

Child Abuse Isn't That Simple To Identify

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You hear a knock at the door and open it to find a child protection investigator who has come because you have been reported for abuse. When a child abuse or neglect report is filed with Child Protective Services (CPS), it is unusual for parents to be happy about it. Thanks to the child protection movement that began after C. Henry Kempe's famous article, *The Battered Child Syndrome*, a system has been created to investigate allegations of child maltreatment and ensure that children will not be abused. "In the best interests of the child" has become a mantra for those working in child protection. The public is glad that someone is a watchdog keeping kids from being abused. Kids have rights to be protected. But accused parents sometimes question – "what about me?" They want protection too. Accused parents may be embarrassed and worry that their reputations will be tainted, they will have to undergo scrutiny by strangers, go to court, pay a lawyer, and if they are found guilty, they could lose their child, ordered to jail, or be put on a list of abusers.

A natural tension exists between parents and those who are sent to find out whether they are doing a good job keeping their children safe. By law, CPS workers have to investigate when an allegation of child abuse is made. They have a tough job to do. How do they know for sure if a child is being abused? Sometimes evidence is abundantly clear - but often it isn't. They will hear conflicting stories, look at facts that sometimes don't fit together well, and they try to make sense out of what they learn. As

Erving Goffman indicates in his work, *The Presentation of Everyday Life*, it is likely that even abusive parents will engage in impression management to appear to be good and caring. So if you are the CPS worker, how can you know when abuse occurs, and what is the best course of action to follow when you're not sure?

Who is being abused – parent, worker or child?

Protecting children may sometimes mean not protecting adults. Parents have more power than children in our society, and when under attack, they may find that the best defense is a good offense. Allegations that CPS workers aren't doing their job are common, and critics charge that children removed from caring homes are unnecessarily injured or die when under the care of child protective service agencies. The internet links disgruntled parents with other critics where they gain support for their view that CPS doesn't work right. Organizations like Fight Child Protective Services allege that CPS workers have "devastated and destroyed hundreds of thousands of families" in America "leaving a trail of broken hearts, broken dreams, and shattered childhoods" and use unconstitutional laws to "rip children away from their loving parents", "break asunder God-given, natural, parent-child bonds", and force their beloved children into foster homes or be put up for adoption. Groups like Justice For Families, a parent's support group comprised of people battling to get their removed children back, publically protest what they regard as incompetence of social workers who are supposed to protect children from death and injury but do not.

Such attacks on CPS investigators may range from charges that they have not done enough to being too invasive. But child protective services are liable if they if they refuse to accept a report for investigation, if they conduct an inadequate investigation, for

failure to put a vulnerable child into protective custody, for wrongful removal of a child, unnecessarily intrusive investigations, conducting slanderous investigations, disclosing confidential information, and malicious prosecution. Inherent in this list lies a key problem for CPS investigators – they will be liable if they “wrongfully” remove a child, but they are also liable if they err by not removing an abused one. The key, it would seem, to making that determination would pivot on the information they are able to obtain in the investigations. If workers don’t conduct thorough enough an investigation due to time, information and resource constraints, this puts them at risk of liable suits. But so does too rigorous an investigation that may be perceived to be “unnecessarily intrusive.” It may be perceived as unnecessarily intrusive by parents, but perhaps not by the worker.

The accused parent is frustrated. The worker trying to ascertain the truth is frustrated. And the children whose treatment was disconcerting enough to be reported as abused are likely frustrated too, as they wonder who really cares what happens to them.

It is possible that child abuse may be reported when abuse has not occurred. It is possible that parents are found to be abusive when they are not. It could also be the case that children are abused but the abuse is never reported, or that abuse isn’t conclusive and the child stays in a risky situation. The Illinois Belleville News-Democrat analyzed child abuse investigation errors by the Illinois Department of Children and Family Services that lead to parents being wrongly placed on the state’s Central Register of abusers. They allege that flawed investigations are much higher than previously assumed. Complaints on both sides – from child abuse advocates and parents who feel improperly accused – have sparked debate, research, and commentary. A 2010 New York Times article by

Bakalar sums up the argument – is CPS fine as is, outdated, should it be eliminated, or does it need to be revised in some new way?

But even if the system is changed the issue of determining if abuse has occurred or not remains. What is the most reasonable determination to be made in cases when one is not certain of abuse?

Statistical Theory Saves The Day!

Most students cringe at the thought of taking statistics. The public is disinterested in them and just want the bottom line. But understanding the sociological concepts of Type I and Type II error can actually help us to figure out what is going on in this debate on child abuse and CPS worker behavior.

Statisticians, like child abuse investigators, are always concerned with the probability of error. Child abuse allegations have an emotional component to them; statistics do not. Therefore, looking at the issue from a more abstract view may help to better understand decision making.

In a simplistic explanation, a null hypothesis assumes that a child is not being abused. An alternative hypothesis would assume that the child is abused. Statistics help us to make decisions about the truthfulness of those assumptions. If a child is not being abused and a decision is made that the child is safe, all is well. If a child is actually being abused and a decision is made that abuse has occurred, then the correct call has been made and action can be taken to better protect the child. So half of the time, correct decisions can be made.

The other half of the time, accurate decisions are less clearly made. A type I error, or alpha error, occurs when a null hypothesis is rejected. It is the process of

incorrectly rejecting the null hypothesis in favor of the alternative. This would mean that the child is not abused (null hypothesis), and yet there is an allegation of abuse. A type II, or beta, error occurs when a false null hypothesis isn't rejected. As it pertains to child abuse, if the null hypothesis states that the child is well treated and the child is actually abused, but the worker doesn't catch this and suggests that the child is fine when the child is abused, this is a type II error.

If a correct decision is made, everyone is happy and feels that justice has been achieved. If a child is not abused and there is no substantiation of abuse, then the family and CPS agree that no abuse has occurred. If a child has been abused and the investigation substantiates that abuse has occurred, then public feels that child protective services has done a good job by documenting that fact that abuse has indeed occurred. This is what child protective service workers strive for – a clean determination of abuse when it is present, and a clear indication that a child isn't abused when it is actually well-cared for.

The problem occurs in the other two cells of the model. When a type I error occurs during child abuse investigation, the investigator makes a judgment that there is abuse and none has actually occurred. When a type II error occurs, the child is abused but the investigator has insufficient information to make that determination. In either case, the public feels outraged that the child protective service system isn't doing its job.

Making Type I and Type II errors are common in the world of statistics, and in the world of child protection. People do the best they can to increase the amount of information so they can reduce the error, but the fact is that even in the best of situations, errors can be made. Figure 1 applies the Type I and II model to examples of child abuse:

Figure 1 Child Abuse Outcomes

	Null HY is True (No Abuse)	Null HY is False (Abuse)
Reject Null HY	Type I error Predict abuse when child is not abused	Correct Outcome Predict abuse when child is abused
Fail to Reject Null HY	Correct Outcome Child is not abused and no abuse is predicted	Type II error Child is abused and child is not predicted to be abused

When a Type I error is made, parents may feel injustice has resulted when their child is deemed to be abused and they believe the child has been appropriately cared-for. The null hypothesis holds is that no abuse has occurred, and there is a burden of responsibility on the child protective service worker to actually prove when abuse has occurred. There must have been some evidence to warrant a decision of abuse; it could be that the abuse was of inflicted in an accidental manner so the parents don't feel a determination of abuse is warranted. For instance, Taylor's family was very physical in their contact and would routinely grab her by the arm in play as well or to get her attention. When her arm was pulled out of the socket for the third time, physicians reported the parents for abuse. They were infuriated to be charged with abuse. Later, it was found that Taylor had a joint problem that contributed to her arm slipping out of the socket. There was a medical condition present that parents felt contributed to their daughter's arm problem and that minor pulling at the child wasn't abuse. Child protective service workers felt that pulling so hard that the child's arm would come out of

the socket was abusive, even if there were mitigating circumstances and no ill intent. The parents were angry to be charged with abuse because they felt none had occurred.

Type II errors occur when child protective workers are not able to obtain sufficient evidence to prove abuse that is actually occurring. If a CPS worker suspects abuse but cannot come up with definitive evidence to prove it, the worker may put the case on hold and see if further evidence will emerge over time. If not, the worker has no choice except to close the case – even when they suspect abuse. Parents have rights that must be protected too. While people may suspect abuse, unless the child is severely injured, the abuse can exist without being identified.

People seem to get more upset over a Type I error than and Type II error. In a Type I error, the child is not being hurt, but parents are brought up on charges of abuse. In this case, CPS workers acted in the best interests of the child to protect the child when they felt there was enough evidence to warrant the decision of abuse. While this was upsetting to the parents, it protected the child. Parental upset with a Type I error is particularly common in a culture where children are regarded as parental property, and the allegation of abuse would infer that the parents had failed to normative standards associated with being a “good parent.”

But Type II errors are often thought to be worse than Type I errors. If a child has been abused and the abuse is unrecognized, then the child continues to exist in harms’ way. Abuse can continue for a long period of time without any intervention, putting the child at increasing risk. But if insufficient evidence exists to prove abuse, there is not much that a CPS worker can do. When the abuse results in children being killed, child protective service workers may be charged with negligence for not doing their job

properly. But if the data, or evidence, doesn't prove at a level deemed significant that abuse has occurred, the worker made a statistically reasonable decision, even if it was an error.

Child protective workers are put in a challenging position when it comes to making a Type I or Type II error. They can never know, with 100% certainty, if their determination of abuse or safety is accurate. They are playing a game of probabilities, and they hope the data, or evidence, will be present for them to make an accurate determination of whether abuse has occurred or not. If they make a Type I error, the parents and public may get outraged. If they make a Type II error, then little public reaction may occur – until the child is seriously injured. It is at that point that the allegations that they have failed to do their job result.

The more emotionally charged the case, the more likely allegations of error. Take, for instance, the case of child sexual abuse. If the child is being sexually abused and the alleged perpetrator is found to be abusive, the system seems to work well. If the child is not sexually abused and the alleged perpetrator is found to be innocent, again, the system is applauded for working. But if the child is sexually abused and the perpetrator is not accused, the system seems to have failed (Type II error). Yet no one may know this for a long time, because the nature of sexual abuse is to keep it quiet. The most emotionally charged occurrence is the Type I error, when the child may not have been abused but the alleged perpetrator is formally identified as the abuser. To be charged as a sexual abuser can result in lifelong implications for the alleged perpetrator. The stigma and legal problems associated with an inappropriate determination of abuse can be huge.

CPS workers look at the data, and again play the odds, and hope they make the right decision.

Issues to ponder

Whose rights are more important in abuse investigations – the child or the parent? Howard Becker asks a relevant sociological question – whose side are we on? If we are on the side of the parent, then their outrage and embarrassment for being accused of being abusive – especially if they weren't - are understandable. If we are on the side of the children, who are vulnerable and unable to advocate for themselves, then the proactive position to prevent future potential abuse seems warranted. When in doubt, child advocates take the position of protecting the child first. This puts the CPS worker directly into a potentially adversarial position with angry parents. In order for CPS workers to make a determination of abuse, the workers know ahead of time that there may be wrath to face, and yet they make their decision because they believe it is in the best interests of the child.

It would help if we see child abuse determination as partly a conceptual, data problem. If a worker has to make a call on protecting a child, or failing to protect a child, they may be better advised to make a Type I error than a Type II one. Of course, it would be ideal if no errors were made at all, but this is unlikely. However, chances of abuse would be lessened if parents, administrators, government leaders, and the public as a whole demanded improvements in the social systems that support children – including health care, social services, education, recreation, and the like.

The child care protection system may not be perfect. But it is the only system that exists to address the well-being of all children, rich and poor. Underfunding the system,

creating caseloads that are unmanageable, having a lack of community and social service resources to help families and children in distress, dealing with parental resistance, have having inadequate funding for comprehensive mental and physical health care needs are the tip of the iceberg for why the system doesn't always do as well as it should. But given its realistic constraints, it may be doing about as well as it could. Perhaps when people fuss at child protective service workers for making mistakes, they should consider the larger picture of what they have to confront. While it may make adults angry to be accused of abuse, when a child dies, surely it is better to make someone angry than to have someone dead, is it not?

Recommended Resources

Becker , Howard. 1963. *Outsiders: Studies in the Sociology of Deviance*. New York: The Free Press. This book asks the question – whose side are we on?

Besharov, Douglas. 1994. *Child Protective Services Liability: When the system fails*. Trial. February: 30-37. Protecting kids is a lot harder than it may seem.

C. H. Kempe, Frederic N. Silverman, Brandt F. Steele, William Droegemuller, Henry K. Silver: "The Battered Child Syndrome." *Journal of the American Medical Association*, 1962, 181: 17-24. This is the article that really started the child abuse protection movement as we know it.

Pawlaczyk , George and Beth Hundsdorfer. 2006. *Illinois DCFS Lethal Lapses: 51 Botched Cases, 53 Children Dead*. Bellevue News Democrat. <http://www.ejfi.org/family/family-114.htm>. These journalists contacted me to figure out how to address the issue that inspired this article for you!

Review Questions:

To what extent is accurate reporting of child abuse impossible?

Can CPS and parents work as partners, or is the nature of their relationship doomed to be adversarial?

Activity: Talk with parents about the possibility of being reported for child abuse. Without using statistical talk, do you find they are they more upset about Type I or Type II errors occurring? Why?