

Proving Child Abuse

**A Guide for Practice under the New York
Family Court Act**

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the New York Family Court Act**

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The views expressed in this monograph are those of the author, and do not necessarily reflect the views of the staff, advisory panels, officers, or trustees of the American Enterprise Institute or Cornell University or the New York State Federation on Child Abuse and Neglect.

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PREFACE

The New York State Federation on Child Abuse and Neglect welcomes this opportunity to reprint this monograph which we believe is the most definitive treatment on how to prove child abuse written to-date.

Originally produced and published by the Family Life Development Center of Cornell University, this monograph was well received and acclaimed by scholars and practitioners alike. We believe this reprint will serve well those who are not only professionally concerned and responsible for the care and protection of children but also the growing number of community citizens who have become involved in promoting the treatment and prevention of child abuse.

The New York State Federation on Child Abuse and Neglect is a statewide non-profit advocacy organization representing community citizen task forces and organizations dedicated to improving the treatment and prevention of child abuse and neglect through advocacy, education and action. This monograph was written by an eminently qualified legal scholar and practitioner, as well as a friend of the Federation, Professor Douglas J. Besharov. He is a visiting scholar at the American Enterprise Institute for Public Policy Research, was the first Director of the National Center on Child Abuse and Neglect, and prior to that served as Executive Director of the New York State Assembly Select Committee on Child Abuse and Neglect. Professor Besharov is particularly well qualified for this task because he was one of the prime drafters of Article 10 of New York's Family Court Act and of the State's Child Protective Services Act of 1973. In addition, Professor Besharov has had extensive litigation experience in the New York Family Court, serving for three years as an Assistant Corporation Counsel of the City of New York. After handling a variety of litigation, he became the Assistant Corporation Counsel in-Charge-of Family Court Planning and Programming. In that position, he supervised a staff of over 30 attorneys assigned to the presentation of child protection, support, USDL, paternity, and juvenile delinquency and supervision petitions.

We are greatly indebted to the leadership taken by Professor John Doris, Director of Family Life Development Center in originally producing and publishing this monograph and acknowledge the funding support they received from the New York State Division of Criminal Justice Services. In addition, the Federation is grateful to the Gebbie Foundation for the support they have provided in assisting us with this project.

James S. Cameron
Executive Director
New York State Federation
on Child Abuse and Neglect

JSC/ma

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I would like to acknowledge my special indebtedness to the work of Dr. Barton Schmitt of the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect. Much of the material on "apparently inflicted injuries" and their assessment is based on his work which appears in two outstanding books: Schmitt, B., ed., *The Child Protection Team Handbook: A Multidisciplinary Approach to Managing Child Abuse and Neglect* (1978) and Ellerstein, N., ed., *Child Abuse and Neglect: A Medical Reference* (1981).

I also would like to thank CIBA-GEIGY Corporation for permitting us to use the photographs and sketches that first appeared in *Clinical Symposia*, Volume 29, 1977. These illustrations help explain, in a way that words cannot, what it means to say that an injury is "apparently inflicted."

Finally, I want to express my appreciation to the West Publishing Company for the use of materials that originally appeared in my Practice Commentaries to McKinney's Family Court Act.

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