

## RUSH TO JUDGMENT? Child Protective Services and Allegations of Sexual Abuse

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*Two hundred and ninety-three randomly selected cases from a child protection service agency in a large western New York county were examined to test the hypothesis that sexual abuse allegations are investigated and processed more intensively than cases alleging other types of maltreatment. Contrary to the hypothesis, allegations of sexual abuse were substantiated at a lower rate, not investigated more intensively, and not offered more services than were other cases.*

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**A**llegations of child sexual abuse rose rapidly during the 1980s, at a rate faster than that of other maltreatment allegations (Eckenrode, Powers, Doris, Munsch, & Bolger, 1988; Finkelhor, 1990). (The term "sexual abuse" will be used throughout this article to refer to all types of sexual maltreatment). In 1976, the number of reported sexual abuse cases was 6,000, a rate of 0.86 per 10,000 children, with sexual abuse cases constituting 3% of all reports. By 1986, 132,000 sex abuse cases were reported, a rate of 20.89 per 10,000 children (Faller, 1993).

The rapid rise in all types of maltreatment allegations and the resultant backlash from media exposure of cases where allegations of sexual abuse were unproven have led some to say that concern about child abuse may have gone too far. For example, Wexler (1990) detailed a number of situations where intervention by Child Protection Services (CPS) seemingly caused greater harm than good. More recently, a

magazine article containing an account of a couple convicted of child sexual abuse had the following subtitle: "America is now at war against child abuse. But some recent cases suggest we may be pushing too hard, too fast" (Newsweek, April 19, 1993, p. 54).

With few exceptions, allegations of child maltreatment are difficult to evaluate. The ambiguity of evidence results in determinations that, when challenged, are reversed on appeal 75% of the time (Valmonte v Bane, 1994). Moreover, the "some credible evidence" standard to substantiate cases of alleged maltreatment has been criticized by the court. In *Valmonte*, the court stated:

The "some credible evidence standard" is especially dubious in the context of determining whether an individual has abused or neglected a child. Such determinations are inherently inflammatory, and "unusually open to the subjective values" of the factfinder....They are especially open to such subjectivity when the factfinder is not required to weigh evidence and judge competing versions of events, and where one side has the greater ability to assemble its case. (p. 36)

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Though cases of child maltreatment in general are difficult to determine with certainty, it is especially difficult to determine when an episode of child sexual abuse has occurred, in part because of the lack of precise definitions about what constitutes such maltreatment (*Haugaard & Reppucci, 1988; National Research Council, 1993*). Further, the fact that physical evidence is not present in a substantial number of cases, and the controversy surrounding the significance of evidence even when it exists (*Haslam, 1989; Marshall, Puls, & Davidson, 1988; Nohejl, 1992*), poses problems for the investigator who is trying to determine if allegations of sexual abuse have merit.

As a result, investigators and the courts often must rely solely on the opinion of experts who have had contact with the child, or on statements from the child, in order to substantiate cases of sexual abuse. However, some researchers have expressed concern that children may be suggestible and that the very process of participating in numerous interviews, a process that may be a necessary part of a thorough investigation and prosecution of child sexual abuse, may lead some children to make inaccurate statements (*Ceci & Bruck, 1993*). Even the use of specialized interviewing techniques, such as anatomically detailed dolls, cannot insure clear and accurate information-gathering about alleged sexual abuse (*Boat & Everson, 1993*). In their review of the empirical literature, Ceci and Bruck concluded that, although preschoolers are capable of recalling forensically relevant evidence, "children can indeed be led to make false or inaccurate reports about very crucial, personally experienced central events" (*p. 432*). However, despite the difficulties in determining an actual occurrence of childhood sexual abuse, by 1991, child sexual abuse accounted for 15.5% of all substantiated cases (*Bureau of the Census, 1993*).

Sexually abused children may experience a variety of negative effects as a result of the abuse (*Bayatpour, Wells, & Holford, 1992; Cavaiola & Schiff, 1988a; 1988b;*

*Conte & Schuerman, 1987a, 1987b; Mannarino, Cohen, Smith, & Moore-Motily, 1991; Sgroi, 1982; Wolfe, Gentile, & Wolfe, 1989*). In addition, without the appropriate intervention, the child victim may grow into a troubled adult (*Briere, 1992*). Because of the negative short- and long-term sequelae associated with child sexual abuse, it is critical that such cases be accurately identified and that intervention be forthcoming. Moreover, in the absence of intervention, the abuser is likely to commit further acts of sexual molestation.

Despite this evidence of adverse outcomes, some writers have expressed concern that there may be an overemphasis on such cases (*Hechler, 1988*). That there is an emphasis on such cases is not disputed. For example, some child protection agencies have specialized units or workers who are considered experts in the complexities of investigating and prosecuting child sexual abuse cases. Moreover, a recent study by Levine and Doueck (*1995*) found that CPS workers were generally aware of the safety issues involved in sexual abuse cases and of the impact of sexual abuse on the child. They found that workers were likely to respond rapidly to such allegations as a result, regardless of the circumstances in the report, or even if the report involved past or dated incidents.

The assertion of an overemphasis, however, implies that, regardless of the context or seriousness of the allegations, sexual abuse cases would be pursued more vigorously than other types of cases, perhaps to the detriment of families in which other forms of serious maltreatment have occurred. Stated differently, if there is an overemphasis, we would expect differential processes and outcomes for these cases when compared to other cases. Specifically, we would expect that: 1) CPS would spend more time and attention investigating such cases compared to other cases; 2) they would substantiate such cases at a higher rate compared to other types of abuse and neglect allegations; and 3) hav-

ing substantiated a sexual abuse case, they would be more likely to keep such cases open and supervise them more closely. The present study tested each of these hypotheses.

**METHOD**

*Sample.*

Two hundred and ninety-three cases of alleged child maltreatment were randomly selected from all reports received by a large western New York county department of social services (DSS) between July 1 and December 31, 1993. Twelve percent of the sample (N=35) contained allegations of sexual abuse, 34% (N=99) allegations of physical abuse, and 86% (N=253) allegations of physical neglect (see TABLE 1). For the purposes of the study, any case with an allegation of sexual abuse was treated as a sexual abuse case regardless of whether or not other allegations were present.

The county population is slightly less than one million; it includes a large urban area and several suburban, exurban, and rural areas. The racial minority population of the county includes African Americans, Latinos, and Native Americans. This group constitutes approximately 40% of the urban area and 13% of the overall population (1994 New York State Statistical Yearbook). The remainder are Caucasians from numerous ethnic backgrounds.

The DSS investigates more than 8,000 cases of alleged child abuse and neglect annually. It receives these reports from the state's central hotline, though responsibility for investigation and determination rests with the local workers and supervisors. In

order to substantiate a case, there must be "some credible evidence" of child maltreatment recorded in the case record. In 1994, 73.8% of all intakes were unfounded or not substantiated (UF), 13.6% of all intakes were substantiated and closed the same day (SC), and 12.6% of intakes remained open for further services after determination (SKO) (R. Deisz, personal communication, December 13, 1995).

At the time of the study, cases that were not substantiated were maintained routinely in supervisory files for approximately two weeks, awaiting the state's central DSS office review and an order to expunge the case. A systematic random sample of every fifteenth such case was selected and abstracted during the two-week window of opportunity, when the case was not substantiated at the county level but awaited the expungement order from state DSS office (UF=103 cases). The county maintains a record of all substantiated cases in the department's central computer database. A random sample of approximately equal size was drawn from among those that were substantiated and closed the same day (SC=108) and from those cases that were substantiated but kept open for further services (SKO=82).

In order to obtain approximately equal groups for analysis, cases from the UF group were undersampled compared to the population, whereas cases from the other two groups were oversampled. The number of cases in each group varied slightly because some of the cases selected could not be readily located.

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Table 1  
COMPARISON OF UNWEIGHTED AND WEIGHTED SAMPLES:  
TOTAL ALLEGATIONS BY TYPE OF MALTREATMENT

TYPE OF MALTREATMENT	UNWEIGHTED SAMPLE				WEIGHTED SAMPLE			
	ALLEGATIONS <sup>a</sup>		SUBSTANTIATED <sup>b</sup>		ALLEGATIONS		SUBSTANTIATED	
	N	%	N	%	N	%	N	%
Sexual Abuse	35	12	12	34	103	15	12	12
Physical Abuse	99	34	48	48	243	35	48	20
Physical Neglect	253	86	155	61	601	85	155	26

<sup>a</sup>Totals greater than 100% of sample because some cases contained multiple allegations.

<sup>b</sup>Totals greater than 100% of sample because some cases substantiated for more than one type of maltreatment.

*Procedure.*

Case records were abstracted by trained graduate students. A manual was developed to assist in the process, and research-assistant supervisors were on site to provide guidance when needed. Most of the codes required little or no judgment on the abstractor's part. For the most part, reviewing records was a clerical task that required transferring information from the case file to the abstracting form developed for the study. The instrument was adapted from the one developed for and used by the researchers in an earlier study of child-protection case records (*Doueck, Levine, & Bronson, 1993*). Pilot work for this project showed high reliability for the major coding categories that will be reported here.

In order to assure that no single coder's bias was confounded with a specific group, several steps were taken. First, cases were pulled in a somewhat random manner, as time permitted, by county workers and supervisors. Second, the cases pulled for review were batched and placed into a pile that was made available to the coders. Finally, each coder selected the top case for review, working on that case until completion before proceeding to the next available case in the pile. When a pile of cases was completed, a new pile would be chosen for review. In this manner, coders completed approximately equal numbers of cases across each of the groups; coders were blind to the specific hypotheses of this study.

In addition to the case data contained on standard state forms in the record, caseworkers routinely file brief narrative reports about every contact they make. They keep track of home visits, telephone calls, visits to other locales, and office visits related to investigating the report. Their notes also include any offers of service to the family, as well as formal referrals to service agencies or other professionals. A list of 40 potential service items was developed (e.g., case monitoring, recommendations for counseling or substance-abuse treatment, suggestions to contact a self-

help group, and discussions about child development or parenting) and coders were instructed to note each service that was mentioned in the caseworkers' notes. The notes are not standardized, but are kept regularly during the process of investigation. They are assumed to be reasonably accurate because the records may be used if the case determination is appealed by the family or if the case goes to court, when they would be subject to discovery and possibly used to cross-examine the caseworker. Further, if termination of parental rights is contemplated, the records may be used to establish that the state met its obligation to exercise "due diligence" in providing or attempting to provide services before moving for termination.

**RESULTS**

As noted above, 73.8% of all cases investigated by CPS in the county were not substantiated, and these cases were under-sampled in the study. Between-group comparisons with under-sampled data would result in findings that are not representative of the population of interest. In order to examine whether sexual abuse allegations were substantiated at a higher rate than were allegations of other types of maltreatment, the UF group was weighted by a factor of five (an arbitrary number) to more closely approximate the proportion of such cases in the overall population (*Norusis, 1986*). Adjusting the weight of a group does not affect the within-group proportions, but allows for a more representative analysis of between-group comparisons. As a result of the weighting, the between-group sample proportions were almost identical to the 1994 between-group population proportions noted above. Because all cases had been sampled randomly from the population, it was assumed that the values obtained from the weighted sample would be representative of the population values. This weighted sample applied only to the analysis of substantiation rates and did not affect any of the other analyses.

The weighted sample yielded the following results: UF=73% (N=515), SC=15.3% (N=108), and SKO=11.6% (N=82). Allegations of neglect were mentioned in 85% of the weighted reports, physical abuse in 35%, and sexual abuse in 15% (see TABLE 1).

The source of sexual abuse allegations varied considerably. Family members accounted for 25.7%; medical professionals, 11.4%; schools 8.6%; other mandated reporters, e.g., psychological and psychiatric clinics and social agencies, 40%; and other reporters (anonymous concerned citizen etc.), 14.3%. Stated somewhat differently, approximately four reports out of ten (40%) alleging sexual abuse came from nonmandated sources.

*Are Sexual Abuse Allegations Investigated More Thoroughly?*

Correlation coefficients were computed on presence/absence of sex abuse allegations with four caseworker activities: number of home visits, number of telephone calls, number of office contacts, and number of visits to other locations. The correlations were low and, with the exception of the last of these activities, not significant, -.07, -.06, .10, and .14 (p=.05), respectively. These relationships were analyzed using multiple regression, entering age and gender of the alleged victim as controls as they are correlated with the investigation. Only visits to other locations accounted for a significant increment in the overall variance.

In the weighted sample, 12% of sex abuse allegations, 20% of physical abuse allegations, and 26% of the neglect allegations were substantiated (see TABLE 1). Substantiated sex abuse constituted 5.6% of all maltreatment, physical abuse 22.3%, and physical neglect 72.1%. Sex abuse allegations were substantiated at a significantly lower rate than cases that did not contain sexual abuse allegations,  $\chi^2(1, N=705)=5.50, p=.019$  (cases with multiple allegations counted as a single case). When specified, molestation accounted for the highest proportion of sexual abuse allegations, and

incest the second highest. Twenty-eight percent of incest allegations were substantiated, as were 17% of molestation allegations. These numbers were small and the difference was not statistically significant.

*Are Substantiated Cases Processed More Intensively?*

In order to determine if substantiated sexual abuse cases were processed more intensively, SC cases were compared with SKO cases (see TABLE 2). Although not statistically significant, cases with substantiated sex abuse were much less likely to remain open for service than were cases with substantiated physical neglect (33% vs 50%, respectively), and somewhat less likely to remain open for service compared to substantiated physical abuse (33% vs 35%).

In order to obtain a global estimate of the services offered to a family during the investigative phase of a case, the service items were summed, providing a general picture of the overall frequency of services offered. Each case had a potential score ranging from 0 to 40. The mean number of services offered across all cases was compared by the presence or absence of sexual abuse allegations in the case record. Means for both groups were quite small (M=1.82, SD=2.52 and M=2.28, SD=2.34, respectively), and not statistically significant,  $t(285)=1.06, p=NS$ . (Six cases were dropped from the analysis due to missing data.)

DISCUSSION

This study examined whether cases with sexual abuse allegations were differentially processed when compared with cases that

Table 2

COMPARISON OF CASES SUBSTANTIATED AND CLOSED SAME DAY (SC) AND CASES KEPT OPEN FOR SERVICES (SKO)

TYPE OF MALTREATMENT	SC		SKO	
	N	%	N	%
Sexual Abuse	8	67	4	33*
Physical Abuse	31	65	17	35
Physical Neglect	78	50	77	50

\* $\chi^2(1, N=189)=.53, p=NS$ .

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had no such allegations. The data indicate that sex abuse allegations did not lead to a more intensive investigation when compared with cases that had no such allegations. Correlations with specific investigative activities were low and, with the exception of visits to other locations, not statistically significant. Cases with sexual abuse allegations were less likely to be substantiated than were either physical abuse or physical neglect cases. Once substantiated, they were also less likely to be kept open for further services than were other cases. On average, there were no differences in services offered during the investigative period, regardless of whether there were sexual allegations present in the case record. If CPS is overzealous in investigating sex abuse cases, these data do not reflect it.

It may be that certain groups of mandated reporters are extremely sensitized to the possibility of sexual abuse and are more willing to refer to CPS, even when the indicators of sexual abuse are vague or nonspecific (*Levine & Doueck, 1995*). However, once these cases entered the system, they did not appear to have been more intensively investigated and processed.

Generalization from the present data may be limited. The rate of substantiation of sex abuse cases in this study is low compared with other types of allegations, and lower than that reported by Eckenrode et al. (1988) for all CPS jurisdictions in New York State (12% in the weighted sample vs 39% statewide). In addition, they reported a higher rate of substantiation of physical abuse than was the case in this study (48% vs 20% in the weighted sample). The proportion of neglect allegations substantiated did not greatly differ between the two studies (28% statewide, 26% in the weighted sample). These comparisons are difficult to interpret because of the variability across jurisdictions. Because the county has a specialized sex abuse team within CPS and a history of cooperation with child clinics and with the prosecutor's office, it may be

that county investigators are more discriminating and better able to differentiate situations of sexual abuse than are CPS workers from other jurisdictions. The lower rate of substantiation of physical abuse cases may simply reflect that the rate of obvious injury in this sample was low. Allegations of serious physical injury (fractures, burns, severe cuts, etc.) were present in 11 cases, of which the allegations were substantiated in nine. It is possible that the jurisdiction sampled in this study is atypical, and that generalization to other jurisdictions may be unwarranted.

Eckenrode et al. (1988) studied New York State data for reports received between April and August of 1985. Since the present data were collected eight years later, it is possible that there is more circumspection in investigation and in decision-making about sex abuse cases today than there was eight years ago. Moreover, Eckenrode et al. showed that, as the number of reports rose, there was a decline in the percentage substantiated. Reports continued to climb from 1985 to the present, and perhaps the findings of this study represent a continued decline in the substantiation rate with increasing number of reports.

It is also possible that, as publicity about sex abuse increased, reports were less substantial than they were earlier. Many of the allegations of sex abuse in the current sample were vague or unspecified, which could account in part for the lower rate of substantiation. The findings on type of sexual abuse suggest, however, that workers may have been more sensitive to more serious allegations. In addition, it may be that reporters in this jurisdiction are more sensitive to the overt physical signs of abuse or neglect. The proportions of substantiated maltreatment in the weighted samples vary from the pattern of statistics nationally (*Bureau of the Census, 1993, Table 341*). Substantiated sex abuse in this study was lower than that reported nationally (5.6% vs 15.5%), substantiated neglect was higher (72.1% vs 45.9%), and substantiated physi-

cal abuse was comparable to national data (22.3% vs 24.4%). However, most of the county reports analyzed in this study come from the urban portion of its jurisdiction, with a high density of poor families. If findings were compared with jurisdictions that had similar socioeconomic characteristics, perhaps the numbers would be closer.

In short, there is little in these data to suggest that CPS workers in this jurisdiction investigate allegations of sexual abuse either more intensively or differentially. Some of the data reported here, such as investigative effort in cases that are not substantiated and provision of services to cases that are substantiated and remain open, are generally not available in other studies that examine substantiation rates. As a result, even though generalizations about the findings may be limited because a single jurisdiction was studied, these data do not support the assertion that there is a "rush to judgment" once a sexual abuse allegation reaches child protection for investigation.

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