

"Mandated Reporting: a policy without a reason," by Gary Melton, Child Abuse and Neglect, 29 (2005) is an articulate challenge not just of mandatory reporting laws but also of how CPS systems are organized in this country. Melton comments that modern child protection systems were created 35- 40 years ago on the assumption that a few hundred children per year were being severely battered by parents and that health professionals were in the best position to identify these children and report them to agencies legally authorized to intervene on their behalf. Melton believes that these assumptions were seriously flawed and that "the evidence is overwhelming that many of the catastrophic problems in contemporary child protection work in the United States are a direct product of the system's design."

Melton notes that the designers of modern child protective service systems grossly underestimated the scope and magnitude of child abuse and neglect. "The incidence of reports of suspected child maltreatment -- a statistic that anonymous representative surveys of parents show is a fraction of the actual incidence -- is in the millions, not the hundreds, in the United States each year." Melton's take on the approximately 3 million children reported to public child welfare agencies per year in the United States is that case finding is not the problem in child protection work, a questionable claim since in the same sentence Melton admits that official reports are only a fraction of actual cases.

Melton is more convincing when he moves into discussion of the problems of administering large inadequately resourced child welfare systems. The growth in reports which continued unabated for almost 30 years (but has now leveled off) has far outdistanced the growth in resources committed by state governments and the federal government to child protection, a dynamic which has created chronic workload problems and difficulties in maintaining high standards of practice.

Melton also notes that the designers of state CPS systems greatly underestimated the complexity of child abuse and neglect because they were mainly concerned with battered baby cases which represent a tiny fraction of CPS referrals. "... The norm is that families in which maltreatment occurs have a multiplicity of serious personal, social and economic problems" and furthermore usually live in neighborhoods and communities which are dangerous and seriously disadvantaged.

Melton argues that it's not difficult to decide what to do about severely abused young children, i.e., these children must be removed from parents and placed in a safe home. However, "the duty to protect children from less egregious but chronic threats to their personal security (as in chronic neglect or less serious abuse of school age children) is likely ultimately to be recognized." "The harm from such situations may be clear, but it is also diffuse, and the steps that should be taken to protect children are apt to be both uncertain and multi - faceted."

Melton asserts that neglect is often intertwined with poverty and that what lots of neglecting families need is concrete assistance. What these families mostly receive (because of the system's design) is a CPS investigation of alleged wrongdoing. Even when cases are "substantiated", families may not be given any services, in part because most CPS resources are being devoted to investigations mandated by law. "In short, there is no logical relation between the problems presented and the response undertaken." "The United States and other societies that have adopted the central tenets of US child protection policy have an enormously successful calamitous system that has neither a realistic scientific foundation nor well articulated normative underpinnings," Melton claims.

According to Melton, mandatory reporting is the lynchpin of a system based on investigation of reported cases, a design which he believes reduces the safety of most maltreated children because of a public perception that child protection equals reporting and investigation and is a CPS responsibility and because a) "the multiplicity of problems (and therefore the need for diverse sources of help) that typically are present in child maltreatment (especially neglect) cases (b) the impossibility of constant monitoring of families by CPS, (c) the probable reduction in direct action by the general public and by professionals outside CPS to reduce risk to children." "Child protection is now perceived by most adults as a coercive dramatic act, not a part of everyday life."

Melton claims that CPS staff devote most of their time to evidence gathering and preparation of court cases. Family support services are non-existent or in short supply because resources, including the limited time and energy of child welfare caseworkers, is largely committed to investigations and court work.

Melton comments that less than one third of investigations result in "substantiations" (a finding that abuse or neglect has occurred). In Washington State, the "founded" rate is closer to one sixth of investigations. He asserts that most investigated families receive little if any services apart from investigation. "Similarly, policymakers are drawn to arcane issues about the legal definition of child abuse and neglect, rules for gathering evidence and admitting it in legal proceedings, and standards for coercive intervention." "They are distracted from the fundamental question of the ways law and policy can be used to make families and communities safer for children."

Melton believes that public child welfare systems should be "revising their system to facilitate voluntary assistance to children and families ..." Melton does not recommend turning over child abuse and neglect investigations to law enforcement agencies (as Duncan Lindsey and Leroy Pelton have done); in fact, his article is silent about how a fundamental resign of CPS would look. Melton is mildly positive about dual track assessment / investigation systems developed in Missouri and Minnesota and in process of creation in some Australian jurisdictions. The strength of Melton's article is not in a specific reform proposal but in its indictment of current CPS system design, the unintended effects of this design, and in his argument that these design flaws can not be fixed with more resources and more of the same approach to serving children and families.