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Think Tank Report

*Child
Protective
Services:
A System
in Crisis*

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The National
Resource Center
on Child Sexual Abuse

CHILD PROTECTIVE SERVICES: A SYSTEM IN CRISIS

Proceedings of a Think Tank

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MS. BLICK: Think tanks are an integral part of the National Resource Center, and we expect them to be ongoing through the entire existence of The Resource Center. So, even though we are holding a think tank right now on "Child Protective Services: A System in Crisis," we may do it again when we feel it is necessary to continue moving the field forward.

Our tasks today will be the following. First, we want to identify the strengths and weaknesses in the field. This should include identifying problem areas and publicly unrecognized issues. Some of you may be aware of problem areas in Child Protective Services (CPS) that the public has not yet recognized. We want to begin advancing the field by bringing up these hidden issues.

Second, we are going to look at what the controversial issues are. Third, we want to identify what we generally agree upon in the field. Fourth, we want to know what is currently being done to resolve the problems, and what we can do to resolve problems where recommended solutions have failed.

We want to cover the state of the art. We want to identify leading authorities in the field, individuals and organizations that we feel represent the model for this issue. Finally, we want to come up with a plan for further action.

I also want to note that this is a timely meeting for us because Bud Cramer and I will be going to present to the Human Resources Staff Advisory Council next month of the National Governors' Association. After much research and planning we believe that one important way we think the field can impact nationally on the problems of CPS is through the National Governors' Association.

So today our objective is to collectively come up with a comprehensive picture of the problem and suggestions for resolving it. We also want to make sure that we cover it in a multidisciplinary perspective.

Howard Davidson will be our official moderator for the think tank. Howard is the Director of the American Bar Association's National Legal Resource Center for Child Advocacy and Protection¹. I've known Howard for over ten years, and he has done a superb job in leading the field in all areas of child abuse and neglect.

I was very privileged and honored to attend a meeting Howard sponsored last December on the subject of Child Protective Services. Howard will fill you in a little bit about that and proceed with monitoring our meeting. Thank you and welcome.

¹[Ed. note: now renamed the ABA Center on Children and the Law.]

MR. DAVIDSON: Thank you. I want to say a couple of things and then tell you how the agenda is going to be organized, particularly for the invited observers who may not be aware of how the program is going to be structured.

Our interest at the ABA Child Advocacy Center -- I'll just refer to it by the short version -- in the issue of CPS reform has been prompted to a large extent by meetings that our staff has had with officials of the Administration on Children, Youth, and Families (ACYF), U.S. Department of Health and Human Services (HHS).

Over the last few years, we have had discussions with Betty Stewart of ACYF; Jane Burnley, who was then at HHS and is now Director of the Office for Victims of Crime in the Justice Department; and Susan Webber, Acting Director of the National Center on Child Abuse and Neglect. They have indicated an interest in having the ABA, along with a number of other organizations, look at how improvements in the Child Protective Service system can be promoted.

The first part of our work in that direction was a 1987 invitational conference which took place at Airlie House, a conference center in Warrenton, Virginia. Forty individuals from around the country were invited to come and try to reach a consensus on a series of issues limited to the part of CPS work that deals with reporting, receipt of reports, investigations, and the outcome of investigations.

That conference resulted in a document published by our Center in 1988 called *Child Abuse and Neglect Reporting and Investigation - Policy Guidelines for Decision Making*. When that document was released, the folks at HHS believed that the process should not end there; that this should not be considered the last word on these issues.

HHS was very kind to provide the ABA with some additional financial support to do a number of things, one of which was the invitational conference that Linda just referred to in December of 1988. This conclave, held in Crystal City, Virginia, dealt with policy reform implementation related to CPS. I will be speaking in detail about that conference at the end of the day.

Secondly, the HHS people have been supporting a series of presentations throughout the country on CPS system reform. They wanted to be sure that people in various regions of the country were aware of the debate, discussion, and documents that have been developed on CPS reform. To that end we are trying to do programs at various geographical points around the country: for instance, a presentation on this issue was held last fall in Tacoma, Washington as part of the American Humane Association's

annual conference. Another session is going to be held at the Child Welfare League of America conference in Chicago in the spring.

These sessions, as well as this think tank, serve to partially fulfill our grant obligations to HHS. This generous grant has made it possible to bring several of today's participants here to Huntsville to share information with you.

In 1990, there will be a final report that will reflect where we are now, after all these regional debates and the discussions. I'll be speaking more about this later when I talk about the Crystal City CPS policy implementation conference.

Let me move on now to the structure of the day. Each invited presenter has been asked to speak, followed by a reactor assigned to respond to each of the presenters. In some cases the reactors have no idea what the presenters are going to say. In other cases there has been some very minimal discussion.

The reactors are not limited in their remarks to merely reacting to what the presenter says, but can talk about what they didn't say and address issues that the presenter has failed to raise. We have asked the reactors to limit their remarks. Following that there will be a short period of open discussion in which the presenter will first be given a chance to rebut what the reactor has said. Then the floor will be open to anyone, particularly the invited observers, for comments. If the invited observers or other observers have questions or comments, we ask that they identify themselves for the purposes of the record that is being made here, and that they say a little bit about their background related to Child Protective Services. And with that, we will move on, to our opening presentation.

Patricia Schene is the Director of the American Association for Protecting Children, which is the children's division of the American Humane Association. Her background includes policy and program development for children's services research and advocacy.

The American Humane Association has recently been involved in a series of program evaluations related to Child Protective Services in the states of Maryland, Wyoming, Texas, and Iowa as well as curriculum development in the area of child sexual abuse, supervision, and basic core training.

The American Association for Protecting Children, has just developed a first draft of a framework for advocacy for services to children and families involved in abuse and neglect.

Patricia also directs one of the HHS -- funded National Child Welfare Resource Centers, on child abuse and neglect, a

counterpart resource center to the one that is sponsoring this think tank.

MS. SCENE: I am very glad to be here. Howard has asked me to set the context for our day's discussion of system reform in Child Protective Services. To do that, I would like to lay out the overall problems and issues that have given rise to the need, or the perceived need, for reform. Secondly, I will talk about some of the positive efforts that have already been made to address these problems.

And then third, I will focus on current controversies around what should happen next, and some embryonic solutions that are emerging.

I want to apologize in advance for not getting my eminent reactor a copy of the remarks in advance.

What are the issues or problems that have given impetus to a perceived need for reform? One of the first, and I think primary, is the increasing number of reports.

The reporting of child abuse and neglect in this country is now at 2.2 million children per year (as of 1987). The growth in reporting is over 200 percent in the past decade. That's an enormous burden on Child Protective Service systems.

As many of you know, the U.S. House of Representatives indicated that in the period of 1980 to 1985, reporting had increased by 55 percent nationally but, the total resources, federal, state, and local together, increased by only 2 percent.

So, not only are we having a huge increase in cases being identified to CPS systems nationally, but increases in resources are virtually unavailable.

Secondly, there is a very clear indication, based on national incidence studies and other work, that we are not even identifying half of the children who are really being abused and neglected in this country.

Not only do we see a reporting increase, we see more and more empirical information showing that we are not even reaching many of the children. Children aren't being reported who really are being abused and neglected.

Another general issue is that there is a growing sense that Child Protective Services is not able to help families; that the problems are just intractable, or that the role of Child Protective Services is being diminished to an investigative one. That's a contextual issue.

Fourth, there is an increasing use of screening or prioritization of reports, to help limit and regulate the work load.

Next, the availability of services in communities has been severely limited. Not only Child Protective Services, but community services that might respond to the problems of abused and neglected children and their families have also suffered from the same types of fiscal cutbacks that have impacted the public child welfare system.

Another issue is that decision making, at every stage of the case work process, has showed an alarming degree of variation. It not only varies from state to state and county to county, but it varies often from worker to worker.

We don't have the consistency of a framework for decision making, and that raises all kinds of issues around public accountability. It raises all kinds of issues around the preparation and ability of case workers to make these crucial decisions in the lives of children and families.

There is a need, a clear need, for a decision-making framework throughout the case process from initial referral to case closure, and in the past decade, it's been clear that such a framework does not exist. There has also been a crisis around supervision: lack of sufficient support for workers' decisions by supervisors.

Another issue has been the impact of Public Law 96-272², which requires "reasonable efforts" to preserve a family, before you place a child outside his or her home. That's totally separate from the reasonable efforts that need to be made to reunify children with birth parents after foster care.

Before you place, you have to provide reasonable efforts to keep that child in the home. These efforts must consist of support services to families, rather than merely investigative services.

That obligation exists, although in the past eight years of federal policy there hasn't been really enthusiastic support for that public law. Nevertheless, it is on the books, and communities all across the United States are struggling with that reality.

Another issue is the skyrocketing number of reports of sexual abuse. Not only is all reporting increasing, but the proportion of total reporting that is sexual abuse is increasing

²The Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. §§ 620, et seq., 670 et seq.

even more dramatically. It has increased well over a thousand percent in the past decade. I don't even remember the exact number anymore because at some level that is almost meaningless. We were identifying such a small proportion of the problem a decade ago, one wonders what meaning those huge increases have.

Not only do these exponential numbers place a burden on the system as any report would, but the increased proportion of reports of sexual abuse require a level of disciplined coordinated response that just isn't available in most communities.

Another factor is that accountability of Child Protective Services has grown to a wider public. More and more people are looking at what the Child Protective Service system is doing, not only our professionals in the community, but the public at large. The rise of organizations such as VOCAL, Victims of Child Abuse Laws, is a reflection of that kind of public scrutiny, and often it's critical.

CPS systems in many communities have been hit hard by newspaper campaigns and media efforts that undermine the workers' morale and belief in their ability to do the job that they should be doing.

Another factor which I personally consider very important is that the overall mission of Child Protective Services, the public philosophy around this service, is covertly being challenged.

Are we really here to help? Are we here only to investigate and decide whether or not this case can be substantiated? What is it that we are here for? If we are just doing an investigation and getting out of Dodge City, why not give it to law enforcement?

If we are here to enter a family's life with an assessment of its strengths and weaknesses to determine whether they need services, and then to provide services, then the so-called "investigation" is the beginning, not the end. It has to be the beginning rather than the end. That sense of purpose, in many ways, has been undermined around the country.

There are other public philosophy issues of importance: such as, whether permanency planning conflicts with family preservation. Everyone wants to do both. We want to preserve families and provide the services that families need, and yet in many situations that really conflicts with the sense that children have a right to a permanent home. If an infant is born to a drug-addicted mother who is living in a crack house or near one, what do we do? Do we preserve that family? Do we move for permanency planning for children?

Some of those issues are also challenging the public opinion of the role of Child Protective Services, and how decisions get made. There are some families that seem unresponsive to help. More and more protective service workers are running into those situations (or maybe just talking about them more).

Another factor which affects Child Protective Services is that social problems in this country have been exacerbated over the past decade. Poverty has increased. The number of children living in poverty has grown tremendously.

More than one out of five children in American are born in and live in poverty. Homelessness, drug-related crime, teenage pregnancies, the development of an isolated underclass with no clear escape roads: all of these challenge efforts to protect children and strengthen families.

Even though it's not the job of Child Protective Services to deal with all of these social problems, the problems affect the work of Child Protective Services. It's hard to counsel families on parenting and problem-solving skills when they are living under a bridge or out of the trunk of their car.

The use of Child Protective Services as the door to other social services has been a real problem. Sometimes the only way a person can get any kind of help is to get reported as an abusing or a neglecting parent.

Child Protective Services should be a specialized service within a broader child welfare and family support system, but we don't have that broader system. In most places now, child welfare means either protection, adoption, or foster care. It doesn't look like family support. It doesn't look like help for children and families. And very often CPS is the door through which one enters any kind of publicly supported help system.

Another major issue is that staff development and training within Child Protective Service agencies has decreased overall. People get much less training than they used to. There is no question about that.

The turnover rate during this period of crisis in CPS has even increased the need for additional training. People are moving in and out of the system so quickly that we need to be providing more training more regularly. Unfortunately, we are seeing agencies pulling back from training because resources are demanded for other purposes.

Often, the only training a CPS worker will have is so-called "on-the-job" training. Sometimes this consists of, "This is how you fill out this form, and this is what you do here," rather than, "What are you here for? How can you help a resist-

ing family? How can you engage that parent in some of the solutions?"

In the face of dwindling resources, we have lost sight of the real focus of Child Protective Services and what it's trying to do. Instead, we have allowed individual workers to develop ways of dealing with the pressures of the system.

Agencies, systems, and political forces in this country have not rallied around the fact that this is the job, that is what it takes, this is what we need to do. Instead, people have accepted the diminished level of resources and tried to make do.

Now, I want to move to the positive steps that have been taken around the country in individual communities and in national agencies.

I think Public Law 96-272 is a very positive step. It's the first time we as a nation, have developed a law saying that it is public policy to preserve families, and to use social services to support families. People who work in this field have been so disappointed with the lack of federal leadership on this new legislation, that we have overlooked the opportunities this law might bring to us.

Another major positive development over the past few years has been the growth of grassroots involvement in child abuse and neglect. Organizations have been formed in almost every community in America by people who are concerned about the problem and want to do something.

People are volunteering their time. They are working on prevention issues. They are involved with Parents Anonymous. They are working with children's trust funds, money set aside from marriage licenses, for example, to be used for children's needs. These children's trust funds have now passed into law in almost every state. There is a lot of citizen involvement that didn't exist a decade ago. I think that is very, very positive.

I think another positive step has been the growth of shared decision making. Recognizing the need to coordinate community intervention is a relatively new development.

The best example of this is the Children's Advocacy Center right here in Huntsville. It is a model program focused on the need to work together around the intervention for a child's sake. Coordination is absolutely essential.

In Florida, we have another example: Children's Medical Services. Children's Medical Services is a state agency funding counties and communities to develop a system of multidisciplinary teams, which have the right mix of people plan-

ning for services on an ongoing basis. Counties wanting that money put together those teams, and again it's a national model.

There are partnerships developing all over this country between Child Protective Services (or people providing services to abused and neglected children and their families) and other types of systems, such as schools.

In Aurora, Colorado they passed a law which requires a percentage of the fines from traffic violations to go into a fund within the school system to provide social services to children.

Six hundred children in that school system were identified (on substantiated cases) as being abused and neglected. These children, like children in general in this country, were not getting very much in the way of services. So they use this money from the fines to fund people within the school system to provide counseling and support. They are cooperating with Child Protective Services, but the school system is doing it.

There is a demonstration project in a couple of counties in Ohio where the public health system is being involved in early intervention. Vulnerable families, identified at the time the child is born, get a visit from public health personnel. That should be done everywhere, routinely, with the cooperation of the public health system.

We see many examples in this country of law enforcement and Child Protective Services jointly agreeing on protocols for investigation, particularly around child sexual abuse, but it provides some other opportunities as well.

Another example is a church in Corpus Christi, Texas which adopts a case worker every year. By adopting a case worker, they adopt her caseload for that year. Anything those families need, the church commits to try to fill: transportation, counseling, help with homework, whatever.

There has been increased attention recently to training and education. New York, Florida, and Ohio have committed to develop and fund training academies for their own workers. Schools of social work are getting very interested in developing curricula for Child Protective Services. The University of Washington at Seattle, The University of Utah, and California State University at Fresno have all developed competency-based curricula for Child Protective Services.

The federal government is again funding curriculum development. We, at the American Association for Protecting Children, have been funded over the past few years to develop our sexual abuse curriculum. The University of Oklahoma has a sex abuse curriculum for public health or the health community. The

National Council of Juvenile and Family Court Judges in Reno, Nevada was also funded by the federal government to develop a curriculum for juvenile court judges.

There are positive things going on in our field. Another major area is the development of formalized protocols for decision-making in CPS risk assessment. There is much to say in this area.

A good example is Michael Weber's program³ in Minneapolis, Minnesota. They have developed what they call a "decision-making support system". The ten key decisions in the casework process are identified, the options for a case worker on each decision are outlined, and then the criteria for choosing Option A rather than Option B are set forth. Every one of those key decisions has to be made by two people. So in other words, the supervisor, team leader, or someone else had to become involved in and support each key decision. This is a way to address concerns about variation in decision-making among individual workers and supervisors.

I think there is a growing sense of compassion developing in this country. We saw some of its results in the last Congressional elections. More people who were talking about children and family issues are getting elected. That's a good sign.

People are looking for more ways they personally can do something in their communities, and that's a good sign. President Bush's "thousand points of light" is a really good thing. The "Give Five" concept, where you volunteer five hours a week or five percent of your income, is catching on in many communities.

National agencies are becoming more focused on building consensus, sharing an agenda rather than each agency talking about a different piece of it.

I want to move on to the last area of my presentation: what are some of the more controversial or embryonic things happening in CPS currently?

I think one of the controversial issues is what types of cases warrant Child Protective Services intervention. How serious does it have to be? What is required in order for Child Protective Services to investigate a report?

Many people feel that we should be intervening in every legitimate case. If it's a suspicious case, you don't want to

³Department of Community Services, Hennepin County, Minnesota.

say to the person reporting, "You go check it out first," or to a neighbor, "Go into the family and find out more facts and then come back." Many people say that's the job of CPS: legitimate, good faith reports should be investigated. Something should happen as a result of that report. Others say, "We can't do it; the system is overloaded. We can only concentrate on the 'more serious'." That's a major controversy right now.

An embryonic solution or response to many of the problems in CPS today is that people are getting more systematic and more empirical about the tasks involved, the decisions being made, the skills and competencies needed to make those decisions, and the resources. And this is a key issue needed to support that process.

People are very interested in workload standards. A few years ago, workload was not on people's minds. They just wanted to know how many cases a worker could handle. That's not enough today. They need to acknowledge that "a case is not a case is not a case." Some cases are more difficult, sexual abuse investigations being very difficult to handle. Therefore, a set of tasks that go with each type of case defines a workload. It is a way to specifically define a level of accountability.

In order to say that you need X number of workers in the area of sexual abuse, or to say you can only handle X number of investigations, you need to know what tasks comprise those investigations. The investigation criteria need to be clear to everybody rather than one worker doing a certain set of tasks and another worker conducting a sexual abuse investigation in a totally different manner. It makes the job more systematic and empirical.

It also stands to reason that if you have X number of workers doing those tasks, each can handle just so much. It works like the accountability of a budget. There are all kinds of benefits to getting more systematic and more empirical about job definition and workload standards based on case type. People are much more ready to engage those issues and demand from their legislators an empirically based budget.

Recently, CPS officials in Texas challenged the state government, saying that based on current appropriation they could serve only 42 percent of the substantiated cases. If the state wanted more cases served, it would have to increase the budget. They then presented the legislature with strong documentation showing empirical evidence of their need for a funding increase. This is much more effective than the more typical, impotent posture of saying, "Well, we will take what they give us and do the best we can".

If you take that latter posture, it means there is going to be variation from community to community, and from worker to worker. There will be no systematic accountability, and we will not be sure when we intervene with children and families that there is a guaranteed logical, purposeful, focus to what we do.

MR. DAVIDSON: Thank you. Our first reactor is Charles Wilson. As Director of Child Welfare Services for the Tennessee Department of Human Services since 1983, Charles oversees program development, consultation, training, and coordination of Child Protective Services, foster care and adoption in the state of Tennessee.

His responsibilities also include review and development of legislation and budget and coordination of Child Welfare Services with other state departments. His previous responsibilities have included serving as a CPS intake worker, supervisor, program specialist, and director of the Department of Field Operations.

He started work in this field as a family assistance worker in the state of Florida in 1972. Charles received a Master's of Social Work degree from the University of Tennessee received in 1977. He is Vice President of the National Association of Public Child Welfare Administrators (NAPCWA), which is a part of the American Public Welfare Association, and he serves on the board of directors of APSAC, the American Professional Society on the Abuse to Children.

MR. WILSON: I find little in Pat's presentation with which I want to take strong issue. There are a few points I would like to elaborate on and discuss further, and a couple of issues which I might see from a slightly different perspective.

As we look at the CPS system in crisis, one of the issues we have to struggle with first is a definition of the "CPS system". The consensus document touched on the NAPCWA guidelines, but there is a fundamental question: what is child protection?

I have worked in two systems, Florida and Tennessee, in which Child Protective Services responds to abused and neglected children regardless of who the abuser is, whether it's their boy scout leader or their parent.

There are many other states in which Child Protective Services means protective services delivered only to children who are abused by a member of their family or someone living within the home. And so I think one of the fundamental issues we struggle with is: when we talk about the CPS system, which system are we talking about? Normally I think we are discussing the NAPCWA

suggested approach, a narrowing of the focus dealing with those services delivered to the family.

Pat has addressed a series of issues on funding related to legislation which is worth remarking on. Public Law 96-272 did set some interesting goals for us all. It is a practical, administrative matter for the state, but the federal government uses the law to try and take money away from our programs, rather than using it to provide support.

There is the temptation on the part of policy makers -- whether they be governors, bureaucrats, or legislators -- to pass laws and think they have accomplished something because they put it in writing. They want preventive services but they don't back up their desires with any resources. They go home thinking they have solved the problem because it is written into law and it's in black and white. It's in a book that says "You can't do that anymore." The world doesn't change until it changes for the case workers in the field and until it changes for the families.

The lack of resources and the fundamental lack of support has had much to do with CPS's current status and current state of practice. The social services block grant is the principal source of federal funding to CPS, at least in our state, and when you take inflation into account, we have had a significant reduction in availability of federal funds.

If it had not been for an unprecedented amount of support from the state government just to keep pace with inflation, we would have experienced dramatic cuts in service. As it is, just a year ago, because of social service block grant funding, our state basically cut our middle management and state office staffs in half to prevent a dramatic reduction in the number of case workers.

Funding is something we all struggle with, and there is no easy answer. We can't say, "We will fix the system if you give us more money." As my boss once said, "If in our state alone we had all the money in the Defense Department, cases would still fall through the cracks". There would still be families that we weren't able to help. In the investigation, a crystal ball doesn't always work, and we can't always predict human behavior. Maybe it is just in the nature of the problems and the technologies available to us.

The issues of the growing case load raises some ethical questions about what we do with the information once we get a report. From the STUDY FINDINGS: Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988, conducted by the National Center on Child Abuse and Neglect, we know the estimated proportion of occurrences that haven't been reported to CPS. How strenuously do we go out and pursue reports for that population?

How aggressively do we encourage citizens to call us when they believe a child has been abused?

We have a state law which requires a prevention curriculum related to child sexual abuse in every public school, grades K through 8. Every time we have those classes, little kids raise their hands and have a story to tell about something that's happened to them. That's implicit in the system.

We are asking kids to raise their hands, and we better be able to do something about the problem, or we are better off never asking them to raise it in the first place. They tell, they get in trouble with the people who abuse them, and we don't provide enough services or support or quality investigation, and they continue to get abused. Plus, now another group of adults has betrayed that trust when we didn't respond. We were better off never raising the issue in the first place. The issue of resources comes back again and again.

Pat mentioned turnover and training, which are among the most fundamental issues contributing to the crisis in the CPS system. In our state, one-third of the CPS case workers will leave and be replaced next year. We are training one-third of our staff population every year. The dramatic problem in turnover of staff is a function of low pay, low prestige, and difficulty in getting job satisfaction. When you are carrying 40 or 50 cases, the pressure goes with the job.

I've experienced another factor, too: we are asking people who come to this work because of sincere interest in children. Some CPS case workers have maltreatment experiences in their own backgrounds that help draw them to this work. But every time we send them into cases, they relive those experiences, and it becomes very emotionally difficult for them to struggle with that. We don't provide the employee assistance programs to help them sort through those issues, so the resulting turnover is a major problem.

I share Pat's concern about training. Quite frankly, I would not let someone change the oil in my car with the amount of training that CPS workers often have when they are sent out to do investigations. I would like them at least to have someone point out, "This is the drain plug; this is the oil filter; here is how you put it on."

When I was a case worker, I was given a manual and then I was given cases, and I think that's how a lot of CPS workers are trained. The interest in formalizing the front-end training is a valuable and important shift that has occurred in the last few years.

In Tennessee, we require a ten-week certification program before people are assigned to new case loads. Applicants spend three weeks in Nashville in an institute-style training, followed by seven weeks of on-the-job training and a competency test.

Florida, New York, and several other states have moved in that direction. I think it is critical that we provide basic training, certainly for B.S.W.'s and even for M.S.W.'s, for people who come to this job without the necessary skills.

I did not learn about Child Protective Services in graduate school. Quite frankly, I learned about CPS because I focused my reading on CPS, not because it was inherent in my graduate course work.

One of the challenges we have is to push graduate schools of social work to pay serious attention to the issues of child welfare and particularly Child Protective Services. They must teach the dynamics of child abuse and child sexual abuse and intervention strategies. They must also spark in graduate and undergraduate students a sense of commitment and responsibility to this population.

I hear from my colleagues in academia that students coming into the school of social work envision having a nice clean office in a mental health center or in private practice where clients come to them. That's what professional social workers like, but that's not where the clients are. The clients are in CPS and foster care case loads. We must do something to spark that interest.

The system is struggling with the issue of basic qualifications, and the answer is not out there. I think we "knee-jerk" answers sometimes, saying "Everybody should have to have a B.S.W. or an M.S.W." The reality is there are places in this country where people just don't have those degrees.

In Tennessee, there is a requirement for a bachelor's degree in a behavioral science, yet there are 25 or 30 counties that don't have a single person with these degrees on the recruitment register. If we had a vacancy today, no one in the county would be qualified to accept the position. Behavioral science degrees are too high a recruitment standard for many areas. We are under pressure to accept people with any bachelor's degree.

The technologies are coming, but we have a long way to go before they can be applied to risk assessment, for example. Good CPS workers always analyze the variables involved in a case: the age of the child, the nature of the injury, the degree of

stability of the persons who allegedly committed the abuse, the other protective people in the home, all those things.

Unfortunately, many case workers come to CPS work without analytical ability. I think the ability to analyze things is something one is born with rather than something one can be taught. Risk assessment systems, however, lead people to logical thought processes and help structure those processes. I think in the next generation, artificial intelligence applied to risk assessment will play an important role in helping make quality assessment decisions on the front end.

When we take stock of the positive things that have happened and if we can stop worrying about what's down the road for a minute, we can see how far we have come -- tremendous progress has been made.

When I was a case worker in Florida, to get any professional training at all, you had to go 60 miles to Sarasota, and then pay for it yourself. Today, there are resources out there, not nearly enough, but there are qualified professionals who know what they are doing.

In 1983, you could have gathered everybody in the state of Tennessee who had ever read a single article on child sexual abuse in one room. Now it would take a national convention center to gather everybody in the state who has become reasonably educated on the topic. We don't have enough resources, but at least we have people who are familiar with the issues and can provide some quality services.

The Exchange Clubs of America and the Parents Anonymous chapters have sprung up increasingly in a number of states, demonstrating increasing commitment and concern. For the most part, however, community involvement has not kept pace with the dramatic demands of ever more complicated case loads.

It's not just numbers of cases: the nature of the case load is much more complex. In 1982, five percent of our case load was sex abuse. In 1988, twenty-one percent of our caseload is sex abuse and 25 to 30 percent of all valid cases are sexual abuse cases. Those cases consume an enormous amount of time, particularly on the front end.

The struggle between intake and service delivery is a major problem. Looking at a random sampling of staff time, over 50 percent of CPS time is devoted to the intake of new cases. This means that cases that passed through the system last month are ignored until they blow up and demand attention again.

We have a CPS system that encourages service delivery: if you are not providing service delivery, terminate the case.

Tennessee has a policy requiring the CPS worker to visit the home at least one time a month. Do we really think we are going to make a difference in anybody's life by showing up once a month?

The effectiveness of the service delivery system and the resources that support it must be improved. The nature of the population is so much more problematic today, foster care even more so. The foster care population is dominated now by sex abuse cases. Unruly children who used to go to the Departments of Corrections around the country are now in the child welfare system. Historically, Child Protective Services was the monster that ate everything else up. Now foster care is eating staff time out of CPS. It is now reversed because of the change in foster care population.

All of these factors have combined to create a system that has a lot of strengths but also a long way to go.

MR. DAVIDSON: We are now going to open things up to comment and discussion, but first I want to give Pat a chance if there is anything she would like to respond to.

MS. SCHENE: Charles has laid out additional and related issues for discussion.

MR. WILSON: Howard, could I just say one more thing? I want to take issue with one thing Pat said about defining CPS in terms of the types of populations served, and the types of cases pursued.

We have developed screening systems to make sense out of the resources we have, and to direct those resources to the cases most in need. I think Pat's statement was, "Some wonder whether CPS should go out on every legitimate case." I would argue that CPS should go out on every legitimate case. The issue gets to be how we define a legitimate CPS case.

Ten years ago, a legitimate CPS intervention was the case of a child with head lice whose mother wouldn't buy him the shampoo. Today we have narrowed the definition. Today we cannot take time out of a severely physically abused child's case or a sex abuse victim's case to go tell a mother to buy shampoo. We have stopped doing that.

Where the lines are drawn is a major issue. A school teacher may think head lice is a legitimate CPS case. What is child abuse and neglect in this society? What is poverty? When do poverty-related issues intrude into child abuse and neglect? When is poverty a basis for intervention? When is homelessness? All of those issues feed into a sense of crisis in our system.

MR. DAVIDSON: We have a number of people in the room who are presently involved with public Child Protective Services or have in their careers been involved with CPS.

I would like to ask one of you to comment, based upon what you see or have seen in the CPS system: how has it changed and how do you react to the presentations that you have just heard? Mary has been in CPS for 14 years. I would like to give her a chance to respond.

MS. ALLMAN: I just bailed out. I'm Mary Allman, and I recently left Montgomery County, Maryland Child Protective Services where I have been an intake worker, a continuing service worker, a supervisor, and an administrator. I have just become the Information Director at The National Resource Center on Child Sexual Abuse. I'm very pleased to be working with all of you.

I would like to comment about the increasing pressure: more cases, more complex cases, in a more complex environment. This combination is just overwhelming CPS. In Maryland the CPS staff is turning over at a rate of 50 percent a year.

MR. WILSON: That makes me feel better.

MS ALLMAN: CPS workers not only have to learn how to do child protective work, we have to learn about a very complex court system and how to function in a system that is increasingly adversarial and technical. We have to learn about investigations, so we don't trip over technicalities and make mistakes which hamper subsequent police work.

We have to deal with the very demanding communities in which we live. In Montgomery County we swear everybody has a lawyer on his or her elbow before CPS gets there. This is challenging to us, and it should be. But walking that very narrow line, that balancing act we are constantly trying to do in protective services, is very difficult.

MR. DAVIDSON: Thank you. I would like to hear from other people who have been associated with CPS. Could you give your name and identify yourself?

MS. CAIN: I'm Ursula Cain and I'm also from the state of Maryland. I have about 22 years of experience in social services. I started back when everything was generic, and then I got out of social services and did voluntary administration.

I just went back in 1987, and I was completely overwhelmed. My co-workers asked, "How could you go into CPS?" I did it because of a money issue, a personnel issue. CPS was the first place, the only place, that offered me a job.

I told everybody it was like going to Vietnam every day. I literally felt like I was going to battle. I said, "I'm going to do a tour of duty". I was a division chief, and I agree with everything that has been said about the ability of the staff and about supervision. I got lucky and got a job at the state office, where we are now attempting to address many of these same issues.

People who evaluated our state program made 51 recommendations, and our staff is in the process of implementing them. We have had a work-load analysis done. We are purchasing the action risk assessment model so that each person does the same thing in assessing families, and uses that assessment process throughout the whole case life.

We have a staff person working on a public education campaign. I'm developing a support system for workers who experience a critical incident or who have stressed out, or burned out.

We are dealing with a policy revision on screening criteria. We are having a lot of conflict with the community in trying to narrow what CPS is, what types of cases we are going to take.

Some of the primary issues that we are struggling with are: child suicides, chemical dependency of parents, addicted newborns, child prostitution, and child drug addiction and alcohol addiction.

MR. DAVIDSON: Other comments from people who have been inside the CPS system?

MS. AUKAMP: I'm Ann Aukamp, and I have about ten years experience in CPS in the states of New York and Maryland.

The thing that struck me out of Pat's and Charles' comments relates to evaluating the symptoms that we are talking about today within the context of greatly increased complexity of the organizations in which the CPS system functions.

I was particularly concerned by the contradiction between Charles' comment on Tennessee's cuts in middle management to avoid shorting the direct service level, and Pat's comment that there is an increased need for documentation of staff time/resources to prove that CPS could only serve 42 percent of the validated case with the resources available.

To document use of staff time and resources, some management and technology skills are needed to make these sorts of assessments. It's important to consider these needs from the perspective of from the bureaucratic structure of the organiza-

tion into which the CPS system is set. How many levels of hierarchy must CPS deal with to get information into the hands of the people who can allocate what is needed to do the job? Will the information have impact when it gets to them, or will it be so summarized and buried that it is meaningless? What additional validation responsibilities are we dumping onto direct service staff? To make effective management reports there are other kinds of training we have to give staff. We need to recognize and provide for management support by people knowledgeable about this service rather than cutting it back.

MR. DAVIDSON: There was a comment back here.

MS. CLABO: I'm Carol Clabo from Tulsa, Oklahoma, and I've worked in Child Welfare since 1972. Currently I supervise a unit of six investigative workers. Our district supervisors have recently said, "We think intake supervisors can really only adequately supervise three people." This made me feel less competent than I had been.

All of the issues are very, very pertinent and all are things we have been talking about in Oklahoma, trying to reach for answers. But I want to address the point about narrowing the issues that we deal with, for instance, head lice. One of the things I see is that we are losing a few of those cases. We are saying, "Let's not look at head lice as a CPS issue." Our reports are going up, but we are still not getting reports on all of those abused.

On the other hand, I see massive numbers of cases being redefined as neglect issues because there are no other agencies or because other agencies don't do outreach.

We are getting the adolescents whose parents are walking away from them because of behavioral problems. One of those cases takes up 15 times the amount of resources as the head lice case. They are not really appropriate for CPS. They are appropriate for somebody. Yes, there are elements of neglect and sometimes even abuse, but we are being asked to do things that our system was not designed to because other agencies cannot or will not do it.

Agencies have said, "This child has been abandoned because we haven't heard from the mother for three days. No, we don't do home visits. We don't send letters. You need to do that." Even within our own agency, Family Services does not do home visits.

Schools don't have visiting home counselors anymore. Before school personnel have done everything they can, they first make a neglect referral. The families involved are being inves-

tigated for neglect, when what we really want to say is, "We want to offer you services."

MS. WARD: I'm Liz Ward, I'm from Albuquerque, New Mexico, and I started out in 1974 in Baltimore, Maryland. I did CPS there, and I also did CPS in Santa Barbara, California. My husband is in the military so I move, and in each state, I watch the CPS system.

It seems to me that there are no standardized mandatory services that define CPS. What services do we provide in Child Protective Services? What I have noticed is that each state defines what Child Protective Services is. Therefore, a lice case may not even be considered by CPS in some states.

Currently, I live in a state that has a tremendous amount of death as the result of child abuse. New Mexico has one of the highest fatality rates I've seen in a very long time, and it's because of what that state defines as child abuse and neglect. Even though they say they have a risk assessment tool, I have not seen one yet.

The cases in high risk families are not "sexual abuse with physical evidence" or "serious physical abuse" that leave marks, so children are dying.

In summary, my concern is that CPS needs a standardized system mandated by the federal government, that stipulates minimum services that each state must provide.

MR. SEXTON: I'm Dan Sexton with CHILDHELP USA in Los Angeles, California. A real problem that we have comes through the National Child Abuse Hotline in California. There is a real discrepancy from one state to the next in terms of who does what and who doesn't, and most often, the problem is out-of-home abuse.

Many systems just aren't available to respond to those kids. As a result the vast majority of the 20,000+ runaways that call our hotline each year are kids who (1) were already reported into a system, (2) were told by an adult that they would get help, (3) never got help, and (4) have now chosen their only alternative: running away from home.

The age of the child is often an issue. A kid who is over 12 years old can forget about CPS intervening unless it's a real serious problem. We are getting more and more calls over the last few years about CPS interviewing over the phone, or talking to parents about sexual abuse situations in the presence of their children.

A lot are custody disputes. When CPS hears about a custody dispute, you can forget all about it. We don't have the resources to respond to those people. What we have had to do is step up our staff training. Instead of just being a crisis line for young kids, we are now a crisis line for anybody dealing with any sort of system frustrations, or mental health issues. Callers are now waiting an average of 10-15 minutes on our phone system before they even get through.

Our phone system was designed to handle 80,000 calls a year, but we answered 175,000 calls last year. Therefore, we are experiencing the same staff burnout that's happening with every other agency in the CPS system.

Up to a quarter of the calls that we get involving reported cases are about the problems clients have with new social workers assuming their cases halfway throughout the process. And so, a lot of those people are falling through the cracks.

DR. CONTE: I'm Jon Conte, University of Chicago. It seems to me we have to put out on the table the fact that we are not talking about a crisis. We are talking about crises. One way to add some clarity is to realize that the crises might be quite different depending on whether you are talking about physical abuse, sexual abuse, or neglect.

For example, in the neglect area, which may be the most problematic, if we are talking about extreme head lice with other factors, say a failure to do anything about it, that's a very appropriate thing for CPS to deal with. It depends on all those "other factors". When you talk about examples, you talk about definitions. You have to provide enough details so we really know whether it should be included or not.

The other definitional issue is that there has been a subtle and not so subtle shift in the meaning of the CPS mandate.

Historically, the mission of CPS has been to identify those kids who are at risk for neglect and then to provide services to alleviate the conditions of risk. Both identification and service are important. What I'm afraid has happened is that the effort has been to identify kids at risk without emphasizing the provision of services.

MS. FIRE THUNDER: I'm Cecelia Fire Thunder, of the Advisory Board of The National Resource Center on Child Sexual Abuse. I think everything that you are saying is true. We could multiply that three times for the rural and Indian reservation areas. I would like to talk about the grassroots involvement because I think this is where some of our answers lie.

CPS is limited by the insufficient number of warm bodies doing this job. Communities have to start taking responsi-

bility by putting pressure on family members who are acting inappropriately or are leading dysfunctional lives. On Indian reservations we have large extended families which play a major role in putting pressure on a family member who is not acting appropriately. The communities themselves have to utilize that system. The communities have to recognize their power to make changes.

The other problem I see in our community is that there is a hierarchy, or chain of command, in the whole statewide social services system. On my reservation, state Social Services constitute the largest percentage of CPS workers.

The people working directly with the cases are the ones who feel the most hampered because they see things that need to get done. They would like to do certain things, and yet somebody above them says, "No, you can't do that," and somebody above them says, "No, you can't do that," and it goes on.

In our role as community activists, we have talked directly to the state people. The community and the grassroots organizing has to be ongoing. The communities have to recognize their role in instituting changes. The way we look at it, we can no longer ask CPS to fix our kids because we have to share that responsibility. We played a role in breaking them so let's start taking our rightful place in helping you fix them.

The communities have to assume a certain amount of responsibility in helping the institution make changes. Also, CPS workers have to take some time to help their communities organize around issues.

MS. THOMAS: I'm Jerry Thomas from the Child Advocacy Center in Memphis. I would like to emphasize what Pat said about the importance of forming partnerships.

In all of our systems we are so overwhelmed with the work we have to do that it's difficult to find the time to form partnerships. I would like to commend Charles Wilson and the Department of Human Services in Tennessee who have done a whole lot to foster partnerships among different disciplines and systems in Tennessee.

The whole Child Advocacy Center movement has come from the Department of Human Services, which has encouraged us and supported us and worked with us to establish that Center in Memphis. Our next step will be to establish a system of Child Advocacy Centers across the state of Tennessee.

Since I have been a mental health professional working in child sexual abuse, I have found that partnerships have enabled us to share ownership in each other's problems and help

each other, decreasing our own burnout and increasing our ability to give better service to the kids.

MS. RALSTON: I'm Libby Ralston from Charleston, South Carolina, and I'm a systems therapist. My interaction with Child Protective Services has been as a part of a system that works to protect children, and I was involved in the writing of the curriculum for Child Protective Services workers for Pat's organization.

In listening to discussions of definitions and policies, my big concern is that since the Child Protection Act we have still failed to put those policies, rules, and standards into operation.

I'm part of a dysfunctional community system whose task is to intervene in dysfunctional families. And guess who's better at that! Those families outmaneuver us all the time in terms of dysfunction.

It's the responsibility of the CPS system to give up those cognitive distortions and begin to look at reality: they are just one part of Child Protective Services. They must identify the other components, and mandate from those other components the help and support needed to intervene in their local communities.

The question of turf and the question of who wants the cases are crazy questions. In most communities we are beyond that, but I see much of the energy in my local state CPS wasted in protecting their part of the system.

They cannot do what they are mandated to so, so they move into a defensive position. I think we must back up and begin to redefine our work.

We teach our families to deal with reality, yet our very systems aren't dealing with reality. If we develop a reality-based, reality-oriented, community systems response that's not dysfunctional, we can provide better services to these families, and we can do it with the resources that are available.

MS. SINOR: I'm Virginia Sinor from Chattanooga, Tennessee. I was in Child Protective Services for six years from 1980 to 1986, working first as a counselor and then later as a supervisor in a sex abuse unit. Today, I'm here as a delegate for the Hamilton County Child Sexual Abuse Task Force.

We are a group of members from different agencies in town supporting the team mandated by the 1985 child sex abuse law. We are trying to raise community awareness and develop resources for the team. In other words, we are looking at how

the community can find more resources to support Child Protective Services and the investigation team.

MR. DAVIDSON: Thank you. The next presenter is Norma Harris. Norma is a Program Associate for the National Child Welfare Leadership Center. The center trains child welfare executives and mid-level managers and is located in Chapel Hill, North Carolina.

Norma has a primary role in a federal grant which has been awarded to the Center, involving the utilization of the Child Protective Services guidelines that were developed by the National Association of Public Child Welfare Administrators (NAPCWA).

Prior to moving to the center a short time ago, Norma worked for the American Public Welfare Association where she was actually one of the primary authors of the NAPCWA guidelines. Most importantly, before that, Norma served as an administrator for the Public Social Services Department in Montana, for several years.

MS. HARRIS: I would like to talk primarily about the NAPCWA guidelines: why we wrote them, what key factors are contained in the guidelines, and what the status is of the implementation for the guidelines. Then I will talk about some other things we expect will happen in the future.

The guidelines were written by a group called the National Association of Public Child Welfare Administrators. They are an affiliate of APWA. About three years ago, a group of public child welfare administrators were talking about the major controversies and the confusion in Child Protective Services. Actually, the debates that were going on then continue today.

Pat talked about the fact that there were over two million reports of child abuse and neglect last year, and how that impacts public Child Protective Service Agencies. Another serious issue is the number of maltreatment injuries sustained by children who never get reported.

In addition, there is a fairly large percentage of children who are further injured after they are reported to the CPS system. These are some of the primary reasons the child welfare administrators decided to develop guidelines for a model system for protective services.

A number of complex CPS systems have developed throughout the country. There are some similarities in the services systems, but there is a lot of variety in how CPS services are provided across the country. We know, from years of observation, how child protection laws develop in many states. Sometimes

state laws change because of a single case. Sometimes there is a knee-jerk reaction on the part of the legislature, and sometimes a judge will make a decision that's really far reaching and impacts Child Protective Services.

NAPCWA wanted to provide the CPS systems with a set of guidelines that could stand the test of time. The guidelines would give child welfare administrators something from which they could do a comprehensive review and make changes based on well thought out plans.

We also know that society is confused about the service mission of CPS. Not only is society confused, the CPS systems staff and the CPS systems are confused. Pat mentioned that while the reports have increased, the resources at the federal level, at state levels, and at local levels have decreased.

A lot of times, families and children with problems that are not related to child abuse and neglect are reported to CPS because it's the only game in town. People think it is the only way that they can get services. This presents a significant problem for the CPS agency, as well as for the families and children who need services. This problem, however, is just one of a number of critical issues, facing Child Protective Service agencies.

Additionally, Child Protective Service agencies often experience problems in the media. Some states and localities have very serious problems communicating through the media. We wanted to do something active instead of reactive to ultimately resolve these media and other crises.

These guidelines represent the beginning of a national consensus. Over a period of two years, they were developed with input from child welfare administrators and other professionals from across the country. The guidelines are not a training document for CPS staff skill development; they are, instead, geared toward public child welfare administrators.

I would like to talk about some of the key elements in the guidelines because they are very important, and to some extent (depending on what area you are from) they may be controversial.

We started out with a definition of child abuse and neglect. We believe that public CPS should intervene in cases of familial or quasi-familial maltreatment, including foster family care and cases where maltreatment is alleged within the family unit.

We recommend that third-party reports -- such as reports of maltreatment in day-care facilities, maltreatment by

strangers in schools, and that kind of thing -- be referred to law enforcement.

We also recommend that reports of maltreatment in publicly licensed child-caring agencies be referred to another unit or another agency. We do recognize that all children have the right to the full protection of the law. We do feel, however, that reports and investigation of those cases should not be the responsibility of CPS. I want to reiterate that we believe public CPS should intervene in familial maltreatment or quasi-familial maltreatment.

We also have a very brief definition that we recommend. We define child abuse or neglect as "any recent act or failure to act on the part of the parent or guardian, and those are people who are either parents or someone regularly in the child's home, an act which results in death or serious physical, sexual, or emotional harm or presents an imminent risk of serious harm to a person under the age of 18".

So, first of all we recommend CPS intervention in familial or quasi-familial maltreatment. Secondly, in many cases we clarify the reporting definition.

The NAPCWA guidelines also address what we call "CPS intervention and target population areas," in which we define a number of specific child care issues we know are problematic but which we do not believe are appropriate for CPS intervention. They include poverty-related neglect, emotional maltreatment, medical neglect, teenage sex offense perpetrators, teenage parents, teenage prostitution, status offenses, and parent-child conflicts. In general, we say that CPS should not intervene in these areas unless other factors indicate the children are at risk.

MR. WILSON: Would an adolescent sibling fall within the scope, if the parents were unwilling to protect?

MS. HARRIS: The rationale is that we believe CPS is a discreet set of services, and we do not believe that CPS intervention is appropriate for all cases involving families and children, so we make specific recommendations in those areas.

The guidelines recommend that CPS agencies use a risk assessment process in all cases, and in all key decision-making points in delivery of services. While we obviously do not recommend any particular risk assessment model, we do believe that agencies need to have a comprehensive, uniform, and organized process for assessing risk and safety of children who are reported.

Another area covers the public responsibility of CPS. We believe that CPS is a public governmental function which ought to involve the provision of specific services: intake, crisis intervention, family stabilization -- which also involves some planning -- and case closure. Essentially, Child Protective Services is defined as a short-term intensive service designed to protect children and preserve families.

The fifth area that the guidelines address is are really a number of administrative responsibilities, and I don't want to suggest that they are minimal. In fact, we feel they are quite critical. About disposition categories, we recommend that there only be two: substantiated and unsubstantiated.

We make specific recommendations about policy development: the policies that agencies set must be clear; they must be specific; and they must be communicated to staff, to other agencies, to other professionals involved in providing services to CPS, and to the general public.

In a number of states, criteria for public reporting is not clearly understood. I think some agencies could better clarify reporting laws and policies.

We make specific statements about training; CPS is not considered an entry-level position, and there should be pre-service and in-service training. We also make recommendations about internal staff support. CPS, as we all know, is intense, stressful work.

We believe that there ought to be some internal staff support, including professional consultation, when a crisis happens in a worker's case load. It is traumatic for a family when a child is injured or a child dies, and it is also very traumatic for the worker involved. We think that there ought to be some things done for workers in that regard.

We feel that CPS agencies need to be accountable; there needs to be an evaluation. We speak to information systems and the development of outcome measures. We also talk about staffing tasks and give specific recommendations on qualifications, recruitment, selection, and the career ladder. We also speak strongly -- and I want to emphasize it -- on the use of inter-agency protocols and agreements.

I want to speak very briefly about a self-assessment instrument distributed by APWA which asked states how they conform to the guidelines. As you might expect, we got a wide variation from the 40 states which reported to us. About a third fell into what we would call weak conformity. Those states are really in the crisis management mode. About half fell into median conformity, meaning that with some effort their CPS system

could be strengthened. About a quarter of the reporting states fell into the strong category: state systems which have been working on the CPS programs for a while.

I want to talk about where we are now. I am now at the National Child Welfare Leadership Center which has a grant from the federal government which involves presenting a curriculum based on the guidelines to administrative teams from across the country. State and local agencies then develop action plans, and NCWLC follows up with technical assistance enabling the agencies to correct any deficits they might have in their CPS systems.

We have had an overwhelming response to our solicitation letter. We expect that instead of the two originally planned sessions, we are going to do four, including a special session on urban populations in very large cities.

We expect to have over 50 agencies represented in the training, and I consider this an opportunity to impact CPS in a national way. If there is critical information from today's meeting, I think it would be appropriate for us to include it in the curriculum. There is always a short turnaround time: we are developing this curriculum in the next two or three weeks.

Because there has been some criticism and controversy, publication of the guidelines was intended to be the first step toward clarifying the role and scope of the public CPS. There are children who upon the implementation of these guidelines would still fall through the cracks.

The need is to strengthen the whole child welfare system. Pat and Charles each commented that CPS is only part of the broader child welfare system, and that all parts of that system need to be strengthened. We feel that implementation of the NAPCWA guidelines is only the first step toward strengthening the system.

We believe that the protection of children is a community problem and that CPS responds only to part of that problem. We must build linkages and coordinate our responses to every extent possible.

I agree with Charles that it's exciting because we have come a long way over the past few years. It's true that we have a long way to go, but we have made some changes, and things are better than they used to be.

MR. DAVIDSON: Before we turn to our reactor, we should say that the guidelines are available for sale from the American Public Welfare Association⁴ at a cost of about \$10.00.

Our next reactor is Lucy Berliner. She has a Master's of Social Work degree and is Assistant Clinical Professor at the University of Washington School of Social Work. She has been on the staff of the Harborview Sexual Assault Center for the last 15 years, where she has been involved with Child Protective Services on individual cases, community case consultations, team meetings, and policy and legislative issues locally and statewide.

MS. BERLINER: I'm not a part of the public welfare system and never have been. I want to react, and then say a few things that are not just reactions, but my thoughts on the subject.

First of all, I would like to challenge this whole business of whether or not child abuse cases are more complex than in the past. What is the basis for the idea that there has been some change? I don't think there is very much evidence that physical or sexual child abuse cases are increasingly complex.

It's possible that in the area of neglect, or in the increased proportion of children in poverty, we are faced with more complex problems. But physical and sexual abuse, I don't think the problems lies with the cases.

I think the problem lies with our recognition of the complexity of the cases. It makes quite a bit of difference in terms of how we want to see what we are doing. We want to put the problem out there: on the cases, rather than on how we have chosen to look at the cases in the past.

In response to the presentation we just heard, I have seen and read the document. The definitions of familial maltreatment are good except that it's not easy to make that kind of distinction.

For example, what if a parent fails to protect a child from a third party, perhaps a babysitter, who is abusing their child, but they continue to allow that babysitter to come over. Is that a child protection issue or not?

I assume we are not going to narrow the definition to say that a parent can keep doing that as long as it's a third party abuser. It's never going to be possible, in my view, to make this neat definition between familial and interfamilial. The issue is the family's willingness to protect the children.

⁴810 First St., NE, Suite 500, Washington, D.C. 20002-4205.

I have big concerns about why we need to add the word "serious" to describe child abuse and neglect. Which kinds of child abuse and neglect are not serious? Which kinds of sexual abuse or physical abuse are not serious? Who is going to draw that line? Who is going to decide that? How are we ever going to create definitions that are clear to the community when somebody is just making up a way of distinguishing them.

I don't know that there is any empirical way you can make a distinction. There is no evidence that seriousness means effect. There is no accumulated evidence that the number of abusive incidents, the type of injury, or the child's relationship to the abuser necessarily predicts the seriousness of harm. So from what basis could you make that distinction?

I don't see the rationale for a decision to rule out many types of abuse. I don't see the basis for deciding that emotional abuse isn't a form of child abuse; or that medical neglect, when a parent doesn't take a child to the doctor and the child fails to thrive, is not a form of child abuse. At what point does it become abuse?

These things strike me as efforts to control case load by redefining child abuse in terms of our inability to respond to all of it, and I think it's a terrible mistake.

The example I think of goes back to Charles' question about the teenage sex offender who is a sibling. If the parents won't protect the younger child, that becomes a child protection issue. The parents may say, "We will protect them. We will never leave them alone together, but we will not get treatment for either of them." Is that an issue of concern to the Child Protection System? That's medical neglect, in my opinion, failure to get treatment for a condition that has been identified.

Do we say one thing is child abuse; the other isn't? One thing is the concern of the Child Protective Services, and one isn't? Why are we even ordering treatment programs for children since it isn't a protection issue? Treatment has to do with fixing the harm caused by abuse.

Historically, the primary concern in physical abuse cases was not helping families, nor treatment for abuse that had already happened. Our concern was keeping abusers from doing it again. If we have decided that those are not really child abuse concerns, why are we proceeding with treatment plans? Why not just focus on the things that we know?

We don't yet have evidence that sexual offender treatment is really going to stop abuse from happening again. If that's the only thing we care about, I think it's a mistake. The rationale seems to be to narrow the grounds in order to get con-

trol over a problem we can't handle, and I don't think that's the way we should approach it.

Over the last decade, we have empirically learned that child abuse is not a problem of over-reporting. We still aren't seeing all of the cases of actual sexual abuse and actual physical abuse.

Every piece of evidence we have shows that large numbers of these cases still do not come to our attention. I'm convinced that it's not the number of cases that have changed, but rather our awareness of them.

The other thing we are learning is that the vast majority of emotional and social maladjustment problems, such as teenage pregnancy, et cetera, are the consequences of child abuse. We all know, and we always say, "It's pay now or pay later."

I'm not convinced that reducing our commitment to doing something about it is going to solve it or save us anything in the long run. Abused kids and teenage prostitutes are going to come into the system whether we like it or not. We can define it any way we want, but the bottom line is they are going to be forced upon us. Perhaps not under Child Protection, but we will encounter them through family reconciliation, or the police, or juvenile detention centers.

Denying that these social problems come from child abuse won't get us very far, either. If we intervene to provide treatment for abused children as soon as the abuse is recognized, we might be saving ourselves, as well as the children.

It is the responsibility of society to insure that children are protected. Many parents don't do their job, period. If it is the responsibility of the community to ensure that the system becomes involved when a parent has failed to protect a child, it is also the community responsibility to make sure that the system does what it needs to do.

I don't think, however, it is the responsibility of Child Protective Systems to cure all the ills of society. I think that is clearly the community's responsibility. Like Charles, I have concerns about the lack of emphasis on CPS as the training ground for social workers. Every social worker I know wants to go into private practice.

I believe the public ought to mandate that community services -- mental health centers, child and family services, Catholic Community Services, Children's Home Society, and all those United Way agencies -- provide treatment and services for the problems related to child abuse and neglect.

All of them are ultimately related to child abuse and neglect treatment in one way or another, whether it's help for the parents or the kids, parenting training, et cetera.

If we got the community to think in those terms, then it wouldn't seem as though there are no resources out there. I think the resources exist; but they are not being spent on the problem in a conceptually organized way.

The community should take responsibility for education and prevention. I don't think that's Child Protection's job. But Child Protection ought to define the problems that they will do something about: What is child abuse and neglect? I think there are a lot of community agencies and services that could go out there and tell the community about it. The Child Abuse Councils or similar groups could expand into the areas of education and prevention, teaching the public what should be reported and what they can expect from CPS once a child abuse or neglect report has been made.

I think I will just stop with that.

MR. DAVIDSON: Let me start the comment period by asking Norma if there is anything she wants to say in response to Lucy.

MS. HARRIS: I don't know that I disagree with much of what she said. It's difficult to give a brief overview of the NAPCWA Guidelines, taking the points out of context, so I would encourage people to read them.

For example, the Guidelines state that CPS should be involved in emotional maltreatment, but we need to link the parental behavior with how the child is reacting. Every emotionally disturbed child is not emotionally disturbed because he has been abused. So I would encourage a full review of the guidelines.

CPS is primarily involved in intervention, but there needs to be some effort toward prevention. We all need to be part of child abuse and neglect prevention, and it should begin when children are at a young age.

Aside from that, I want to say that we at NAPCWA believe we needed to start somewhere, and I'm comfortable with the publication of the guidelines.

MR. DAVIDSON: Let's start the reactions from the participants. Last time we started with CPS people from inside the system. Let's start with some people from outside the system. I believe Jean Goodwin actually has a comment left over from the last session.

DR. GOODWIN: I'm a psychiatrist in private practice and also at Milwaukee County Mental Health, and I actually consider myself an insider, having been a consultant to Child Protective Services in New Mexico for ten years. At the moment I'm more of a consumer. I'm one of the people who makes these reports, and I get the nice notes several weeks later saying that the report was substantiated but no treatment is being given. So, I'm speaking from that point of view.

I also treat survivors of the CPS system: a group of women 18 to 43 years of age, who have been physically, sexually, and emotionally abused. I think they raise some questions about the system as a whole.

Only two of these 20 women ever went into foster care. Both of them were sexually abused in the foster care system. Two of the women made reports and subsequently retracted and so never received any treatment. The other 16 dealt with their abuse outside of our system, and perhaps that gives us some insight into the percentages of unreported cases out there.

All of these women are struggling with severe symptoms. They all self-mutilate. Most of them have substance abuse diagnoses. They have all been psychiatrically hospitalized multiple times. Most of them have eating disorders. All of them have depression. Almost all of them have borderline personality disorders. So these are the kinds of later treatment that we are providing.

Another thing I've learned from these women is the importance of emotional abuse in the abuse pattern for them. All of them have been called names. I think those of you who have watched the parent of a pre-school child in your waiting room call that child "bitch" repeatedly will have no difficulty understanding that that's abuse.

Similarly, all of these women experienced death threats, a form of emotional abuse which is incredibly effective. Only one of these women has sustained continuous custody of a child, and I believe she has been successful because she lives with her mother. So, I see the impact on the next generation.

Only six of these 20 women, even though they are all chronological adults, are living in typical adult situations with sexual partners. Three of those six are living with female partners. These are individuals who are still working through adolescent issues. Almost all of them are still in school.

When we rehabilitate them, they often go into child care, and many of them who are working in child care complain to us of their difficulties with physically and sexually abusing the

children in their care. So I think this is the clinical pattern we will see down the road.

The other thing that's startling to me is how the people in this group have gone through their many contacts with mental health services, with Child Protective Services, and as far as I can see none of them have sustained a detailed violence assessment until they got into my hands. That is, a simple, systematic listing which asks, "How many times were you kicked, bitten, hit with a fist? How many times were you threatened with weapons? How many times were you hurt with the weapon? In turn, how many times have you kicked, bitten, hit with a fist, hit with an object, et cetera? What weapons do you have in your home? What sexual materials do you have in your home now?" I think that kind of very simple direct approach to violence is something that all of us seem to avoid for one reason or another.

The other comment I want to make is a reminiscence from the time I spent in England with the National Society for the Prevention of Cruelty to Children (which is related to our own American Humane Association). They have a system which I admire in many ways: their NSPCC offers an administrative training package to the public Child Protective Service which includes training supervision on treatment, taking over very difficult cases, and managing the research assessment aspects of the public agency. This is a program that an agency can buy to train personnel in the provision of Child Protection Services.

There were several other interesting differences in looking at that system. One population they are mandated to serve which we never even think about is the population of prisoners being released after physically or sexually assaulting crimes. In England all of those families are evaluated before the prisoner is released. Of course, we ignore that population. We also ignore the population of mentally ill patients who are doing violent things to themselves and others in our mental hospitals.

Another thing that I found in England is that the workers were absolutely appalled that we go out on cases alone, much less making these critical decisions independently. They thought we were beyond stupid, insane, to go out by ourselves into one of these households.

The other thing I found instructive and helpful in England was the way they use boarding schools rather than foster care to provide a sustained nurturing environment for a child, without requiring that the child shift to an entirely new family system. That's all I wanted to say.

MR. DAVIDSON: Ron, you haven't had anything to say.

MR. EARLE: My name is Ronnie Earle. I'm the District Attorney in Austin, Texas. I think it's noteworthy that most of today's comments indicate some confusion in society as a whole as to exactly what the CPS mission is.

Following up what Lucy said about the role of the community, my experience -- which has been magnified today -- is that I have never met a CPS worker who didn't feel guilty because she wasn't doing more. Nor have I met any who didn't think it was her job -- and most of them are women -- to rectify all these ills.

A substitute for the kind of network or infrastructure upon which we have always relied for social control doesn't exist. I think it's helpful, when you examine guidelines for determining the role of CPS, to look at what it is that we are doing here.

What we are really doing is trying to use government to replicate the functions that were traditionally, at least in our idealized form, performed by the extended family. So, a CPS workers' network is really a bunch of aunts and uncles looked at through that particular family prism.

I don't think it is possible for CPS to do that which we expect of it. Basically, we delegate to CPS the safeguarding of the future. I think that is more probably the role of the community. That means the role of the CPS worker is to facilitate the replication of those traditional extended family functions, and there are ways to do that. I think that the future role of CPS is going to be as community organizers.

Taking a page from Cecelia Fire Thunder's book, the idea is that it is not government's job to fix children for the community, crime is a community issue. Crime doesn't happen from the state capital down; it happens in each local community. Child abuse doesn't happen from the state capital down; it happens in each local community. And so the fixing of it has to happen within the local community. This makes the CPS worker's job one of basic community organization.

You have heard talk here today about child abuse being an issue about which people are becoming more politically aware. People are more interested in holding elected officials accountable for their role in child abuse prevention. That accountability begins and ends at the local level, at the community level.

It seems to me that a rethinking of the CPS role, which I see as an ongoing process, might include hiring an independent community organizer, basically to generate resources. If CPS tries to do it itself, that effort is doomed to failure from the

outset, and the consequences to each individual worker are extremely damaging.

MR. DAVIDSON: Linda, you had a comment that you wanted to make.

MS. BLICK: In educating the community and our politicians, we really need to point out how child abuse is affecting the economic status of our country. I would like to ask Jean Goodwin to address this issue at some point in terms of the tremendous numbers of children misdiagnosed as learning disabled or emotionally disturbed because of their inability to concentrate in school.

These are kids who are not learning or developing skills, when they could advance our society technologically. We already see a decline in terms of the international reputation of the U.S. work force, and I think that's leading to some of the national deficit problems. We need to hit the politicians in the pocketbook to let them know that this is affecting our country across the board.

DR. CONTE: I just want to comment on Ron's point about the notion of community responsibility. At one level I absolutely agree. There are many neat and creative things that could be done to get the community more involved. Pat mentioned one where a church adopts a CPS worker and her case load.

The thing I think we can't forget, though, is that the community delegates to professional CPS workers a responsibility which is impossible for the community as a whole to deal with because of the nature of this problem. It is a problem which takes place behind closed doors.

If CPS cannot fulfill the responsibility delegated by the community, then we should find other organizations with which CPS can share the responsibility that society has for children.

MR. SEXTON: I want to comment on what Jean said about the long-term effects and what a horrendous problem that is. I've read your document too, Norma, and the areas which the NAPCWA recommendations leave out include a lot of boys.

You talk about only intervening in familial or quasi-familial abuse, but more and more research is showing that boys are molested outside the home more often than in. We are continuing to abide with that stereotype that boys are not victims, and therefore no services are needed; and we end up having no services available. As to Lucy's point about resources being out there: I also think they are out there. They are just not training CPS workers to handle the problems within those resources.

I think Lutheran Social Services and Catholic Social Services are available to help. I find, however, that often those agencies don't know enough about the abuse issues. I think we continue to ignore abused males. I see it as becoming a larger and larger problem: abused male children grow up and are stereotyped as offenders, which is one way they get back into the system.

But we continue to lock males out of the system at the stage where there are as many boy victims as there are girl victims. We keep holding onto these numbers that are so different - I don't know where they come from. I guess in terms of reporting cases, the discrepancies may be because boys are not allowed into the system.

An awful lot of racism goes on within CPS across this country, and I don't hear that addressed very much. I get complaints from a lot of families claiming that if you are a certain color or a certain economic level there is an assumption that abuse had to have happened. If you are white, make a little more money, and live in a different area, it couldn't possibly have happened to you. I think that we need to find some way within the CPS agencies across the country to develop support trainings on racism.

In Los Angeles, there is a need to create volunteer support groups for CPS workers, middle management, upper management, and administration. We would all come together once a month to scream and bitch and do whatever people need to do. CPS workers need to know that someone cares about them.

I think a supportive mechanism could be set up within the system through which the different levels of people involved in CPS are forced to work out some of the issues. The lack of resources makes it imperative that we find some way to make people feel they work in a supportive environment.

MR. WILSON: There are certain things in the guidelines that I have struggled with; and I got involved as a reactor within NAPCWA kind of late in the process. The whole issue of intra-family/extra-family, and how those lines are drawn, is perhaps one of the greater struggles.

In the philosophical vacuum of an ideal world, much of what the NAPCWA guidelines suggest, make sense. Child Protection's role is to protect children when their parents are unable or unwilling to protect them. If a parent knows, for example, that the babysitter molested her child, and that parent requests help, the state doesn't need to intervene. The parent is able to do that.

In an ideal world, that's the way it happens. In the real world things get cloudy; the lines get blurred. As Lucy asked, where do you draw those lines? We struggled with this for a year when Tennessee didn't intervene with non-relatives/non-caretakers. Is Uncle Bob a relative? What about Uncle Bob's best friend whom Uncle Bob brought in the house to let him use the child? How about his second cousin? Where do the lines get drawn?

Those issues are very cloudy. The CPS mission is not defined by NAPCWA or by CPS, but by statutes which authorize us to get involved.

In our state, our mission is much broader than NAPCWA would have articulated. Yet we were rated as one of the strongly complying programs because of other elements, like risk assessment and things of that nature.

Lucy's talk raised another concern that child welfare administrations are dealing with: we don't control the resources that are available to us. Every year we go up the hill and we ask for more money. And every year they shake their heads and don't give us anything; and we feel lucky they don't cut us.

People call us, saying, "I think you ought to go investigate that lady next door. She drinks beer, and I don't think she is married to that man who comes around there". Is that child abuse? It is in that person's mind. In that part of society, in that subculture, in that community, maybe that is child abuse.

You have to draw the line. Does a bruise on the buttocks caused by paddling constitute child abuse? Actually, we used to treat it as such. It was minor child abuse if you left any mark. Our state legislator put it very clearly, "My daddy used to whip me. He would leave marks on me, and it did me good. I didn't pass that law that says you can go out there and harass those people because they left a bruise on the buttocks".

Child abuse has to be defined. Whether I agree with everything in the guidelines or not, part of what NAPCWA is articulating is that we have to define where abuse starts and ends. Sex abuse is comparatively clear in terms of the act. The act of fondling, the act of penetration is clearly a sexual act. But with physical abuse, when does a paddling become abusive? How much bruise is too much bruise?

All those issues get cloudy. CPS has got to be able to define the lines of what it will respond to and what it won't. CPS must have the authority to say, "We are sorry; that doesn't sound like a good situation, but it's not child abuse." We are going to respond only to child abuse. Otherwise, we are divert-

ing resources from the kids who are seriously at risk in order to intervene in all sorts of families and try to make everybody good parents.

There is the expectation in the community that we make everybody middle class; and people get upset when we don't make people middle class. Realistic expectation by the community must be balanced against the resources that community is willing to devote. Our obligation has to be to look at those children most at risk.

Undoubtedly, we will miss a kid in the process. When a referral comes in for something real minor, and two weeks later the kid is dead, the whole world is angry at us because we walked away. That's just a risk we have to take because the alternative is equally dangerous.

We could go out on every referral, and still miss a critical thing; kids will still die. It's one of the hard rules of child protection. We are not going to stop abuse, and kids are still going to get hurt out there. What we have to do is try to limit it to the absolute minimum. But we can't do that alone: it goes back to hooking the community into participating.

It's the community's responsibility and Jon is right, they delegated it to us. We have to do a better job soliciting the community to act in a comprehensive way to work together toward the common good of protecting kids.

One more quick comment on the increase of complex cases: family situations are now much more complex. Sex abuse dominates CPS time, where it didn't ten years ago.

MS. BERLINER: That's because you weren't getting the reports, not because the cases have changed.

MR. WILSON: Right, the cases are the same, but the nature of the environment in CPS has changed. It has become much more legalistic: due process rights for offenders, for example, CPS workers are now confronted with a much more complex environment than ten years ago. The families are not different; the actual abuse to children isn't different; but what we are seeing is different.

MS. BERLINER: I think it's important (especially when you are talking about this to the community) not to imply that there has been a big change and suddenly we have an explosion of child abuse. We don't have an explosion of child abuse; we are just more aware that children are abused.

There are two ways to thinking about the reasons for CPS intervention. One is the question of children's rights, and

the second is the issue of harm. What do children have the right not to experience? Children have a right not to be molested, not to be abused, and not to be neglected.

We assert that children have these rights. That's one legitimate basis for CPS. CPS has not accepted the responsibility of making sure those things don't happen to children. It is society's obligation to insure that right.

What I get concerned about is the harm issue. We emphasize that CPS gets involved, not because people don't have a right to treat children that way, but because if children are molested, abused, or neglected, it will be harmful.

That's where this business of seriousness comes in. Do we want to acknowledge that children have the right to experience minor child abuse, but they have the right to be protected from serious child abuse? We don't really want to be going in that direction.

We have to recognize that every time a kid is beaten, the results are immediate or long-term harm. It's the risk of harm that is the issue. As both Jean and Dan have pointed out, the most serious harm from child abuse will not be seen for 10 to 15 years. Almost all of the serious harm is going to show up when the children are in their late teens and early twenties.

We can rationalize that it's not really serious because we can't see harm now, but that is not going to work much longer. We now know about the mounting empirical evidence of the correlation between the history of child abuse and a myriad of problems in adult behavior. This knowledge makes it less and less easy to argue that intervention may make things worse. It's not going to make it worse, but the damage is hidden for a long time. There is no getting around it. We aren't going to stop doing research because the results are inconvenient for society to confront.

My point is that we need to distinguish between (1) the right of a child not to experience abuse and neglect and (2) the right of a child not to be harmed by these experiences. We must acknowledge that these experiences hold the potential for harm to children and that's the only reason we get involved.

MR. SEXTON: I want to talk a little bit more about the racism issue because it comes up a lot through our national hotline and when I travel around the country talking to CPS workers in other systems.

Earlier, someone suggested that we work with incestuous families and then carry the same sort of dynamics back to the incestuous systems in which we all work. We also bring societal

views of cultures and people of color into those same environments, and it creates a lot of conflicts.

Most recently, we have had to deal with that in the Los Angeles County Child Protective Services system.

I was invited to talk at a CPS training. My first meeting was a session soon after the appearance of a story in the media about racism within Child Protective Services. I didn't quite understand the rationale for inviting me, but it worked, creating a lot of controversy. People wanted to know why a white person was talking to non-whites about racism.

It put me on the spot and made everyone tenuous and very uncomfortable, but it ended up working out very well, creating the desired effect.

The first day, various people of color were sectioned off in their respective areas within the room. There were about 200 people altogether, including middle and upper level management -- all of whom chose the front rows and sat away from the rest of the line workers.

Ideally, we should run ongoing support groups. We would talk about how things work. Line workers could facilitate the groups which are made up of upper and middle level administrators so that they have the particular authority within the group. The groups would meet for one hour at a time.

I don't know what CPS offices look like around the country, but in LA County they are very drab and dreary with no windows, no sections, no privacy, lots of manila files piled up, and lots of craziness going on.

This could foster a sense of safety within the office, and would be cost effective. My agency has agreed to allow me to volunteer my time once a month to do these workshops. I think it's our contribution to the community support of CPS. I agree with that because CPS is very overburdened.

I have immense respect for social workers. They work their butts off. They get very little back for what they do, other than a lot of bad press. We in the field, regardless of our position, owe it to CPS to return and put some energy back into it.

The anti-racism sessions happened pretty much by accident. It wasn't planned, but rather a response to a crisis. I got a phone call and went: fortunately, it worked out.

This is the sort of thing many of us can do in our own communities to respond to the inherent societal racism that goes on in this country. I think if we are going to respond to family systems, we have to find a way to respond to those ingrained systems that we all live in as well. Otherwise, we continue to perpetuate the sexism and racism that goes on.

I see a lot of acceptance of the male/female stereotypes which we talked a little bit about earlier: women being victims and men being offenders, that somehow middle and upperclass white communities don't really do abuse, but it's usually those "dumb, low income Latinos and black people" who do all that stuff. We don't even get into Native Americans because they are all out on the reservations, they don't even seem to be included in statistics yet.

I have been involved in various sessions like the one I described previously. In every one, racism is either one of the last things that gets brought up or it doesn't get brought up at all.

In any curriculum developed for CPS -- or any other Social Services -- there should be a mandated component dealing with sensitivity to racism. If it is not a part of CPS training, we are doing a real disservice.

MR. DAVIDSON: We are moving on to an issue of importance that focuses on the relationships the Child Protective Service agencies have with the criminal prosecutor and law enforcement communities in their jurisdictions.

Our next presenter is Patricia Toth. Since 1987, Patti has been the Director of the National Center for the Prosecution of Child Abuse in Alexandria, Virginia. The National Center is a program of the American Prosecutors Research Institute, which is a part of the National District Attorneys Association. The program is funded by the United States Department of Justice.

Between 1980 and 1986 Patti served as a Deputy Prosecuting Attorney in both Kitsap and Snohomish Counties, Washington where she specialized in the prosecution of child abuse cases. She has written extensively in the field since arriving in Virginia and was responsible for the development of a major publication of the National Center, The Investigation and Prosecution of Child Abuse.

MS. TOTH: One of the most difficult areas we talk about is what to do about the CPS system. From my point of view as a prosecutor, we ask how do we interact with CPS? How can we help each other in this struggle? What we all basically want to do is improve the situation for those children who have already

been abused, and do something to reduce new incidents of abuse in the future. We hope that all of our efforts will lead to that eventually.

At a very basic level, as prosecutors are the chief law enforcement officers in their communities. There you may deal with a different sheriff's office, different police departments, and in some communities, maybe 50 or 60 different police departments.

Social Services departments have to deal with that reality, and it can be very confusing, but within jurisdictional boundaries there is only one prosecutor. And, except for New Jersey, they are elected in every state in the country.

The prosecutor, via the election process, answers directly to voters in the community. You can't say that about the Social Services Administrator, or the police chief. Sometimes you can say that about the sheriff, but the degree to which he/she actually investigates things is different from place to place. What drives the prosecutor is the duty he or she owes to the community.

I think part of the frustration that occurs between law enforcement, prosecution, and social services is the fact that prosecutors often say, "We do not legally represent the individual victim, " and that is absolutely the case.

Our cases are criminal cases, filed as "People versus the individual," or "State of Washington versus the individual", not the victim's name versus the defendant. That makes some people mad. Why can't we prosecutors represent the victim? Because we have a larger responsibility: to the whole community.

When we look at a child abuse case, we are seeing not only the individual victim of the abuser, but the threat that abuser represents to other potential victims in the community. This creates tension because sometimes people perceive that we are doing things which are not optimal for an individual victim in the effort to get a conviction. They think, incorrectly prosecutors just don't care about victims.

I'm sure there are some prosecutors who don't care, but there are a lot of prosecutors who care very greatly about children. Prosecutors who stay in the child abuse field couldn't stay if they didn't care, because they are all terribly overworked, just as CPS workers are overworked.

On that level, I think we can all relate to each other. If case workers were to sit down with prosecutors who is working in a child abuse prosecution units, they would find they have many things in common.

I was asked to talk about how prosecutors and CPS should interact. The first thing I would say is that communication is the most important factor. It has to be honest communication, and it must occur often.

The "honest" part is very, very important. There are some very serious issues that we often disagree about, and sometimes they are hard to talk about. We don't want to face up to them because they are unpleasant to deal with. Though we may disagree on philosophical areas, they must be faced if we are ever going to solve them.

Communication really has to be about the cases that we have in common. The problem is that we may have cases in common, but we in law enforcement and the prosecutor's office won't know about them unless people in CPS tell us.

As a practical matter, by and large, reports come into the CPS system first. Very few cases come in first through the prosecutor's office. A larger percentage come in through police, but far more are known first to the CPS system. If the criminal justice system is to be effective in those cases where crimes have occurred, prosecutors and police need to be notified of those potential crimes as quickly as possible. Somehow there has to be a built-in system of immediate notification to the criminal justice system from CPS.

That has advantages for CPS as well. Every community should be working toward a multidisciplinary investigative process, and this is a way of triggering it as soon as possible to make it most effective.

Sometimes I hear the argument made that Social Services alone should deal with a family where abuse has occurred, because criminal court is ugly, criminal court is hard on kids, criminal court should only be involved if things get really bad, or if CPS can't help the situation. I think that is absolutely the worst approach you can possibly take, because the criminal system has the highest burden of proof.

We can only get the most convincing evidence if we do the investigation as soon as we know there is something to be investigated. If days, weeks, or months go by while other things are being tried and the criminal system isn't involved, things just get worse. When it becomes obvious that the abuser can't be helped, he or she represents a tremendous threat.

By waiting to involve the criminal justice system, you give the offender time to hide, or to destroy or alter evidence which is crucial to proving a criminal case.

Then, when those involved in the civil system throw up their hands and say, "Well, we can't do anything now; you take over," it is virtually impossible for the criminal system to do anything because our burden of proof is so much higher. There is almost no chance at that point that we will be able to collect the evidence we need to be successful in criminal court. Getting there quickly and working together as soon as possible is absolutely essential.

People in CPS who work these cases have access to information that law enforcement typically doesn't collect, isn't aware of, or isn't concerned about. But, if the case is in the criminal justice system, that information might be incredibly helpful when a case goes to trial.

I should tell you a little bit about my background. I haven't done criminal prosecution exclusively. When I worked in Kitsap County, I spent about a year working in Juvenile Court, under contract to the Attorney General's office, representing CPS in dependencies and deprivations. So, I speak from the experience of working directly on dependency cases that often also involved criminal charges.

When criminal charges were involved, I found that the information CPS people gave me from their records -- background items that police officers might not normally collect -- could help me incredibly to understand the whole situation and to effectively cross-examine witnesses, the defendant, and others.

So, I encourage sharing as much information about the child and family as possible. It can help us present evidence in court to help the trier of fact decide if the defendant is guilty or not. Once the defendant is before the judge for sentencing, assuming there has been a conviction, that information is absolutely crucial to the prosecutor's recommendation about what the sentence should be: should we send this offender to prison and throw away the key, or should we advocate for a treatment option together with some jail?

The more we know about the background of the perpetrator, the family, and the impact on the victim, information that CPS is more likely to have than the police, the better we can make our recommendation. It will also enable the judge to make a better decision in the criminal court.

Prosecutors are not always very good about keeping up with the status of parallel dependency proceedings, and they should be. But if they don't call you to find out the status, and you know that there is, or may be, a criminal case, I think the CPS workers need to call the prosecutors to tell them the status of the dependency case.

It's really unfair to kids to put them through these parallel court proceedings without talking to each other about what's going on in the two courts. I think that happens all too often. There has been much discussion about ways to coordinate the systems better so that won't happen.

In this morning's session on judicial reform, we were talking about the concept of a unified court system. I can see pros and cons, and I don't think it's all been worked out. But even if we head toward that, we are a long way away from it at this point.

In the meantime, we must find ways of making sure that kids who have to experience this don't suffer because we have failed to keep track of what is going on in the parallel proceedings.

It's an easy excuse to say that getting the information is somebody else's job. Whether you are a prosecutor or a case worker, forcing that communication to happen is a matter of your own professional responsibility.

I think we need to build into CPS training an awareness of criminal court processes into CPS training. Then maybe we can kindle a desire to understand among CPS workers. I know some workers just don't want to be involved at all. They are very resentful of the suggestion that they should ever be involved in a criminal court process. But we can't avoid it. A CPS worker, interacting with a child and a family, is in the best position to offer crucial evidence if there is a criminal prosecution. As responsible prosecutors, we have no choice but to call those people as witnesses.

Nobody likes to be a witness in a criminal court proceeding. I have had to do it in hearings or trials where I was directly involved, and it's awful. I don't like it, but it's a reality of our system that if we are working with abused kids, eventually we will have to be witnesses in criminal court.

As with the children, the best way to deal with that prospect is being prepared and knowing what to expect. I am amazed at the number of people that I talk to, not just CPS workers, but therapists and other witnesses, who thought they knew exactly what criminal court was like and how terrible it was. When I have heard such comments, I often ask, "How many trials have you sat in on or been a witness in?" The answer I often receive is, "Well, I haven't been in any, but I've heard about it." I find that appalling.

In this line of work, we should encourage people to visit each other's territories. That includes prosecutors going to a CPS agency for a day to see what that's like. CPS workers

should go to the courthouse to see what goes on in prosecutor's offices and in criminal courts. And if it's possible, prosecutors in the criminal case should be sitting in on the dependency hearings.

A guilty verdict in a criminal case can have a real benefit to you in a pending dependency case because that will be *res judicata*. It will establish the abuse issues in a dependency case based on the same allegations.

One of the greatest things that we need to do to help the CPS system in this crisis is to foster pride and a sense of accountability. None of us should be scared to be held accountable for our jobs. It's a sad commentary that many people, police, prosecutors, case workers, and therapists alike, have covering their behinds as their major concern.

This issue was brought home to me recently. Apparently, in Chicago, there are a couple of social workers, who have been charged criminally with official misconduct. It has created hostility and debate between social workers and prosecutors.

We need to discuss these issues, but I believe criminal charges are appropriate when people have lied or have been dishonest about their ability to do a job.

There are many pressures that may explain why case workers felt it necessary to lie, but in my opinion we should not encourage that, and it does not justify the behavior. It may explain the behavior, but it neither excuses it, nor justifies it.

Case workers have one of the most important jobs in our society. They are underpaid, undertrained, and they have many difficulties in doing their job. But the fact of the matter is, there is nothing more important than the protection of kids in our community. Therefore, when kids die, as a result of abuse or neglect we have to find ways of making the system better.

If we don't create an atmosphere that encourages case workers to be honest about the difficulties of doing their jobs, we are not going to know what is necessary to make the system better. And if we excuse dishonesty about a person's ability to do his or her job, we are going to perpetuate dishonesty.

So after throwing out this bit of controversy, I think I'll end. We really need to foster better accountability and honesty. Maybe then the public will become aware of the impact of these difficulties on the children in our community.

MR. DAVIDSON: Thank you. Ron Earle will be reacting. Since 1977 he has been the District Attorney for Travis County,

Texas, including the city of Austin. Within his office, he maintains a special child abuse prosecution unit as well as an incest treatment program.

Prior to becoming the elected District Attorney, he served from 1973 to 1976 in the Texas House of Representatives. From 1972 to 1973 he directed the Texas Judicial Council, and prior to that from 1969 to 1972 he served as presiding judge of the Austin Municipal Court. From 1967 to 1969 he was on the staff of the Governor's office in Texas. He has been an elected official, a judge, a member of the executive branch, and a state representative. He has seen the CPS system from all sides.

MR. EARLE: Thank you, Howard. Originally I was asked to react to Howard's presentation on "where we go from here" which fit in a little more closely with this morning's general topic. So, if it's all right, I'm going to react, both to this morning's general conversation and to what Patti said. Much of what I have to say is applicable to both.

I spend a lot of my time defending CPS from attacks, mostly by judges. The sense of accountability that Patti mentioned is pretty central to where we need to go. There are two sides to the concept of accountability: one is responsibility -- -- who is responsible to whom -- and the other is credit.

What credit do you get for what you do? Right now you don't get any credit for what you do. All you get is blame. The one thing that typifies CPS nationwide is that you take the brunt of all of our mistakes, and all of our criticism for the way we fail to deal with our mistakes.

I want to respond to what Jon Conte said this morning about delegation. We delegate the function of protecting our children to CPS workers. We delegate the function of protecting our communities to the police and to the prosecutor. There was a time when we didn't delegate those functions to anybody; we performed them ourselves.

I would submit this for deliberation: there are some functions that are so precious, so crucial, and so integral to the working of an ordered society that they cannot be delegated. I would put protection as number one on that list.

You can't delegate eating. You can't delegate certain bodily functions, and I don't think you can adequately and efficiently delegate protection. Protection is something that each citizen has to take responsibility for himself or herself. Our duty is to show them how and to generate the resources to enable people to do it themselves.

I want to talk for a minute about the role of the D.A. and speak to you of that "duty" to which Patti referred. It is stated beautifully in the haunting language of the law in Texas, and I think in most states: "It shall be the primary duty of all prosecuting attorneys not to convict, but to see that justice is done". That's a great job description. It's really why many of us hold this job longer than other jobs.

It's our job to represent the community. We are directly accountable to the community every hour of the day, because we are elected. We work for the community. If I lived in Tennessee, I wouldn't get to vote for Charles Wilson. I don't get to choose the director of CPS. I get to choose the Governor, but the connection between Charles and the Governor is a bit attenuated. And I doubt if Charles is privy to the Governor's inner councils as often as he should be if the function of protecting children were to be adequately performed in the state of Tennessee. That is not a matter over which Charles has any responsibility, of course.

The District Attorney represents the community in two ways: we see that justice is done by representing the community in court, which is the locus of the doing of justice. And we are responsible for crime, or at least my constituents hold me responsible when a crime occurs. My assistants and I feel very deeply when a crime occurs, just like you feel very deeply when a child gets hurt or killed. We all feel that together.

I'm given that responsibility, but I'm given no authority over the crucial issue of control of crime: child abuse. We have puzzled for millennia over what causes crime, and we have now figured it out. Child abuse causes crime. We all know that now. And although I, as the elected DA, am responsible for prosecuting crime, I'm given no authority over dealing with its root cause, which is child abuse. That's your job, and I think it ought to be our job together.

Some aspect of the CPS function ought to be accountable to the local community, and I suggest, to generate discussion, that it be a part of the District Attorney's office, because the D.A. is accountable to the public unlike any other local official.

The sheriff is purely a law enforcement official, and does not have that duty of seeing that justice is done. That duty is held by only one officer in our form of government, and that's the D.A. So I would submit to you that if we are going to be successful in the effort to fight crime, we have to do something about child abuse.

To be effective in doing something meaningful about child abuse, we have to bell the cat. We have to bring the ac-

countability to its lowest level, which is the local community. We have to create the lines of authority, responsibility, and accountability where they most logically and reasonably fit.

In the past, we have never depended on the law for social control. Instead, we have depended upon the communities' institutions, such as home, family, extended family, neighborhood, community, church, and school. The criminal justice system or CPS was a backstop.

Anybody who made it through the maze of mamas and daddys and aunts and uncles and teachers and preachers and neighbors and friends, hit the backstop of CPS or the criminal justice system. That's when we went into operation, and we only had to get a few people. But now, our society is more mobile, we have undergone demographic changes, and those institutions have atrophied. Now society depends on us: CPS and the criminal justice system.

The community as a whole depends on us to substitute: CPS workers are the aunts and prosecutors are the Dutch uncles of the community. We have similar burnout syndromes.

I created a special unit for prosecuting child abuse cases five or six years ago. It was a popular idea, but nobody knew how to do it. We went through four chiefs of that unit in 12 months. It was a machine that ate lawyers.

CPS ought not try to do this job itself. You cannot knock on enough doors to do your job. It's impossible and you can't do it. I can't be responsible for everybody who drives while he is drunk or burglarizes a house; you can't be responsible for every child who is brutalized or sexually assaulted.

We have basically put CPS in the position of Horatius, the Roman hero who by himself held off the barbarians at the bridge, and you can't do that alone. You are not tough enough, and neither am I.

Together we have to organize and generate resources in the community. We have already succeeded fairly quickly in raising the community's consciousness. In the last five or ten years people have been starting to talk about child abuse. The connection is being made by the general public that child abuse causes crime; that abused children grow up to be adult criminals who abuse their children.

The growth in grassroots support has been alluded to many times in today's discussion. It is now up to us to create that support at the level of disciplined response.

It was suggested this morning that not every community has the proper level of disciplined response. But every community can have it because two things are available: the discipline of your profession, CPS, and the discipline of mine, the prosecution. Those are built-in networks, and they are all that is necessary to create the kind of disciplined response needed.

Each of us has witnessed the tiresome split between social workers and law enforcement people. I submit to you that we can't afford that anymore. One is just as softheaded as the other is hardheaded.

The key to getting out of this circle of crime and child abuse is balance: neither purely a social work approach nor simply a law enforcement approach. I guarantee that every social worker who has knocked on a door in a housing project late at night would have felt better with a cop standing close by with that gun, stick, and badge. As much as we hate to admit it, the masking of principle is alive in our culture, and it helps to have a balance.

I will conclude by saying two things. One, the idea of child abuse administration based on statewide standards rather than local community standards is just goofy. I can think of lots of words to describe it, but the simple word is goofy.

People in Bristol, Tennessee may have a different idea about what constitutes child abuse than the people in Chattanooga, who might have a different idea than the people in Memphis. I guarantee you the people in Brownsville, Texas have a different concept of child abuse from the people in Amarillo. And the people in Austin have a still different perception.

Why shouldn't each of us be allowed to establish the standard within certain statewide guidelines? To set priorities on what is a level one, a level two, or an emergency-three level of child abuse based on funding, comes close to the Biblical admonition against Simony. It comes close to being something evil, and we can't keep doing it that way. We have to figure out a way to do it locally.

The last thing I want to say is that this entire issue evolves into a political question. What we are talking about is an issue that is eventually controlled by the people who vote. They choose the policy makers. They choose the issues that are going to be important. So, that is the constituency to which we should address everything we have to say.

We have to become educated, and that's where the community's consciousness-raising function comes in. The political consequences of ignorance about child abuse issues can be seen if you watch the news.

I almost never get to watch the 5:30 national news, but I watched it the day before yesterday, and I saw a program on the skinheads. That is the effect of child abuse on the political climate. I daresay it would be difficult to throw a rock in the middle of those skinhead kids without hitting a formerly abused child.

The point I'm making is that alienation is how Hitler did it in Nazi Germany, and that's what we are creating here with this generation of abused kids. That is the political hook that will get the attention of any elected official in the country.

MR. DAVIDSON: Patti, is there anything he said that you would like to react to?

MS. TOTH: I've never heard anybody suggest before that CPS should be part of the D.A.'s office. That is a really provocative suggestion, and I don't know how I feel about it. I think we need to foster a better sense of community, and we need to truly believe that we are working together. So I suppose that would be one way of doing it.

I have a feeling that that's probably not something that most D.A.'s or CPS people would jump on the bandwagon to support, however. The only other response I have to Ron is that I agree with almost everything he said.

MR. DAVIDSON: A comment in the back? Will you identify yourself for the record?

MS. SCANLON: I'm Shirley Scanlon, and I'm from the Alabama State Department of Human Resources. I have been a worker with Child Protective Services for about 14 years. Now I'm at the state office.

My comment gets back to what Patricia Schene brought up about the role of CPS. Is it purely investigative? If it is, let's give it to law enforcement. Or, are we really there to help families?

I think we have to remember that we are not only investigating, but we are also social workers supposedly helping families. Even within our own profession there seems to be some confusion about where our role really begins and ends. Do we pick up after a case is prosecuted? That's not the end of the case. We have a role beyond that.

In Alabama now, we had a successful prosecution of a man who pleaded guilty. He served two years in prison, and he is now back at home. He has been there for four months, but we have only just learned that he is back in the home. Neither the victim nor the perpetrator received any treatment. He feels like

he has paid for his crime, but where does that leave us as social workers trying to provide services to this family and to protect that child?

CPS must remember that we have to go beyond prosecution. That's just the beginning of it. We do need to work together with law enforcement, but prosecution is only a portion of our involvement.

MS. RALSTON: I don't know how CPS can do its work without being a part of the prosecutor's office; I don't know how prosecutors can do their work without being a part of CPS; and I don't know how therapists can do their work without being a part of this team.

I heard Howard Davidson say before the lunch break, "Let's hear from those people who aren't in the system." I can't imagine that any people in this room would be willing to identify themselves as outside of the system.

I know Howard was talking about the CPS system, but I invite us to expand our vision of that system and look at the Child Protection System with CPS as only one of the functions of that system. I invite us to begin defining our roles and our responsibilities within the greater scope of the entire system, so that we begin to move away from saying, "You didn't do your job." We must manage cases in such a way that we are all a part of one system, and we must begin to hold ourselves accountable.

I think it was Norma Harris who said something about accountability. To whom are we accountable? My concern is that we are not accountable to the children. We are accountable to our county directors, to our mental health directors, to our supervisors, but our system is not accountable to the children.

As long as we each maintain accountability to our little piece, and until we buy as our common goal the best interests of the child, I'll be focused on my goals as a therapist, you'll be focused on your goal in the courtroom, and you'll be focused on your goal. Our mandated tasks will remain within our individual parts of the system. I invite us to expand not only our vision, but our terminology; to begin teaching and role modeling for our clients what a functional system does. We must, as a functional system, define our roles and responsibilities, and get on with business.

I get irritated with all the guidelines, and all the policy, and never focusing on how you operationalize that. That is a serious problem with the community system. Jon Conte said the community can't take the responsibility, but I don't buy that. The community does have the responsibility. If CPS is willing to accept that total responsibility, they are crazy.

That means they won't allow me to have a role with that child, and I think that we all need to demand our responsible roles.

DR. CONTE: Patti, would you be willing to comment a little further on the indictment of the CPS workers? I think it's important to understand what they did. I was going to comment on that, but you may actually have more information, so if you can, please elaborate for the record.

The other thing I wanted to raise is the notion that the criminal justice interest is an important interest. Protecting the community is vital.

We know from years of experience in mental health services that people who sexually abuse children don't wake up one morning and say, "Oh, I need treatment," and go get it. You've got to get their attention, and the justice system can be very helpful in doing that.

But equally important to protecting the community and getting offenders into treatment, is doing something for the child. I worry that increasingly CPS becomes a handmaiden to the justice system's interest. Then, the protection and treatment of the child takes a lesser framework.

In multidisciplinary teams, for example, the lowest status person is the CPS worker, and the highest status person is the doctor. The doctor says, "The medical evidence isn't clear." And the prosecutor says, "I can't file charges." Then the CPS worker, who operates on a different standard of proof, is reluctant to pursue protection even though there is sufficient evidence to support efforts to protect children.

MR. DAVIDSON: Jon, that's exactly what happened in the *DeShaney* case that the Supreme Court just decided. [*DeShaney v. Winnebago County Department of Social Services*, (1989)] It's little known, but in the *DeShaney* case, because the prosecutor told the CPS worker that there wasn't enough evidence to get a court order ordering Joshua out of his home on a previous abuse incident, Joshua was allowed to remain in the home.

The prosecutor, possibly, had no sense of the difference between the standards used in the criminal justice system and the standard for child protective intervention in the juvenile court. But people deferred to this "higher status" person. Joshua remained at home, and the boy's father beat him severely enough to cause permanent paralysis and mental retardation.

MR. WILSON: And the social worker got sued.

DR. CONTE: Let me ask the question then. Suppose we separated CPS and criminal justice interests totally, and said,

for example, there ought to be coequal investigations. The police and prosecutor ought to pursue an investigation within their mandate, and CPS with a different level of proof and a different purpose in mind should also investigate. In fact, the information CPS collects should be protected. It would not end up in criminal justice interests, so an adult might say to a CPS worker, "I did abuse a child, and I do need help." By separating the functions, it might be easier for two fundamentally important social purposes to be served.

MS. TOTH: It's an interesting idea, Jon, but it simply wouldn't work. Also, I don't think it would be good for the children because they would have to go through the investigation twice, even if everybody was doing a good job.

CPS case workers need information which is as accurate and complete as possible about a child, and what has happened to him or her in order to do the best job they can. And that's what the criminal justice system needs, too.

We might need something more here, and CPS might need some more there, but we all need accurate, thorough information about the offense to do our jobs well. I don't see why one investigation, done cooperatively, couldn't serve the purposes of both.

MS. FIRE THUNDER: I speak from a community organizer's perspective, not only on an Indian reservation but in urban areas. There is a sense of helplessness and powerlessness among the client population that you deal with. We have to remember that public institutions, and public officials are there for the community, not the other way around.

The people have to be made to understand that, and once they understand it, they themselves have to demand accountability.

A long time ago, a bunch of white people got together in Philadelphia and put that Constitution together, so consequently the laws of this country were made only for white folks. But once people of color start taking political science courses, they realize, "Hey, wait a minute; that Constitution applies to me too."

We have to go back to square one and teach people about accountability. Public institutions, public offices, welfare offices exist for the people, and that empowerment has to take place. Awareness starts once that empowerment takes place. Then the community starts to demand the accountability. The community begins to recognize that the kids are not being taken care of; that they are falling through the cracks. Whose responsibility is it? We start asking, "CPS what is your role? Tribal law

courts, what is your role? FBI, what is your role?" And we start to recognize where the gray areas are, and take action to close the gaps in those gray areas. That's where the community empowerment comes in.

I don't mean to be critical of your disciplines because I know you mean well, but too often you focus your attention on your disciplines, rather than ask the community, "What can you tell us so we can do our job better?" That doesn't happen.

Social Services are in one place, the needs are someplace else, but nothing is happening to connect them. I think that has to be discussed. Thank you.

MR. EARLE: I want to second everything you said, Cecelia. We get really wrapped up in how great we are, lawyers and doctors and social workers, and we get into rules and guidelines. We are bad about it, and lawyers are probably worse about it than anybody. But the truth of the matter is we exclude the people that we are there to help. We do everything you said, and more.

Regarding Libby's comment about creating a role model for our clients: show me a family that's not dysfunctional. I keep looking for a normal family, but they are hard to find. At least we should have a system that's not dysfunctional and does not exclude people.

The idea of separating the civil and criminal aspects of a child abuse incident is like trying to separate the head from the body, or the body from the mind. Futurist engineer Buckminster Fuller said that the idea of nuclear war on earth is a lot like the commander of the bridge of spaceship nuking the rear deck of his own spaceship. I think that analogy carries forward into child abuse cases.

The closer we can come together in the way that Libby has outlined, the better off all will be. I'm probably the only District Attorney in the world that thinks that CPS ought to be a function of the District Attorney's office. But Libby put it another way: prosecution ought to be a function of child protection. It's the same thing.

The point is, we all ought to be in the same boat rowing together instead of throwing rocks at each other's boats as they go by. A unified court system is the way to do that. I want to take issue with something Patti said. It isn't as far removed from reality as many people think.

Texas and Oklahoma each has a bifurcated civil and criminal appellate court -- a court of last resort for civil cases and a court of last resort for criminal cases -- which

makes us the only two jurisdictions in the English-speaking world that have that. It's a stupid arrangement. The point is, I think we could unify our approach. Even in Texas, with our traditional split between civil and criminal, I think it is possible to unify the investigation and to a large extent the treatment.

In my office I have started an incest treatment program. I call it the Family Development Center and it is modeled after the Giarretto Program in San Jose, which some of you may be familiar with. The question is why should the "Dutch uncle" leave before the fighting starts? The fighting is really just getting started, in most of these cases, after the criminal case is well underway.

At that point, we have some kind of arm on the perpetrator and can continue to support the victim and the nonoffending spouse. So, why not set up an arrangement that both the CPS and the prosecution are part of? I think it can be done.

MS. AUKAMP: I have a more basic issue. I was struck by an assumption that we seem to be making. I hear us talking about CPS being a backstop for community systems, family systems that have failed due to various changes in our society.

I wonder if you folks share with me the idea that over time we have changed our definitions as to what rights, to use Lucy's term, children have in our society? Have we changed our definitions of what might constitute abuse or neglect of children?

As we begin to work with community groups to develop partnerships, I think it is important to have some consensus about the goals and objectives of the work as well as the role that the CPS system should play in achieving them. If we are dealing with increased standards for children's rights as well as correcting for changes in families and in communities, then we must educate the community about the differences, and perhaps even build consensus about the need for increased standards. Whether the CPS system is bifurcated is a secondary level of difficulty. Its resolution -- into a unified system, a bifurcated one or one of another design altogether -- would also be simplified by clarifying first what our goals and objectives really are.

MS. THOMAS: Monday and Tuesday of this week I was here at the meeting for the National Children's Advocacy Center. I see children's advocacy centers as one vehicle to network all of these systems that work in child sexual abuse.

Since we have been working to do that in Memphis, all of our systems are working together much better, understanding each other's needs, supporting each other. There are even

occasions, on a child sexual abuse case, when every system does exactly what it's supposed to do, and it works together. So, I'm here to plug child advocacy centers in every community.

The purpose of a child advocacy center is to coordinate all the systems to help each other, working more efficiently and providing the children with effective advocacy.

MS. SCHENE: Where does neglect fit into all of this? The fact is that many of the reports of child abuse and neglect in this country never even touch a courtroom, much less a prosecution. Yet that is just as much a part of our public responsibility. Children have a right not to be neglected the way they have a right not to be sexually abused.

For the most part, children's advocacy centers don't operate with neglect cases, nor were they designed to. I'm not saying they should, but we can't reorganize that small percentage of the problem that ends up in court, and assume that we are dealing with the problem.

Sixty percent of the substantiated cases that come in every year involve neglect. And most of the children who die in most years, die of neglect. Now, that doesn't mean we don't have to address sexual abuse and physical abuse, but we can't design new ways of organizing our social or public response to this problem, and leave out the bulk of it.

The second point I wanted to make is that we have to listen to what Libby is saying. We have to listen to that because what we are talking about is a community ownership of this whole problem of protecting children, yet there is not a community structure. There are pieces of the structure. We have to charge ourselves to build that structure.

Children's advocacy centers are one way of structuring some part of it, but what Libby is talking about is a comprehensive structure. Maybe in the Mayor's office there should be a children's ombudsman or a family and children's service. It does not now exist in most places, so we have to construct something.

We all agree that the community owns the problem; we all believe it. Maybe in Native American communities, or in isolated areas, there are communities which can own it and community structures for addressing the problem.

Most of the places where we all live, there is no such thing. It's an abstract concept. We have got to get it out of the abstract realm, into reality: an office that has a telephone number where you can call the community. Where is that?

That telephone number has to represent the treatment system, the CPS system, the prosecutorial system. It has to represent whatever we define as the community that owns this problem. We have to reach that community, and empower it to coordinate what we are doing. We have to realize that once we do that, the resources will have to be built. We have to construct resources as well as the community organization to address the problem. But let's not come up with ways of constructing it prematurely, leaving out the neglect which is such a serious problem in this country.

MS. RALSTON: In reference to neglected kids, I'm beginning to think that Child Protective Service workers deserve to be child advocates. They deserve to be brokers for children's services, whether those services currently exist within our communities or not. Perhaps the police need to collect the evidence to use in either court, and all decisions should be based on that evidence. This would free the child protective worker to be the advocate the broker for all the rest of us who have services available and the person to demand that the gaps be filled.

MS. SCHENE: The problem I see with that, Libby, is that the role of the CPS investigation is essentially to decide whether a family needs the services that we have to offer.

MS. RALSTON: But maybe the question is whether there has been a crime. When there is an allegation of a crime, that crime must be investigated. But when there is an allegation of neglect, under our criminal codes, it is not a crime.

MR. DAVIDSON: That's not always clear.

MS. RALSTON: Well, it isn't always clear. It's incredible that we use the word "abuse." I don't know if "abuse" is a hard enough word. People see the sexual abuse of kids as a soft thing. They take it to a soft court, and there is very often a soft response that doesn't protect kids.

I'm moving to use the words "sexual assault of children." Sexual assault is a crime which can be addressed. As an adult, if I report a crime, somebody investigates it. They come and dust for fingerprints, they look for evidence, and they do things.

We spend millions of dollars teaching kids to report crimes, but if they are ever able to, we put them through this incredible thing to try to prove if they are telling us the truth.

DR. GOODWIN: I understand this whole discussion as an extension of what Dan said about our racism and our sexism. I find over and over again that there is one group working on a

case, mostly males, mostly attorneys, who think of the issues in terms of justice, in terms of rights, in terms of rights and wrongs.

There is often another group working on the same case, generally mostly females, thinking of the issues in terms of care, identifying the needs, and how they are being responded to. And I think one problem with working in sex abuse is that bit by bit we become sort of anti-sex.

I think the whole idea of sex is *vive la difference*, let's cooperate. Let's apply both these female and these male ways of looking at a situation, and achieve some balance. In many of these cases, we need to fully endorse the application of both points of view.

The second dream that I have had is actually just the opposite of Ron Earle's suggestion. We could establish a sexual and physical abuse/neglect court in municipal court. It would be like what happens when someone shoplifts: in a particular case, if there were three of seven possible criteria, there would be an option of going to court and getting a misdemeanor child abuse conviction, or sexual abuse conviction, automatically, without having the child testify. The parents would be sent to child abuse school.

Perhaps that sounds terribly soft, unless you look at some of the data about how many convictions are obtained per 100 substantiated sexual abuse allegations. When I looked at the data, there were only two convictions.

We are looking at a system where we have very hardline views, but no one ever gets convicted. Perpetrators never have a record when they finally do go to court after their 189th victim. In terms of the justice system, we need something that happens rather than something that doesn't happen.

MR. WILSON: It's beginning to sound like we are a newlywed couple talking about getting divorced over some relatively trivial thing. We haven't learned to work together yet.

Historically, we did conduct separate investigations. When I was a worker, the only times I used a cop was to help me remove kids from their homes, or because I was in danger and I felt I needed somebody on the scene. We didn't do joint investigations. I would talk to a kid, then I would walk away and the cop would talk to the kid. By and large, I don't think parallel investigations work for the benefit of the kids.

I would hate to defer the CPS investigation and decisions about child protection. Our staff gets trained on some of the subtleties about safety planning with nonoffending parents

that law enforcement officers historically don't get. Prosecutors tend to set their priorities on cases that are going to be prosecutable, rather than situations in which there are protection needs, but no prosecutable case. Your only witness may be a two-year-old child who can barely make a complete sentence.

In recent years we have developed a team concept which has great potential. I think the integrity of that concept stems from coequality: we are peers working together as colleagues. When we work together, there are separate and distinct roles for CPS and law enforcement investigation. And the end result is that the product is much better than the sum of the parts.

That concept has not been fully tested across the nation. David Finkelhor's new book Nursery Crimes is looking at large day-care cases, comparing parallel investigations, solo investigations, or team investigations. Some of the first data I've seen shows that successful prosecution was dramatically higher in team-investigated cases than in any other variety.

In our state, when the teams work, they are things of wonder. When they don't work, they are no worse than they were before.

I would hate to leave this session with a sense that we need to divorce law enforcement from child protection, when in fact I think we need to do just the opposite -- build the bridges.

The Child Protective Service system that NAPCWA talks about is one piece in a broad child protection system. That was one of the definitions of the CPS system. Are we talking about the public, the people working for my agency, or are we talking about Jerry and the host of people responsible for protecting kids in one form or another?

MR. EARLE: Let me make one response to what Charles said. Typically, it is true that the prosecutor is interested in a prosecutable cases, one he can take into the courtroom and prove beyond a reasonable doubt.

Many prosecutor's offices, however, including mine, also handle the parallel civil dependency matter, where the issue is not proof beyond a reasonable doubt. I'm suggesting a new level where the issue is not who wins the case, but instead the issue is protection of the child.

I have suggested the prosecutor's or the elected District Attorney's office because he or she is immediately accountable to the public official directly involved with the issue of crime, which as we know is inextricably intertwined with the issue of child abuse.

So when I talk about putting CPS in the prosecutor's office, I'm asking you to conceive of a new incarnation of the prosecutor, not somebody who is interested in a criminal prosecution per se, but instead someone interested in the totally different issue of protecting the child.

MR. DAVIDSON: It's now my turn to make a presentation, and I have entitled this "Where do we go from here? Legislative and Policy Reforms." I think I'm going to say some things that haven't been said by anybody else here, so I'll be interested in the reaction of the group.

I'm also going to share with you highlights of one of the more important discussions of Child Protective Services issues that took place in Crystal City, Virginia in December 1988. The conference was attended by 38 individuals from 24 national organizations ranging from APSAC to VOCAL. It was probably the largest invitational grouping of national organizations involved and interested in Child Protective System reform.

Before getting to that, however, I want to share with you eight areas of policy and legislative reform that I think are particularly important, but which haven't yet been adequately addressed here.

There was some discussion earlier about how we are not doing enough to use volunteers and to use the community in relation to this problem. We know much about the effectiveness of volunteers in working with troubled families. We know that parent aide programs, for example, are very successful.

But the response to those problems and the expansion of those programs have been significantly underwhelming. We just haven't seen the support given to those volunteer-based programs, with the exception of the Court Appointed Special Advocate Program, which doesn't provide direct service work with the parents, but rather direct advocacy work with children.

So, I would like to suggest that we incorporate legislation into our national and state public policies which would promote the use of community volunteerism to work with parents of at-risk children.

This is a particularly important time to do that. President Bush seems to be very interested in the whole concept of national service, and of course we all know about the "thousand points of light."

For the first time in perhaps a decade, we have an opportunity to expand the involvement of community volunteers working with abusive and neglectful parents. Such things as tax

incentives on people's individual income taxes could be given for volunteer work of this nature.

There is some talk at the federal level about the possibility of some new national service requirement similar to mandatory military service. We in the child abuse and neglect community have to be involved in those discussions, or we will see the issues of child abuse and neglect passed by as people talk about what volunteers should do in connection with national or state service.

I would like to see some governors start campaigns of state service to people in need of help. Troubled families certainly should be high on the list for that sort of assistance.

The second area I wanted to mention has to do with agency reorganization and the fact that the current structures for Child Protective Services set up by legislation and policy within the states need to be fundamentally rethought. At the very least, major studies are needed in every state to look at the feasibility of realigning agency boundaries as they relate to abused and neglected children.

We have heard so much here today about the problems of coordination between Social Services, Child Protective Services, and other agencies. I would like to see a realigned system to assure that social services, mental health, and public health agencies are all working together, ideally within one agency. There are very few states in the country right now where social services, mental health, and public health workers work together in one agency.

Some elements of this concept were eloquently set forth by Dr. Ray Helfer at a conference that the C. Henry Kempe Center convened a year or so ago in Denver, called "Child Protection in the 21st Century." In many of our states, we have agency structures that have existed in their present form for a long, long time. In some states, we thought we were doing such a great job when we created Departments of Children and Family Services or Departments of Social Services. We really need to begin to look at the sacred cow.

When I practiced in Massachusetts, it was a big accomplishment to get the Department of Social Services as a separate agency from the Department of Public Welfare. But it's now time for the second or third generation of reforms, because we know so much more about the problems of cooperation among various professional groups and the service needs of multi-problem families that transcend categorical areas.

Number three is an idea based on something that's going on in my own state of Maryland right now. I just said I'm not

sure there should be a "Child Welfare Agency"; as I said, I believe we should develop some different type of umbrella agency that comprehensively deals with children's problems involving social services, mental health, and public health. But, to the extent that we continue to have child welfare agencies in our states, I would like to see those agencies raised to state cabinet level.

Our Maryland Governor has decided to raise the Youth Corrections Agency in Maryland to cabinet level. He has a high regard for the commissioner of that agency and for the importance of her program. If that happens, it will do wonders for juvenile justice in the state of Maryland.

I would like to see Charles Wilson sit in the Governor's cabinet. That would do a lot for kids, and I think there are probably very few states where the Child Welfare Director sits in the Governor's cabinet.

Area number four: I would like to say something about reforms at the county and city level. I think we need to have much more involvement of elected county and city councils in the area of child abuse and neglect.

I did some work with Pat Schene in Texas' DHS Evaluation Project, and we saw the impact of the involvement of county councils in responding to the child abuse problem. After looking at the situation, some county governing bodies have identified funding to support or to supplement state programs.

I think Texas is one of the unique places where the counties have done some significant work to supplement what the state has available for Child Protective Services. I would like to go further than saying city and county councils should become greater players; I would like to see more local referenda or ballot issues at the county level related to increased spending and increased resources for abused and neglected children.

Very rarely have we actually seen ballot referenda in which people were asked to approve a bond issue or allocate more dollars for the special problem of child abuse and neglect. Unfortunately, in Miami and Dade County there was an issue on the ballot in the last election to create a special authority for a new funding source for abused and neglected children in Dade County, and it went down in defeat.

One of the reasons it was defeated is there were no organized groups there to work on behalf of that ballot referendum. The issue of getting on the ballot, getting the issue to the people, is crucial.

Most people are willing to say that to benefit abused and neglected children they would be willing to pay a few more dollars in taxes. If you put it in those terms, you could raise some additional critical funds for this area.

I want to move on to an entirely different area. How do we deal with problems in our system, and with the consumers, who feel that the system isn't working properly?

As mentioned earlier, I would like to see states create an ombudsperson program, independent of the CPS agency, where people who are aggrieved by the response of the CPS system can go to have problems resolved. A program of this nature would encourage cataloging and organizing of complaints in a way that could lead to policy suggestions from a source independent of CPS.

A recommendation of this sort may be coming forth soon in New York state. I have gotten phone calls from people across the country who are looking at this concept of a CPS system ombudsman.

Area number six is one that I'm just formulating in my own mind. Too many child abuse and neglect cases very quickly become adversarial between the parents and the agency. All too quickly and inappropriately they end up in court, becoming long, protracted court cases.

I would like to see the formal development of a nonjudicial mediation mechanism between parents and CPS agencies. We are not talking here about the most severe physically abused children or clear sexual abuse. But we all know, as Pat said, that the bulk of the cases represent neglect (and other kinds of borderline inadequate child supervision cases) where there is probably a better way than bringing these cases into the court system.

Sometimes workers in CPS agencies feel they have no choice but to bring the cases into court. I think we could develop a mechanism, however, that would allow us to avoid the whole court process. For example, I suggest using panels of independent social services workers, mental health workers and lawyers to resolve these problems between parents and agencies over what sort of intervention or treatment is needed.

Number seven, which needs to be directly faced as a matter of policy, is the establishment of case load controls for CPS workers. Beverly Jones, who could not be here due to her daughter's illness, is the Director of Child Protective Services programs for the Child Welfare League of America (CWLA). The Child Welfare League is about to issue a new set of standards for service for abused and neglected children and their families. In

many ways, these are the most important of all the documents on CPS reform that have been released over the last couple of years.

They directly face the issue of caseload control. They say, for example, that individual workers shall have no more than 12 active cases per month for investigation and intake; and for ongoing cases no more than 17 active cases. For workers who have combined responsibilities for both investigations and ongoing cases, their total should be no more than 10 active ongoing cases, and four active investigations, per month. And finally, the ratio of social workers to supervisors shall not exceed five to one.

We have to find a way to put that into effect as quickly as possible, even if it takes legislative or labor union action. And I'm pleased to say that AFSCME, the American Federation of State, County, and Municipal Employees, is beginning to work on that issue. I don't know whether it takes more job actions, or more vigorous public action to get those case load controls established, but I think that's critical.

Equivalent to that in importance is the need for upgrading pay scales for case workers and supervisors. Again, I see this as a legislative and policy issue because more CPS workers are state or county employees. Their salaries are designated by the legislature (pay levels on a pre-determined scale), and I think we drastically need to make the case for upgrading those.

When we got these 38 people together at the end of December, the conferees looked at issues related to reporting, investigation, intake, and screening by case agencies and case determination the same issues that were addressed in the Airlie House document. The group identified 50 issues of national concern related to CPS.

By an interesting process, the group selected the 12 most important priorities facing Child Protective Services at the present time. I want to share with you some information about those 12 priorities selected by this very diverse group.

Number one: reform the Child and Family Service System. A number of organizations have talked about the things we have addressed here: the need for the involvement of mental health, the interactions of systems, the integration of child and family services across professional boundaries, and so forth.

Area number two: the President and Congress should be asked to develop a new national child and family policy. A number of organizations indicated that they were already at work on this issue, not only to establish such a policy, but to have our government reflect the importance of children and youth.

For instance, there is a national commission on infant mortality that is looking into a proposal to upgrade the Children's Bureau, which at one time was a very, very important part of the national government and now is kind of buried in the HHS bureaucracy with very little significance in the scheme of things.

Area number three: CPS and substance abuse issues need to be better linked. Substance abuse has become one of the most critical problems in Child Protective Services today, and more literature and more data need to be collected. There are some organizations already at work on surveys in this area, and groups are beginning to think of developing new training materials on this issue.

Area number four: CPS case investigation outcome categories -- founded, unfounded, substantiated, unsubstantiated, and so forth -- need to be uniformly set and defined throughout the 50 states. As Pat knows, her organization has terrible difficulty dealing all this data, because there has been no uniformity.

HHS is developing a new national data collection system. We need uniformity in what states call cases when they are investigated, and how they label the outcomes.

Number five: national CPS staffing standards need to be set. A number of national organizations at our conference agreed to work together to work on some national CPS standard of staffing policy. Of course you know about CWLA, and I understand that the National Association of Social Workers (NASW) is also going to convene a meeting and publish a report on this issue of national CPS staffing standards.

Number six: there was a recommendation by this group that each state annually analyze its child abuse reports. In previous years, we had intensive analysis of reports at the federal level. It's harder to do now, because the federal government has for several years not been supporting an analysis of child abuse and neglect reports at the level that they used to, and it is not clear what they will do in the future. The states need to study their data and see what they can learn and how they can better use the data that's collected on an annual basis.

Number seven: the intake component of CPS agencies must have a strong information, referral, and screening focus. If a case is determined to be inappropriate for CPS, some part of the staff must be sufficiently well-trained to make sure that the family gets help from other sources.

Number eight: there is a need for new policy guidelines on intake and screening for CPS agencies. The ABA has been

working on a project (and report) that will better define what the system should look like.

Number nine: there is a need for new money for CPS training at the state and local levels.

Number ten: we should have mandated feedback from CPS to all professional reporters. Many states give authority for feedback but don't require it. And in some states there is absolutely no authority for the CPS agency to share with reporters the outcome of cases. We agreed to try to develop a recommended policy.

Number eleven: there is a need for the development of a white paper on the topic of reconciling permanency planning and child safety. A number of organizations -- NAPCWA, CWLA, the National Resource Center for Family Based Services, and others -- are looking at this conflict.

We are being torn in opposite directions between the need for permanent homes for children and family preservation, and the simultaneous need to keep children safe.

And finally, number twelve: there is a need for development of two model memoranda of understanding, one to be used between CPS and military reservations, and another for CPS and Indian reservations. I know for sure this item is being worked on, because Linda Blick has taken responsibility for it. Linda has convened a group of individuals to work on the development of both of these much needed models.

A full report of the discussion at the Crystal City conference will be published by the ABA and available for national dissemination.

Let me now call upon Jon Conte. Jon is Associate Professor and Associate Dean for Academic Affairs for the School of Social Service Administration at the University of Chicago. He is President⁵ of APSAC, the American Professional Society on the Abuse of Children. He is editor of the Journal of Interpersonal Violence, and he has a private practice with child victims and adult survivors of childhood maltreatment.

DR. CONTE: I want to say several things about the CPS worker issue and how I see the problem, and build a little bit on what Patti mentioned when she talked about the indictment of the workers in Illinois. That incident has been taken around the country as an example of CPS-bashing, but I think it's very important to realize that what those workers did was to lie about

⁵[Ed. note: Currently Treasurer]

contacts with families. What Patti said was appropriate. I think it's very clear that this is not worker-bashing. I can't remember actually whether a kid died or was injured, do you?

MS. TOTH: In both cases children were murdered.

DR. CONTE: So, this is extremely serious: people said they went out, but didn't, and as a consequence children died. Now, having said that, it also is true that we do a lot of blaming of CPS and victimizing CPS workers for things they have no control over.

The real enemy in this problem is not the CPS worker, not the CPS administrator, but the governors and state legislatures which don't provide enough funding for CPS to do the job. I've never met a public social service administrator that wouldn't like to have more funds to administer.

I think Pat Schene's approach saying, "With this amount of money, I can serve 43 percent of the cases," is a potentially useful way to communicate the consequences of current funding levels. I suggest that we ought to change child abuse laws in every state, to make it possible to report the Governor for neglect, if not as an accessory after the fact, for child abuse when he fails to provide funding for sufficient services.

I also think it would be great if the newspapers in every community would publish the ratio between the number of substantiated cases and the number of children served by those departments. I don't think the communities know the problems we are facing. I think we have convinced the public that reporting takes care of neglect and abuse. They assume that we are dealing with it when in fact we are not.

I think another part of the problem with CPS is that we started de-professionalizing these positions a few years ago. That is, we began to lower the requirements that were necessary to be a CPS worker.

It's important to recognize that in large part, the cause was financial. Nobody ever said that MSWs weren't good CPS workers, but MSW's had become too expensive. So we now require BA degrees or what have you. For a while, in the state of Illinois, having been a bill collector gave a person as much qualifications to be a CPS worker as anything else.

The failure of schools of social work was mentioned. There is no question that all graduate programs in the helping professions have failed to deal with this problem adequately. In part, their move away from public social services has been because the degrees that those schools offer are no longer necessary to work in public social services. There is increasing

pressure in schools to prepare private practice therapists or Employee Assistance Program social workers because there are jobs in those kind of settings. If we reprofessionalize, if we require graduate training to work in public CPS jobs, then I think you will see schools providing more curricula in response to that need.

Just a very quick comment on the whole notion of family preservation: I think it's a wonderful philosophy. It's a great idea that we should be providing services to keep families together. I think part of the motivation, however, is not a commitment to keep families together, but a way to appear to provide service without having to spend a whole lot of money. The 90-day mandate means that many of the families we have been talking about today are not going to get adequate service.

When you talk about keeping families together in physical and sexual abuse cases, you are talking about a program that keeps an offender in direct daily contact with the child. If we are not careful, family preservation programs will allow kids to be reabused while theoretically they are being helped.

I'll note that the "homebuilders" model, which is really the origin of this, didn't start working with the maltreated. It started working with kids at risk of separation from their families for such other reasons as extreme mental health problems or a family dysfunction.

The issue of narrowing the mandate of CPS is of great concern to me for a number of reasons. I think part of the reason is that again it's a cost-driven issue. We are trying to find a way to save money, and one of the ways to do that is to narrow.

I was very interested when Charles mentioned that there are some states that have quite broad-ranging programs. In Illinois, we have only been interested in family cases, and I didn't realize there were models where all maltreated children, regardless of who the offender was, came within the state mandate. Personally, I think that that's the way we ought to go. We ought to increase the mandate rather than narrow it. But we must be sure to increase services and not just investigation.

At the research breakfast, David Finkelhor presented an eloquent and data-based defense for the argument that motivation for narrowing the mandate is driven by faulty assumptions and dishonest use of data.

Based on David's analysis, much of the argument for narrowing -- false reports, exaggerated cases, and this kind of thing -- appears not to be warranted. When we talk about narrowing, we ought to be very clear upon what grounds we are basing

that argument. If it's cost, let's see if there aren't other ways to save cost. If it's based on faulty notions about the problems of CPS, then we ought to re-evaluate the original data, or compile new data rather than narrowing the mandate.

Frankly, I am concerned that the argument to narrow the mandate will be the final destruction of the Child Protective Service system. Slowly, over the last ten years, we have taken away what I referred to earlier as the coequally important ingredients of CPS service: that is, the services. CPS is supposed to be investigation and services.

As we narrow the mandate further, I fear it will not be too long before someone will say, "Well, maybe we ought to do away with CPS. If CPS is only going to investigate, why do we need two police forces? Why don't we give a little bit more money to police departments in every community and take the rest of the money that is currently going into CPS and create a meaningful child mental health service? This new agency would be available to all abused kids after the criminal justice interest is through with them." This scenario is not necessarily my personal recommendation, but I think it is a logical outcome of the narrowing notion.

We also have a problem with language, and I'll give a few examples of that. Sometimes we say things that get us in trouble because we don't really mean what we said. The head of CPS in the state of Washington was recently quoted as saying, in defense of the fact that several children died of abuse, "Well, children will die."

From a public policy point of view it is unacceptable to say that children will die. It is not acceptable that any children die from abuse! We have to reduce the numbers who do, as we move toward the public policy goal of never allowing a child to die because of child abuse.

The same sort of thing happens when people hear CPS officials say that in cases of disclosure without service, we might as well have left the child alone. From a public policy point of view, we can't say that. We have to say that having encouraged disclosure, we have a responsibility to provide the services. When we put it that way, it really articulates for the public, and for all of us, exactly the issue: disclosure alone is not enough. It has to be disclosure and services.

The other thing I'm very interested in is this notion of CPS as the gateway to public social services. It would not surprise me at all to learn that people think the only way to get services now is to be reported to CPS.

In many minority communities in the United States, the public service that gets called for everything is the fire department because it's the only one the community can count on to get there in a timely fashion. So, if you have an injury, you call the fire department. It wouldn't surprise me that the same thing has happened to CPS. I would love to see some data to support this frequent argument.

The role of prosecution is a very interesting one and I'm sorry Ron Earle isn't still here to discuss it further. I have to say that the rest of the world is very different from Austin, Texas. If we had a State's Attorney in Illinois who had a treatment program working out of his office, we would have a very different situation. I wouldn't be concerned then about having CPS work for the prosecutor.

What happens in most communities is that the prosecution interest is paramount, and this has altered the whole function of CPS, so that the purpose of CPS has become providing data for criminal prosecution. If there isn't enough data for the prosecutor to pursue prosecution, cases get labelled unfounded.

We also have to remember, as Jean Goodwin pointed out, that very few kids ever end up testifying. In fact, most of the cases of substantiated sexual abuse fall out of the system somewhere far before they get to prosecution. Our emphasis on prosecution is an emphasis on the smallest number of cases.

We can't forget that there are other cases which, because the kid's too young or there is not enough evidence, are not going to be prosecuted. CPS -- the therapeutic response for the victim -- is just as important as supporting the criminal prosecution of those few cases that end up successfully with a prosecution.

Personally, I don't care if you lock offenders away forever. But the bottom line reality is no community is going to do that. Because the view is that offenders are less dangerous to society than somebody who has committed a violent crime. If anything they are going to let them out early.

So, offenders are going to prison for a little bit of time. The CPS system learns, too late, that they are out of jail, and exposed to children, who having had no treatment, are at risk for revictimization. Inevitably, the offenders are going to reoffend and go back to prison for a longer period of time.

A couple of last comments on this issue of community responsibility. Nobody could disagree with the notion that the community is responsible. Sure, we are. It's a great philosophical notion, but we ought to move toward action.

I think Pat's report earlier about the church that adopted a CPS worker and her case load is a wonderful example of how we can move a community toward that interest. At the same time, though, I want to point out that when we say that it's the community's responsibility, it means that we compete for public interest in those communities with AIDS, drug problems, crime, getting the potholes filled, and a hundred other issues.

So, over the next 10 or 20 or probably 100 years, while we move to restate the community's responsibility for children, let's remember that most communities in the United States today can't even pass school levies to help children, and that when children compete with other problems like potholes, nine times out of ten children are going to come last.

Society does empower CPS exclusively to protect maltreated and abused kids, and I don't see anything wrong with it. Indeed, I don't see any other practical way to deal with that community responsibility. It is similar to the way that we charge the Public Health Department to worry about diseases such as salmonella in restaurant food.

I won't talk about local standards of defining child abuse, although I think it's a horrible idea. We can't even agree that parents shouldn't be allowed to beat children. The state legislature in Washington had debates a year or so ago about how big a bruise a parent could leave on a child. I think it's horrible, and until we completely outlaw physical discipline of children, I'm not going to trust community standards to define what is child abuse and what is not.

A couple of quick things on what Howard. Most of the suggestions I think are great. I do have a little bit of concern about the notion of volunteerism in sexual abuse, not other kinds of areas, because we have to remember that these are very different kinds of problems.

Remember that about 10% of all incest fathers and step-fathers have raped adult women at the same time they were having sex with their own children. And nobody, I think, would argue that we ought to have volunteers involved with rapists. So, volunteers are a great resource, within limits.

The problem is that the federal and state governments have abdicated their responsibilities to provide services for those that can't afford them. We move toward the notion of relying more and more on volunteers and the private sector. When you are talking about the treatment of sex offenders, you are talking about a very complicated, very expensive endeavor. Most people tell you it takes three or four years to treat offending adults so they can be around kids again.

Volunteerism is a great idea. Churches adopting CPS workers and other kinds of things are examples of that, but it's not going to replace efforts to fund services at an adequate level.

The only point on which I absolutely disagree with Howard, is the notion of the creation of superagencies. The construction of superagencies where mental health, health departments, et cetera, are under one umbrella has been a total disaster in the United States.

The state of Washington is now systematically dismantling their system because, for example, the interests of children got lost in the huge bureaucratic structure that also serves the interests of other kinds of clients.

My very last comment is on funding for kids. In the state of Illinois, we have a tax checkoff where people can take one dollar from their return and give it to kids. That was a great idea that raised several hundred thousand dollars, but what has happened over time is that now you can write a dollar off for other things, such as increasing the supply of game fish.

There is more and more competition for a fund-raising idea that was there just for kids. We have to keep finding new sources of funding, and when we find them, we have to narrow their accessibility so only kids can benefit. I have nothing against deducting a dollar to put more ducks on the pond or fish in the stream, but I think it's more important to provide services for children than for hunters and fishermen.

MS. TOTH: Jon, you referred to the fact that the CPS system is now much more prosecution-driven than it used to be. But I don't think prosecutors suddenly had the idea one day that they were going to drive the system.

I think what happened was a combination of both CPS agencies and the community demanding that something more be done. There was a sense of frustration about the failure to adequately address the cases, and the feeling that the criminal justice system needed to assume a more important role. It's not necessarily a compliment to us, but prosecutors really are reacting to demands that have been placed on us to do a better job, demands placed by the community and by CPS as well.

I don't think prosecutors expect CPS agencies to abdicate their roles and responsibilities. CPS has a job to do which goes far beyond what the criminal justice system is able to do. We all need to work together to help CPS do their job.

The attorneys that represent CPS agencies in dependency cases ought to learn how to be aggressive in those cases because

they have a lower burden of proof. As prosecutors, we could probably help CPS figure out good ways to pursue cases that we can't pursue in the criminal system.

I'm glad to hear people suggest that CPS should do its job no matter what happens in the criminal justice system. I think that's a real important point.

I agree that the allocation of inadequate resources to CPS is in large part responsible for their inability to do the job we expect of them. Governors and legislators do make the ultimate decisions about allocation of money. But, as a number of people have pointed out, they answer to the public.

In the CPS agencies, the support is there only if we can get information to the public. I think the public would respond if they truly understood the magnitude of the situation, and the consequences in terms of numbers of children who die. They heard about Lisa Steinberg, and they heard about Eli Creekmore, and the public reaction to those cases was tremendous.

There are hundreds of Eli Creekmore's and Lisa Steinberg's that they don't hear about. Those of us in the system have to do a better job of pushing to make the public aware of the true costs to the community. Then, I believe that governors and legislators will respond and will allocate money. The public will vote for tax initiatives if they know what the true costs are.

We talk about numbers of kids who are sexually abused and numbers of kids who are killed, but I don't think we do that well enough. I don't think we do that openly or honestly enough.

MS. SCHENE: We can't forget what Jean Goodwin was saying earlier that we deal not only with those who have been sexually abused and killed. Without intervention, many young citizens will be thwarted for the rest of their adult lives in many cases.

Often, these people can't develop relationships. I mean, there are all kinds of serious consequences other than death. The best thing I've seen on this is the book by Deborah A. Daro, D.S.W.,⁶ Confronting Child Abuse Research for Effective Program Design.⁷ One of her chapters, "The Costs of Prevention Versus Intervention," really lays out the actual cost to the system, going beyond just the more dramatic cases.

⁶Director, National Center on Child Abuse Prevention Research, National Committee for the Prevention of Child Abuse.

⁷New York: Free Press, 1988, 356 pgs.

MR. WILSON: I want to react to something that Jon said. I still feel conflict in the room relating to, as Jon characterized it, the narrowing of the focus of CPS and motivation for that, at least among public child welfare administrators. It has nothing to do with saving money. It has to do with much more pragmatic realities of the system in which we are working.

I think most folks involved would readily agree that we need to broaden the net. We need to provide more services to more people, but we are stuck in the system. To get even one new counselor for each of our counties, which might make enough difference that anyone would even notice, I need three or four million dollars. That's just not going to happen.

Getting the resources to do the job is very difficult. Meanwhile, the quality of public Child Protective Services in many places is dismal. If you are looking at cases day in and day out, you see that workers only have a couple of minutes to spend, relatively speaking, with each case.

It's a MASH unit out there, and there is a triage effect. Narrowing of focus creates the triage. It's saying, that sprained ankle looks bad, but we don't have time to deal with that because we have a head injury and a chest wound over there, and we are going to have to go deal with those.

That's part of the motivation behind some public child welfare administrators. We would really like to help that person with the sprained ankle, but there is also a serious life-threatening injury, and we have to tend to it first. We can't devote the attention to both patients right now. That is a frustrating thing for those of us involved because we know we need to be out there early, devoting attention to those families.

The CPS system is unique in some ways. It is a system which is not allowed to turn people away, by and large. We cannot call people back later, or put them on our waiting list. And as Betsy Coleman said, the public will not allow us to fail. Doctors can lose patients, lawyers can lose cases, but CPS can't lose a case. We can't miss even one; it's just not tolerated.

As a result, what we have developed is a triage in a MASH unit, a MASH mentality. I apologize for it, but it's a reality. I wish it didn't have to be so.

My other comment is more of a footnote. The national service issue is a brand new concept. When I first heard about it on the radio, I thought, gee, that's a neat idea. It's like a draft, and we will get new troops in there.

The problem is, we may not want some of these new troops working with kids. It may be a double-edged sword, and I think it's something we need to evaluate carefully.

We are putting people in child-care centers who have no interest in child care. Are they going to be good child-care workers, or do they represent a potential threat to kids? The national service concept is so new it's difficult to anticipate the outcome one way or another. But in the back of my mind, after initial enthusiasm came possible reservations.

MS. AUKAMP: Actually it's not so much a question as a comment. I think the triage concept is neat, and having been in Child Protective Services I can certainly appreciate the pressures on the system. I have also been at the state level in Maryland, so I can appreciate the appeal of "triage" to policymakers struggling with competing priorities.

The problem we haven't confronted become more empirical is that the typologies and matrices we are beginning to work with are not as neat as in a medical situation, where you can automatically discriminate between a sprained ankle, a broken leg, or a heart attack. The typologies are not that clean, and somehow we have to let the public know that.

If we move to triaging, we have to make the public very well aware that in CPS triage, we cannot discriminate cleanly. We are going to screw up sometimes. That gets to Jon's point about not admitting that some children are going to die. I don't know how we can admit that when we triage, some children will die because we cannot discriminate clearly. However, we need to say it up front or we will surely lose support. We need to find a way to tell the public of the incredible bind CPS finds itself in. That's been an issue for me for years.

DR. GOODWIN: I just want to get back to Ron's suggestion that communities participate in these decisions about defining abuse, serious abuse, priorities for triage. In Sweden, at the time that physical abuse of children was outlawed, there was a period of national soul-searching: Is this a law that we want? If we don't want this law, why do we not want this law?

It may be painful to hear these discussions, but precisely those discussions should be taking place in our legislatures; our citizenry should have to go through the pain of listening to them and trying to respond.

I was struck when Jon mentioned that half of incest fathers are rapists. A hundred percent of incest fathers are rapists! It's just that they are raping children, so it doesn't somehow count.

Pat and I were talking about the importance of children's rights as a philosophical base for what we are doing. We don't go to the children's rights declarations, the things that UNICEF has been working on over the years, because we are just too bogged down in immediacies. But in order to get real public support, in order to get positions in the cabinet, we need a philosophical base, and that may be where it comes from.

DR. CONTE: The key issue for me is the question of public awareness of the problem. Expecting the administrators of public social service departments to be dealing with public awareness issues further damages the system.

I think the notion of triage is extremely important for the survival of the system. On the other hand, I think it is the worst public policy I've ever heard of, but we have no choice. Public Social Services has no choice.

As Patti suggested, we ought to really articulate for the public what it means to triage. This may be something the Resource Center can do better than state social services administrators, who must report to the governors.

When you triage in a war, you decide if somebody is so badly wounded he is not going back on the battlefield. That person is going to die because you give your limited time and resources to those that you can help back onto the battlefield. We mean it a little differently when we talk about abused kids, but it is the same kind of decision we are making.

We are saying that being raped once by your father is not as bad as this, and so we will only provide service here. I don't think the public will tolerate that, and if they won't tolerate it, then they must see that the administrators of the departments have enough resources to do the job, rather than being forced into this horrible position.

MS. SCHENE: It's the role of the resource centers, national agencies, and other advocates to make the case that we don't enlarge our vision by narrowing the door. But I don't think we can expect that case to be made by the public Social Services administrators.

I think it's perfectly consistent to recognize the need for narrowing, and at the same time to advocate for something else. People shouldn't feel those things are in conflict, it's just that something is one person's job, and something else is another's.

We have heard discussion about the need for public awareness -- letting the public know what's going to happen if we don't have the resources to respond. I think it is equally im-

portant to let the public know what's going to happen positively when we do respond. We are not very good at that. Maybe we are not sure that we have really helped a lot of people. As Charles said earlier, if you only go visit a home once a month -- if you are lucky -- how much of a difference can you really make?

We have got to get a little bit more serious about outcomes in this field; a little bit more serious about documenting our successes, about saying this is what happens when we do intervene, and this is what happens when we don't intervene. This will be hard, a lot harder even than some of the earlier discussions about each community deciding at what level they will intervene.

We are all going to be very uncomfortable when they find out there are cases where our intervention didn't make a bit of difference. But I am absolutely convinced that those two issues are linked. We must make the case to the public that when we do intervene, all kinds of good things happen, and they do. Unfortunately, they aren't guaranteed to happen. They don't happen in every case, but they happen.

We have to be clearer in our minds and more honest about the conditions under which certain things do happen, so the public who supports CPS can feel better about what they are investing in.

A lot of people in the system feel uncomfortable because we may find out in certain cases we didn't make a whit of difference. But we also may find out we didn't make a whit of difference because we went in once every three months to "monitor" a situation, rather than provide a service.

It's going to take some self-discipline for all of us to begin addressing outcomes and effectiveness, but that kind of information really changes the public philosophy.

MS. THOMAS: In Memphis, the child sexual abuse centers made a concerted effort to link with the media, because we felt that changing public opinion was going to come through that. We have had an absolutely negative impact on the newspaper in our community and no success in being heard through them. But the television media has been much more open. We keep on pushing and pressuring the media because that's how we need to get our information out.

MR. DAVIDSON: We should all be looking at "USA Today" Monday, Tuesday, and Wednesday⁸ which for the first time is

⁸[Ed. note: CBS Network, (March 6, 7, 8, 1989)]

going to do a full three-day series on child abuse. We will see what they say.

MS. TOTH: Howard, can I mention one thing about getting the community involved? Before I came to the Center, I worked for Seth Dawson, the Prosecuting Attorney for Snohomish County, who started an unusual community involvement program. Our office published standards for case disposition and policies for prosecution of cases, which are available in the local law libraries. The legal staff is held accountable to those policies.

Mr. Dawson formed a community advisory board, a victim advisory board, and a police advisory board. He meets with them once a month, and they were involved in the formation of and approval of those standards, and they are involved in the modification of those standards if people decide they don't like them.

The community is involved with those standards in an extremely meaningful way. And as a result the public in Snohomish County is far more aware of what's going on and what's actually involved in the prosecution of cases. I don't see why something like that couldn't be done with these broader issues.

Most prosecutors I have talked to about this are nervous when they hear about it, but I'm trying to slowly convince them that their offices should not fear such public accountability.

I have to comment briefly, Jean, on what you said about developing a misdemeanor child sex abuse court. I think that's a mistake. Twenty years ago, the criminal justice system didn't respond very well to female adult rape victims. It would have been a great disservice to those victims to say, "Let's just allow adult rapists to plead guilty to misdemeanors."

Instead, the system eventually recognized the seriousness of those crimes. To allow child sex abuse offenses or other child abuse offenses to be treated as misdemeanors when in fact they are not, really diminishes their seriousness. It doesn't give children the same level of service that we give to adults, and it masks the true extent of the problem.

Even in misdemeanor courts, offenders will fight those allegations as much as they do in felony courts. Drunken driving is a misdemeanor in most states, and it's fought to the same extreme. I don't think more people are going to admit to child abuse simply because you call it a less serious crime with less serious consequences.

DR. WOLFF: My name is Reinhart Wolff, and I am traveling and teaching in America to examine American child protection

work. And I wanted to thank you for the opportunity to listen to your discussion; I learned a lot.

At the same time I wanted to invite you to attend the 8th International Congress on Child Abuse and Neglect which will be held in Hamburg, Germany, September 2-6, 1990.

The theme of the conference is examining the child protective system throughout the world. If you would like to go to Hamburg next year, you could write to Brandeis University for information.

MR. DAVIDSON: Finally the last word will be Linda's.

MS. BLICK: I would like very much to thank all of you for your input; very much to Becky who has been so patient as our stenographer; a special thanks to Howard for doing such a terrific job; and certainly to Bud and all the staff at the National Children's Advocacy Center for the outstanding work they have done.

I would like to close with a line that I heard last year at the national conference at Anaheim. Unfortunately, I cannot remember the wonderful journalist's name who said this, but it's been poignant to me. She said, "When I tell people my specialty is covering issues of child welfare and child abuse, they say, 'Isn't that terrible. I couldn't do that, and boy, I'm really glad you are there.'" And I looked at Lynn Sanford who was sitting next to me, and I said, "No one has ever said that to me."

So the next day I was in the lobby of the facility where we were staying, and this little old lady came up to me, and said, "You're wearing a name tag. Tell me, what do you do?" And I said, "I work with child sexual abuse." She said, "Isn't that terrible. You know, I couldn't do it, and I'm really glad you are there." I'm sure this journalist had paid these senior citizens to go around and say it!

I would like to say that we are thrilled that you are there, because it is a team effort. Team work is the only way we are going to combat the problem. And as Cecelia said, we need each and every one of our professionals and community members.

Go in peace; be energized; and thanks.

APPENDIX A

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Listing of a publication herein is not an endorsement of the publication by the National Resource Center on Child Sexual Abuse, the National Center on Child Abuse and Neglect, or the Office of Human Development Services, U.S. Dept. of Health & Human Services, nor do any of the statements in any such listed publication necessarily reflect their views.



The National Resource Center on Child Sexual Abuse

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A Collaborative Effort of
The National Children's Advocacy Center
and The Chesapeake Institute

APPENDIX D

THE NATIONAL RESOURCE CENTER ON CHILD SEXUAL ABUSE

The National Resource Center on Child Sexual Abuse is an information, training, and technical assistance center designed for all professionals working in the field of child sexual abuse. The primary goals of the Resource Center are to advance knowledge and improve skills. We pull together a vast network of information comprising the expertise of outstanding leaders in the field to help professionals better respond to child sexual victimization cases.

The National Resource Center on Child Sexual Abuse is a collaboration of the National Children's Advocacy Center of Huntsville, Alabama, and The Chesapeake Institute, Inc., of Wheaton, Maryland. They share a commitment to a child-focused multidisciplinary approach in the investigation, treatment, and case management of child sexual abuse.

The Resource Center offers state-of-the-art information, consultation, and training to all agencies and personnel involved in protecting children through an array of services:

- Information Service, providing consultation and referral for professionals through a toll-free number (1-800-543-7006), and the preparation of selected bibliographies and other reports.
- Roundtable Magazine, a quarterly publication offering a central ground for open communication through timely articles, book reviews, conference notices, columns on the personal side of working with child sexual abuse cases, and a gallery of children's artwork.
- Multidisciplinary Training and Consultation, in comprehensive conference programs and internships exploring practical aspects of investigation, management, treatment, and prosecution of child sexual abuse cases.

Alabama Office
106 Lincoln Street
Huntsville, Alabama 35801
1-205-533-KIDS
Maryland Office
11141 Georgia Avenue
Wheaton, Maryland 20902
1-301-949-5000
Information Service
1-800-KIDS-006

- Think Tanks, dynamic forums for experienced practitioners and researchers to explore current knowledge of critical issues and point directions for future work. (Reports of the proceedings may be purchased.)
- Targeted Assistance to foster culturally based competence in addressing the ethnic and cultural needs of children and families in the context of child sexual victimization, and to foster increased participation of minority professionals in the field.

**GOALS OF
THE NATIONAL RESOURCE CENTER ON CHILD SEXUAL ABUSE**

To provide information, training, and technical assistance to professionals working in the field of child sexual abuse

To help bridge research and practice

To serve as a model of interagency and multidisciplinary cooperation

To identify successful and newly developing treatment models

To support the professional and the field

To become a center of leadership and excellence in the field