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The Forgotten Minority: A Cross-sectional and Time-series Analysis of American Indian/Alaska Native Child Abuse and Neglect, 1993-2003

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**THE FORGOTTEN MINORITY: A CROSS-SECTIONAL AND TIME-SERIES
ANALYSIS OF AMERICAN INDIAN/ALASKA NATIVE
CHILD ABUSE AND NEGLECT, 1993 - 2003**

THE FORGOTTEN MINORITY: A CROSS-SECTIONAL AND TIME-SERIES
ANALYSIS OF AMERICAN INDIAN/ALASKA NATIVE
CHILD ABUSE AND NEGLECT, 1993 - 2003

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy in Public Policy

By

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ABSTRACT

Very little empirical research has been conducted on child abuse among American Indians/Alaska Natives (AI/AN). This dissertation examines the rate of reported AI/AN child abuse from 1993-2003 for the 20 U. S. states with the largest percentages of AI/AN populations. Research on child abuse and neglect from at least two bodies of literature is examined – one on child abuse in the general population and the other on child abuse among American Indians/Alaskan Natives. Based on SAS output from pooled time series analysis, two tables were created, one for the general population and one for the AI/AN population. The results indicate that reported rates of AI/AN child abuse are higher in states with anonymous reporting, high evidentiary standards, and Public Law 280 jurisdiction. Limitations of the study and policy recommendations are also addressed. Future research needs to focus in greater detail on state policy variables in order to determine why states with these characteristics have higher levels of reported AI/AN child abuse.

This dissertation is approved for
Recommendation to the
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DISSERTATION DUPLICATION RELEASE

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DEDICATION

This work is dedicated to my parents the late Rev. Key and Anna Ketcher, both were leaders in our tribe, and both were full-blood tribal members of the great Cherokee Nation.

“Our leaders are but trusted servants . . .”

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Chapter 1:

An Introduction to the Forgotten Minority

Introduction

Child abuse and neglect is a pervasive problem in the United States. The problem exists among all ethnic groups including the American Indian/Alaska Native (AI/AN¹) population, often referred to as the forgotten minority or the vanishing race.² In fact, the AI/AN populations were only recently recognized by the U.S. Census Bureau's data gathering system with the 2000 Census (Cross et al. 2004). Child maltreatment issues are very real for this population.³ The literature shows the breadth of child maltreatment issues that cut across cultural and national boundaries (Korbin 1991), and includes federal policies targeting American Indian and Alaska Native children.

Very little scholarly literature exists about the overall problems of child abuse and neglect as they relate to the AI/AN community (Lujan et al. 1998).

Socio-economic factors such as alcohol, poverty, employment status, median

¹My dissertation will follow the work of Cross et al., (2004) and use the term "American Indian/Alaska Native" to refer to the 334 federally-recognized American Indian tribes and associated tribal members in the contiguous 48 states, as well as the 229 federally-recognized tribal governments and associated tribal members in Alaska. "The popular term 'Native American' may include Native Hawaiians and Pacific Islanders, who are politically and legally separate and distinct from American Indian/Alaska Native tribal governments" (p. 7).

²"Vanishing race" refers to the paradigm used during the last few centuries. "This theory argues that American Indians will be absorbed into the cultural fabric of the larger society and that American Indians are ceasing to exist as a separate race/culture. Goodluck and Willetto (2000) take further exception to this myth and state that "Native children may seem invisible to the general population, but American Indian/Alaska Native children and their worlds are a rich component of our society" (p. 9).

³Child maltreatment is the general term used in this paper to describe all forms of child abuse and neglect. Retrieved July 27, 2006 from: <http://www.naccchildlaw.org/childlaw/childmaltreatment.html>

household income and educational attainment (Wright and Tierney 2000) conceivably impact the AI/AN family structure (Robin et al. 1997; EchoHawk 2001/2002; EchoHawk and Santiago 2003/2004). Clinical studies have found that treatment and research barriers can be even greater because of cultural variations (Lujan et al. 1989; DeBruyn et al. 1992; Robin et al. 1997; Cross et al. 2000).

The primary goal of this research is to identify the determinants of reported child abuse and neglect in the 20 U. S. states with the largest percentages of American Indian/Alaska Natives. The 1990 and 2000 censuses identify 17 states that have populations of at least one percent AI/AN, and three states with 0.9 percent AI/AN population. The 17 states with at least a one percent AI/AN population are: Alaska, Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The three states with 0.9 percent AI/AN population are: Kansas, Nebraska and Wisconsin.

Research Questions

Primary question: Why are the American Indian/Alaska Native child abuse and neglect rates higher in some states than in others?

Supplementary questions: How and why do these rates change over time? How do these rates compare with rates for the general population? What factors contribute to child abuse and neglect among AI/AN children?

The Importance of the Questions

One reason these questions are important is because no scholarly research exists to date that provides answers to them. Child abuse and neglect data has been

analyzed by scholars (Garbarino and Crouter 1978; Paxton and Waldfogel 1999; Jones and McCurdy 2003; Berger 2004; Slack et al. 2004; Lowe 2005) who have used multivariate and bivariate methods to present findings for child abuse/child neglect in the *general population*. However, no multivariate and bivariate analysis can be found in the literature specifically relating to the *AI/AN population*.

This study will increase knowledge about policy issues associated with child abuse and neglect in the 20 states with the largest percentages of AI/AN populations and in “Indian Country.”⁴ For clarification, Indian reservations are geographically located within states, or as in the case of the Navajo Nation, may cross state lines. These territorial or geographical boundaries are commonly referred to as “Indian Country.” American Indians and Alaska Natives may also reside on land held in trust by the federal government. AI/AN populations can be found in locations that range from “quasi-urban cities contiguous to the reservation to remote rural extended family communities on the reservations” (White and Cornely 1981, 10).

Several important areas under consideration in this project are factors or determinants which tend to be associated with AI/AN child abuse and neglect. These include, but are not limited to, poverty (Fischler 1985; Cross et al. 2000), unemployment (EchoHawk 2001/2002), and low educational attainment (Fischler

⁴ The term, “Indian Country” is used to describe the geographic territory in which special federal and tribal laws apply, usually to the exclusion of state law. 18 U.S.C. 1151 Section 1151, a criminal jurisdiction statute, defines “Indian Country” as follows: The term “Indian Country” as used in this chapter means: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

1985; Lujan et al. 1989; DeBruyn et al. 1992; Cross et al. 2000). These variables are important because these studies have shown that child abuse and neglect can be an underlying factor or determinant when children live in poverty, with parents who have no jobs or job skills; unemployment can create many daily living stresses.

Jurisdictional issues, Public Law 280 jurisdiction (EchoHawk 2001/2002; EchoHawk and Santiago 2003/2004), inconsistent definitions of child abuse and neglect (Fischler 1980; Wichlacz and Wechsler 1983; Earle and Cross 2001; Fox 2003), differing procedures followed by the states for reporting child abuse and neglect (U.S. Department of Health 2003), and different cultural influences and misunderstandings (White and Cornely 1981; Fischler 1985; Earle 2000) impact AI/AN child abuse and neglect. Understanding these issues is important for creating policy, regulatory procedures and protocol in the child protection domain.

Policy development that has a focus on cultural understandings and ethnic validation by child welfare advocates is reasonable. Moreover, the neighborhood environment creates an enormous challenge. “Efforts that focus on mitigating neighborhood poverty will be beneficial to all children, regardless of race or ethnicity” (Freisthler et al. 2007, 7). Creating new job opportunities in minority communities may help reduce maltreatment in those areas but would certainly be welcome in other areas as well. A policy focus on economic growth in poor neighborhoods can only be a positive factor (Freisthler et al. 2007).

Purpose of Study

The purpose of this research is to understand why rates of child abuse and neglect vary from state to state among the AI/AN population and to understand why the rates change over time. The study will describe and evaluate information from the 17 states having at least one percent or more AI/AN population and the three states with 0.9 percent AI/AN population. Incidences of child abuse and neglect, including rates in each of these states, how these rates compare with other population groups, and how these rates have changed over time will be evaluated. Data collected from states cover the years 1993 – 2003. In 1993, Child Protection Services (CPS) agencies received almost two million reports of child abuse and neglect referrals for investigation (U.S. Department Health and Human Services, National Center on Child Abuse and Neglect, “Child Maltreatment” 1993). In 2003, the number of referrals accepted by state and local CPS for investigation and assessment had increased to approximately 2.9 million cases alleging child abuse and neglect (U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, “Child Maltreatment” 2003). In 1993 and 2003, nationally, an estimated 1,018,692 and 906,000 children respectively, were determined to be victims of child abuse and neglect (U.S. Department of Health and Human Services 1993; U.S. Department of Health and Human Services 2003).

Child abuse and neglect impacts every racial group in this country. With 50 states reporting in 1993, 54 percent of victims were white, 25 percent of victims were African American, and approximately nine percent of victims were Hispanic (U.S. Department of Health and Human Services 1993, 2-10). American

Indian/Alaska Native (AI/AN) comprise about 2 percent of victims (U.S. Department of Health and Human Services 1993); although, nationwide AI/ANs comprise only 0.8 percent of the population. In 2003, Pacific Islander, AI/AN, and African American children had the highest rates of victimization at 21.4, 21.3, and, 20.4 per 1000 respectively (U.S. Department of Health and Human Services 2003, xiv). White children and Hispanic children had child abuse and neglect rates of approximately 11.0 and 9.9 per 1000 (U.S. Department of Health and Human Services 2003, 46-47) respectively, while Asian children had the lowest rate of child abuse and neglect at 2.7 per 1000 (U.S. Department of Health and Human Services 2003, 45).

Historical Recognition of Child Maltreatment

Every child deserves humane treatment. Legislative mandates and policy initiatives to protect children were, for the most part, absent in the United States until 1877 when the case of Mary Ellen Wilson surfaced. Recent legislative mandates and policy initiatives have gained prominence with the introduction of the *Battered Child Syndrome*, a term coined in 1962 by Dr. C. Henry Kempe, an M.D and a Pediatrician (Brittain and Hunt 2004; Earle and Cross 2001). The following story of Mary Ellen Wilson highlights the important, historical recognition of the early child protection initiative.

The Story of Mary Ellen Wilson⁵

Child protection has not always been an area of concern in the United States. Children in other societies, and in America, “have always been subjected to

⁵As cited by McDaniel and Lester (2004) in Helping in Child Protective Services (Brittain and Hunt 2004, p. 32).

a wide range” (Gil 1970, 1) of abuse and neglect by caretakers, parents, and school teachers alike (Kempe and Helfer 1980). Other social justice movements (e.g. the women’s rights movement, women’s suffrage), that occurred in the mid-to late 1800s brought child protection to the forefront, thus allowing this critical issue to gain momentum and draw attention to the needs of children. In the mid- to-late 1800s, child abuse shifted from being a largely private matter to one of public concern (Brittain and Hunt 2004).

In 1875, the case of Mary Ellen Wilson came to the attention of concerned citizens. This case involved a young girl, age 10, who was physically abused by her caregivers in New York City. Etta Angeli Wheeler, “a caring Methodist mission worker who visited the impoverished residents of the tenement regularly” (Brittain and Hunt 2004, 33), tried unsuccessfully to get help from different social services agencies. She finally sought help from the *American Society for the Prevention of Cruelty to Animals (ASPCA)*. The support and legal assistance Mrs. Wheeler needed came from Henry Bergh, President of the ASPCA. Mr. Bergh was the petitioner in this case, and he was represented by an attorney for the ASPCA who filed for legal removal of Mary Ellen from the home where she had been mistreated. This was a highly publicized case and through court intervention, Mary Ellen was ultimately placed with Mrs. Wheeler’s relatives. She died in 1956 at the age of 92.

“This case marked the beginning of what we now know as ‘*child protective services*’” (Earle and Cross 2001; Brittain and Hunt 2004, 449). The movement to

protect children began with an ASPCA initiative which was implemented on behalf of society's children to protect them from abuse and neglect.

In 1877, humane societies from across the country founded the American Humane Association, at their meeting in Cleveland, Ohio. In 1886, the American Humane Society, at its national conference in Cleveland, Ohio, amended its constitution, which already included the *prevention of cruelty to animals*, to include the *prevention of cruelty to children*. A mission it supports to this day (Brittain and Hunt 2004), New York City established the first Society for the Prevention of Cruelty to Children. States did not begin to express legislative mandates until 1935 with the passage of the federal Social Security Act; this allowed for the creation of a small child welfare system (Brittain and Hunt 2004). The 1974 Child Abuse Prevention and Treatment Act (CAPTA) allowed the federal government to fully address child maltreatment directly (Earle and Cross 2001).

Societal Influences – Child Rearing and the American Indian

From Colonial time to the present, laws have been established that have institutionalized differential treatment for people of color – Blacks and American Indians. For example, the Slave Law established in the seventeenth century, Freedman Laws in the eighteenth century, and the Supreme Court Ruling – *Worcester v. State of Georgia (1832)*⁶ in the nineteenth century, all targeted

⁶ “The Supreme Court ruling of 1831 established sovereignty for tribal nations, giving them the authority to govern themselves and make treaties with the United States. In 1885, however, Congress passed the *Seven Major Crimes Act*, which firmly established the federal court on American Indian land and diminished the hard-won rights of the tribal courts. In 1887, the federal government struck another blow to American Indians with the *General Allotment Act*, which gave Congress authority to section tribal territory into 160-acre tracts and sell ‘surplus’ land to non-Indian settlers. Within 25 years of the act’s passage, American Indians lost an additional two-thirds (or almost 90 million acres) of the land (Johnson, 1982). With the loss of land came increased poverty” (Brittain and Hunt 2004, 39).

minority groups (Brittain and Hunt 2004). American Indian/Alaska Natives “have been subjected to some form of bondage (land enslavement or alienation) and have had the cruelest group histories in which to maintain their families” and raise their children (Boss et al. 1993, 627).

Broad societal and historical influences have had an impact on Indian Country and Indian citizens-at-large. For these reasons the need to protect and advocate for AI/AN children is great, and the issues are complex (e. g. jurisdictional issues). For instance, because of the poverty level of many AI/ANs, and due to the subsequently economically depressed environments in which they are living:

“American Indian’s are among the most economically disadvantaged groups in the United States. The unemployment rate for the American Indians who live on reservations often approaches 80%, with the median family income hovering around \$15,000 . . . about 50% of the Native American population over 30 years old have not completed high school” (Wright et al. 2000, 97 in Goodluck and Willetto, 2000, 13).

Moreover, societal influences have impacted AI/AN youth in terms of identity. Sometimes, American Indian youth are confronted with the strong social sense of living in two worlds and are “struggling with cultural and tribal dualities” (Goodluck and Willetto 2000, 34). These same authors make the argument that, “This situation arises from the intersection of race (American Indian), ethnicity (tribal nation), class and gender” (LaFromboise and Graff Low 1989 in Goodluck and Willetto 2000, 34).

The relocation policies enacted in the 1950s by the Bureau of Indian Affairs (BIA) paved the way for the destruction of the American Indian family. Indian children were removed from their tribal lands and many families were relocated to

an urban setting away from their own home lands (Halverson et al. 2002). These relocation movements and historical boarding school system policies enacted by the BIA had a devastating impact on the AI/AN population (Fischler 1980; Cross et al. 2000; Earle 2000; Melton and Gardner 2000; Earle and Cross 2001).

The aforementioned events created complex issues that have been studied by scholars in order to gain a better understanding of the severe historical impact on American Indian and Alaskan Native children. The forced boarding school era is an excellent example of destruction of the AI family. As long ago as 1860, the U.S. government instituted military-type boarding schools for AI children. In 1879, just two years after the humane society meeting in Cleveland, American Indian children began arriving by train at a military-type institution in Carlisle, Pennsylvania, where they were forced to assimilate into mainstream, white-middle class culture and were stripped of their own customs (Brittain and Hunt 2004). Catholic school and other mission school experiences have also had a negative impact on AI children. Some of the children were subjected to sexual abuse, and as a result, turned to alcohol in their young and adult lives (Cross et al 2000).

Until 1978, Indian children were routinely placed by non-Indian social workers with non-Indian families. The Indian Child Welfare Act of 1978 established preferences for placement of children requiring removal from a family situation, and made it possible for tribes to intervene on behalf of an Indian child at risk for placement outside the tribe (Goodluck et al. 2000).

Congressional, BIA, and other agency responses to AI/AN child abuse and neglect have increased. Since the passage of the Indian Child Welfare Act of 1978

and the Indian Child Protection and Family Violence and Prevention Act of 1990, AI child abuse and neglect is receiving more attention by a number of agencies and child welfare advocates. Reporting procedures are in place, a number of legislative mandates have been implemented and various policies enacted. However, even though these various policies and procedures are in place, analysis of reported incidences of AI/AN child abuse and neglect suggest that rates are on the increase and are higher than for other ethnic groups (Earle 2000; Earle and Cross 2001).

An outgrowth of this suggested increase is that there appears to be several interconnected factors and determinants linked with the “disproportionate rates of involvement of children of color in the child welfare system, namely, social factors related to poverty . . . racial and class bias in initial reporting . . .” (Hines et al. 2004, 507; Freisthler et al. 2007).

Overview of Key Findings in the Scholarly Literature

Key researchers and scholars focusing on the area of child abuse and neglect discuss numerous determinants and factors associated with this sensitive issue. One is Finkelhor (1983; 1984; 1986; 1988; 2001) who has widely studied child sexual abuse in the general population. Discussing the general population, Jones et al. (2001) find that a “dramatic shift” in substantiated cases of sexual abuse occurred in the 1990s. In the 1980s, child sexual abuse victim numbers were steadily increasing. A survey of state CPS administrators has shown that from 1992 – 1999 cases of substantiated child sexual abuse declined 39 percent nationwide. According to these researchers, the decline is due primarily to caseworker caution. Because of new legal rights for caretakers, increased

evidentiary standards needed to substantiate cases, and increasing limitations on the types of cases that agencies accept for investigation, caseworkers report a hesitancy to report child abuse and neglect without substantial evidence (Jones et al. 2001). This finding suggests that, for the general population, the decline may be in reporting rather than in number of occurrences, and is deserving of further investigation. As noted above, the findings specifically for AI/AN children are somewhat different in that it appears likely that changes in policy and procedure had a noticeable effect on the child sexual abuse trend for those states having at least a one percent AI population, and this would be nine states (Jones and Finkelhor 2001).

In their study of a sample of 53 Indian children, Lujan et al. (1989) found that the majority of maltreated children experienced both abuse and neglect, that their families experienced alcohol abuse, and that child abuse and neglect is “part of a larger phenomenon of multi-problem families which raises the issue of intergenerational perpetuation of these problems” (1989, 449). Similarly, Robin et al. (1997) found that intrafamilial members accounted for 78 percent of the reported child sexual abuse and that females were more likely to be sexually abused as children (48 percent) than were males (14 percent). DeBruyn et al. (1992) conducted a study covering the years 1985 and 1987, in a Southwestern Indian Health Service (IHS) hospital and four surrounding outpatient clinics. Their sample consisted of 51 control families and 53 target families and they found that “The target sample shows that alcohol abuse is present in virtually all families that abuse and neglect their children” (DeBruyn et al. 1992, 312). Clinical studies

about AI/AN child abuse and neglect issues are few, but those in existence point to the need for more substantial research (White and Cornel 1981).

Kathleen Earle-Fox (2004) has written about data collection related to American Indian (AI) child abuse and neglect; this data collection activity is in the infancy stage. Earle-Fox discusses the lack of a strong, national, data collection system for AI children who have been abused and/or neglected (Earle 2000; Earle-Fox 2004). In a recent article, *Are They Really Neglected? A Look at Worker Perceptions of Neglect Through the Eyes of a National Data System* (2004), Earle-Fox (2004) discusses a two-year study of abused and neglected AI children and she asserts that, “This study supports the need for direct participation of sovereign nations in child protective investigation, treatment, and data collection systems that will provide accurate numbers and characteristics of abused and neglected children” (Earle-Fox 2004, 73).

Larry EchoHawk (2001/2002; EchoHawk and Santiago 2003/2004) finds that several factors, together, increase the occurrence of child sexual abuse in “Indian Country” and that these factors are greater on Indian reservations, e.g. unemployment, poverty, and other family stresses. EchoHawk and Santiago (2003/2004) further argue that dependable and reliable data collection in Indian Country regarding sexual abuse is scant. EchoHawk and Santiago (2003/2004) and Fox (2004) argue that the government needs to provide the necessary resources to develop data tracking and reporting systems for abused and neglected American Indian children. These arguments can be equally applied to the lack of research on abused and neglected Alaska Native children. These studies reveal deficiencies in

current research and “the state of knowledge” regarding child abuse and neglect for the AI/AN population.

The lack of depth in the body of research raises questions. Why haven’t AI/AN children, “the forgotten minority,” received more attention from the scholarly community? This unfortunate status, in fact, may be due to a number of factors (Kerr et al. 2006, 4). Arguably an important consideration is ethnicity, which is generally addressed by use of the “other” category when referring to certain racial groups (i.e. Americans Indians, Native Alaskans, Asian Americans, Pacific Islanders, and Hispanics), (Korbin et al. 1998). Most often this ‘other’ category includes the AI/AN population.

Thus, it is apparent that the AI/AN population is blurred into other racial categories. Racial misclassification presents serious challenges in data collection (Cross et al. 2004). Moreover, the numbers are small in that the overall American Indian population is small (Cross et al. 2004), and tribes are diverse. However, these reasons do not lessen the importance of empirical research that attempts to address the critical child abuse and neglect issues impacting this population.

Agencies Involved in Data Collection

In “Indian Country,” under P.L. 83-280⁷, certain states were given

⁷Public Law 83-280 is a federal statute enacted in the 1950s termination era in which states were given greater authority over Indian reservations. This law was enacted in the 1950s – “a period of [lawlessness], termination, and assimilation in Indian Country and it must be understood within the context of the time period in which it was enacted. It included (1) the adoption in 1953 of House Concurrent Resolution 108 which established tribal termination as the official federal policy and singled out specific Indian Nations for termination, and (2) implementation of the Bureau of Indian Affairs ‘relocation’ program to encourage Indians to leave the reservations and seek employment in various metropolitan centers” (Melton and Gardner 2000, 252).

legislative authority to assume criminal and civil jurisdiction over child protection matters albeit to the detriment of tribal sovereignty (Melton and Gardner 2000). As a result, these states do collect data on the AI/AN population.

The Federal Bureau of Investigation (FBI) was given the authority to handle and investigate child sexual abuse in Indian Country via the federal Major Crimes Act⁸. While not a primary body collecting NCCAN child abuse and neglect data, the FBI is an extremely important part of the law enforcement protocol whose primary function is to combat and handle criminal offences.

Tribes collect data on child abuse and neglect (Fox 2003). Other agencies involved in data collection are the Bureau of Indian Affairs, the U.S. Department of Health and Human Services (HHS), Administration for Children, Youth and Families (ACYF) of which the NCCAN is a part. Finally the Justice Department Office for Victims of Crime (OVC) issues grants to tribes for the operation and maintenance of services for child protection programs, but is not a primary source to collect data (Earle and Cross 2001; Fox 2003; EchoHawk and Santiago 2003/2004).

Dissertation Plan

As evidenced by the literature, child abuse and neglect in the U. S. has been in existence for a long time; the first reported criminal cases involving child abuse

⁸The Major Crimes Act provides for federal jurisdiction over certain specified crimes occurring in Indian country when the defendant is an Indian (Indian Major Crimes Act, 18 U.S.C. 1153 1994). Originally, only ten major crimes were listed in the Major Crimes Act. Currently, fourteen major crimes are listed. Child sexual abuse was not specifically listed until 1986 when Congress amended the Act to include “the felonious sexual molestation of a minor.” Presently, the Major Crimes Act provides for federal jurisdiction over the following specified major crimes: murder, manslaughter, kidnapping, maiming, rape (i.e., aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, and abusive sexual contact), incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and theft” (EchoHawk 2001/2002, 32-33).

in the United States date back to the late 1600s, but no documented civil child protection case appeared until 1874 (Trost 1998). Moreover, historical societal influences have had a devastating impact on American Indian/Alaska Native children. The Congress has enacted numerous laws. One policy effort that created a series of hardships on native people was the Relocation policy of the 1950s and 1960s. Another policy that seems to have benefited tribal groups is the Indian Child Welfare Act. As previously presented, a number of scholars (Finkelhor 1984; Korbin 1991; DeBryn et al. 1992; Trost 1998; Cross 2000; Fox 2004) have presented reports and empirical studies documenting important findings about the severity of child abuse and neglect. This research will add to the existing literature on AI/AN child abuse and neglect.

Chapter Two reviews the literature. This chapter presents a discussion of the “state of knowledge” in the field, that is “what we know” about child abuse and neglect among the American Indian/Alaska Native population. This leads to a discussion of “what we do not know” about child abuse and neglect. The literature review focuses on the determinants of AI/AN child abuse and neglect, addressing the cultural realm of tribal entities; it addresses economic and social influences, community and demographic factors, protocols or procedures for reporting, and jurisdictional issues surrounding AI/AN child abuse and neglect.

Chapter Three discusses data and methodology including the choice of the dependent variables, the (NCCAN) data, the independent variables and the statistical approach to be used. Chapter Three is organized into the following subsections: dependent variables, the NCCAN data, the independent variables and

methods. The 12 hypotheses identified for this study are also discussed. The following independent variables are examined: poverty, median household income, educational attainment, anonymous reporting, the level of evidentiary standards, and the impact of 280 states on AI/AN CA/N. Limitations of this study will also be discussed.

Chapter Four contains the empirical analysis and findings. In this chapter, variation in trends over time within states will be identified. Also included in this chapter is an analysis of: (1) child abuse rates per capita in order to ascertain if there are comparable patterns for Indian children within the identified 20 states, (2) child abuse rates per capita for *high, medium, and low* AI/AN population groups, (3) rates of abuse per 1000 children in Public Law 280 and non-280 states, and (4) means analysis: Public Law 280 and non- 280 States. These models will explain why AI/AN child abuse and neglect rates are lower in some states and higher in others and why these rates change over time. After reporting and examining these *univariate* statistics, two models will be developed showing the results of the *multivariate* analysis. These models will explain why certain socio-economic factors impact the child abuse and neglect rates for the *general population* and the *AI/AN population*. As stated previously the primary independent variables are: poverty rates, unemployment rates, median household income rates, and high school education level attainment. Finally, the last three variables: anonymous reporting, level of evidentiary standards, and Public Law 280 states also have policy implications. Some states accept anonymous child abuse reports such as anonymous telephone calls. All states have mandatory reporting laws in that

certain professionals, such as physicians, school teachers or social workers are required to report suspected incidences of child abuse and neglect. This next independent variable relates to the level of evidentiary standards each state follows. The level of evidence needed for disposition and substantiation is categorized into high (preponderance, material evidence, or clear and convincing) and low standards (credible, reasonable, or probably cause). Chapter Four also analyzes both P. L. 280 and non-280 states and describes how state status (whether 280 or non-280) impacts AI/AN child abuse and neglect. These data are available from the U.S. Census Bureau, the Interior Department's Labor Force Statistics and the NCCAN.

Chapter Five presents a general discussion of the findings; implications of this study are also discussed. This chapter ties the findings of both the univariate and multivariate models to findings in the extant literature and makes recommendations for policy development. The policy implications section addresses key factors for handling and investigating child abuse and neglect in Indian country.

Chapter 2

Literature Review

Determinants of American Indian and Alaska Native Child Abuse and Neglect

The purpose of this chapter is to review the literature on determinants of child abuse and neglect for the “Forgotten Minority” – The American Indian as well as for other sub-groups. This review examines bodies of literature representing child abuse for the general population, other minority groups and the American Indian/Alaska Native (AI/AN) population. The chapter addresses the current status of the literature and identifies gaps in the literature. It addresses the following question: What do we know about the determinants of child abuse and neglect? The findings are summarized in the conclusion.

For this dissertation project, a number of possible determinants have been identified as the socio-economic and demographic factors that influence child abuse and neglect. Explicit discussions about the identified determinants are brought forth in this Chapter. Moreover, this dissertation project also addresses and defines culture within the context of diversity – *unveiling the fabric of diversity*. It addresses institutional racism as a prevalent factor impacting minority status and the child welfare system. It also brings to light the view that racial minorities in this country are identified as individuals other than members of the dominant society who have been relegated to a lower socio-economic status.

Accordingly, this chapter is organized into the following sections:
Minority Status and American Indian/Alaska Native Child Abuse and Neglect,
Unveiling the Fabric of Diversity, Socio-economic and Demographic Factors

Influencing Child Abuse and Neglect, The Influence of Community Characteristics on Child Abuse and Neglect, Protocol for Reporting Child Abuse and Neglect, Tribal Jurisdiction and Sovereignty, and a Summary Discussion.

Minority Status and American Indian/Alaska Native Child Abuse and Neglect

Minority status in American society has for the most part become primarily equated with ethnic groups who have been plagued by racism and discrimination based on a multiplicity of factors. Minority status is today often equated with the term ethnicity. Ethnicity is a complex issue that is especially relevant in the reporting and investigation of child abuse and neglect. The ethnicity of the American Indian is one of the deepest and most enduring identities because it is based on language, spirituality, cultures, family systems, and common history. Even though many of the studies have a focus on minority groups and child maltreatment (Goodluck and Willetto 2000; Hines et al. 2004; Campbell 2005; Freisthler et al. 2007), the bulk of the literature tends to neglect AI/AN children. The current literature predominantly focuses on the dominant population and larger minority groups, i.e. African American and Hispanic, with few existing studies that explicitly focus on the AI/AN population. When comparing minority groups, “the literature on blacks is most abundant and that on Native Americans, least . . .” (Boss et al. 1993, 628).

Most research about child abuse and neglect has focused on the general population (Finkelhor 1979; 1986; 1987; 2001; 2003; Ards 1992; Coulton et al. 1995; Coulton et al. 1999; Jones et al. 2001; Connell-Carrick 2003). A study completed on a West Texas city found that the females who abuse their children

were more than likely to be “Hispanic, unmarried, young and poor; males were more likely to have been white or black, married, older and middle class” (Young and Gately 1988, 247). Very few empirical studies focus exclusively on AI/AN child abuse and neglect issues (Zuravin 1989; Drake and Pandey 1996; Weissman et al. 2003; Paxson and Waldfogel 1999; 2002; 2003; Berger 2005). Zuravin (1989) for example, assesses current knowledge about the ecological determination of child maltreatment, reviews the literature and presents data from an aggregate study. Drake and Pandey (1996) examine the relationship between neighborhood poverty and three different types of child maltreatment. Weissman et al. (2003), on the other hand, examine community characteristics associated with child abuse in the State of Iowa. Paxson and Waldfogel (1992; 2002) look at state, level-panel data.

Although a number of studies frequently incorporate the AI/AN group into the “other” category, they are generally only mentioned in passing, thereby obscuring information specific to this population group (Garbarino and Kostelny 1992; Jones and McCurdy 1992; Korbin 2002; Lowe et al. 2005). A study by Lee and Goerge (1999) classified children and families as black, white or other. These broad categories do not help in understanding cultural differences (Korbin et al. 1998). Despite the disproportionate number of American Indian children in the child welfare system, they continue to receive little attention in the research and published literature (DeBruyn et al. 1992).

Unveiling the Fabric of Diversity

Culture Defined

Culture has been described as the “fabric in which the individual, the family and the community are inextricably interwoven” (Dubanoski 1982, 457). It is “the stable pattern of beliefs, attitudes, values, and standards of behavior that are transmitted from generation to generation. Culture facilitates successful adaptation to the group . . . and is the source of meaning, belonging and identity” (Brittain and Hunt 2004, 520).

American Indian/Alaska Native people share a unique and complex cultural heritage which includes the importance of the extended family and the clan system. Varied historical experiences overshadow the AI – experiences of oppression, discrimination, annihilation – when blankets infected with small pox were the rule of trade, and attempted assimilation pursuant to the termination policies of the 1950s. AI/ANs are, however, not a monolithic group and differ not only from other American ethnic groups but also from each other with regard to language, values, mores, traditions, and philosophies that are inherent to their well-being and their overall way of life.

Because of this complexity, child abuse and neglect research most often fails to take into account cultural aspects of the AI/AN family life. One area that is ignored or discounted involves the differences in child rearing practices and beliefs in tribal communities (Earle 2000). A Navajo grandfather who does not hold dear the formal educational standards of the “white man’s world” would not consider his grandson truant when he is learning the lessons of tribal life at home. Dominant

society's view of neglect negates the resiliency of American Indians who must cope with poverty and hardship as they attempt to provide for the family needs and adapt to dual standards of living and raising children in a society that has devalued their culture. Often, the child may appear to be *neglected* to the middle class child protective worker but would not necessarily be judged so through the eyes of their tribal people.

AI/AN families who experience frequent periods of transition, with moves from the reservation or community to an urban setting, then back to the reservation or community are often subjects of the child protection system. An especially difficult culture for state child protective systems to understand and accept are the migratory tribes, such as the Kickapoo, who annually travel across country as they adapt to seasonal changes and quests for their sustenance. Child welfare systems deem this movement to and from communities as a disruption in social support networks for the children, yet it can be understood in terms of a (the tribe's) cultural pattern (Young and Gately 1988). Disruptions in the school setting, increased unemployment or underemployment, and other changes in neighborhood and household environmental surroundings are all problems that such families may experience (Young and Gately 1988).

Garbarino and Crouter (1978) state that those who leave the rural setting or reservation for the urban environment and then move back to the reservation may be more likely to maltreat their children, although empirical research about this population is limited. These researchers further identify high levels of geographic mobility as a contributing factor of child abuse and neglect. In their view, children

may even not be enrolled in school, or may perform well below their intellectual capacity and grade level because of frequent moves. Similarly, Zuravin (1989) found that “transiency is a significant predictor of neglect but not abuse” (p. 118). Thus, tribal mobility is considered an important variable, aligned with unemployment, income and poverty, in assessing child maltreatment.

Dubanoski (1982) argues “that there must be an understanding of the patterns and causes of child abuse and neglect . . . at the cultural level” (1982, 465). In general, traditional AI/AN groups do not share the same view as mainstream society in regard to child rearing (Korbin 1991, 68). Certain studies make clear that definitions are obviously lacking in cross-cultural viewpoints (Korbin 1991; Lowe et al. 2005). Lowe et al. (2005) maintain that African-Americans, another minority group, and their families are reluctant to report child sexual abuse because:

- (1) of the negative encounters some have experienced with the criminal justice system, police, and /or the social service agency;
- (2) many African American families are unaware of existing services for victims, abusers, and their families;
- (3) African-American survivors of sexual child abuse may ‘... fear that filing criminal charges against an African-American male is, or will be seen by others, as a betrayal and lack of sensitivity for the African-American male who suffers harsher consequences for criminal behavior in the United States’ (Abney and Priest 1995 in Lowe et al. 2005, 150).

Korbin (1991) argues that for purposes of both *research* and *action*, progress must be made in cross-cultural definitions of child maltreatment. She further asserts that, “Whether child maltreatment is defined on the basis of caretaker behavior, consequences to the child, or a combination of indicators, the cultural context must be considered” (1991, 70). Careful thought is needed to

establish the parameters for acceptable and unacceptable behavior between and within cultures. She asks: “Under what conditions does an act [of child abuse and neglect] exceed the cultural [cross-cultural, multi-cultural] continuum of acceptability? How much overlap exists among cultures? Is a universal definition possible or will definitions, of necessity, be culture specific?” (Korbin 1991, 70). Similarly, Campbell (2005) asks questions about child maltreatment and culture: “Is the practice viewed as neglectful by cultures other than the one in question? Does the practice represent an idiosyncratic departure from one’s own culture? Does the practice represent culturally induced harm to children beyond the control of parents or caretakers?” (2005, 3). In exploring the issues of child abuse and neglect among AI/AN, these are all viable questions to be answered in extended research.

Consequently, designing and implementing comprehensive standards for assessing child maltreatment that is useful in guiding professional child protection workers, while supporting cultural childrearing practices, continues to be a dilemma (Campbell 2005). Ultimately, child protection workers must have ample information about the culture of the population served.

Institutional Racism and its Influence on Child Abuse and Neglect

Overt and institutional racism has historically impacted AI/AN tribes, their families, their children, their clan systems, and continues to do so in today’s environment. Policies and practices grounded in institutional racism, or “racially biased assumptions” have an effect on the families of children of color and their lives (Goodluck and Willetto 2000, p.17). Children of color, (e.g. African

American, AI/AN, Hispanics, Asian Americans) once in the child protection system, are often in the system for a considerable length of time and much longer than their Caucasian counterparts (Hines et al. 2004). One body of research indicates that bias in reporting is one culprit for understanding abuse and neglect issues (Lee and Goerge 1999; Earle 2001; Hines et al. 2004).

Some scholars strongly assert that children of color in America's public Child Welfare system experience differential treatment (Earle-Fox 2004). Furthermore, families and children of color are totally or partially excluded from needed services (Billingsly and Giovannoni 1972; Brittain and Hunt 2004; Hines et al. 2004). Hines et al. (2004) argue that families of color receive fewer services and thus, have proportionately less income and resources than their white counterparts.

Gil (1970) reported that "of 1,380 children of (a) sample cohort, 38.8% were white, 45.7% were Negro, 0.7% were American Indian, 6.7% were Puerto Rican, 4.1% were Mexican, 0.7% were Asian, 3.0% reported other, and for 0.4% the ethnic background was not reported" (1970, 106). Obviously, in each case of the ethnic minority groups, the combined percentages in the child welfare system are higher than the percentage of the general population. Gil asserts that because ethnic groups may differ in their child-rearing methods, "the possibility cannot be ruled out that such differences between white and non-whites could be a contributing factor to the observed differences in reporting rates" (Gil 1970, 107). Similarly, Campbell (2005) asserts that statistics on race and ethnicity of child abuse indicate a higher percentage among certain minority children. The available

data, based on the percentage per 1000 children, yielded the following: 21.7% for AI/AN; 20.2% for African American; 10.7 for white; 9.5 for Hispanics; 3.7% for Asian Pacific Islanders” (Campbell 2005, 2). Undoubtedly, the imbalance in the percentages can only be explained through further, more thorough study and research of the factors influencing the high rates reflected among ethnic minority groups.

Minority status affects children of color *oftentimes* to their own demise. All but forgotten, they are left in the child welfare system longer than members of the dominant society, the reporting level to the child welfare system is often higher, and their status in society also affects their human rights. Consequently, these important socio-economic and demographic factors of poverty, under-employed/unemployed parents, and low educational achievement for one or both parents are herein addressed.

Socio-economic and Demographic Factors Influencing Child Abuse and Neglect

In the context of a discussion about child abuse and neglect, it is important to explore the relationship between socio-economic and demographic factors to the assessment of child maltreatment. Garbarino and Kostelny (1992) present findings related to the influence of socioeconomic and demographic factors on child maltreatment rates. Socio-economic factors such as poverty, unemployment/under-employment, medium household income level, housing conditions, education and alcoholism are undoubtedly contributing factors influencing family interrelationships and must be addressed.

Alcoholism, for example, an identified issue within American Indian communities, is addressed in the literature from several perspectives. There is a devastating relationship between alcohol use and child abuse and neglect in AI/AN families (White and Cornely 1981; Lujan et al. 1989; Debruyne et al. 1992). Other studies further discuss poverty and its relationship to the socioeconomic status of the community and its inhabitants as well as its relationship to alcoholism and violence. These two factors have an immediate and devastating relationship with child maltreatment. Freisthler et al. (2005) argue that only a few studies have examined the relationship between drug/alcohol availability, use at the aggregate level, and concentration or density of neighborhood bars and drug outlets. Their study is particularly insightful for Indian Country since off-reservation bars and outlets are often the rule. Widom et al. (2001) argue that “child abuse is one of the many types of violence associated with alcohol use as a consequence or as a causative factor” (p. 52). Berger (2005) looks at maternal alcohol consumption. Dubanoski (1982) discusses mental health and alcohol in the European-American and Hawaiian-American populations. However, the data for alcohol and drug use as it impacts child maltreatment in AI/AN families is not available in the NCCAN data system, the 1990 and 2000 U. S. Census Bureau, and the BIAs, *American Indian and Labor Force Report* which are the primary sources of data for this research.

An emerging body of literature addresses other community and demographic factors, specifically identifying “a depiction of the frequencies with which specified social characteristics occur within a designated population”

(Barker 1999, 122). These characteristics may include such factors as educational level, race, ethnic group, geographic region, residency patterns, and socioeconomic class. Statistically, minority groups are more likely to live in neighborhoods with high rates of unemployment, have lower levels of education than whites, and live in households with a single parent (Jansson 1999). AI/ANs are considered the ethnic group most seriously affected by a number of social problems. They continue to have the lowest income, remain in poor health, and have the largest indices of social problems in the U.S. (DiNitto 2000).

Gil (1970) further examined the demographic correlates of child physical abuse. He gathered data from central registries in all 50 states for the years 1967 and 1968. A significant outcome of his study was a ranking by state of reported incidences of physical abuse per 100,000 children under 18 years of age. For example, the per capita rate reflects the following: “Alaska @ 6.7 and 8.3, California @ 20.0 and 18.5, Wisconsin @ 11.9 and 13.7” (Gil 1970, 95). In more recent research, Jones and McCurdy (1992) examined the relationship between economic, demographic, and family structure characteristics and four types of maltreatment: physical abuse, sexual abuse, physical neglect and emotional maltreatment. Their findings suggested that physical abuse of children is most often related to poverty status and female headed households.

Poverty

A number of empirical studies identify economic and social factors related to child abuse and neglect in the general population (e.g. poverty, income status, including median household income) (Garbarino and Kostelny 1992; Jones and

McCurdy 1992; Berger 2005; Lowe et al. 2005). Specifically, Garbarino and Kostelny (1992) found that the rate of child maltreatment in areas of “concentrated poverty and social disorganization” is exceptionally high. Income and parental work status are among the factors affecting the incidences of child maltreatment (Paxson and Waldfogel 2003). Using state-level panel data, the authors found that socioeconomic circumstances matter. They found that increases in the percentage of children living 75 percent below the poverty line is associated with higher incidences of child maltreatment.⁹

A number of studies highlight trends in poverty, and their relationships to child abuse and neglect (CA/N) (Fischler 1985; Drake and Pandey 1996; Beshavov 2000; Roditti 2005). Some research focuses on impoverished communities or areas with concentrated poverty (Hines et al. 2004). Hines et al. maintain that “there is considerable evidence that cases of child maltreatment have been disproportionately found among low-income and poor families” in areas of concentrated poverty (2004, 513). Other authors support their argument that child maltreatment is more prevalent in “areas of concentrated poverty” (Garbarino and Kostelny 1992, 463; Pelton 1978; Zuravin 1989; Coulton et al. 1995; Drake and Pandey 1996).

Zuravin (1989) discusses the ecology of child abuse and neglect. His review of the literature found that economic stress indicators – percentage of families with incomes less than 200 percent of the poverty line (less than \$8,000 per year in terms of 1970 dollars) and percentage of families with incomes greater

⁹ It is important to note that the official poverty line was established by the Social Security Administration in 1964, 44 years ago (Seccombe 2000).

than 400 percent of the poverty line (greater than \$15,000 in terms of 1970 dollars) and specific indicators of inadequate social support systems are strong predictors of child abuse and neglect. These inadequate social support systems include families headed by females who have limited educational attainment, work outside the home, have children under the age of 6 years, and who experience numerous life transitions such as frequent moves, lack of single family dwellings, and vacant housing (Zuravin 1989, 108). Of the factors identified, degree of poverty, vacant housing, lack of single family dwellings and life transitions are those most strongly associated with high rates of child maltreatment. Considerable evidence exists asserting that poverty plays a critical role in child abuse and neglect – especially neglect (Pelton 1994; Lee and Goerge 1999). Drake and Pandey (1996) also assert that neglect is strongly associated with poverty. According to Melton (2002), despite strong evidence that poverty and neighborhood breakdown are strongly associated with child maltreatment, those in authority seem comfortable ignoring these concrete and observable facts (Melton et al. 1995 in Melton 2000).

Ozawa et al. (2004) studied the relationship between economic conditions of the family and the level of child well-being that are present in different states. They conducted a state-by-state analysis and found a significant relationship between the economic deprivation of children in a state and the low level of child well-being among the state's child population. The study results indicated that low income is one of the primary determinants of child maltreatment.

One measure of neglect is “quality of care.” Unfortunately, universally accepted methods for measuring quality of care are not readily available (Berger

2004). Those definitions that generally have a focus on neglect are in the areas of inadequate nutrition, clothing, medical or dental care, home environments, abandonment and lack of education (Berger 2004). He (2004) further maintains that quality of care comparisons across studies are difficult because some researchers attempt to measure neglect by using administrative data, home environment observations, or self-reporting measures. In one study in particular, Berger (2004) suggests five theoretical reasons why parents in lower income categories are more likely to neglect their children. Among these are that these parents may not have the “resources to invest in caring for their children and . . . poverty and low-income status may be associated with increased stress which may result in harsher parenting” (Berger 2004, 730).

For example, welfare parents who maltreated their children were clearly poorer than welfare parents who did not. They were less likely to have a shower or telephone in their home, more likely to live in crowded housing conditions and often have to share their child’s sleeping spot (Besharov 2000). Young and Gately (1988) argue that the high level of frustration and stress associated with material deprivation, unemployment, and female-headed households leads to maltreatment. In summary, research supports that socioeconomic stressors such as poverty and low income, poor and/or public housing, unemployment, and welfare recipient status are especially strong correlates of child maltreatment (Melton and Berry 1994).

Poverty among the American Indian and Alaska Native Populations

Minority groups are significantly more likely to live in “deep poverty” than the majority group (Seccombe 2000, 1095). Although poverty is distributed across all minority groups (Seccombe 2000; Hines et al. 2004), the AI/AN population experience a higher poverty rate than for other minority groups as a whole. These authors maintain that in the year 2000, 19 percent of all American children under the age of 18 lived in families whose income was below the official poverty line. Of the 19 percent, 26 percent were African American children and 19 percent were Hispanic/Latino. These percentages show longevity and the highest cyclic rate of poverty respectively for the reference groups. Thus, the percentage of African American and Hispanic/Latino children living in poverty has consistently hovered around 50 percent of the total. American Indians and Alaska Natives, however, when compared to the other minority groups, are among the most economically disadvantaged (Horejsi and Heavy Runner 1992).

A series of recent reports that augment the KIDS COUNT data book address a number of well-being indicators for AI/AN children (Goodluck and Willetto 2000; Goodluck and Willetto 2001; Willetto 2002; Willetto and Goodluck 2003) including children in poverty. Furthermore, according to Goodluck and Willetto, analysis of secondary data (Center for Data Insight, U.S. Census Bureau, and the Bureau of Labor Statistics) reveals that for the AI/AN children, poverty “rates range from a low 17.6 percent in Alaska to a high of 58 percent in North Dakota” (2003, p. 45). Willetto and Goodluck (2003) find that the national (‘All Races’) poverty percentage rate is 16 percent while the national AI/AN children’s

poverty percentage rate is 32.8 percent. This means that AI/AN children suffer from severe poverty and are more economically handicapped when compared with mainstream society's children. AI/AN children must struggle to cope in today's environment. The home environment may be lacking and AI/AN children often do without the basic necessities of life, or their parents cannot meet their needs. Pelton argues that the relationship between poverty and the severity of child maltreatment is a "fact but not an explanation" (1994, 151). He states that poverty is defined in terms of income rather than the *impact* of poverty on families. Other studies have examined the relationship between poverty and child maltreatment rather than the relationship between material hardship and child maltreatment.

Unemployment and Under-employment

Children suffer the most when their parents are unemployed or under-employed (Jones 1990). For the general population, socioeconomic factors do present key associations, and the literature suggests that these factors are strongly associated with child maltreatment. These primary factors include: unemployment, substance abuse, limited access to social and economic resources, single parenthood and a high concentration of female headed households (Berger 2004; Ernst et al. 2004; Hines et al. 2004). Unemployment in the United States presents a dark cloud over countless people-of-color and their families. Today's unemployment rates still remain highest in locales and areas primarily populated by ethnic minority groups (Piven and Cloward 1997). Moreover, child abuse and neglect in impoverished communities continues to be devastating social phenomena impacting the nation's minority children.

Several trends in the last two decades have been attributed to worsening employment conditions in poor urban communities. First, restructuring of the industrial community has lowered demand for low-skill labor, leaving the more under-educated urban, and inner-city populace without steady jobs (Coulton et al. 1995). In the past 10 years, poor communities have experienced an out-migration of individuals searching for employment (Coulton et al. 1995). Out-migration of working, two-parent families has left behind poor families who are clustered together in areas where resources and opportunities are extremely limited. Secondly, continued racial segregation is a significant reason for unemployment, underemployment and poverty in African-American and Hispanic neighborhoods (Skocpol 1995). These factors have been accompanied by a decline in the strength of neighborhood as a social institution (Coulton et al. 1995). Thus, within the past four decades, especially during the 1960s, urban blacks experienced extraordinary high rates of unemployment or marginal employment. However, few studies have actually addressed the extremely devastatingly high rates of unemployment among AI/AN.

Using state-level panel data for the years 1990 - 1996, Paxson and Waldfogel (1999) found that socioeconomic conditions impact child maltreatment. They found that non-working fathers are associated with higher rates of child maltreatment and that states with higher percentages of children with absent fathers, especially those with absent fathers and working mothers, have higher incidences of child maltreatment. This is supported by Berger (2004), who assessed family structure as a variable in the care-giving environment. He finds

that single mother families, with working mothers, have a greater risk of poor caregiving. In a separate study, Berger (2005) found that single-parent households in states with high unemployment rates and large urban populations (unemployed and living in a city), tend to engage in more violence toward their children.

Unemployment is increasingly intertwined with a number of negative neighborhood conditions - both at the individual and the macro-community level (Barry 1994). These negative conditions derive from the restricted resources available to individual families as well as through the macro-structural forces that shape poor communities.

Ards (1992) maintains that the unemployment rate, density, population change and race are some of the variables that statistically predict a county's level or prevalence of child abuse and neglect. Additionally, some studies demonstrate that child maltreatment report rates are associated with structural factors indicative of neighborhood social organization, including the characteristics of the neighborhoods in which they live ((Korbin et al. 1998; Korbin 2003). Moreover, research indicates that children residing in economically depressed areas are more likely to be reported to Child Protection Services (CPS) as are children from communities with high levels of unemployment (Ards 1992; Korbin 2003; Jones 1990; Wolfner and Gelles 1993).

Wolfner and Gelles (1993) found that the highest rates of child maltreatment occurred in families whose annual income was below the poverty line, families where the father was unemployed, where the caretaker held a blue-collar job, and had children from 3 to 6 years old. In the same vein, Ards (1992)

points out that the higher the per capita income in an area or locality, the lower the prevalence of child neglect and her research supports this statement. The level of income a family has may impact several other outcome measures that can be related to child neglect (Berger 2004).

Paxon and Waldfogel (1999) also argue that minority children from communities with high levels of unemployment and/or lone parenthood are statistically more likely to suffer maltreatment than children from communities with low unemployment rates. They conclude that using state-level panel data, the socioeconomic circumstances of parental work status and single parenthood seriously affect the incidence of child maltreatment.

Unemployment: American Indian/Alaska Natives

Long term unemployment has been a serious problem for the AI/AN community. Extreme levels of poverty are known to be prevalent on American Indian reservations and are exacerbated by social and geographic isolation. According to the Bureau of Indian Affairs publication *American Indian Population and Labor Force Report, 2001*, the unemployment rate among AI/AN increased 6 percent to 49 percent in 2001 from 42 percent, as reported in 1999. Alaska, Arizona, and California's AI/AN populations had unemployment rates of 44, 55 and 46 percent, respectively (Bureau of Indian Affairs 2001, 1). Similarly, North Dakota and South Dakota's American Indian population had unemployment rates of 66 and 80 percent, respectively (Bureau of Indian Affairs 2001, 1).

The unemployment rate among many AI/AN Indian communities has changed little over the past five decades (Willeto 2002). Willeto's (2002) study

revealed that the unemployment rates in 28 states are markedly higher for the AI/AN population than for the white, mainstream population. From 1970 to 1990 employment declined on a majority of reservations. Currently, unemployment averages on many reservations and AI/AN communities hover around 45 percent, and can be as high as 80 percent. Further, Willetto et al. (2003) found that 46.6 percent AI/AN children live in families where no parent has full-time, year round employment. Other studies found correlations between unemployment and child abuse and neglect (Dubanoski 1982; Jones 1990; Wolfner et al. 1993; Connell-Carrick 2003). Goodluck and Willetto (2001) state that reservation communities face many challenges:

“Historically, Indian reservations have been, and to a great extent, still remain, the poorest areas in the United States. Extremely high incidences of unemployment, combined with inadequate housing, health care, education . . . have resulted in standards of living and qualities of life at levels comparable to or even below many developing countries”
(Goodluck and Willetto 2001, 20).

Additionally, significant evidence is presented by Melton and Berry (1994), who also state that unemployment is strongly correlated with child abuse and neglect. These researchers cite a study completed by Pelton (1992), “The Role of Material Factors in Child Abuse and Neglect,” which covers the years 1979, 1980 and 1981, with information based on data from nine states and 599 counties. Their results indicated that record reporting rates for child abuse and neglect came from the counties that had the highest unemployment rates.

Employed but Existing Below Poverty Guidelines

The Bureau of Indian Affairs publication *American Indian Population and Labor Force Report* (2003) highlights important demographic information. Included in this biennial report are the “employed but below poverty guidelines.” For example, Alaska shows that 41 percent of the AI/AN population residing “on or near a reservation” are in the “employed but below poverty” status (2003, 1). Correspondingly, this report shows that the States of Nebraska, South Dakota and Washington have “employed but below poverty” rates of 45, 49, and 39 percent respectively (2003, 1). Similarly, showing there had been little improvement over a period of six years, *The American Indian Population and Labor Force Report* (1997) indicates that for Alaska, the “employed but below poverty” rate was 34 percent. For Nebraska, South Dakota and Washington, the rates were at 44, 34, and 35 percent respectively. Additionally, according to Willeto and Goodluck (2003) 50 percent of the AI/AN workforce was unemployed and 30 percent of those who were employed were living below the poverty level.

In a study of American Indian children’s well-being indicators for 14 selected states¹⁰ (**Alaska, Arizona, California, Michigan, Minnesota, Montana, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Washington and Wisconsin**), Willeto and Goodluck reported that, “the current national percentage rate of AI/AN children living in families where no parent has full-time, year-round employment is 46.6 percent, which is slightly higher than last year’s percentage rate of 46.4 percent” (2003, 44). They make the realistic point that, for American Indians who reside on reservations, few private enterprise

¹⁰ The states in **bold** represent the states included in this dissertation project.

employment opportunities are available and that most of the few available jobs are either with the tribal entity or the federal government. However, even when AI/ANs relocate to urban areas, opportunity for participation in the labor force is low (Willeto and Goodluck 2003). Without a doubt, housing conditions for the AI are severe both in the urban area and in the reservation setting. Undoubtedly, insufficient income has been associated with several indicators that impact child maltreatment.

Housing Conditions

Historically, housing conditions on the AI reservations have been severe. Moreover, the poor have little means by which to escape from such stress (Gil 1970; Pelton 1994). According to Pelton (1994), poverty generates living conditions and housing conditions that are stressful, and these stressful conditions may become precipitating factors for child abuse; poverty gives rise to certain conditions – conditions of material hardship – which may be important mediating factors for child abuse and neglect. For example, families living in overcrowded or unsafe living conditions lack transportation, have no telephone, lack adequate clothing, and have little or no money, and as a result, endure chronically high stress (Pelton 1994).

Beginning in the early 1960s and 1970s, Housing and Urban Development (HUD) began building HUD homes for American Indians residing in Indian Country. Commonly referred to as “Indian Homes” by Native people, these homes were frequently built in clusters on Indian lands. The inability to follow through with proper care and maintenance by some homeowners has contributed to poor

housing facilities and dilapidated homes in need of repair. AI/AN homeowners so often lack the financial means and/or skills to maintain their homes appropriately and keep them in good condition.

Research specific to the links between housing conditions and child maltreatment among the AI/AN population is nonexistent in the literature; however, studies examining the relationship between housing conditions and child maltreatment for the general population are available. Poor housing conditions may be the result of low income, poverty, single-parent status, rental property, and/or vacant housing. Ernst et al. (2004) assert that the condition of a house is likely to have a bearing on the care and well-being of the children residing in that house. Structural housing characteristics may reflect other conditions in and around the house. Ernst et al. (2004) present a number of structurally related distinctions in their analyses, (e.g. lack of heating or hot water, the absence of a working stove and refrigerator, the lack of adequate bathroom facilities, the presence of mice or cockroaches, having utility services on and working, and other unsafe or dangerous physical conditions in the home). These findings show a distinct relationship between housing conditions and sufficient physical child care.

An additional body of literature exists that explores the complex relationships between housing, neighborhood, community, and ecological or environmental status as factors related to child maltreatment (Young and Gately 1988; Zuravin 1989; Garbarino and Kostelny 1992). Garbarino and Crouter (1978) use housing characteristics as one of their primary correlates of child maltreatment. Garbarino and Crouter (1978) emphasize that these variables, vacant housing and

the percent of single-family dwellings “reflect the physical and social quality of [neighborhood] surroundings” (1978, 609). Material deprivation and unemployment may often be due to educational deprivation from one or both of the parents residing in the household.

Low Educational Attainment

Low educational attainment, too, may be a significant influencing factor in child maltreatment. The ‘education variable’ is integrated into some of the literature and is often included as part of demographic and socioeconomic analyses (Garbarino and Crouter 1978; Gessner et al. 2004; Lowe et al. 2005). Garbarino and Crouter (1978) examine child maltreatment report data in the context of neighborhood and quality of life for families and state that the lack of high school education is a significant factor for neglect and for reporting of neglect (Garbarino et al. 1978). Similarly, Gil (1970) finds that individuals with less than a high school education and persons from ethnic minorities often indicated they would not report suspected abuse to a child protection agency, but might speak to the parent directly.

The consequences of low educational attainment are also demonstrated by Gessner et al. (2004). The Alaska resident birth cohort study by Gessner et al. (2004) was conducted by linking data from birth certificates, a statewide hospital-based trauma registry, hospital discharge data, and the Alaska Infant Mortality Review. These researchers state that Alaska has one of the highest documented infant physical abuse incidences reported in the literature and “abuse is associated with potentially modifiable social-risk factors” (Gessner et al. 2004, 2). During this

seven-year period, there were 70,842 births and 325 cases of physical abuse including 72 that led to hospitalization (n = 58), death (n = 4), or both (n = 10). “Following multivariate analysis, the risk factors with the highest population attributable risks were maternal or paternal education \leq 12 years, unmarried mother, and maternal prenatal substance use” (Gessner et al. 2004, 2). The incidence of abuse was highest among infants born to less educated parents and “parental education level was the most important risk factor, in terms of population attributable risk, for all cases and cases involving hospitalization or death” (Gessner et al. 2004, 13).

For the general population, high school education attainment accounts for one of the three most commonly achieved education levels at 29 percent, followed by bachelor’s degree at 16 percent and one or more years of college but no degree at 14 percent. Population growth contributed to an increase in the number of people with high school or more education: 146.5 million in 2000, an increase of 27.0 million over 1990 (U.S. Census Bureau Educational Attainment 2003). Additionally, Willetto (2002) employs high school graduation as an indicator of poverty among AIs. She states that the “low rates of high school completion must be impacted by the exceedingly high rates of poverty found among American Indian families” (Willetto 2002, 94). The variables used in this study to assess AI poverty included: parental employment, family income, which may also include welfare benefits, family structure, e.g., single parent households, and educational attainment.

According to Paxton and Waldfogel (2002) quality of life, parental factors, and a supportive educational environment are more important determinants of a child's success than is current income. However, they do state that a lack of economic security in childhood does have unequivocal and overwhelming consequences for children. In support of this argument, Paxton and Waldfogel (2002) reference Brooks-Gunn and Duncan (1997) who argue that "income deprivation leads to lower achievement by undermining the quality of parenting and the availability of educational resources in the home" (2002, 4).

Influence of Community Characteristics on Child Abuse and Neglect

An interesting and perhaps fairly new research approach is the process of examining how "place," "location" and "community" factors contribute to social problems. "Communities of color" has become a relevant phrase when speaking about certain neighborhoods or areas (Hinds et al. 2004, 509). The term "community" in this section refers to a group of people residing in a certain geographical location or a group of people representing a significant part of a neighborhood (Blakely 1994). Such a community, in this instance, is defined as a group of people living together in close proximity and sharing common cultural and social interest, folk ways and mores. Generally, such communities have common identities, similarities and life goals, but experience a variety of means for achieving these goals. Some examples include Hispanic barrios, African American inner city poor residential areas, and AI/AN reservations and communities. Often these are areas of concentrated poverty where high numbers of children are at risk for family violence, substance abuse, and child maltreatment reside. Children of

color, due to a number of interrelated factors, are disproportionately involved in the child welfare systems across the country (Stehno 1990; Hinds et al. 2004; Freishler et al. 2007). In some California communities (a state known for its diverse population), African American, Hispanic and AI/AN children are overrepresented in the Child Welfare system as compared to white children in that state, who are under-represented in that same system (Hines et al. 2004, 508).

Colton et al. (1995) and Colton et al. (1999) in an effort to explain the way in which concentrated poverty may influence child maltreatment rates, looked into the mediating role of a community's level of social organization. These authors describe community social organization as involving factors such as a residential status, ethnicity, economic status and family structure. Accordingly, Zuravin (1989) also presents a review of the literature based on community characteristics and the rate of child maltreatment. He noted that at the time of his review (1989), ecological determinants of child maltreatment were quite primitive.

Rigorous research conducted by Freischler et al. (2006) maintained that in the past 10 years, there has been a "proliferation of studies of neighborhood areas examining many different social problems" (2006, 199). She asserts that "advances in geographic information systems (GIS) technology are leading . . . researchers and practitioners to explore community spatial factors when studying social welfare issues (2006, 198). Garbarino and Crouter (1978) present findings designed to show that child maltreatment is a social indicator of the quality of life for families. Their study addresses the feedback functions of family-support systems and links maltreatment to the overall balance of stresses and supports in the neighborhood

context of families. This approach seems especially relevant in a discussion of abuse and neglect among tribal children living on reservations and in deprived city environments.

Garbarino and Kostelny (1992) studied 77 communities in the Chicago, IL metropolitan area. Four communities were paired; one containing two predominantly African American areas and the other pair included substantial Hispanic populations. This study looked at eight factors: poverty, unemployed, female-headed households, families living in overcrowded housing, racial make-up, median educational attainment, and resident less than 5 years. The authors also examined negative environmental variables such as violence in the community and sub-standard or poor housing. Their conclusions were that these negative features create a powerful and damaging community environment that could be considered an ecological scheme or plan against children.

Young and Gately (1988) also focused on the ecological perspective of neighborhood impoverishment using structural inequalities, including gender. Specifically, they identified two socioeconomic variables, which they categorize as comfortable (yearly income of \$15,000 or more) and survival (yearly income of \$8,000 or less) households and three demographic variables: female headed households, mothers with children under six in the labor force, and proportion of individuals residing in the neighborhood less than one year. The researchers found that consideration of a framework for maltreatment larger than the family, for example the neighborhood, opens the way for investigation of societal issues e.g. sexism and poverty, which play a significant part in the maltreatment of children.

Drake and Pandey (1996) present additional arguments stating that the etiology of child maltreatment must be evaluated from different levels. They state that factors included are associated with the perpetrator (ontogenic), the family and child's immediate environment (the microsystem), broader ecological or community systems which directly impact the family (exosystem), and the nature of modern culture and society (macrosystem). The literature commonly references economic stresses and social isolation among the broad groupings of exosystem and macrosystem. Included in these groupings is the chronic lack of resources prevailing in the poorest of the poor areas (Drake and Pandey 1996; Earle 2000; EchoHawk 2001/2002).

Current research trends focus on the dominant society, but do include racial groupings of African Americans and Hispanic Americans who are often concentrated in poor neighborhoods (Young and Gately 1988; Sabol et al. 2004). In some instances, race, ethnicity, and community setting equal poverty. Examples include Appalachian families, AI/AN families, and the inner-city poor African Americans (Korbin et al. 1998; Lowe et al. 2005; Polansky et al. 1972). Yet, not all poor people abuse their children (Ernst et al. 2004). To the contrary, the link between ethnicity, minority group and child maltreatment is often viewed as extremely complex (Hines et al. 2004). Hines et al. (2004) included Hispanic/Latino, Asian Americans/ Pacific Islanders and whites and gave specific attention to AI/AN children and their over-representation in the child welfare system of California. Further, they addressed "social factors related to poverty, neighborhood effects, and other community-related predictors for children of color

who enter and remain in the child welfare system indefinitely” (Hines et al. 2004, 507). Their study further asserts that these community predictors are multiple and complex and may include such factors as: serious mental illness, domestic violence, and parental incarceration.

Jones and McCurdy (1992) assert that children under the age of three face the greatest likelihood of neglect; however, they also state “that minority status is not as important a predictive factor for neglect as is economic status” (1992, 213). Conversely, Freishler et al. (2007) argue that race or ethnicity is generally missing from most studies of neighborhood rates of child maltreatment. Their study “investigated how neighborhood characteristics are associated with the rates of child maltreatment for black, Hispanic, and white children” (2007, 7). They sought to understand the geospatial (space) relationship of neighborhood characteristics and rates of maltreatment for minority children. This finding, thus, has implications for AI/AN children who often reside in areas where space, often to the point of isolated space, is the rule.

Social Exclusion and Geographic Isolation in the AI/AN Populations

Melton and Berry (1994) cite a study by Ross A. Thompson in which they focus on the characteristics of maltreating families in general and with regard to social isolation specifically: “What do researchers mean when they refer to the ‘*social isolation*’ of maltreating families? Are they referring to personal or familial social networks that are limited in size or scope? Are they concerned with the infrequency with which family members are in contact with friends, relatives, and neighbors?” (Melton and Berry 1994, 84). Briefly, Thompson (1994), states that

some conclusions can be made about the characteristics that led other researchers to determine families are socially isolated, and that “these families have a smaller network size compared to that of other families” (1994, 85), which leads into a discussion of social exclusion.

“The concept of *social exclusion* is a complex one” (Buchanan 2007, 188).

Social exclusion is defined as:

A multi-dimensional concept, involving economic, social, political, cultural, and special aspects of disadvantage and deprivation, often described as the process by which individuals and groups are wholly or partly excluded from participation in their society, as a consequence of low income and constricted access to employment, social benefits and services, and to various aspects of cultural and community life. A key component is the framing of the issue as social and community exclusion, rather than individual and personal responsibility. While some policy scholars use the term interchangeably with income poverty or income poverty and unemployment – it is increasingly distinguished from financial poverty and focuses rather on constricted access to civil, political, and social rights and opportunities (Kamerman 2005 in Buchanan 2007, 189).

Moreover, beginning in 1997 with Tony Blair’s administration in the UK, a special unit was set up in the Cabinet Office, called the ‘Social Exclusion Unit’ (SEU). This unit defined ‘*social exclusion*’ in the following manner:

Social exclusion is about more than income poverty. Social exclusion happens when people or places suffer from a series of problems such as unemployment, discrimination, poor skills, poor housing, high crime, ill health, and family breakdown. When such problems combine they can create a vicious cycle. Social exclusion happens as a result of problems that face one person in their life. But it can also start from birth. Being born into poverty or to parents with low skills has a major influence on future life changes (Social Exclusion Unit, 1999 in Buchanan 2007, 189).

A few authors have addressed the social and geographic isolation of American Indian or Native Alaskan communities (Dubanoski 1982; Cross et al. 2000; EchoHawk 2001/2002; EchoHawk and Santiago 2003/2004). Cross et al. (2000) argue that the vast majority of American Indian communities are characterized as rural, and both geographically and socially isolated. Similarly, White and Cornely (1981, 10) make reference to the “remote rural extended family communities” that exist on the Navajo reservation. Yet, even though many AI families reside in reservation communities, they have affinity to their land. The Hopi, for example, have learned to cultivate and develop a unique way of growing corn and in the most desolate places. Similarly, one tribe buries the umbilical cord of their newborn to “tie them to their land” believing that as they grow they will love their homeland. Some AI females bury their hair after it is cut and as nature and land allow things to grow, so will the hair on their head continue to grow.

Many AI/AN families reside in communities that are geographically and socially excluded and, consequently, AI/AN have become the poorest of the poor and, as an ethnic group, rank at the bottom of economic, health and educational categories (EchoHawk 2001/2002; EchoHawk and Santiago 2003/2004).

Furthermore, studies show that the prevalence of child sexual abuse is higher with families that are geographically isolated and socially excluded (EchoHawk and Santiago 2003/2004) which can make reporting, investigating and handling child abuse and neglect cases extremely complex.

Clearly, the research has shown that poverty, unemployment and under employment, low educational attainment, and social and geographic isolation are

among the most important socioeconomic and demographic indicators that are associated with child maltreatment. Nevertheless, reporting child abuse and neglect is an important and necessary protocol required for entry into the child protection system.

Protocol for Child Abuse and Neglect Reporting Procedures

National Definition and Mandate

Reporting child abuse and neglect is a legislative mandate and each state has developed requirements for reporting and ultimately investigating and handling child maltreatment referrals. In 1962, when Kempe and Helfner (1980) first introduced and shaped a new diagnostic term – *the Battered Child Syndrome* – medical authenticity was given to the problem of child maltreatment (Baumrind 1994; Trost 1998). Kempe and Helfner (1962) were influential in motivating federal policy to require reporting of child abuse and neglect. Thus, specific protocols for reporting child abuse and neglect exist in all 50 states and the District of Columbia.

In general, most state reporting statutes include a “purpose statement, a definition of child abuse, an indication of who must or may report under the statute, immunity provision, abrogation of certain privileged communication such as doctor/patient, and a penalty provision for failure to report” (Trost 1998, 195). However, all states must report child abuse and neglect and subsequent referrals and decision-making of child maltreatment is a legal and ethical mandate (Trost 1998, 195). Each state and the District of Columbia passed child abuse reporting laws between 1963 and 1967 (Hutchison 1993).

In *National Survey of State Laws* (1997), Leiter lists all 50 states and provides each state's exact code and section specifying what constitutes abuse. These laws¹¹ mandate that physicians and other professionals involved in work with children report suspected child abuse to their state's Child Protective Service (CPS) (Trost 1998; Flaherty 2006). Professionals and groups who are legally required to report suspected child maltreatment include social workers, family therapists (Delaronde et al. 2000; Brown and Strozier 2004; Strozier et al. 2005), medical personnel (Trost 1998; Flaherty 2006; Levi et al. 2006), educators, daycare providers, legal, law enforcement or criminal justice personnel, and substitute care providers, including foster parents (National Study of Child Protection Services Systems and Reform Efforts: Review of State CPS Policy 2003).

¹¹ See generally ALA. CODE §§ 26-14-1 to -13 (1992); ALASKA STAT. §§ 47.17.010 to -.290 (Michie 1996); ARIZ. REV. STAT. ANN. § 13-3620 (West Supp. 1996); ARK. CODE ANN. §§ 9-30-101 to -109 (Michie 1993); CAL. PENAL CODE §§ 11164-11174 (West 1992 & Supp. 1997); COLO. REV. STAT. ANN. §§ 19-13-301 to 316 (West 1990); CONN. GEN. STAT. ANN. §§ 17a-101 to 107 (West 1992 & Supp. 1997); DEL. CODE ANN. Tit. 16 §§ 901-909 (1995); D. C. CODE ANN. §§ 2-1351 to 2-1351 to -1363 (1994); FLA. STAT. ANN. §§ 415.501-.514 (West 1993 & Supp. 1997); GA. CODE ANN. § 19-7-5 (1991 & SUPP. 1997); HAW. REV. STAT. ANN. §§ 350-1 TO -5 (Michie 1994); IDAHO CODE §§ 16-1601 TO 1637 (1979 & Supp. 1997); 325 ILL. COMP. ST. ANN. 5/1 to 5/11.7 (West 1993 & Supp. 1997); IND. CODE ANN. §§ 31-33-5-5 to -6-3 (Michie 1997); IOWA CODE ANN. §§ 232.67 to -.77 (West 1994 & Supp. 1997); KAN. STAT. ANN. §§ 38-1521 to -1526 (1993 & Supp. 1996); KY. REV. STAT. ANN. §§ 620.010 to -.080 (Michie 1990 & Supp. 1996); LA. REV. STAT. ANN. § 14:403 (West 1986 & Supp. 1997); ME. REV. STAT. ANN. Tit. 22, §§ 4001-4017 (West 1992 & Supp. 1996); MD. CODE ANN., FAM. LAW §§ 5-701 to -705 (1991 & Supp. 1997); MASS. GEN. LAWS ANN. Ch. 119, §§ 51a-51g (West 1993 & Supp. 1997); MICH. COMP. LAWS ANN. §§ 722.621-.623 (West 1993 & Supp. 1997); MINN. STAT. ANN. § 626.556 (1983); MISS. CODE ANN. §§ 43-21-353, 43-21-355, 43-23-9 (1993 & Supp. 1997); MO. ANN. STAT. §§ 210.110 to -.167 (West 1996); MON. CODE ANN. §§ 41-3-101 to -208 (1995); NEB. REV. STAT. §§ 28-711 to -717 (1995 & Supp. 1996); NEV. REV. STAT. ANN. §§ 432B.010 to -.320 (Michie 1991); N.H. REV. STAT. ANN. §§ 169-C:1 to C:40 (1994 & Supp. 1996); N. J. STAT. ANN. §§ 9:6-8:8 to -.20 (West 1993); N.M. STAT. ANN. §§ 32A4-1 to -22 (Michie 1995); N.Y. SOC. SERV. LAW §§ 411-420 (McKinney 1992 & Supp. 1997); N.C. GEN. STAT. §§ 7A-542 to -551 (1995); N.D. CEN. CODE §§ 50-25.1-01 to -14 (1989 & Supp. 1997); OHIO REV. CODE ANN. § 2151.421 (Banks-Baldwin 1993 & Supp. 1997); OKLA. STAT. ANN. Tit. 21, §§ 845-848 (West 1983); OR. REV. STAT. §§ 418.740-.775 (1987); PA. STAT ANN tit. 23, §§ 6301-6319 (West Supp. 1991); R.I. GEN. LAWS §§ 40-11-1 to -16 (1990 & Supp. 1996); S.C. CODE ANN §§ 20-7-480 to -560 (Law. Co-op. 1985); S.D. COPIED LAWS ANN. §§ 26-8A1 to -16 (Michie 1992 & Supp. 1997); TENN. CODE ANN. §§ 37-1-401 to -414 (1996); TEX. FAM. CODE ANN. §§ 261.101 to -.109 (West 1996); UTAH CODE ANN. §§ 62A-4a-401 to -412 (1997); VT. STAT. ANN. Tit. 33, §§ 4911-4920 (1991 & Supp. 1997); VA. CODE ANN. §§ 63.1-248.3 to -248.17 (Michie 1995 & Supp. 1997); WASH. REV. CODE ANN. §§ 26.44.010-.080 (West 1997); W. VA. CODE §§ 49-6A-1 to -8 (1996); WIS. STAT. ANN. § 48.981 (West 1997); WYO. STAT. ANN. §§ 14-3-201 to -210 (Michie 1997) (Trost 1998, p. 194 & 195).

Paxson and Waldfogel (1999) present an overview of the means states have used to report child abuse and neglect as follows: (1) The Child Protection Division of the American Human Association collected statistical information on reports of child abuse and neglect (CA/N) between 1976 and 1987; (2) After 1987, reported information on CA/N was collected by the National Committee to Prevent Child Abuse; and (3) pursuant to Public Law 93-247, (CAPTA) 1974, which “established mandatory reporting guidelines . . . and procedures for all fifty states” was established (Earle 2000). CAPTA’s sole purpose was to help states implement programs to deal with child abuse (Trost 1998). This 1974 legislation also created the National Center for Child Abuse and Neglect (NCCAN) to support state and local efforts to prevent and treat child abuse and neglect. “Since 1990 the NCCAN has collected and published detailed state-level information on reports of child maltreatment and on numbers of substantiated and indicated victims” (Paxson and Waldfogel 1999, 240).

States may also delegate responsibility for handling child abuse and/or neglect referrals to individual counties (National Study of Child Protective Services Systems and Reform Efforts: A Review of State CPS Policy 2003). This leads to differences across states, and moreover, the CAPTA does not apply directly to sovereign tribal nations since these groups received no federal funding under its provisions (Earle 2001).

States vary in their definitions of child abuse (Leiter 1997; Trost 1998; Besharov 2000; Earle 2000; Earle and Cross 2001; Brittain and Hunt 2004). Categories of neglect can have a range of groupings including, but not limited to:

medical neglect, physical neglect, failure to thrive, educational neglect, and emotional neglect (Brittain and Hunt 2004). Similarly, abuse constitutes sexual and physical abuse, and these include a number of groupings, including but not limited to: sexual exploitation, pornography, molestation, sexual assault, physical injury inflicted other than by accidental means (Leiter 1997), psychological maltreatment, and exposure to domestic violence (Vieth 2004).

Paxson and Waldfogel (1999) assert that the most common type of maltreatment report to Child Protection Services (CPT) is neglect (58 percent) followed by physical and sexual abuse (22 and 20 percent respectively). Some states include medical or educational neglect and/or abandonment; other states include sexual battery, incest and/or sexual exploitation and still others include emotional abuse (Brittain and Hunt 2004). According to Berger (2004), child maltreatment generally falls under three categories¹² of child abuse and child neglect and these are child physical abuse, child sexual abuse and neglect. Despite the large number of children who may potentially be neglected, “precise definitions for the measurement of child neglect have yet to be adequately developed” (Berger 2004, 728). The federal Child Abuse Prevention and Treatment Act (CAPTA) (42

¹²*Child abuse and neglect* is, at a minimum, any recent act or failure to act on the part of a parent or caregiver, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm” (Brittain and Hunt 2004, 450).

Neglect is generally defined as a situation in which the parent or caregiver is not providing the child with basic necessities (i.e., adequate food, clothing, shelter), and the parents’ failure or refusal to provide these necessities either endangers the child’s physical health and well-being or psychological growth and development, or poses a substantial risk of harm to the child (451).

Physical abuse is a large category and may present as external skin lesions. For example bruises, abrasions, pattern injuries, burns or scars. It could also be internal, for example fractures. Abusive head trauma may present as a child vomiting, lethargy, seizures, coma or unexpected death. Physical abuse may also be subtler as in cases of poisoning, asphyxiation and starvation” (310-311). In most states, the legal definition of the *sexual molestation* of a child is typically defined as *an act of a person (adult or child) that forces, coerces, or threatens a child to have any form of sexual contact or to engage in any type of sexual activity at his or her direction* (346).

U.S.C. § (5106g) of 1974 provides threshold definitions¹³ of child abuse and child neglect.

Anonymous Reporting and Evidentiary Standards

Reports of abuse can come from many sources (Investigation and Prosecution of Child Abuse 2004). Thirty-two states accept child maltreatment reports from anonymous sources, such as telephone calls from individuals, who for any number of reasons, wish to remain anonymous. Most tribes accept anonymous reports (BIA Social Services Intermediate Training, Volume II 2004). Literature is scant to non-existent regarding anonymous reports and what impact this has on the reporting protocol used by the states and by tribes.

The courts require a certain level of evidence for disposition, decision-making and for substantiation of abuse. States have adopted standards of proof for substantiation of a case. Some states have a high standard (preponderance, material evidence, or clear and convincing) vs. a lower standard (credible, reasonable, or probable cause) for substantiation of child abuse and neglect. Moreover, some states use different terms for disposition categories: confirmed, founded, unsubstantiated or unfounded (National Study of Child Protection Services Systems and Reform Efforts: Review of State CPS Policy 2003). Specifically, 23 states have a policy stipulating that relatively high evidentiary standards (preponderance,

¹³“**child abuse and neglect** means the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of eighteen by a person who is responsible for the child’s welfare under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary” (Child Abuse Prevention and Treatment Act of 1974, Pub. L. No. 93-247 sec. 3).

material, or clear and convincing) must be met before an allegation may be substantiated. In 19 states, lower standards (credible, reasonable, or probably cause) are adequate to require adjudication. Disposition is the level of evidence needed for decision-making. States have different typologies for classifying the results of investigations; some examples being:

- Four categories of disposition – court petition is required, CPS required, community are needed, community services are recommended;
- Four categories of disposition – services required, no services required, services recommended, no services recommended; and
- Eight categories of disposition – no assessment needed, assessment completed, family declined assessment, refer for investigation, assessment will proceed, substantiated, indicated, and unsubstantiated (Review of State CPS Policy 2003, 4-2 & 4-3).

Very few scholarly studies exist that address the impact of evidentiary standards. Evidentiary standards are used by CPS to substantiate child abuse and/or neglect. When parents are questioned by investigators from CPS, they enter the initial civil dependency courts. In the justice system, dependency courts have different rules than criminal courts. In civil dependency courts, the mission is to ensure children's safety and swiftly remove them from harm's way. A judge, not a jury, makes decisions about whether or not children will return home. While in criminal court, the accused has the right to a jury trial and that jury must be collectively persuaded "beyond a reasonable doubt" that the defendant committed a crime before returning a verdict, judges in civil dependency courts use standards of evidence (higher or lower) to decide if allegations of abuse and neglect have value. If evidence shows maltreatment, parents' custodial rights over their children may be terminated (Foster 1998).

The investigatory process includes several core components. Among them are maltreatment definitions, investigation disposition options, the role of law enforcement, level(s) of evidence, use of safety and risk assessments, the timeframe for completing an investigation (e.g. 24 hours if the child is deemed to be in immediate danger, 72 hours if not), use of the central registry, and provision of short-term services and service planning. Widespread variations in policies may be significant factors related to differences in responses to children and families (Foster 1998; Review of State CPS Policy 2003, ix and x). The role of law enforcement presents complex issues for Indian Country. Which governmental entity responds to child abuse and neglect investigations? Essentially, tribal jurisdiction covers three types of governmental entities (tribal, state and federal). Moreover, some states are governed by Public Law 280, and this law applies to the following states: California, Minnesota (except Red Lake), Nebraska, Oregon (except Warm Springs), Wisconsin, and Alaska (except Metlakatla) (Canby 1998). The implications for the referenced states are as follows: (1) jurisdiction over Indian Country is maintained by these states; (2) Indian opposition has focused upon the one-sided process which imposed state jurisdiction on Indian Nations; (3) the complete failure of these states to recognize tribal sovereignty and tribal self-governance; and (4) state dissatisfaction has focused upon the failure of the Act to provide federal funding for states assuming authority under Public Law 280.

Tribal Jurisdiction and Sovereignty

Jurisdiction in Indian Country is complex, often unclear, and is often divided among the three separate entities involved: federal, state and tribal

governments. Jurisdictional boundaries have been established over time and have occurred pursuant to a number of legislative mandates (Canby 1998). Congress and the Supreme Court have legitimized the status of Indian Country and in doing so [they] have created a series of complex jurisdictional designs (Echohawk 2001/2002). These tribal, state and local governments can overlap. However, in most jurisdictions, the tribes and local law enforcement entities have created “cross-deputization agreements” (Cross et al. 2000; Echohawk 2001/2002).

This is particularly important for AI/AN child abuse and neglect. Unclear jurisdictional issues may create uncertainty as to “who” will respond and “who” will investigate. It is not always easy to determine which governmental entity has jurisdiction over criminal offenses and which entity will prosecute (EchoHawk 2001/2002). In “Indian Country” law enforcement is a particularly sensitive issue. Complex jurisdictional regulations are the rule. On some reservations, overlapping jurisdictions may result in responses from the county sheriff, the highway patrol, the city police, the tribal police, the FBI, and the BIA. This can be very confusing for child protection services and law enforcement alike (Earle and Cross 2001; EchoHawk 2001/2002). “With conflicting jurisdictions, it’s easy for [Indian] children to fall through the cracks” (EchoHawk 2001/2002, 8).

Furthermore, 1953 Public Law 280, 67, Stat. 88 gave civil and criminal jurisdiction to California, Minnesota (except Red Lake), Nebraska, Oregon (except Warm Springs), Wisconsin, and Alaska (except Metlakatla) (Canby 1998). Often referred as “280 States,” these states were responsible for all crimes occurring in Indian Country or “control of most civil and criminal proceedings to six specific

states in which Indian nations are located” (Earle and Cross 2001, 21). Sometimes called “mandatory states” by policy makers, lawyers, and government officials (Canby 1998), a few of the mandatory states have returned partial jurisdiction to the federal government. Wisconsin returned or retroceded jurisdiction over the Menominee Reservation, Nebraska retroceded jurisdiction over the Winnebago and Omaha Reservations, and Oregon partially retroceded jurisdiction over the Umatilla Reservation (Melton and Gardner 2000). The following states “assumed Public Law 280 jurisdiction either whole or in part over Indian Country within their states: Nevada – 1955; Florida – 1961; Idaho – 1963; Iowa – 1967” (p. 258).

Federal and state involvement and the decisive factor concerning who is to respond are particularly important for abused Indian children and crimes committed against them. Two different tables are presented – one table by Melton and Gardner (2000) and the other by Goldberg-Ambrose (1997) for the purpose of providing an enhanced overview of *criminal jurisdiction* in Indian Country. This table shows tribal, federal and state jurisdiction in states with and without P.L. 280 authority and enforcement (Melton and Gardner 2000, 258):

Table 2.1: State Jurisdiction-Without and With Public Law 280

<u>Entity</u>	<u>States without PL 280</u>	<u>States with PL 280</u>
Tribal	Over Indians, subject to limits on Punishment in Indian Civil Rights Act (ICRA)	Over Indians, subject to limits on the Indian Civil Rights Act (ICRA)
Federal	Over major crimes committed by Reservation Indians (Major Crimes Act); Over interracial crimes; Indian v. non-Indian (General Crimes Act; Over special liquor, Gaming and other offenses; Otherwise, same as off-reservation	Same as off-reservation
State	Only over crime committed by non-Indians against other non-Indians	Over Indians and non-Indians generally with the exceptions found in PL 280.

Note: States **without** Public Law 280 Jurisdiction: Arizona, Colorado, Idaho Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma South Dakota, Utah, Wyoming, Kansas Washington.

States **with** Public Law 280 Jurisdiction: Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin.

Source: Melton and Gardner (2000, 258)

Table 2.2: State Designation in Public Law 280 - Criminal Jurisdiction¹⁴

<u>Entity</u>	<u>Criminal Jurisdiction on Reservation</u>
Tribal	Over Indians, subject to Limits on punishment in Indian Civil Rights Act
Federal	Same as off-reservation
State	Over Indians and non-Indians, with exceptions found in Public Law 280

Source: Goldberg-Ambrose (1997, 10)

Investigating child sexual abuse is especially difficult, and the problem is compounded when the crime occurs on an Indian reservation. Indian reservations are for the most part geographically and culturally isolated from mainstream society. Because of this isolation, Indian reservations were at one time a safe haven for child molesters, both Indian and non-Indian (Fox 2003). Due to recent legislative efforts, convicted offenders must now report their residence, and thus are more easily tracked.

The vast differences in legislative authority have severely impacted state, tribe and federal systems. Thus, state reporting requirements often do not include AI/AN children residing in “Indian Country” who are victims of abuse and/or

¹⁴ States Designated in Public Law 280 - Civil Jurisdiction on Reservations – Tribal: Over Indians and non-Indians; Federal: Same as off-reservation (diversity of citizenship, federal question, etc.); State: Over suits involving Indians or non-Indians, with exceptions found in Public Law 280.

neglect; these cases are covered pursuant to The Indian Child Protection and Family Violence Prevention Act, 1990, P.L. 101-630 or “Indian Child Protection Act.” The Bureau of Indian Affairs collects data on child maltreatment (Earle 2000; Earle and Cross 2001; Fox 2003). However 280 states do collect data on AI/AN child abuse and neglect as do non-280 states (Fox 2003). The issue may at times be who committed the crime? Was the crime committed by an Indian or non-Indian? Where was the crime committed? Tribes operate under their own codes and legislative mandates and some have concurrent jurisdiction with 280 states (Fox 2003).

Table 2.3: States without Public Law 280¹⁵

<u>Entity</u>	<u>Criminal Jurisdiction on Reservation</u>
Tribal	Over Indians, subject to limits on punishment in Indian Civil Rights Act
Federal	Over offenses committed by Indians against non-Indians or vice versa; over major crimes committed by Indians; over special liquor, gaming, and other offenses; otherwise, same as off-reservation
State	Over crimes committed by non-Indians against other non-Indians

Source: Goldberg-Ambrose (1997, 9)

¹⁵ States without Public Law 280 – Civil Jurisdiction on Reservations – Tribal: Over Indians and non-Indians; Federal: Same as off-reservation (diversity of citizenship federal question, etc.); State: None, except some suits with non-Indians.

“The Indian Child Protection Act,” set up a number of protocols and procedures for the care and protection of American Indian children. It set minimum standards of character for any applicant who may have regular contact with or control over AI/AN children, prior to their employment (ICPA 1990). This legislation specifies character investigations, criminal records checks, and background check requirements in which the BIA Agencies, Schools and Tribes must comply (Social Services Intermediate Training, Volume II 2004). With the exception of the Major Crimes Act, prior to the enactment of this legislation, Indian children in Indian Country were, virtually, unprotected in child abuse and neglect situations.

Summary Discussion

This literature review presents a discussion of the *forgotten minority* - *American Indian and Alaska Natives (AI/AN)*, in terms of the socioeconomic and demographic conditions in which they live and the complexity of issues involved in understanding the nature of child abuse and neglect. Scholars have brought attention to a number of issues related to assessment and evaluation of child welfare advocates and other professionals, as they address and cope with the plight of this nation’s children. However, this review uncovers the reality that very few empirical studies address abuse and neglect issues relating to AI/AN children. This review also finds that ethnic minority status, especially of the AI/AN is one of the factors that often leads to a determination for being adjudged abused or neglected in the child protection system in the United States.

In the attempt to assess cause and effect of this particular subject, the literature depicts conditions of poverty, unemployment, poor housing, limited income and the low level of education as important variables involved in child maltreatment. Indeed, these factors are highly prevalent among AI/AN populations. American Indian and Alaska Natives represent approximately one percent of the total U. S. population and their situation is particularly bleak. Children are severely impacted due to the social and economic situations faced by their parents. Demographic considerations of ethnicity and culture particularly impact AI/AN children. Stereotypical factors depicted and perpetuated by the dominant society often impinge on their well-being; poverty, ethnicity, and culture create enormous and difficult problems for those involved in the care and protection of children. Education continues to be a missing component among native people. Unemployment and its resulting factors (poverty, little or no income and poor housing) remains a serious and critical factor for the American Indian. Household composition, such as single-parent or female headed household where managing the day-to-day needs is barely do-able. All of these factors have significant influence and consequences for AI/AN children.

The literature addresses the phenomenon of child maltreatment. However, as this literature review has shown, limited attention is given to child abuse and neglect among AI/ANs. Very little research focuses on the economic and demographic factors, education, and other socioeconomic indicators impacting this population. A strong mechanism for data gathering, data collection and data synthesis is also missing. Further, as evidenced by this review, the literature fails

to present strong scholarly information about a number of indicators affecting child abuse and neglect among the AI/AN population. However, the literature addresses a number of indicators for the general population

A severe systemic problem has resulted since the inception of national reporting of child abuse and neglect to the U. S. Child Protection Services (CPS). The CPS has been deluged with a huge number of referrals, all requiring a timed response. The problems in modern child protection work in the United States are a direct result of the system's design (Trost 1998; Melton 2005). Accordingly, the Indian Child Welfare Act of 1978 (ICWA) was established to protect Indian children. Through the impetus of the ICWA (soon to be 30 years old in 2008), tribes have had access to funding and have been able to implement their own child and family service programs. The passage of the Indian Child Protection and Family Act of 1990 has also been a strong force for service provision in Indian country. Yet, scientific and empirical knowledge on AI/AN children is missing or under developed. Often forgotten, studies frequently include this population in the "other" category which results in a blurring of identity and often unclear results for data gathering and data analysis.

Jurisdiction is also a factor. Mandatory states were identified by the Congress in 1953 and certain states took control of civil and criminal jurisdiction leaving tribes without any control over the legal status of their people and without autonomy and power.

The "state of knowledge" for the forgotten minority is particularly disconcerting. Institutional racism continues to plague the child welfare system

bringing to light the high degree of children of color remaining in the system's custody. Poverty is rampant among communities of color. The unemployment rate remains consistently high for American Indian communities and is especially detrimental for minority groups residing in the urban setting or inner-city environment. Rural poverty is especially cruel, as on Indian reservations or among the Appalachian poor where geographic isolation is often prevalent in both locales. The median household for AI family income remains consistently low. Some families consist of a single parent, usually female. Moreover, the literature addresses community factors, (e.g. substandard housing, poor neighborhoods, and environmental stressors) that are related to child maltreatment. Education is also an important factor for minority children. In some instances, minority children often lack the home environmental factors that would contribute to a productive learning atmosphere. Examples include poverty, low income, single-parent household, neighborhood environment, and unemployment of one or both parents.

The most significant body of research is focused on the majority or white population as evidenced by Finkelhor, Jones and others (2001, 2003, 2006). Finkelhor (1983, 1984, 1988) has studied extensively about sexual abuse in the white population. Extensive research has been done about the neighborhood environmental factors, poverty and maltreatment (Garbarino, Kostelny and others (1978, 1983, 1992). When the child maltreatment literature is minority (ethnic) focused, the predominant groups include the African American and Latino populations rather than American Indians. Furthermore, American Indians may or may not be included in the 'other' category in various data gathering projects.

The primary goal of this dissertation is to identify the determinants of child abuse and neglect in 20 states with relatively large percentages of AI/ANs and for the years, 1993 – 2003. Some of the important determinants or independent variables related to variations in child abuse and child neglect are: poverty, employment status, income level, educational attainment. The dependent variables for this project are: child abuse for the *general population* and child abuse for the *AI/AN population*. Included in this discussion are the reporting procedures in place for each of the 20 states reporting AI/AN populations of at least 0.9 percent and the levels of evidentiary standards and anonymous reporting procedures. Finally, jurisdictional issues for Indian Country have also been addressed.

Several models of analysis will be constructed which will show the per capita rate of abuse from state to state and over time. These models will help to explain why the rates are lower in some states and higher in others. Furthermore, these models will show variation or differences within states over time. A pooled, time series analysis of this data matrix is an attempt to generalize across states and time about the determinants of child abuse and neglect among the AI/AN population.

Hence, Chapter 3 discusses the data, the hypotheses and the statistical methods used to analyze the data. Chapter 4, the findings and empirical analysis section, will include the aforementioned models. Chapter 4 will also focus on the empirical analysis of data, methods used and descriptors with each model. Chapter 5 includes the discussion and conclusion section and will address policy issues related to American Indian child abuse and neglect.

Chapter 3

Data and Methods

Child abuse and neglect is a pervasive problem for the American Indian/Alaska Native population. A very destructive force for the *forgotten minority*, child abuse and neglect is the result of several determinants or factors that impact this population. Among these are poverty, unemployment- underemployment rates, high school attainment, and median household income levels. Other factors that might account for variation in AI child abuse and neglect rates are anonymous reporting, evidentiary standards and jurisdictional issues, including Public Law 280 states.

This chapter discusses the empirical approach this study will undertake. A quantitative study, Chapter Three discusses the NCCAN data, 1990 and 2000 Censuses, the dependent and independent variables, addresses the twelve hypotheses and explains how each will be measured. Finally, this chapter explains the methods of analysis and addresses the limitations of this study. The goal of this dissertation is to answer the following research questions: Why are rates of American Indian/Alaska Native child abuse and neglect higher in some states than others? How and why do these rates change over time? How do they compare with rates for the general population? What factors contribute to child abuse and neglect among AI/AN children?

In an effort to call attention to the legal designations and the adjudicatory domain involved in child protection, the minority status children of color experience must be understood by child advocates and the scholarly community.

Child neglect and child abuse are “legal designations that can only be pronounced by a court of competent jurisdiction after full compliance with due process and equal protection of law to all parties brought before any court” (Brittain and Hunt 2004, 465). Courts that have jurisdiction in CA/N cases may vary from a *Juvenile Court* to a *Family Court* or a *Domestic/Civil Court*. These courts consider legal issues related to abuse and neglect. In the investigatory process, certain specific types of information must be obtained to determine if abuse has occurred and the referral is substantiated. Disposition is determined by state laws and agency guidelines (Brittain and Hunt 2004; Investigation and Prosecution of Child Abuse 2004).

Even though courts (state courts, tribal courts, or federal courts) are the primary disposition entities, all states must report their child abuse and neglect data to the NCCAN (Public Law 93-247, Child Abuse Prevention and Treatment Act, 1974). The complexity of this situation involves Indian children living on Indian land or in Indian Country. In a Public Law 280 state, the state is responsible for handling child abuse and neglect investigations. If Indian children reside on land other than Indian Country, the state has jurisdiction, unless through a negotiated agreement or P. L 101-630, the tribe or BIA assumes jurisdiction. The Indian Child Protection and Family Violence Prevention Act, 1990, P.L. 101-630 or “The Indian Child Protection Act” set up a number of protocols and procedures for the care and protection of American Indian children. The NCCAN data system is the primary data gathering mechanism for child abuse data collection.

Data from the National Center on Child Abuse and Neglect

This research analyzes data from reports by states to NCCAN and represents the years, 1993 – 2003. Twenty states have been identified as having approximately one percent or more American Indian population; this includes three states that have a 0.9 percent AI/AN population. The original data set includes the percentage rates of abuse for the general, African American, Hispanic and AI/AN populations. However, this study categorizes the dependent variable according to the AI/AN and the general population. General population includes white, African American, and Hispanic populations groups combined. The dependent variable for this project is: child abuse. This one variable comprises three distinct categories of child abuse and these are: neglect, child physical abuse and sexual abuse. The NCCAN data source was used to construct the dependent variable and the child abuse rates are 1000 children abused or the per capita rate of abuse for 1000 AI/AN children.

Since 1990 the NCCAN has collected and published detailed state-level information on reports¹⁶ of child maltreatment and on numbers of substantiated and indicated victims (Paxson and Waldfogel 1999). Data from the 1990 and 2000 U.S. censuses are also included in this dissertation project. Information collected from these sources includes: population estimates, poverty rates, median household income and the education levels. The 1990 and 2000 censuses identify

¹⁶In discussing the reporting and disposition of cases, Earle (2000) argues that “only 61% of the data on child abuse and/or neglect (CA/N) of American Indian and Alaska Native children are reported” (Earle, 2000, 5). Similarly, Earle and Cross (2001) argue that data from national sources on the abuse and neglect of AI/AN children differ substantially – so different that it makes it difficult to determine the true rates of abuse and neglect of AI children. Earle asks the question: “What are the true rates of abuse and neglect of AI children?” and it appears no one knows the answer to the question. Moreover, definitions of child abuse and neglect are often inconsistent and difficult to interpret leading to misclassification and/or misinterpretation of abuse and neglect.

seventeen states having an AI/AN total population of one percent or more and three states with AI/AN populations of 0.9 percent. The twenty states and their 2000 AI/AN population percentages are: Alaska – 15.6%, Arizona – 5.0%, California – 1.0%, Colorado – 1.0%, Idaho – 1.4%, **Kansas – 0.9%**, Minnesota – 1.1%, Montana – 6.2%, **Nebraska – 0.9%**, Nevada – 1.3%, New Mexico – 9.5%, North Carolina – 1.2%, North Dakota – 4.9%, Oklahoma – 7.9%, Oregon – 1.3%, South Dakota – 8.3%, Utah – 1.3%, Washington – 1.6%, **Wisconsin – 0.9%**, and Wyoming – 2.3%.

Methodology

Hypotheses

The relationship between various socio-economic/policy factors and child abuse and neglect (Berger 2004) will be examined using multiple regression analysis. Several factors are likely to be associated with child abuse and neglect such as poverty within a state, unemployment in a state, state income level, education level, anonymous reporting, evidentiary standards, and status as a 280 or non-280 state. Twelve hypotheses will be tested for the years 1993 – 2003 for twenty states.

H1. The higher the overall poverty rate is in a state, the higher the child abuse / neglect rate will be among the general population, (states with higher poverty rates will have higher child abuse / neglect rates than states with lower poverty rates).

H2. The higher the poverty rate for the American Indians / Alaska Natives is in a state, the higher the AI/AN child abuse / neglect rate will be for that population, (states with higher AI/AN poverty rates will have higher AI/AN child abuse / neglect rates than states with lower AI/AN poverty rates).

H3. The higher the overall unemployment rate is in a state, the higher the child abuse / neglect rate is among the general population, (states with higher unemployment rates have higher child abuse / neglect rates than states with lower unemployment rates).

H4. The higher the unemployment rate for American Indians / Alaska Natives in a state, the higher the AI/AN child abuse / neglect rate among that population, (states with higher AI/AN unemployment rates will have higher AI/AN child abuse / neglect rates than states with lower unemployment rates).

H5. The lower the overall median income level in a state, the higher the child abuse / neglect rate among the general population, (states with lower median income levels will have higher child abuse / neglect rates than states with higher median income levels).

H6. The lower the median income level is in a state, the higher the child abuse / neglect rate among the American Indian / Alaska Native population, (states with lower median income levels will have higher child abuse / neglect rates among AI/AN than states with higher median income levels).

H7. As the educational attainment percentage of a state's general population (high school graduate) increases, that state's child abuse / neglect rate decreases, (states with higher education levels will have lower child abuse / neglect rates than states with lower education levels).

H8. As the educational attainment percentage of a state's American Indian / Alaska Native population (measured as a percentage of high school graduates) increases, that state's AI/AN child abuse / neglect rate decreases, (states with higher education levels will have lower AI/AN child abuse / neglect rates than states with lower education levels).

H9. States with a system of anonymous reporting will have lower rates of child abuse and neglect for the general population.

H10. States with a system of anonymous reporting will have higher rates of child abuse and neglect for the American Indian / Alaska Native population.

H11. States with a system of high level of evidentiary standards will have lower rates of child abuse and neglect for the AI/AN population.

H12. "280 states" will have lower child abuse and neglect rates than non-"280 states."

Univariate Analysis

Babbi (2001) states that *univariate analysis* is: “The analysis of a single variable, for purposes of description” (Babbi 2001, G11). The dependent variables are important in univariate analysis. The dependent variable proposed in this dissertation project is the per-capita rates of child abuse for each state over time. Line graphs are presented for each state to track the dependent variables over time. The objectives of the univariate analysis on the dependent variables are: (1) to compare child abuse rates for the general population and child abuse for the AI/AN population over time, and (2) to identify the abuse rates over time within individual states (Babbi 2001).

In order to answer the research question, “Why are the incidences of AI/AN child abuse and neglect higher in some states and lower in other states?”, a pooled time series analysis will be used to generalize across states and over time about the determinants of child abuse and neglect among American Indians. The supplementary questions require an explanation: What makes these rates change over time? How do these rates compare with the general population?

Dependent Variable

The dependent variable comprising this study is: child abuse for the general population (which includes Caucasians, African Americans and Hispanics) and child abuse for the AI/AN population. NCCAN data is used to analyze the per capita rate of and analyze the determinants of child abuse among American Indian/Alaska Natives. For purposes of comparison, identical models will be evaluated using child abuse data for the general population. Further, in this study,

the dependent variables will be used to analyze the per-capita rate for child abuse among AI/AN. The unit of analysis is the state in a given year.

The Child Abuse Prevention and Treatment Act (CAPTA) 1974 provided a framework for states and gave states a threshold definition from which to operate. States do have the authority to establish their own definitions, and some states have expanded their definitions of abuse and neglect to include: educational neglect, medical neglect or inadequate supervision (Brittain and Hunt 2004). Similarly, the definition of sexual abuse has been expanded by some states, although not included in the CAPTA, and often includes, exploitation or prostitution, rape, sexual battery (touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body), child molestation and, sexual misconduct with a child. In addition, failure to protect the child from sexual abuse by the other parent or a stepparent and having sexual intercourse in the presence of a child can be considered abuse (Brittain and Hunt 2004).

Definitions for the variables are identified in the (CAPTA) and they are listed as follows:

Child abuse and neglect:

“at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents imminent risk of serious harm” (42 U.S.C. § 5106g).

Sexual abuse:

“A. the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct;

B. the rape, and in cases of interfamilial relationships, statutory rape, molestation, prostitution, or other forms of sexual exploitation of children or incest with children (42 U.S.C. § 5106g). Public Law 93-247; (Brittain and Hunt 2004, p, 450-451).

The dominant society's perceptions of what makes up abuse and neglect make misclassification more probable for AI/AN families; perceptions due to cultural considerations, stereotypical assignments (Fox 2004), thus, making it more difficult to obtain and gather accurate data on AI/AN child abuse and neglect. Furthermore, a lack of resources at the tribal level forces most tribes to rely on state and county reporting mechanisms for the conveyance of tribal data. Jurisdiction, that is, land-based jurisdiction and legal/court jurisdiction is often a major factor for Indian children. According to Earle (2000), "The primary investigators of CA/N at the tribal level are the tribes themselves (65%), followed by the states (42%), the counties (21%), the Bureau of Indian Affairs (19%), and a consortium of area tribes (9%)" (p. 5). Finally, the historical emphasis of forced assimilation applied to generations of native people has led to difficulties in applying dominant society's child abuse and neglect laws and policies to AI/AN people. Some of these '*difficulties*' can be attributed to federal assimilation, termination, or relocation (Fox 2004) policies and practices.

The NCCAN data is the best available data covering child abuse and neglect. It has been consistently gathered by the states since the early 1990s. Moreover, it is readily accessible and published annually. For example the "Child Maltreatment 2000" would be available in the year 2002; "Child Maltreatment 2001" would be available in the year 2003, "2002" available in 2004, etc. All

states are required to submit their data to the NCCAN pursuant to the 1974 CAPTA legislation.

Univariate analysis of the dependent variable is evaluated by constructing line graphs: six different line-graphs have been developed and constructed that will analyze the data and these six line-graphs consist of three for the rate of abuse per 1000 for the AI/AN population consisting of high, medium, and low population groups, two line-graphs represent both 280 and non-280 states, and one representing a means analysis for P.L 280 and non-280 states.

Multivariate Analysis

Independent Variables

The independent variables consist of the following: poverty rates, unemployment rate, median household income, and the education level for the general and the AI/AN population; anonymous reporting, level of evidence and P. L.280 state status. These will be evaluated by constructing two tables: (1) Determinants of Child Abuse and Neglect for the General Population in the United States, 1993 – 2003, Table 4.1; (2) Determinants of AI/AN Child Abuse and Neglect in the United States 1993 – 2003, Table 4.2. Multiple regression analysis is the statistical approach used for development of the models.

Two concepts are implicit in causal models: (1) these models will “analyze the simultaneous relationships among several variables; (2) and will be used to understand the relationship between two variables more fully” (Babbi 2001, 414). Socio-economic (SES) variables/factors will be examined state by state, using multivariate regression and using the NCCAN/Census data. Moreover, this study is

also comprised of cross-sectional analyses of observations of a population or phenomenon made at one point in time and an examination of trends over time. Time-series analysis is also a part of this study (Babbi 2001).

The independent variables for this project are: the percentage rates for poverty, median household income, unemployment and education for the general and the AI/AN population groups. Finally, the data set includes dummy variables for anonymous reporting, levels of evidence and Public Law 280 states¹⁷. These states assume criminal and civil jurisdiction over child abuse and neglect cases; these states are: California, Minnesota (except Red Lake), Nebraska, Oregon (except Warm Springs), Wisconsin and Alaska (except Metlakatla) (Canby 1998). Independent variables that are policy variables are: anonymous reporting, evidentiary standards, and 280/non-280 states.

The following independent variables/measures will be employed in the multivariate models:

1. Poverty rates for the general population – this identifies the poverty estimates for each of the twenty states and the appropriate year. With the exception of the years 1994 and 1996, these poverty percentages were taken from the U.S. Census Bureau's Small Area Income & Poverty Estimates for the years 1993, 1995, 1997 – 2003. For the years 1994 and 1996, the data were averaged: the relevant years were added together, e.g. Alaska: $1993 @ 11.2 + 1995 @ 10.1 = 21.3 \div 2 = 10.65$ for the year 1994. The exact same procedure was used for the year 1996, e.g., 1995

¹⁷In non-280 states, the federal jurisdiction abides in crimes committed against Indian children and the state has jurisdiction only over crimes committed by non-Indians against other non-Indians.

and 1996 percentages were added together and this divided by 2. The poverty estimates are from the U.S Census Bureau's Annual Area Income and Poverty Estimates (<http://www.census.gov/cgi-bin/saipe.cgi>).

2. Poverty rates for the AI/AN population are measured as the percentage of AI/ANs living below the poverty level per the 1990 and 2000 Census. To obtain off-year estimates, the 1990 poverty rate was subtracted from the 2000 poverty rate, divided by ten, and then added three times this increment to the 1990 figure to obtain the 1993 estimate. After the 1993 estimate was obtained, increments were added to obtain each successive observation

http://factfinder.census.gov/servlet/QTTable?_bm=y&-context=qt&-name=DEC_2000.

http://factfinder.census.gov/servelet/QTTable?_bm=y&-context=qt&r_name=DEC_1990

3. Percent unemployed for the general population represents the annual percentage, unemployment rate by year for the general population. Each annual percentage rate is identified for each of the twenty states, by the appropriate year. (Example: 1993-Alaska- 6.9%) (http://www.bls.gov/cps/prev_yrs.htm).

4. Percent unemployed for AI/AN – These rates identify the percent unemployed for the AI/AN population. The primary source is the Department of Interior, Bureau of Indian Affairs' publication entitled, "Indian Labor Force Report" and is published every other year. The missing data (1994, 1996, 1998, 2000 and 2002) were documented by adding the odd years (1993 and 1995, etc.) and then dividing by two for the average percentage figure (Bureau of Indian Affairs, Office of Tribal

Services, 1993, 1997, 1999, 2001, *Indian Service Population and Labor Force Estimates*).

5. Median household income general population – identifies the median household income, in dollars, for each state comprising the for years 1993 – 2003. To obtain data for 1994, the years 1993 and 1995 were added and then averaged as the observation for 1994. The data was obtained from the U. S. Census.

<http://www.census.gov/cgi-bin/saipe/saipe.cgi>.

<http://www.census.gov/cgi-bin/saipe/saipe.cgi> 2003

6. Median household income AI/AN – this identifies the median household income for AI/AN by state and for the years, 1993-2003. The median household income numbers were taken from the 2000 U.S Census Bureau only. Only one figure for each state was listed in the Census Bureau and that was for the year 2000. These figures were duplicated for the years 1993 – 2003.

http://factfinder.census.gov/servlet/QTTable?_bm=y&-context=qt&-reg=DEC_2000_SF

7. Percent high school education (or its equivalency) for the general population – For each state and year, the total number of high school graduates (for all races except AI/AN) was divided by the total population number to arrive at the percent of those with at least a high school education. Calculated differently than 1990, general population is the composite totals for the each race and gender. High school equivalency was divided by the general population to get the percentage rate. This number was then divided by the total population, multiplied by 100 for the percentage rate.

http://factfinder.census.gov/servlet/DTable?_lang=en&-context=dt&-reg=DEC_2000_SF4

http://factfinder.census.gov/servlet/DTable?_lang=en&-context=dt&-ds_name=DEC_1990

8. High school education (at least) level for the AI/AN – For each state and year and to derive at the percentage of high school graduates, I added the number documented per the 1990 Census, in each grade, then divided that total by the number of high school graduates. Calculated differently than 1990, for the year 2000, the total male high school and the total female graduates were added together; this number was divided by the total all school population for the percentage.

http://factfinder.census.gov/servlet/DTable?_lang=en&-context=dt&-ds_name=DEC_1990

http://factfinder.census.gov/servlet/DTable?_lang=en&-context=dt&-reg=DEC_2000_SF4

9. Anonymous reporting is measured as a dummy variable. This variable is measured according to the following:

0 = State does not accept or has no recorded evidence of anonymous reporting

1 = State has a system for accepting anonymous reports

The states are categorized accordingly: 0 for no anonymous reporting and 1 for anonymous reports received.

The following identifies those states that **do not** accept anonymous reports - **0**:

California, Nebraska, Nevada, North Carolina, Utah, Washington and Wyoming

The following identifies those states that **accept** anonymous reports – **1:**

Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Kansas and Wisconsin.

(U. S. Department of Health and Human Services, (2003)). Administration for Children and Families/Children’s Bureau and Office of the Assistant Secretary for Planning and Evaluation. [HHS/ACF and OASPE] *National Study of Child Protective Services and Reform Efforts: Review of State CPS Policy*. (Washington, DC: U.S. Government Printing Office, 2003, pp.3-8).

10. Level of evidence – Measured as a dummy variable. The level of evidence represents the evidence needed to make a decision on the case, (e.g. to determine whether the status of the case is substantiated or unsubstantiated). Evidentiary standards were not indicated for the following states: Minnesota, North Dakota, South Dakota, and Washington. Therefore, the four states are coded as “0”. This variable will be measured according to:

0 = low standard

1 = high standard

The level of evidence required consists of two categories:

High Standards –

- preponderance
- material evidence, or
- clear and convincing

Low Standards -

- * credible
- * reasonable
- * probable cause

The table below lists the levels of evidence for the 20 states used in this study:

Table 3.1: Evidentiary Standards by State

<u>State</u>	<u>Level of Evidentiary Standards</u>
Alaska	High Standard – Preponderance
Colorado	High Standard – Preponderance
Idaho	High Standard – Preponderance
Montana	High Standard – Preponderance
North Carolina	High Standard – Preponderance
Nebraska	High Standard – Preponderance
Wisconsin	High Standard – Preponderance
Arizona	Low Standard – Probable Cause
California	Low Standard – Credible
Kansas	Low Standard – Reasonable
New Mexico	Low Standard – Credible
Nevada	Low Standard – Reasonable
Oklahoma	Low Standard – Credible
Oregon	Low Standard – Reasonable
Utah	Low Standard - Reasonable
Wyoming	Low Standard – Credible
Minnesota	No report given
North Dakota	No report given
South Dakota	No report given
Washington	No report given

(U. S. Department of Health and Human Services. (2003)). Administration for Children and Families/Children’s Bureau and Office of the Assistant Secretary for Planning and Evaluation. [HHS/ACF and OASPE] *National Study of Child Protective Services and Reform Efforts: Review of State CPS Policy*, (Washington, DC: U.S. Government Printing Office, 2003, pp. 1-18 and 4-19).

11. Public Law 280 States – Public Law 280 was a transfer of legal power (jurisdiction) from the federal government to state governments. Congress gave six states extensive criminal and civil jurisdiction over tribal lands within the affected states. These six states are: **California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska.** Measured as a dummy variable, the following represents the ranking:

0 = non-280 states

1 = 280 states

Source: Melton, A. D. and Gardner, J. (2000). “Public Law 280: Issues and concerns for victims of crime in Indian Country,” Bureau of Indian Affairs Social Services Resource Manual, Vol. III, March. From the University of Oklahoma, Oklahoma Health Sciences Center (Grant #: 97-V1-GX-0002, U. S. Department of Justice).

According to Babbi (2001), multivariate analysis is: “The analysis of the simultaneous relationship among several variables; examining simultaneously the effects of *age, gender, and social class* on *religiosity* would be an example of multivariate analysis” (Babbi 2001, G-7). Garbarino and Crouter (1978) present clear evidence that socio-economic factors are related to the “phenomenon of child maltreatment” (p. 613). Similarly, Korbin et al. (1998) detail the results of their study in Table 3, Comparisons of Regression Coefficients for Community Structural Factors on Log of Child Maltreatment Rate by Ethnicity (p. 223).

The SAS statistical program has been used to analyze the data and the model is:

$$y_t = x_{1t} + x_{2t} + x_{3t} + x_{4t} + x_{5t} + x_{6t} + x_{7t}$$

where:

Y_t = child abuse and neglect rate at time t in each state

X_{1t} = poverty rate at time t in each state

X_{2t} = unemployment rate at time t in each state

X_{3t} = median household income rate at time t in each state

X_{4t} = high school education rate at time t in each state

X_{5t} = anonymous reporting at time t in each state

X_{6t} = level of disposition at time t in each state

X_{7t} = 280 state/non-280 state at time t in each state

This study pools cross-sections and years for 20 states from 1993 – 2003.

Pooling the data in this manner provides advantage over simple cross-sectional analysis and conventional time-series approaches. Combining observations in time and space provides greater confidence in parameter estimates, since the number of observations is much greater than it would be if only one domain were tested.

Sayrs says, “The main advantage to combining cross-sections and time-series in this manner is to capture variation across different units in space as well as variation that emerges over time” (1989, p. 7). Stimson (1985) maintains that pooling data across both units and time points can be an extraordinarily robust research design, but pooled analyses are known for their special statistical problems. The ARMA variation of the GLS model uses information derived from

the covariance structure to produce parameter estimates that are consistent and asymptotically efficient.

Limitations of this Study

The child abuse phenomenon in this study addresses child abuse as a single category incorporating neglect, physical and sexual abuse into a single variable. The NCCAN data includes both a categorical break down and a single variable representing both abuse and neglect; however, this data set follows the latter. This may be viewed as a limitation of the study in that data representing the individualized categories of abuse are not specifically examined. Physical abuse, sexual abuse and neglect were added together to represent the *child abuse* category. Having more specified knowledge of the types of maltreatment prevalent among the AI/AN populations would help further determine the nature of the risk and whether the risk is greater in one area versus another area. Thus, the capacity for a more directed response to the child maltreatment issues would be enhanced.

“Measuring child maltreatment is not a simple task. Direct measures of child maltreatment are difficult to obtain. . .” (Paxton and Waldfogel 1999, p. 240). Several limitations must be kept in mind when assessing the response or research results. Paxton and Waldfogel (1999) refer to their NCCAN data as “state-level panel data.” Similarly, Finckelhor (2001) cites limitations to the use of “administrative” data. The NCCAN data may not accurately measure the actual amount of child maltreatment. Some states only count investigated cases of maltreatment as reports (Alaska, Arizona, Colorado, Idaho, Kansas, Minnesota, Montana, North Carolina, North Dakota, Nebraska, New Mexico, Oklahoma,

Oregon, Utah, Washington, Wisconsin, Wyoming) while others include any allegation that comes in to the system (Nevada and South Dakota) (U. S. Department of Health and Human Services 2003, pp. 4-32).

The state may incorrectly substantiate unfounded reports or may not substantiate a valid report. Moreover, not all cases of child abuse are substantiated (Alaska, Arizona, Colorado, Idaho, Kansas, Minnesota, Montana, North Carolina, North Dakota, Nebraska, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, Wyoming) (U. S. Department of Health and Human Services 2003, pp. 4-32). “Although in theory the true level of child maltreatment could be greater or less than what state numbers indicate, the general consensus among scholars in this field is that many cases of child maltreatment go unreported and unsubstantiated” (Paxton and Waldfogel 1999, p. 240).

Annual publications developed by the NCCAN present the *state of our nation on child abuse and neglect*. In partnership with states, it represents the best available information on child maltreatment for use by state and national policy-makers. This study used the annual *Child Maltreatment* publication, 1993-2003 and examined various charts and tables for use as secondary data. Several important differences exist across states in how data on child maltreatment are reported. For example, states differ in how they define maltreatment and in how they define “mandated reporters.”

Secondly, states vary in the level of evidence needed to substantiate a case of child abuse and neglect. Accordingly, states have different standards of evidence required to substantiate a report of child maltreatment as well as different

classifications for substantiation decisions. States also use different systems in that some states use a two-tier system, in which each report is determined to be either “substantiated” or “unsubstantiated” while other states use a three-tier system which adds the category “indicated,” meaning that, although there is good reason to suspect that maltreatment has occurred, the allegation cannot be substantiated to the level of evidence required by state law (U. S. Department of Health and Human Services 2000). For example, *Child Maltreatment 1993* reports both the two- and three-tier systems. Thirty-nine states used a two-tier system, “meaning that only the highest level of confirmation is used to make a disposition of child maltreatment.” The other level of disposition used in a two-tier state is “not substantiated” (pp. 1-3). Fifteen states used a three-tier system: “substantiated, indicated, not substantiated or indicated” (Child Maltreatment 1993 pp. 1-4). Data collection is also a shared responsibility for some states in that this responsibility is shared with individual counties (Child Maltreatment 1993).

Thirdly, states have different definitions for some of the categories of abuse and neglect. Some states include definitions of additional forms of maltreatment such as abandonment and/or medical neglect. States may also collect information by different client categories. For example, some states collect information on the number of families reported for child maltreatment, while others collect information on the number of children reported to be victims of abuse and neglect. Since this research project used NCCAN data, scholars must be aware of the different ways in which this data is collected and aware of the states’ individuality Paxton and Waldfogel (1999).

Furthermore, the NCCAN data gathering system does not include any information on the alcohol abuse involvement rate. Consequently, data on the alcohol abuse rate among American Indians has not been included in this study.

Finally, this study creates and confirms an awareness of the serious issues impacting American Indian families and their children. An important question to ask at this point is, "Who are the agents of change? Who will advocate for American Indian children? Who are the advocates?" Serious attention can be given to further research, scholarly presentation through extended research and analysis. Lastly informed policy makers within the bureaucratic system, lobbyists, or interested stakeholders can define the problem, set the agenda, and look for an open policy window as an opportunity to advocate or to push attention to this special problem (Kingdom 1995). This same author firmly asserts that, "The recognition and definition of problems affect outcomes significantly" (Kingdom 1995, 198).

Chapter 4, titled, "Findings: Univariate and Multivariate Analyses," discusses the findings from the regression analysis.

Chapter 4

Findings: Univariate and Multivariate Analyses

Chapter 4 presents the empirical analyses associated with this dissertation project. *The first part* of this chapter examines the data using a univariate method of analysis. For purposes of description, this analyzes a single variable: *the per-capita rate of abuse in selected states*. Figures 4.1, 4.2, and 4.3 present data on the per capita rate of child abuse for selected states over time. Next, pursuant to Public Law 280, descriptive information identifies the rate of abuse per 1000 children in both “P. L. 280 and non- 280” states. The rates of abuse are shown in Figures 4.4, for 280 States and 4.5, for non-280 States respectively. Figure 4.6 is the *Means Analysis for Public Law 280 and non-280 States*. This descriptive information is included on two line-graphs, identifies the years (1993-2003) and the means for each year.

Accordingly, Chapter 4 also provides univariate figures that give the per capita rate of abuse for the American Indian/Alaska Native population. These line graphs use the 2000 Census figures as the focal point. The 20 states are categorized into *high, medium and low* AI/AN population percentages.

Accordingly, the **high population groups (two percent or greater)** are: Alaska – 15.6%; Arizona – 5.0%; Montana – 6.2%; New Mexico – 9.5%; North Dakota – 4.9%; Oklahoma – 7.9%; South Dakota – 8.3%; and Wyoming – 2.3%. The **medium population groups (more than one percent but less than two percent)** are: Idaho – 1.4%; Minnesota – 1.1%; Nevada – 1.3%; North Carolina – 1.2%; Oregon

– 1.3%; Utah – 1.3%; and Washington – 1.6%. The *low population groups (at one percent or less)* are: California – 1.0%; Colorado – 1.0%; Kansas – 0.9%, Nebraska – 0.9%; and Wisconsin – 0.9%.

The second part of this chapter is the multivariate analysis section. This section examines the relationship of the independent variables to AI/AN population abuse and abuse for the general population. For purposes of clarification, the general population includes the African American, Hispanic, and white population and all are combined in this data set.

Univariate Findings: Child Abuse Rates by States Over-Time – High, Medium, and Low AI/AN Populations

As indicated above, the states are categorized into high (> 2 percent), medium (< 2, but greater than 1 percent), and low (1 percent or 0.9) AI/AN populations percentage figures. Figure 4.1 reports the per-capita rate of abuse over time for AI/AN populations in high percentage states. Child abuse rates are stable over time for most high percentage states – and for most of these states the rate of abuse per 1000 ranges between 1 and 20 cases. The states in Figure 4.1 with consistently higher child abuse rates are Alaska (25 per 1000 in 1993 and 35 per 1000 in 2003) and South Dakota (20 per 1000 in 1993 and 21 per 1000 in 2003).

Child abuse rates in Alaska are consistently higher than those for other high population states. Alaska is one the largest states in the union and perhaps one of the most isolated. During severe winters travel is often on the frozen waters if travel can be done at all. South Dakota can also claim harsh and severe winters, geographic and social isolation, and is the home to a number of Sioux Tribes, i. e. Rosebud, Pine Ridge, Sisseton-Wahpeton. The findings on Alaska and South

Dakota appear to be consistent with claims in the literature that reported AI/AN child abuse and neglect rates tend to be higher in impoverished areas characterized by high levels of social and geographic isolation.

Correspondingly, figure 4.1 indicates that child abuse rates are stable over time in Arizona, Montana, New Mexico, Oklahoma, South Dakota and Wyoming. Between 1993 and 2003, the per capita abuse rate declined from almost 30 per/1000 in 1993 to 10 per/1000 in 2003 for the State of North Dakota.

Figure 4.2 reports on abuse rates among the *medium* population states, 1 percent or more but less than 2 percent. Abuse rates are relatively stable over time for Nevada, Oregon, Idaho, North Carolina, and Minnesota. The states of Washington and Utah, however, have experienced decreases in per capita AI/AN child abuse rates between 1993 and 2003. The trends over time (Figure 4.2) for Washington State report the per-capita abuse rate was between 25 and 30/1000 in 1993.

However, a steady decline occurred through 2003 when the abuse rate was relatively low at 5/1000. The per capita rate of abuse for the State of Utah changed over time between the years 1993 – 2003. The trends over time showed a steady decline to the year – 2000 and then slight increases through the year 2003.

However, for the State of Oregon, the per capita rate of abuse was at 5/1000 in 1993 and remained relatively stable until 2000, and showed slight increases to 14/1000 in 2003. Nevada's per capita rate of abuse has remained consistently low. Nevada has a number of small tribes and the Bureau of Indian Affairs also has jurisdiction over many of these smaller tribes. Also, for the State of North Carolina, between the years, 1993 – 2003, their per capita rate of abuse remained

consistently low and stable – 7/1000 in 1993 to 5/1000 in 2003. The state of Idaho, between the years 1993 – 2003, had fluctuations in their per capita rate of abuse from 5 in 1993 to less than 5 in 2003. The biggest increase was in the year 1996 where the per capita rate of abuse was approximately 11 or 12/1000; their rate of abuse began to show a downward trend from this point on.

Figure 4.3 reports the per capita rate of abuse for 1 percent or less (or *low*) AI/AN population states (i.e. California, Colorado, Kansas, Nebraska, and Wisconsin). During the period under examination rates of child abuse are consistently higher in Wisconsin than in the four other states; however, between 1993 and 2003 child abuse rates in this state decreased from about 60 per 1000 to approximately 20 per 1000. The most dramatic per capita rate of abuse was in the state of Wisconsin, which was at 58/1000 in 1993. This state saw a steady decline when in 1998 the per capita rate of abuse was approximately 15/1000. In 1999 – 2003, the rate of abuse remained stable at 20/1000.

The rates of per capita child abuse were consistently low and stable over time in California and Colorado. Kansas, on the other hand, experienced a sizable decline in AI/AN child abuse rates from 15 per 1000 in 1993 to about 3 per 1000 in 2003. The states of Nebraska and Kansas show a little fluctuation. Nebraska, between the years 1993 – 2003, the abuse rate decreased slightly, and then showed slight increases in 1996. From this point to 2003, the abuse rate remained fairly stable. Nebraska's per capita rate remained consistently low between 10 and 20/1000 for the years 1995 – 2003. The state of Kansas had a per capita rate of almost 25/1000 in 1993, dropped to a per capita rate of less than 10 to

approximately 2/1000 1998 and remained stable until 2003. As stated previously, the per capita rate of abuse for the States of California and Colorado for the years 1993-2003 remained low and consistently stable. California is a very large and diverse state, and according to the literature, children of color remain and are disproportionately involved in the child welfare system.

Jurisdiction in Public Law 280 and Non-280 States

The next set of Figures – 4.4 and 4.5 – report the *280 States* and *non-280 States* pursuant to Public Law 280 which was passed by the Congress in 1953. The “280 states” assumed jurisdiction over Indian Country including crimes over AI/AN children and these six *280 states* are: Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. There are exceptions within some of these states: Red Lake Reservation in Minnesota, Warm Springs Reservation in Oregon, and Metlakatla in Alaska. These exceptions allow the tribes to assume jurisdiction over their members, including their children.

Figure 4.4, *280- states*, gives the rate of abuse per 1000 for the relevant years 1993 – 2003. The time-line reflects a huge increase over time in the state of Alaska. The rate of abuse begins at a level of less than 30/1000 and remains fairly consistent through the years 1994, 1995 and 1996. The rate of abuse increased to 40/1000 in 1998 and then declined to almost 30/1000 in 2000. However, there is a substantial increase to almost 80/1000 in the year 2001 and decreases to less than 40/1000 for the years 2002 and 2003. Alaska has jurisdiction over child abuse and neglect cases and tribal entities do not. Perhaps reporting has increased over time

or child abuse and neglect cases have also increased over time or as indicated with the previous line-graphs, this huge increase could be an error in data submission.

The state of California has a much lower rate of abuse when compared to the other five 280 States. Their rate remains consistently below 10 per 1000 through all years, 1993 - 2003. California is also a huge and diverse state in terms of geography and its population members. The "280" status means that the state has jurisdiction over child abuse and neglect and is the primary vehicle for handling and investigating all maltreatment issues. Similarly, the state of Oregon, in 1993, had a level of approximately 5/1000 per capita rate and maintains this same rate through the years 1994 through 1999. In the year 2000, Oregon began a slow increase to a point below 10/1000 and began to increase to 11 and 12/1000 in 2002 and 2003 respectively. In sum, the per capita abuse rates for California and Oregon remain relatively stable and low over time.

Wisconsin also shows a per capita rate of abuse of almost 60 per 1000 in 1993, and after this year began a dramatic decline to the year 1998 where they have a rate of abuse of almost 15 per 1000. This state shows a decline from that point on through 1997 (almost 40) and then has a dramatic decline to 15/1000 in the year 1998. In 1999, this state began to show a small increase to 20/1000 in 2000 and thereafter, remained stable at 20/1000 in 2003.

For the years 1993 – 2003, the per capita abuse rate over time for the state of Minnesota remained stable and low with a slight increase in 1999 to 20/1000.

Similarly, the state of Nebraska had an abuse rate of 24 per 1000 in 1993 and slight fluctuations between 20 and 10/1000 through the year 2003.

Figure 4.5 identifies those states that are classified as *non-280* and these represent the following states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Wyoming, Kansas, and Washington.

The trends over time for the state of Washington are dramatic. In 1993, the per capita rate of abuse is 25 with an increase to 30 per 1000 in 1995. Then there is a sharp decline to 16/1000 in 1996 and the rate of abuse remained at approximately that same level in 1997. This state's rate of abuse continued to show a decline to 10/1000 in 1998, made a steady decline to 5/1000 and continued to decline to approximately 9/1000 2003. The trends over time for North Dakota also showed a steady decline for the years, 1993- 2003. The trends change over time for the state of South Dakota; between the years 1993-2003, the trends show fluctuations in the rate of abuse per 1000 children. This state had a sharp increase to over 20/1000 (approximately 22 and 23/1000 respectively) in the years 1995 and 1996. In 1998, South Dakota had steady increases to 24 in 2002 and declined to 23/1000 in 2003.

In 1993, the state of Utah had a rate of abuse per 1000 at approximately 17/1000 and thereafter showed a steady decline through 1998. The decline continued until 2001 when it reached a level of 3/1000 in 2002 and began an upward movement to 7/1000; in 2003 the rate of abuse was at 7/1000. Montana's rate of abuse began at 15/1000 in 1993 and declined to 7/1000 in 2003. This state remained consistently stable for a few years – 1997-2000 and declined thereafter.

The change over time for the state of Kansas is also significant. In 1993 the per capita rate of abuse per 1000 was at the 15 level. In 2003, the rate of abuse was

3/1000. For the relevant years 1993 – 2003, the state of North Carolina showed the rate of abuse per 1000 between 5/10. It increased to almost 10 in 1996 but thereafter only showed small decreases to 6/1000 in 2003. Idaho began the year 1993 with a per capita rate of abuse at 4/1000 then began a steady increase to 12/1000 in 1996, and this rate continued to decline to a rate of 3/1000 in 1999. In 2001, this rate increased to 7/1000 in 2000 and declined to 3/1000 in 2003.

Figure 4.5 indicates that child abuse rates are stable over time in Arizona, Colorado, Nevada and New Mexico; all had rates of abuse of less than 5 per 1000. Arizona's per capita rate of abuse was a little over 5/1000. In summary, Alaska showed the highest increase of 78 per 1000 in the year 2001. Alaska is a "280 state" and their AI/AN child abuse and neglect rate is extraordinary, although a strong suspicion is that this is a measurement error.

Means Analysis: Public Law 280 and Non-280 States

Figure 4.6, titled "Means Analysis: Public Law 280 and Non-280 States" presents an interesting picture. This figure reports the *mean* for each year and the *mean* rate of abuse for each P.L. 280 state. In the "280 states" (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin), the mean begins at approximately 22/1000 in 1993 and declines to almost 17/1000 1995. The rate increases to 19/1000 in 1997 and declines to 14/1000 in 1998. The biggest increase came in 2001, when the mean rate of abuse reached approximately 22/1000, almost at the same rate as in 1993. The mean rate leveled out in 2002 and 2003 with a mean rate of 17/1000 for both years.

In non-280 states (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Wyoming, Kansas, and Washington), the mean rate begins and stays at 11/1000 in 1993, 1994 and 1995. After 1995 and for the years, 1996, 1997, and 1998 there is a downward trend to almost a level of 7 cases per 1000. In the year 1999, there is a huge increase (perhaps due to an error in the data submission) to almost 15/1000. Then the level drops down to below 7/1000 and steadily decreases in the years 2001, 2002, and 2003 to a mean rate of almost 5/1000.

Multivariate Analysis: Empirical Findings

The parameter estimates reported in Tables 4.1 and 4.2 were generated by running pooled time series analysis in SAS. Table 4.1 presents *Determinants of Child Abuse and Neglect for the General Population in the United States, 1993-2003*; Table 4.2 presents *Determinants of AI/AN Child Abuse and Neglect in the United States, 1993-2003*.

In order to test the hypotheses, a pooled time series analysis was conducted on reported child abuse/neglect rates for 20 states from 1993 to 2003. Two multiple regression models are presented, one for the *general population* and another for *American Indian/Alaska Natives*. Table 4.1 reports the parameter estimates for child abuse/neglect in the general population. Consistent with the “median household income” hypothesis, an examination of the results for this model provides evidence to suggest that higher levels of median household income are associated with lower levels of child abuse in the general population. The

findings also support for the hypothesis that higher levels of disposition for child abuse are associated with higher levels of child abuse in the general population.

The parameter estimate for the percent of the general population in poverty is also significant, but the sign on the coefficient is not in the hypothesized direction. This unexpected finding may be caused by some variables within states that trend over time. For instance, child abuse and neglect among the general population in most states either declines or remains relatively stable between 1993 and 2003. By the same token, an examination of the data shows that poverty rates within most states increased during this same time period. Consequently, a strong suspicion is that the significant results from the regression model are generated by this pattern in the data (i.e. rates of abuse trending downward and poverty rates trending upward) and not because of any substantive relationship between the variables of interest. Alternatively, and this will be discussed more fully in the conclusion, the abuse rates in the general population may be trending downwards as an artifact of the change in the reporting environment, and this change may overwhelm the effect of the increase in poverty (Besharov 2000)

The following variables are unrelated to rates of reported child abuse and neglect in the general population. Table 4.2 reports the parameter estimates for child abuse/neglect among the American Indian/Alaska Native population. As expected, the results indicate a very strong relationship between the percent of American Indians living in poverty and the per capita rate of AI/AN child abuse. An interpretation of the coefficients indicates that for each additional one percent of American Indians living in poverty there is an increase in the rate of child abuse

and neglect among American Indians of nearly one case per 1000 people. Why is the relationship between poverty and reported abuse rates for AI/AN in the direction expected while the relationship for the general population is in the unexpected direction? There is reason to believe that the causes noted above (trending and reporting changes) may account for the unexpected direction of the general population, but that the much greater incidence of poverty in AI/AN communities compared to the general population creates a situation in which poverty is more predictive for the AI/AN model. This is consistent with the notion of increased reporting of abuse in areas of “concentrated poverty” (Hines et al. 2004) that often characterizes Indian Country (EchoHawk and Santiago 2003/2004; EchoHawk 2001/2002).

The data has also shown that the high school educational level in some states is at an extremely low level. The hypothesis for the general population: *higher levels of education will be associated with lower child abuse / neglect rates.* This hypothesis is opposite the predicted direction (see Table 4.1, parameter estimate: 0.803906). The hypothesis for the AI/AN population: *higher educational attainment among AI/AN will be associated with lower levels of AI/AN child abuse / neglect.* American Indian educational attainment significantly impacts child maltreatment. For the American Indian population, this hypothesis is in the predicted direction.

The parameter estimate for anonymous reporting suggests that states with this policy tend to have higher rates of reported AI/AN child abuse than do states that do not provide the option to report anonymously. The results reported in Table 4.2

also indicate that the higher the bar is for disposition of cases, the more likely it is that child abuse/neglect rates in those states are higher. The distinction between Public Law 280 and non-280 states is evidently important—Public Law 280 states tend to have higher reported levels of child abuse/neglect among AI/AN than do non-280 states. While this requires further research, the question of jurisdiction remains. In 280 states versus non-280 states, implications rest with the investigating officers and their interpretations of the alleged abuse. This has a significant effect on the reported rates of abuse in AI/AN communities. When non-AI/AN agencies investigate (280 states) the reported rates are higher. The importance of the 280/non-280 variable in the AI/AN for Native Americans is supported by the lack of 280/non-280 variable significance in the general model.

This project intentionally included variables in the models that demonstrate high levels of multicollinearity (e.g. poverty, median household income, percent unemployed, and percent with at least a high school education). It should be noted that multicollinearity does not produce biased estimates. Rather it produces estimates that are asymptotically inefficient – or said differently it produces inflated standard errors on the requisite t-scores. This problem is associated with what is commonly referred to as Type II error (Ott 1988).

Chapter 5

Discussion and Conclusion

This dissertation project sought to answer these questions: (1) *primary question* - Why are the American Indian/Alaska Native child abuse and neglect rates higher in some states than in others? (2) *supplementary questions* - How and why do these rates change over time? How do these rates compare with rates for the general population? What factors contribute to child abuse and neglect among AI/AN children?

After examination of twenty states for the years 1993 – 2003, results were univariately analyzed across states and over time. For example, Alaska, a state categorized *high population* (2% or > AI/AN population), has a high per capita rate of abuse for the years, 1997 and 2001. The state of Alaska's per capita rate of abuse was at 40/1000 for the year 1997 and huge increase to almost 80/1000 for the year 2001. Why this increase, and for those years? In sum, the per capita rate of 80/1000 was probably a measurement error. Nonetheless, Alaska is known for its large geographic terrain, severe winters, isolated villages and is also a P. L. 280 state. Also, the state of North Dakota, which shows fluctuation in their rates of abuse, especially for the years, 1993, 1994 (per capita rate of abuse is 25/1000 for both years), begins to decline in 1995 and 1996 to a per capita rate of abuse at 20/1000 and continues to trend downward and remain relatively stable. Initial results show that the per capita rate is significant for the AI/AN population in the state of North Dakota.

Trends over time and across states are established for the medium AI/AN population as well. Similarly, Washington State, categorized as *medium population* (> than 1% but < 2%), has a high per capita rate of abuse especially for the years 1993, 1994 and 1995. Washington State has a high per capita rate of abuse (30/1000) for the year 1995 and then the rate makes a drastic reduction to 15/1000 in 1996. Also, the state of Wisconsin, a *low population* (1% or less) state, shows a high per capita rate of abuse beginning in 1993, trends downward until the year, 1998 and then levels off. The per capita rate for Wisconsin, a low AI/AN population, begins at a rate of almost 60/1000 in 1993 and then makes trends downward where in 2003, their per capita rate of abuse is at 20/1000.

Therefore, the remaining sections of Chapter 5 will address a *summary of the findings*; it will present a general *discussion* and will also discuss the *policy implications* of this study.

Summary of Findings

The major findings of this study address child abuse and neglect for the *general population* and for the *AI/AN population*. This study analyzes the abuse rate over time and across states. Cultural considerations are especially significant – how states respond to culture is important. The data clearly show that certain states have relatively high per capita rates of child abuse and that these rates may change over time. Figure 4.4 shows the P.L. 280 states of Alaska and Wisconsin. The rate of abuse in Alaska has a per capita rate of abuse of almost 30/1000 in 1993 and their rate changes over time to almost 40/1000 in 2003. Similarly, for the state of Wisconsin, the per capita rate of abuse is almost 60/1000 in 1993 and trends

downward to 20/1000 in 2003. Figure 4.5 reports the state of Washington as having a per capita rate of abuse at 25/1000 in 1993 to 30/1000 in 1995 and then trending downward to 5/1000 in 2003.

The literature has shown that most reservation economies are drastically poor (Cross et al. 2000; Earle 2001); on some reservations the unemployment rate hovers around an 85% level of unemployment (Wakeling et al. 2001). The literature has also shown that certain geographic sections, tracts, and isolated neighborhoods are just as devastatingly poor (Garbarino and Crouter 1978; Garbarino and Kostelny 1992). Additionally, state economies vary. Wealthy states, those with tax revenues, taxable resources (Rodgers and Payne 2007) and per capita income show the lowest child poverty rates (Rodgers and Payne 2007). A healthy state economy is important; it creates opportunities and permits higher spending on low-income citizens.

Findings of this study suggest that child abuse and neglect are tied to levels of economic resources and on some level, are also affiliated with demographic resources. Clearly, socioeconomic and demographic forces are related to the phenomenon of child maltreatment. "Being poor is bad for families" (Garbarino and Crouter 1978, 613). Certain demographic factors combined with low income are powerful indicators of the stress and life crises that lead to maltreatment. Garbarino and Crouter (1978) wholeheartedly support a multiple regression analysis approach, and they argue that only with this approach "can [scholars, researchers] begin to explore the intricacies of so complex a phenomenon as the maltreatment of children" (p. 614). Further examination of the AI/AN community,

where a high percentage of the population lives in poverty or is low income, may be warranted.

The findings concluded from the models in this study indicate that policy matters. Higher reported rates of AI/AN child abuse and neglect tend to be associated with anonymous reporting policies, required level of evidence in a state and Public Law 280 state status. The policy variables identified as a part of this study are anonymous reporting, level of evidence and P. L. 280 state status are important since these relate to state, NCCAN data collection activity. Anonymous reporting is a key *reporting tool* used by some states, but not all. The parameter estimate for this variable is -0.00167 for the general population (see Table 4.1). Similarly, the parameter estimate for P. L. 280 and non-280 state status is 0.114009 (see Table 4.1).

Finally, in this study, reference is made to geographic and social isolation that impacts AI/AN families. Isolation, in the United States, does indeed exist. Obviously, this isolation phenomenon does not exclude the *forgotten minority* from attempting to maintain their existence and sustenance for living. Nor does it exclude this population from engaging in helpful activities. When a child hurts – the whole community hurts. American Indian families support each other and historical evidence has shown that familial survival support exists. American Indian families show their support by giving – giving of their time, energy, monetary assistance and yet may only exist at or below poverty guidelines, live in isolated and geographically remote locations. The innate strength of the AI/AN community can be an important asset in efforts to build a strong economic base.

American Indian and Alaska Natives represent approximately one percent of the total U. S. population and their situation is particularly bleak. Yet, tribal governments continue to strive for and implement self-governance programs; this pursuant to P.L. 93-638. Tribal groups have survived oppression, annihilation and attempted extermination and have maintained to the point where they now operate their own strong tribal governments. Research on American Indian/Alaska Native child abuse and neglect is needless to say, very important. Those involved with the Native population in some capacity whether as child advocates, child protection workers, the legal community, and/or other professionals engaged in policy administration or the scholarly research community must take a new view of these children of the future. The new world view reflective of extensive and exhaustive research about AI/AN child maltreatment versus the old view of the status quo – as reflected in the lack of strong data to research alcohol and child maltreatment which is missing in the NCCAN data collection activity.

Notwithstanding the recent reports of dramatic increases in violent crime on reservations, . . . the crimes that most occupy police in Indian Country are directly or indirectly related to alcohol abuse. Alcohol-related crime is a deep and complex problem, which – by contrast to the problem of violent crime – has received insufficient attention and resources (Wakeling et al. 2001, p. vii).

Further research will undoubtedly add to the literature and even support the creation of additional policy on behalf of the *forgotten minority*.

Discussion

Child maltreatment is undoubtedly a large and growing problem in the United States. It affects and impacts every race and minority group in this country.

Certain socioeconomic and demographic factors are prevalent in the phenomenon of child maltreatment. Factors such as poverty, unemployment, and lack of education are persistent problems for the American Indian population. The lack of educational attainment and either little or low education is an important demographic finding. Without a doubt, low education impacts parental engagement: within society at large, the work situation, loss of a job or no job at all creating undue stress leading to child maltreatment. Moreover, the literature and the models created as a part of this study support the correlation between poverty / low educational attainment and child maltreatment.

Additionally, newborns, infants, toddlers, children of all ages, are victims of child maltreatment. In some cases, the perpetrator remains unidentified and free while child abuse goes unreported and no charges are brought forth. However, laws, policies and procedures have been enacted for the sole purpose of protecting children. Children are the most precious resource in this country. Children, *if free to be*, grow-up to adulthood and thus, hopefully become productive citizens of this country. In view of this, there are several determinants or factors that are critical to AI/AN child maltreatment. This project has attempted to answer the previously stated crucial questions.

As shown in the models in Chapter Four, the per capita rate of abuse changes over time and across states. Further, the findings clearly suggest that child abuse over time is critical among the AI/AN population in certain states. What causes these changes in the abuse rate over time? Any number of factors can be pointed out as significant influences, (i.e. reporting, poverty, unemployment, and P.

L. “280 state/non 280 state status”). Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin are Public Law 280 states. The results show that child abuse on average and for the AI/AN population, is higher with increases in poverty, in states with high levels of evidence, and in P. L. 280 states. Figure 4.4 reveals the extra-ordinarily high rates in Alaska and Wisconsin.

Results show significant factors in two areas for both groups – the *general population* and the *AI/AN population*. These two areas are: poverty, *general population*, significant = -0.027 and the *AI/AN population*, significant = 0.000664 and the rate of disposition, *general population*, significant at 0.10021 and *AI/AN population*, significant at 0.0004347. The literature has shown that poverty is critical to child maltreatment – critical in the sense that poverty is a result of or can result in low income, parental stress, hunger – or food insecurity (USA Today 2007), poor housing, and an impoverished social environment. Moreover, geographic and social isolation is a major factor for some AI communities (Cross et al. 2000; EchoHawk 2001/2002).

This exploration of child abuse and neglect includes an analysis of previous research and literature on this important phenomenon, particularly the work of Garbarino and Kostnely (1978, 1992), Korbin (1998), Paxton and Waldfogel (1999) and Wolfner and Gelles (1993), but also includes previous academic studies and articles by a number of scholars. For example, Finkelhor (1983, 1984, 2001, and 2003) has studied extensively in the area of child sexual abuse within the general population. The literature review undertook an examination of numerous professional articles, journals and books. Two major bodies of literature comprised

this review, that of the general population and other minority groups, including the African American and the 'other category' sometimes referring to the AI/AN.

Merging the literature of the two fields tightens the focus of this study.

Policy Implications for the Problem of AI/AN Child Abuse and Neglect

These findings suggest the need for a strong commitment to further research related to child abuse issues among AI/AN families as well as enhanced efforts to provide services to AI/AN families in poverty. An unwillingness to address these socioeconomic issues is having a dramatic effect on this country's major resource: its children – especially AI/AN children. Native children suffer from child food insecurity (USA Today 2007) or hunger that in itself is a form of abuse. It appears that any policy or program that is designed to address poverty alone will only have some degree of success. These results suggest that a more widespread approach that lessens the economic stress on AI/AN families would be the ideal goal to help in reducing child abuse and neglect.

Results are significant for P. L. 280 states. Essentially, child abuse on average, for the AI/AN, is higher with increases in poverty, in those states with a high rate or level of evidence and in Public Law 280 states. Congress enacted P. L. 280 in 1953, and this legislation was created primarily because of *lawlessness* in Indian Country. Six states were impacted by P. L. 280. These six states have jurisdiction over Indian Country and this of course means Indian children *unless*, pursuant to the Indian Child Welfare Act, a child falls under this legislation. According to Goldberg-Ambrose (1997, 182),

Tribes in Public Law 280 states maintain concurrent Jurisdiction over child custody proceedings, but ICWA also provides tribes with a unique opportunity to “reassume” exclusive or referral jurisdiction. Through the process of re-assumption, tribes gain the ability to achieve a partial retrocession of Public Law 280 as it applies to child custody proceedings.

Child maltreatment is such a complex phenomenon. This is especially true for the Indian child. Jurisdictional issues are extremely complex. Jurisdiction may fall with state, federal or tribal authority. In consideration of the limitations of the data, states however, have been charged with addressing, on a very large scale, the child abuse and neglect phenomenon. In P. L. state jurisdictions, tribes must be allowed to operate and manage their own court system(s). Furthermore, in Public Law 280 states, many tribes do not have a functioning criminal justice or family court system. Congressional authority would require perhaps a change in legislation and a funding mandate to further support tribes in their development of a court system. Finally, negotiated efforts between the state and the tribe could be the rule. Moreover, the findings from this study and the models created indicate that policy matters. Higher reported rates of AI/AN child abuse and neglect tend to be associated with anonymous reporting policies, required level of evidence in a state, and Public Law state status.

The poverty rate in some rural areas is extremely high. Also, in most areas, the geographic distances are huge and the terrain difficult. Driving long distances is a consistent problem for both American Indian families and child protective workers. Economic insecurity is a real factor as well. Food and fuel costs are oftentimes outrageous and especially on the reservation where fuel costs

are astronomical. Indian families often reside in isolated areas where travel is extremely difficult. These are very real stressors for the American Indian.

Education is often forgotten. However, policy considerations must also focus on education for the American Indian and the various educational programs initiated for ideally, future American Indian scholars. While a significant factor for the American Indian, policy commands at both the federal and state level could be further directed to this entity, with the necessary funding sources in place.

Education should be geared to low-income individuals, the unemployed or under-employed in order to strengthen their capacity for earning power and improve their day-to-day living ability. In a competitive market, activists for the poor may seek to build coalitions with other rural advocates and even with competitors from other rural areas. However, according to Skocpol (1995), "Missing right now are mobilized organizations and broad, legislatively active alliances that include groups other than those advocating for help for the poor" (p. 271). Findings show that child maltreatment is related to the education factor for the AI/AN population.

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Figure 4.1: American Indian/Alaska Native Population Abuse Statistics

***High Population: 2 Percent or Greater**

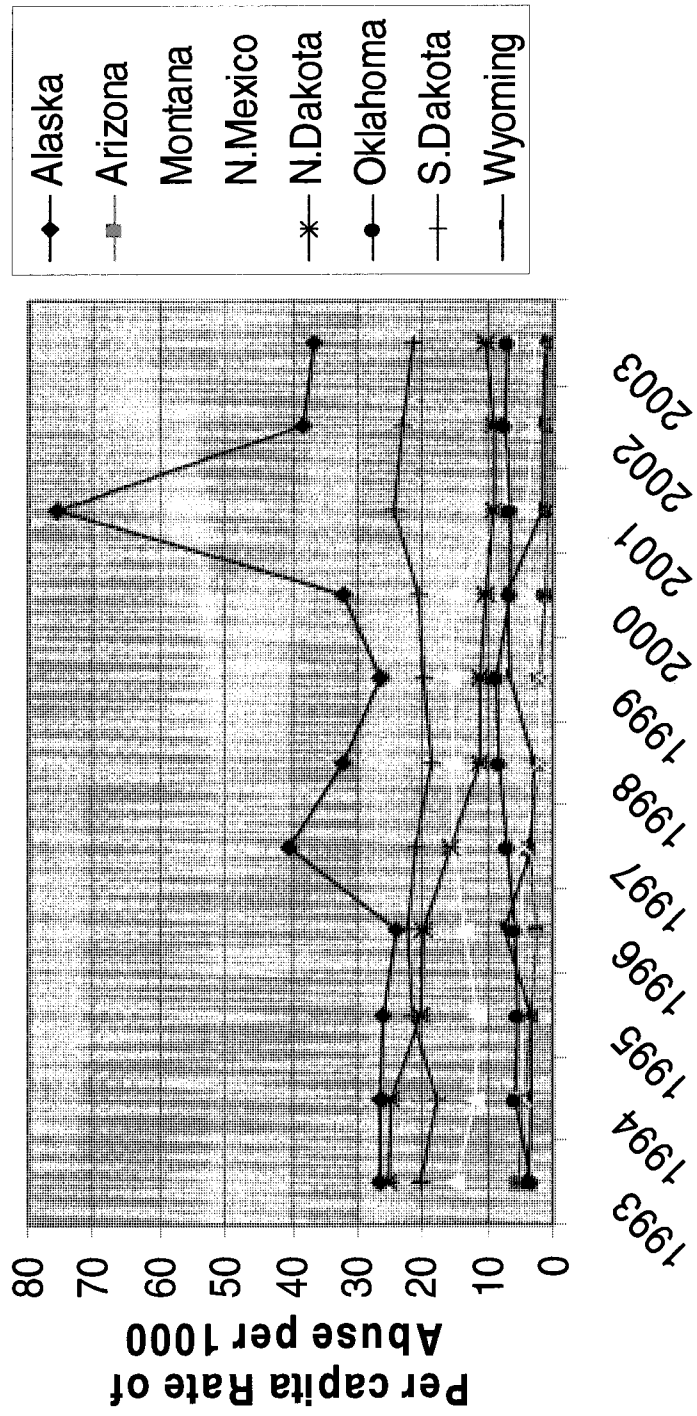


Figure 4.2: American Indian/Alaska Native Population Abuse Statistics

***Medium Population: > than 1 Percent but < 2 Percent**

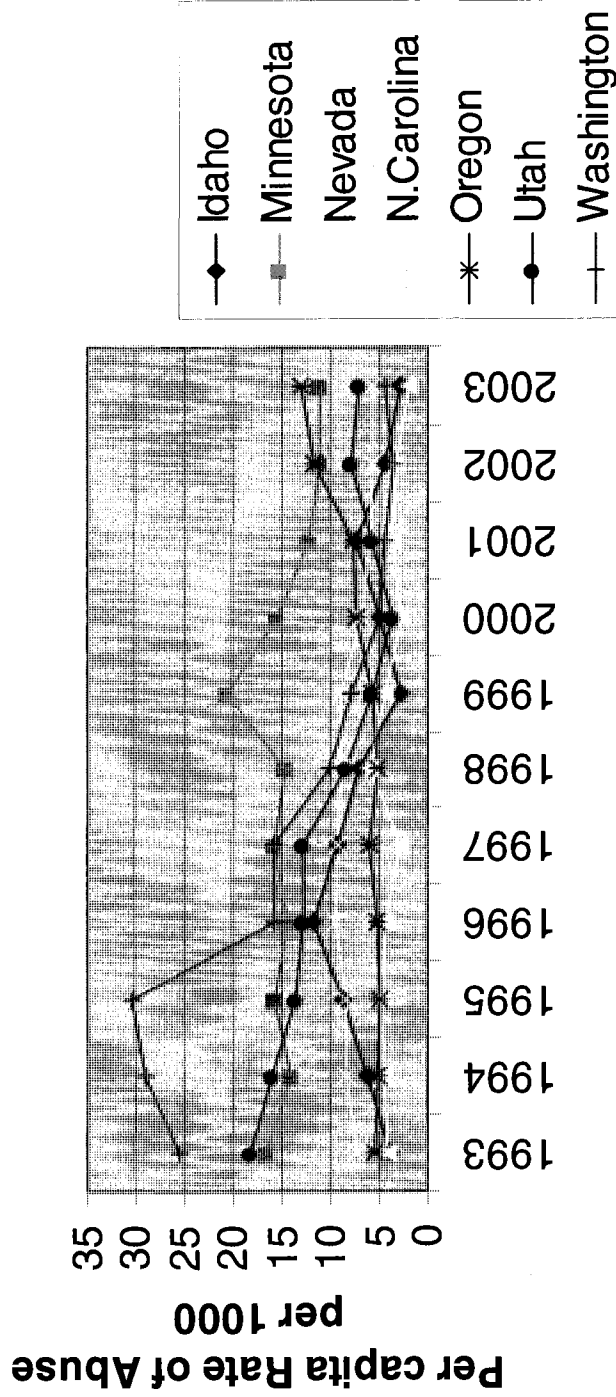
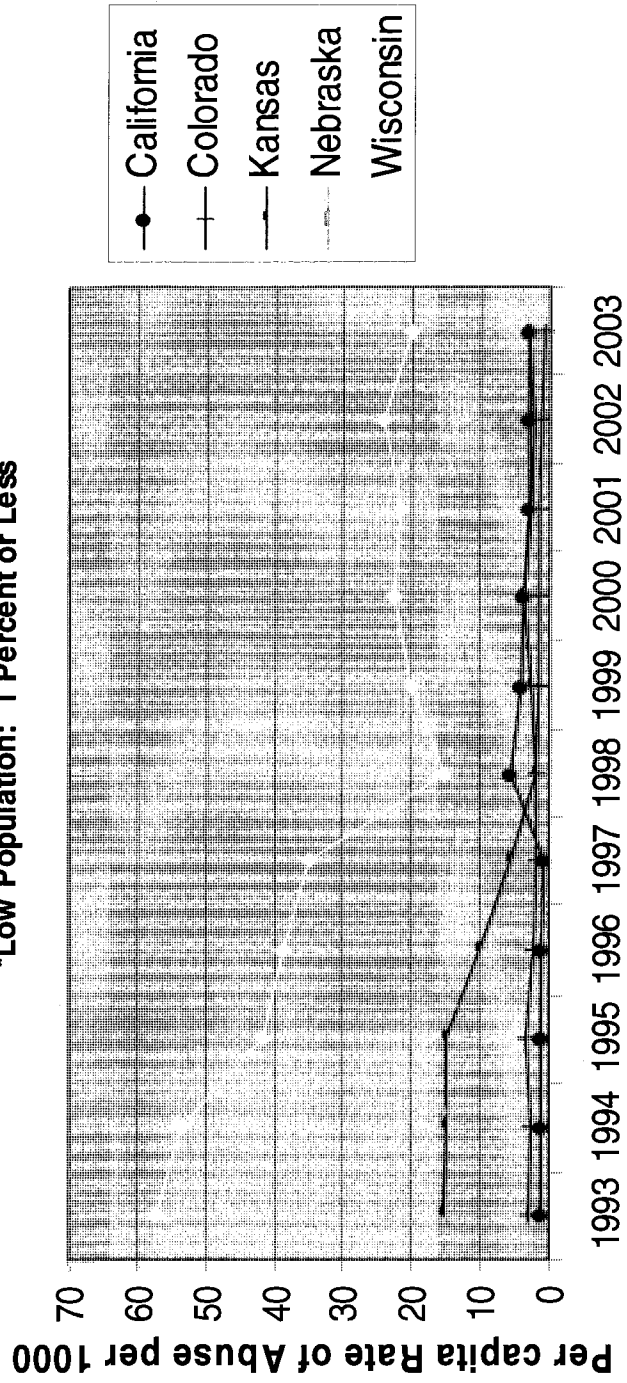


Figure 4.3: American Indian/Alaska Native Population Abuse Statistics

*Low Population: 1 Percent or Less



**Figure 4.4: Public Law - 280 States:
State Jurisdiction over Indian Country
(with some exceptions)**

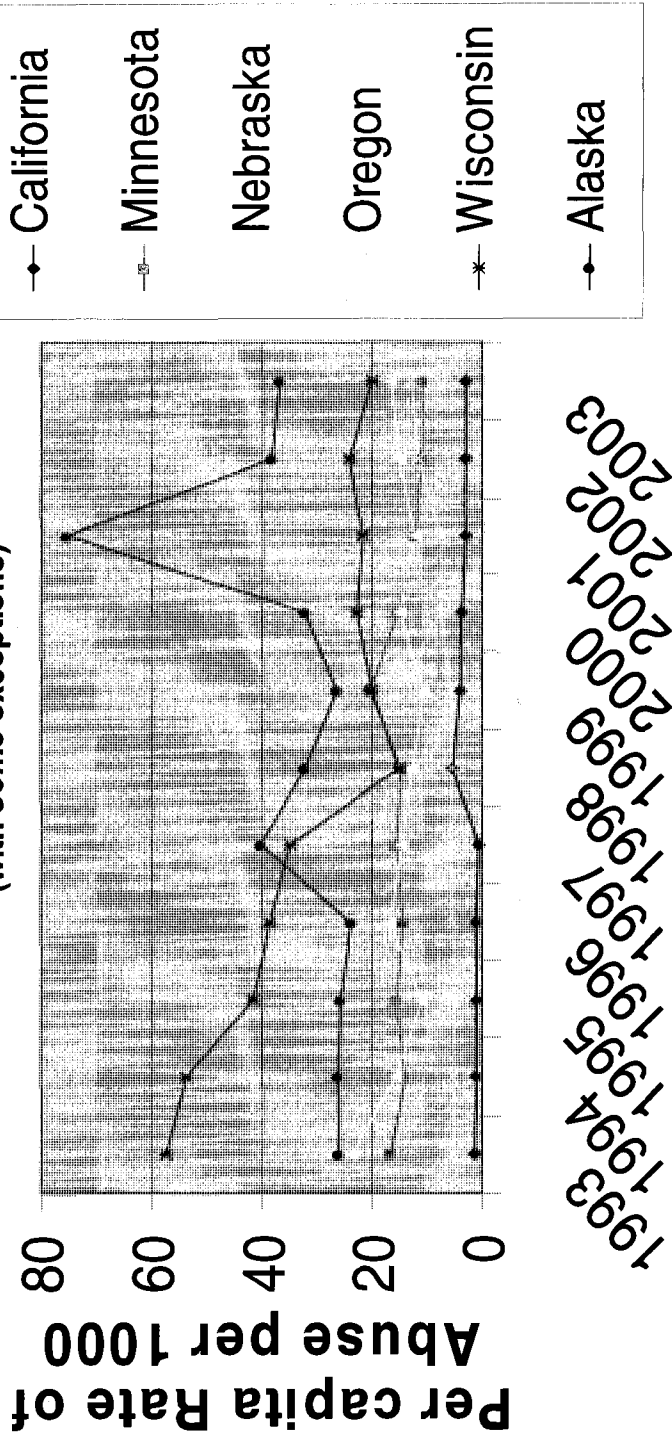


Figure 4.5: States without Public Law 280

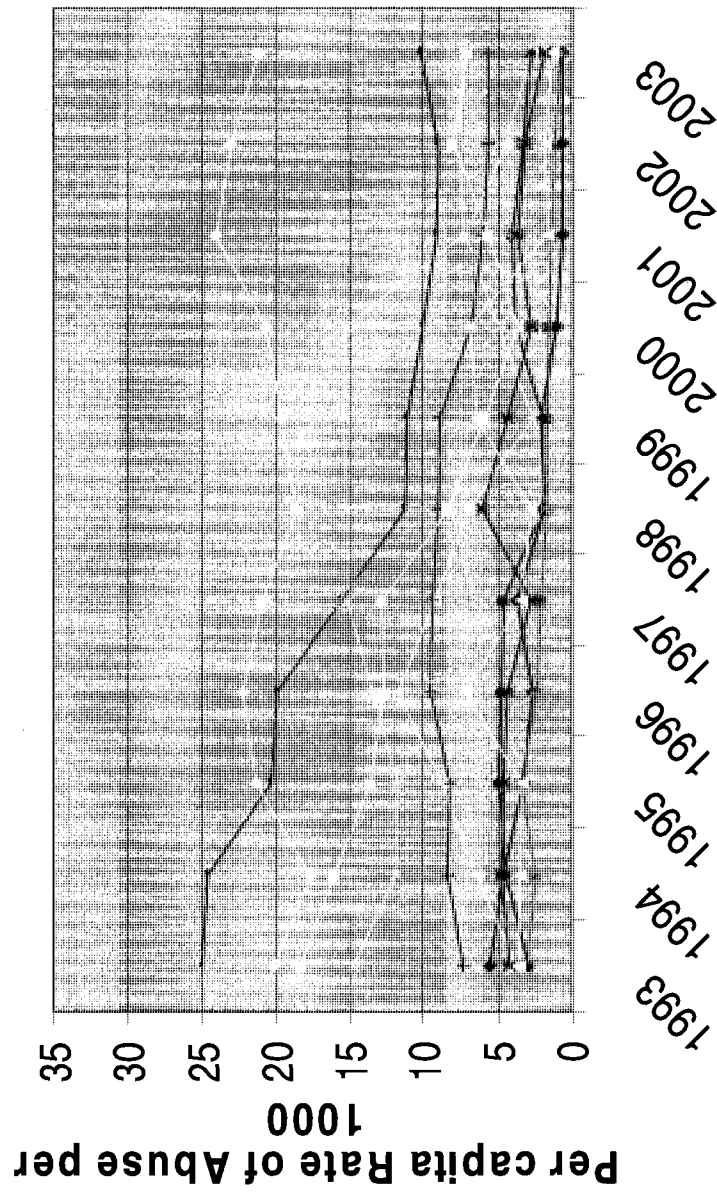
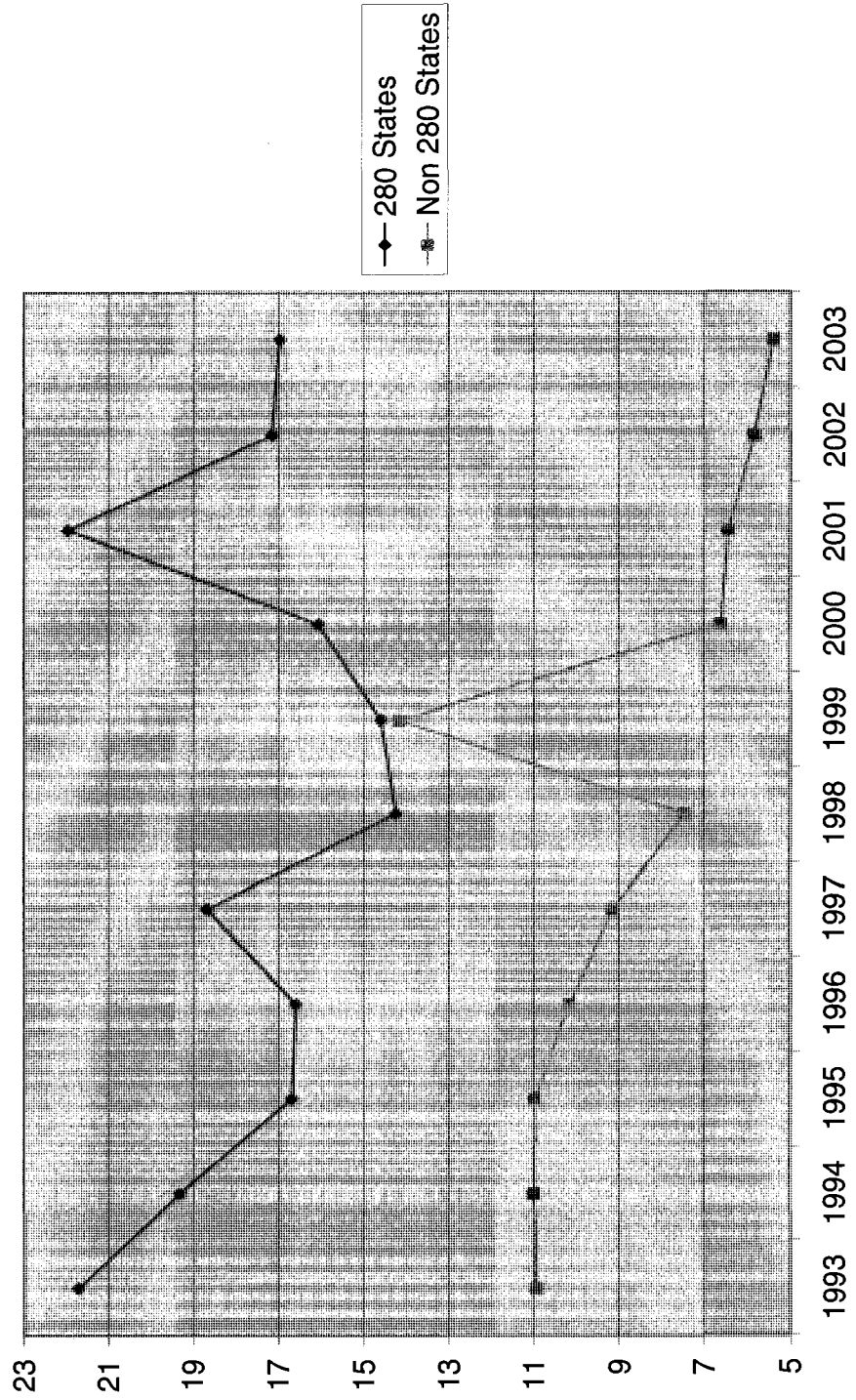


Figure 4.6: Means Analysis - P. L. 280 and Non-280 States



**Table 4.1: Determinants of Child Abuse and Neglect for the General
Population
1993-2003
(20 states x 11 years)**

Variable	Parameter Estimate	Standard Error	t-value
Intercept	1.060782***	0.3135	3.38
Percent of General Pop. in Pov.	-0.027**	0.0117	-2.31
Percent of General Pop. Unemp.	0.012145	0.0130	0.94
Med. Household Inc. for Gen. Pop.	-0.00002***	3.46SE-6	-5.63
Percent of Gen. Pop. w/ H. S. Ed.	0.803906	0.5825	1.38
Anonymous Reporting	-0.00167	0.0286	-0.06
Level of Evidence	0.10021***	0.0288	3.48
280 and non-280 States	0.114009	0.0961	1.19
R-Square	0.27		
d. f.	212		

Note: The dependent variable is the number of child abuse and neglect victims per 1000 for the General population. The method is pooled-time series analysis.

* < .10; ** < .05; *** < .01.

**Table 4.2: Determinants of AI/AN Child Abuse and Neglect
1993-2003
(20 states x 11 years)**

<u>Variable</u>	<u>Parameter Estimates</u>	<u>Standard Error</u>	<u>t-value</u>
Intercept	-0.03069**	0.0151	-2.03
Percent of AI/AN in Pov.	0.000664***	0.000128	5.19
Percent of AI/AN Unemp.	-0.00004	0.000040	-0.99
Med. Household Inc.(AI/AN)	5.549E-7	4.157E-7	1.33
Per. AI/AN w/ H.S. Ed.	0.00027	0.000167	1.62
Anonymous Reporting	0.001751*	0.00115	1.53
Level of Evidence	0.004347***	0.00117	3.71
280 and non-280 States	0.007398**	0.00393	1.88
R-Square	0.23		
d. f.	212		

Note: The dependent variable is the number of child abuse and neglect victims per 1000 for the AI/AN population. The method is pooled-time series analysis.

* < .10; ** < .05; *** < .01.

Appendix – 1

Codebook – Variable Identification

Column A

Column A identifies 20 key states that have an American Indian / Alaska Native (AI/AN) population of, at least 1.0% or more; this is based on the 1990 and 2000 Census. California, Colorado, Kansas, Nebraska, and Wisconsin are included in this chart since their total AI/AN population is at 0.8% or 0.9% as reflected in the 1990 Census respectively with a slight increase shown in the 2000 Census. The following identifies those states this study will examine:

State

- 1.) Alaska - AK,
 - 2.) Arizona - AZ,
 - 3.) California - CA,
 - 4.) Colorado - CO,
 - 5.) Idaho - ID,
 - 6.) Minnesota - MN,
 - 7.) Montana - MT,
 - 8.) Nevada - NV,
 - 9.) New Mexico - NM,
 - 10.) North Carolina - NC,
 - 11.) North Dakota - ND,
 - 12.) Oklahoma - OK,
 - 13.) Oregon - OR,
 - 14.) South Dakota - SD,
 - 15.) Utah - UT,
 - 16.) Washington - WA, and
 - 17.) Wyoming - WY
-
- 1.) Kansas - KS
 - 2.) Nebraska - NB
 - 3.) Wisconsin - WI

U.S. Census Bureau, Census 2000 Summary File 1; 1990 Census of Population, General Population Characteristics (1990 CP-1). Table 2, American Indian and Alaska Native Population for the United States, Regions, and States, and for Puerto Rico: 1990 and 2000, p. 5.

Column B - Year

Column B identifies the years, 1993 – 2003, this study will examine and those states are listed in Column A. Essentially, this study will focus on the years, 1993 – 2003.

Column C – “%AI-90-00”

Column C, entitled “%AI-90-00”, identifies the percentage of the **American Indian / Alaska Native (AI/AN)** population for the years 1993 and 2000 for the relevant identified states. Census data for the years 1990 and 2000 were used for completion of this column. For example, the State of Alaska for the years 1993 and 2000, the percent of the total **AI/AN population**, as shown in the 1990 census is 15.6%. The 2000 Census data shows that for the year 2000, the percentage of the total **AI/AN population** is also 15.6%. These figures are reflected in Column C. Example: Alaska, 1993 – 15.6%; Alaska, 2000 – 15.6%. Example: Oklahoma, 1993 – 8.0%; Oklahoma, 2000 – 7.9%.

Source: U.S. Census Bureau, Census 2000 Summary File 1; 1990 Census of Population, *General Population Characteristics*. (1990 CP-1). Table 2, American Indian and Alaska Native Population for the United States, Regions, and States, and for Puerto Rico: 1990 and 2000, p. 5.

Column D

This column shows the population number of **AI/AN** residing in each state for the Census years 1990 and 2000. For each state, I took the 2000 and 1990 census figures and subtracted these numbers to arrive at the percentage of yearly population increases. Then I took this subtracted number and added this percentage to arrive at yearly increments.

Source: U.S. Census Bureau, Census 2000 Summary File 1; 1990 Census of Population, *General Population Characteristics*. (1990 CP-1). Table 2, American Indian and Alaska Native Population for the United States, Regions, and States, and for Puerto Rico: 1990 and 2000, p. 5.

Column E

Column E relates to the ‘Race / Ethnicity of Victims’ and identifies the total number of **American Indian / Alaska Natives (AI/AN)**, who have been victims of child abuse and neglect. The relevant 20 states are listed in column A and the year, in column B. Column E only lists the total number of victims but correlates with the relevant State (Column A) and the relevant year (Column B). For example, in the State of Alaska, the year 1993, 2,357 victims were **AI/AN**.

**Source: The Year 1993 and the Identified Relevant States:
AK, AZ, CA, CO, ID MN, MT, NV, NM, NC, ND, OK, OR, SD, UT, WS, WY,
- KS, NB, WI.**

U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, *Child Maltreatment 1993: Reports from the States to the National Center on Child Abuse and Neglect*, Section IV-Victim Data, p. 3-10, Washington, DC: U. S. Government Printing Office, 1995.

Column F

Percent of American Indians (AI) abused. This figure derived by dividing percent of AIs in a state by the total number AI children abused in that particular state.

Column G – Population

Column G identifies the total population figures for the identified relevant state and the relevant Census year, e.g., Alaska – 1993, and 2000, Arizona – 1993 and 2000. These numbers were retrieved from the US Census Bureau's, American FactFinder, 1990 and Profile of General Demographic Characteristics: 2000. Column G gives the total population for that state and year.

Column H: White abuse

Column H relates to the 'Race / Ethnicity of Victims', and identifies the total number of '**white**' children who have been victims of child abuse and neglect. The relevant 20 states are listed in column A and the year, in column B. Column H only lists the total number of **white** victims but correlates with the relevant State (Column A) and the relevant year (Column B). For example, in the State of Alaska, the year 1993, 3,366 victims were "**white.**"

Column I: White population

identifies the white population figures for the identified relevant state and the relevant Census year, e.g., Alaska – 1993, and 2000, Arizona – 1993 and 2000. These numbers were retrieved from the US Census Bureau's, American FactFinder, 1990 and Profile of General Demographic Characteristics: 2000. Column G gives the **white population** numbers, in thousands, for each of the 20 states identified for this study and for the Census year's 1990 and 2000. For example, Alaska 1990, the **white population** totaled 415,492; the number shown on the chart is 415. Similarly, Alaska 2000, the **white population** totals 434,534; the figure shown on the chart is 435.

The numbers were derived by subtracting the 2000 number (435) from the 1990 census figure (415) to equal 20 and dividing this number by 10 = 2. The figure 10, was then added to each year beginning in 1993, (1990=415, 1991=417, 1992=419, 1993=423).

Source: U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, *Child Maltreatment 1994: Reports from the States to the National Center on Child Abuse and Neglect*, Section IV-Victim Data, p. 4-10, Washington, DC: U.S. Government Printing Office, 1996.

Column J: w abperc

The formula for this column is: $(H3/(I3*1000))*100$

Column H (white abuse) divided by Column I (white pop) and then multiplied by 1000 and this figure multiplied by 100.

Column K: Af Am A

Column K relates to the 'Race / Ethnicity of Victims' and identifies the total number of the **Black population** who have been victims of child abuse and neglect. The relevant 20 states are listed in column A and the year, in column B. Column J only lists the total number of victims but correlates with the relevant State (Column A) and the relevant year (Column B). For example, in the State of Alaska, the year 1993, 535 victims were **Black** and in the State of Arizona there were 2040.

Source: The Year 1993 and the Identified Relevant States:

AK, AZ, CA, CO, ID MN, MT, NV, NM, NC, ND, OK, OR, SD, UT, WS, WY, - KS, NB, WI.

U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, *Child Maltreatment 1993: Reports from the States to the National Center on Child Abuse and Neglect*, Section IV-Victim Data, p. 3-10, Washington, DC: U. S. Government Printing Office, 1995.

Column L: Af Am Po

Column L identifies the **Black population** figures for the identified relevant state and the relevant Census year, e.g., Alaska – 1993, and 2000, Arizona – 1993 and 2000. These numbers were retrieved from the US Census Bureau's, American FactFinder, 1990 and Profile of General Demographic Characteristics: 2000. Column I identifies the **Black population** numbers, in thousands, for each of the 20 states identified for this study and for the Census year's 1990 and 2000. For example, Alaska 1990, the **Black population** totaled 22,451; the number shown on the chart is 22. Similarly, Alaska 2000, the **Black population** totals 21,787; the figure shown on the chart is 22.

Column M: aa abperc

The formula for this column is: $(K2/(L2*1000))*100$

Column K(African American abuse) divided by Column LI (African American population) and then multiplied by 1000 and this figure multiplied by 100.

Column N: Hspanc - A

Column N relates to the 'Race / Ethnicity of Victims' and identifies the total number of the **Hispanic population** who have been victims of child abuse and neglect. The relevant 20 states are listed in column A and the year, in column B. Column N only lists the total number of victims but correlates with the relevant State (Column A) and the relevant year (Column B). For example, in the State of Alaska, the year 1993, 130 victims were **Hispanic** and in the State of Arizona there were 6,992 victims who were **Hispanic**

Column O: Hisp - Pop

Column O identifies the **Hispanic population** figures for the identified relevant state and the relevant Census year, e.g., Alaska – 1993, and 2000, Arizona – 1993 and 2000. These numbers were retrieved from the US Census Bureaus, American FactFinder, 1990 and Profile of General Demographic Characteristics: 2000.

Column O identifies the **Hispanic population** numbers, in thousands, for each of the 20 states identified for this study and for the Census year's 1990 and 2000. For example, Alaska 1990, the **Hispanic population** totaled 17,803; the number shown on the chart is 18. Similarly, Alaska 2000, the **Hispanic population** totals 25,852; the figure shown on the chart is 26.

Column P: h abperc

The formula for this column is: $(N2/(O2*1000))*100$

Column N (Hispanic abuse) divided by Column O2 (Hispanic population) and then multiplied by 1000 and this figure multiplied by 100.

Columns Q, R, S:

Column Q – Neglect

Column R- Physical Abuse

Column S – Sexual Abuse

The three columns (Q, R, and S) identify the "Number of Victims by Maltreatment Type" and further identify the total number victims for each of the 20 relevant states (Column A) with the identified year (Column B). Race is not an identifying factor in this particular section. Moreover, Column Q, R, & S or "Number of Victims by Maltreatment Type" can be found on the same page; for example, the State of Alaska: the Year 1993 – neglect = 3,332; physical abuse = 2,705; sexual abuse = 1,316. The numbers reflect substantiated cases.

Column T: Tot-Ps & S

Column T is the total of column R and S (physical and sexual abuse respectively). Example: Alaska, 1993 = physical abuse @ 2705 and sexual abuse @ 1316 = 4021.

Column U: Blank

Column V: Povty-GP

Poverty rates for the general population were obtained for the years 1993, 1995, 1997 – 2003. For the years 1994 and 1996, the data were averaged. The poverty estimates are from the U. S. Census Bureau's Annual Area Income and Poverty Estimates. <http://www.census.gov/cgi-bin/saipe.cgi>

Column W: Povty-NA

Poverty rates for AI/AN are measured as the percentage of AI/ANs living below the poverty level per the 1990 and 2000 Census. To obtain off-year estimates I subtracted the 1990 poverty rate from the 2000 poverty rate, divided by ten and then added three times this increment to this increment to the 1990 figure to obtain the 1993 estimate. After the 1993 estimate was obtained, I added the increment to obtain each successive observation.

http://factfinder.census.gov/servlet/QTTable?_bm=y&-context=qt&r_name=DEC_2000

http://factfinder.census.gov/servlet/QTTable?_bm=y&-context=qt&r_name=DEC_1990.

Column X: Pv-em-NA

Column X identifies the percentage of the number of American Indian / Alaska Natives (AI/AN) employed, but below poverty guidelines by state. This column begins with the year 1997, 1999, and 2001. In the year, 1993, 34% AI/AN were employed but living below the poverty guidelines in the State of Alaska: in the State of Arizona, 35% were employed but living below the poverty guidelines and in the State of California, 27% were employed but living below the poverty guidelines. The Indian Labor Force Report is published every other year, e.g., 1993, 1995, 1997, 1999, 2000, 2001 & 2003. The even year estimates were obtained by adding the odd years (e.g. 1993 and 1995) and then dividing by two for the average percentage figures. (Bureau of Indian Affairs, *Indian Service Population and Labor Force Estimates*, various years).

Column Y – UnmA % G

Column Y represents the national, **annual percentage** unemployment rate by year for the general population. The national, annual unemployment rate was 6.9% for the State of Alaska, 1993; the national, annual unemployment rate was 6.1 the State of Alaska, 1994. Column T indicates the national, annual percentage unemployment rate. Each yearly percentage is indicated in each of the identified relevant states by appropriate year and therefore, is duplicated, e.g., 1993 Alaska (6.9%), 1994 Alaska (6.1%); 1993, Arizona (6.9), 1993, Arizona (6.1%). Duplication is by year.

Year – 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002 & 2003:
Relevant, Identified States:
AK, AZ, CA, CO, ID, MN, MT, NV, NM, NC, ND, OK, OR, SD, UT, WA,
WY, KS, NB, and WI.
http://www.bls.gov/cps/prev_yrs.htm

Column Z: Unm%AI

Column Z represents the percent unemployed for the AI/AN population. The off-year estimates (1994, 1996, 1998, 2000 and 2002) were obtained by adding the off years (e.g. 1993 and 1995) and then dividing by two for the average percentage figure. (Bureau of Indian Affairs, *Indian Service Population and Labor Force Estimates*, various years).

Column AA: MdHHI-ai

Median household income for the AI/AN by state was only available for 2000. I used the observation for 2000 for all years in the requisite state. As a result, this variable varies in the cross-section, but does not vary over time.
http://factfinder.census.gov/serlet/QTTable?_bm=y&-context=qt&-rec=DEC_2000_SF

Column AB: MdHHI-gp

Median household income for the general population is available for all years except 1994. I averaged the observations for 1993 and 1995 and used the average as the 1994 observation.
<http://www.census.gov/cgi-bin/saippe.cgi>
<http://www.census.gov/cgi-bin/saippe/saippe.cgi2003>

Column AC: Ed-AI-HS

The percent of AI/AN with at least a high school education was also generated from U. S. Census data. The procedure for obtaining off-year estimates is the same as that for obtaining off-year poverty estimates.
http://factfinder.census.gov/servletDTTable?_bm=y&-context=dt&-ds_name=DEC_1990
http://factfinder.census.gov/servletDTTable?_bm=y&-context=dt&-reg=DEC_2000_SF4

ColumnAD: AI-Pop

Same as column C

Column AE: Ed-GP-HS

The percent of the general population with at least a high school education (or its equivalency) was obtained for 1990 and 2000. The total number of high school graduates was divided by the general population number to arrive at the exact number. The procedure for obtaining off-year estimates is the same as that for obtaining off-year poverty estimates.

http://factfinder.census.gov/servletDTTable?bm=y&-context=dt&-reg=DEC_2000_SF4.

http://factfinder.census.gov/servletDTTable?bm+y&-context=dt&-ds_name=DEC_1990

Column AF: perc AI HS

The percentages in this column were obtained by dividing the percent of AI population (Column C) in a state by the number of AI/AN population in a state (Column D).

Column AG: M-A-Rpt (Anonymous Reporting)

This measure of anonymous reporting distinguishes states that will from states that will not accept anonymous reports for child abuse and neglect, where 0 = no anonymous reporting; 1 = anonymous reporting. States without anonymous reporting are: California, Nebraska, Nevada, North Carolina, Utah, Washington, and Wyoming. States with anonymous reporting are: Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Kansas, and Wisconsin (U. S. Department of Health and Human Services 2003).

Column AH: Level of Evidence

All states have adopted standards of proof for substantiation of child abuse cases. Standards of proof include: *a preponderance of evidence, credible evidence, some credible evidence, reasonable cause, probable cause or reasonable basis.*

Moreover, some states use different terms for disposition categories such as: *confirmed, founded, substantiated, or unfounded* (Review of State CPS Policy 2003). Level of evidence is measured as a dummy variable with 0 = low standard, 1= high standard, where high standard requires preponderance, material evidence, or clear and convincing evidence and low standard requires the case to be credible, reasonable, or to present probable cause. States with a high standard are: Alaska, Colorado, Montana, North Carolina, Nebraska, and Wisconsin. States with a low standard are Arizona, California, Kansas, Minnesota, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming (U. S. Department of Health and Human Services 2003).

Column AI: State

Duplication of Column A – identifies the twenty relevant states used in this study.

Column AJ: Year

Duplication of Column B – identifies the years (1993 – 2003) used in this study.

Column AK: ai % ab*100

Column F: ai abperc or the percent of American Indian abuse multiplied by 100.

Column AL: 280 v Non

Congress in 1953 gave six states extensive criminal and civil jurisdiction over tribal lands within the affected states. These Public Law 280 states are: California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska. Measured as a dummy variable, the following represents the categorical standing:

0 = non-280 states

1 = 280 states

(See Melton A. and Gardner J. 2000).

Appendix – 2

Child Abuse Prevention and Treatment Act of 1974

Limitation.

“(2) The biweekly Government contribution for an employee or annuitant enrolled in a plan under this chapter shall not exceed 75 percent of the subscription charge.”

(b) Section 8906(c) of title 5, United States Code, is amended by striking out “subsections (a) and (b)” and inserting “subsection (b)” in lieu thereof.

(c) Section 8906(g) of title 5, United States Code, is amended by striking out “subsection (a) of”.

5 USC 8905
note.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

5 USC 8901.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to the benefits under such chapter 89.

SEC. 3. Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following subsection:

“(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract.”

Effective dates.
5 USC 8906
note.

SEC. 4. (a) The first section of this Act shall take effect on the first day of the first applicable pay period which begins on or after January 1, 1974.

5 USC 8905
note.

(b) Section 2 shall take effect on the one hundred and eightieth day following the date of enactment or on such earlier date as the United States Civil Service Commission may prescribe.

5 USC 8902
note.

(c) Section 3 shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

Effective date.
5 USC 8906
note.

(d) The determination of the average of subscription charges and the adjustment of the Government contributions for 1973, under section 8906 of title 5, United States Code, as amended by the first section of this Act, shall take effect on the first day of the first applicable pay period which begins on or after the thirtieth day following the date of enactment of this Act.

Approved January 31, 1974.

Public Law 93-247

AN ACT

January 31, 1974
[S. 1191]

To provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Child Abuse
Prevention and
Treatment Act.
42 USC 5101
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Child Abuse Prevention and Treatment Act”.

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

Establishment.
42 USC 5101.

(b) The Secretary, through the Center, shall—

(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

Annual research
summary.

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

Information
clearinghouse.

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect;

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof; and

(6) make a complete and full study and investigation of the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity.

Study.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

42 USC 5102.

DEMONSTRATION PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

Grants and
contracts.
42 USC 5103.

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant

fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

Not less than 50 per centum of the funds appropriated under this Act for any fiscal year shall be used only for carrying out the provisions of this subsection.

Grants to
States.

(b) (1) Of the sums appropriated under this Act for any fiscal year, not less than 5 per centum and not more than 20 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2). 42 USC 601.
620.

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

AUTHORIZATIONS

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act \$15,000,000 for the fiscal year ending June 30, 1974, \$20,000,000 for the fiscal year ending June 30, 1975, and \$25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year. 42 USC 5104.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse 42 USC 5105.

Membership.

Functions.

and neglect administered or assisted under this Act with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

Report to
President and
Congress.

(b) The Advisory Board shall prepare and submit, within eighteen months after the date of enactment of this Act, to the President and to the Congress a report on the programs assisted under this Act and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

(c) Of the funds appropriated under section 5, one-half of 1 per centum, or \$1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b).

COORDINATION

42 USC 5106.

SEC. 7. The Secretary shall promulgate regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination between programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

Approved January 31, 1974.

Public Law 93-248

AN ACT

February 5, 1974
[S. 1070]

To implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intervention on the High Seas Act".

SEC. 2. As used in this Act—

(1) "ship" means—

(A) any seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;

(3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Intervention on
the High Seas
Act.
33 USC 1471
note.
Definitions.
33 USC 1471.

33 USC 1472.

SEC. 3. Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil which

