

SUBSTANTIATING CHILD ABUSE

The Head of the government's Family Research body (The Australian Institute of Family Studies) was reported in The Australian to have stated that "Child abuse is vastly over-reported" after he claims to have found a vast gulf between notifications and substantiations.

Such a statement is counter to the experiences of voluntary agencies working with abused children and their families and research studies conducted into the incidence of child abuse in Australia.

Such experience and studies show that the rates of child abuse, particularly child sexual assault within the family, have reached epidemic proportions throughout Australia and this is a matter for very considerable concern. Child abuse and particularly incestuous child sexual assault are endemic in Australian culture and a scourge in our society. More than a decade ago, a paper written by Melbourne University psychiatrist Dr. Bill Glaser for the Australian Institute of Criminology described paedophilia as the biggest and most neglected health problem facing Australia because of the high correlation between child sex abuse and later mental illness, depression, substance abuse, self destructive behaviour and suicide, some forty deaths being related to abuse by one Catholic priest in Victoria alone. Research by Briggs, Hawkins and Williams (1994) showed that only 26 of 200 male victims attempted to report one of their abusers and only one was believed, indicating that 1700 offenders got away with their crimes.

Studies have shown that 1.2 million Australian women are the victims of domestic violence and as most of those women are mothers, then it can be reasonably estimated that over 1.5 million Australian children will variously be experiencing emotional, psychological, and physical harm during such violent assaults and in many instances they will also be sexually abused.

Every year there are approximately 300,000 notifications of child abuse in Australia, but studies have shown that only 40 per cent of Australians would report child abuse if they witnessed such an event. Only 240,000 of those notifications are subjected to some form of investigation and 50,000 of such investigations lead to substantiation. However if they are found to be 'unsubstantiated', that does not mean that the child has not been abused, only that insufficient evidence could be obtained to bring the matter before a criminal or children's court or alternatively, that the case was not investigated.

Many investigations by child protection authorities and the police are not conducted thoroughly or competently due to insufficient personnel and lack of training in investigatory methods, and this is the major reason why substantiations are so low.

There are a number of reasons why notifications of child abuse are unsubstantiated and the most common reasons are:

1. The report has not met the subjective criteria of *'immediate risk of serious harm'* which mandates an investigation;
2. There are no available child protection staff to conduct an investigation into a report;
3. The child is too young to talk about what has happened to them and therefore to provide the necessary preliminary evidence required;
4. Although there is a legal presumption in Australian criminal and civil Courts that the evidence of children with no specification of age, must be treated as reliable and credible, untrained and inexperienced investigators frequently make a wrongful assumption that children's testimony is untruthful, fabricated or coached.
5. The child has made no spontaneous disclosures of abuse to untrained and inexperienced interviewers, and an immediate and inappropriate assumption is made that the abuse has not therefore occurred;
6. The child has made clear disclosures of abuse to interviewers naming a perpetrator who denies the claims. The denial is accepted as truthful;
7. The child's disclosures of abuse to interviewers are confused or changed or retracted by the child;
8. The child is under an age (7 years) or intellectual function where their evidence will be accepted in a court of law
9. There are no witnesses to corroborate the child's disclosures of abuse;
10. The child has not been examined by a forensic paediatrician for physical evidence of abuse, nor to a forensic clinical psychologist for examination for emotional/behavioural disorders which may indicate abuse and which are essential to any court proceedings;
11. There is no material evidence (e.g. photographs, DNA swabs, pregnancy) establishing an offence and a perpetrator beyond reasonable doubt;
12. In cases involving father-child incest, the biased interviewer believes that the mother "trained " the children to lie
13. In cases involving incest, untrained and inexperienced interviewers make unfounded assumptions that the parent reporting the abuse (usually the mother) is suffering from the "Parent Alienation Syndrome", Borderline Personality Disorder or is delusional and with no evidence to support such an assumption;
14. Frequently, neither police officers nor social workers are adequately trained for communicating with young children about sexual abuse. In particular they are generally unable to handle such situations in sensitively and to elicit information in a sympathetic manner after gaining the trust and confidence of such young witnesses. The interview techniques often resemble those used for hardened recidivist criminals;
15. Before completing the comprehensive and thorough inquiries necessary in child abuse investigations, the police officers and social workers tell the abuser what the child has said with the result that the child who is still in contact with the abuser is threatened and withdraws the statement. They are thereby colluding in making a primary witness available to the alleged offender with a high risk of interference with the witness's testimony.

Prepared by:

Emeritus Professor Freda Briggs AO - UniSA

Dr. Elspeth McInnes AOM - UniSA

Charles Pragnell – Chairman National Child Protection Alliance.

04/2013.