

NEGLECT: WHY WE SHOULD CARE AND WHAT WE SHOULD DO

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Neglect is the most common form of child maltreatment and the most common ground for initiation of child protective jurisdiction.

The image that most people probably have in relation to cases of child maltreatment is the *battered child*—a phrase popularized by a group of Denver physicians in the early 1960s.¹ Fortunately, however, this “syndrome” of repeated severe injuries by brutal evil or sick parents is rarely seen in emergency rooms today.² Despite that positive shift across the past generation, however, the threat to children is both serious and widespread. Millions of children now come to the attention of child protective authorities in the United States every year,³ and millions more suffer unreported abuse or neglect.⁴

¹C. Henry Kempe et al., *The Battered Child Syndrome*, 181 J. AM. MED. ASS’N 17 (1962); see also THE BATTERED CHILD (Mary Edna Helfer eds., 5th ed. 1997) (continuing publication of a collection edited by a former student and widows of the original contributors).

²I have frequently heard this point made by Richard Krugman, dean of the University of Colorado School of Medicine, former long-time director of the Kempe Children’s Center, and the leading student of Dr. Kempe. In recent discussions among the leaders of The Duke Endowment’s initiative to prevent child abuse and neglect, Desmond Runyan, chair of the University of North Carolina Department of Social Medicine and a senior pediatrician in the field of child protection, made the same point.

³ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES, CHILD MALTREATMENT 2000 (2002), at 7.

⁴A large proportion of cases of maltreatment that are suspected by professionals who are mandated reporters are not referred to child protection authorities. DEPARTMENT OF HEALTH AND HUMAN SERVICES, THIRD NATIONAL INCIDENCE STUDY OF CHILD ABUSE AND NEGLECT: FINAL REPORT (1996); Gary B. Melton et al., *Empirical Research on Child Maltreatment and the Law*, 24(Supp.) J. CLIN. CHILD PSYCHOL. 47, 51 (1995) (report of a task force of the American Psychological Association). Anonymous surveys of parents (e.g., a Gallup poll

Probably contrary to common belief, *neglect is the predominant problem even among the cases of child maltreatment that come to the attention of public authorities*. In 2000, only 19.3% of the children officially found to have been maltreated were physically abused, and only 10.1% of the officially substantiated cases were of sexual abuse.⁵ Almost two-thirds of the cases were officially labeled as neglect, but most of the remainder (e.g., “Other” cases, including abandonment) would be classified as neglect in most states.⁶

Neglect often results in serious negative effects, in many cases even more serious than those arising from abuse.

Authoritative reviewers of relevant research for the National Academies of Science and national professional organizations have been unanimous in their expressions of concern about the effects of child neglect:

Although the bruises and scars of physical abuse are more readily apparent, the quiet assault of child neglect often does at least as much damage to its young victims...[Neglect] is sometimes apparent (as in the unkempt appearance of the child who comes to school without a bath or adequate clothing) and sometimes nearly invisible until it is too late. Neglect is often fatal, due to inadequate physical protection, nutrition, or health care. Sometimes, as in the case of “failure to thrive,” it is fatal because of a lack of human contact and love. In some cases, neglect slowly and persistently eats away at children’s spirits until they have little will to connect with others or explore the world.⁷

Although abuse sometimes involves isolated events, neglect by its nature typically is chronic, and it has persistent effects on children’s access to material, social, and emotional resources and their motivation for use of them. The observations of a comprehensive review by distinguished scholars on child abuse and neglect provide an excellent summary of this phenomenon:

Child abuse and neglect have considerable psychological importance because they occur within ongoing relationships that are expected to be protective, supportive, and nurturing. Children from abusive and neglectful families grow up in environments that fail to provide consistent and appropriate opportunities that guide development; instead, they are placed in jeopardy of physical and emotional harm....Child neglect poses a

approximately a decade ago) show that actual prevalence is much more common than even the studies of suspected but unreported cases suggest.

⁵ACYF, *supra* note 3, at 24. Although ACYF does not report data for reports that were “screened out” or unsubstantiated, it is likely that allegations of physical or sexual abuse comprise an even smaller proportion of reports of suspected but unsubstantiated child maltreatment. Similarly, because of the lack of physical signs, neglect is probably particularly likely to be undetected at all.

⁶*Id.*

⁷Martha Ferrell Erickson & Byron Egeland, *Child Neglect*, in THE APSAC [AMERICAN PROFESSIONAL SOCIETY ON ABUSE OF CHILDREN] HANDBOOK ON CHILD MALTREATMENT 3, 3 (John E. B. Myers et al. eds., 2d ed. 2002).

significant challenge to children's development and well-being. Notably, neglect is associated with effects that are, in many areas, unique from physical abuse, especially throughout childhood and early adolescence....

[C]hronicity, rather than type and/or severity, of maltreatment best predicts negative outcomes. Given that neglect tends to be more chronic than all other forms of maltreatment, we might expect that children who experience neglect will be at particular risk for maladaptive outcomes.⁸

Thus, although physical abuse typically adversely affects children's school performance (the effects of sexual abuse in this regard are inconsistent), neglected children are even more likely than abused children to have low grades, poor standardized test scores (including intelligence test scores), and frequent retention in grade.⁹ Neglected children are also more likely than abused children to be socially withdrawn, isolated, depressed, and emotionally unstable.¹⁰ Among the other negative effects of neglect noted by a panel of the National Academies are failure to thrive, developmental delays, attention deficits, poor social skills, low self-esteem, high anxiety, and juvenile delinquency.¹¹

At worst, neglect can result in death because of bathtub drowning, fires started by unsupervised children, malnutrition, or dehydration.¹² Indeed, *more than three-fifths of child fatalities associated with maltreatment are attributed at least in part to neglect.*¹³ Death by neglect only is also more common than death by abuse only.¹⁴

Even if child neglect did not have such serious effects, it ought to be a matter of great public concern.

In its first report more than a decade ago, the U.S. Advisory Board on Child Abuse and Neglect issued a highly publicized declaration of a national emergency in the child protection

⁸Kathryn L. Hildyard & David A. Wolfe, *Child Neglect: Developmental Issues and Outcomes*, 26 CHILD ABUSE AND NEGLECT 679, 690 (2002) (citations omitted; emphasis added).

⁹PANEL ON RESEARCH ON CHILD ABUSE AND NEGLECT, NATIONAL RESEARCH COUNCIL, UNDERSTANDING CHILD ABUSE AND NEGLECT 212 (1993).

¹⁰See generally Hildyard & Wolfe, *supra* note 8.

¹¹PANEL, *supra* note 9, at 210-17.

¹²U.S. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT, A NATION'S SHAME: FATAL CHILD ABUSE AND NEGLECT IN THE UNITED STATES 13 (1995).

¹³ACYF, *supra* note 3, at 54-55.

¹⁴*Id.*

system.¹⁵ The Board minced no words in its designation of child neglect as a problem of public morality:

Child neglect is...wrong.

Children must be given the basic necessities of life—food, shelter, clothing, health care, education, emotional nurturance—so that they do not suffer needless pain. If children are to become full participants in the community, then they must be given basic sustenance so that they will then be in a position to develop their own personality and point of view. Children are not in a position to obtain such sustenance on their own. When those who have assumed responsibility for providing the necessary resources for children (usually parents) fail to do so, it is wrong. When parents and other caretakers have the psychological capacity to care for their children adequately but lack the economic resources to do so, *society itself is derelict* when it fails to provide assistance....

It is bad enough—simply immoral----that the nation permits assaults on the integrity of children as persons. To make matters worse, such negligence also threatens the integrity of a nation that shares a sense of community, that regards individuals as worthy of respect, that reveres family life, and that is competent in economic competition.¹⁶

The causes and correlates of child neglect are similar to those of child physical abuse.

The known causes and correlates of child neglect and abuse are essentially indistinguishable.¹⁷ As the U.S. Advisory Board on Child Abuse and Neglect summarized:

Whether one looks at the cases of infants shaken or beaten to death, older children who simply lack adequate care, or adolescents who are raped and sodomized, the picture is enormously complex. Whatever their form (neglect, physical abuse, sexual abuse, or emotional abuse), cases of child maltreatment usually involve a multiplicity of personal, social, and economic problems....

The complexity of the problem is not simply that there are multiple factors involved in the causation of child maltreatment; the complexity also reflects the fact that almost every one of the specific factors has a myriad of causes and effects. Accordingly, child maltreatment is often just one of a multitude of impulsive, irresponsible acts....Perhaps an even better illustration of the principle of complex causation is the fact that the single most important factor is poverty....

Even the psychological variables that are associated with child maltreatment—depression, low self-esteem, sense of powerlessness, general inadequacy, impulsivity, substance abuse—relate directly to ability to cope with poverty. So too are the related demographic factors, such as family size, and the individual-child characteristics, such as disability, which stretch already thin family budgets.¹⁸

¹⁵U.S. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT, CHILD ABUSE AND NEGLECT: CRITICAL FIRST STEPS IN RESPONSE TO A NATIONAL EMERGENCY (1990).

¹⁶*Id.* at 4.

¹⁷PANEL, *supra* note 9, at 106; Erickson & Egeland, *supra* note 7, at 12.

¹⁸U.S. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT, NEIGHBORS HELPING NEIGHBORS: A NEW NATIONAL STRATEGY FOR THE PROTECTION OF CHILDREN 8 (1993) (footnotes omitted).

Although the causes and correlates for neglect and abuse are similar, the relationships with neglect are often stronger. In particular, poverty is especially highly related to neglect.¹⁹

Conceptually, the strategies used to prevent child physical abuse and child neglect thus ought to be similar, given the commonality of causes and correlates. Analogously, there is a good chance that a reduction in child neglect rates will be accompanied by a decline in the incidence of child abuse. Because the strength of relationships between associated factors and child maltreatment differs by type of maltreatment, however, it cannot be presumed that reduction in one form of maltreatment will necessarily be accompanied by a comparable change in the incidence of another.

Effective prevention of child maltreatment requires concerted public action to increase family support.

Child neglect provides the best model for an effective approach. Although depraved behavior toward children is abominable whenever it occurs, most maltreatment of children involves enormous complexity and challenge, not illness or evil. Therefore, prevention must rely on a comprehensive, multifaceted approach to make help easily available to families where they live, work, study, worship, and play. As the U.S. Advisory Board concluded:

[R]esearch on...prevalence and causes [of child maltreatment] leaves an unescapable message: efforts must be made to eliminate the circumstances—both personal characteristics and socioeconomic contexts—that cause or permit families to be isolated from each other. The task is sufficiently complex and difficult that it is likely that efforts must be both multifaceted and sustained; single-factor, one-shot interventions are unlikely to be successful in either prevention or treatment of child abuse and neglect. Unfortunately, the [conventional] child protection system has far to go if it is to operate according to such principles.²⁰

¹⁹PANEL, *supra* note 9, at 106; U.S. ADVISORY BOARD, *supra* note 18, at 8; Erickson & Egeland, *supra* note 7, at 13-14.

²⁰U.S. ADVISORY BOARD, *supra* note 18, at 9.