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Symposium Foreword—Protecting Abused and Neglected Children in the 1980's: Is There a Need for Continuing Legal Reform?

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FOREWORD

*David Hartley**

There are many complex issues which, when taken into account cumulatively, add up to the tragedy of child abuse. It has been my experience that as the body of literature expands, as reliable statistics are compiled, as new laws and regulations are put into place, and as professionals begin to probe at the heart of these issues, the number of questions which can be satisfactorily answered is overshadowed by the new questions which emerge.

Child abuse is not a single issue, but many issues which combine to produce the misery of children everywhere in the world. The issues of non-accidental physical trauma, sexual and emotional abuse, neglect and forced poverty, and passive abuse are intimately related to our shortcomings, both past and present, as individuals and as societies.

A thorough discussion of child abuse would be severely limited without mention of unemployment figures, overcrowding in inadequate housing, poverty, lack of available, affordable day care, divorce and non-payment of child support, lack of family planning education and corresponding teen pregnancy rates, and domestic violence. One or more of these conditions can produce the isolation, stress, and despair which most often enter into the child abuse picture. Combined with these realities of the present, child abuse must be viewed in an historical perspective; abuses of children have plagued us since earliest recorded history. Because the nature of the problem is cyclical, the abused child of yesterday is, sadly, likely to become today's abuser, marking the continuation of a tragic pattern. Additionally, our society has traditionally viewed both women and children as chattel property, an attitude which tends to legitimize maltreatment. Thus, from the outset of the discussion, we are forced to deal with a widespread societal problem caused by many factors which are beyond our immediate control. These factors must be addressed incrementally and with the com-

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mitment of a large portion of society.

This volume spotlights specific children's policy issues, including several aspects of child abuse; it defines in detail some of the problems we face when attempting to make and implement children's policy. Analyses such as those contained within this book can help us to refine our existing system to better serve children and their families. As children's policy issues draw into clearer focus—stirred largely by media reports noting the magnitude of the problem—policy-makers at all levels, as well as administrators, service agencies, public and private, and the general public are called upon not only to create a system which can offer the already-abused child hope, but to create a system which will respond better to the problem in the future, with the ultimate goal of eliminating as much suffering among children as we possibly can.

At present, we are a society in constant need of better ways of addressing the problems plaguing abused children and their families. Making children's policy is almost invariably difficult because, by its very nature, it involves government prying into a sacred and intensely private institution: the family. Creating effective policy to protect children involves questioning the integrity of the family and offering standardized solutions to the most individual of problems.

Some of our solutions have worked well. There is little question that many American children and their families have (even now, despite the commencement of the Reagan years) a better chance of attaining a safe, decent standard of living than ever before. Not unpredictably, however, others of our children's policy efforts have proved clumsy, unworkable, and in some instances, even dangerous to individuals as well as democratic principles.

We have created an enormous and cumbersome system of courts, social service agencies, and long- and short-term foster care designed to address the effects of child abuse and neglect. That system too often fails to improve the quality of life of many who enter into it each year, even the children for whose protection it is designed.

States have assumed as theirs the responsibility of identifying victims of child abuse and attempting to fix abusive families. The identification process is served by reporting statutes. Once abuse is suspected, however, children enter a system which first must document abusive behavior or neglect and then make attempts to improve conditions or isolate the child(ren) from them. Despite our efforts to arrive at a workable way of doing this, many children who have already embarked upon their journey through the system could tell of lengthy investigations sometimes conducted by underqualified case workers, of bureaucratic tangles which cause the courts to continue their cases for months,

of being buffeted from social service agency to temporary foster care without an apparent long-term plan. They could tell that the state often causes as much anxiety and instability as it seeks to prevent.

To whatever degree our present system has failed to protect the best interests of children, it should be recognized that our system sometimes fails to protect the rights of adults—suspected abusers. Cases of sexual abuse exemplify the need for policy makers and administrators to faithfully serve the principles of due process.

Sexual abuse is the issue with which we are least comfortable; a person accused of such a crime but later found innocent of all charges can lose everything—job, family, standing in the community—because his or her name has been linked publicly with such a crime. Even in the absence of adverse publicity, a slow-moving, sloppy child abuse investigation can bring great emotional stress and financial hardship upon a family.

The importance of the investigation which follows a report of suspected abuse or neglect cannot be overstated. It is in the investigatory stage that the state's dual role as protector of children and guarantor of equal protection and due process of law for all is often severely tested. A child abuse investigation may lead to the decision to remove a child from the home, depriving a child of familiar environment and family, and depriving a parent or parents of their child(ren). Such a decision should only be rendered by qualified professionals with access to the most accurate and complete information possible.

The price of denying anyone their rights in the course of a child abuse investigation is high. Not only can individual lives be destroyed and democratic principles subverted, but there exists the growing tendency toward public backlash against the entire child protection system. The backlash has already begun to manifest itself in groups such as Victims of Child Abuse Laws, an increasingly powerful citizens' lobby whose leaders tell documented stories about government agencies running roughshod over the rights of parents suspected of abuse. If we cannot better protect all parties to abuse investigations, the backlash could impede the progress we seek in refining the system.

Though we have put into place some policies which have not always best served either children or adults, we have also developed some effective, responsive programs. If there is an encouraging side to the child abuse story, it is that we have begun to broaden our philosophy to encompass what we do know about abuse—that it is cyclical and that, if child abuse is to be eradicated, we must concentrate our efforts on early prevention aimed at breaking that cycle. Widespread community educational programs, especially when accompanied by a legislative

tion efforts. They are the only realistic hope of eliminating child abuse in future generations.

Preventive programs, to be truly effective, must be widely available to parents and children in communities everywhere. Because abusive patterns cut clearly across all of society's traditional class and cultural boundaries, programs must reach into the community to educate both the general public as well as high-risk families.

Support programs for parents have great preventative value because they seek to prepare individuals for the job of parenting. The obvious and common factor in many abuse cases is that the abuser had no idea how to cope with or understand a child. Perinatal parent support programs can begin early to educate prospective and new parents in child development, health care, and parent-child relationships. Such programs enhance parent-child bonding and aid in the formation of a peer-support groups for parents, important for combating the stress and isolation new parents sometimes experience and which are often a factor in abuse cases. Parents' educational programs can provide vital information on basic child care, available community services, nutrition, and home life.

Both parents and their children benefit from the availability of out-of-home child care, either regularly for working parents or occasionally in households where both parents do not work outside the home. Child care programs provide relief for parents who find constant child care stressful and also allow children to develop basic social skills. It is clear that the United States lags far behind many other nations in its commitment to providing child care. With evidence that its availability not only enhances basic equality for women but also aids in the prevention of abuse, it is high time we dedicate ourselves to expanding child care opportunities in this country.

Primary prevention programs have taken root, quite logically, in the public schools. The public school system has within its reach most of society's children. Thus, it is in the schools where early screening of children for health and developmental problems as well as abuse and neglect is vital. Once problems or the potential for them is identified, we stand better chances of helping families cope, and offering immediate aid to maltreated children. School programs can also teach children at an early age how to respond to abusive situations and that they have rights as individuals.

The feelings of having nowhere to turn that lead many parents to abusive behavior can often be successfully combated by both the development of parent support groups from parenting classes, as well as family crisis services. Crisis services—the availability of crisis hot lines, crisis child care, babysitters, and counseling—give parents an escape

hatch from a potentially abusive situation.

An area still to be more widely implemented, but a vital component of any truly effective preventative strategy, is public school instruction in sex education. Until we can truthfully claim that we have provided teens with the knowledge and means to avoid unplanned pregnancy, we will not obliterate child abuse regardless of the efficacy of all our other educational and support programs.

Comprehensive child abuse prevention programs cost money. Only in the last twenty years, as the horrible scope and magnitude of the problem crept into the public consciousness, have policy makers begun to find ways around their apprehension about allocating large dollar amounts for children's programming. Prevention programs can help pay for themselves with the establishment of children's trust funds, funded by increased marriage license fees, birth and death certificate fees, or divorce filing fees. As the evidence that prevention programs are truly effective pours in, an encouraging realization has dawned: The fiscal burden of funding prevention programs is far less than the monies required to fund the most basic children's protective services programs for families already in crisis. It only makes sense that our efforts to prevent families from reaching the crisis stage should expand and continue.

Perhaps societies ought to be judged according to their efforts to protect children. Recognizing and responding to child abuse is far more than a humanitarian gesture—it is a sound investment in our future. We have begun to understand the causes of abuse and have thankfully begun to address more than its effects. We know that prevention programs can save thousands of children the misery of abuse and ours is the task of vigorously implementing such programs everywhere. Education prevention programs must be coupled with a shift in society's attitudes toward children, a shift that will necessitate our viewing them as people, not property. And educational programs cannot stand alone as our sole preventative efforts. Our hopes of eliminating child abuse are clearly dependent upon our commitment to eliminating poverty, domestic violence, and many other societal factors that can lead families to crisis. Only with such a commitment will our hopes to eradicate child abuse be realized.

