector M. Campos, *Setting Course: The Case for the Credentialing of Forensic Interviewers*, 2(2) CENTERPIECE (2010) available online at www.ncptc.org/underpublications/.

⁸ For example, there is troubling case law suggesting that a "troubling" inquiry as part of a forensic interview may entitle a defendant to compel the child to undergo an adverse psychological examination. See *Abdell v. State*, 138 P3d 461 (Nev. 2005).

⁹ Victor I. Vieth, *The Forensic Interviewer at Trial: Guidelines for the Admission and Scope of Expert Witness Testimony Concerning an Investigative Interview*, 36(1) WILLIAM MITCHELL LAW REVIEW 180 (2009).

¹⁰ Tonya Uppert, Theodore P. Cross, Lisa Jones, and Wendy Walsh, *Suspect Confession of Child Sexual Abuse to Investigators*, 15 CHILD MALTREATMENT 161 (2010).

¹¹ Theodore P. Cross, Edward De Vos, and Debra Whitcomb, *Prosecution of Child Sexual Abuse: Which Cases are Accepted?*, 18(8) CHILD ABUSE & NEGLECT 66A, 669 (1994) (noting that "reliance on victim interviews was significantly associated with a decreased rate of prosecution").

¹² For an analysis of responding to a defense expert's critique of a forensic interview, see Victor Vieth, *When the Smoke Clears: Cross-Examining the Defense Expert's Attack on a Forensic Interview*, 2(4) CENTERPIECE (2010) available online at www.ncptc.org.

¹³ This case and others was more fully addressed in a

previous article Victor Vieth, *When the Victim Stands Alone: The Search for Corroborating Evidence*, 12(6) UPDATE (1999) (Update is published by the National Center for Prosecution of Child Abuse and is available online at www.ndaa.org).

¹⁴ For a more complete analysis of the possible arguments available to the prosecutor, see Victor Vieth, *The Moment of Truth: Making the Case in Closing Argument*, 13(2) CENTERPIECE (2009) (available online at www.ncptc.org/underpublications/).

¹⁵ This is a case related to me by a colleague. Victor Vieth, *Picture This: Photographing a Child Sexual Abuse Crime Scene*, 1(5) CENTERPIECE (2009) (available online at www.ncptc.org/underpublications/).

¹⁶ For an excellent analysis of this issue, see MaryAnn Burkhardt, *Child Abuse Allegations in the Midst of Divorce and Custody Battles: Convenience, Coincidence or Conspiracy?*, 14(10) UPDATE (2007) (Update is published by the National Center for Prosecution of Child Abuse and can be accessed online at www.ndaa.org).

¹⁷ For a more complete analysis of assessing a child's statement, see Amy Russell, *Assessing Children's Statements for Investigative and Court Purposes*, 11(6) CENTERPIECE (2009) (available online at www.ncptc.org/underpublications/).

¹⁸ Mike Johnson, *The Investigative Window of Opportunity: The Vital Link to Corroboration in Child Sexual Abuse Cases*, 1(9) CENTERPIECE (2009) (available online at www.ncptc.org/underpublications/).

¹⁹ Id.

²⁰ Victor Vieth, *Picture This: Photographing a Child Sexual Abuse Crime Scene*, 1(5) CENTERPIECE (2009) (available online at www.ncptc.org/underpublications/).

For More Information

The National Child Protection Training Center (NCPTC) at Winona State University provides training, technical assistance and publications to child protection professionals throughout the United States. In addition, NCPTC assists undergraduate and graduate programs seeking to improve the education provided to future child protection professionals. In partnership with CornerHouse, NCPTC also assists in the development and maintenance of forensic interview training programs utilizing the RATAF[®] forensic interviewing protocol. For further information, contact NCPTC at 507-457-2890 or 651-714-4673. Please visit our website at www.ncptc.org.





The Investigative Windows of Opportunity: The Vital Link to Corroboration in Child Sexual Abuse Cases

By Detective Mike Johnson

"We must use time as a tool, not as a couch." –John F. Kennedy

Introduction

The single most important advantage a multidisciplinary team or lone investigator has in any type of child abuse investigation is the "Investigative Window of Opportunity" (IWOP):

Simply defined, these are the precious minutes that occur either during or immediately after the initial outcry of a child victim of sexual abuse. This is the optimum time to conduct investigative tasks for the purpose of gleaming the most detailed information. For every hour that goes by after the initial outcry without multidisciplinary team investigative intervention, information critical to case evaluation is lost. As days pass, critical information may be lost forever.

Each child abuse case presents six "windows of opportunity":

1. Forensic Interview of Child Abuse Victims

Children typically outcry for a multitude of reasons, which can be characterized in two areas: the purposeful outcry and the accidental outcry. The purposeful outcry usually occurs when the child, for the protection of herself or a sibling, tells someone that the abuse is occurring. This outcry is frequently accompanied by a heightened emotional state in the child, who may state that she is "afraid" or "tired" of the abuse. Many of these children, due to their developmental age, have only recently become aware that the abuse is wrong. Conversely, the accidental outcry occurs when the child makes offhand statements or a parent, sibling or another person discovers the abuse. Although the child isn't prepared

to make the outcry, the resulting crisis has the same accompanying heightened emotional state, which may allow investigators to obtain more detailed information.¹

The window of opportunity for conducting this interview is immediately after the child makes the outcry. In other words, if the outcry is made in the school setting at 10:00 a.m., the window of opportunity begins at 10:01 a.m. With each minute that goes by without intervention, several factors begin to occur, none of which are helpful to the investigation:

- a. *The process of multiple interviews.* The child may be interviewed by counselors, nurses or school personnel who may not be trained in forensic interviewing or are otherwise unaware of the importance of obtaining detailed, accurate information from the child. All of these "unofficial" interviews can cloud the pure information that should be obtained from the child during the forensic interview.
- b. *The family's access to the child.* School personnel may notify the child's parents - the non-offending parent and the potential perpetrator - who will then have access to the child. Additionally, siblings in the household have been known to be unsupportive of child abuse victims due to the emotional upheaval that the child's outcry causes in the home.
- c. *The victim feels responsible for the responses of others.* The child comes to understand very quickly that her outcry has caused a considerable amount of reaction from those around her (school, siblings, IE, CPS etc.). This dynamic is a major causal factor for recantation.

UPCOMING conferences

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PRE-REQUISITES:

- Completion of one of the following basic interviewing courses that teaches RATAAC:
 - CornerHouse Child Sexual Abuse Forensic Interview Training or On-Site Training
 - First Witness™ Forensic Interview Training
 - Finding Words™ Forensic Interview Training
 - ChildFirst™ Forensic Interview Training

Completion of a minimum of fifteen interviews using the CornerHouse Forensic Interview Protocol, RATAAC® (waived for prosecutors).

To register for this course, contact
CornerHouse at 612-813-8300.

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2. Interview of the Non-Offending Parent (NOP)

Interviews with the non-offending parent can yield incredible amounts of detailed information that can be corroborated by investigators. The investigative window for this interview begins with the first person who speaks with the non-offending parent about the abuse allegations. The professionals who do this, typically from law enforcement and child protective services, are in a position to observe the non-offending parent's first reaction (including surprise or non-surprise) and make critical assessment decisions. Every day that goes by after the outcry increases the chance that the non-offending parent will be made aware of the allegations by the child, school officials or other means, thus depriving the investigator of the opportunity to be present during the parent's initial reaction.

The emotions of the non-offending parent during these early stages can be used to accomplish numerous investigative functions. It is during this time that the non-offending parent is often most cooperative, providing detailed information about the incident and surrounding circumstances or cooperating with consensual searches and search warrants. Investigators who miss this window of opportunity risk having the non-offending parent contacted by the perpetrator or defense counsel, both of whom will always suggest non-cooperation with investigators.

Investigators often fail to realize that the emotional strength of the victim is tied directly to the emotional strength of the mother, who is frequently the non-offending parent. To demonstrate this I often ask this question: "If you are the clinical director of a children's advocacy center with funding for only one of three client populations (victim, NOP or siblings) and your goal is finding resolution within the criminal and civil justice process, which client population do you choose to serve? The answer I usually get is 'the victim,' but that's not correct. If you don't support the non-offending parent's issues, she won't bring the victim in for treatment or encourage the victim's progress. However, if we address the NOPs issues, she will make sure her child receives therapy. Ideally, we should increase the clinical budget to provide therapy to all three populations. Thus, the best answer to the above question is that treatment should be provided to all three client populations.

The non-offending parent is often dealing with issues such as humiliation, anger, abandonment, mistrust, loss of affection, jealousy, past victimization and questions about her parenting skills. She may be in need of job training, financial assistance, emotional support, etc. Despite these factors, we typically direct all of our resources toward the victim and leave the mother with no one to turn to except the perpetrator, who may be actively trying to win her back. If she reunites with the perpetrator you have lost your victim, because the perpetrator will work to persuade the mother to be uncooperative and pressure the victim to recant. If we strengthen the non-offending mother, she will make sure the child's needs are met.

3. Interview of Collateral Witnesses

As with the non-offending parent and the perpetrator, the investigators who ask the first questions of the collateral witnesses have the window of opportunity for the most detailed information. This is especially critical because the information provided by these witnesses can be tainted by the perpetrator, defense counsel, non-offending parent or others. The witnesses may align themselves with the non-offending parent, the perpetrator or the child, thereby making their information less objective and more subjective.

Investigators are continually challenged to identify and interview collateral witnesses. This is one of the weakest areas in all child abuse investigations. Defense attorneys know this and frequently try to use it to their client's advantage by charging that the investigators were not acting as objective fact-finders but as subjective believers who spoke only with witnesses the officers believed would complement the state's case. It is extremely important for investigators to immediately find, interview and "nail-down" collateral witnesses' knowledge of the incident, prior to the collateral witnesses speaking with anyone else.

Character witnesses suggested to investigators by defense attorneys should be interviewed or at least an interview should be attempted. If investigators refuse to interview a character witness, defense counsel is in an excellent position to portray the investigative process as biased against his client. This area is referred to as "fertile ground" for impeaching the credibility of the investigator and the investigation.

4. Perpetrator

As with the non-offending parent, investigators who first broach the subject of child abuse with the alleged perpetrator have a "distinct investigative advantage" in gaining incriminating statements (confessions). The ability to see and hear the perpetrator's initial reaction is invaluable to the investigator's interview. However, this raises an interesting dilemma for many investigators regarding when the interview should take place. Should a majority of information be gathered before approaching the perpetrator, or should the investigator interview him in the earliest stages? In my experience, after the forensic interview of the child is completed and the non-offending parent and witnesses have been interviewed, the next most critical function is the interview with the perpetrator. Ideally, especially with cases involving in-home abuse, this should be accomplished within one to three hours after the forensic interview of the child and the interview of the non-offending parent.



Most perpetrators can be described as manipulative, controlling and narcissistic. A long delay in interviewing the perpetrator gives him time to work on an alibi or an excuse as to why he could not have committed the offense. It also allows him a chance to access those involved in the outcry (including the victim, non-offending parent or school officials) to determine how much of the allegation was revealed. It has been my experience that perpetrators will only confess to what they think the investigators already know. In a related issue, child protective service workers and law enforcement need to have a mutual agreement about what details of the allegation should and should not be discussed during interviews conducted with the perpetrator by CPS workers.

Finally, a delayed interview gives the perpetrator time to contact a defense counsel. Nancy Lamb, an attorney in Elizabeth City, North Carolina, and I present training sessions on "Combating Defense Strategies in Child Sexual Abuse Cases." In Ms. Lamb's experience, numerous defense attorneys advise that an accused perpetrator should never speak to investigators. According to Ms. Lamb, they specifically recognize that any statement made by the perpetrator, especially a confession, is always detrimental to the defense of their client.

5. Medical Evaluation

The investigative window of opportunity for performing the forensic medical examination of a sexual assault victim is immediately after the perpetrator disengages from the assault of the child. There is a recognized 72-hour rule (or window) for conducting this medical evaluation. This 72-hour rule has been grossly misconstrued. Many an investigator believes he or she has "up to 72 hours" to have a medical exam of the child victim completed. This is far from correct. Keep in mind that we get a

positive medical finding of sexual abuse in less than 4% of our cases. Delayed medical evaluations by untrained forensic medical professionals can shift this percentage to almost zero.

Investigators should remember that the IWOP starts when the perpetrator withdraws his penis, tongue, hand or object from the child's mouth, body or sexual organ. The initial hours after the assault provide the medical forensic evaluator the best opportunity for identifying marks, bruises or tears, which immediately begin to heal, as well as for collecting other biological evidence such as semen, saliva and lubricants, which immediately begin to be absorbed, wiped or transferred away, thereby eliminating the very evidence that is highly corroborative of sexual abuse.

6. Crime Scene Evaluation

The window of opportunity for conducting the investigative function of evaluating a crime scene is immediately after the assault, before the perpetrator or others have the opportunity to disturb it. For every minute that goes by, the crime scene is altered. Whether investigators are involved in the case immediately after the incident or several months later, every attempt should be made to use as many crime scene identification techniques as possible, especially photo documentation⁶ and other evidence collection techniques.

A few years ago, my police department investigated a case in which a 13-year-old boy made an accidental outcry at school that his father was sexually abusing him. When we began interviewing the boy, we discovered that the last incident occurred that morning before the father left for work. In his haste to leave, the father left his underwear beneath the boy's bed and a jar of petroleum jelly on the nightstand. Realizing that the crime scene was still intact, we rushed over to the house and received permission to search from the mother, who was extremely cooperative. As we had hoped, the items were exactly where the boy said they would be. Without these pieces of evidence, our entire case would have been different.

Investigators and prosecutors are keenly aware of the "CSI-effect" and the popularity this television show has had on American society. This is the same American society that makes up our juries. The influence of CSI on the issue

of crime scene evaluation cannot be understated. All investigators are challenged to discuss this issue with their prosecutors and, at a minimum, provide clear documentation on results of crime scene evaluations and techniques used.

Gaining Better Access to the Windows

Recognizing the windows of opportunity is a critical step, but it is useless if procedural issues prevent investigators from accessing them.

Some of the most common errors that violate the investigative window of opportunity occur at the earliest stages of outcry, typically at a school by officials who delay in recognizing the abuse and reporting it to appropriate authorities. Instead, they elect to notify the non-offending parent and/or the perpetrator. Therefore, it is crucial to establish appropriate procedures and protocols and ensure that all school officials understand them. In addition, law enforcement needs to ensure that a detective is promptly notified about each call and that the detective responds immediately, instead of waiting until the next workday. Other early violations include the lack of knowledge of child abuse phenomena and hesitation to get involved with a case because one member of the team is not available to respond immediately.

Everyone involved in a case (including the multidisciplinary team, child advocacy center, and individual investigators) needs to review cases for investigative violations that may be causing coordination and intervention delays in the ability of investigators to respond immediately. The suggested evaluation technique for the quality of a case is to review:

1. The exact time the child made the outcry;
2. Who spoke with the child before CPS or law enforcement became involved;
3. When the perpetrator was first notified;
4. When the non-offending parent was notified;
5. Identification of collateral witnesses and how long it took before they were contacted;
6. The last occurrence of the offense; and
7. How long it took before the crime scene was evaluated.



Coordinated Response of Law Enforcement and CPS

Reviewing these situations will better illuminate violations of the investigative windows of opportunity. It also begins the discussion for finding the procedures/protocols to place investigators in the best possible position to access the detailed facts and information needed for investigative corroboration to protect the children in our communities.

We also need to have a cooperative response system for child protective services and law enforcement. Law enforcement operates on a "call for service system," which means if you call 911, a police officer will respond day or night. However, child protective services operates on a "priority system," in which a caller contacts a hotline and the call-taker evaluates the problem. If it meets certain criteria, a priority is placed on the call

and the information is subsequently sent to the local CPS jurisdiction for evaluation by a supervisor, who will assign a caseworker to investigate. These two systems are inherently incompatible. Both address their agencies' policies and procedures, but neither gives paramount attention to the needs of the child. Specific issues, such as risk assessment by child protective services, medical evaluation, crime scene evaluation, and interviews of important parties should take precedence. No system should violate the investigative windows of opportunity by forcing the investigators to delay their response, thus losing access to detailed information. The cases in which we have been most successful were identified and investigated within six to eight hours, from the initial outcry to the major parts of the investigative conclusion.

Conclusion

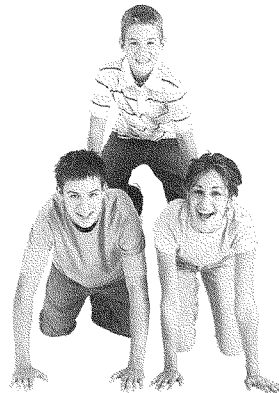
The protection of a child hinges on the intervener's ability to acknowledge that children disclose for a multitude of reasons, and the child protection team must be ready to mobilize on behalf of the child when the outcry is first made. Windows of opportunity are not contingent upon caseloads, schedules or notification procedures. When the child is ready to be protected, the child protection team must be ready to respond.

Footnotes

- ¹ Mike Johnson is a Detective with the Plano Police Department in Plano, Texas. He may be reached at mjohn@plano.gov or via his website www.detectivemike.com.
- ² Address in New York City to the National Association of Manufacturers (6 DEC. 1961).
- ³ In discussing the "innuendoes" of child sexual abuse, David Finkelhor and Angela Brown write that in situations of accidental outcries of children, the forensic interview may create an "acute psychological episode that may lead to fragmented and uncorroborated statements." In other words, unlike the purposeful outcry where the victim experiences "relief" at disclosing the abuse, the "accidental" child may still feel partnership in the abuse, thus disclosing the abuse is tantamount to a confession of guilt. These children often are candidates for follow-up forensic interviews and extended assessments. See David Finkelhor and Angela Brown, *The Traumatic Impact of Child Sexual Abuse: A Conceptualization*, 55(4) AMERICAN JOURNAL OF ORTHOPSYCHIATRY 530 (1985).
- ⁴ See American Academy of Pediatrics website for medical evaluation of sexual abuse guidelines at: www.aap.org.
- ⁵ Hege, et al. *Children Reported for Possible Sexual Abuse: Medical Findings in 2,884 Children*, 26 CHILD ABUSE & NEGLECT 645 (2002) (finding that only 4% of all children referred for medical evaluation of sexual abuse have abnormal examinations at the time of evaluation); Kellogg, et al. *Genital Anatomy in Pregnant Adolescents: Normal Does Not Mean "Nothing Happened"*, 11(14) PEDIATRICS 67 (January 2009) (noting that only 2 of 56 pregnant adolescent girls presented for sexual abuse evaluations had "definitive findings of penetration").
- ⁶ See Victor Viora, *Picture This: Photographing a Child Sexual Abuse Crime Scene*, 1(5) CENTERPIECE (National Child Protection Training Center 2009) (available online at www.ncptc.org).
- ⁷ See Shelton, D.E., S. Kim, and G. Barak, "A Study of Juror Expectations and Demands Concerning Scientific Evidence: Does the "CSI Effect" Exist?" *Stimberfill Journal of Entertainment and Technology Law* 9 (2006): 331 E2 80 93368.

For More Information

The National Child Protection Training Center (NCPTC) at Winona State University is a training program of the National Association to Prevent Sexual Abuse of Children (NAPSAC). NCPTC provides training, technical assistance and publications to child protection professionals throughout the United States. In addition, NCPTC assists undergraduate and graduate programs seeking to improve the education provided to future child protection professionals. In partnership with CornerHouse, NCPTC also assists in the development and maintenance of forensic interview training programs utilizing the RATAAC® forensic interviewing protocol. For further information, contact NCPTC at 507-457-2890 or visit our website at www.ncptc.org. For further information about NAPSAC, call 651-340-0537 or visit our website at www.napsac.us.



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NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE

Update

Difficult Economic Times Prove Value of Multidisciplinary Approaches to Resolve Child Abuse

By Robert H. Giles

[C]hildren present us with a uniquely compelling mission for mobilization. Our collective failure to protect children must be transformed into an opportunity to confront the problems that cause their suffering.

—Gisela Michel

Crimes against children rise during difficult economic times. The current recession is imposing that reality. This assault on our most vulnerable citizens occurs at a time when the criminal justice system is winning resources, which makes it imperative to utilize proven multidisciplinary approaches to resolve child abuse cases. In the United States, almost one million children were victims of child abuse or neglect in 2006.¹ Because of the current economic climate, the number of child abuse victims can be expected to rise. Child abuse tears at the fabric of our country and exacts a heavy psychological toll on the victims, their families and our communities.

Anecdotal evidence and media stories indicate this is the worst recession for America in 50 years, thus the threat to children grows as the economy falls worst. "The potential for fall reductions in police departments and prosecuting offices occurs when children are more at risk than ever. Recent media reports show that the recession may be causing an alarming rise in instances of child abuse." The Child Protection team at Boston's Children's Hospital saw an increase of suspected severe child physical abuse cases in the last year.² According to Reuters and CBS, Phoenix, Arizona, has seen a 10 percent rise in child abuse cases from 2008 to 2009, while other cities like Boston, Seattle, Las Vegas, Chicago, and Boulder, South Carolina, have seen substantial increases in the number and severity of physical child abuse cases.³ Illinois reported a 5.8 percent rise in child abuse cases.⁴ Additionally, the cost of child abuse continues to place an extraordinary strain on the economy of the United States. In 2007, Proven Child Abuse America conservatively estimated that child abuse and neglect has an estimated annual cost of approximately \$700.8 billion.⁵ When financial resources become scarce, the temptation is to cut back on programs, such as special investigation, protection and prosecution units. Unfortunately, these cuts will increase the likelihood that child abuse investigations will return to the dark days of uncoordinated and duplicative investigations—investigations that will result in increased trauma to the children, inconsistent statements, and delays in prosecuting cases.

Difficult economic times demand that police, prosecutors and child abuse prosecution professionals join their efforts to stop child abuse through proven, efficient and cost effective methods. A weak economy grows at the criminal justice system's ability to protect children; budget restrictions to raise governmental and child protective services workers' salaries and child protective services workers' salaries.

Multidisciplinary child abuse investigation teams (MDITs)⁶ in cooperation with child advocacy centers (CACs)⁷ show the greatest potential for cost efficiency and effective prosecution.

History of MDITs and CACs

MDITs are powerful, efficient and cost effective. An MDIT is minimally comprised of law enforcement,

prosecution, and child protective services workers. This composition allows members to utilize the combined talents and resources of organizations tasked to make the investigation of abuse allegations, prosecution of child abusers, and protection of the victims' families. MDITs, however, should not be limited to law enforcement and child protective workers, but should also include a wide range of professionals who are responsible for protecting children from abuse. Abused health providers, medical professionals, school workers, guardians of the law and state hearing professionals to name a few, have an equally important place at the MDIT table.

MDITs prove effective because they allow team members to collaborate during child abuse investigations, thereby preventing duplication and fostering a sense of teamwork that benefits both the investigation and the child. According to a study by Jane Kolko and Edith Strong on multidisciplinary approaches to investigating child abuse, an effective MDIT allows "a broader range of experts points on problems that help contribute to the decision-making process, more decisions are made jointly, otherwise unknown resources are identified and, ultimately, better assessments, treatment plans and services are provided."⁸ In the end, at the very least, the collaborative process spurs child abuse victims and their families the trauma of multiple interviews and investigations.

MDITs formed for the investigation of suspected child abuse first appeared in the United States in the mid-1980s.⁹ By the late 1990s, more than 1,000 teams across the country worked together to protect children from abuse.¹⁰ According to the study by Kolko and Strong, a majority of states utilize a statewide participation model that ensures "each [abused] child is afforded the benefits of a multidisciplinary approach to addressing . . . abuse and neglect, without regard to where the child lives or where the alleged maltreatment occurred."¹¹

In cooperation with MDITs, child advocacy centers (CACs)¹² began to emerge in the mid-1990s. MDIT members often gather at their local CACs to coordinate their investigations in a manner that "encompass[es] child abuse investigation and advice stress on children and families."¹³ The National Children's Advocacy Center in Huntsville, Alabama established the first CAC. The growth of similar centers has exploded, rising from 23 centers in 1992 to more than over 650 in 2007.¹⁴ CACs can be found in urban, suburban and rural areas of every state.

New York City established an Instant Response Team in 1998 to better coordinate law police, prosecutors and child protective services workers' responses to cases of child abuse and neglect.¹⁵ This system resulted in a dramatic reduction in the response time to severe cases of child maltreatment. According to a study published in 2001 by the Vera Institute of Justice, in 1998 child abuse prevention professionals took more than two hours to respond to a report of severe child abuse in 20 percent of cases.¹⁶ By 2006, only eight percent of cases waited for more than two hours for the team to respond.¹⁷ The improvement in response time demonstrates how the cooperation of agencies tasked with protecting children can improve their reaction to child abuse through coordination and cooperation.

Some communities are taking the MDIT/CAC

model a step further by incorporating child abuse services and investigations and focusing these resources on the whole family. The Family Justice Center Alliance accredits organizations that provide services to victims of a wide range of family violence, domestic partner violence, child abuse, and computer-facilitated crimes against children, etc. Family justice centers recognize the well-established connection between domestic partner violence and child abuse.¹⁷

One example is in Harford County, Maryland. The Harford Family Justice Center houses, within one building, office space for local law enforcement, prosecuting attorneys who handle domestic violence and child abuse cases, children's protective service workers, forensic interviewers and even the Federal Bureau of Investigation. While at the Harford Family Justice Center, a family that is subjected to domestic violence will be provided services ranging from assistance with petitioning for a personal protection order to forensically sensitive interviews of children to mental health services. This partnership enables child abuse prevention professionals in that county to coordinate closely and monitor their investigations. The process improves the services to the community and creates stronger cases for the judicial system, while reducing stress and trauma on families during the investigative process.

How MDT/CACs Make Justice for Abused Children More Effective and Efficient

MDTs are effective because they marshal the limited resources toward the common goal of child protection. According to Tanya Beron's article on evaluating multidisciplinary child abuse training, "[a]n effective multidisciplinary team has a shared purpose, clear goals, standards for performance [and has] a collaborative climate, external support and recognition and fair and impartial leaders."¹⁸ Such collaboration is improved when CACs are the facilitators, members of the MDT are cross-trained, MDT members are housed in the same location, and when a well trained child interview team is a part of the investigation.¹⁹ This cooperation prevents economically wasteful duplication of investigation efforts.

Recent studies have shown that the use of MDTs and CACs produce an effective child abuse prosecution that reduces the trauma to child victims and their families. These studies demonstrate that collaborative efforts at child protection and prosecution produce positive results: timelier charging of suspects, greater involvement of law enforcement and child protective services, greater vitality in child protective proceedings and child abuse prosecutions, reduced stress on victims and families, and an increased likelihood of longer sentences for those convicted of abusing children.

The MDT/CAC model strengthens cases as they proceed through the criminal justice system. Cross, et al. found that the Dallas MDT/CAC was able to obtain convictions "more often at trial than in the comparison communities" that did not coordinate their efforts in the same manner.²⁰ The comparison community that did not use a MDT/CAC model had to rely on plea or plea bargaining at a greater percentage.²¹ This suggests that when cases are charged following a coordinated MDT/CAC investigation, the coordinated MDT investigation presented a stronger case enabling prosecutors to avoid accepting plea bargains. This finding is bolstered by the fact that those convicted of child sexual abuse crimes following a MDT investigation are incarcerated for substantially longer periods of time—an average of 331 months for the MDT/CAC communities as opposed to an average of 157 months for the non MDT/CAC communities.²²

In addition to strengthening investigations and prosecutions, communities using the MDT/CAC approach to child abuse investigations also find that victim families forced to endure an investigation are far more satisfied with their treatment during the process. A recent study found that caregivers were significantly more satisfied with the investigation and interview process in MDT/CAC communities when compared to non MDT/CAC communities.²³ Seventy percent of caregivers in CAC communities reported high levels of satisfaction versus 54 percent of the caregivers from comparison communities.²⁴ The level of satisfaction with the interview process is even greater for the MDT/CAC communities where 83 percent report high satisfaction.²⁵ In addition to increased levels of satisfaction by caregivers, CAC communities are positioned to support child victims with mental health services at a higher rate. MDT/CAC communities referred abuse victims for mental health services at a rate of 72 percent as compared with a referral rate of 31 percent for the comparison communities.²⁶ In addition to increased level of satisfaction by non-offending caregivers, MDT/CAC communities have the ability to reduce the trauma to families by facilitating the speed at which

crimes against children are charged. According to Walsh, et al., "[c]ases that were seen at the [MDT]/CAC had a significantly quicker charging time than cases at . . . the comparison [non MDT]/CAC communities."²⁷

It is the responsibility of those charged with protecting children and prosecuting those who harm them to muster our resources to provide the most effective means of responding to instances of child abuse. Through the cooperative utilization of MDTs and CACs, law enforcement, prosecutors and child abuse prevention professionals can successfully and efficiently protect children from abuse.

¹⁷ Giya Michel is the chancellor of the University of Cape Town; has spent much of her life working with child victims of armed conflict and is the wife of Nelson Mandela. This quote comes from her report at the International Conference on War-Affected Children, Winnipeg, Canada, September 2009.

¹⁸ *Long-term Consequences of Child Abuse and Neglect*, CHILD WELFARE INFORMATION GATEWAY (2008).

¹⁹ Floyd Norris, *It's Offhand: How a Revision in His Doubts*, N.Y. TIMES, May 21, 2009.

²⁰ Jason Szep, *Child Abuse Spikes in US Economy*, FOUNDATION FOR UTILITY NEWS SERVICE, available at <http://www.utilitynews.com/articles/domesticNews/adULTRI/53F009250e29416>.

²¹ *Id.*

²² *Id.*; see also, *Recession Hits Children in Harrow*, HCN, CBS NEWS, available at <http://www.cbsnews.com/stories/2009/08/20/business/children/recession/main029133.shtml>; see also, Timothy Pratt, *Child Abuse Escalates with Money Flow*, LAS VEGAS SUN, June 26, 2009.

²³ Wang, C.I., Helton, J., *Total Estimated Cost of Child Abuse and Neglect in the United States*, PREVENT CHILD ABUSE AMERICA, BOSTONIAN IMPACT STUDY at 2 (September 2007).

²⁴ George Houde and Brian Cox, *Pleas Fuel the Slings of Recession: Department, The Democrats, Purchase to Keep Cops on the Street*, CHICAGO TRIBUNE, April 22, 2009; Sherry M. Peters, *Caring Criminals: Murders 'Not My Close to Police Department*, THE TIMES & HERALD, December 6, 2009; Molly McDonough, *Kid: Decisions About of Life's Cases Being Dropped*, ABA JOURNAL, December 1, 2008.

²⁵ Wendy Walsh, Lisa Jones & Theodore Cross, *Children's Advocacy Centers: One Philosophy, Many Models*, ASPAC ADVISOR, Summer 2003 at 7.

²⁶ Jerome Kolko & Felish Strong, *Multidisciplinary Team Approaches to the Investigation and Resolution of Child Abuse and Neglect: A National Survey*, 2 CHILD MALTREATMENT 1 at 61 (1997).

²⁷ *Id.* at 67.

²⁸ *Id.* at 64.

²⁹ *Id.* at 64.

³⁰ Walsh et al. at 3.

³¹ Lisa Jones, Theodore Cross, Wendy Walsh & Monique Simone, *Do Children's Advocacy Centers Improve Families' Experiences of Child Sexual Abuse Investigations?* CHILD ABUSE & NEGLECT 31, at page 1070.

³² Timothy Ross, Francesca Levy & Robert Hope, *Improving Responses to Allegations of Severe Child Abuse: Results from the Instant Response Program*, VERA INSTITUTE OF JUSTICE, August 2004, at page 1.

³³ *Id.* at 13.

³⁴ *Id.*

³⁵ See Office of Juvenile Justice and Delinquency Prevention, *Safe from the Start: Taking Action on Children Exposed to Violence*, November 2006.

³⁶ Tanya Beron, *Evaluating Multidisciplinary Child Abuse Training: A Comparative Design and Questionnaire*, IPT JOURNAL VOLUME 15 (2005).

³⁷ Bernice Sue Newman & Paul L. Dombek, *Children's Protective Services and Law Enforcement: Testing Partnerships in Investigations of Child Abuse*, 14 JOURNAL OF CHILD SEXUAL ABUSE 2 at 105-107 (2005).

³⁸ Cross L, Jones L, Walsh W, Simone M, Kolko D, Szepanski J, Lippert T, Davison K, Criss A, Swinowski B, Shaden A, & Maguinon S, *Evaluating Children's Advocacy Centers' Response to Child Sexual Abuse*, CHILD WELFARE JUSTICE BULLETIN 6 (August 2008).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Jones L, Cross L, Walsh W & Simon M, *Do Children's Advocacy Centers Improve Families' Experiences of Child Sexual Abuse Investigations?*, 31 CHILD ABUSE & NEGLECT 1069, 1078 (2007).

⁴² M. Cross, et al., at 6.

⁴³ *Id.*

⁴⁴ *Id.* at 5.

⁴⁵ Walsh W, Lippert T, Cross L, Maurice D, & Davison K, *How Long to Process Child Sexual Abuse for a Community Using a Children's Advocacy Center and Two Comparison Communities?*, 13 CHILD MALTREATMENT 3, 8 (2008).

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