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# The Tragedy of Child Abuse: We All Share the Blame for the Death of Bradley McGee

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Little Bradley McGee's tragic death reminds us of how dangerous being a young child can be in today's shifting social environment and how - despite the creation of elaborate child abuse programs - children can be killed even after their plight is brought to the attention of the authorities.

Depending on the community, between 25 and 50 percent of all child abuse fatalities involve children previously reported to child protective agencies.

Our deep horror at these deaths - and our natural desire to prevent more of them - leads us to look for individual culprits. Last week, four of the caseworkers responsible for Bradley's safety were indicted.

Perhaps they were so grossly negligent that criminal punishment is appropriate. It's too early to tell, but too often workers are the scapegoats for society's failure to make key decisions about protecting children from dangerous parents.

Innocent social workers

In recent years, a number of child protective and child welfare workers have been indicted for "allowing" the children in their care to suffer further maltreatment. Almost all have ended up with the cases against them dismissed, usually because they were doing the best they could under difficult conditions.

Even when workers win in court, however, they lose. Legal vindication comes at a high price. Newspapers carry many stories about the indictment, usually focusing on the untested allegations. News of the dismissal is usually buried on the back pages, if it is reported at all. And, for long after, friends, colleagues and clients remember that the worker's conduct, judgment and ability were challenged in court.

Legal fees from \$ 5,000 to \$ 50,000 and more also have to be paid, whether one wins or loses. In one El Paso criminal prosecution, for example, even though the charges were dropped before

trial, the indicted workers incurred legal fees of \$ 15,000 - for which they were solely responsible.

The harmful effects of unfairly blaming child protective workers go far beyond the individuals involved. News of last week's indictments has already spread throughout the state; many workers now fear that they will be blamed whenever one of the children on their caseloads is killed, whether or not there was any reason for thinking that the child was in danger.

Recruiting qualified people for children's services is hard enough.

Salaries are low (starting at about \$ 19,000 a year), working conditions poor, and positive feedback from clients minimal. There are many more rewarding areas of human services work. As one high-ranking official with the Department of Health and Rehabilitative Services (HRS) said in the wake of these four indictments: "How do you expect to fill these jobs, if workers can be indicted for making a wrong decision. "

There is an even more insidious effect. Criminal prosecutions put great pressure on workers to take no chances and to remove children from their parents whenever they might be criticized for not doing so.

The dynamic is simple enough: Negative media publicity and a prosecution are always possible if the child is subsequently killed or injured; but there will be no critical publicity if it turns out that intervention was unneeded, and absolutely no chance of an indictment.

Susan Besharov, my wife, a psychiatric social worker at D. C. Children's Hospital, interviewed workers and agency heads in a number of states where there had been prosecutions. She found that: "Workers are often preoccupied with knowledge of suits in other agencies, and even other cities. When a suit is filed, it is perceived as a threat to all workers, not just those named in the complaint, especially when the workers are apparently acting in good faith and to the best of their ability under trying circumstances. The director of an agency in which three workers were indicted described 'tremendous, agency-wide panic.

As rumors about the case spread, morale plummeted, and children were removed from their families at the slightest hint of danger. " No one should attempt to defend reckless and insensitive conduct, and if it turns out that Bradley's social workers were guilty of an egregious violation of their duty to him, criminal prosecution may be technically justified. But if the objective is to improve the level of protection provided to abused and neglected children, we need to address more deep-seated problems.

Manageable caseloads

To do their jobs, child protective workers need manageable caseloads. Child abuse tragedies are often the inevitable result of inadequate staffing. In most communities, the number of investigators has not kept pace with the rapid, and continuing, increase in reported cases.

Bradley's caseworker, for example, apparently averaged 47 cases per month, about 50 percent higher than other members of her unit.

With more cases than they can handle, workers do not have enough time to give individual cases the attention required. In the press to clear cases, many key facts go undiscovered as they are forced to perform abbreviated investigations. It becomes impossible to monitor dangerous home situations with sufficient intensity to assure a child's safety.

In part, reducing caseloads means spending more money, and Gov. Martinez's proposal to add the hiring of 162 new workers to the issues to be considered in the Legislature's upcoming special session is welcomed. But there will never be enough money for all the investigators that are needed if the reporting process is not reformed.

Like those in many other states, Florida's Department of Health and Rehabilitative Services is being inundated by "unfounded" reports.

Last year, 58 percent of all the reports it received were determined, after an investigation, to be "unfounded." Twenty-four percent were "indicated" and only 17 were actually "substantiated."

The determination that a report is unfounded can be made only after an unavoidably traumatic investigation that is, inherently, a breach of parental and family privacy. To determine whether a particular child is in danger, caseworkers must inquire into the most intimate personal and family matters. Often, it is necessary to question friends, relatives, and neighbors, as well as school teachers, day-care personnel, doctors, clergy, and others who know the family.

Few unfounded reports are made maliciously. Studies of sexual abuse reports, for example, indicate that, at most, from 4 to 10 percent are knowingly false. Many involve situations in which the person reporting, in a well-intentioned effort to protect a child, overreacts to a vague and often misleading possibility that the child may be maltreated.

Others involve situations of poor child care that, though of legitimate concern, simply do not amount to child abuse or neglect. In fact, a substantial proportion of unfounded cases are referred to other agencies for them to provide needed services for the family.

Of course, an unfounded report does not necessarily mean that the child was not actually abused or neglected. Evidence of child maltreatment is hard to obtain, and may not be uncovered when agencies lack the time and resources to complete a thorough investigation or when inaccurate information is given to the investigator. Some cases must be closed because the child or family cannot be located.

A certain proportion of unfounded reports, therefore, is an inherent - and legitimate - aspect of reporting suspected child maltreatment and is necessary to identify endangered children. Hundreds of thousands of strangers report their suspicions; they cannot all be right. But

unfounded rates of the current magnitude go beyond anything reasonably needed. Worse, they endanger children who are really abused.

The flood of unfounded reports is overwhelming the limited resources of child protective agencies. For fear of missing even one abused child, workers perform extensive investigations of vague and apparently unsupported reports. Even when a home visit of an anonymous report turns up no evidence of maltreatment, workers usually interview neighbors, school teachers and day-care personnel to make sure that the child is not abused. And even repeated anonymous and unfounded reports do not prevent a further investigation. All this takes time.

As a result, children in real danger are getting lost in the press of inappropriate cases. Forced to allocate a substantial portion of their limited resources to unfounded reports, child protective agencies are less able to respond promptly and effectively when children are in serious danger.

To call for more careful reporting of child abuse is not to be coldly indifferent to the plight of endangered children. Rather, it is to be realistic about the limits to our ability to operate child protective systems. If child protective agencies are to function effectively, they must be relieved of the heavy burden of unfounded reports.

Getting control of unfounded reports is not as easy as it might seem. In our eagerness to protect as many abused children as possible, hot-line staff have been harshly criticized for screening out cases that later result in a child's serious injury - even though, at the time, there was no real reason for thinking that the child was in any danger. Hot lines need support from the highest levels of government in order to reject inappropriate reports. One hopes that the special session will also consider legislation to explicitly encourage such screening.

#### Realistic guidelines

Child protective workers also need much more realistic decision-making guidelines. Because child maltreatment usually occurs in the privacy of the home, it is often impossible to know what really happened. Moreover, some home situations deteriorate sharply and without warning, so that assessing the degree of danger to a child requires workers to predict the parents' future conduct. Yet, the unvarnished truth is that such sophisticated psychological predictions are often beyond the reach of the most skilled clinicians.

Thus, the chances for human error are always present. Child protective workers and their agencies cannot guarantee the safety of all children known to them. Even if workers placed into protective custody all children who appeared to be in possible danger - a degree of over-intervention that few would support - some children would continue to suffer further injury and even death, because the danger they face would go undetected, or unpredicted.

None of this explains why workers sometimes ignore obvious signals of danger. In Bradley's case, for example, the workers seem to have known many troubling things about his parents.

They reportedly knew but did not act on information that his mother forced feces into his mouth in a bizarre version of toilet training.

What's happening? Putting aside simple incompetence or gross negligence, the problem is that as a society we have failed to be clear-eyed about what can, and cannot, be done to prevent child abuse.

A major tenet of current child welfare policy is that children are almost always better off with their parents. Workers have been trained, and trained, and trained again in the importance of family preservation. The goal of family preservation is an essential underpinning of any progressive child welfare program, but some parents are beyond the reach of even the most richly funded programs.

Child abuse caseloads are, in essence, made up of two very different kinds of parents. The vast majority, probably as much as 90 percent, can be helped to adequately care for their children, who can be safely left at home. The remaining 10 percent, however, represent a serious danger to children who, barring an extraordinary turn of events, must be removed from the home and, often, placed for adoption.

Unfortunately, the emphasis on family preservation has not been accompanied by the promulgation of reasonable guidelines about when efforts to keep the family together would needlessly endanger children.

Florida law, for example, merely intones that: "No child shall be removed from home . . . if, with the provision of appropriate and available services, . . . the child could safely remain at home. "

As a result, one repeatedly sees admirable but misplaced efforts to give drug-addicted parents chance after chance to turn their lives around. Four months after one New York City infant was discharged from a six-month foster care placement and returned to her mother and grandmother, she was found to have serious burns on her back, possibly made by an iron. The child was immediately returned to foster care.

Subsequently, the mother admitted using crack to her caseworker, and six months later, despite being enrolled in a drug treatment program, she gave birth to a baby with cocaine symptoms. Yet the agency's goal was still to return the girl, by then almost 3 years old, as well as the newborn, to their mother.

To provide better guidance to workers, just last March, HRS requested that the Governor's Expert Team for the Protection of Children recommend that state law specifically authorize the termination of parental rights in cases where (1) the child has suffered severe or life-threatening physical or sexual abuse, (2) parents suffer from severe schizophrenia, mental retardation or addiction that makes them unable to protect the child from harm, (3) parents have been committed to long-term imprisonment, or (4) parents have abandoned the child. (This proposal has also been included in the governor's call for the special session. ) Such common-sense

guidelines meet with opposition because of an understandable but shortsighted unwillingness to acknowledge that some parents are beyond the reach of current treatment programs. For, this would be labeling such parents, in effect, as "hopeless," something most of us feel uncomfortable doing. And yet, it seems indisputable that firm protective action must be taken against such obviously dangerous parents.

When legislators are unwilling to face such realities, is it any wonder that individual caseworkers seem confused. In hindsight, it is easy to blame them for their mistakes, but with foresight, we should realize that going too far in keeping children at home is the inevitable result of our failure to label unfit parents for what they are.

We will never know whether Bradley's death could have been prevented by smaller caseloads and better guidelines. But there is no doubt that their absence exposes many thousands of other children to further abuse. So, before we blame the individual caseworkers for what happened, we should examine our own conduct. Did we, as a society, give them the sources and the guidance needed to fulfill their life-saving responsibilities? I don't think so.

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