Reporting and Investigating Child Sexual Abuse

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Abstract

This article describes the process for reporting and investigating child sexual abuse cases. Reporting mandates are discussed, as well as several concerns and criticisms about how these are implemented. The article also discusses a number of key issues related to the investigation of claims. The authors recommend greater use of multidisciplinary investigative teams and the development of comprehensive investigative protocols. Specific controversies, such as those concerning the use of videotaping, anatomical dolls, and validation tests, are also addressed.

The need for society to protect abused or neglected children has long been recognized. As early as the 1800s, private agencies were launching programs to serve these children. Following passage of the Social Security Act in the 1930s, public agencies have gradually assumed the responsibility to protect, shelter, and serve abused and neglected children. But only in more recent history, beginning in 1962 with Dr. C. Henry Kempe’s work on the “battered child syndrome,” has significant attention been given to this societal problem. And, it was not until the 1980s that the existence of child sexual abuse, in particular, fully entered the public consciousness.

Throughout this history, child protection and law enforcement agencies have sought to develop more thorough and effective reporting and investigation practices. Under current law in many states, a child protection agency is usually involved only if the alleged sexual abuse is either perpetrated or aided by a family member or primary caretaker of the child, while elsewhere the mandate of the child protection agency extends to all cases. Law enforcement generally has responsibility to investigate all allegations of sexual assault of children. By 1987, all but six states required cross-reporting between child protection and police agencies to ensure that both prosecutory and protective functions take place.

Although child protection and law enforcement present some different reporting and investigative issues, they also have many in common. This article focuses on the reporting and investigating concerns they share. The first section covers reporting, including the impact of mandatory reporting laws on practice. The second section discusses investigation with a special focus on the use of multidisciplinary teams. Because many of the issues are relevant for all types of child abuse, they are
discussed in general terms. Points particular to child sexual abuse are highlighted.

**Reporting**

**Reporting Laws**

California enacted the nation’s first child abuse reporting law in 1963. By 1967, every state in the nation had followed suit. These early laws required certain professionals who were expected to come into contact with abuse victims to report any suspicions to child protection authorities. Persons making good faith reports were protected from liability.

Today every state has formal child abuse reporting laws. In fact, the federal government requires them as a condition of eligibility to receive federal funds under the Child Abuse Prevention and Treatment Act. All states accept calls from anyone with information about suspected child abuse. Thirty still place a special reporting requirement only on selected professionals, such as doctors, nurses, law enforcement officers, teachers, and mental health professionals. The other twenty states legally require anyone, even strangers, to report their suspicions about child abuse.4 (Under the provisions of these laws, reporters are not expected to confirm their suspicions prior to a report but to share “reasonable suspicions” with authorities.) Reporting laws provide confidentiality for the reporter but abrogate most existing communication privileges, such as those between a physician and his or her patient. Included also are provisions for immunity from civil and criminal liability for all “good faith” reporting.

All but four states (Maryland, Mississippi, North Carolina, and Wyoming) have a specific criminal penalty, usually a misdemeanor, for failure by mandated reporters to report suspicions of maltreatment.5 Prosecutions under these reporting statutes are rare but do occur. There are physicians, teachers, ministers, and social workers facing charges of failure to report. Mandated reporters who fail to report may expose themselves to civil liability for any subsequent abuse-related harm to the child.

In the years immediately following the passage of these mandatory reporting laws, the number of child abuse reports increased dramatically.6 On the surface this dramatic increase could be attributed solely to the enactment of these bills. However, media attention and the resulting public understanding of the problem must also claim responsibility for the growth in referrals. For example, child sexual abuse reports grew in number from 7% of all reports in the late 1970s to 16% by 1986.7 Sexual abuse was just as reportable in most states during the 1970s, but tremendous media attention forced the issue into the open in the 1980s.

Approximately half of all reports come from individuals who are not specifically required by law to report. A 1992 survey of 45 states conducted by the National Center on Child Abuse and Neglect revealed that 28.9% of all reports were either from the victims themselves or from neighbors, friends, or relatives. This survey also found that medical professionals accounted for 10.5% of all reports, school personnel for 15.6%, law enforcement and other legal professions for 12.2%, social service and professionals for 11.9%, and child care providers for 1.7%. Anonymous reporters made 11.3% of the referrals received; perpetrators made 7%; and the rest were made by others.8

Reporting laws are based on the premise that certain professionals have both unique opportunities to discover child abuse and the responsibility to ensure that protective services are notified. Legal mandates override professional limits of confidentiality, thereby freeing these professionals to make reports. These new laws seem to be having their intended effects. In New South Wales, Australia, in 1987, for example, mandatory reporting requirements were extended to school personnel, and the rate of reports from that source tripled in one year.9 A 1990
U.S. survey of approximately 1,200 professionals nationwide revealed that legal requirements were a very important factor in their decisions to report abuse.\[^{10}\]

**Concerns About Reporting**

Experts disagree as to whether child abuse is being overreported, with too many unfounded suspicions, or underreported, with too many cases missed. (See discussion in the article by Besharov in this journal issue.) Though both views contain elements of truth, this article focuses on the problem of underreporting.

**Underreporting**

It is not uncommon in the wake of a child abuse tragedy for relatives, friends, and neighbors to reveal that they had a concern about the safety of the child but failed to report it. Even professionals who are mandated to report often fail to do so. The 1986 National Incidence Study of Child Abuse and Neglect (NIS), funded by the Department of Health and Human Services, found that only 46% of the child abuse known to community professionals was reported to child protection.\[^{11}\] In other research, mandated reporters frequently admitted failing to report abuse and neglect; as many as 40% of those surveyed acknowledged that they had not reported abuse they suspected.\[^{12,13}\] These studies reveal that some trained professionals who are well aware of the reporting laws consciously choose to violate them.

Motives for failing to report are complex. Most of these professionals do not describe their actions as stemming from self-interest; many have reported cases in the past. Only 6% admit they have never reported abuse when they suspected it.\[^{14}\] Fewer than 3% acknowledge that their actions are driven by possible inconveniences of reporting: time away from the job, risk of lawsuits, or discomfort in their relationships with the parents.\[^{15}\] The most common reason cited by professionals is the belief that there is insufficient evidence to initiate an investigation.\[^{13,14}\] Other reasons include a perceived lack of seriousness of the abuse, fear of disrupting treatment,\[^{13,14,16,17}\] the breach in confidentiality,\[^{13,18}\] and a lack of faith in child protective services.\[^{15}\]

Professionals in different fields emphasized different reasons for failure to report. The results of a 1990 study suggest that mental health professionals are most concerned with the quality of child protective services. Child care providers are more likely to focus on time away from the job, risk of lawsuits, or discomfort in their relationships with family members.\[^{15}\]

**Substantiation of Cases**

Despite the evidence of underreporting, many critics of the child welfare system assert that too many families are being reported. Indeed, a 1980 National Incidence Study found that only 40% of all allegations were ultimately “substantiated” through investigation. This produced criticisms of a system some characterized as overburdened with less serious cases and overly intrusive in family life.\[^{18}\] By the time the study was repeated in 1986, the substantiation rate had increased to 53%.\[^{7}\]

It is difficult, however, to determine the significance of substantiation rates. Substantiation is defined by evidentiary standards, which vary from state to state. In 18 states, a case is considered substantiated if there is “some credible evidence.” Twelve states require “credible evidence,” and another 12 a “preponderance of evidence.”\[^{19}\] The remaining states use terms such as “material and substantial” or rely on the individual investigator’s judgment. Thus, substantiation means the evidence meets the evidentiary threshold for that particular state but does not definitively determine whether abuse has occurred.

An allegation is typically labeled “unsubstantiated” when an investigator is unable to document the abuse to the required evidentiary standard. Reasons for finding an allegation unsubstantiated vary and can include an inability to locate the child; lack of proof that an injury was caused by abuse; unwillingness of the abuse victim to disclose the abuse (particularly common for sexual abuse victims); a determination that the family is doing a reasonable job of parenting despite profound poverty (generally accompanied by referrals for support services); misunderstanding of circumstances by the reporter; or the rare deliberate false allegation. In most states, all of these situations fit into the general category of “unsubstantiated”
(referred to as “undetermined” or “unfounded” in some states).

Some states have more specific categories, like “unable to locate,” “at risk,” or “reason to suspect.” While little research is available on the relative percentages of the reasons for classifying a case as unfounded, dispositional alternatives such as those above allow for better understanding of the data that are collected.

As a practical matter, one could not expect substantiation rates to approach 100%. For that to happen, laws would have to require either an unacceptably low standard of evidence, complainants to confirm their suspicions before making a referral, or investigators to investigate only cases where evidence was already conclusive. Alternatively, an extremely low substantiation rate suggests an ineffective investigative system, one requiring an enormous investigative effort for each documented case.

A rate somewhere in the middle seems ideal. Victor Flango, with the National Center for State Courts, suggests a substantiation rate range of 33% to 67% as the best balance between overreporting and underreporting. Most states fit within these parameters. Data gathered in 1992 by the National Center on Child Abuse and Neglect show a national substantiation rate of 41%.

Communities with unusually low substantiation rates should carefully evaluate their intake process. At least 41 states screen for reports that are frivolous, that do not qualify as abuse, and that are based on speculation or secondhand knowledge. Investigation of every referral without initial critical review and screening wastes limited staff resources and causes unnecessary involvement in family matters. If, even with screening procedures in place, the substantiation rate is very low, training of investigative staff may be needed. In addition, the local standards of evidence used to make substantiation decisions should be evaluated against prevailing standards.

Unusually high rates of substantiation may indicate that intake staff is screening out real cases of abuse. Or, it may be that too low an evidentiary standard is being used. All abuse, and child sexual abuse in particular, requires a careful weighing of both supporting and refuting evidence. There is no margin for error in this system full of human frailty. Investigators must consider an unfounded case a successful investigative outcome if, in fact, the child has not been abused. Sometimes there will be insufficient evidence, though suspicions persist, and there will be no clear finding of abuse. A three-tiered classification system that included determinations of “unfounded,” “undetermined,” and “valid,” would provide a category (“undetermined”) for those cases in which there are persisting suspicions or in which the family has fled before child protection could actually make contact.

### Criticisms and Reform Ideas

The disposition of unfounded case records varies from state to state. New York, New Hampshire, and Vermont, for example, destroy all unfounded case records. Other states, like Florida and Massachusetts, expunge the name of the accused.

In many states, persons accused of abuse in indicated cases may challenge the finding in an administrative hearing. Some states allow this for all alleged abusers; others, only for those whose identity is subject to release, like schoolteachers accused of sexual abuse, for example.

Cases in which there is insufficient evidence have fueled controversy. Organizations like the National Coalition for Child Protection Reform believe reporting laws have gone too far by making it a crime not to report suspicions to the state. Douglas Besharov, legal scholar with the American Enterprise Institute, argues that child protection has been purchased at the price of enormous governmental intervention into private family matters. Critics have proposed changes in reporting laws to limit the number of cases subject to investigation by child protection and law enforcement. Some feel that definitions of neglect are being confused with issues of poverty, resulting in inappropriate intervention in poor families.

Because of the potential severity of harm, few critics oppose the careful investigation of suspicions of child sexual
abuse. Researchers Zellman and Finkelhor have proposed a flexible reporting concept in which qualified, trained professionals become “registered reporters” and can exercise discretion in making reports of alleged abuse. The authors of this proposal exclude both child sexual abuse and severe physical abuse from this discretionary reporting option.27 They acknowledge the serious nature of child sexual abuse and the need for early and meaningful intervention by child protection and law enforcement.

Screening and Risk Assessment
Criticisms of reporting practices may be misplaced reactions to other inadequacies in the system. Limited resources make it difficult for child protection agencies to respond to a growing number of reports and, consequently, to greater demands on them. Child sexual abuse allegations, in particular, have little margin for error, and require sensitive and thorough investigation. Agencies have not been able to obtain the staff resources required to meet these needs.28 Law enforcement agencies suffer similar shortages of financial and staff resources in their child abuse investigation units.29

To deal with increased demand and reduced resources, many states have expanded their front-end screening of referrals. Some have begun using risk assessment instruments to direct resources to where they are most needed. Research shows that risk assessment systems seem to improve the effectiveness of child protection systems and increase substantiation rates.30 Such systems are in place in one form or another in at least 45 states.31 The use of risk assessment instruments is not without controversy, however. Legal scholar Michael Wald and psychologist Maria Woolverton argue that risk assessment tools cannot be used to decide if abuse has occurred; their purpose is to predict the likelihood of future abuse. They further warn that these instruments do not have adequate theoretical and empirical support and should not be used to cope with insufficient resources and incompetent personnel.32 Any risk assessment tool in use should be evaluated to determine if it is being used properly and if so, whether it does, in fact, help protect children.33

Many states have begun to scrutinize anonymous referrals more carefully. A survey of 10 states found that, while allegations from mandated reporters were validated 40% to 64% of the time, anonymous referrals were supported only 3% to 25% of the time.21 Special attention can be given to the reporter’s reasons for believing abuse has occurred and to the specificity of the information. Greater screening efforts will be most effective in the areas of neglect and physical abuse. Sexual abuse allegations will continue to be investigated if referents have any credible information to support their claims.

Investigating
Agency responsibility for investigating allegations of child sexual abuse varies throughout the nation. Sexual assault of a child is a criminal offense in each of the 50 states and the District of Columbia. State child protection agency jurisdiction differs from state to state. In California, for example, child protective services are responsible for the investigation of all sexual abuse allegations that involve a family member or formal caregiver (teacher or day-care center worker). Tennessee, on the other hand, extends child protection responsibility to all allegations of sexual assault, including those involving strangers, of children under 13 years of age and those involving relatives or caregivers of children ages 13 to 18.

The role of child protection is distinctly different in intrafamily cases from what it is in cases involving out-of-the-home perpetrators. In cases involving family members, child protection investigates, offers in-home services to reduce the risk of future abuse, or removes the child if needed. When the alleged perpetrator is not someone living in the child’s home, child protection serves a strictly investigative role. In states in which child protection is involved in this type of case, role definition can be a problem.34 Statutes that clearly define investigative parameters can help avoid confusion about agency roles.
Multiple Agency Involvement

Child sexual abuse investigations may involve child protection, licensing authorities, prosecutors, and county, state, and federal law enforcement personnel. Each has a unique contribution to make to the investigation and to the protection of the child. The child protection agency offers family services and the legal authority, in conjunction with family or juvenile court, to remove children from abusive homes. Child care licensing agencies can revoke or suspend licenses. Law enforcement can arrest and incarcerate the offender.

By working together agencies can use resources more efficiently. Coordinating multi-agency interviewing of child witnesses can reduce the number of necessary interviews and avoid added trauma to the children. In addition to distressing child witnesses, a succession of interviews by different investigators can lead to conflicting evidence subject to greater challenge by the defense or to allegations that the child was “programmed” by the interviewers.

More and more community agencies are coordinating their investigative efforts. In a recent study, 94% of all police and sheriff departments reported experience with the joint investigation of child abuse cases. Another study found that 51% had written investigation agreements with child protection agencies.

Joint investigations, however, are less desirable than team investigations in which all resources are pooled and used to the greatest advantage. Thirty-two states have laws authorizing and, in some cases, mandating such multidisciplinary teams. In other states, these efforts simply grew out of local initiative and commitment to children. Their use is encouraged in the Child Abuse Prevention and Treatment Act and endorsed by the National Center on Child Sexual Abuse and the National Center for Prosecution of Child Abuse.

Some multidisciplinary teams are formal units with common work spaces, while others meet informally to plan investigative strategies or review evidence. One popular model, based on the Huntsville, Alabama, Child Advocacy Center, uses one facility to provide both office space for the professionals involved in investigation and treatment, and a comfortable interviewing room for the children. There are now more than 150 such centers throughout the country.
To succeed, multidisciplinary teams need both resources and structure. Roles need to be carefully defined so that members of the team know what to expect of their colleagues. Child protection and law enforcement personnel typically take on primary responsibility for the field investigation. Prosecutors provide legal guidance and support, and mental health professionals assist with interviewing strategies and the processing of information. The choice of who will interview the child can be based on the needs of the child and the skills of the individual team members. Other investigative activities require specific knowledge and training. Crime scene searches and interviews of alleged offenders, for example, are usually conducted by law enforcement personnel. Risk assessment is typically the responsibility of child protective services.

Multidisciplinary teams are not without their challenges. Individual members may have different goals, philosophies, and decision-making styles. There may be conflicting views about case outcomes or miscommunications because of culture, race, and/or gender differences. Administrators may fear that the blurring of roles will make it more difficult to supervise their staff. Confidentiality becomes an issue as information is passed between agencies.

A commitment to learning to work together, holding joint trainings, and treating each team member as an equal will do much toward solving these problems. In addition, agencies can develop written agreements that include formal investigative protocols with clearly defined roles for each team member. These agreements can also authorize exchanges of information that protect family privacy as much as possible.

Formal Investigative Protocol

Formal investigative protocols chart out the general investigative strategy to be typically followed. Investigative protocol establishes a shared understanding of methodology for the team members, though it can be altered to fit the needs of individual cases. The following sections describe key areas of concern that this protocol should address. Many of these points are relevant for both team and individual agency investigation efforts.

Receiving the Report

In most cases, the referral will come to child protection. Intake staff must be aware of any special needs for information that other agencies may have.

Notifying of the Team

Specific instructions are needed so that, once a report is in, the appropriate people receive it at the appropriate times. This can affect how law enforcement officers respond to a case, for example, and how quickly an individual investigator or investigative team is activated. Order and speed of notification may vary from case to case. In certain cases, for example, the prosecutor may need earlier notification than in others. Cases in which the child may face immediate danger should always take priority over reports of past abuse by a perpetrator no longer in contact with the child.

Making Investigative Decisions

This stage in the process presents some of the most sensitive issues investigators will face. The question of how to document interviews is one of them.

Documentation options include note-taking by the interviewer after the interview has ended, note-taking by an observer either present in the room or behind one-way mirrors, recording the interview on audio tape, and videotaping the interview. Each has advantages and disadvantages. Interviewer or observer notes are preferred by some prosecutors because they are less prone to attack by the defense. On the other hand, they are bound by the limits of human memory and perception. Audio tape records statements accurately if the equipment is working properly and the voices can be heard clearly. But it exposes both the interviewer’s questioning techniques and the child witness’s statements to attack by the defense. Audio tape that documents proper interviewing technique will help defuse allegations of improper or persuasive questioning of the child witness.

In the 1980s, many states passed laws allowing the use, in certain instances, of
videotaped statements in court proceedings. Videotaping interviews has many benefits. It is a way to record children's early accounts of the abuse when their memory is fresh. This can be particularly important for certain types of abuse that have high recantation rates. Agencies can have access to the accounts without having to reinterview child witnesses. Unnecessary multiple interviews can be stressful for the children and might influence their testimony.

The videotape of a child's own statement can be used to refresh a child's memory before appearing as witness in the trial. It can be used to convince a skeptical nonoffending parent that abuse has occurred. And, it can serve to support expert witness testimony. Videotaping may encourage plea bargaining because it gives the defense the opportunity to evaluate the child's credibility as a witness before trial. Videotapes can sometimes be presented at trial in lieu of a child's live testimony, thus sparing the child the trauma of appearing in court. Film captures the powerful physical reactions, body language, and facial expressions that may accompany the child's telling of the abuse. These can be very moving to a jury.

Because of the Sixth Amendment right of a defendant to confront a witness, most state statutes condition admissibility of videotapes on the availability of the child to testify. This means that child witnesses are not definitively protected from having to testify in court just because their disclosure has been videotaped.

There are, however, perceived disadvantages to using videotapes. Critics point out that juries may focus so much on the videotape that they may overlook other important evidence. Videotaping can also expose a child's statement to attack by the defense. Because films can be played and replayed, inconsistencies can be highlighted, and the credibility of the child witness questioned. Sometimes videotaping can actually reduce the impact of a child's testimony. Disclosures of certain types of abuse, child sexual abuse in particular, take time; they do not happen all in one interview. In those instances, it becomes difficult to know when the interviews should actually be documented onto film. Though videotapes can expose improper interviewing techniques used during the interviews filmed, they do not show what may have happened in previous unrecorded interviews.

Some of these problems can be minimized by careful use. Filming will present more of the truth if the child is on camera at all times. Thorough documentation of the people present at the interview and explanation of their roles will help complete the picture. Because the interviewing process is subject to such scrutiny, it is important for the interviewer to be highly skilled at interacting with children and knowledgeable about abuse-related top-

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Defense advocates argue that anatomical dolls are suggestive. Research to date does not support this statement; however, there is great debate about the use of investigative tools during interviewing of child witnesses. An investigative team or individual investigator must decide which, if any, tools will be used. The choices range from simple drawing tools, playhouses, conventional dolls, and puppets to anatomically detailed dolls and diagrams. The greatest controversy has centered on the use in investigations of child sexual abuse of anatomically detailed dolls, soft dolls with genitalia, breasts, and separate fingers.

These dolls are valuable communication aids. They can be used by children as props to identify body parts and explain more clearly the actual abuse. However, they are not diagnostic tools and should not be used alone to determine whether abuse has occurred. There are no available norms on how children respond to the dolls. Research shows that both abused and nonabused children may engage in sexual play with the dolls, so sexual play with the dolls is not necessarily an indication of abuse. The verbal statements that accompany the play are key.
ever, suggestibility can depend on other interview procedures, as well. Other critics suggest that the interviewer’s misuse of the dolls might encourage leading questions or overinterpretation of the play. In fact, some surveys show that few reported users of the dolls have either instruction manuals or any training in their use. Many professionals are using the dolls, but they vary in their assessments of the same behaviors in children. There is a need for a standard protocol for the use of anatomical dolls, such as the one being developed by the American Professional Society on the Abuse of Children.

Interviewing the Child

A location must be selected for the interviews. The child’s home may present problems if it is where the abuse allegedly occurred and the child does not feel safe enough to speak freely to an interviewer. On the other hand, some believe that interviewing a child where the alleged abuse occurred makes it easier for the child to remember the events. Interviewing at a neutral site like the child’s school may work well. Some state laws facilitate such interviews by encouraging all local agencies to cooperate with child protection investigations. Off-site interviewing at a place like a Child Advocacy Center such as the one in Huntsville, Alabama, requires the investigator or investigative team to determine how, and under what authority, the child is to be transported there.

Notifying the Parents

It is difficult to know when to notify the parents of an alleged victim, particularly when there is the possibility that one or both of the parents were involved in the abuse. In many jurisdictions, investigators are not legally obligated to provide prior notice to the parents. The investigator or investigative team must determine whether the parent will try intentionally or inadvertently to influence the child and distort the statements ultimately given to investigators. The interest the parents have in being informed of an interview with their child before it happens must be weighed against the agencies’ need for accurate information. If the decision is made to interview the child first, the parent should be notified immediately after the interview by an investigator and not by a third party (for example, a school administrator).

Order of Interviews

In abuse cases the most important evidence is usually the statements secured from victims, witnesses, nonoffending parents, and the alleged offender. Sometimes the order in which the interviews are conducted can influence the outcome of the investigation. Typically, an investigator or investigative team will opt to interview the children first to get their statements before they can be influenced by others. Some investigators then choose to confront the alleged offender immediately, before he or she has the opportunity to prepare for the interview. Others prefer to gather all the facts and culminate the investigation with the interview of the alleged offender. In a team investigation, all members must agree to the order so that one member does not inadvertently confuse the investigation process with a premature contact. Investigative team members must also be clear about what information they will seek from each interviewee.

The alleged victim’s statements are vital to the case. Interviews with alleged child victims must be conducted carefully. Many in the judicial system would like to see only one victim interview. This desire is in sharp contrast with the realities of child development and the disclosure of abuse statements by children. Many children are not ready to share their most troubling experiences in the first interview. One study found that, in 74% of cases in which abuse was ultimately documented by either confession or conviction, child victims denied the abuse the first time they were asked. Relying on one interview would keep some children from ever disclosing abuse.

Scholars argue that the interviewing process can actually change the child’s recollection of events. Under certain circumstances, children may potentially disclose something other than what actually happened. (See the article by Myers in this journal issue.)
On the other hand, child sexual abuse is often shrouded in secrecy; victims are pressured to keep quiet about what has happened to them. Once interviewers succeed in making the child comfortable enough to talk about the abuse, they may have to probe for details. This can be particularly difficult with younger children who have fewer language skills. Interviewers must have knowledge of cognitive and language development, and be skilled in communicating with young children. In investigative teams, the most skilled member should take the lead. Some communities have a single interviewer with special expertise in dealing with these delicate situations.

Interviewers must balance a sensitivity to child development concerns with an awareness of the requirements of the judicial system. Children have cued memories. The younger they are, the more help they may need to recall the details of traumatic experiences. The interviewer should not ask leading questions but should help children reconstruct the events in their minds. Some interviewers use a process called “cognitive interviewing,” in which the interviewer explains the interviewing process and the latitude the child has in providing responses. The child is told that he or she can disagree with inaccurate interviewer comments, and the interviewer tries to distinguish between questions where the answers are unknown to the child and questions where the child knows the answer but finds the experience difficult to talk about. The interviewer makes clear his or her expectations. For example, he or she might say, “When we talk today, we are going to talk only about things that really happen. We don’t want to talk about pretend and make-believe stuff.” The interviewer will clarify any points necessary for the child and check the child’s understanding of the interview “rules.”

It is vital to the interviewing process that the child and interviewer have ample time to get to know each other. The interviewer will want to do a developmental assessment of the child to determine his or her cognitive and linguistic abilities. Then the process of asking more focused questions about the child’s life and experiences can begin.

If the child discloses sexual abuse, the interviewer will need to seek details to verify the credibility of the statements. Particularly relevant are descriptions of details of sexual activity beyond the developmental level of knowledge for a child that age. Any elements of secrecy, coercion, or enticement must also be explored. The investigator will need details of the frequency and duration of the abuse and of the offender’s activities before and after. Sensory details of touch, sight, hearing, and taste from a participant’s perspective are extremely important. All of this information will be considered in the final assessment of the child’s statements. Statements may be somewhat confused and details missing because of children’s natural dissociative responses to traumatic experiences. The presence or absence of any one element is not conclusive; investigators will look at the complete picture to determine the validity of the statements. Validation tests like the Parent Alienation Syndrome (which purports to separate fictitious allegations from valid ones in custody disputes) have received little acceptance by professionals in the field. These approaches would also be unlikely to pass the legal “Frye Test” used by courts, which requires that the procedure meet standards of scientific reliability. For these reasons, validation “tests” are generally avoided by experienced investigators.

**Medical Examination**

Investigators must decide under what circumstances they will seek a medical examination of the child. The medical practitioners need skill in examining children and acquiring information in the least traumatic way possible. To satisfy legal requirements, any evidence discovered must be properly preserved, observing the “chain of custody” rule. (See the article by Kerns and colleagues in this journal issue.)

**Crime Scene**

Investigators will have to decide how crime scene work will be handled. Historically, this aspect of investigations has been inappropriately overlooked in intrafamily sexual abuse cases.
Deciding About Substantiation
The investigators must determine whether the child was abused and, if so, who was responsible for the abuse and whether the investigators have adequate evidence to support their conclusions. By examining the totality of the evidence, including statements by witnesses, medical and psychological information, and crime scene and other circumstantial evidence, investigators decide whether they can substantiate the case.

Deciding About Case Action
Once investigators conclude that abuse occurred, they must decide what will be done about it. In most instances of substantiated sexual abuse, the child protection agency will develop a family treatment plan to reduce the risk of further abuse and to give the child and family an opportunity to heal. Under the federal law Public Law 96-272 (the Adoption Assistance and Child Welfare Act of 1980), investigators must determine that reasonable efforts have been made to keep the child at home before resorting to foster care. Failure to meet this standard can jeopardize federal funding for the case. If the child cannot stay at home, placement with a supportive relative is preferable, or if that is not possible, then in a foster care home. Sexual abuse victims are more likely to be removed from their homes than are victims of other types of abuse. Tjaden and Thoennes report that custody petitions were filed in 49% of all validated sexual abuse cases, 24% of physical abuse cases, and 29% of all neglect cases. This reflects the belief that it is more difficult to protect children from sexual abuse in the home in which the offender still lives.56

The investigator or investigative team in conjunction with the prosecutor must also decide whether to begin criminal proceedings. Prosecution is more common for sexual abuse than for other forms of abuse. In 17% of sexual abuse cases, criminal charges are filed, compared to 1% to 3% for other types of abuse. The age of the child, the ability of the child to tolerate the adversarial court system, and the presence of other evidence all affect the decision to prosecute.56 (See the article by Myers in this journal issue for more on this subject.)

Conclusion
The reporting and investigating of child abuse in general, and sexual abuse in particular, are fraught with difficult issues. Legal reforms and innovative developments in child protection practices and procedures strive to improve effectiveness in these areas. New laws requiring mandatory reporting and reporter immunity from civil liability encourage prompt and thorough reporting, and they should not be modified. Multidisciplinary investigative teams with clearly defined roles and established protocols add to the efficiency of the investigative process, and more communities should embrace these and eliminate confidentiality barriers to such interagency efforts. Child advocacy centers modeled on the Huntsville, Alabama, center create environments conducive to good team efforts and minimize the strain of the investigation on child victims. New available technology can assist in the gathering and documentation of relevant information.

More can be done. Better education of professionals who may come in contact with abused children will improve awareness of their responsibilities to child protection. A better-educated public will know to share reasonable suspicions of abuse with authorities. Twenty-four-hour hot lines, fax capacity, and ample trained intake staff will further reduce barriers to reporting. A uniform national reporting database like the one currently being developed (the National Child Abuse and Neglect Data System) can provide information for the monitoring of reporting and screening methods. The investigation of child abuse, and particularly, child sexual abuse, takes time and a sensitive, well-trained staff. Better financial resources are needed to eliminate excessive staff work loads so that all involved in the system—child protection, law enforcement, prosecutors, health professionals, and others—can respond well to all legitimate child abuse cases.

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15. See note no. 10, Zellman, p. 15.


22. See note no. 3, U.S. Congress, House, Select Committee on Children, Youth, and Families, p. 25.


25. For a statement of Besharov’s views, see note no. 18, Besharov.


28. See note no. 7, Finkelhor, p. 29.

29. For a description of law enforcement’s role in child abuse reporting and investigation, see note no. 8, U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect.

30. See note no. 19, Flango, p. 410.


34. This role definition was noted as a problem by a number of states, including Alabama, Michigan, Minnesota, North Carolina, Pennsylvania, and Texas, in a 1987 congressional hearing. See note no. 3, U.S. Congress, House, Select Committee on Children, Youth, and Families.


38. For example, the centers in Huntsville, Alabama, and DuPage, Illinois, were created in the absence of any statute.

39. See 42 U.S.C. Section 5106a (c)(s).


47. Everett, Washington, prosecutor Paul Stern has expressed concern that the technology may also be given undue weight in a society brought up with television shaping our views. Stern, P. *Con: Videotaping interferes with accurate determination of guilt*. *APSAC Advisor* (1992) 2:5-8.


