

Example of the effects of child sexual abuse in michigan criminal justice research...

[Law](#), [Criminal Justice](#)



Criminal Law

Abstract

This study aims to present the concept of child abuse in the view of the criminal justice system. It will also present the history of child abuse in the United States as well as the prevalence of child sexual abuse in the United States, particularly in the state of Michigan. This research paper will discuss the current federal policies on child abuse and the intervention strategies and policy scheme involving child abuse cases. Finally, the conclusion of this study will present the new laws that will prevent sexual abuses cases and the role of the government to revise and review policies reduce the incidence of child sexual cases, and to provide the ample treatment for victims of child abuse.

Keywords: child abuse, federal policies, policy scheme, intervention strategy, prevalence.

THE EFFECTS OF CHILD SEXUAL ABUSE IN MICHIGAN CRIMINAL JUSTICE

Background of Child Sexual Abuse

Graham (1995, p. 170) stated that sexual abuse, particularly those involving children are difficult to prove. This is due to the fact there is lack of corroborative evidence such as a physical or medical evidence or testimony from independent witnesses evidence to support the complaint for sexual abuse. In fact, the legal process of testifying in open court may be traumatic for the victims, especially if they are children because they have the tendency to refuse to testify before the court out of fear. The requirement of

repeating the details of “ allegations to strangers in open court for the public to hear during cross examination and face to face confrontation with the accused may cause an adverse effect especially in the case of child victims” (Graham, 1995, p. 170).

Adult sexual abuse cases and policies have been widely known to the public, but such is not the case for child sexual abuse where public is still not familiar with. Child sexual abuse cases are considered as controversial because it shocks the moral senses given the disparity of the age between the child-victim and the perpetrator. Johnson (2006) stated that “ child sexual abuse or sexual abuse against children refers to an activity that involves minors who are regarded as forced victims of the sexual gratification or desire of a perpetrator” (p. 26).

“ Sexual abuse can be performed in several ways such as oral-genital, genital-genital, object-genital, object-rectal, hand-genital, hand-rectal or hand-breast contact, forced exposure of the victim’s sexual anatomy, pornography or pornography viewing” (Johnson, 2006, p. 17). In addition, sexual play is also considered a form of sexual abuse because it constitutes the viewing and touching the sexual anatomy of a victim who is less than 4 years of age.

Aside from the given definition above, child sexual abuse had been redefined numerous times by various institutions in order to encompass all aspects of the crime and its identification. Kinnear (2007) noted that the Children’s Bureau of the US Department of Health and Human Services defines that child sexual abuse as: the involvement of the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator, including

contacts for sexual purposes, molestation, statutory rape, prostitution, pornography, exposure, incest, or other sexually exploitative activities.

(Kinnear, 2007, p. 2)

Pursuant to the Child Abuse Prevention and Treatment Act of 1978, as cited by Kinnear (2007, pp. 2-3), child sexual abuse is defined as using inducement, persuasion, inducement, enticement, or coercion of a child to engage in any sexually explicit conduct that may constitute to rape, molestation, incest with a child, prostitution, or any other form of sexual exploitation of children (Kinnear, 2007, pp. 2-3).

The definitions of child sexual abuse vary, especially in the legal context as it may be either a civil or criminal case. In a civil statute, sexual abuse as that of an act which children should be protected from and must be reported by professionals and child protection agencies to the concerned agencies in order to intervene. Sexual acts are considered criminal and punishable by law based on the intent of the perpetrator to have carnal knowledge with the child victims. Penalties vary based on the age of the child, the act committed and the relationship between the victim and the accused (Kinnear, 2007, pp. 2-3). While the definitions have varied among institutions and the legislation passed to protect children from sexual abuse, the consequences such acts bring to children are severe and traumatic.

Thesis Statement

Preventing child sexual abuse has become a perennial social problem since the present intervention policies focus only on the investigation and providing

therapy to the victims, but does not provide concrete solutions that will decrease the number of child sexual abuses cases.

Statement of the Problem

Throughout the years, the number of victims of child sexual abuse has increased around the globe and in the United States alone; the numbers clearly show that the problem had significantly grown. The prevalence of sexual abuse in this country gradually increased by the time of the 1960s, however, the records throughout the ' 60s to the early ' 80s lacked detail due to the lack of awareness on the issue. The National Incidence Studies report has shown that there is an increase of 67% based on the reported child sexual abuse cases covering the years 1986 to 1993, with the total number of 1, 553, 800 children reported as victims. Notably, the official records of child sexual abuse cases are noted to have declined throughout the same period due to the lack of evidences and actual response by the authorities on reported cases (Putnam, 2003). By 2000, child sexual abuse cases only constituted 10% of all reported child abuse cases, which was lesser than the peak estimate of 149, 800 cases in 1992. The same National Incidence Studies report had shown that there are 12% to 35% of women who have been reported of unwanted sexual acts that they have experienced during their youth; while 4-9% percent of men experienced unwanted sexual acts. Rates of child sexual abuse cases from other nations have showed trends similar to those reported in the United States (Putnam, 2003, pp. 269-270).

In the United States, the statistics for child sexual abuse cases have provided

indications as to how victims are treated by perpetrators. In statistics were cited during the US v. Banks case, at least 70% of reported sexual assaults occur to children ages 17 and under, either through physical sexual abuse or sexual solicitation on the Internet. There are 39 million Americans who have reported backgrounds of child sexual abuse, but differ in the manner and variance of abuse. In the case of intimate and violent crimes, the statistics also indicate that children sexually abused by family members made up 30-40% of all reported cases, while another 50% were abused by a family friend or someone they knew and trusted. Only 10% among these statistics were abused by total strangers. The statistics also showed that child victims of sexual abuse tend to keep their experiences to themselves because they do not know if they have indeed been abused or asked by anyone whether they experienced abuse. Myers (1997, p. 437) stated that in the event that the child victims happen to disclose the abuse to anyone, the authorities may state on record that their reports are fabricated.

Based on the recent 2011 Child Welfare League of America report, almost 120, 977 referrals were recorded on issues on child abuse and neglect in 2009, while 75, 441 reports were forwarded to concerned authorities for investigation. In the same year, 10, 601 children were substantiated or indicated as abused or neglected in Michigan, which is a decrease from the 2006 statistics. Almost 4% of these children were sexually abused. Records have also proven that 58 Michigan children have died as a direct result of abuse (Child Welfare League of America, 2011, p. 1). Given the numbers proving the prevalence of child sexual abuse, there is still doubt why these numbers continuously increase and whether there are still victims failed to

report their cases to the authorities.

What should the government at both the federal and state levels need to do to recognize the signs and symptoms of child sexual abuse? What problems arise in reporting such cases and how does one report child sexual abuse cases, particularly in Michigan? Are there any laws or policies implemented by the federal government or the state of Michigan regarding child sexual abuse cases? This paper will discuss the signs and symptoms of child sexual abuse, reporting child sexual abuse in Michigan and the current policies implemented to protect child victims from perpetrators at both the federal and state levels.

Child Sexual Abuse Definition under Michigan Law

Arcaro (2009, p. 3) stated that the term child sexual abuse has fall within the scope of definition under the guidelines developed by the American Academy of Child and Adolescent Psychiatry to be observed by forensic evaluators of child sexual abuse victims. Under the guidelines, the term child sexual abuse or “ CSA” has been defined as the “ sexual behavior that takes place between a child and an adult or between two children wherein one of them who is older shall use force or coercion against the younger child” (Arcaro, 2009, p. 3). In this case, the victim and his or her perpetrator may be of the opposite sex or the same sex. The sexual behaviors may be in the form of touching of the breasts, buttocks, and genitals; regardless of the fact whether the victim is dressed or undressed. It shall also include the following acts such as exhibitionism; fellatio; cunnilingus; or the penetration of the vagina or the anus using the sexual organs or through objects (Arcaro, 2009,

p. 3). The extended definition of sexual abuse has now included pornographic photography. However, it is essential to consider developmental factors that will make it possible to assess if the sexual behaviors between two children are abusive or within the normal standards. However, the Child Abuse Prevention and Treatment and Adoption Reform Act gives a different view on what sexual assault is by dividing the definition in two statements. The first part of the definition states that sexual abuse is to use, persuade, employ, entice, induce or coerce a child to engage in a sexual conduct, even if the child was merely asked to assist another person to be involved in a sexually explicit conduct or the replication of such conduct in order to show to the child a visual portrayal of the sexual conduct (Arcaro, 2009, p. 3). The second definition shall fall under the category of the rape committed against the child victim, that may be committed by the caretaker or any person with whom the child has inter-familial relationship; or the act will result to statutory rape, incest, molestation, or any other form of sexual exploitation of victims who are children (Arcaro, 2009, p. 3). Child maltreatment continues to persist as a community problem because currently, there is absence of any single agency, individual, or discipline that holds the required knowledge, skills, resources, or societal mandate to provide the necessary support and backing indispensable to sexually abused and neglected children, as well as their families. In the same manner, such community response theme has been manifested in the multidisciplinary tactic which largely anchored its view on the child sexual abuse to symbolize a dysfunctional family in contrast to the pathology of just a single perpetrator (Arcaro, 2009, p. 4). It shall be the duty of the multidisciplinary

centers or child protection teams also referred to as the “ CPTs”, who are tasked to carryout coordination efforts between the child service providers to be able to come up with the best treatment for a child who has undergone sexual abuse (Arcaro, 2009, p. 4). Here, the “ CPTs” and other interrelated centers shall exert joint forces together with local law enforcement agencies in order to devise a more comprehensive community response to quell all forms of child abuse (Arcaro, 2009, p. 4).

Discussion and Analysis

Theoretical Framework

In the issue of child sexual abuse, there are various criminal justice theories that can be used to understand the nature of the crime which is a self-gratification offense, the policies to counter the crime, and intervene for the safety of the victim and punish the criminals involved. The first theory that is applicable to child sexual abuse is the classical theory or the rational choice theory. According to Akers and Sellers (2004, p. 9), the rational choice theory is the 1980s formulation of classical criminology, which outlines rational, logical, and philosophical explanations to explain abusive and inhumane system of justice. The founder of the theory is Cesare Beccaria (1738-1794), an Italian nobleman who wrote the classic book “ On Crimes and Punishments” in 1764, which showcases his arguments on criminal justice and reform. According to this theory, the crime occurs due to the person’s pursuit of interest. The act would mostly be done to satisfy their urges without considering the consequences of their actions, concentrating more on the expected reward criminals could attain for committing such act (Akers

& Sellers, 2004, pp. 8-9). This theory applies very well to child sexual abuse as perpetrators commit the crime for the sake of sexual conquest despite the trauma it could cause to the victim and the impact that could deter the victim's overall development.

Another possible theory to explain the nature of child sexual abuse is the developmental theory, which explains that criminals differ from noncriminals from their biological and psychological traits. According to Siegel (2011, p. 296), the pioneers of the theory are Sheldon and Eleanor Glueck, who conducted research to understand the reasons as to why criminals tend to commit crimes. In their research, the Gluecks identified personal and social factors, as well as biological and psychological factors that influenced criminals. Factors such as quality of discipline, family relations, economic stability, and vulnerability are some notable examples of personal and social factors identified in the study of the Gluecks. When it comes to biological and psychological factors, body type, intelligence, personality, and behavior can impact the overall behavior of children and adults in committing crimes. The Gluecks had also surmised in their research that the continuation of a criminal career would likely be influenced by both internal and external situations, affecting the criminal's state of mind (Siegel, 2011, pp. 296-297). Applying this theory to child sexual abuse, perpetrators may commit the crime due to their personal experiences of being sexually abused by their family or caretakers or overall social behavior towards others.

Finally, the general strain theory may be able to explain as to why child sexual abuse persists. Siegel (2011, p. 297) wrote that the theory is founded by sociologist Robert Agnew, who then explained that individuals who feel

stress or strain are most likely to commit crimes due to pressure. In explaining the theory, Agnew stated that criminality is ' the direct result of negative affective states - anger, frustration, and adverse emotions that emerge in the wake of negative and destructive social relationships (Siegel, 2011, p. 208).

Criminal and Civil Court Proceedings if Child Abuse Cases

Arcaro (2009, p. 4) stated that the case involving child assault allegations shall be litigated in three legal forums: Criminal courts; child protection/juvenile court; and the domestic relations court. Even though these three forums have dissimilar structures, objectives and purposes which highlights on the focal points of the litigation process. In the case of criminal court proceedings, the litigants are the state and the criminal defendant. The objective is to punish violations of criminal laws and statutes. At the same time, it shall protect society the society from further victimization. The emphasis of the proceeding is to give the defendant the right to a fair and impartial trial. While in the case of child protection court proceedings or the juvenile dependency proceedings, the litigants shall be the petitioner or the State which will file case directed against the parent or the legal custodian if any. The objective of this proceeding is to for the identification and protection of children at risk of abuse or possible neglect. It aims to restructure the parental deficits having the intention towards the reconnection of the child and the parent. The emphasis of the court proceeding shall always be for best interest the child (Arcaro, 2009, p. 4). In the case of domestic relations court proceedings which are also

sometimes known as the custody/visitation proceedings, the litigants shall be the parent or the legal custodian of the child or vice-versa. The purpose of this type of proceedings is to identify who among the parent of the child is deemed fit to provide for the needs of the child. In addition, the proceedings will serve as a means to establish structure court ordered relationships by giving both of the parents equal opportunities to build a strong relationship with their child. It bears stressing that the emphasis of the of the domestic relations court proceedings is to promote the child's best interest. Hence, it is expected that law enforcement agencies, who are closely working with state prosecutors to investigate any report involving child sexual assault crimes (Arcaro, 2009, p. 6). However, prior to the release of a criminal indictment, the prosecutor should provide appropriate consideration as to the nature of the offense, the evidence that is available, and the ability to identify the suspect who shall be arrested and face court proceedings. It is also important to cite that although there may even one factor that will determine if charges are to be filed, the probability of successful prosecution is always a practical consideration (Arcaro, 2009, p. 6).

In the case of child sexual abuse, perpetrators may commit the crime due to their incapacity to catch the attention of the opposite sex or maintain a strong mutual relationship. It is also possible that these criminals commit crime because they feel the strain of changes and losses in their lives that they would require an outlet to vent their frustrations. It is also likely that these criminals commit the crime for the very reason that they also became victims to child sexual abuse. Criminality in this type would then be triggered if the person could not accept the changes or loss, which may influence their

behavior. Finally, the final cause of strain identified by Agnew occurs when a person has received pain-induced social interactions such as abuse, punishment, and conflict, or experienced a stressful event such as school failure, family breakups and dissatisfaction. Either one of these sources of strain would continue on to the individual's negative affective state, which then causes antisocial behavior and criminality (Siegel, 2011, pp. 208-209).

History and Nature of CSA in the US

According to Koverko (2010, p. 52), child maltreatment in any form has been under meticulous scrutiny of the public due to the attention given to it by the medical community (Koverko, 2010, p. 52). A report in 1961 by the Michigan Department of Human Services showcased that doctors have discovered hundreds of children who were found signs of physical abuse by their parents and loved ones. The MDHS report stated that these children were determined to be suffering from "battered child syndrome" as they were brought to hospitals with injuries related to physical abuse (Koverko, 2010, p. 52). Soon after, the Children's Bureau of the U. S. Department of Health, Education, and Welfare discussed means of reducing occurrences of child sexual abuse across the country, as well as mediums to use for intervention and resolution. The meeting of the U. S. Department of Health, Education and Welfare made it mandatory that states adopt reporting legislations that would allow certain institutions to report suspected victims of child sexual abuse. The federal government, through the Congress and the Senate, passed the Child Abuse Prevention and Treatment Act or CAPTA of 1974, which was designed to support state programs and intervention frameworks

for CSA cases. The CAPTA also required that individuals report child abuse, while protecting witnesses who reported cases in good faith.

Once the definition of child abuse was expanded to include sexual abuse, reports of child sexual abuse increased significantly. The government and other institutions handling child sexual abuse cases during that time gradually recognized that the issues had affected the country more severely than previously thought. Reports of sexual abuse from all around the country included a large number of child sexual abuse victims, and the number among those who are sexually abused by their parents is particularly high. However, the rates of such reports are not equal in all states and in some, such as in Michigan, are seeing that the number of confirmed child sexual abuse reports is in decline (Koverko, 2010, p. 52-53).

Child Sexual Abuse Prevention

It is vital to develop interventions that will aim to prevent child sexual abuse by focusing the attention on the role of the criminal justice systems to prevent and respond to sexual abuse among children (Smallbone, Marshall, & Wortley, 2013, p. 16). The criminal justice system is mainly composed of three core elements compose of the courts, police and corrections. Each of these elements plays a significant role in the prevention of child sexual abuse. In the case of the police force, they have the duty to investigate crimes involving child sexual abuse and to carry out immediate detection of crimes to prevent further harm to the victims. In the case of the courts and corrections, they have the joint obligation towards the attainment of four (4) goals: retribution, deterrence, incapacitation and rehabilitation (Smallbone et

al., 2013, p. 16).

The formal activities of the criminal justice system shall begin with the detection and investigation of crimes which shall be carried out by the police and other investigatory and law enforcement agencies. The investigation and detection is generally being handled by the police to locate potential offenders of child sexual abuse. Thus, in order to assist the police officers to reduce the crime rate, there is a need to increase the number of police officers. In addition to this, there is a need to increase random police patrols and to concentrate the attention of the police on crime hotspots. It bears stressing that increasing the frequency and improving the quality of police-citizen contacts or community policing will aid the police in arresting the offenders. Lastly, there is a need to identify and minimize the proximate causes of the crime (Smallbone et al., 2013, p. 18).

The allocation and administration of punishment is the cornerstone of criminal justice policy because punishment is applied for retributive purposes (Smallbone et al., 2013, p. 20). Although punishment may be viewed as a form of retribution, it does not in itself serve the crime prevention purpose. Hence, there is a need to shift the focus on the utilitarian purpose of punishment which is to be made applicable to criminal justice settings. This shall be the role of the courts and the corrections to provide the just punishment for the offenders of child sexual abuse offense. The recent study of Smallbone et al. (2013, p. 20) have shown that punishment is effective in suppressing target behavior, but should hold sufficient severity and the punisher must be perceived as relevant by the person being punished. Hence, in the case of the child sexual abuse offenders, they should respect

the decision of the court because it is part of the judiciary and empowered by the state to impose punishment.

However, it is noteworthy to state that evidence appears to contradict assumptions that increase the severity of the punishment for crimes such as child sexual abuse will result in general or specific deterrent effects. This may be the result of the justice system having limited control over the certainty of punishment that severity is no longer material (Smallbone et al., 2013, p. 24).

Aside from this, incapacitation is the third ultimate goal of criminal justice interventions for persistent sexual offenders. Through incapacitation, it will banish or lessen the crime rate by removing the criminal opportunities for the individual offenders. In the past, some of the methods used for incapacitation shall include banishment, exile, transportation, mutilation and death of the offenders (Smallbone et al., 2013, p. 25). However, modern methods to incapacitate the offender shall include chemical castration and imprisonment of sexual offenders for indefinite periods (Smallbone et al., 2013, p. 25). Chemical castration has been regarded as one preventive method that will reduce the sexual drive of offenders. This is as opposed to physical castration that will require the removal of the testes, which produce the chemical testosterone among males. Removing the testes will result to elimination of sexual drive and can result to prevention of sexual offending (Smallbone et al., 2013, p. 24). However, due to the critical side effects of this method is related to ethical issues.

Thus, the modern view of Western countries stands as they no longer allow physical castration except for life-saving interventions. While in the case of

chemical castration, it shall require the administration of anti-androgen which is a hormonal agent that has the capacity to eliminate the production of testosterone among males. As a result, the sexual urges of the offenders can be controlled. The purpose of the pharmacological agents is to reduce the sexual urges among the offenders, but does not necessarily eliminate the sexual drive of non-habitual sexual offenders. There are only a small number of offenders who might need to undergo chemical castration since only those sexual offenders who have difficulties in expressing their sexual interests who are required to undergo such procedure (Smallbone et al., 2013, p. 25).

Another method to prevent child sexual abuse is to amend and revise the criminal laws to confine them beyond is considered as otherwise normal prison sentence for specific crimes such as designation of the offenders to “dangerous offenders” so that the public will be well-informed and protected.

Role of the Department of Human Services in Michigan

It bears stressing that the Department of Human Services in Michigan was correct in associating the relevance of the policy to the social learning theory of aggressive children who learned the same tactics from their parents whenever they engage in social interactions. In fact, this has been proven by Siegal (2007, p. 110), who make reference to the study conducted by social learning theorists who claim that “ children of who were victims of abuse are more expected to employ aggressive tactics themselves, as opposed to the children coming from the general population, especially if their mothers were victims of psychological distress caused by the abuse” (Siegel, 2007, p. 110).

Disclosure Issues and Reporting CSA Cases in Michigan

Child sexual abuse is proven to be very hard to notice even if the signs are visible in a suspected victim as they will often remain silent for fear of being killed or sexually molested again by the perpetrator(s). Children remain silent due to fear that they will be abused again or create more violent consequences should they reveal their situation and the people who abuse them. Secrecy is also a child victim's sanctuary because adults tend to shy away from the topic of sexual abuse as they may be too embarrassed to discuss the topic, or feel they may be mistaken that a child has already been involved in sexual acts at such a young age. In addition to this, Paine and Hansen (2002, p. 273) found that occurrences of self-discovery of child victims of sexual abuse are described as being accidental, spontaneous or scripted, and vague. This may be due to the fact that these victims are threatened into remaining silent, as well as the fact they do not understand the meaning behind the acts committed against them (Paine & Hansen, 2002, p. 273). Three aspects also cover the nature of disclosure given by child victims: intent, spontaneity, and detail. Disclosure is vague in some cases; however, one study cited by Paine and Hansen (2002) reported that 70% of children aged 5 and under managed to provide explicit and graphic details of what was done to them by the suspects. Purposeful disclosures are rare in children who are developmentally challenged or delayed, especially for those children who have limited knowledge about what constitutes abuse (Paine & Hansen, 2002, p. 273).

In addition, depending on their age, child victims vary as to when they disclose their experiences for formal investigation. Preschool-aged children

tend to be very quiet regarding their experiences as some of them are not familiar with the terminology used in questioning. Paine and Hansen (2002, p. 276) also found that perpetrators also ensure that their victims comply with their silence by employing inappropriate comments or touching that would make the children to think twice about believing it to be a form of abuse. Some perpetrators may even remove the child's inducements, like attention or privileges, alter the child's sense of morals and standards, or blame the child for being part of the abuse as if they are at fault as well. Perpetrators also scare children in the sense that since they were abused, they will be separated from society, judged negatively or punished for allowing such acts to be performed on them. The threats alone often ensure that the children do not disclose the sexual abuse. (Paine & Hansen, 2002, pp. 276-277)

Michigan Mandatory Reporting Requirements Regarding Children

The definition of " child abuse" as stated in the case of People v. Beardsley, and pursuant to the MCL 722. 622(e), as enacted under 2000 PA 45 stated that the term " Child Abuse" shall refer to harm or threatened harm that may be caused to the health and welfare of the child by his or her parent, a legal guardian, or any other individual who is accountable for the health or welfare of the child, or by the child's teacher or the teacher's aide, that may take place occur through maltreatment, sexual abuse; sexual exploitation; and other non-accidental physical or mental injury (People v. Beardsley)

Reporting child sexual abuse may prove to be difficult; nonetheless, it should be reported as it is a criminal offense. According to the guidelines issues by

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the Rape, Abuse and Incest National Network or “RAINN” (2011), there are designated persons who are required to report sexual abuses cases of minor children that will fall under the classification of rape, abuse or incest. There is a long list of individuals who are mandated by law to report such incidents and they are: doctors or physicians, physician’s assistant, dentist, registered dental, hygienist, medical examiner, nurse, licensed emergency medical care provider. Aside from the people who belong to the medical profession, included in the list are the audiologists, life coaches, psychologists, social workers, licensed master’s social worker, marriage and family therapists, licensed professional counselors, licensed bachelor’s social worker; registered social service technician and social service technician. In the school setting, the school administrator, school counselor and teachers are tasked to report any incidence of child sexual abuse. Law enforcement agencies, especially the police force are required to detect and investigate child sexual abuse cases (RAINN, 2011).

RAINN (2010) stated that the members of the clergy and those who belong to the religious sector are mandated by law to report child sexual abuse cases. In addition, a person who is employed in a professional capacity in any office of the friend of the court shall be required to report child abuse cases. Finally, any employee of an organization or entity operating using federal funding rules, contracts, regulations and statutes shall be barred to report without a court order or a state mandate (RAINN, 2011). Every child care provider that is being regulated under the state of Michigan is required to report child sexual abuses case.

In addition, the staff members of the Michigan Department of Human

Services are required by law to report incidence of child abuse. This department is also known as the “ family independence agency”. The state of Michigan has ruled that mandatory reporting should be imposed among the members of the department which shall cover the family independence manager, the eligibility specialist, the, family independence specialist, social work specialist, social services specialist, social work specialist manager and welfare services specialist (RAINN, 2011).

Based on the given guidelines, the standard of knowledge required under the Michigan statute to justify the reporting of any child sexual abuses cases is a reasonable cause to for a suspicion that there is child abuse or neglect (RAINN, 2011). The applicable victim shall be a child below 18 years of age. Reports can be made by calling the designated telephone hotline and to make a verbal report to the Children’s Protective Services (“ CPS”) at the Department of Human Services in the state of Michigan at telephone numbers: (800) 942-4357 (statewide 24/7) or (800) 716-2234 (Wayne county 24/7) (RAINN, 2011). On the other hand, if the report is in written format, they should be sent by mail to the local CPS county office. The local CPS county office contact information can be found by visiting the website at: www.michigan.gov/dhs. Here, any person who intends to report child sexual abuse case can do so by clicking the button with the words “ County Offices”, which can be found on the left-hand side of the page. In the event that the person who will make the report is a member of the staff of a hospital, agency, or school, he or she has the duty to notify the person in charge of the hospital, agency, or school of any personal findings based on the report. It is expected that the person who will report will provide a copy

of the written report to the person in charge. However, this procedure of reporting is in addition to the mandated report to be made to the Children's Protective Services.

The content of the verbal reports to be made regarding child sexual abuse case must cover all the essential details needed to establish the child's case. According to the guidelines established by RAINN (2011), the most basic information shall include the following data: the name of the primary caretaker of the child and the residence address; the names and birth dates for all the members of the household; the name and birth date of the alleged offender/s; it must in the report if the alleged offender is living with the child victim; the exact location or address of where the alleged abuse or neglect took place; and the reasons grounds to form a credible belief that such child is being abused or neglected by the alleged offender or perpetrator. The written reports must state the name of the child and should contain a detailed description of the child abuse or neglect (RAINN, 2011). It is also necessary to include in the report the names and addresses of the parents of the child victim, or the name of the guardian, if the parents are not around, or any other person with whom the child is living with; the exact of the child; and all pertinent information that is available to establish the truthfulness of the report so that similar incidents will be avoided in the future. The person who is reporting should be able to establish the cause of the child sexual abuse or neglect and the manner how such offense has taken place.

Those interested persons who intend to file the report on child sexual abuse should immediately make a verbal report by calling the designated hotline

numbers assigned to take their call. A formal written report must be submitted within 72 hours after the verbal report was made (RAINN, 2011).

The applicable statute that has implemented the filing system is in accordance to

Michigan Compiled Laws of 2010 Sections 722. 622, 722. 623, 722. 623a 722. 631, 722. 633. The aforesaid statute was revised in order to make a clarification on the issue of the terms “ the physical or mental injury, sexual abuse or exploitations, or maltreatment should be committed by named individuals who are required to make a mandatory reportable incident within the provisions of the Child Protection Law. As decided in the case of People v. Beardsley, the mandatory reporter would need to account through a verbal report and a formal written reports of any incidence of child abuse, to be filed by “ the child’s parent, a legal guardian, or any other individual who is in charge of the health or welfare of the child, the child’s teacher, the aide of the teacher, or any member of the clergy” (RAINN, 2011).

In the event that the mandatory reporter shall fail to immediately report the incident/s of child abuse or neglect to the authorities, he or she will be held civilly liable for the damages which was proximately the result of the failure to report. If the mandatory reporter has knowingly and purposely failed to report, such individual shall be held liable for misdemeanor and shall suffer the corresponding legal consequences, which is in the form of an imprisonment, that is punishable of not exceeding 93 days, along with the fine of not more than \$500. In the event that the mandated reporter is dissatisfied with the response by Department of Human Services (DHS), he or she has the option to report the matter to the Mandated Reporter Hotline

at (877) 277-2585. However, it is legally sound to settle the case by making an initial attempt to contact the local DHS office director to raise their concerns (RAINN, 2011). However, in the state of Michigan, there are only two exceptions to mandatory reporting on the basis of legally recognized privileged communications.

The two exceptions are: privileged communications between a lawyer and his client or the confession made to a clergy member by reason of his or her professional character which is also characterized by the same confidential communication (RAINN, 2011).

Current Federal Policies on Child Sexual Abuse

In order to put an end to child sexual abuse within the country, the United States has already issued various policies and laws to prevent child sexual abuse and ensure the safety of the public from perpetrators. As noted by the Child Welfare Information Gateway (2012, p. 23), the Child Abuse Prevention and Treatment Act of 1974 (S. 1191), enacted January 31, 1974, is the fundamental federal law that covers all aspects of child sexual abuse and maltreatment. The act, which was amended in 1978, 1984, 1988, 1992, and 1996, opens up federal funding to states for their own campaigns against child sexual abuse, which covers research and intervention (Child Welfare Information Gateway, 2012, p. 23). The 1978 CAPTA revision, enacted April 24, 1978, provided an amendment to send children to foster families to recover from their ordeal. Under the provisions of this law, the National Center on Child Abuse and Neglect is required to develop plans to coordinate activities within child care agencies and organizations, create the unilateral

framework for these organizations to be provided both federal and state grants, and to establish centers that cater to the identification, prevention, and treatment of child sexual abuse. The Adoption Opportunities Program was also created under the provisions to handle the facilitation of children to permanent adoptive homes. Finally, it also provided annual summaries of research pertaining to child abuse, neglect and other related issues (Child Welfare Information Gateway, 2012, pp. 22-23).

The 1984 amendment or HR 1904, enacted on October 9, 1984, covers state procedures for responding to cases regarding neglected and abused children (Child Welfare Information Gateway, 2012, p. 21). The Child Abuse Prevention, Adoption, and Family Services Act of 1988 or HR 1900, enacted on April 25, 1988, created the Inter-Agency Task Force on Child Abuse and Neglect that is tasked with monitoring studying, and handling activities of federal and state governments pertaining to child abuse. A national database on child abuse was also created to undermine unfounded and unsubstantiated cases on deaths due to child abuse and neglect (Child Welfare Information Gateway, 2012, pp. 20-21). The Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992, or S. 838, which was enacted May 28, 1992, is another amendment created to include child sexual abuse cases related to cultural distinctions, and the handling of children in a manner customary to their culture and traditions. States are also given child abuse and neglect prevention grants to ensure that their programs will continue (Child Welfare Information Gateway, 2012, p. 20). Finally, the 1996 amendment, enacted on October 3, 1996, extended the CAPTA to 2001 and abolished the NCCAN, which was replaced by the Office on Child Abuse and

Neglect. Requirements were added to the CAPTA, which were intended to solve the problems of false reports, termination of parental rights, and public oversight. The definition of child abuse was also redefined by this revision, which also covers death, serious physical or emotional injury, sexual abuse, and high risk of harm to the child's person (Child Welfare Information Gateway, 2012, p. 18).

Another pertaining to child abuse is the Child Abuse Prevention and Enforcement Act of 2000 (H. R. 764), which was enacted on March 10, 2000. This act authorized states' use of federal funds to improve their own criminal justice systems in order to provide timely and complete criminal history record information to all noted agencies, as well as the enforcement of criminal and civil laws against those found guilty of child sexual abuse. Under this act, grants were also to be used for programs designed to prevent future acts of child abuse, and ensure cooperation between law enforcement and media organizations to apprehend criminals who have committed acts of child sexual abuse (Child Welfare Information Gateway, 2012, p. 16). The Keeping Children and Families Safe Act of 2003 or S. 342, which was enacted on June 25, 2003, improved the CAPTA, the Adoption Opportunities Act, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act, by including several policies regarding abandoned children and family violence cases. Funding was also strengthened by the KCFSA of 2003 and was set to continue up until 2008 (Child Welfare Information Gateway, 2012, pp. 13-14).

In addition, the Adam Walsh Child Protection and Safety Act of 2006, or H. R. 4472, ensures the protection of children from sexual exploitation and violent

crimes, preventing them from being victims of child abuse and pornography. The act also encompasses federal/state/local community action to ensure that sex offenders have limited access to children and to promote the use of the internet safely. The act is dedicated to the memory of Adam Walsh, who was a victim of child abuse. The act also created guidelines dictating how states could gain access to child abuse registries of other states, as well as ensure complete confidentiality of information (Child Welfare Information Gateway, 2012, pp. 10-11). These federal policies work hand in hand with state policy on child sexual abuse, and serves as a foundation and support to state policies. Some of these policies are reflected in Michigan's state child sexual abuse and intervention policies.

Treatment of Child Sexual Abuse

Treating child sexual abuse victims is tricky, as is intervention and criminal ruling. According to Johnson (2006), it is crucial that the child be assured of their safety and to open up about what they are feeling. Any type of delay in clinical treatment may prevent even mild abrasions in the genital area from healing quickly and properly, which is why it is essential to provide children with medical care immediately (Johnson, 2006, p. 19). Lev-Wiesel (2008, p. 667) stated that child victims of sexual abuse are offered treatment once referrals are in place. Most courses of psychological treatment adopt one of more of the four basic therapeutic goals to ensure recovery: symptom relief, which teaches children positive reinforcement and emotional support; de-stigmatization, which provides group affirmation from other victims and the

therapist; self-esteem building; and changing the victim's environment to prevent possible future occurrences of abuse (Lev-Wiesel, 2008, p. 667).

Michigan's Intervention and Policy Scheme for CSA Cases

In the case of Michigan, the state had already imposed various policy schemes and intervention strategies to aid reported victims of child sexual abuse in the area. The policies also include means to ensure that families are well-informed about child sexual abuse and are warned if they have neighbors who are former sexual offenders. In Carley and Summers' analysis (2013, p. 1), the Senate passed amendments that would alter the Child Protection Law and the Revised School Code. Senate Bill 1112 enables the CPL to create a task force for the prevention of sexual abuse of children under the Department of Human Services. Members of the interlocking criminal justice agents must include all involved parties that can handle victims of child sexual abuse, as well as judges and, representatives from non-government organizations interested in the case, such as the Michigan Coalition to End Domestic and Sexual Violence. It is also the task force's duty to make recommendations about how Michigan might reduce the number of sexual abuse cases in the state. The task force is charged with creating school policies, public awareness campaigns, and proposals for statutory changes to ensure that sexual abuse in the state is reduced or prevented (Carley & Summers, 2013, pp. 1-2). Senate Bill 1113 enabled the board of a school district, intermediate school district, or public school boards to implement policies to address sexual abuse in children. The policy to be adopted must address the following topics: age-appropriate curriculum on

sexual abuse awareness and prevention, training school personnel to identify sexual abuse signs, counseling, emotional and educational support for victims, and, the discussion that would take place between parents and the proper authorities regarding their children's dilemma (Carley & Summers, 2013, p. 2). Finally, Senate Bill 1114 covers the procedures detailing how parents will be given prior notice of instruction discussing the guidelines noted in Senate Bill 1113 (Carley & Summers, 2013, p. 1).

Koverko (2010, p. 58-61), on the other hand, wrote that Michigan had already enacted its own Child Protection Law, which requires professionals in the public sector to report suspicions of child abuse or maltreatment and provides immunity for people who report such cases to the authorities.

Michigan also issues reports annually pertaining to the state's child abuse cases. As noted under the State's Child Protection Law, the Department of Human Services is requiring child protective services with statistical data related to child abuse and the policies implemented per year. Sexual abuse of a child by the parent or caregiver is listed in Michigan Compiled Laws Section 750. 520b. Perpetrators are charged with committing the act in the first degree when they penetrate a victim who is under thirteen years old. State law also dictates that sexual contact is the intentional touching of the victim's intimate parts or the clothes covering said intimate area for the reason of sexual arousal or fantasy, anger, or humiliation. The law also denotes sexual penetration as sexual or anal intercourse, cunnilingus, fellatio, or forced intrusion in the genital or anal opening of another person. Section 750. 520b also covers suspects like family members or step-parents. The statute was enacted to ensure that children would not be manipulated

by those in positions of authority. The statute was written for the purpose of addressing relationships similar to that of natural parents, such as like step-parents or significant others.

Michigan also has its own Sex Offender Registry (SOR), which originally was created to track perpetrators who have already committed sexual assault on minors. In relation to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act of 1994, the state passed the Michigan Sex Offenders Act, which created the SOR. The database details all information and data on all recorded sexual offenders in the state, including where they live and the dangers attributed to these people. All sex offenders in the state must register their addresses and report to the agency handling the SOR four times each year. If a sex offender fails to appear for any of the required visits, they are immediately be searched for by the police officers with an arrest warrant. Depending on the nature of their convictions and the nature of their sexual offense, offenders may remain on the registry for 25 years or even longer.

The Public Sex Offender Registry, which can be accessed online by the public, includes information on offenders recorded after October 1, 1995, and enables families with young children to know if they are living in the same neighborhood as an offender. Michigan has also enacted Michigan Rules of Evidence 803A (MRE 803A), which allows the court to resolve child abuse cases despite the chances of information tampering and disclosing issues from victims if they are reluctant to disclose their experience in court. For example, MRE 803A helps courts in creating an exception to hearsay, and also permits courts to consider out-of-court statements of child victims

as a form of excited utterance. Excited utterances, under the act, mean that the statement was made before there had been sufficient time for the victim to revoke their statements regarding the event (Koverko, 2010, pp. 58-61). The moral issue involved in the policy is taking into consideration the overall welfare and well-being of the child. Thus, the policy will bring a positive impact on the development of the child as he or she becomes an adolescent. In the case of the society or the family unit, the policy will also lead to a positive impact because it will serve as an avenue to correct the wrong behavior and foster a more harmonious relationship after undergoing proper counseling and treatment. The policy is considered as a measure that will provide a legal intervention to overcome child abuse. This action is focused on the safety of the child and removal from the home for the child's protection to avoid future harm. The allegations of domestic violence must be strictly determined and reviewed by Department of Job and Family Services to be able to determine how to proceed with their investigations in order to promote the best interest of the child in issue.

Future of Child Sexual Abuse

The impact of child sexual abuse in the U. S. and in the state of Michigan only reflects a part of the reality of CSA's impact on the entire child population around the world. While the numbers of CSA cases are not complete due to the as-yet unknown numbers of silent CSA victims or the perpetrators themselves, the signs and symptoms of identifying victims of such crimes have already been brought to the public's attention by the government and the related government organizations and institutions to

help intervene and reduce the overall number of CSA cases.

In the case of the U. S., the government is currently striving to reduce the number of CSA cases and prevent it from increasing as well as providing support for victims who are traumatized and forsaken of a normal future. Both the federal government and state governments, as demonstrated by the case of Michigan, are now imposing policies to support children and ensure that sexual abuse criminals are taken to court and punished for their actions. Funding is clearly provided for the state and local sectors, to continue research, educate the public, and improve programs for child victims. The federal policies currently implemented to support the campaign towards reducing the numbers of child sexual abuse cases covers not just the identification of child sexual abuse cases, but also how people should become more aware of the problem. Michigan's CPA and the subsequent policies it has applied to ensure child sexual abuse cases should be minimum measures state should take. States should also make the public aware of the potential dangers in their communities. However, it is still important for the government to revise and review policies once it is confirmed that CSA cases continue to increase. It is necessary to end the problem of child sexual abuse as it not only hinders the child from becoming successful in the future, but it also prevents them from leading a normal life free from trauma and fear of people who wish to use them for sexual gratification.

Conclusion

It is vital that a valid policy on the issue of child endangerment should be mandatorily implemented by the Department of Human Services in Michigan.

The reason for the existence and establishing the law is to provide protection for the children to help them develop the aggressive behavior seen in their homes. Thus, it is suggested that child who may be a victim of sexual abuse, child abuse, or drug or alcohol related offenses in the household who has reported at least two documented offense of domestic violence should be reported to the authorities. Thus, it will be for the best interest of the child abuse victim to be taken away from their parents, guardian, and caregiver who have engaged in aggressive conduct. The removal of any child abuse victims from the homes will protect them to develop trauma after undergoing the difficult problems in life which can trigger the child's violent tendencies.

Therefore, placing the child in the care of the state, or foster care services will relieve the child from the emotional baggage caused by the sexual abuse and to shield the child from developing a violent behavior. It is recommended for the child and his or her parents to undergo the process of healing to receive adequate counseling, family therapy sessions, mental health treatment, anger management and other parenting classes. Thus, a six-month period of separation from the parent will release the child from emotional stress and reestablish proper orientation of normal childhood. To conclude, children who are victims of sexual abuse should be governed by a policy that will take make as a paramount consideration the overall welfare and well-being of the child. Hence, the policy will bring a positive impact on the development of the child as he or she becomes an adolescent. In the case of the society or the family unit, the policy will also lead to a positive impact because it will serve as an avenue to correct the wrong behavior and

foster a more harmonious relationship after undergoing proper counseling and treatment. The policy is considered as a measure that will provide a legal intervention to overcome child abuse. This action is focused on the safety of the child and removal from the home for the child's protection to avoid future harm. The allegations of sexual abuse, sexual assault, domestic violence and neglect must be strictly determined and reviewed by local government agencies such as DHS, to be able to determine how to proceed with their investigations in order to promote the best interest of the child in issue.