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An Interdisciplinary Seminar in Child Abuse and Neglect with a Focus on Child Protection Practice

Suellyn Scarnecchia
University of Michigan Law School, scarnecchia@law.unm.edu

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Given the myriad of professionals involved in protecting children from abuse and neglect, legal practice in the field of child protection requires an understanding of the various disciplines these professionals represent. Professor Scarnecchia argues that such an understanding is necessary in order for the attorney to serve as a zealous advocate for her client. In hopes of creating this understanding in students at the University of Michigan, an interdisciplinary seminar in child abuse and neglect has been created. Professor Scarnecchia details the substantive content of the seminar, discussing specific issues that arise in protecting children. She explains that by using actual cases to illustrate how these issues appear in child protection cases, and how they are addressed by the various disciplines, the seminar has been able to maintain an emphasis on practice and practical skills. Choices of class materials, assignments, enrollment, and faculty are also detailed to encourage the development of such a program at other institutions.

INTRODUCTION

Preparation for a professional career in the field of child protection requires an understanding of the various disciplines involved. Professionals who interact regularly within the child protection system include lawyers, social workers, psychologists, police officers, physicians, and teachers. These professionals often serve on interdisciplinary case review teams or cooperate in preparing a case for trial. Mutual
understanding between these professionals assists in eliminating the confusion, delays, and poor decisionmaking caused by professionals unprepared to interact with one another.\(^3\) Participants in the child protection system should understand the limits of their own disciplines as well as understand and respect the skills and knowledge unique to the other disciplines represented in that system. Interdisciplinary training can accomplish these goals and thereby enhance the effectiveness of professionals involved in child protection.

Gaining an interdisciplinary understanding of child protection practice is a complicated process. Each of the disciplines involved has a unique mission, knowledge base, training

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[Multidisciplinary child protection teams] are found from the Atlantic to the Pacific, in rural and urban communities. Teams exist in hospitals, departments of social services, mental health centers, on military installations, and in federal tribal jurisdictions. They have many different perspectives and purposes, but are united by the recognition that children need people who can be trusted to work together on their behalf. Multidisciplinary teams work for children by working for professionals: professionals are continuously cross-trained by colleagues and emotionally sustained.

*Id.*; see also Jean Koh Peters, *The Lawyer for Children at the Interdisciplinary Meeting*, in 2 CHILD MALTREATMENT 226 (1997) (describing the dynamics of interdisciplinary meetings and examining the role of the attorney in this context).


3. *See Joseph Goldstein et al., In the Best Interests of the Child* 7–9 (1986). This multidisciplinary group of authors posed several of the underlying questions of multidisciplinary cooperation. These questions are:

When do professional participants assume roles or undertake tasks that are outside of their province or beyond their expertise?

... When and under what circumstances are professionals who have acquired knowledge from another discipline justified in acting on such knowledge without expert assistance?

... When does the assumption of two roles in relation to the same child or family place a professional beyond his competence, even though he is qualified to perform either role alone?

... When do professional participants act beyond their authority or professional knowledge by assuming the role of parents?

program, and set of ethical standards. In a practice area such as this, with high stakes and low resources, it becomes tempting to blame professionals from other disciplines when things go wrong. Such blame is common. Lawyers blame social workers for not thoroughly investigating a case; social workers blame judges for being too soft on parents; psychologists blame lawyers for overzealous cross-examination that may distort the truth. In a multidisciplinary practice such as child protection, it becomes easy for professionals to avoid taking responsibility for the shortcomings of the system thereby undermining the incentive to reform.

At the University of Michigan, the Interdisciplinary Seminar in Child Abuse and Neglect (Seminar) was developed to address the need for interdisciplinary training early in a professional's education. The Seminar focuses on the disciplines of law, social work, and psychology. This Article is intended to promote the teaching of similar courses at other universities, but does not provide a survey of similar courses taught at other institutions. Instead, it is intended to offer an example of one effort to provide interdisciplinary training and to invite critique and discussion of that effort.

Part I of this Article focuses on the Seminar's emphasis on practice. Part II describes the Seminar and discusses faculty and students, selecting the structure of the class, and the choice of readings and course projects. Finally, Part III of this Article provides an example of a class session to illustrate some of the benefits of bringing these three disciplines together in a common setting.

4. The University of Michigan has traditionally recognized the need for interdisciplinary education in child abuse and neglect. The Interdisciplinary Project in Child Abuse and Neglect was established at the University in 1976. The Project resulted in the development of clinical programs in law, social work, and medicine and supported interdisciplinary collaboration between the schools. For a description of the Project, see Donald N. Duquette & Kathleen C. Faller, Interdisciplinary Teams in Professional Schools: A Case Study, in THE NEW CHILD PROTECTION TEAM HANDBOOK 536, 536-47 (Donald C. Bross et al. eds., 1988). The Seminar described here follows in the steps of earlier interdisciplinary courses, including a course through the University of Michigan Interdisciplinary Training Program on Child Abuse and Neglect offered for three years, beginning in 1987, and funded by the National Center on Child Abuse and Neglect.

5. It is the experience of the Seminar faculty that these are the three professions most often involved in child protection proceedings and most likely present at interdisciplinary team meetings. In the future, we may seek involvement from faculty and students in the Schools of Education and Medicine as well.
I. EMPHASIS ON PRACTICE

From its inception, the Seminar has focused on an interdisciplinary child protection practice. As an alternative, the Seminar could have focused on relevant research in the fields of child protection law, social work, and psychology. In that case, the goal might have been to build an interdisciplinary knowledge base for our students through the review and discussion of current literature in an interdisciplinary setting. Instead we chose a practice emphasis for the Seminar because of the clinical experience of the participating faculty and our desire to initiate interdisciplinary discussion early in the students' practice experiences.

There are many examples of the need for interdisciplinary skills in communication among professionals of different disciplines. For example, if when consulting a psychologist about a child abuse case, a lawyer reveals that the child may be suffering abuse or neglect, must the psychologist report this to the authorities? Or is the psychologist bound by the lawyer's duty to maintain the confidentiality of client disclosures? When a social worker is counseling two siblings, can she disclose confidences revealed by one sibling to the other? Should any of the children's statements to the therapist be revealed to their attorneys? In an interdisciplinary meeting to discuss the progress of a child protection case, how much information should each professional reveal to further the discussion? Or should these professionals withhold certain information to maintain an element of surprise at trial?

6. An interdisciplinary research seminar on family violence has been recently introduced at the University of Michigan through the Interdisciplinary Research Program in Violence Across the Lifespan. This seminar features weekly presentations of current research by faculty and guests, followed by discussion of the research by an interdisciplinary mix of graduate students.


9. These questions are raised in the class when the "D Case," discussed infra app. B.

10. See Peters, supra note 1, at 230.
It is important for child protection practitioners to develop the ability to decide when or when not to share information across disciplines. By requiring law, social work, and psychology students to grapple with these issues in the context of discussing actual cases, the students have the opportunity to sharpen their communication skills across disciplines.

Examples of other ways professional skills are enhanced by interdisciplinary training include: 1) recognition of each discipline's ethical boundaries and conflicts; 2) understanding which professionals have the power to act at different stages of the child protection process and learning to coordinate efforts with the appropriate actors in the process; 3) learning to communicate effectively in court as an advocate or witness; 4) developing "meeting practice skills"\textsuperscript{11} to maximize each professional's effectiveness at interdisciplinary meetings; and 5) identification of biases in the system, specifically stereotypes associated with each profession that create barriers to effective practice.

This emphasis on practice is reflected in the course through the following means:

1. The composition of the faculty: All three faculty members are actively engaged in a clinical child protection practice in the context of their academic appointments in the various disciplines.

2. The composition of the students: Most students have completed or are actively participating in clinical internships in a child protection setting.

3. Course content: Each class session is designed to highlight one or more actual cases from the caseloads of faculty members. Class sessions emphasize development of practical skills through the frequent use of simulations. For example, students are asked to make case decisions in interdisciplinary groups and to prepare testimony as an attorney or witness.

4. Student projects: Students are required to complete a joint project in an interdisciplinary group. Research papers are accepted, but students are encouraged to consider practical projects, such as drafting educational materials for participants in the child protection system.

Staying true to an emphasis on practice has presented challenges. For example, tempted by the expertise in child abuse and neglect of many University of Michigan faculty, we invited

\textsuperscript{11} Id. at 232.
speakers to make presentations on a new topic each week. These experts tended to present research materials or lectures. The lectures greatly advanced the students' knowledge base, but did little to advance their practical skills in interdisciplinary settings. These presentations left little class time for discussion or simulations. After the first term, the course was altered to provide a more practical focus. The time spent in lecture format was limited, and a greater emphasis was placed on simulations and interaction between students and faculty.

II. DESCRIPTION OF THE COURSE

The Seminar is taught one semester each year. It meets once a week for two hours. Students receive two credits for the course in their respective graduate programs.

The success of the Seminar is largely due to the clinical experience of the faculty. Each faculty member has significant experience in child protection practice. Each supervises graduate students in university-based clinics evaluating, treating, or representing children and their families in the child protection field.

The actual cases used for class discussion are drawn from the clinical experiences of the faculty. To protect the integrity of the legal process and client anonymity, closed case files are used and identifying information is deleted from the case documents. Apart from these precautions, students are invited to review the actual case documents and to step into the shoes of the professionals.

12. The official course description states:

Professionals must constantly work across disciplinary lines in the field of child abuse and neglect. Faculty from the Law School, School of Social Work, and Psychology Department will team-teach this seminar. The participating faculty members are themselves actively involved in a clinical child welfare practice. Graduate students from the participating units will critically examine specific issues, such as physical abuse, failure to thrive, permanency planning, the foster care system, the Indian Child Welfare Act, the impact of domestic violence on children, children as witnesses, and sexual abuse. The class will discuss these issues in the context of case studies and case examples, with particular emphasis on the benefits of interdisciplinary collaboration, as well as the dilemmas posed. Students are required to attend a two-hour weekly class session and to participate in one interdisciplinary project which will result in individual or joint seminar papers.

Course description (on file with the University of Michigan Journal of Law Reform).
professionals involved in those cases to evaluate the decisions they made.\footnote{See infra Part III (discussing the class designed around the "C Case," a case from faculty files used to spur discussion of specific issues).}

One class session focuses on the challenges of dealing with a child welfare agency to protect a child from psychological maltreatment. During class discussion, the psychologist describes multiple calls to protective services in similar circumstances where no action was taken because the state agency did not consider the child to be in immediate danger. This raises several important interdisciplinary questions. In asking how a mental health expert should describe psychological maltreatment so as to motivate state intervention, the students are asked to carefully listen to a child's own description of psychological maltreatment. In asking how a court could take jurisdiction over the family with only the child's statements as evidence, students are asked how an attorney can present evidence of psychological maltreatment in a way that will protect the child from harm. Parents will often not admit their psychological maltreatment of a child without significant confrontation by a professional. Students are asked how treatment is best provided to parents who psychologically abuse a child, and whether their statements in therapy should be used against them in court. Class discussion and learning is enriched by the sharing of the clinical experiences of the faculty.

The Seminar's success is also a result of the practical experiences of the Seminar faculty who can attest to the many joys and frustrations of interdisciplinary practice. We are able to provide checks and balances for each other in class. When the psychologist strongly cautions against providing expert testimony without having evaluated all family members, the social worker reminds the class that this is not a philosophy shared by all in her field and points out that an extensive evaluation is not practical or possible in every situation. The lawyer reminds the class that there is not a clear rule as to the admissibility of certain types of evaluations, and that the value of the evaluation is left to the trier of fact to determine. The absence of any one of the faculty members could leave the students without an understanding of the complexities of a child protection practice.

The faculty also models interdisciplinary exchanges in class. One of the in-class simulations illustrates this point. For that class session, two readings are assigned in order to introduce students to the purposes of multidisciplinary meetings, the
concerns of the professionals involved, and the role conflicts that can arise when evaluating or representing children in the child protection system. The students also read a description of the “D Case” in preparation for class. In class, the students form interdisciplinary teams and receive more specific information about the case according to their assigned roles. Each team is then asked to answer a set of questions to discuss in the larger group.

The “D Case” poses a variety of ethical and strategic questions. The case involves two sisters represented by the same attorney where one sister is accused of sexually abusing the other in foster care. The ethical issues include: May the attorney continue to represent both sisters? May one therapist treat both girls? May the therapist report the abuse to protective services and continue to treat both girls? What placement arrangement will protect the girls and not put other children at risk? The problem is discussed first in the small interdisciplinary teams and then with the entire class. The students readily embrace the roles assigned to them and are able to recognize many of the conflicts. The faculty members highlight issues overlooked by the students.

The faculty members also recognize conflicts among each other’s views. For example, the lawyer will point out that the older girl’s attorney might believe that the therapist who reported the older child’s alleged abuse of her younger sister should not continue to treat both girls. The social worker points out that changing therapists is counterproductive to resolving the allegations of sexual abuse. A new therapist for the older girl cannot confront her with her younger sister’s allegations with the same credibility as the original therapist who knew both girls well. Also, the older sister may avoid sharing any information with the new therapist and her treatment may stall. Through this discussion between faculty members, the students are treated to mutually respectful differences of opinion between professionals. It sets the stage for allowing differing opinions between professionals throughout the Seminar and in the child protection field.

14. See Peters, supra note 1, at 226; Kathleen Coulborn Faller & Mark D. Everson, Forensic and Clinical Issues With Children Who May Have Been Sexually Abused: Potential Conflict Between the Child’s Best Interest and the Legal System (unpublished manuscript, on file with the University of Michigan Journal of Law Reform) (examining the difficulties that can arise when clinical and forensic issues collide in the context of child abuse cases).

15 See infra app. B.
Many of the students enrolled in the Seminar have already begun their professional practice through clinics or internships. Through their related clinical experiences, the students have already developed opinions of each other's disciplines and have recognized deficits in their understanding of the work performed by the other disciplines. They generally approach the Seminar with a variety of personal expectations for improving their own skills and interdisciplinary understanding.

The first class session initiates the students with an exercise that forces them to examine their own opinions of the three disciplines represented in the class. The students take three sheets of paper and title one "lawyers," one "social workers," and one "psychologists." They write descriptive words or phrases, both positive and negative, for each of the professions. Students are asked to search for stereotypes that they or others might hold of the three professions. They do not put their names on the papers.

The lists reflect predictable stereotypes. For example, lawyers are described as arrogant, wealthy, and argumentative. Social workers are described as caring, emotional, and overworked. Psychologists are described as distant, well-educated, and theoretical. Some surprises tend to emerge. Law students often view social workers as powerful. Social work students often view lawyers as powerful. The bases for these observations are discussed revealing that law students feel social workers in the child protection process often exercise power and control by withholding information. Social workers feel that lawyers have more power because of their access to the judge. Each group recognizes that early in their careers they often feel a lack of control in comparison to other professionals in the process.

This discussion occurs early in the term and is used later to identify barriers to interdisciplinary work caused by these stereotypes. For instance, when an attorney enters an interdisciplinary meeting with mental health experts, the other participants may expect argumentative and disruptive behavior from the lawyer. Are there techniques that the lawyer can use to build trust and to overcome the stereotypes? Are the

16. Law students are required to have completed or be currently enrolled in the Child Advocacy Law Clinic. For a description of the Clinic, see Duquette, supra note 7. Social work students are placed for internships with agencies in Ann Arbor and surrounding communities, where they provide casework or treatment for children and their families. Clinical psychology students provide evaluation and treatment to children and their families in their clinical placements. Many are simultaneously developing research for their dissertations which are often related to child protection issues.
stereotypes sometimes true, and even promoted by each discipline's ethical rules? For example, an attorney may represent a parent who instructs the attorney to "get my children back, no matter what it takes." Can the attorney realistically or ethically build a relationship of trust and sharing with other professionals in the case without giving up an adversarial advantage? This discussion can be beneficial to students from all three disciplines. Learning to separate the integrity of the individual professional from the position the professional takes on behalf of a client or patient can help break down the artificial barriers to communication across disciplines. The students' practical experiences outside the classroom, though limited, inform these discussions and provide a meaningful backdrop for their analysis of the issues.

The Seminar is offered to students likely to practice in the field. Few of the law students will specialize in child protection, but many hope to handle such cases on a volunteer basis. Most of the social work students in the Seminar have entered a child protection program. After graduation, the psychology students are likely to teach or provide therapy with a concentration on children's needs. The Seminar has roughly equal openings for students from the three disciplines.17

The course syllabus is structured around a series of topics with two weeks devoted to each topic. These topics include sexual abuse, psychological maltreatment, Munchausen syndrome by proxy,18 high conflict divorce, and foster care and termination of parental rights. The topics are chosen for their potential to raise interdisciplinary issues. These issues are controversial and have posed difficult challenges in our practices and in literature. For example, when sexual abuse cases are discussed, the extent to which the "needs" of the legal system should dictate the practices of mental health professionals must be confronted. Should a psychologist delay providing treatment to a child sexual abuse victim to preserve the child's memories of the abuse? Will the child's memory be challenged at trial because it was tainted by the therapeutic process? When a mother is suspected of intentionally harming her own child to gain

17. The potential number of enrollees from the Clinical Psychology Program is much less than from Social Work or Law because of the differences in the size of the three programs. As a result, it is uncertain how often the course can be offered and at what level each School or Department can be expected to provide financial support for the course.

attention from the medical profession, will evidence procured through surveillance cameras in the hospital be admissible in court against the mother? Does she have the right to expect privacy in such a setting? What would the ethics of the various professions dictate in investigating these cases? Similar controversies exist for each topic. These topics work well, but other topics can just as successfully raise interdisciplinary issues and teach the relevant skills. In its first semester, when only one week was devoted to each topic, the Seminar also included discussions of physical abuse, failure to thrive, the Indian Child Welfare Act, and domestic violence.

Under the current topic structure, the first week of each topic concentration focuses on the earlier phases of child abuse and neglect cases: evaluation, diagnosis, and reporting. In the second week, we concentrate on the later, court-related phases of the cases: the child’s placement, trial, alternatives to trial, and adoption policy. This organization insures full coverage of the topics, without too much emphasis on any single discipline’s role.

Readings chosen by the faculty are used in place of a text. The main portion of each week’s readings is comprised of the faculty’s own case materials edited to remove any identifying information. Those cases form the basis of discussion for each session. The materials typically include legal pleadings and orders, caseworker reports, and reports from mental health evaluators and therapists. Additional readings provide background information on each topic.

The course grade is based on a seminar project due at the end of the term. The students are required to complete the project in interdisciplinary groups, preferably with representation from all three disciplines. The students are often reluctant to work in interdisciplinary groups. Law students seem to be most reluctant. The reluctance appears to be based on a concern about being graded as a group. Reluctance also seems to stem from the students’ denial of the fact that they have much to learn from each other. I suspect that the special emphasis on

19. This behavior is known as Munchausen syndrome by proxy. See id. (discussing this syndrome).
20. A list of sample reading materials is attached as Appendix A.
21. Grading has proved to be a challenge to the faculty. We wish to promote interdisciplinary work and interdependence, but we know that the grading structures for graduate programs differ. We have maintained the policy of giving one grade for each group, but students are advised of this practice early and are given the option of electing to take the course pass/fail. Other faculty might choose to give students individual grades based on their performance in the course.
individual learning and evaluation in law school affects students’ concerns. The faculty help to match and oversee project teams by regularly checking in on the students’ progress and providing some class time to organize the teams, thus mitigating these concerns.

One student team developed a handbook for non-offending parents of children who had been sexually abused as its project. The handbook aided parents to assist the child as he or she prepared to testify as a witness in the legal proceedings. To write the handbook, the students combined their understanding of the legal system, the developmental needs of children at various ages, and the services available to children and their families. Another project focused on the issue of siblings in the foster care system. With an analysis of the related legal, psychological, and social issues, the students made recommendations for determining how much weight to assign to the need to keep siblings together in foster care and adoptive placements.

These types of student projects are not without problems. Students have complained that team members have not carried their share of the workload or lack the skills needed to accomplish the tasks of the project. Others have undertaken projects too large for a one-semester effort. At times, the interdisciplinary process has broken down, with papers clearly written with no effort to integrate the knowledge and perceptions of the relevant disciplines.

Generally, however, the quality of the work has been high, and even the most reluctant students report learning a great deal from each other and have appreciated the relationships developed through the project. In the course of their work, students also instruct one another in their respective research techniques and are able to witness clinical practice from the perspective of another discipline. The possibility of assigning some students to open cases from faculty clinical practices is now under consideration.

III. CLASS EXAMPLE

This Article has described the course and its emphasis on practice. The following class example illustrates how the classroom session can work to enlighten new child protection practitioners. In this session, two psychology students presented
one of their clinical practice cases on foster care and termination of parental rights. The "C Case" posed the problem of a family with several children of varying ages who were placed in foster care. The case had lasted several years without any achievement of a permanent home for the children. The students described their role as evaluators and therapists for the mother and some of the children at various times during the course of the case.

As the students described their work on the case, they voiced the frustration they experienced during their involvement with the family. They noted that the children's attorney never contacted the children during the case. They voiced a concern that the judge had resisted the termination of the mother's parental rights for many years, leaving the children in a legal limbo. Finally, they described the constant turnover in the social work agency's staff, leaving the psychology students as the only professionals who remained constant in the children's lives.

Students and faculty in the Seminar began to challenge the psychology students, suggesting that their failure to recommend termination of parental rights in their evaluation of the mother may have caused the judge's reluctance to act, or that they could have called the children's attorney themselves. The class discussion became very heated as students began to blame each other's professions for the many deficiencies in the child protection system.

Ultimately, most class members felt this was the best class of the semester because of the way in which the discussion brought the students to the "edges" of their professions. Many questions arose: Is it the evaluator's responsibility to call an attorney who is not doing her job? Should the attorney or evaluator take over caseworker duties when there is turnover on the caseworker staff in order to provide continuity for the family? The class discussed the conflict that most child protection professionals experience between the desire to meet the child's needs and the limits of one's own professional duties. They also explored the tendency to blame the shortcomings of other professionals when the system appears to break down and at what point responsibility is shared for a case's outcome. The group suggested that the presence of multiple professional roles and the professionals' tendency to pass on responsibility may be an underlying weakness in the child protection system.
CONCLUSION

These materials have examined three aspects of an interdisciplinary child abuse and neglect Seminar at the University of Michigan: the emphasis on practice in the Seminar, the various choices in faculty, students, readings, and structure in formulating the course, and the provision of a class session example detailing the benefits of a multidisciplinary approach. This examination is offered to stimulate the development of interdisciplinary programs in child abuse and neglect with a requisite focus on practice. It can be anticipated that offered courses would vary among universities, reflecting the current issues facing each clinical community and the specific interests of the respective students and faculty. Nevertheless, it is our hope that interdisciplinary training in child abuse and neglect will become the norm and, as a result, improve the delivery of professional child protection services to families.
APPENDIX A

INTERDISCIPLINARY SEMINAR IN CHILD ABUSE AND NEGLECT: COURSE SCHEDULE AND SAMPLE READINGS

WEEK 1
Introduction to the Course and to Interdisciplinary Work


WEEK 2
Introduction to Child Protection Legal Procedure and Multidisciplinary Meetings

- The "D Case."22
- Kathleen Coulborn Faller & Mark D. Everson, Forensic and Clinical Issues with Children Who May Have Been Sexually Abused: Potential Conflict Between the Child's Best Interest and the Legal System 1 (unpublished manuscript, on file with the University of Michigan Journal of Law Reform).
- ASSIGNMENT: Course project.

WEEK 3
Sexual Abuse of a Young Child: The Investigation

- The "Angie Case."
- Lucy Berliner & Diana M. Elliott, *Sexual Abuse of Children*, in THE AMERICAN PROFESSIONAL SAFETY

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22. See supra text accompanying note 14.
ABUSE CHILDREN HANDBOOK ON CHILD MAL-TREATMENT (J. Briere et al. eds., 1996).


- ASSIGNMENT: Share course project ideas.

WEEK 4
Sexual Abuse of a Young Child: The Legal Procedure


- MICH. COMP. LAWS ANN. §§ 701.1-749 (West 1982).


- ASSIGNMENT: Finalize project groups.

WEEK 5
Psychological Maltreatment

- Videotape presentation: “The Trouble with Evan.”

- Stuart N. Hart et al., Psychological Maltreatment, in THE AMERICAN PROFESSIONAL SOCIETY ON THE
ABUSE OF CHILDREN HANDBOOK ON CHILD MALTREATMENT (J. Briere et al. eds. 1996).


WEEK 6
Psychological Maltreatment: Capturing the Cases; Problems of Proof

- ASSIGNMENT: Project outline due.

WEEK 7
Munchausen Syndrome by Proxy: Problems of Diagnosis

- The “Chelsea Case.”

WEEK 8
Munchausen Syndrome By Proxy: Problems of Proof


WEEK 9
High Conflict Divorce: The Evaluation

- Sample Case

WEEK 9
High Conflict Divorce: Legal Resolutions

- Legal history of the “B Case.”
• MICH. COMP. LAWS ANN. § 722.23 (West 1993).

WEEK 11
Foster Care and Termination of Parental Rights (TPR): Case Planning and the Decision to Seek TPR

• The "N Case."

WEEK 12
Foster Care and Termination of Parental Rights: Alternatives to TPR


WEEK 13

• ASSIGNMENT: Student project presentations.

WEEK 14

• ASSIGNMENT: Student project presentations.
• Course evaluation.
• Final drafts of projects due.
APPENDIX B

The "D Case"

The following hypothetical case is one of the class assignments designed to emphasize the issues that arise in interdisciplinary practice. Students are presented with the following fact situation and assigned in groups to play one of the specified roles. After discussing the issues raised by playing that role in the context of this case, the groups are brought together. The professor then poses the questions that follow to highlight the dilemmas faced by playing each role.

A. The Factual Background

The County Juvenile Court has taken jurisdiction over two children in the D family. The two girls are April, thirteen years old, and Molly, five years old. Their mother, Nan D, and their father, Jerry K, have never been married. Nan and Jerry have had four children together: April, Molly, Jerry, age seventeen, and Jenny, age twenty-one. April and Molly are the only children involved in this case.

April and Molly entered foster care in September 1995. At that time, their parents had been separated for a few months and the girls had been living mostly with their father at their paternal grandmother's home. Both Nan and Jerry have serious and long-standing problems with abuse of alcohol. April and Molly had previously been in foster care for one year, beginning when April was nine and Molly was six months old. Their parents then sought treatment and the children were returned to their care. In 1995, both parents were again abusing alcohol and the children entered care because April had run away to her sister Jenny's house. When the child protective services worker entered Nan's apartment, she found Nan passed out on the couch and Molly playing, unattended.

April and Molly were initially placed in a foster home together. Then an opening arose in the foster home which had cared for Molly when she was a baby. The foster mother, Mrs. Grant, loved Molly and actively worked to have her moved to her home when she had an opening. Molly was moved to Mrs.
Grant's home, and April eventually followed. Mrs. Grant saw Molly's return as a homecoming and made it clear that she would keep both Molly and April permanently, if needed.

Nan and Jerry were ordered to enter into substance abuse treatment. Nan did not enter into treatment for the first month. She then became pregnant by her boyfriend, Paul. She entered treatment and as of August 1996, was doing extremely well. She has been dry for nearly eleven months. She had a baby girl in July and named her Meg. She has her own home and is cooperating with the social service agencies. Nan's mother/baby counselor states Nan is doing very well with Meg. Protective services investigated Nan's home after Meg's birth and did not find evidence to file a neglect petition.

Jerry entered substance abuse treatment immediately and did well. He completed the inpatient program, but dropped out of after-care treatment, claiming that it interfered with work and visits with the kids. As of August, there is no strong evidence of alcohol use (in the first few hearings in September 1995, he showed up intoxicated to court); but there is no evidence that he has successfully completed treatment.

When April and Molly entered foster care, Molly told her foster mother that April had "made sexy" with their Dad in April's bedroom. April strongly denied any sexual abuse by her father. Both girls were interviewed by a social worker who did not substantiate sexual abuse. In April 1995, Mrs. Grant informed the Family Independence Agency (FIA) that she believed April may be sexually molesting Molly and another young girl in her home. She described Molly acting out sexually with members of the family, Molly says that April "humps her" every morning, and once they discovered April in the bathroom with one of the other girls, saying "don't tell Mom about this." At first, April was given a separate space to sleep, but eventually she was removed to a foster home with other teenage girls, all in treatment for sexual abuse. She started treatment with an agency that specializes in sexual abuse treatment for offenders. Throughout her three months in counseling, she has never admitted to sexually assaulting anyone. She did describe being sexually abused by a stranger when she was five or six years old, but continues to deny sexual abuse by anyone in her family.

The FIA worker recently learned that Nan's boyfriend, Paul, served a seven year sentence for sexual assault of a nine year old girl. Nan says she wasn't previously aware of this information.
April wants to return home to her mother. She wants to see her father only at supervised visits and does not want to see him at all if he has been drinking alcohol. Molly wants to stay with Mrs. Grant and Mrs. Grant says that Molly is afraid of April.

You have been asked to attend a multidisciplinary meeting concerning these girls on September 5th. The Court will hold a permanency planning hearing on September 18th to determine whether the girls should return home to one of the parents, or whether FIA should petition for termination of parental rights for one or both children.

B. Student Roles and Questions for Discussion

1. Children's Attorney—You are the attorney appointed by the court to represent April and Molly. You have visited both girls since the last hearing. April has told you that she wants to go home to her mother's. She also thinks it would be unfair to forbid Paul from visiting her mother's home, as the social worker is threatening, because her mother is lonely without him. She denies that she sexually abused Molly or any other child. She says that her father never sexually abused her, but only wants supervised visit with him.

Molly does not talk to you about anything except her toys. You decide not to try to discuss the sex abuse allegations with her, because you lack the required skills for such questioning. You have contacted a local expert in child sexual abuse and invited him/her to the meeting. You feel that expert testimony on sexual abuse in general might be needed. At the meeting, you are hoping to gather information needed in order to make a recommendation to the court.

DISCUSSION QUESTIONS:
1. Can you continue to represent both girls?
2. If not, which one do you represent?
3. Did you tell the others that April wants Paul to be in Mom's home? Confidential or not?
4. Can you recommend anything for April other than a return home given her age, and if so, on what basis?
5. What do you recommend for Molly?
2. *Mother's Attorney*—You have been appointed by the court to represent Nan. Nan has told you that she does not believe that either girl has ever been sexually abused and that she knows April would never abuse Molly. She states that she had no previous knowledge of Paul's sexual assault record, but that he told her he went through counseling and is not a risk to Nan's daughters. Nan is very dependant on him for emotional support, as well as transportation. She does not want him excluded from the home. She wants both girls back as soon as possible. She does not have beds for the girls yet, but she says they can sleep with her in the meantime. Her substance abuse counselor has given her a very positive report, including a record of regular attendance at Alcoholics Anonymous meetings. You are attending the meeting to discover information and to get help in developing a recommendation for the hearing that you can “sell” to your client and the court.

**DISCUSSION QUESTIONS:**

1. What recommendation will you present to your client for presentation to the court?
   - To return both girls, and if so, when?
   - To help Nan with counseling, resources, transportation, or beds?
   - To keep Paul in the home?

2. Did you disclose Nan's dependence on Paul?

3. Did you develop a strategy for protecting Nan from claims of failure to protect the girls (including Meg) from Jerry or Paul, or Molly from April?

3. *Children's Therapist*—You are a social worker on the staff of a local mental health clinic for children. You have been the therapist for April and Molly since they entered foster care. You stopped seeing April when she was moved to the specialized program for treatment, but you may be asked to treat her again after she leaves the program.

Molly has disclosed sexual abuse by April to you very explicitly. You have also spent a lot of time talking to Molly's foster mother. You know Mrs. Grant wants to adopt Molly. She has reported other occasions on which Molly has accused April of sexual abuse. Mrs. Grant also believes April sexually abused a girl in April's first foster home, as well as two other small children in the Grant foster home. Your treatment of the girls is
court-ordered and therefore, not confidential. You are attending the meeting to help develop a plan for the girls' placement and future treatment.

**DISCUSSION QUESTIONS:**
1. Have you reported all of Molly's allegations to Protective Services? Would that be required if you were not the court-ordered therapist?
2. Can you report Molly's allegations and continue to treat both girls?
3. If called to testify, what problems might arise for you?

4. **FIA Social Worker**—You are the foster care caseworker for FIA on the D Family case. You must make a recommendation to the Court in a few weeks to do one of the following: 1) return one or both girls to one or both of their parents; 2) terminate the parental rights of one or both parents to one or both girls; or 3) tell the court that you have reason to believe that you should work with the family longer before you decide between the first two options.

The court will want to know your plan for returning the girls and for services, unless you are recommending termination of parental rights. You have been told that April will be discharged from the program for minor sex offenders and the foster home because she is not making progress. The program refuses to help her until she admits to the sexual abuse. You are worried because there are very few foster homes available for teens accused of sex abuse, since most families have young children in the home. You are also worried about placing April with Nan because you believe April could abuse Meg, the new baby. You called this meeting to discover what the attorneys want to do and whether the attorney for the girls thinks you have enough evidence to file for termination of parental rights. You also want to sort out what services this family needs. You are very concerned about Nan's boyfriend, Paul. You definitely plan to ask the Court for an order keeping him away from Nan's home if April or Molly are there. Presently, the girls see their parents at supervised visits at FIA.

**DISCUSSION QUESTIONS:**
1. Do you need to file a police report on the allegations against April?
2. What will you recommend to the court?
3. How will you monitor the safety of the three girls?
4. Would it have been helpful to have an attorney in the meeting to represent FIA?

5. Sexual Abuse Expert—You have been approached by the children's attorney to attend a multidisciplinary meeting. She/he thinks that your expertise will be helpful at the meeting and that your testimony on sexual abuse issues might be needed. You will not be called to testify about this specific case.

You are on the faculty of the local university and you are a social worker or psychologist. You have not met with the family members and have only reviewed the facts known to all participants. You are attending the meeting to provide your expertise and to determine if there is an appropriate role for you to play in this case.

DISCUSSION QUESTIONS:
1. Is there an appropriate role for you to play in this case, either advisor to the children's attorney, witness for the children's attorney, evaluator for the court, or advisor to any other participant?
2. If the children's attorney asks you to meet with the children in his or her presence, are you bound by attorney-client privilege? What if you meet them outside his/her presence? What is the attorney's understanding of your confidentiality duties?

OTHER QUESTIONS FOR DISCUSSION:
1. What other participants would have been helpful at the meeting?
2. Did anyone seem to go beyond his or her professional role?
3. Should the parties themselves have attended? How would the meeting have been different?
4. Were the parties respected in their absence?
5. Were all the meeting participants respected?
6. What "meeting" techniques helped or hindered your meeting?