



Justice, therapeutic and hybrids and implications for children's rights: A review of state policy

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Received 8 May 2005; accepted 24 June 2005

Available online 22 September 2005

Abstract

It is important to identify state-level policy regarding the use of law enforcement in child abuse and neglect investigations. We hypothesized that distinct features in the incorporation of law enforcement in child abuse and neglect investigations would emerge. The feature of interest that emerged was whether policy indicates that the child protection agency predominates in the handling of the case, a Therapeutic Model, whether there is substantial sharing of responsibility, a Hybrid Model, or whether law enforcement predominates, a Justice Model. We examined what these features imply for children's rights. Examination of state level law and policy shows the Hybrid Model to be the most prevalent. Furthermore, the Hybrid Model offers the best potential for securing a full range of children's rights. © 2005 Elsevier Ltd. All rights reserved.

Keywords: Child abuse; Law enforcement; Police; Rights; Children's rights; Investigation policy

1. Introduction

Since the 1960s, the child protection model in the United States has involved using public social welfare agencies to manage intake, investigation and assessment. Furthermore, child welfare agencies, often with assistance from private social welfare agencies, have generally been responsible for providing services, strengthening families and mitigating the effects of maltreatment, and when necessary for child safety, arranging

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out-of-home placement (Schene, 1993). The role of law enforcement in this child welfare model often has not been formally delineated in terms of its relationship with child protection agencies. Increased involvement of law enforcement in the investigation of child abuse and neglect appears to be a growing trend. In fact, Davidson (1999) posits that the future may hold significant shifts in intake and investigation policy, with law enforcement taking the lead for all severe physical and sexual abuse cases. Others have argued for this approach (Bollenbacher & Burt, 1997; Gelles, 1996; Lindsey & Hawkins, 1994). A recent study, however, cautioned that police officers might not have the requisite knowledge of child development (especially for children under age six) to perform child abuse and neglect investigations well (Portwood, Grady, & Dutton, 2000).

Empirical studies about the effectiveness and outcomes of coordination between child protection agencies and law enforcement are limited, but generally show that sharing of investigative responsibility across agencies is positive for children. To briefly summarize, Tjaden and Anhalt (1994) found that joint investigations have an effect on case outcomes with increased perpetrator admissions, victim corroboration, founded reports, founded cases with treatment plans and higher dependency filings. Several studies have found that multidisciplinary teams provide more accurate assessment and prediction of risk (Berthier et al., 1993), more adequate intervention, decreased fragmentation in delivery, less role confusion among disciplines and reduced service duplication (Goldstein & Griffin, 1993; Gray & Fryer, 1991; Pardess, Finzi & Sever, 1993; Pence & Wilson, 1994).

Today it appears that all systems include law enforcement in some manner in the front end work, intake or investigation of child abuse and neglect reports. However, particular system design and the degree and nature of law enforcement involvement vary significantly. For instance, law enforcement involvement in a system may mean that all reports received at intake are faxed to local law enforcement, which may or may not respond simultaneously with the child protection agency investigation. Or, law enforcement involvement may mean that all reports are investigated only by law enforcement and that the only role of the child protection agency is to provide non-investigatory services or placement. These variations have not been sufficiently or analytically described so as to form common understandings in the field as to what it may mean to have law enforcement “involved” in child abuse and neglect report investigations. These differences in system organization and the degree and nature of law enforcement involvement in investigations need further clarification. This work means to describe and classify state level policy features regarding the use of law enforcement in child abuse and neglect investigations and other front end work. Furthermore, we will assess the policy features in terms of their implications for children’s rights.

2. Data and method

Child protection agency policy manuals from all US states and the District of Columbia were content analyzed. The manuals were current through October 2000. Additionally, state statutory law pertaining to the involvement of law enforcement in child abuse and neglect cases was analyzed. The U.S. Department of Health and Human Services has produced a series summarizing state statutes on various topics related to child abuse and

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