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Richard T. Cozzola

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INTRODUCTION

Eighteen years after its initial clinical definition as "battered child syndrome"¹, child abuse and neglect is now widely recognized as a major social problem. Some form of child abuse and neglect occurs at least eight hundred thousand times annually in the United States.² Moreover, in Illinois, the number of reported cases of abuse and neglect increases annually.³ The effect of child abuse on society is manifested by the large percentage of violent criminals and abusive parents who were abused as children.⁴ Nationwide, legislation has grown from a few criminal statutes in 1962, to its current status of a mandatory reporting act in each state.⁵ In addition, Congress has created a federal agency to deal

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¹. Kempe, Silverman, Steele, Droegemueller & Silver, The Battered Child Syndrome, 181 J.A.M.A. 17 (1962). "Battered child syndrome" was the first medical term used to describe what later became commonly known as child abuse. Its diagnosis was the result of observing a consistent pattern of severe broken bone injuries in young children, and discovering that those injuries were caused by intentional acts of the parents. When legislation was enacted to combat battered child syndrome, the terms "abused child" or "child abuse" were used to describe the intentional physical injuries caused to children, as well as other kinds of harm. In this article, "child abuse" will be used in this broad context, to describe physical abuse (including battered child syndrome), sexual abuse, emotional abuse, and neglect. See notes 39 through 53 supra and accompanying text for a more detailed analysis of these terms in Illinois. See generally Fraser, A Glance at the Past, A Gaze at the Present, A Glimpse at the Future: A Critical Analysis of the Development of Child Abuse Reporting Statutes, 54 CHI.-KENT L. REV. 641, 645-648 (1978) [hereinafter cited as Fraser, Critical Analysis].

². It has been estimated that in one year, 100,000 to 200,000 children are physically abused; 60,000 to 100,000 are sexually abused; 700,000 to 800,000 are neglected; and 2,000 die from some form of child abuse. D. Besharov, DRAFT-FEDERAL STANDARDS FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROJECTS xi (1978).


⁵. EDUCATION COMMISSION OF THE STATES, REPORT NO. 106, TRENDS IN CHILD PROTECTION LAWS—1977 18-21 (1978) [hereinafter cited as TRENDS IN CHILD PROTECTION].
with child abuse and neglect.  

Despite the increased attention given to abuse and neglect, many of those who work in the child protection field are becoming frustrated with treating only the symptoms of the problem. They find themselves in the position of the person who saves drowning person after drowning person from a river, but eventually walks away exhausted, to go upstream to find out who is pushing everyone in the water. Most legislation in child abuse and neglect does not help in the upstream trek, because it deals primarily with abuse after it occurs, attempting to aid the abused children and their families after the child has been “pushed in the water”. Although there is little dispute as to the need for legislation which deals with children and families after abuse occurs, such legislation has received criticism on two fronts. First, it has been pointed out that too few states have passed legislation designed to prevent abuse before it occurs. On the other hand, numerous critics have found current legislative approaches to be unconstitutional intrusions on the rights of family privacy. Thus, efforts at child protection often walk a thin line between state protection of the child through its

6. This agency is called the National Center on Child Abuse and Neglect. In addition, several private organizations are dedicated solely to problems of child abuse. These organizations include: The National Committee for the Prevention of Child Abuse; The National Center for the Prevention and Treatment of Child Abuse; Parents Anonymous; and the American Humane Association. 

7. See G. Egan & M. Cowan, People in Systems: A Model for Development in the Human-Service Professions and Education 3-4 (1979). The authors term this cycle the “burned out helper syndrome”.


9. See generally Bricker, Summary Removal of Children in Abuse and Neglect Cases: The Need for Due Process Protection, 2 Fam. L. Rep. 4037 (1976); McCathren, Accountability in the Child Protection System: A Defense of the Proposed Standards Relating to Abuse and Neglect, 57 G.B.U.L.R. 707 (1977); Wald, State Intervention on Behalf of “Neglected” Children: A Search for Realistic Standards, 27 Stan. L. Rev. 985 (1975). In addition, as long ago as 1870, an Illinois case challenged the broad grant of power to an agency to care for children who did not have proper parental care. People ex rel. O'Connell v. Turner, 55 Ill. 280 (1870), provides a scathing attack on the use of parens patriae powers by the Chicago Reform School. This position was later reversed in County of McLean v. Humphreys, 104 Ill. 378 (1882).
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 parens patriae powers, and denial of the due process rights of parents and children. 10

Recently, Illinois enacted legislation which substantially revises the Abused and Neglected Child Reporting Act. 11 In doing so, Illinois takes a first step towards prevention of abuse and neglect by increasing emphasis on voluntary services. 12 This article will analyze both the amendments to the Reporting Act and the sections of the older Reporting Act that are still in force. It will examine the strengths and weaknesses of the Reporting Act as a whole, and make recommendations for improving it. Finally, by recommending preventive measures, this article will present an upstream model of child abuse legislation.

THE ILLINOIS ABUSED AND NEGLECTED CHILD REPORTING ACT 13

Background

Illinois' legislative response to child abuse and neglect began long before the enactment of Illinois' first mandatory reporting statute. 14 As early as 1899, the Illinois Family Court Act 15 granted the Family Court jurisdiction over neglected children. "Neglected children" was judicially construed to include abandoned and medically uncared for children. 16 However, this act did not specifically include those who suffered abuse through an intentional infliction of a physical injury. Following the clinical identification of "battered child syndrome" 17 in the early 1960's, the courts and legislatures recognized the intentional nature of child abuse and re-

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10. Although parens patriae literally means "the father of the state", the phrase actually refers to the state's assumption of the role of a parent to care for a child or incompetent person in those situations where the child is not properly cared for by his parents. Thomas, Child Abuse and Neglect: Historical Overview, Legal Matrix, and Social Perspectives, 50 N.C.L.R. 293, 315 (1972). See also the early discussion of parens patriae in People ex rel. O'Connell v. Turner, 55 Ill. 280, 283-85 (1870), as well as the recent commentary on the concept in In re Wheat, 68 Ill. App. 3d 471, 386 N.E.2d 278 (1979).

11. ILL. REV. STAT. ch. 23, §§ 2052-2061.7 (1979) [hereinafter referred to as to the Act].


14. One of the earliest legislative responses in Illinois to child neglect was a statute that provided that fines collected from prosecutions involving cruelty to animals or children would be used for the support of agencies working in those fields. 1885 Ill. Laws 200.

15. Provisions for neglected and dependent children have been part of this act since it went into effect on July 1, 1899. See ILL. REV. STAT. ch. 23, § 161 (1901).

16. People ex rel. Wallace v. Labrenz, 411 Ill. 618, 104 N.E.2d 769, cert. denied, 344 U.S. 824 (1952). The Wallace court found that an infant girl, whose parents refused to allow an essential blood transfusion for her, was a neglected child under the Juvenile Court Act.

17. The clinical identification was made by Dr. C. Henry Kempe, supra note 1.
responded with an emphasis on criminal prosecution of abusive adults. Although Illinois has initiated criminal prosecutions for child abuse in the past and continues to do so, the utility of consistently invoking criminal sanctions is highly questionable.

A child abuse reporting act is a marked contrast to criminal abuse legislation. Instead of mandating criminal prosecution for abuse or neglect of a child, a reporting act seeks to do three things. First, it attempts to identify those who are abused by requiring reporting of known and suspected abuse. Next, a reporting act outlines procedures for investigating the reports. Finally, such enactments provide for state intervention to save the abused child from further injury as well as to assist that child's family.

Once a report of alleged child abuse is submitted, an investigation ensues. If the investigation substantiates the existence of child abuse, then the abusing adults have two alternatives. They can either submit to a voluntary treatment plan or face a court...
hearing.27

Only a relatively small percentage of reports made under reporting acts are resolved by court hearings.28 Under the Illinois statutory scheme, court involvement may occur in either a criminal or Juvenile Court proceeding. Unlike the criminal proceedings which may lead to conviction and punishment,29 Juvenile Court proceedings are more closely aligned with the intervention goals of the Reporting Act. If a Juvenile Court makes a finding that the minor is "neglected",30 it can order specific treatment for the child and his parents or guardians.31

Contents of the Illinois Reporting Act

Purpose

The purpose section of the Illinois Child Abuse and Neglect Reporting Act,32 like the purpose clauses of other reporting acts,33 broadly sets out the goals of the Act. The Illinois goals were initially threefold: 1) To protect the best interests of the child; 2) To prevent further harm to children; and 3) To stabilize home envi-

27. Id. at §§ 2058.2 and 2058.3.
28. Mr. Brian Fraser, executive director of the National Committee for the Prevention of Child Abuse estimates that approximately 20% of the reports of abuse nationwide are resolved in court adjudications. Interview with Brian Fraser in Chicago (October 18, 1979). See notes 61 through 71 infra and accompanying text for a description of the Illinois procedures which may result in avoiding court involvement in resolving instances of possible abuse.
29. See notes 18 through 21 supra and accompanying text. Such criminal prosecutions may be initiated under various "cruelty to children" statutes. See, e.g., ILL. REV. STAT. ch. 23, § 2368 (1979), as well as various sexual abuse provisions found in the Illinois Criminal Code, ILL. REV. STAT. ch. 38, § 11-1 et seq. (1979).
30. See ILL. REV. STAT. ch. 37, § 702-4 (1979). The Juvenile Court Act definition of neglect is quite broad and encompasses the definitions of "abused child" and "neglected child" as set forth in the Reporting Act. Id. at ch. 23, § 2053 (1979).
31. Although the Juvenile Court finding of neglect is not criminal in nature, it does allow the court to order a child removed from his or her home, or to require a specific treatment plan if the child is allowed to remain in the home. ILL. REV. STAT. ch. 37, § 705-1 et seq. (1979).
33. See, e.g., IND. CODE ANN. § 31-5.5-3-1 (Burns, 1979 Cum. Supp.); CONN. GEN. STAT. § 17-38a (1979 Cum. Supp.). Other states, such as Missouri, do not have a purpose clause.
environment and preserve family life whenever possible.\textsuperscript{34} Although few would argue with the propriety of these goals, they may be virtually unattainable.\textsuperscript{35} Specifically, the goals of the purpose section point to the inherent conflict in child abuse and neglect cases. For often, when the state intervenes to prevent further harm to the child, its actions disrupt the home environment it ideally seeks to preserve. Moreover, removal of the child from the home seems directly contrary to the preservation of family life.\textsuperscript{36}

In revising the purpose clause, the legislature added a fourth goal to the Reporting Act: the reporting of institutional abuse of state wards.\textsuperscript{37} Although this addition does focus much needed attention on problems of institutional abuse, it probably does not expand the actual scope of the Act. As under the previous statute,\textsuperscript{38} reporters must report abuse of any child reasonably believed to have been abused, regardless of the nature of the institution where the abuse occurred.

Definitions

In order to effectuate the legislative intent behind the Act, it is necessary that the persons who are responsible to report fully un-

\textsuperscript{34} ILL. REV. STAT. ch. 23, § 2052 (1979). A second important modification related to the purpose of the Reporting Act points out the new Act's aim of emphasizing voluntary services. This addition states that any person may use the services provided by the Act regardless of whether abuse or neglect has occurred. However, the regulations of the Department of Children and Family Services severely limit the situations in which the Department will provide for voluntary services. See DEPARTMENT OF CHILDREN AND FAMILY SERVICES, REGULATION No. 2.16 (Voluntary Agreement Temporary Custody of Children) (1976).

\textsuperscript{35} Compare the Illinois goals with the more generalized and realistic goals of the Indiana statute, which provides:

It is the purpose of this chapter to encourage effective reporting of suspected or known incidents of child abuse or neglect, to provide in each county an effective child protection service to quickly investigate reports of child abuse or neglect, to provide protection for a child or children from further abuse or neglect, and to provide rehabilitative services for the child, or children and the parents involved.

IND. CODE ANN. § 31-5.5-3-1 (Burns, 1979 Cum. Supp.).

\textsuperscript{36} Recently, an Illinois case recognized this conflict when it stated, "[I]t is clear that the parent's right to custody will not prevail when the court determines it is contrary to the best interest of the child." In re Weinstein, 68 Ill. App. 3d 883, 887, 386 N.E.2d 593, 596 (1979). See also In re Wheat, 68 Ill. App. 3d 471, 476, 386 N.E.2d 278 (1979).

\textsuperscript{37} ILL. REV. STAT. ch. 23, § 2052 (1979). This attention to institutional abuse may have been initiated by increased local and national attention to institutional abuse. See Chicago Sun-Times, Sept. 10, 1979, at 3, col. 1. See generally UNITED STATES NATIONAL CENTER ON CHILD ABUSE AND NEGLECT, CHILD ABUSE AND NEGLECT IN RESIDENTIAL INSTITUTIONS (1978). ILLINOIS DEPT. OF CHILDREN AND FAMILY SERVICES REGULATION 2.15 (1975) provides for reporting and investigating cases of abuse in IDCFS institutions.

\textsuperscript{38} ILL. REV. STAT. ch. 23, § 2054 (1975).
derstand what situations constitute abuse and neglect. Thus, the definitional section, important in all legislative enactments, takes on added significance in a reporting act.

1. Abused Child

In the past, "abuse" was defined as non-accidental "physical injury, sexual abuse or mental injury." Although these three elements are included in the new Act, each appears in substantially altered form. Generally, "abused child" is now specifically defined to include "serious physical injury; death; disfigurement; impairment of physical . . . or emotional health; or loss or impairment of any bodily function," which is non-accidental, and inflicted by a person responsible for the child's welfare. The statute's use of "impairment of . . . emotional health" to replace "mental injury" is one important clarification made by the new Act. Unlike "mental injury", which left unclear the question of whether some physical manifestation of injury was required in cases of mental abuse, the new terminology seems to indicate that no physical injury is necessary to constitute a reportable case of emotional abuse.

Perhaps the most significant redefinition concerns sexual abuse. The new Act simply defines sexual abuse as the commission or allowing the commission of "a sex offense against such child, as defined in the Criminal Code of 1961." Thus, Illinois follows the recent trend set by other states in more sharply delineating sex-

44. Mental injury and emotional abuse have been called "the most intangible of all the elements that compose the definition of child abuse." Fraser, Critical Analysis, supra note 1, at 655. A recurring question is whether a physical consequence is required to establish existence of mental or emotional abuse or injury. As an example of the difficulties in this area, the participants in a national workshop on emotional abuse were unable to agree on a specific definition of emotional abuse. Lourie, On Defining Emotional Abuse: Results of an NIMH/NCCAN Workshop on Child Abuse and Neglect, in National Center on Child Abuse and Neglect, Issues on Innovation and Implementation 199-208 (1978).
46. The current listing of states which define sexual abuse includes: Ind. Code Ann. §
ual abuse.  

2. Neglected Child

Although the new definition of a "neglected child" is quite similar to the former definition of "neglect", it makes one significant change. The new definition does not specifically define "neglected child" as one who is in an environment injurious to his welfare. This language, which is still retained by the Juvenile Court Act, was deliberately omitted from the Reporting Act and it underscores, perhaps mistakenly, the difference between the two legislative enactments. The inclusion of the "environment injurious"
language in the previous reporting legislation was unnecessarily broad and confusing. Furthermore, the legislature's omission of the phrase should focus attention on the distinction between abuse and neglect. By omitting the "environment injurious" language, the new Act emphasizes that neglect, the deprivation of the necessities of life, can occur without any resulting physical, emotional, or sexual injury.\(^5\)

Persons Required to Report

Central to any reporting statute is the legislative determination of the particular persons who are mandated to report child abuse and neglect. Accordingly, the Act continues to require reporting from medical, law enforcement, and school personnel, as well as social workers.\(^4\) In addition, the Act imposes the reporting obligation on personnel from particular Illinois agencies.\(^5\) Surprisingly, the Illinois Department of Children and Family Services (IDCFS), which is mandated to investigate and treat reported child abuse, is not listed among these agencies. Although a substantial number of IDCFS personnel might be required to report as social, foster, or child care workers, the failure to specifically name IDCFS as a mandated reporter detracts from the clarity of the Act and seems contrary to the purpose of a reporting act.\(^6\) Moreover, in light of the new Act's concern for institutional abuse\(^7\) and of the IDCFS workers' unique responsibility to investigate abuse within state institutions, inclusion of the agency would seem imperative.

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54. In addition, all other people are permitted to report if they, like the mandated reporters, have reasonable cause to believe a child is abused or neglected. ILL. REV. STAT. ch. 23, § 2054 (1979). It has been suggested that the phrase "reasonable cause to believe" implies objective criteria for reporting. It would thus require reporting whenever the potential reporter knows of circumstances that would give a reasonable man the belief that a given child has been abused or neglected. See Sussman, Reporting Child Abuse: A Review of the Literature, 8 Fam. L.Q. 245 (1974), for further discussions of the reporter's state of mind.
55. Field personnel of the Departments of Public Aid, Mental Health and Developmental Disabilities, Corrections, and Public Health, as well as probation officers and child care workers are now required to report. ILL. REV. STAT. ch. 23, § 2054 (1979).
56. Nor does the claim that IDCFS workers are social, foster, or child care workers explain why other agencies, whose personnel could also be thus included, were specifically named in the Act.
57. See ILL. REV. STAT. ch. 23, § 2052 (1979).
A second modification clarifies the circumstances under which reporters must report. The new Act requires reports of "a child known to [mandated reporters] in their professional or official capacity . . . ." Consequently, when a person who is ordinarily responsible to report acts outside of her professional role, the mandatory reporting obligation does not apply. Of course, this individual may, like all other persons, choose to voluntarily report. Certainly, the distinction between professional and private roles will not always be apparent. However, the new provisions clearly limit the potential liability for failure to report.

Reporting Procedures

In describing the procedures IDCFS must follow in responding to an initial report of abuse or neglect, the legislature has provided a detailed outline of the agency's responsibilities. Essential to carrying out the IDCFS statutory mandate is the Child Protective Services Unit (CPSU). The CPSU receives information concerning oral reports and mandatory written, follow-up reports. In emergencies, the CPSU must investigate reports immediately, while in all other cases they must initiate their investigation within twenty-four hours of the initial report. If the investigating person cannot get access to the child who is the subject of the initial report, a court or law enforcement agency can intervene. After investigating, the CPSU must determine whether the case is unfounded or indicated. Even in situations in which the CPSU decides to close a case as unfounded, the Act allows that unit to

59. Id.
62. ILL. REV. STAT. ch. 23, § 2053 (1979). This section should be read in conjunction with the description of the CPSU's functions. ILL. REV. STAT. ch. 23, § 2057 et seq. (1979).
64. Ill. Rev. Stat. ch. 23, § 2057.4 (1979). This section also provides that the investigation shall include an evaluation of the child's environment, a determination of the risk to the child by remaining in that environment, a specific investigation of conditions given in the original report to IDCFS, and an examination of other children in the home.
66. Id. at § 2057.12. See note 99 infra for the definitions of unfounded, undetermined, and indicated.
offer social services to the child or family.\textsuperscript{67}

When the CPSU determines that probable cause of abuse or neglect exists, it is required to develop an appropriate service plan for the family's voluntary acceptance or refusal.\textsuperscript{68} The CPSU is also required to explain both its lack of legal authority to compel compliance with a plan, and its concomitant power to file a neglect petition in Juvenile Court.\textsuperscript{69} In addition, the CPSU may assist the court if a petition is filed in neglect proceedings under the Juvenile Court Act.\textsuperscript{70} Finally, any rehabilitation or treatment that the family and child participate in, whether voluntary or court-ordered, is to be monitored by the CPSU.\textsuperscript{71}

By emphasizing the use of a unit instead of an individual social worker, the CPSU appears to resemble what other states have called Multi-disciplinary Child Protection Teams.\textsuperscript{72} The two con-
cepts, however, are quite different in form and function. Unlike the CPSU, which is made up entirely of IDCFS personnel, a multi-disciplinary team is made up of experts from such diverse fields as law, psychology, medicine, and child development. In addition, in some states, the multi-disciplinary team is distinct from the investigatory agency and it reviews that agency’s actions before deciding whether to recommend filing of a petition to initiate a judicial hearing. In contrast, the CPSU both investigates and makes its own decision of whether court action is necessary. Regrettably, the Illinois approach avoids the obvious benefits of a team of experts and, at the same time, provides no objective check on IDCFS’s decision to seek judicial involvement in individual cases.

Temporary Protective Custody

One of the most controversial aspects of child abuse and neglect legislation is the concept of temporary protective custody. Although the indisputable objective of temporary protective custody is to take the child out of imminent danger and provide immediate, necessary care, certain genuine questions about this practice remain. One such concern has been the placement of children after temporary protective custody is taken. The new Act responds by

In several states these teams are merely advisory boards with little or no decision making powers. They are designed to provide expertise in psychiatry, law, medicine, and social work to those people who investigate reports of abuse and neglect. Other states, while maintaining the use of experts from several fields, mandate that the team investigate all reports of abuse in its geographic area, arrange for protective services for the child, and file petitions in court on behalf of the abused child. See generally Fraser, Critical Analysis, supra note 1, at 675-677.

73. ILL. REV. STAT. ch. 23, § 2053 (1979).


75. One of the fairly consistent problems faced by IDCFS is the negative publicity directed at the agency when children who are left in the custody of parents under investigation suffer serious injury. To avoid such criticism, IDCFS may use the Juvenile Court more often to make decisions concerning return to the original home, instead of making those decisions itself. A Child Protection Team also could diffuse criticism directed at IDCFS by making the final decision as to whether to recommend prosecution. IDCFS could thus return to its goals of treating the child and family as outlined in ILL. REV. STAT. ch. 23, § 2052 (1979).

76. Fraser, Critical Analysis, supra note 1, at 675.

77. Under the prior statute, if temporary protective custody was taken by a hospital doctor, the child could be temporarily retained at the hospital. In other situations, temporary custody could be maintained in a foster home, an IDCFS shelter care facility, or a temporary detention center (such as the Audy Home in Chicago). ILL. REV. STAT. ch. 37, §§ 703-1 to 703-8 (1978).
allowing only certain kinds of institutional custody. A more fundamental question concerns the precise nature of the circumstances which justify removal of the child from the home without violation of the parents’ due process rights. Unfortunately this question is left unaddressed in the Act.

The Act permits IDCFS personnel and physicians to take protective custody of the child providing three specific conditions are met. However, unlike the Juvenile Court Act provisions, the new Act fails to state the maximum period a child may be kept in temporary custody without a hearing or notice to parents. The

78. ILL. REV. STAT. ch. 23, § 2053 (1979). This revision does not allow temporary protective custody to be maintained at the places for “detention of criminal or juvenile offenders” (e.g., the Audy Home). A similar revision in the Juvenile Court Act provides for the same result. ILL. REV. STAT. ch. 37, § 703-6 (1979).

79. Where standards for taking temporary protective custody were overly broad, they were found to violate procedural due process under the fourteenth amendment by impinging on a fundamental right of family integrity. Roe v. Conn, 417 F. Supp. 769, 777-78 (M.D. Ala. 1976). But see Sims v. State Dept. of Public Welfare, 438 F. Supp. 1179 (S.D. Texas, 1978), rev’d on other grounds sub nom. Moore v. Sims, _ U.S. _, 99 S.Ct. 2371 (1979). The Sims decision found that the Texas temporary protective custody procedure, which failed to provide for an adversary hearing after the child was removed from his parents’ home, was constitutionally infirm. However, the court held the language of the temporary protective custody statute itself was constitutionally adequate. 438 F. Supp. 1179, 1192-94. See generally Bricker, Summary Removal of Children in Abuse and Neglect Cases: The Need for Due Process Protection, 2 FAM. L. REP. 4037 (1976); Levine, supra note 69, at 29.

80. Recommendations for remedying this deficiency are discussed at notes 108 through 113 infra and accompanying text.

81. ILL. REV. STAT. ch. 23, § 2055 (1979). This section of the Reporting Act should be read in conjunction with the temporary protective custody sections of the Juvenile Court Act. ILL. REV. STAT. ch. 37, §§ 703-1 to 703-8 (1979). Only police officers are allowed to take such custody under the Juvenile Court Act. The previous reporting act specifically named only doctors as individuals who could take such custody. ILL. REV. STAT. ch. 23, § 2055 (1975).

82. Those persons whom the Reporting Act allows to take temporary protective custody, may do so only if the following conditions are met: 1) The person acting has reason to believe that the child’s current circumstances present an “imminent danger to that child’s life or health.” 2) The responsible adult is unable, or does not consent to the removal of the child from his or her custody. 3) No time exists to apply for a court order for temporary custody under the Juvenile Court Act. ILL. REV. STAT. ch. 23, § 2055 (1979). The stating of these explicit conditions is the major change in the new Act’s approach to temporary protective custody.

83. ILL. REV. STAT. ch. 37, § 703-5 (1979), requires that “a minor taken into protective custody must be brought before a judicial officer within 48 hours, exclusive of Sundays and legal holidays.” If the minor is not so treated, he or she must be released. Id. One reason for the exclusion of a time limit from the Act might be an unstated assumption that once custody is taken the Juvenile Court Act’s temporary custody provisions control.

84. Reasonable effort to notify the persons responsible for the child’s welfare is all that is required. ILL. REV. STAT. ch. 23, § 2055 (1979). See MASS. GEN. LAWS ANN. ch. 119, § 51B(3) (West Cum. Supp. 1979) and N.Y. SOC. SERV. LAW § 417 (McKinney, 1979) for two
severity of the state intrusion in temporary protective custody re-
quires a legislative pronouncement giving the child and parents the
procedural protections ensured by the Juvenile Court Act.56

Photographs and X-Rays

Illinois remains one of twenty states which provide for the tak-
ing of photographs and x-rays in child abuse investigations.66 The
Illinois Act allows those people investigating cases of suspected
abuse to “take . . . color photographs and x-rays of the area of
trauma on the child who is the subject of a report.”67 This brief
section provides an invaluable tool for proving abuse or neglect in
court hearings.68 X-rays or photographs, when accompanied by ex-
pert medical testimony, can establish that certain injuries sus-
tained by a child could have been caused only by abusive acts.69
The Act ensures immunity from prosecution for those who take
the photographs and x-rays.70 The only modification made by the
amendments requires the person taking the x-rays or photographs
to attempt to notify the child’s parents of the action taken.71

Abrogation of Privileged Communications

The abrogation of privileged communication in reports and court
adjudications concerning child abuse and neglect is one of the

variations which do place limits on emergency custody.

85. See note 83 supra.

86. See, TRENDS IN CHILD PROTECTION, supra note 5 for a listing of the other states.

87. ILL. REV. STAT. ch. 23, § 2056 (1975).


In Illinois, color slides of a dead infant showing numerous bruises have been found admissible in neglect hearings. People v. Brown, 83 Ill. App. 2d 411, 228 N.E.2d 495 (1967). See also In re Brooks, 63 Ill. App. 3d 328, 379 N.E.2d 872 (1978).

89. Certain kinds of burns and bone fractures are especially recurrent in cases of child abuse. See B. SCHMITT, THE CHILD PROTECTION TEAM HANDBOOK 43 (1978); Brown, Fox and Hubbard, Medical and Legal Aspects of the Battered Child Syndrome, 50 CHI.-KENT L. REV. 45, 71-75 (1974). One such injury apparently was involved in In re Christenberry, 69 Ill. App. 3d 565, 387 N.E.2d 923 (1979), where a medical expert testified concerning the skull fracture suffered by an infant.

90. In addition, the Act provides immunity for all persons who in good faith participate in investigations of children that may be neglected or abused. The immunity extends also to those who report instances of neglect or abuse under the Act. To further this purpose, the Illinois statute creates a presumption of good faith for all reports made under the Act. ILL. REV. STAT. ch. 23, § 2059 (1979).

91. ILL. REV. STAT. ch. 23, § 2056 (1979). Actually, the statute refers not only to parents, but to those persons responsible for the child’s welfare.
unique aspects of legislation in this field. The previous Reporting Act revoked the privileges only in judicial proceedings, but the recent revisions expand abrogation to all situations in which reporting is required. Despite this expansion, some ambiguity persists. For example, although other states expressly retain the attorney-client privilege, Illinois fails to specify whether this privilege remains intact under the Reporting Act. However, several factors indicate that the attorney-client privilege has been retained. First, the Act abrogates privileges only as to those people who are required to report or who actually report, and to those individuals who investigate reports under the Act. An attorney does not fit any of these categories. Second, allowing an attorney to testify concerning the child abuse admissions of a client could undermine one of the general goals of the judicial system—confidence in one’s attorney. Notwithstanding these factors, a clearer statement explicitly retaining the attorney-client privilege is necessary.

Central Register

The Act establishes a central register which serves as a reposit-
tory for all reports made under the Act.99 Such reports are transmitted to the central register by the CPSU.100 Maintaining a register of all reports allows IDCFS to notify CPSU units of previous reports of abuse or neglect involving the same child.101 The register, however, releases no information unless it comes from an “indicated” report of abuse or neglect.102 The determination of whether a report is “indicated” is made by the CPSU.

Some measure of procedural protection must be accorded to persons named in reports and the Act embodies three such measures. First, the subject of any report can request expungement of identifying information from the register. If the request is denied, the person has a right to a hearing at which IDCFS will have the burden to prove the accuracy of the report.103 The second procedural protection requires the subject’s notification each time a record


In addition, four new definitions are essential to the central registry section. An “unfounded report is one which has no credible evidence to verify it.” A report which is supported by credible evidence is an “indicated report.” An “undetermined report” is one which was never completed because of insufficient information. Finally, “the subject of a report” refers to the child and responsible adult named in a report which is later sent to the central register. ILL. REV. STAT. ch. 23, § 2053 (1979).

100. ILL. REV. STAT. ch. 23, § 2057.9 (1979). Among the ways the new Act differs from the previous statute is the enunciation of explicit goals for the central register. The new Act states:

Through the recording of . . . reports, the central register shall be operated . . . to enable the Department to: (1) immediately identify and locate prior reports or cases of child abuse or neglect; (2) continuously monitor the current status of all cases of child abuse or neglect . . . and (3) regularly evaluate the effectiveness of existing laws and programs . . .

ILL. REV. STAT. ch. 23, § 2057.7 (1979).

101. Id. at § 2057.8.

102. Id. Although the statute’s use of “whether” appears ambiguous, it is fairly clear from other sections that the new Act foresees that no unfounded report will be released. The statute provides that all “information identifying the subjects of an unfounded report shall be expunged from the record forthwith.” Id. In addition, all records shall be removed from the register within five years after the last report involving someone named in that report. Id. at § 2057.14.

103. ILL. REV. STAT. ch. 23, § 2057.16 (1979). However, a previous court finding of neglect is presumptive evidence that the report was not unfounded. Id.
naming that person is amended, expunged or removed.\textsuperscript{104} Finally, the Act attempts to ensure confidentiality by making the unauthorized release of records a criminal offense.\textsuperscript{105}

**Recommendations for Improving Child Abuse and Neglect Legislation**

Illinois' statutory response to child abuse and neglect, although relatively comprehensive in scope, is alone insufficient to curb the continuing problems of abuse and neglect. Efforts must be directed to the prevention of abuse before it occurs. Thus, action must be taken which is entirely outside the scope of the new Act. Moreover, the Act should be improved by clarifying the definitional section and the key concepts embodied by the Act.\textsuperscript{106} Progressive measures already used in other states should also be incorporated.

**Clarification of Key Terms**

The concept of temporary protective custody, embodied in the Act,\textsuperscript{107} must be modified to better protect the legitimate interests of the parent and child. The summary removal involved in such

\textsuperscript{104} Id. at § 2057.17. In addition, a subject of a report, with some reservations, is entitled to receive a copy of all information concerning him or her, which is located in the central register. Id.

One other use of the central register is clear from the provisions of the new Act, its value in aiding research. Although such a use is not specifically mentioned, statistics from the register would appear to be of use in the education and training program established by the new Act. In establishing a goal of informing the general public of various aspects of child abuse and neglect, Illinois joins 13 other states that also have established education and training as part of their reporting statute. The amount of funding such a program will receive is unclear. Equally vague is the role of the “State-wide Citizen’s Committee on Child Abuse and Neglect.” Created to consult with and advise the Director of IDCFS, that Committee has a broad spectrum of information to gather, but no statutory power to implement any programs. Ill. Rev. Stat. ch. 23, §§ 2061.5 and 2061.7 (1979). See generally Trends in Child Protection, supra note 5, at 18-21.

\textsuperscript{105} Breach of confidentiality is a Class A Misdemeanor. Ill. Rev. Stat. ch. 23, § 2061 (1979). However, the Act allows certain listed people to have access to the records. Id. at § 2061.1.

\textsuperscript{106} As noted above, one of the first changes in a reporting act revision in Illinois should be a removal or refining of unclear definitions. See discussion in note 47 supra and accompanying text. A second modification should be the addition of IDCFS workers to the list of mandatory reporters. Although such personnel may already be included in the broader categories in the Act, specific mention of IDCFS workers, like the listing of workers from other state agencies, would focus attention on the fact that such workers have a high frequency of contact with abused and neglected children. The absence of any mention of IDCFS personnel is also contrary to the Act’s purpose of preventing institutional abuse. See notes 55 and 56 supra and accompanying text.

custody demands a sensitive balancing of interests. The danger of the child remaining with possibly abusive parents must be weighed against the right of parents to choose how to raise their own children. One commentator has recommended that temporary protective custody be permitted only upon a showing that a child has been subjected to such serious and imminent danger that irremediable harm is likely to result to the child. The current Illinois standard of "imminent danger to that child's life or health," although superficially similar in meaning, is unnecessarily broader than the suggested standard. For example, the Illinois standard authorizes summary removal when a social service worker determines that a child is subject to imminent danger. Since custody decisions may often be influenced by cultural biases, the likelihood for improper summary removal increases under Illinois' broad standard. In contrast, the irremediable harm standard would mandate a more studied approach by those removing a child from her home. Finally, the Reporting Act, like the Juvenile Court Act, should not allow any child to be held in custody for more than forty-eight hours unless a judicial determination is made to determine that custody should continue.

108. Bricker, supra note 79, recommends that "[p]re-hearing removals be allowed only when a child has been subjected to a serious and imminent danger of such severity that the provision of a prior judicial hearing would be likely to result in irremediable harm to the child's life or health." 2 FAM. L. REP. 4037, 4039.


110. A constitutional objection, based on state intrusion on a right of family integrity, may also exist. In Roe v. Conn, 417 F. Supp. 769, 777 (M.D. Ala. 1976), the court held that Alabama's temporary protective custody statute was unconstitutionally vague. See also Alscager v. District Court of Polk County, Iowa, 406 F. Supp. 10 (S.D. Iowa 1975).

111. ILL. REV. STAT. ch. 23, § 2055 (1979).


113. In addition, the predictive validity of many decisions to remove children from dangerous home situations is highly questionable. In one study, three highly qualified child welfare specialists reviewed placement decisions in 50 states involving 90 children. They individually determined whether each child should have been removed from his or her parents for treatment. Using over 150 separate informational items in each case, the experts agreed in less than 50% of the cases. Phillips et al., Factors Associated with Placement Decisions in Child Welfare, CHILD WELFARE LEAGUE OF AMERICA (1971), cited in Bricker, supra note 79, at 4038.


115. Without an assurance of a hearing, such custody procedures may be far from temporary. In White v. Minter, 330 F. Supp. 1194, 1196 (D. Mass. 1971), a summary removal lasted for six months before a hearing occurred. When a temporary custody hearing is finally held, the standard for the state's retention of custody should again be one of irreme-
Additions to the Reporting Act

Several additions to the Reporting Act are necessary to facilitate accomplishment of the legislative aims. First, the Act should explicitly mandate that a guardian *ad litem* be provided for the child at the earliest feasible time in the intervention process. Second, the Act should establish multi-disciplinary child protection teams which would supplant the CPSU’s evaluatory functions. CPSU units, though, should retain their investigatory authority. The bifurcation of authority involved in this plan would not only provide an objective check on the critical determinations made by the CPSU, but it would also ensure the utilization of the expertise necessary in evaluatory determinations.\(^{116}\)

Guardian *ad Litem*\(^{117}\)

Presently, the Juvenile Court Act provides for the use of a guardian *ad litem* in neglect hearings.\(^{118}\) However, this provision only applies to representation at trial. Because a number of important steps take place before the adjudicatory hearing, the Reporting Act should be modified to ensure that the guardian *ad litem* represents the child at all judicial hearings. Such representation should begin with the initial temporary protective custody hearing. To fully represent the child, the guardian *ad litem* must be informed prior to the proceeding, giving him ample time to interview the child and become familiar with the case background.\(^{119}\)

Under the Juvenile Court Act, the role of the guardian *ad litem* diable harm. This is to be contrasted with one of the current standards for retaining custody, a finding that “[i]t is a matter of immediate and urgent necessity for the protection of the minor” to keep the child in custody. ILL. REV. STAT. ch. 37, § 703-6 (1979).

116. See discussion in notes 72 through 75 supra and accompanying text.


119. A proposal requiring at least one face-to-face meeting between the guardian *ad litem* and the child to be represented was rejected by the Illinois Senate. One ground for such an objection may have been the belief that a face-to-face meeting would have little effect when the allegedly abused child is an infant. However, even in such cases, a face-to-face meeting (possibly in the presence of parents) would give the guardian *ad litem* a better awareness of the problems confronting the child.

In addition, the guardian *ad litem* must continually inform the child-client of what procedures are occurring in the judicial process. Of course, this must be done as simply as possible. Such information and consideration would be especially helpful for children who are separated from their parents and are living in either foster homes or institutions.
as both the child’s attorney and as one responsible for the child’s best interests may create a conflict of interests. As the child’s attorney, the guardian *ad litem* may be impelled to contravene the child’s desires in order to promote the child’s best interests in accordance with the goals of the Juvenile Court Act.

Thus, when incorporating a guardian *ad litem* provision in the Reporting Act, the legislature must anticipate this potential conflict and resolve it appropriately. Two alternatives should permit an orderly resolution of the issue if it develops. The statute could mandate that in the event the guardian *ad litem* perceives that the child’s best interests are in conflict with the child’s wishes, then the guardian must inform the court of both his and the child’s opinion. In addition, the guardian should bring any evidence supporting either opinion to the court’s attention. Alternatively, the Reporting Act may provide that in the event of an actual conflict, the Juvenile Court is authorized to assign independent counsel to represent the child’s wishes.

**Child Protection Teams**

Implementation of child protection teams to supplement the statutorily sanctioned CPSU would improve the diagnosis and treatment of child abuse and neglect cases. This multi-disciplinary group would include persons with specialized knowledge in diversi-

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120. See ABA Code of Professional Responsibility, Canon 7 which provides, “A lawyer should represent a client zealously within the bounds of the law.”


122. Obviously, in a number of neglect cases the child is not old enough to decide what he wants his attorney to do. In such cases, it would be quite appropriate for the guardian *ad litem* to be both guardian and attorney. Ideally, however, in cases of older children, the attorney should represent the wishes of the child-client to the court.

The guardian *ad litem*, whether an attorney or not, should investigate by looking at all medical and other reports concerning the case of suspected abuse or neglect. Family members and other potential witnesses should be interviewed. He should check the central register for any previous reports of abuse or neglect involving either the child or the family involved. Finally, the guardian *ad litem* should consult with a child development specialist that is independent of IDCFS and who has examined the family structure and is able to make recommendations concerning what is best for the child.

123. In addition, the statute should mandate that the guardian *ad litem* do the following four tasks in each case in which a child is represented: (1) Investigate, to provide the court with all relevant information. This includes an interview with the child and family. (2) Present all relevant information to the court, including the child’s wishes. (3) Insure that the court has before it all viable dispositions. (4) As a guardian, insure that the child’s present and long range interests are protected. See Fraser and Martin, *An Advocate for the Abused Child*, The Abused Child 165 (1976).

124. See generally B. Schmitt, supra note 89.
fled fields, thereby possessing the requisite ability to appraise the child’s situation.\textsuperscript{125}

To ensure that these teams are available in every instance of reported child abuse, the legislature must statutorily establish them.\textsuperscript{126} Further, because the multi-disciplinary teams would function most effectively within the framework of an integrated child protection system,\textsuperscript{127} they should be legislatively created as part of the Reporting Act.\textsuperscript{128} Any such legislation should precisely delineate the team’s functions and responsibilities. At a minimum, these functions should include responsibility to thoroughly analyze and evaluate information gathered by the CPSU. In addition, the teams should inform all necessary parties of any recommendations relative to treatment or court involvement.\textsuperscript{129} Another function of the team would be establishment of a community plan to help foster other elements of the Reporting Act, such as providing public education on abuse and neglect.\textsuperscript{130}

\textit{Towards an Upstream Model}

Since the advent of child abuse legislation, the statutory focus

\textsuperscript{125} Id. at 9. Currently, several hospitals in Illinois have child protection teams that diagnose and treat cases of suspected abuse and neglect at the sponsoring hospital. These hospital teams then report the cases of suspected abuse to IDCFS if a report was not previously made. Such teams have been operating without a legislative act creating them and, in all probability, will continue to do so.

\textsuperscript{126} The three most necessary members for such a team are the physician, social worker, and co-ordinator. In addition, an attorney, a psychologist or child development specialist, or members of the community in which the team is located may also be quite helpful in consultative roles. See B. SCHMITT, supra note 89, at 10.

One approach would allow IDCFS workers to perform the initial investigation of any report, assessing the immediate environment and taking any emergency measures. The worker, along with any other significant people involved in the case, could then meet with the team. The team, after gathering all the relevant data, would recommend a treatment plan if one was required. If the team decides court action is necessary for the child’s protection, they should be allowed to file a neglect petition in the Juvenile Court. When a petition is filed, the team should immediately contact the guardian \textit{ad litem} and inform the guardian of the background of the case. See, e.g., COLO. REV. STAT. § 19-10-103 (Cum. Supp. 1977).

\textsuperscript{127} See Fraser, Critical Analysis, supra note 1, at 675-677.


\textsuperscript{129} Such necessary parties would include the responsible adults, the child, the State’s Attorney, the Public Defender, the Guardian \textit{ad litem}, and IDCFS.


Since the team must work intensively on each case, a large metropolitan area like Chicago might have a large number of community-based teams. One goal in basing the teams locally is to ensure that cultural biases are not the primary reasons for the filing of neglect petitions.
has concentrated on procedures to be followed after a child has been abused or neglected. In fact, only a few states have promulgated preventive measures designed to reduce the frequency of abuse and neglect. Illinois, which has failed to pursue a preventive approach, should place itself at the forefront of child abuse legislation by enacting the following progressive measures.

Crisis Nursery

A crisis nursery prevents child abuse by separating the child from the potentially abusive parents during a time of crisis. Parents may voluntarily leave their children at such a nursery during times of high emotional or physical stress. At no time are the parents required to explain the reasons for bringing the child, who may remain at the nursery for a period up to three days. The National Center for the Prevention and Treatment of Child Abuse and Neglect has established a similar center in Denver. Staffed by a group of volunteers who are supervised by two registered nurses, the Denver nursery has proven highly successful. In the


132. Several presumptions preface this section. First, parents who abuse and neglect children usually had similar experiences of poor parenting themselves, and/or are unprepared for parenting in their adult lives. They often have low frustration levels and overly high expectations of their children. In addition, much abuse occurs in the time following a crisis in the abusing parent’s life. Finally, and most importantly, the major breakdowns in parent-child relationships which result in child abuse and neglect can be prevented. See Kempe, Assessing Family Pathology, Child Abuse and Neglect: The Family and the Community 120 (C.H. Kempe and R.E. Helfer eds. 1976); Steele, Violence Within the Family, Child Abuse and Neglect: The Family and the Community 13-15 (C.H. Kempe and R.E. Helfer eds. 1976); See also articles collected in National Center on Child Abuse and Neglect, Issues on Innovation and Implementation 225 (1978).

The most effective way Illinois can foster such a preventive approach would be through state funding of community-based prevention projects. Although IDCFS does currently fund some local programs on child abuse, neither the amount of funding ($1 million in 1978 and 1979) nor the fact that IDCFS manages such funding is sufficient to provide adequate prevention services. See Illinois Dept. of Children and Family Services, 1980 Plan, Phase I 1978-80, Human Services Data Report (1979) at 63, 90, for an outline of the current IDCFS program.

Instead of the current approach, legislation could establish a trust fund, similar to the Federal Highway Trust Fund, which would consist of funds drawn annually from a specific source, such as marriage license revenues. Such funds would be administered by a board entirely distinct from IDCFS, and would be used solely for child abuse and neglect prevention projects. See Mont. Rev. Codes Ann. § 40-2-401-405 (1979). See R. Helfer, Child Abuse: A Plan for Prevention (1978) for a more detailed description of such a program.

133. Fraser, A Pragmatic Alternative, supra note 21, at 123.

134. Id.
first four years of the nursery's existence, none of the children cared for in the nursery was seriously reinjured.138

In creating Illinois nurseries, any connection with existing state agencies should be kept to a minimum, since many potentially abusive parents distrust government agencies because of previous unpleasant contacts. Instead, a legislative enactment authorizing specific funding to community groups which would establish and maintain such centers seems to be a more pragmatic approach. All nurseries would have to conform to certain requirements of staffing, confidentiality, and twenty-four hour operation.138

Home Health Visitors

Another method of curbing harm to children is utilization of the home health visitor. Essentially, the visitor should be based on two models: the English health visitor and the lay therapist. The English program involves a specially trained nurse who works with families on both medical and social problems.137 The lay therapist, in contrast, is a non-professional who strives to help potentially, or formerly, abusive parents through listening and support.138 In England, health visitors have been especially effective in predicting abuse in families,139 while lay therapists have an excellent record of preventing abuse.140

A combination of the two models would result in a program that would train persons in various medical and social skills such as nutrition, infant care, and simple communication skills. The training would allow a home health visitor to work effectively with potentially abusive or neglectful parents by instructing them in the care of their child. In addition, visitors would be available to provide parents with empathetic support and understanding in times of

135. This program also involved lay therapists, a concept discussed in the text accompanying note 138 infra. See Fraser, A Pragmatic Alternative, supra note 21, at 123.
136. See other goals and guidelines in McQuiston, Crisis Nurseries, The Abused Child 231-234 (Martin ed. 1976).
137. Dean, et al., Health Visitor's Role in Prediction of Early Childhood Injuries and Failure to Thrive, 2 Child Abuse and Neglect 1 (1978). "A Health Visitor in the United Kingdom National Health Service is a nurse with special post-registration qualifications who provides a continuing service to families in their homes, giving information aimed at promoting good health, identifying medical and social needs and mobilizing appropriate resources when needed." Id.
138. Fraser, A Pragmatic Alternative, supra note 21, at 122.
139. Dean et al., supra note 137.
crisis. Such visitors, participating either on a voluntary or paid basis, should be supervised by professional nurses. As with the nursery program, the state could legislatively establish guidelines for funding of community-based programs. These guidelines should include qualifications for supervisory personnel, training, and interaction with other agencies.\footnote{141}

Parent-Infant Bonding

The final suggestion for prevention, a prenatal care and parent-infant bonding program, is one which logically should occur before all others.\footnote{142} The prenatal program consists of training for the pregnancy, labor, delivery and immediate peri-natal (after birth) period. Furthermore, the program should inform prospective parents of the proper care for the child after leaving the hospital and returning to the parental home. Because of the foreseeable financial constraints, such a program should be primarily aimed at all first-time parents. Although home health visitors could provide individual parents with much of the instruction, training with other first-time parents at a local center\footnote{143} or hospital is preferable. The support generated by training with other first-time parents is a major advantage of the group approach.\footnote{144} The parent-infant bonding program would essentially ensure physical and emotional interaction between parents and child.\footnote{145}

CONCLUSION

The recommendations provided here are designed to ensure that

\footnote{141. Id.}
\footnote{142. See R. Helfer, Child Abuse: A Plan for Prevention (1978) for an extensive outline of such a program.}
\footnote{143. The crisis nursery is one such possible place.}
\footnote{144. Id. While current natural childbirth programs accomplish much of what is outlined above, state funding of parent-infant bonding programs should bring such programs to a wider base of people.}
\footnote{145. R. Helfer, supra note 142, at 19-20, suggests that the following elements are essential in such a program: (1) That the mother's husband or partner would be with her throughout the delivery. (2) A minimum of drugs would be used so that the mother is as conscious as feasible during delivery. (3) Immediately following delivery, the parents must physically interact with the baby by touching, looking, holding and talking with him or her for the first hour of the newborn's life.}

Once the parents are home, home health visitors and community meetings with other new parents could provide both education and support. A study described in G. Egan & M. Cowan, People in Systems: A Model for Development in the Human-Service Professions and Education 84-85 (1979), showed that a parent-infant bonding program produced mothers who were more solicitous about the welfare of their children. See also R. Helfer, supra note 142, at 18.
the rights of parents and children are protected, to protect children who have been abused, and, most importantly, to prevent abuse and neglect. Certainly, all three aspects are necessary. Child protection without respect for parental rights could result in a gross overextension of a state's *parens patriae* powers, as well as potential due process violations. Further, without attempts at prevention, those who work with abused and neglected children are only involved with the incessant cycle of trying to save abused and neglected children downstream. The frustrations of dealing only with the effects of abuse and neglect might cause many to walk away from the problems.

The economic and social costs of child abuse and neglect are only beginning to be understood. One thing is clear, though: only a program which deals with all aspects of abuse and neglect can hope to avoid the repeating cycle of abused children becoming abusing parents. The programs and legislative modifications outlined in this article are a beginning step in breaking the pattern of abuse.

RICHARD T. COZZOLA