The limitations of using statutory child protection data for research into child maltreatment

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Child protection legislation has undergone a number of changes since its inception, changes that have redefined the population of children in need of protection. However, child protection data on notifications and substantiations remain the most common source of data for statistics on the rate of maltreatment and the breakdown of specific maltreatment types. In the present study, three factors are identified that have compromised the accuracy of child protection data reporting the incidence of child abuse and neglect: (i) the legislative changes that mandate child protection services to protect children from harm rather than from identifiable adult actions; (ii) the shift from the Harm Standard to the Endangerment Standard; and (iii) the assignment of responsibility solely to parents. The examples in this paper are drawn from Australian legislation, however, the legislative changes that have created these issues are evident internationally, rendering child protection data an unreliable and invalid source for statutory or research data on the rates of child maltreatment.

Keywords
child-abuse, child protection, child-neglect, incidence, statutory data.

Introduction

Child protection data on notifications and substantiations are the most common source of data for statistics on the rate of maltreatment and the breakdown of data by specific maltreatment types. Traditionally, child protection data have been perceived as a conservative estimate of the occurrence of child maltreatment (National Research Council 1993; James 1994), however, legislative change has resulted in many children who have not actually experienced abuse or neglect being included within incidence data. Changing perceptions among professionals and the public about childhood have impacted on organisations established to protect children from child maltreatment. There has been a change in social values resulting in elevated standards of what constitutes appropriate care, a broadened concept of where

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childhood starts and ends and a growing awareness of child welfare and rights (Gough 1996). Reflecting these changes, the terms 'child abuse' and 'neglect' have gradually been replaced by the term 'child protection' (Australian Institute of Health & Welfare 1999). The broadening of what constitutes a protective issue has not been accompanied by a corresponding broadening of the classification system. Protective concerns continue to be classified as abuse or neglect, regardless of whether they are about family concerns or child maltreatment.

In addition to incidence data on the overall rate of child maltreatment, data is collected on the frequency of specific types of abuse and neglect, the classification of which is also problematic. Many different parties (including researchers and mandated child protection bodies) use terms such as physical abuse, neglect, emotional abuse and sexual abuse to describe the different types of child maltreatment. Data collected by mandated child protection bodies on the rate of child maltreatment may be employed by a wide variety of people or groups, including researchers, practitioners, policy makers, interest groups and the legal profession. In this paper we present the findings of an investigation to determine whether we could utilise pre-existing child protection data in a research study we were designing. For this reason, this paper focuses on the implications of unreliable and invalid data for research purposes; however, the findings are relevant to any person or body relying on data on the incidence of abuse and neglect derived from mandated child protection bodies. Child protection data on the incidence of child abuse and neglect is used by researchers in a range of ways, including informing researchers of priority areas, identifying a sample and as raw data. In turn, research regarding the antecedents or consequences of specific abuse types is used to inform practitioners. However, legislative changes have resulted in new interpretations of what actions may constitute specific forms of abuse or neglect. As a result, the reliability and validity of child protection data collected regarding specific maltreatment types is highly questionable.

The aim of this paper is to ascertain whether child protection data is a reliable and valid source of data on the incidence of child abuse and neglect. This paper presents a methodological study examining the way in which child protection legislation and practice impacts upon the operational definition of the specific maltreatment types (neglect, physical abuse, sexual abuse and emotional abuse) and both over- and under-represents the rate of maltreatment. Specifically, a literature search was conducted on the PsychInfo database limited to publications written in English. The search was conducted using the key words 'child abuse and child neglect', 'methodology', 'child protection' and 'definition'. Australian state and territory government child protection services' websites and corresponding legislation were reviewed, as were Australian Institute of Health and Welfare (AIHW) reports on child protection data (the AIHW is the national body responsible for collecting statutory data).

The redefinition of what constitutes a child in need of protection

Child protection legislation has undergone a number of changes since its inception, which has redefined the population of children in need of protection. The changes have compromised the accuracy of child protection data as a source for statutory and research data. The present study identifies three factors that have impacted upon the definition of maltreatment in child protection services: (i) the legislative changes that mandate CPS to protect children from *harm* rather than from identifiable adult actions; (ii) the shift from the Harm Standard to the Endangerment Standard; and (iii) the assignment of responsibility solely to parents.

Protection from harm

There has been a fundamental shift in the nature of what it is that child protection services are mandated to protect children from. Originally, child protection authorities sought to protect children from (adult actions of) child abuse and neglect, however, the current trend in legislation is to protect children from (the resulting) 'harm'. Confusion over whether to define maltreatment by adult actions or children's outcomes has been cited as one of the impediments to constructing universal definitions (National Research Council 1993; Ammerman 1998).

Most Australian States and Territories substantiate – and thus define – maltreatment in terms of 'significant harm'. While some Australian jurisdictions do continue to substantiate action or incident, the majority substantiate a combination of action and harm (Table 1) (AIHW 1999). For example, in Victoria, neglect causing physical 'harm' may be classified as physical 'abuse'. Western Australia only substantiates 'harm', except in cases of sexual abuse where the action is substantiated. Queensland only substantiates physical, psychological or emotional 'harm' and no longer provide definitions for abuse or neglect. Although Queensland only

Table 1. The substantiation of harm in Australian States and Territories

	substantiate 'harm'	substantiate an event
Victoria	√	√
New South Wales	√	√
Queensland	√	×
Western Australia	√	√
South Australia	√	√
Tasmania	√	√
Australian Capital Territory	×	√
Northern Territory	√	√

(AIHW 1999, p. 27)

substantiates 'harm', they do record the 'action responsible'. Data for national statistics are then generated from classifications based on the identifiable action (AIHW 1999).

The change in language from incident or event to harm has impacted child protection data in two main ways. Firstly, the shift to classification based on child outcome (harm) has facilitated the classification of broader protective concerns into abuse categories. Second, it has impacted on the classification of traditional abusive and neglectful actions.

The inclusion of non-maltreatment causes of 'harm'

The broadening of protective concerns to include non-maltreatment causes of harm reflects changing societal attitudes on the need to protect children, however, the shift has not been reflected in the way in which child protection data is collected. Protective concerns affecting children may include traditional issues of abuse and neglect, adolescent conflict, family support issues, self harm, parents with substance abuse problems and cases where a child's parents are either dead or incapacitated. However, outdated data systems force these issues to be constructed and classified as abuse or neglect (see Box 1).

Box 1: The harm standard and non-maltreatment protective concerns

A neighbour has called in Child Protection, as she believes Sarah is in a violent relationship and has an alcohol and drug problem. It is alleged that Sarah and her partner steal to support their drug habit. The neighbour is concerned about Sarah's three children, 5-year old Daniel, 3-year old Emily and 1-year old Thomas. When questioned, the neighbour was unsure whether the children had witnessed Sarah's substance use or violent altercations with her partner.

There are no identifiable abusive or neglectful behaviours in this scenario. However, the children are vulnerable and the argument can be made that they are being emotionally harmed, in which case the notification could be classified as emotional abuse.

The substantiation of 'harm' has facilitated the broadening of what constitutes a child in need of protection, significantly increasing the rate of maltreatment as reflected by protective services incidence statistics. The many sources of harm from which a child may require protection can lead to confusion regarding the role of mandated child protection bodies. Are they in the business of protecting children from harm resulting from child abuse and neglect, or are they more broadly protecting children from harm? The potential causes of harm to a child are infinite, and determining what constitutes a protective concern becomes increasingly complex and subjective, which can lead to inconsistencies across jurisdictions. Problems with comparability in classification across jurisdictions have been highlighted in Australia with AIHW (1999) observing that there were '*differences between States and*

Territories not just in terms of threshold on some notional continuum of maltreatment but also in substance' (p. 13). The problem of classifying non-protective concerns as child maltreatment is exacerbated by the inconsistent manner in which classification occurs. Observations by other researchers suggest that this problem is not isolated to Australia. In a USA study conducted by Kinard (1994), a sample was drawn from a USA child protection agency. At the onset of the study, cases involving parental substance abuse were classified as neglect, however, during the course of the study, classification of parental substance abuse cases shifted from neglect to emotional abuse (Kinard 1994).

Two Australian states (Western Australia and Tasmania) have attempted to resolve the issue of broadened protective concerns by adopting a central intake system for child maltreatment and family support issues. At intake, notifications are classified as either a family support concern or an allegation of child maltreatment. Only allegations of child maltreatment are re-directed on to child protection (AIHW 1999; 2000). In 1997–1998, following the shift to a central intake system, the rate of emotional abuse was 22-fold lower in Tasmania and 16-fold lower in Western Australia, than the rate of emotional abuse in the State of Victoria (where the criteria for notifications are quite broad) (AIHW 1999). This exemplifies the impact of including non-maltreatment causes of harm in national child maltreatment statistics. The continuing practice of treating the broad concept of 'child protection' as the equivalent of 'child maltreatment' over-estimates the rate of child maltreatment and forces the classification of non-maltreatment protective concerns into one of the four traditional abuse types, changing the definition of what constitutes the nature of the maltreating behaviour.

The impact of the substantiation of harm on definitions of traditional abuse types

In addition to facilitating the inclusion of non-maltreatment issues into the population of children in need of protection, the substantiation of harm has lead to inconsistency in the way in which traditional abusive or neglectful behaviours are classified. The following examples illustrate how the shift in emphasis from the identifiable adult action to the outcome for the child has had a significant impact on the operational definitions of specific abuse types (See Box 2).

Box 2: The harm standard and specific abuse types

Eleven-year old Susie has disclosed to her teacher that her mother's boyfriend has been touching her inappropriately. Susie has a 9-year-old-brother Adam and a 6-year-old-sister Christine.

This example involves sexual abuse; however, if, upon investigation, there is no physical evidence of sexual abuse but Susie exhibits symptoms of being emotionally harmed, the notification could be classified as emotional abuse.

The substantiation of harm appears to be a source of confusion among professionals in the field of child abuse, and neglect as a substantiation of a particular type of harm may result in a classification of abuse according to the harmful outcome rather than the abusive or neglectful action. An example is sexual abuse, which the AIHW (1999) has stated may be classified as emotional abuse in cases where emotional harm is easier to substantiate than allegations of sexual abuse. There is a tendency in jurisdictions substantiating a combination of action and harm for classification to be inconsistent. Anecdotal evidence from a protective service organisation suggests that cases that are ambiguous, moderate or difficult to prove are more likely to be classified by harm, while cases that are unambiguous, severe and evidence-based are more likely to be classified by adult action. Jurisdictions substantiating a combination of action and harm lead to less reliable data than those substantiating action *or* harm, particularly if inconsistencies are not readily apparent. Without clear classification guidelines, child protection practitioners may shift between classifications based on identifiable outcome and classifications based on harm to the child.

Classifying abuse and neglect by the outcome to the child creates a tautology of definition and comprises the commonly accepted understanding of the types of behaviours that make up specific abuse types. The data has flawed reliability and validity when it is based on the rate of maltreatment drawn from jurisdictions in which both action and harm may be substantiated and where there are no clear guidelines for classification into specific maltreatment types. It is questionable whether data drawn from such jurisdictions has any real meaning at all.

The endangerment standard

The alteration of the definition of maltreatment from the Harm Standard in the US National Incidence Study One (NIS-1) to the Endangerment Standard in the NIS-2 resulted in the inclusion of

Table 2. Classification of children at risk of maltreatment in Australian legislation

	At risk separated 1996–1997	At risk separated 1997–1998	At risk separated 1999–2000
Victoria	×	×	×
New South Wales	×	×	×
Queensland	√	√	√
Western Australia	×	×	×
South Australia	√	×	×
Tasmania	√	√	√
Australian Capital Territory	√	√	×
Northern Territory	×	×	×

(AIHW 1999, p. 27)

those children who are considered 'at risk' of harm in addition to those 'harmed' (Taussig & Litrownik 1997; Lowman *et al.* 1998). The inclusion of children at risk creates some interesting issues for the classification of protective concerns and subsequent data collection (See Box 3).

Box 3: The endangerment standard

Eleven-year old Susie has disclosed to her teacher that her mother's boyfriend has been touching her inappropriately. Susie has a 9-year-old-brother Adam and a 6-year-old-sister Christine.

This example involves sexual abuse, and although Susie has experienced the abuse, her two siblings living in the home are at risk of sexual abuse. In the case that the incident of sexual abuse against Susie is confirmed, her siblings may be considered at risk of sexual abuse. In jurisdictions where at risk cases are not distinguished from substantiated incidents, this would translate to three cases of sexual abuse being included in incidence statistics, where one child was abused.

In the majority of Australian states and territories, children at risk of maltreatment are grouped with those who have experienced abuse or neglect (Table 2). Victoria and New South Wales do not include 'at risk' as a distinct category, but are legislated to intervene in cases where there is a 'likelihood of significant harm' or where there is 'no injury, but a risk of injury', respectively. Between 1996 and 2000 the number of Australian states and territories that distinguished between those children who had experienced abuse or neglect and those at risk of child maltreatment dropped from four to two. Tasmania and Queensland are the only states that continue to make the distinction, and Queensland does so by including risk in its substantiated outcomes, but in the subcategory 'substantiated risk' (AIHW 1999).

The classification of children determined to be at risk of abuse or neglect is also an issue outside of Australia. In the USA the approach to the classification of at-risk children varies greatly, to the extent that the American National Centre on Child Abuse and Neglect has differentiated between two-tier and three-tier classification systems (Taussig & Litrownik 1997). Under a two-tier system, cases are classified as either 'substantiated' or 'unsubstantiated', whereas in the three-tier systems, cases are classified as either 'substantiated', 'at risk' or 'unsubstantiated'.

In their examination of protective issue children, Taussig and Litrownik (1997) identified that there was no consistency in how at-risk cases were classified or handled statistically and no overt statement about this group in studies using child protection samples. Some researchers have argued (but not empirically substantiated) that maltreated children and their nonabused siblings will have similar outcomes/experiences (Lynch & Cicchetti 1998) and studies that have found that witnessing family violence has similar effects to being physically abused (Taussig & Litrownik 1997) support this position. However, in a study that specifically investigated children at risk of maltreatment, Taussig and Litrownik found that '*protective issue children differ significantly from children with*

substantiated maltreatment on age, gender, and behavioural indexes' (p. 146).

The issue of at-risk children is of particular interest in the case of the nonabused siblings of maltreated children. In most jurisdictions Australian (and international) legislation does not dictate how siblings are to be classified. Therefore, agencies may decide not to include siblings, to include all siblings or to allow individual workers to make a decision based on case characteristics. Non-maltreated children may be classified as at risk of the primary abuse suffered by their maltreated sibling or as having been the victim of another primary abuse type (e.g. emotional abuse). Anecdotal evidence suggests that regions may make it a policy to include all siblings in a notification, regardless of case characteristics, for political or economic reasons. The inclusion of at-risk children in this way can facilitate the artificial inflation of the incidence of maltreatment in particular jurisdictions, thus providing a basis for requesting increased funding.

The Endangerment Standard has inflated the rate of child maltreatment in child protection statistics by broadening the definition of what constitutes a child in need of protection. At this time there is no definitive evidence to support either the two-tier or the three-tier classification system. In Australia there has been neither research to evaluate the efficacy of either the two-tier or three-tier classification systems or debate among academics and professionals in the field. Despite this the majority of Australian states and territories have shifted towards a two-tier classification system. The failure to treat at-risk children as a distinct category – or at the very least to have some clear protocols for the inclusion of at-risk cases with substantiated maltreatment – exposes national incidence statistics to artificial inflation and does not accurately reflect the incidence of child maltreatment.

Table 3. The assignment of responsibility for maltreatment in Australian legislation

	assignment of responsibility solely to parents	**addresses extra-familial maltreatment**
Victoria	√	×
New South Wales	×	√
Queensland	√	×
Western Australia	×	√
South Australia	×	√
Tasmania	×	√
Australian Capital Territory	√	×
Northern Territory	√	×

Child Welfare Act 1947; *Community Welfare Act 1983*; *Children and Young Persons Act 1989*; *Children Young Persons and Their Families Act 1997*; *Children and Young Persons (Care and Protection) Act 1998*; *Child Protection Bill 1998*; *Children and Young People Act 1999*; *Children's Protection Act 1993*

Assignment of responsibility

In a brief literature review, Gough (1996) argued that there were two basic concepts underlying all definitions of maltreatment: harm and responsibility for that harm. Having acknowledged that all maltreatment involves harm or risk of harm to a child, he then went on to discuss seven aspects of responsibility. Of particular interest in this paper is the second aspect: assignment of responsibility.

Most Australian states and territories have legislated the assignment of responsibility to the child's parents, care givers or guardians (Table 3). A typical example of this is the Queensland State *Child Protection Bill 1998*, which defines a child in need of protection as 'a child who . . . has suffered harm, is suffering harm, or is at an unacceptable risk of suffering harm, and *does not have a parent able and willing to protect the child from the harm*' (Section 10, current authors' italics). The result of this legislation is that extra-familial child maltreatment is only included in child protection data if the parents have failed to act protectively, thus under-reporting the incidence of actual maltreatment (See Box 4).

Box 4: Assignment of responsibility

Eleven-year old Susie has disclosed to her teacher that her mother's boyfriend has been touching her inappropriately.

If, after being informed of the abuse, Susie's mother immediately severed her relationship with the perpetrator and prohibited him from having any contact with the children, it is unlikely that this case would even be included in child protection data. However, if Susie's mother continues to see the boyfriend and allows him access to the children, the case would be classified as neglect, as Susie's mother failed to protect her.

The problems presented in child protection legislation by assigning responsibility solely to parents is not unique to Australia. In some states of the USA (e.g. North Carolina) only family members can be listed as the perpetrator of abuse; thus if a mother's boyfriend physically abuses her child, the case is classified as neglect, as the mother 'failed to protect' the child (Lowman *et al*. 1998).

The restriction of the potential range of perpetrators is of most relevance in the case of child sexual abuse, which is more likely than other types of abuse to be perpetrated by a non-familial member (Stanley & Goddard 1993). The assignment of responsibility solely to parents therefore contributes to the under-reporting of the prevalence of sexual abuse in national incidence statistics. A related aspect of responsibility is the interpretation of social roles and responsibilities of those whose behaviour toward the child is under question. Gough (1996) reported that there was a tendency for responsibility to be attributed to mothers even when husbands or male partners were present. The emphasis on the role of the mother to protect her children may influence the classification of maltreatment. This is consistent with a long history of blaming of mothers (Breckenridge & Baldry 1997).

In jurisdictions where responsibility has been assigned solely to parents, all

extra-familial abuse that is reported to child protection involves cases where the parents have failed to act protectively and that may be classified as neglect, thus changing the nature of the definition of neglect, resulting in under-reporting of the rates of abuse.

Conclusion

The inclusion of examples from the USA serves to illustrate that the problems identified in this paper are not unique to Australia. Incidence statistics drawn from any mandated child protection body's statistics are likely to be unreliable as a result of one or more of the issues identified in this paper. The likelihood of compromised reliability and validity increases when data from several different jurisdictions are amalgamated.

Data collected by mandated child protection bodies in Australia (and internationally) both under- and over-estimate different aspects of the rates of child maltreatment in the community. Specifically, the rates of child maltreatment have been inflated by the substantiation of harm, which has facilitated the inclusion of non-maltreatment issues into the child protection population and the inclusion of children 'at risk' of maltreatment with those who have experienced child maltreatment. Child maltreatment is under-reported due to assignment of responsibility solely to parents, resulting in the omission of many cases of extra-familial abuse. The reliability and validity of data reporting the incidence of specific maltreatment types is violated. Specifically, the validity of data reporting the incidence of specific abuse types has been comprised by: (i) outdated data systems that force the classification of non-maltreatment issues into one of the four traditional abuse types;[1] (ii) the classification of traditional abuse type according to child outcome (harm) rather than identifiable adult action; and (iii) the classification of extra-familial abuse as neglect in the cases where a parent has failed to protect their child. The reliability of data reporting the rate of specific abuse type is questionable due to inconsistency in the classification of ambiguous protective concerns (e.g. drug-affected parents) into traditional abuse types and the shifting between harm and action as the basis for classification.

All of these issues stem from what Gough (1996) labelled a '*lack of taxonomic delineation*', that is, an absence of specific criteria in child protection stipulating the classification of maltreatment (and other protective issues) into categories. This problem is exacerbated by data systems that require classification into traditional abuse types, masking the actual characteristic of the cases coming to the attention of child protection services.

Child protection authorities and researchers have different immediate goals when it comes to the definition of maltreatment and the application of those definitions. However, it is important not to lose sight of the fact that both child protection services and researchers have the same primary goal: to prevent children from being maltreated and to improve the outcomes for those who have been maltreated. It may be impossible to generate universal definitions of maltreatment; however, researchers and protective practitioners must continue to

inform one another if this primary goal is to be achieved. However, sharing of information is meaningless if we are using the same terms to reflect different things.

The aim of this paper was not to offer solutions to the disparity between research and practitioner definitions of child maltreatment – rather it is to alert researchers to the possible idiosyncrasies within child protection data created by practice and legislation.

However, a number of recommendations can been derived from the discussion in this paper:

1 Child protection agencies need to provide clearer guidelines to protective workers on the way in which protective issues are to be classified into abuse types.

2 Classification guidelines need to be made public, as a transparent classification system would assist those who wish to use data derived from mandated child protection bodies to make accurate inferences.

3 Incorporate a discussion of the controversy surrounding the definitions of abuse and neglect and the potential ramifications that a decision made at a case work level can have on national data in training programs for child protection practitioners.

4 Mandated child protection bodies need to change the language used to describe children subject to state protection. Specifically this can be done by describing this population as '*children in need of protection*' rather than as abused or neglected. This change of language acknowledges that, while many of these children have been subject to abuse and neglect, state-based intervention is based around broader definitions.

5 Researchers (and others) need to be cautious about the use of a child protection derived sample of children who have been abused or neglected. Where possible users should obtain clear guidelines of what the organisation substantiates and clearly outline the limitations of the data.

6 Researchers (and others) need to cease drawing samples of specific abuse types directly from child protection data, as it is both unreliable and invalid. Where possible, researchers themselves should seek to classify the substantiated incidents into specific abuse types, using clearly stated definitions.

It is our hope that awareness of these issues will facilitate more informed use of data derived from mandated child protection bodies and stimulate researchers to work towards possible solutions.

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Footnote

1 A related issue not addressed by this paper is the classification of multiple types of maltreatment. For a discussion of multitype maltreatment see Higgins & McCabe (2001, 2000).

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