

**CHILD ABUSE IS WAY DOWN (DON'T TELL ANYONE):**  
**An Analysis of NIS-4 from the National Coalition for Child Protection Reform,**  
**February 2, 2010**

**OVERVIEW**

A huge study of child abuse, commissioned by the federal government, that many in the child welfare community have been eagerly anticipating for years, has arrived – to almost no fanfare. It just sort of sneaked onto the internet on January 28, courtesy of an obscure division of the Department of Health and Human Services. It's called the *Fourth National Incidence Study of Child Abuse and Neglect*, commonly known as NIS-4. It's available online here:

[http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/natl\\_incid/index.html#reports](http://www.acf.hhs.gov/programs/opre/abuse_neglect/natl_incid/index.html#reports)

One possible reason why it's gotten so little attention: The study finds that child abuse is down – *way* down. And while that's great news for children, it's terrible news for the foster-care industrial complex, the agencies that need a steady supply of foster children to stay in business, and their allies. These are the latter-day version of those who, in the 19<sup>th</sup> Century, proudly called themselves “child savers.”

After all, with groups like Every Child Matters spreading hype and fomenting hysteria in an effort to divert billions more federal dollars into hiring child abuse investigators, the last thing they'd want everyone to know is that there is a lot less child abuse than there used to be.<sup>1</sup>

The study found this significant decline in child abuse even though this study measures not actual maltreatment but rather the guesses of key people in a sample of communities about children they suspect might be maltreated, or might be at risk of maltreatment sometime in the future. In other words, what this study labels actual cases of child abuse are the equivalent of “reports” alleging maltreatment to child protective services (CPS) agencies – and only about one-quarter of such reports actually hold up when they're investigated.

The study also found this significant decline despite some breathtakingly-broad definitions of “abuse,” including things like sending a child to bed without his supper and being - no kidding - “overprotective.” In addition, all spanking can be defined as physical abuse. Any of these things makes a child “abused” or “neglected” if the person reporting the case to the researchers, called a “sentinel” believes they caused harm or the risk of harm. And “harm” can be no more than the child feeling fearful, feeling depressed or having nightmares for two days in a row.

The report also is more evidence that, while the obscenely high rate at which CPS agencies take away children and throw them into foster care is related to many things, actual child abuse is not one of them. The study looked at child maltreatment at the end of 2005 and the beginning of 2006 and showed that there was far less child abuse then than in 1993. (Both studies used the same methodology and definitions.) But in 1993, an estimated 226,000 children were taken from their parents and thrown into foster care. In 2005, when there was far less actual child abuse, the number was 307,000, the highest number on record.

**The report is still another indication that the best use of scarce child welfare dollars is on prevention and family preservation – not on hiring more people to investigate less actual abuse.**

As for the numbers in the study itself, inevitably news accounts are likely to focus on the really big ones.

But it takes a mountain of hype, and absurd definitions of maltreatment to get to those numbers. **The huge numbers in this study include any case in which any so-called “sentinel” guesses that a child *might* have been harmed, or might be at risk of harm by going to bed without his supper, doing too many chores, having an overprotective parent etc.**

Dig down through that mountain of hype to the molehill of truth and what this study really found is that, when it comes to the kinds of cases people think of when they hear the words “child abuse” – cases that do serious harm to a child - a very generous estimate suggests that there are probably about 281,000 of them in this country every year. (The methodology for this calculation is explained later in this analysis.)

On the one hand, that’s a very high raw number. It’s roughly equal to the entire population of Buffalo, New York. On the other hand, it means that, **in any given year, 99.6 percent of America’s children are *not* victims of what the public commonly thinks of as child abuse.**

That has huge implications. When you’re looking for 281,000 seriously abused children among the 74 million Americans under age 18, you’re looking for needles in a haystack. That means we need better ways to find the needles, instead of spending even more billions of dollars to try to vacuum up the haystack - at enormous cost to the children who get swept up by mistake. It also means the numbers commonly used to stampede us into phony solutions and running roughshod over innocent families are dangerous nonsense.

The NIS-4 findings are even more significant when read in conjunction with a second recent study done by the Center for Public Policy Priorities in Texas, and discussed on the NCCPR Child Welfare Blog here: <http://nccpr.blogspot.com/2010/01/reposting-family-preservation-and.html> (The discussion includes a link to the full study.) This study dealt with child abuse fatalities. It found that none of the traditional CPS interventions - screening in more reports, investigating more cases, taking away more children - had any impact on reducing child abuse fatalities. But more prevention and more efforts to curb poverty and teen pregnancy *do* reduce such fatalities.

The two studies together provide overwhelming evidence that it would be a huge waste of money to plow more scarce resources into Child Protective Services investigations when the same money can save more children's futures, and even their lives, when invested in prevention and family preservation.

## **HISTORY OF THE NATIONAL INCIDENCE STUDIES**

The first such study commissioned by Congress was done using data from 1980. Another followed using data from 1987 and a third used data from 1993. Then came a 10-

year gap until the 2005-06 data used for the just-released report.

The study looks far beyond official reports of maltreatment, by establishing a network of more than 10,000 “sentinels” – professionals in mental health agencies, law enforcement, schools, hospitals etc. who are asked to be on the lookout for anything that fits the study’s very broad definitions of maltreatment. The sentinels then notify the researchers of any such case. There is no further investigation – no attempt to do what a CPS agency would do and determine if the sentinel’s impression is “substantiated” or “unfounded.”

That first study (NIS-1) used a definition of maltreatment which was extremely broad, but it did require that for a child to be considered an abused or neglected child, that child actually had to be abused or neglected – the child had to suffer harm, which is why it’s called the “harm standard.”

While that may seem like common sense, it produced a number that was lower than the child savers wanted, since they wanted to use these data to expand coercive intervention into families. So they lobbied for an expanded definition – one which counts any case in which the “sentinel” believes what the parent did or failed to do “endangered” the child – that is, put the child at risk of harm. That’s called the “endangerment” standard.

But there appears to be no definition of “endangered” – except that it *automatically* includes any case that was substantiated by a CPS agency – even though, as is discussed below, the NIS researchers themselves have found that CPS agencies often wrongly substantiate cases.<sup>2</sup>

So ever since NIS-2, all of these studies have provided two sets of data, using these two standards.

Both standards use the same definitions of what constitutes maltreatment; in most cases the only difference is whether the “sentinel” believes the child was harmed or only might be harmed.<sup>3</sup>

## **A DEFINITIONAL NIGHTMARE**

And what constitutes abuse and neglect under these definitions? Pretty much anything and everything.

In order to be “counted” as maltreatment, the case not only must fit the definition, but the “sentinel” also must believe the maltreatment caused either “serious” or “moderate” harm – or put the child at risk of experiencing such harm in the future.

But that’s a very low bar. The standard for moderate harm includes treatment that left a child feeling fearful, or depressed, or having nightmares for two days in a row – or, for the endangerment standard, treatment that put the child at risk of these experiences.

Even categories that should be straightforward include some surprises. Physical abuse includes “hitting” and hitting includes “spanking with hand.”

The definition of sexual abuse includes “failure to supervise the child’s voluntary sexual activities.” Does this mean mom and dad have to chaperone every time their 17-year-

old goes out on a date? (Or would that be “overprotective” and therefore emotional neglect?)

And it gets worse:

Emotional abuse includes: “nonphysical forms of overtly rejecting treatment” and “all varieties of ... overtly punitive behaviors where actual physical contact did not occur (such as intentional withholding of food ... or excessive responsibilities ...)”

So if Mom sends her son to bed without his dinner, that qualifies. So does making him do more chores than the “sentinel” thinks is appropriate.

Physical neglect includes “inadequate supervision” – one of the most common allegations investigated by child protective services. Among the circumstances deemed inadequate supervision: a 12-year-old who has to take care of a younger sibling. But often these are cases in which a single parent has to choose between leaving that 12-year-old to watch the siblings or staying home herself and losing her job.

This category also includes “inadequate attention to needs for food, clothing, shelter, or personal hygiene; and other disregard for the child’s physical needs or physical safety.” In other words: poverty. (The fine print includes an instruction to “sentinels” not to count the case as maltreatment if the lack of food clothing and shelter is caused by the family’s being “financially unable to provide” it – but it doesn’t explain how the sentinels would know this. And such provisions in state laws routinely are ignored by CPS agencies.)

Fully 360,000 cases involve “educational neglect.” But a recent study of such cases in New York State by the highly-respected Vera Institute of Justice suggested that this category often shouldn’t be part of the CPS mandate at all. The report is available here:

[http://www.vera.org/download?file=2943/Rethinking%2BEducational%2BNeglect\\_final-2.pdf](http://www.vera.org/download?file=2943/Rethinking%2BEducational%2BNeglect_final-2.pdf)

Among their findings:

--Overwhelmingly these are low-risk cases, and it’s idiotic to waste the time of child protective services dealing with them. (While that may be obvious, they’ve got an actual case reading, from Orange County, to prove it.) In addition to wasting the time of CPS workers, sending a CPS worker to the door only makes the family defensive and makes it harder to solve whatever problem may be causing absenteeism.

--The notion that educational neglect is the “tip of the iceberg,” a sign of some other, deeper problem, (the primary excuse for CPS investigating such cases), is nonsense. Generally, “educational neglect” is the tip of nothing except some kind of school problem, often one that is not the parent’s fault.

--In one city, Yonkers, school officials will call in a report of educational neglect if they simply can’t reach a parent by phone, or the family’s address has changed and they don’t know where to find them.

--While few educational neglect cases wind up with children placed in foster care, many families get dragged into court – and the investigations can devastate families and scare them away from help.

--The majority of states do not include “educational neglect” in the mandate of their CPS agencies at all (which raises questions about why it’s in the National Incidence Studies).

And then there’s the category called “emotional neglect.” It includes:

--“inadequate nurturance or affection”

--“failure or refusal to seek needed treatment for an emotional or behavioral problem”

In other words, mom and dad don’t think their child should be on Ritalin, the teacher does, and the teacher is a sentinel, so...

--“overprotective treatment”

--“inadequate structure”

--“inappropriately advanced expectations”

--“exposure to maladaptive behaviors and environments”

--“other inattention to the child’s developmental or emotional needs”

Given this astounding set of definitions it should come as no surprise that while almost every other category of child maltreatment is declining, “emotional neglect” supposedly nearly doubled. And it should come as no surprise that this one category encompasses more than a million cases, more than one-third of the total for every form of maltreatment under the “endangerment standard.”

**As noted above, when you boil it all down, the huge numbers in this study include any case in which any sentinel guesses that a child *might* be harmed by going to bed without his supper, doing too many chores, having an overprotective parent etc.**

Of course it also includes cases in which the sentinel suspects beatings, rape and torture, and the suspicion is correct. But how many such cases are there?

The study makes it enormously difficult to tell. The study estimates that there were 562,000 children to whom some form of maltreatment did “serious” harm.<sup>4</sup> But again, these are sentinels’ guesses – roughly the equivalent of “reports” to child protective hotlines that are passed on for investigation.

We know that when such suspicions are reported to CPS agencies, only about 25 percent turn out to be “substantiated” after an investigation. We also know, from a study done for NIS-2, but, unfortunately, not repeated this time, that caseworkers are two to six times more likely to wrongly substantiate a case than to wrongly label one unfounded<sup>5</sup> – so that 25 percent figure is, in fact, too high.

But let’s assume that 25 percent really is an accurate substantiation percentage and let’s assume the sentinels are equally accurate. That would mean the real number of serious cases is 140,500.

But although the NIS studies go to enormous lengths to find cases that are not reported to authorities, of course they won’t find every case. Let’s assume they’ve missed half the serious cases out there. That would mean that, if we give those who want to inflate these figures the benefit of doubt after doubt, there are 281,000 cases of serious child abuse in America every year.

As noted at the start of this analysis, that is cause for serious concern – and for action. But it means the type of action should be vastly different from the broad-brush approach that subjects millions of children to needless traumatic investigations, and thousands to the enormous harm of needless foster care.

## **ENCOURAGING TRENDS**

Even if one takes the hyper-inflated figures in this report at face value, the trend is remarkable. Comparing the findings of this study to the 1993 study, using the so-called “harm standard”:

The rate of all forms of maltreatment is down 26 percent.

The rate of sexual abuse is down 44 percent.

The rate of physical abuse is down 23 percent.

The rate of emotional abuse is down 33 percent.

The rate of neglect in general and in its subcategories remained unchanged.

Using the “endangerment standard”:

The rate of physical abuse is down 29 percent.

The rate of sexual abuse is down 47 percent.

But, guess what:

The rate of emotional neglect – that incredible catch-all category, nearly doubled, increasing by 83 percent.

The authors suggest that while this may be partly a real increase, “it is fairly clear that it also reflects some change in policy and focus.” No kidding. For decades, the child savers have had great success in constantly broadening the types of behavior defined as “child abuse” – or as the child savers no doubt would prefer to put it: “raising awareness.”

The study authors cite, in particular, increased “awareness” of the problem of children witnessing domestic violence. This has been a huge growth industry for the child savers – and a dangerous one. Because while witnessing domestic violence can indeed sometimes be emotionally harmful to children, taking the child away from the non-offending parent and throwing that child into foster care is far more harmful. The research was documented in a class-action lawsuit banning this practice in New York City. An excerpt from the court decision documenting that research is available on our website here: <http://nccpr.info/when-children-witness-domestic-violence-expert-opinion/>

Also unsurprisingly, under the “endangerment standard” fully three-fourths of all the alleged cases of maltreatment involved some form of “neglect.”

## **THE ENORMOUS ROLE OF POVERTY**

NIS-4 used a different formula for determining poverty than in past studies, so the differences are not as dramatic as in past NIS reports, but they’re still huge:

Children who are poor are three times more likely to experience abuse, as defined by this study, and seven times more likely to experience neglect – which is hardly surprising since the very definition of neglect in this study is a definition of poverty.

## **RACIAL BIAS**

The poverty factor helps explain the findings on race. Again using definitions that define poverty as neglect, the study found more maltreatment among Black families. Mostly this was not due to an increase in alleged maltreatment among Black families but rather a slower rate of decrease.

Given what has happened in America from 1993 through 2006 that's not surprising. Though most of this period was a time of economic prosperity, that prosperity was not distributed equally – on the contrary, the gap between rich and poor continued to widen. So it's no wonder what is defined as child maltreatment, which so often encompasses poverty itself, is likely to decline more slowly among Black families.

Where it is claimed that maltreatment among Black families increased, it is in the most subjective category – “emotional neglect,” and the more subjective the category, the more vulnerable it is to racial bias.

Confronted with the disproportionate rate of child removal among Black families, child savers like to claim that it's because of poverty – even though child savers also like to claim they never take away children because of poverty. That contradiction aside, there is no excuse for tearing apart a family just because the family is poor. And other studies, including one in which workers were given identical hypothetical cases, show that even when poverty is not a factor, workers are more likely to claim a child is “at risk” if the family is described as Black.<sup>6</sup>

The data in NIS-4 provide more evidence that both class bias and racial bias pervade child welfare. The data suggest that Black children, because they are more likely to be poor, are more likely to be taken when family poverty is confused with neglect. But the data on “emotional neglect” suggest, once again, that Black children *also* are more likely to be taken because they are Black.

## **THE ROLE OF SUBSTANCE ABUSE: SURPRISINGLY SMALL**

To hear the child savers tell it, virtually every case of child maltreatment involves drug abuse. But according to this study, all drug abuse, including alcohol, was a factor in 22 percent of cases. Similarly, notwithstanding the child savers constant efforts to define child abuse as a medical problem rather than a poverty problem, mental illness was a factor in 7.2 percent of cases.

## **UNINVESTIGATED CASES**

Whenever an NIS report comes out, child savers raise the alarm about all the cases that went unreported. But NIS-4 includes some intriguing data – often, the more serious the allegation, the more likely it is that CPS did, indeed, know about it.

CPS not only knew about, but investigated, about half of all the cases alleging all forms of abuse under the harm standard, including 55 percent of the sexual abuse cases. They even knew about, and investigated, half the so-called emotional neglect allegations, which suggests they did a lot of harm to children and spent a lot of time spinning their wheels.

And it is important to remember that all NIS estimates of the number of cases of child abuse include those that CPS knew about and those it did not.

## CONCLUSION

You don't have to eradicate child poverty to eradicate child maltreatment – but clearly the best way to get value for child welfare dollars is by focusing on help to ameliorate the worst effects of poverty – day care to avoid “lack of supervision” charges, rent subsidies so children aren't taken because the family lacks decent housing, and job training, so people can survive on one or two jobs instead of three – so they won't be so tired that they supposedly “emotionally neglect” their children.

At a time when actual child abuse is significantly decreasing, this is a far better use of scarce funds than spending billions more to charge into families, tear them apart and place their children in what often is the most emotionally abusive and neglectful environment of all: foster care with strangers.

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<sup>1</sup> For details on the distortions in ECM's campaign see these posts to the NCCPR Child Welfare Blog: <http://nccpr.blogspot.com/search/label/Every%20Child%20Matters>)

<sup>2</sup> The discussion of definitions is limited in the NIS-4 document itself, but there is a detailed discussion in Andrea Sedlak, *A History of the National Incidence Study of Child Abuse and Neglect*, February 21, 200, available online at [https://www.nis4.org/NIS\\_History.pdf](https://www.nis4.org/NIS_History.pdf) This document says the child must be “seriously” endangered to be counted under the endangerment standard, but NIS-4 itself does not include the qualifier “seriously.”

<sup>3</sup> Adding further confusion: In some cases, the “endangerment standard” has a different meaning. Rather than meaning a change from actual harm to possible future harm, in a few categories, it includes maltreatment by a perpetrator other than a parent or guardian. In all other categories, NIS-4 looks only at maltreatment by a parent or guardian.

<sup>4</sup> This total combines three categories in the report, “serious” harm, fatalities, and “inferred” harm.

<sup>5</sup> *Study Findings: Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988* (Washington: U.S. Dept. of Health and Human Services, National Center on Child Abuse and Neglect, 1988), Chapter 6, Page 5.

<sup>6</sup> For citations for this and other studies see NCCPR's Issue Paper, *Child Welfare and Race*, available online at: <http://www.nccpr.org/reports/7Race.pdf>