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Handbook for Investigating
Abuse and Neglect in Out-of-Home
Child Care Settings



Cabinet for Human Resources
E. Austin, Jr., Secretary

Department for Social Services
Anna Grace Day, Commissioner

Division of Family Services
Nancy Rawlings, Director

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**Iris D. Johnson, Chairperson
Coordinator CA/N Grant Program
Division of Family Services
Department for Social Services**

**Tommy Fields, Captain
Commander of Research and Development Section
Kentucky State Police**

**Leo Hobbs
Director
Victims Advocacy Division
Attorney General's Office**

**Carol Jordan
Domestic Violence Specialist
Department for Mental Health/Mental Retardation Services**

**Mike Lawrence
Special Investigator
Inspector General's Office**

**Michele Thompson
Family Services Program Specialist
Division of Family Services
Department for Social Services**

**Bill Trigg
Supervisor
Complaints Review Section
Inspector General's Office**

**David Wachtel
Director of Special Investigations
Inspector General's Office**

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Travis Fritsch, Chairperson
Governor's Office

Lois Adams, Principal
Campbellsburg Elementary School
Henry County

Gary Bale, Legal Counsel
Department of Education

Richard Day, Principal
Meadowthorpe Elementary
Lexington

Ken Draut, Consultant
Division of Youth Services
Department of Education

Betsy Farley, Grants Coordinator
Department for Social Services
Cabinet for Human Resources

Paul Hamann, Principal
Jessamine County Middle School

Iris D. Johnson
Coordinator, CA/N Grant Program
CHR - DSS

Dr. David Keller
Executive Director
Kentucky School Board
Association

Steve Kirby
Legal Counsel
Kentucky School Board
Association

Dr. Don Martin,
Superintendent
Jessamine County Schools

Dr. Fred Simpson
Principal
Western Hills High School
Frankfort

Stanley Stratford
Assistant General Counsel
Office of Counsel - CHR

Michele Thompson
Family Services Program
Specialist
CHR - DSS

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**Betsy Farley
Grants Coordinator
Children and Youth Services**

**Paul Gibson
Assistant Director
Children's Residential Services**

**Ann Henry
Trainer/Coordinator
Family Services Training Branch**

**Lydia Roberts
Family Services Program Specialist
Division of Family Services**

**Jan Williams
Family Services Program Specialist
Division of Family Services
Department for Social Services**

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**Carmen Booth
Planner Principal**

PREFACE

Considerable time and effort have been devoted to intra-familial child abuse and neglect. Recent developments, however, have brought attention to child abuse and neglect in out-of-home child care settings. National attention has been focused on allegations of child abuse and neglect in day care centers, schools, residential centers, and other private and public child-care facilities. These cases have been difficult to investigate and have pointed to the need to have one set of guidelines for investigators from the many different agencies who are involved to follow. The lack of consistent guidelines for investigation can prolong the trauma of the child victim and may jeopardize other children in the child care settings.

More specifically, the problems associated with abuse and neglect in out-of-home child care settings are:

- The lack of understanding of the scope of the Kentucky Child Abuse and Neglect Reporting Law,
- The lack of clearly established policy and procedures for referral when abuse and neglect occurs in an out-of-home setting,
- The existence of ill-defined jurisdictions and responsibilities of investigative roles resulting in inconsistent procedures and indecisions,
- The inadequate exchange of information among agencies.

Given these difficulties, from 1985 to 1987, staff from the Cabinet for Human Resources, the Kentucky State Police, the Attorney General's Office, and the Department of Education recognized a need to develop a handbook for professionals who deal with victims of child abuse and neglect in out-of-home child care settings.

The goal of the handbook is to provide prosecutors, law enforcement personnel, licensing and regulating staff, school officials, and child protection workers a guide for the investigation of child abuse and neglect in out-of-home child care settings.

Objectives for the handbook are:

- to define the settings and the agencies which have investigative responsibility in each setting;

- to establish general procedures for referral and investigation of out-of-home care child abuse and neglect;
- to provide information regarding investigative skills to the responsible agencies' personnel (i.e., interviewing the child, any witnesses and the alleged perpetrator and determining the need for medical examinations)
- to increase interagency awareness of responsibilities and procedures used by each agency in the investigation of child abuse and neglect.

It is felt this handbook will be a useful guide for investigation of child abuse and neglect in out-of-home child care settings and will facilitate the provision of protective services to this vulnerable section of our population.

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DEFINITIONS

DEFINITIONS

Definitions serve a very important function; they provide a common base, make clear and distinct, and outline the extent or limit of the meaning of words. The following definitions are important foundations for the reader of this handbook and the professional who may be investigating child abuse/neglect in out-of-home care settings.

Out-of-Home Child Care - Facilities and centers such as: schools, day care centers, family day care homes, babysitters, group homes, residential child care facilities, correctional facilities, mental health hospitals, day treatment centers, facilities for the developmentally disabled and health care facilities who have been hired by parents or the state to care for children.

Child - any person who has not reached his eighteenth birthday.

Children's Residential Services Facility - Any facility operated under the authority of the Department for Social Services, Division of Children's Residential Services. Such services includes residential, clinical, group home, and day treatment programs.

Day Treatment Services - Community-based programs providing educational and counseling services to males and females, ages 12 to 18 on a daytime basis. These youth continue to reside in their natural home or community alternative such as, Foster Care or Group Home Care. Day treatment programs are used as a diversion from more restrictive forms of treatment or as a transition back to the community.

Group Home Services - 24 hour community-based program providing group, individual and family counseling to up to eight youth in a home or homelike setting. Education and specialized services are accessed in the local community. Group Homes accept males and females in individual programs from 12 to 18 years of age.

Residential Services - Institutional care for males and females in individual programs who have been committed as public offenders under KRS 635 or sentenced as a youthful offender under KRS 640. Youth from ages 13 through 18 receive group, individual and family counseling as well as remedial and vocational education and living skills development.

Clinical Services - Programs designed to meet the special needs of emotionally disturbed and behaviorally disordered youth ages four to eighteen. Intensive therapy on a group, individual and family basis is offered as well as specific site services such as re-education services for

younger children and treatment for dual-diagnosed youth (i.e., delinquent, emotionally disturbed).

Private Child Caring Facilities:

Any private incorporated facility licensed by the Commonwealth of Kentucky (under KRS 199.640) to provide 24 hour child caring services.

Babysitter - Unlicensed care provided for one to three children outside of the child's own home.

Day Care:

- (1) Care of a child away from his own home and is designed to supplement, but not substitute for, the parents' responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include child care facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction. Day care includes:
 - (a) "Type I day care facility" means (i) any facility other than a dwelling unit which regularly receives four (4) or more children for day care; (ii) any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.
 - (b) "Type II day care facility" means any home or dwelling unit which regularly provides care apart from parents for four (4), but not more than twelve (12) children. The director's own pre-school children shall be included in the number for which the home is licensed.

Before social service workers, therapists, parents, police, teachers or others are able to accurately assess the impact of the abuse and neglect on a child, there must be a clear understanding of what "abuse" and "neglect" mean. Gathering very specific data for every case is important, but that information must be based on a standardized conceptualization of physical abuse, sexual abuse, emotional abuse, and neglect. The following definitions will serve as useful guides.

PHYSICAL ABUSE

The nonaccidental injury of a child under 18 years of age which is the result of acts of commission by a parent, guardian, or other designated (temporary or permanent) caretaker. Physical abuse can include a wide range of behavior:

push/ shove	slap/ hit	harmful restraint/ choke	use of weapons	death
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SEXUAL ABUSE

Contacts or interaction involving the use of children for sexual stimulation. The definition remains broad to include molestation and rape of a child by an adult or juvenile, as well as acts such as exhibitionism and child pornography. Sexual abuse can include a wide range of behavior:

genital exposure	fondling	masturbation of child victim	fellatio/ cunnilingus	penetration of vagina or anus
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EMOTIONAL INJURY

Any injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantiated and observable impairment in his ability to function within a normal range of performance and behavior with due regard to his age, development, culture and environment. (KRS 600.020)

withdrawal of love	ignore	name- calling	ridicule	threats
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NEGLECT

The omission, failure, or lack of prudent care for a child's well-being through lack of adequate supervision, food, clothing, shelter, education or medical care.

lack of proper supervision	failure to see child attends school	denial of necessities of life e.g., food, water, clothing	denial of medical treatment	abandonment, malnutrition, failure to thrive
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SCOPE AND DYNAMICS

SCOPE AND DYNAMICS

This section is divided into five parts. The first includes a discussion of the scope of the problem followed by factors that impact on the victimized child. The third and fourth parts present the characteristics of physically abusive individuals and sexually abusive perpetrators. The final portion provides an overview of possible behavioral and physical indicators which might be present in a child who has been neglected or abused.

SCOPE OF THE PROBLEM

The extensive nature of the victimization of children in our society is in part a reflection of its ability to touch any child, in any setting, and in a multitude of ways. Children of all ages, and from all socioeconomic backgrounds are experiencing physical, sexual, and emotional abuse, both within the family setting and without. As a society, we are becoming more aware of the problem of child abuse. In 1976, Lou Harris conducted a poll which showed only 10% of Americans considered abuse of children a serious national problem. A similar poll conducted more recently, however, revealed over 90% of Americans now voicing a concern about the seriousness of the abuse of children in the United States (Gelles, 1978). This increased awareness has carried with it a concurrent willingness to report known or suspected cases of abuse. In 1976, the American Humane Association found that 413,000 cases of child abuse had been reported to state and local agencies (the American Humane Association, 1976). Subsequent years have seen that number increase significantly, with the number of actual cases reaching estimates of 1.5 to 2.0 million in 1985 (Gelles & Straus, 1985).

Rates of child abuse in Kentucky have seen the same types of significant increases. In 1980, 15,668 cases of abuse and neglect were reported, while figures for 1986 have climbed to 39,486, a 152% increase.

These collective figures of abuse and neglect represent cases which occur within the context of the family (intrafamilial) as well as abuse perpetrated by non-family members. Of the 32,713 cases reported during FY'84 in Kentucky, for example, over 700 were cases of extra-familial abuse (a number which has increased by 183 cases from 1983-1984).

THE IMPACT OF VICTIMIZATION

While the incidence of extra-familial abuse tends to be significantly less than that of abuse perpetrated by family members, the impact on the victimized child can be comparable in seriousness. Several factors influence the effect an incident of abuse in out-of-home care will have on a child. They are:

- the age and developmental level of the child, and the child's ability to understand the significance of the act. Generally, with sexual abuse, the impact increases with age and developmental level as older children are better able to understand the inappropriateness of the sexual act. Older children are also more likely to understand and interpret the negative reactions of family members and others to the abuse, and as a result, feelings of guilt and shame for children also increase with age.
- the degree of physical harm caused by the abuse, and the use of weapons.
- how the act is perceived by the child. Most children experience abuse as painful, confusing, or frightening, and are likely to be traumatized by the event, resulting in physical symptoms of distress, sleep and eating disturbances, or school phobias. In some cases, children experience the abusive relationship in a partially or predominately positive way because there is an increase in attention paid them by the perpetrator. Particularly where children have no family, or where relationships with families are nonrewarding, the positive attention of the perpetrator may have such value as to cause them to endure the abuse.
- how long the abuse continues before being discovered. Abuse which occurs over a long period of time may increase feelings of helplessness and hopelessness in children, and as such will have a more negative impact.
- whether the abuse is accompanied by threats of continued or more serious harm if the child tells of its occurrence. Children who experience threats of harm for disclosure are likely to be more severely impacted by the abuse than children who are not threatened.
- the nature of the non-abusive part of the relationship between the child and the perpetrator. Generally, children are more traumatized by abuse when it occurs in the context of a trusting relationship, for example, when the perpetrator is a babysitter, scout leader, minister, or residential facility staff member versus: when abuse is committed by a stranger. This is in part a result of

the violation of trust established between the victim and perpetrator which accompanies abuse. The child may also experience feelings of grief or loss upon separation from a perpetrator with whom a significant relationship existed.

- the response of the child's family or significant others to the abuse when it is discovered. The trauma experienced by a child as a result of abuse can be significantly reduced if families or significant others believe the child when the disclosure of abuse is made. Support given a child can serve to reduce feelings of fear, confusion, and self-blame.

CHARACTERISTICS OF PHYSICALLY ABUSIVE/NEGLECTFUL INDIVIDUALS

Individuals who are physically abusive or neglectful toward children cannot be distinguished from individuals who are not, at least with regard to demographic characteristics. They do not come more frequently from one socioeconomic background than another, nor do they differ from the general population with regard to level of education, race, religion, or intelligence. While there is not one personality type or person who can be identified as abusive, there are several characteristics which often describe abusive individuals. These may include:

1. Disorganized and Disordered
2. Impulsive
3. Low Self-Esteem
4. Competitive with children
5. Unrealistic and have impaired judgment
6. Immature
7. Socially Isolated
8. Action rather than word oriented
9. Ignorant of child development, resulting in unrealistic expectations for the behavior of children
10. Control the child's behavior exclusively through punishment
11. Have few skills to gain satisfaction from interactions with children, often not knowing how to have fun with children
12. Possessive of children
13. Demand immediate gratification
14. Are found in all socio-economic classes, educational levels, religions, and races
15. Involves both men and women
16. Often lack skills to tolerate stress

Stress plays an important role in the occurrence of violence against or neglect of children, as those behaviors often occur as the result of a lack of more appropriate skills to cope with the emotion.

Consequently, characteristics of agencies or facilities which care for children also become relevant with regard to the degree of stress their environment produces. Characteristics or circumstances which may increase stress include overcrowded conditions, cases of staffs or caretakers feeling overworked/overwhelmed, or work with children or youth who are difficult, resistant, or aggressive.

CHARACTERISTICS OF PERPETRATORS OF CHILD SEXUAL ABUSE

Nicholas Groth has done extensive work to distinguish types of child sexual abuse perpetrators and their identifying characteristics. The following list was adapted from his work.

I. MOLESTATION

1. Approach is one of seduction or persuasion, offender gains access to victim through deception, enticement, and/or manipulation.
2. Passivity and dependency are major psychological dynamics.
3. Offender displays a positive emotional investment in child; child is seen as "safe" and "caring".
4. Offender typically seeks an on-going (sexual) relationship with child; involved with child over extended period of time.
5. Victim is a prop in offender's fantasy onto whom offender's needs are projected.
6. Offender's sexual behavior sometimes confined to non-genital acts and/or gradually progresses to increasingly overt and intimate sexual acts.
7. Offender typically wants victim to enjoy the sexual activity; experiences sexual activity as acceptance or expression of affection.
8. Sexual misuse of the child.

A. FIXATED

1. Primary sexual orientation is to children; sexual attraction to children recognized by offender as a permanent state; interest experienced as due to internal, psychological influences.

2. Pedophilic interests begin at adolescence.
3. No precipitating stress/no subjective distress.
4. Persistent interest and compulsive behavior.
5. Premeditated, pre-planned offenses.
6. Identification: offender identifies closely with the victim and equalizes his behavior to the level of the child and/or may adopt a pseudo-parental role to the victim.
7. Male (same sex) victims are primary targets.
8. Little or no sexual contact initiated with agemates; offender is usually single or in a marriage of convenience.
9. Emphasis in sexual interaction usually focused on sexually stimulating the child and eliciting a positive erotic response from him/her.
10. Usually no history of alcohol or drug abuse and offense is not usually alcohol related.
11. Characterological immaturity; poor sociosexual relationships.
12. Offense: maladaptive resolution of life development (maturation) issues.

B. REGRESSED

1. Primary sexual orientation is to agemates; sexual attraction to children regarded by offender as a temporary lapse of control/judgment due to external, situational influences.
2. Pedophilic interests more likely to emerge in adulthood.
3. Precipitating stress usually evident.
4. Involvements may be more episodic and may wax and wane with stress.
5. Initial offense may be impulsive and not premeditated.
6. Substitution: offender replaces conflictual adult relationship with involvement with a child: victim is advanced to a pseudo-adult role and, in incest situations, the offender abandons his parental role.

7. Female (opposite sex) victims are primary targets.
8. Sexual contact with a child coexists with sexual contact with agetates; offender is usually married or in common-law relationship.
9. Emphasis in sexual interaction usually focused on offender's arousal, stimulation, and sexual release; child is cast into adult sexual role.
10. Offense is often alcohol related.
11. More traditional lifestyle, but under-developed peer relationships.
12. Offense: maladaptive attempt to cope with specific life stresses.

II. RAPE

1. Approach is one of attack or assault; offender gains access to victim through implied or expressed threat to the physical safety of the victim: verbal threat, intimidation with a weapon, and/or physical force - offender may use a position of authority to intimidate the child.
2. Aggression in the form of power and hostility are major psychological dynamics.
3. Child is object of hostility or domination on part of offender; child is seen as "weak" and "helpless".
4. More typically a one-time offense with a series of different victims; less likely to be on-going victimization of the same child unless the perpetrator occupies a role of authority in the life of the victim (e.g., intra-family assault).
5. Victim is depersonalized by offender, or cast into a negative symbolic role.
6. Offender immediately subjects child to sexual penetration and/or forces child to perform overt sexual acts or rituals.
7. Usually no interest on offender's part in having victim enjoy the sex acts; self-gratification is primary concern.
8. Sexual abuse of the child.

A. ANGER

1. Aggression: more physical force used than is required to overpower victim; victim is battered and suffers physical trauma to all areas of body.
2. Assault is more impulsive, spontaneous, and unplanned.
3. Offender's mood is one of anger and depression; a child is usually at greater risk of this type of rape in the context of his/her own family (i.e., parent-child assault).
4. Offenses are episodic.
5. Language is abusive: cursing, swearing, obscenities, degrading remarks, etc.
6. Assault is of relatively short duration.
7. No weapon, or if one is employed it is a weapon of opportunity used to hurt not to threaten victim.
8. Victim selection determined by availability; adult victim usually of the same age as offender or older; child victims sexually abused in context of battering.
9. Dynamics: retaliatory aggression; retribution for perceived wrongs, injustices, or "put-downs" experienced by offender; child victim is targeted as a way of "getting even" with an adult to whom the child is related, or as a way of "teaching a lesson to" (punishing) the child.
10. Prior criminal record: crimes of aggression (reckless driving; assault and battery, breach of the peace, etc.).

B. POWER

1. Aggression: offender uses whatever threat or force is necessary to gain control of victim and overcome resistance; victim may be physically unharmed; physical injury would be inadvertent rather than intentional.
2. Assault is premeditated and preceded by persistent rape fantasies.
3. Offender's mood state is one of anxiety.

4. Offenses are repetitive and may show an increase in aggression over time.
5. Language is instructional and inquisitive: giving orders, asking personal questions, inquiring as to victim's response, etc.
6. Assault may extend over a short period of time with victim held captive.
7. Weapon frequently employed and brought to crime scene for purpose of threat or intimidation more than injury.
8. Victim selection determined by vulnerability; trend towards persons of the same age as offender or younger; child victim easily intimidated by adult authority.
9. Dynamics: compensatory aggression to feel powerful and deny deepseated feelings of insecurity and inadequacy, to "show who is in control".
10. Prior criminal record: crimes of exploitation (theft, breaking and entering, robbery, etc.) and/or prior sex offenses ("nuisance" offenses and/or sex assaults).

C. SADISTIC

1. Aggression: physical force is eroticized; if power is eroticized, victim is subjected to ritualistic acts (bondage, spanking, enemas, etc.); if anger is eroticized, victim is subjected to torture and sexual abuse.
2. Assault is calculated and preplanned.
3. Offender's mood state is one of intense excitement and dissociation.
4. Offenses are compulsive, structured, and ritualistic, often involving kidnapping.
5. Language is commanding and degrading, alternately reassuring and threatening.
6. Assault may be for an extended duration in which victim is abducted, held hostage, assaulted, and released/disposed of.
7. Weapon generally employed to capture victim together with instruments for restraining and/or torture.

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6. Assault may be for an extended duration in which victim is abducted, held hostage, assaulted, and released/disposed of.
7. Weapon generally employed to capture victim together with instruments for restraining and/or torture.

8. Victim selection determined by specific characteristics or symbolic representation; usually complete strangers; trend toward same-sex child victim.
9. Dynamics: eroticized aggression; symbolic control, elimination, or destruction of threat or temptation in order to regain psychological equilibrium and achieve a sense of integration and wholeness.
10. Prior criminal record: none or a bizarre ritualistic or violent offense.

*Adapted from Nicholas Groth, 1979.

**PHYSICAL AND BEHAVIORAL INDICATORS
OF CHILD ABUSE AND NEGLECT**

Prior to investigating any case of suspected child abuse or neglect, it is important to be familiar with behavioral and physical indicators. The following list is not intended to be all inclusive, nor does the presence of a single or even several indicators prove maltreatment; however, the presence of several indicators in combination should alert one to the possibility of abuse or neglect.

TYPE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
<u>PHYSICAL ABUSE*</u>	<p>Unexplained Bruises and Welts:</p> <ul style="list-style-type: none"> -on face, lips, mouth -on torso, back, buttocks, thighs -in various stages of healing -clustered, forming regular patterns -reflecting shape of article used to inflict (electric cord, belt buckle) -on several different surface areas -regularly appear after absence, weekend or vacation <p>Unexplained Burns:</p> <ul style="list-style-type: none"> -cigar, cigarette burns, especially on soles, palms, back or buttocks -immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) -patterned like electric burner, iron, etc. -rope burns on arms, legs, neck or torso -infected burns, indicating delay in seeking treatment <p>Unexplained Fractures/Dislocations:</p> <ul style="list-style-type: none"> -to skull, nose, facial structure -in various stages of spiral fractures <p>Unexplained Lacerations or Abrasions:</p> <ul style="list-style-type: none"> -to mouth, lips, gums, eyes -to external genitalia -in various stages of healing <p>Bald Patches on the Scalp</p>	<p>Feels Deserving of Punishment</p> <p>Wary of Adult Contacts, Lack of Trust</p> <p>Apprehensive When Other Children Cry</p> <p>Behavioral Extremes:</p> <ul style="list-style-type: none"> -aggressiveness, or acting out -withdrawal, or passivity <p>Frightened of Parents, runs away</p> <p>Afraid to Go Home</p> <p>Reports Injury by Parents</p> <p>Vacant or Frozen Stare</p> <p>Will Not Cry When Approached by Examiner</p> <p>Responds to Questions in Monosyllables</p> <p>Inappropriate or Precocious Maturity</p> <p>Manipulative Behavior to Get Attention</p> <p>Capable of Only Superficial Relationships</p> <p>Indiscriminately Seeks Affection</p> <p>Delinquency, Alcohol, Drug Use</p>
<u>PHYSICAL NEGLECT</u>	<p>Underweight, Poor Growth Pattern, Failure to Thrive</p> <p>Consistent Hunger, Poor Hygiene,</p>	<p>Delayed Speech</p> <p>Begging, Stealing Food</p> <p>Extended Stays at School</p>

*Physical injuries to children which are the result of abuse often occur in patterns. They may regularly reappear in the same place on the child's body, such that there are consistently injuries in various stages of healing. These targeted body parts may not be places where children typically injure themselves, such as on knees and elbows. Injuries may appear in certain shapes if they are inflicted by objects such as belt buckles, electric cords, ropes, and others. Infection and scarring are often the result if the perpetrator of the abuse is neglectful about the child's welfare, or wary about outside intervention.

	<p>Inappropriate Dress Consistent Lack of Supervision, Especially in Dangerous Activities over Long Periods Wasting of Subcutaneous Tissue Unattended Physical Problems or Medical Needs Abandonment Abdominal Distention Bald Patches on the Scalp</p>	<p>(Early Arrival and Late Departure) Bare Attendance at School Learning Disorder Constant Fatigue, Listlessness or Falling Asleep in Class Depression Inappropriate Seeking of Affection Assuming Adult Responsi- bilities and Concerns Alcohol and Drug Abuse Delinquency (e.g. thefts) States There is No Caretaker</p>
<u>SEXUAL ABUSE</u>	<p>Difficulty in Walking or Sitting Torn, Stained or Bloody Under- clothing Pain, Swelling or Itching of Genitalia Bruises, Bleeding or Lacerations in External Genitalia, Vaginal, or Anal Areas Vaginal/Penile Discharge Venereal Disease, Especially in Pre-teens Poor Sphincter Tone Pregnancy</p>	<p>Lack of Trust Clinical Depression, Suicidal Feelings, Sleep Disorders Withdrawal, Fantasy or Infantile Behavior Bizarre, Sophisticated, or Unusual Sexual Behavior or Knowledge Poor Peer Relationships Delinquent or Run Away Reports Sexual Assault or Hints of Sexual Activity Change in Performance in Poor school performance</p>
<u>EMOTIONAL MALTREATMENT</u>	<p>Speech Disorders Lags in Physical Development Failure-to-Thrive Hyperactive/Disruptive Behavior Developmental delays Stress Disorders</p>	<p>Habit Disorders (sucking, biting, rocking, etc.) Conduct/Learning Disorders (antisocial, destructive) Neurotic Traits (sleep disorders, inhibition of play, unusual fearfulness), withdrawn Psychoneurotic Reactions (hysteria, obsession, depression compulsion, phobias, hypochondria) Behavior Extremes: -compliance, passive -aggressive, demanding Overly Adaptive Behavior -inappropriately adult -inappropriately infantile Developmental Lags (mental, emotional) Attempted Suicide</p>

Adapted from "The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect," U.S. Department of Health and Human Services, DHHS Publication No. (OHDS) 84-30172. Reprinted September 1984.

LEGAL BASIS

LEGAL BASIS

This section is divided into four parts. The first section describes, in general, Kentucky's child abuse and neglect reporting law and delegated responsibilities. The second section describes the specific legal basis for investigation of out-of-home abuse or neglect. The third section states the Cabinet for Human Resources' policies regarding this topic. The fourth section is a partial listing of applicable criminal statutes.

CHILD ABUSE/NEGLECT REPORTING LAW

Kentucky Revised Statutes 620.010 through 620.050 address the problem of child abuse and neglect and the reporting of these offenses to the proper authority. Definitions of abuse and neglect are detailed in KRS 600.020. Also contained in KRS 620 is a detailed description of the responsibilities of the Cabinet for Human Resources (hereafter referred to as the Cabinet or CHR) in the investigation of suspected cases of abuse and neglect. The Cabinet's area of investigative responsibility is clearly detailed in this chapter. (See Appendix B for pertinent Kentucky Revised Statutes.)

Basically, the Cabinet is charged with investigative responsibility in a variety of settings, not simply limited to abuse by a parent or guardian. In fact, the Cabinet's investigative responsibility includes abuse by a parent, guardian or other person who has the permanent or similar custodial control or responsibility for the supervision of the child [KRS 600.020]. This means that the Cabinet must investigate alleged cases of abuse or neglect even when the abuser is a non-family member occupying a custodial position. The primary factor determining investigative responsibility is the role the alleged perpetrator plays in the child victim's life.

A person exercising similar custodial control or supervision means a person who has assumed the role and responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child [KRS 020(26)]. This person can be in any of the following settings; school, home, day care, camp, youth serving agency, or other implied or contractual temporary supervision arrangements. This list of settings is not meant to be all inclusive.

KRS 620-010 - 620-050 deals with, in addition to investigative responsibility, the responsibility of reporting child abuse and neglect to the proper authority. While the reporting law mandates compliance by all citizens, it provides protection to those individuals who initiate a report. The statute specifically identifies the reporting responsibilities of a number of professionals who work with children, and additionally states that "any other person" who has reasonable cause to believe a child is abused or neglected must report. The only exemptions are the privileged communications between attorneys and clients and clergy and penitent. The usual husband and wife privileged communications does not apply to the reporting of child abuse or neglect. Individuals who report suspected abuse or neglect based on reasonable cause (a sincere belief) are protected from any liability, civil or criminal, under the provision of KRS 620.050. This simply means that the reporter cannot be sued for slander, defamation of character, etc.

The reporting law is clearly an effort to identify children and families who may be in need of protection services. It is primarily through this reporting mechanism that the proper authorities can initiate an investigation and provide for the protection of the child from further abuse or neglect.

Confidentiality

According to KRS 620.050 subsection (4), "All information obtained by the departmental staff or its delegated representative, as a result of investigation made pursuant to this section shall not be divulged to anyone except: (a) persons suspected of causing dependency, neglect or abuse, provided that in such cases names of informants shall be withheld, unless ordered by the court; (b) the custodial parent or legal guardian of the child alleged to be dependent, neglected or abused; (c) persons within the Cabinet with a legitimate interest or responsibility related to the case; (d) other medical, psychological, educational or social services agencies, corrections personnel or law enforcement agencies, including the county attorney's office, that have a legitimate interest in the case; (e) a non-custodial parent when the dependency, neglect or abuse is substantiated; or (f) those persons so authorized by court order."

Law enforcement agencies keep open and closed cases under lock and key. Only those authorized professional and parents/legal guardians can see this information.

LEGAL BASIS

Cases of extrafamilial abuse and neglect present difficult problems for law enforcement and social service agencies. The problems are related to the dual responsibility involved in these cases; protection of the child and criminal prosecution of the perpetrator. The sharing of the responsibility may be the most critical aspect of successful prosecution of the extrafamilial abuse case. Familial abuse cases often do not include criminal prosecution and are handled in the Juvenile Division of the District Court, and thus, do not pose some of the same problems.

The Cabinet for Human Resources is charged with the responsibility of investigating cases of child abuse, neglect and dependency in a variety of settings. In fact the only type of maltreatment involving children that the Cabinet does not have investigative responsibility are those involving strangers or others who do not occupy a caretaking or custodial role in the child's life.

In cases of extrafamilial abuse, (as in cases of intrafamilial abuse) law enforcement may have a significant investigative responsibility and role, because these cases usually involve a criminal offense. The statute indicates the dual responsibility of law enforcement and social services in these cases. The role that each professional plays in the investigation is significantly different. The primary responsibility of the Cabinet in these out-of-home abuse cases where the alleged perpetrator is not a parent, guardian, or caretaker is to investigate the referral, ensure the safety of the child and protect the child from further victimization. Law enforcement's primary role in these cases is the investigation of the alleged offense for purposes of criminal prosecution.

The building of a successful case does require a cooperative effort between law enforcement and the Cabinet. Both professionals bring to the case significant experience and expertise relating to their respective fields. There are a great

number of offense categories that may be involved in any extrafamilial case. Law enforcement has experience in determining the appropriate charges that should be placed against an alleged offender. Their experience and knowledge of the elements necessary to make an offense proves invaluable in placing appropriate charges. Although law enforcement has the lead role in determining the charges to be placed, the Cabinet representative can play a facilitative role in the criminal prosecution. The Cabinet representatives' expertise in successful interviewing techniques of children will be invaluable to the case. Therefore teamwork in these cases is vital.

The following are the Cabinet's policies regarding the investigation of out-of-home child abuse and neglect.

POLICY AND PROCEDURES

Reports of Abuse/Neglect in a Licensed Child Care Facility

Should a report be received alleging child abuse or neglect of a child in a licensed child care facility (private child care or a day care center) the Office of Inspector General, Division for Licensing and Regulation, must be notified by the Family Services Worker. This should be done by telephone and followed up in writing. The notification of Licensing and Regulation should be documented in the case. The Department and the Division for Licensing and Regulation share joint responsibility for investigating these reports. Whenever possible, the investigation should be coordinated and conducted jointly; however, this may not always be possible because of Departmental time frames. If the investigation cannot be coordinated with Licensing and Regulation within the designated time frames, the Family Services Worker should proceed with the investigation.

Reports of Child Abuse/Neglect in a Cabinet for Human Resources Facility

Any report of abuse, neglect or exploitation which is alleged to have occurred in a Cabinet for Human Resources operated treatment facility is to be investigated by the Office of Inspector General (Toll free number 1-800-221-3983).

Any staff person of the Department who receives such a report shall immediately telephone the report to the Office of Inspector General at (502) 564-2800. The phone call is to be followed by completing the DSS-115, Report of Suspected Child Abuse or Neglect, however usual distribution is not to be followed. The original is mailed to the Office of Inspector General, 275 East Main Street, Fourth Floor, Frankfort, Kentucky 40621. The staff person making the original report is also responsible for completing and mailing DSS-115A, Notice to Law Enforcement, when the report alleges either physical or sexual abuse. The DSS-115A is to be mailed to the law enforcement agency, county or commonwealth attorney in the county where the incident is alleged to have occurred. Department staff will take no further action in the conduct of the investigation unless specifically asked to do so by the Office of Inspector General. (See Appendix A for a copy of the DSS-115 and the DSS-115A.)

Report of Abuse/Neglect of Children in Custodial Care

Abuse or neglect reports of children in custodial care (or in a private school or jail) will be handled by Department for Social Services staff as any other investigation.

Medical Neglect or Disabled Infants

All federally funded hospitals and health care facilities in the state have been given the Department's toll-free, child abuse "Hotline" number in order that medical personnel and other persons can notify the Department of suspected or known instances of the withholding of medically indicated treatment of disabled infants with life threatening conditions in hospitals and health care facilities. When a report of suspected medical neglect of a handicapped infant in a hospital or health care facility is received on the "Hotline", staff who monitor the "Hotline" will immediately notify a child protective services specialist in Central Office at (502) 564-2136, if the report is received during working hours. If the report is received outside working hours, one of the Central Office staff will be immediately notified at their home.

Child and Adult Abuse/Neglect Hotline Number 1-800-752-6200

If local staff inadvertently receive a report of the withholding of medically indicated treatment of disabled infants with life threatening conditions in hospitals or health care facilities, they will not investigate it, but will instead notify Central Office staff immediately.

Upon receipt of a report of suspected medical neglect of a handicapped infant in a hospital (from the hotline or local staff), the designated Central Office staff will immediately notify one of the Department's medical consultants. The medical consultant will immediately investigate the report.

Designated Central Office staff may request the assistance of local field social worker in keeping families of medically disabled children apprised of the progress of investigations, and in referring them to agencies providing services to handicapped children and their families.

Reports of suspected medical neglect of children not residing in hospitals or health care facilities will be investigated by local staff pursuant to established procedures.

RECOMMENDED GUIDELINES FOR INVESTIGATING SCHOOL PERSONNEL IN ABUSE AND NEGLECT CASES

- A. The Department for Social Services only has responsibility for investigating child abuse and neglect allegations regarding school personnel who at the time of the alleged incident, had custodial control or responsibility for the supervision of the child. If the alleged abuse/neglect occurred when school personnel did not have permanent or temporary care, custody or responsibility for the child's supervision, law enforcement should be notified and a Department for Social Services investigation is not conducted.
- B. When allegations of child abuse/neglect have been made about a school employee, with the incident occurring during school time and/or other school related activities, the following steps should be taken:

1. Complete necessary referral forms (DSS-115 [See Appendix A]), notify law enforcement, if appropriate. NOTE: Completion of the DSS-115 should not delay a timely response to the referral, however, the DSS-115 should be completed and the DSS-115A should be forwarded to law enforcement within 24 hours of receiving the report.
 2. Interview child victims and natural parents or legal guardians. This should be conducted away from school grounds, if possible.
 3. Interview alleged perpetrator -- this should be conducted away from school grounds, if possible. If, at this point, the case is unsubstantiated, no other action is taken.
 4. If a determination at this point is shows "some indication" of abuse or neglect or is substantiated, the appropriate supervisor of the alleged perpetrator should be notified that a child abuse and neglect investigation has been initiated and informed of the nature of the allegations., For example, if the school employee is assigned to an individual school building, the school principal of that school should be notified. If the alleged perpetrator is a school employee who is not assigned to the school building (bus driver, maintenance personnel, etc.) or is the principal, the school superintendent or appropriate supervisor should be notified. If the alleged perpetrator is the superintendent, the Board of Education for the county should be notified.
 5. Continue investigation as appropriate. The status of the investigation can be made available, to the supervisor of the alleged perpetrator, upon request.
 6. Once the investigation is completed, the supervisor of the alleged perpetrator should be notified of the results; whether the report was substantiated, unsubstantiated or showed some indication of abuse or neglect.
- C. In cases where the child abuse or neglect allegations were made to the Department for Social Services, the alleged perpetrator is a school system employee and the alleged incident occurred during a school related or sanctioned activity; however the child abuse and neglect did not occur on school grounds, the following steps should be taken:
1. Complete necessary referral forms (DSS-115), notify law enforcement, if appropriate. NOTE: Completion of the DSS-115 should not delay a timely response to the referral, however, the DSS-115 should be completed and the DSS-115A should be forwarded to law enforcement within 24 hours of receiving the report.
 2. Interview child victims and natural parent or legal guardians -- this should be conducted away from school grounds, if possible. If, at this point, the case is unsubstantiated, no other action is taken.

If there is reasonable basis for belief that the alleged actions pose a risk, or a risk of harm to children under his/her (alleged perpetrator's) care in the school system, the supervisor of this employee should be notified of the initiation of the investigation and the nature of the allegations. The supervisor should be notified at the end of

the investigation as to whether the investigation was substantiated or unsubstantiated.

If sufficient evidence exists to support allegations of abuse by school personnel, the school district can move to terminate the contract of either the certified or classified employee. If the employee is certified, the appropriate procedures for termination are found in KRS 161.790. Those procedures also provide for suspension prior to the termination hearing. Tenured employees may only be terminated by following the procedures found in KRS 161.790. Certified employees, who are limited contract employees, may be terminated under KRS 161.790 or not renewed under KRS 161.750. Classified employees may be terminated during the school year by providing required due process procedures. Consultation with local legal counsel is highly recommended before any action is taken. (See Appendix B for statutes.)

THE FOLLOWING KRS CHAPTERS MAY APPLY TO EXTRAFAMILIAL ABUSE CASES. (These statutes are included in their entirety in Appendix B.

SECTION	OFFENSE NAME
<u>Assault and related offenses</u>	
508.010	Assault in the first degree
508.020	Assault in the second degree
508.025	Assault in the third degree
508.030	Assault in the fourth degree
508.040	Assault under extreme emotional disturbance
508.050	Menacing
508.060	Wanton endangerment in the first degree
508.070	Wanton endangerment in the second degree
508.080	Terroristic Threatening
508.100	Criminal abuse in the first degree
508.110	Criminal abuse in the second degree
508.120	Criminal abuse in the third degree
<u>Kidnapping and Related Offenses</u>	
509.020	Unlawful imprisonment in the first degree
509.030	Unlawful imprisonment in the second degree
509.040	Kidnapping
509.070	Custodial Interference

Sexual Offenses

510.020	Lack of Consent
510.040	Rape in the first degree
510.050	Rape in the second degree
510.060	Rape in the third degree
510.070	Sodomy in the first degree
510.080	Sodomy in the second degree
510.090	Sodomy in the third degree
510.100	Sodomy in the fourth degree
510.110	Sexual abuse in the first degree
510.120	Sexual abuse in the second degree
510.130	Sexual abuse in the third degree
510.140	Sexual misconduct
510.150	Indecent exposure

Prostitution Offenses

529.020	Prostitution
529.030	Promoting prostitution in the first degree
529.040	Promoting prostitution in the second degree
529.050	Promoting prostitution in the third degree
529.070	Permitting prostitution

Family Offenses

530.060	Endangering welfare of minor
530.065	Unlawful transactions with a minor-first degree
530.070	Unlawful transaction with a minor-second degree
530.080	Endangering the welfare of incompetent person

Pornography -- Sexual Exploitation of Minors

- 531.030 Distribution of obscene matter to minors
- 531.040 Using minors to distribute obscene material
- 531.310 Use of a minor in a sexual performance
- 531.320 Promoting a sexual performance by a minor
- 531.340 Distribution of matter portraying a sexual performance by a minor
- 531.350 Promoting sale of material portraying a sexual performance by a minor
- 531.360 Advertising material portraying a sexual performance by a minor
- 531.370 Using minors to distribute material portraying a sexual performance by a minor

Classification and Designation of Offenses

- 532.010 Classification of offenses
- 532.020 Designation of offenses
- 532.045 Persons prohibited from probation, parole, or conditional discharge
- 532.060 Sentence of imprisonment for felony
- 532.090 Sentence of imprisonment for misdemeanor
- 532.110 Concurrent and consecutive terms of imprisonment

INITIAL INVESTIGATIVE RESPONSIBILITIES

INITIAL INVESTIGATIVE RESPONSIBILITY

In this section, the issue of who has responsibility for initially investigating child abuse/neglect incidents is examined. As will be seen, there will be four tables presented to clarify any questions. The issue of who has initial responsibility for investigation is not as simple as one may think. There are three variables, who is the abuser, who is the victim and the location of the offense. Each of these variables has multiple elements. It is hoped that this information will be comprehensive and assist the reader in expediting the timely investigation of any child abuse/neglect incident.

The reader will note that the column marked "Victim" includes children and youth in the custody of the Cabinet for Human Resources (CHR/C) as well as those who are not in the custody of the Cabinet (N-CHR/C). The issue of whether the victim is in the care of CHR or not is irrelevant in determining who has initial investigation responsibility.

Definition of Terms: The following terms will help the reader interpret the tables.

1. Perpetrators:

- a) Family member - family member of the victim
- b) Non-family member - stranger, friend
- c) CHR staff/resident - staff member or resident of a CHR facility
- d) Non-CHR staff/resident - staff member or resident of a non-CHR facility (private day care, foster home, school, etc.)

2. Victims:

- a) CHR/C - In the custody of CHR, and
- b) N-CHR/C - Not in the custody of CHR

3. Locations:

- a) CHR/F - A CHR facility (either fully or under contract)
- b) N-CHR/F - A non-CHR facility (private day care, foster home, etc.)
- c) H - Resident's or guardian's home
- d) Other - All locations other than above listed (shopping center, movie, friend's home, etc.)

If the facility is part of the Department of Mental Health and Mental Retardation Services (MH/MRS), the procedure is followed as described in Table 1. That is, if the alleged perpetrator is a staff member, the Office of the Inspector General has responsibility for the initial investigation. If situations arise that are not described in these tables, contact the local county office of the Department for Social Services. A listing of county offices and phone numbers is included in Appendix C. Appendix C includes a list of Children's Residential facilities and which law enforcement agency and county attorney is within that district.

Table 1 Abuse/Neglect in CHR Facility

This table describes who has the responsibility for initial investigation of a child abuse/neglect that occurred in a CHR facility. These facilities range from small group homes to large residential facilities. The residents are either committed by the courts or other concerned parties.

If Perpetrator is:	Report to:
Family Member	Local DSS Office in the County of the Victim's Residence
Non-Family Member	Local Police
CHR Residential Staff	Office of Inspector General (OIG)
Non-CHR Residential Staff	Local Police

Table 2 Abuse/Neglect in Non CHR Facility

This table describes who has the responsibility for initial investigation of child abuse/neglect that occurs in facilities that are not part of CHR. These facilities range from day care centers, foster homes to public or private schools. Abusers can be school teachers, health professionals and foster parents, to name a few.

If Perpetrator is	Report to:
Family Member	Local DSS Office in the County of the Victim's Residence
Non-Family Member	Local Police
CHR Residential Staff	1) Office of Inspector General -- if abuser is staff, 2) Local police if abuser is other resident
Non-CHR Residential Staff	Joint responsibility of local DSS office of the county of victim's residence, county of the location of the facility and Office of Inspector General (OIG)

Table 3 Abuse/Neglect in Home When Child in CHR Custody

This table tells the reader who has the responsibility for initial investigation of child abuse/neglect that occurs in the home of the victim when the child is in the custody of the Cabinet for Human Resources and would include weekend and evening visits home.

If Perpetrator is:	Report to:
Family Member	Local DSS Office in the County where family lives
Non-Family Member	Local Police if the abuser is not in a caretaker role
CHR Residential Staff	Office of Inspector General and police jointly
Non-CHR Residential Staff	Local Police if the abuser is not in a caretaker role

Table 4 Abuse/Neglect in Other Locations

This table provides information on who has responsibility for initial investigation of child abuse/neglect occurring any location not covered by the previous three tables. These locations could be at a friend's house, shopping center or other public area.

If Perpetrator is:	Report to:
Family Member	Local DSS Office in the County of the Victim's residence
Non-Family Member	Police if abuser is not in a caretaker role
CHR Residential Staff	Office of Inspector General and police, if serious
Non-CHR Residential Staff	Police if abuser is not in a caretaker role

THE INVESTIGATION

INVESTIGATIVE TECHNIQUES

This section of the manual will assist the child abuse/neglect investigator to develop techniques and skills in order to conduct a thorough investigation. Since the focus of this manual deals with abuse/neglect in out-of-home child care settings, this section will not discuss the application of investigative techniques to a case of child abuse/neglect in the home or by a family member. Of course, the general guidelines that apply to an investigation of intrafamilial child abuse also apply to extra-familial child abuse and neglect; however, as you will see, there are some differences in the application of these guidelines to cases of child abuse/neglect away from the home.

The following is a discussion of suggested investigative techniques.

Developing an Investigative Plan

Development of an investigative plan is the first task to be completed by the worker in the investigation of reports of abuse and neglect. In completing this task, the investigator should:

1. Ensure the safety and security of the victim before proceeding with the investigation.
2. Review the facility policy manual and take a good look at the total program before investigating. Before beginning any interviews, try to review as many documents and records as possible to thoroughly familiarize yourself with the circumstances of the alleged incident. An informed interviewer is able to ask more pertinent questions and, in general, project a more confident demeanor that encourages more truthful responses from staff and resident interviewees.
3. Get a list of all records and locate any material with any conceivable bearing on the incident. Examine the child's file, critical incident reports, medical reports, shift logs, work schedules, restraint logs, discipline logs, shift reports and anything else that you can find.

In addition to these steps, the investigator should:

4. Check the Cabinet or Department requirements and investigative time frames
5. Consider or obtain law enforcement assistance, if applicable
6. Locate the subjects of the report
7. Plan interviews with family and possible non-family sources, when appropriate

Law enforcement assistance is available and may be considered when:

- immediate removal of the child is required,
- allegation indicates criminal charges may be filed,

there is reason to believe that the caretaker or suspect may flee if the investigator is not accompanied by the police, and notification of the police is necessary to preserve peace.

In preparing for interviews, there are five things that the investigator must consider:

- 1) Interview a wide range of staff and children. This could mean interviewing staff and/or children who are no longer at the facility.
- 2) When posing questions, try not to suggest what you believe is the appropriate response.
- 3) The investigator must consider and resolve any residual, negative feelings about the allegations so that the investigator's objectivity will not be clouded.
- 4) The investigator must be aware that some allegations will not be settled conclusively and that the interview may have to be terminated when the evidence is not conclusive or final.
- 5) The investigator must be aware of the possible risk to his/her physical safety during the investigation and should be prepared to contact the local law enforcement agency, if necessary.

Helpful Hints for the Investigation

When the interviewing begins, there are many important points to remember, the following lists help summarize critical ideas for the interviewer to keep in mind.

General Considerations

1. Conduct interviews with a wide range of staff and children on the same day. Don't give people time to construct a false story.
2. Don't be misled by statistics on unfounded allegations. There is usually some basis for concern.
3. Bear in mind that paid professional child care workers must be held to a higher standard than family members. Also, child care staff, and institutions in general, are usually much more sophisticated and capable of covering up abuse than the parents in a family setting. The goals of institutional abuse/neglect investigations are to determine the facts and assess the risk to the child or children and to establish the facts in a criminal assault case. Therefore, the investigation must be conducted in a manner which will hold in a court of law.
4. The investigator cannot legally assure the alleged perpetrator that the information he provides will not be used against him in subsequent administrative actions or criminal prosecutions. Therefore, if the alleged perpetrator refuses to be interviewed, this should not be construed as an admission of guilt.

5. If an alleged abuser confesses, it is still necessary to complete a full investigation to establish mitigating circumstances that might influence recommended action.

Interviewing of the Subjects of the Report

- 1) Obtaining too much information is preferable to obtaining too little.
- 2) The victim and other residents should be questioned but the other residents should not be told which child is the victim.
- 3) If the other residents appear to be physically abused or neglected, the investigator should include them in the investigation.
- 4) The investigator's questioning should be guided by a desire to answer all "WHO, WHAT, WHEN, WHERE, and HOW" questions about the allegation.

Opening the Interview

- 1) The manner in which the investigator opens the initial interview will set the tone and pace for the entire investigation.
- 2) The investigator should introduce him/herself to the interviewee as a representative of the Department for Social Services, Office of Inspector General, or law enforcement, as appropriate.
- 3) Then, the investigator should relate the purpose of the visit by making reference to the receipt of the allegation.
- 4) The investigator should begin the interview by discussing the agency's concern for the child's safety and well-being, in general terms, so an alleged perpetrator will not be hesitant to talk.
- 5) The investigator, when interviewing an alleged perpetrator, should assume a nonaccusatory manner and emphasize that the report has not been accepted as true; thus, necessitating this fact-finding process.

Establishing Rapport

Investigators use a variety of methods to establish rapport. The methods vary significantly because of the wide range of people involved and situations in which the interview can take place. Each investigator should develop an individual approach to developing rapport, but the following factors should be taken into consideration:

- 1) the emotional and physical health of the interviewee,
- 2) the apparent educational level of the individual,
- 3) the maturity and sophistication of the interviewee, and
- 4) the interviewee's level of hostility.

With the Alleged Child Victim(s)

Setting -- The more comfortable for the child, the more information they are likely to share.

Flexibility -- A child likes to move around the room, explore and touch, sit on the floor or adult's lap.

Activity -- Playing or coloring occupies child's physical needs and allows her/him to talk with less guardedness.

Privacy -- Interruptions tend to distract an already short attention span, divert focus of interview, and make the self-conscious or apprehensive child withdraw.

Support -- If the child wishes a parent or other person present, it should be allowed. A frightened or insecure child will not give a complete statement.

With Staff Interviewees

Try to establish rapport, comradery, with staff interviewees. Some staff are more prone to reveal the truth if they feel that the investigator understands the difficulties of their job, the lack of resources, the difficult nature of the residents, or other problems.

Interviewing Techniques

Interviewing is the primary tool used by investigators to gather information and complete investigations. Investigators must be knowledgeable about interviewing techniques and objectives.

The objective of an interview is to establish contact with the subjects of the report and other persons who may have relevant information. The investigator should use investigative interviews to secure facts relevant to determining whether a child has been harmed, or is in risk of future harm, and to determine if credible evidence of abuse and/or neglect exists.

Prior to interviewing the child, obtain relevant information from parents, guardian, and if applicable, other agency staff, physician, counselor, and pertinent others.

1. Explain your role and procedures to above personnel and enlist their cooperation.
2. Determine the child's general development status: age, grade, siblings, family composition, capabilities, ability to write, read, count, ride a bike, tell time, remember events, any unusual problems (physical, emotional, behavioral), knowledge of anatomy and sexual behavior, family terminology for genital areas.
3. Review circumstances of abuse/neglect (as reported already by the child or the other reporting person): what, where, when, by whom and to whom reported, exact words of the child, or other person told by the child, how many have interviewed the child, the child's reaction to abuse/neglect, how the child feels about it and what, if any, behavioral signs of distress (nightmares, withdrawal, regression, acting out) have occurred.

4. Determine what reactions and changes the child has been exposed to following revelation of the abuse/neglect: believing, supportive, blaming, angry, ambivalent, parents getting a divorce, move to a new home.

Techniques for Interviewing Children

When interviewing children, remember:

- 1) You represent an authority figure to the child. Children may be afraid of the interview and afraid of disapproval or punishment.
- 2) The child may be afraid of betraying the alleged perpetrator, fear the loss of the person's regard and/or further punishment.
- 3) The child may "buy into" the system and not see himself as abused -- "I mouthed off so I deserved to be put in solitary for a week. That's the rule."

The child's account of the incident is important. Generally speaking, the child and the alleged perpetrator are the only eyewitnesses. Therefore, the child's recounting of the incident is vital. As you begin the interview, it is important to remember that:

- 1) When at all possible, the child should be interviewed alone and away from their parents or other person who is responsible for their care.
- 2) Younger, nonverbal children must at least be examined although it may not be possible to interview them.
- 3) In order to alleviate the fears of young children, they may be interviewed with another person they trust who will not obstruct the interview.

The techniques used by workers to interview children vary because of the following factors:

- 1) age of the child,
- 2) maturity,
- 3) mental health, and
- 4) communications skills

Techniques for Interviewing Adults

Interviews are conducted with all of the people of the report, witnesses, and other collateral contacts. The techniques used by investigators when they interview adults will vary given the educational level, maturity, emotional state, physical condition, and expertise of the interviewee. Because of the differences in situations, the investigators must consider a variety of factors and techniques to complete interviews with adults in an effective, comprehensive, and timely manner. Some of these factors are:

- 1) Talk to people who visit the facility but who don't work directly for it to get an objective picture of what's happening. Volunteer groups, community boards, where they exist, and external professionals who contract with the facility may be excellent sources of information.
- 2) Ask some general questions of staff and children. "What do you do when residents fight?" "What do staff do if you and another kid get into a fight?" Such questions are frequently more productive than, "What exactly happened on Monday at eight o'clock?"
- 3) The interviewer needs to use commonly understood vocabulary. Abbreviations and jargon should be avoided, and questions should be formed in a non-judgmental manner.
- 4) The investigator should encourage the interviewee to express his or her side of the situation in an open-ended fashion.
- 5) Sometimes the investigator can ask the interviewee to reenact the way they say the child got hurt.
- 6) Candor should be used by the investigator or the interviewee will feel he or she is being deceived.

Maintaining Control During Interviews

The potentially adversarial nature of child abuse/neglect investigations may create a difficult environment for conducting interviews. Interviewees may express anger, hostility, denial, or resistance. They may do so by becoming verbally abusive, sullen, manipulative, or even physically aggressive.

In order to maintain control during the interview, the investigator must keep the interviewee on the subject and maintain a non-threatening posture. In addition, maintaining objectivity and being assertive are important in the interviewing process. If the interviewee is angry or hostile and those emotions are hampering the investigation, the investigator should consider temporarily ending the interview. It could be resumed later, but this is a technique designed to diffuse the hostility of the interviewee. Before the investigator selects this technique, however, the following factors should be considered:

- 1) the effect the delay will have on the child's safety,
- 2) the possibility that the interviewee will try to cover the truth, and
- 3) the likelihood the perpetrators may flee.

Handling Physical or Verbal Threats

On occasion, investigators will encounter interviewees who will threaten their physical safety. **DO NOT IGNORE A THREAT.** Observations about the interviewee's behavior, communications and physical appearance are critical to gauging the likelihood that the individual will carry out the threat.

Techniques for Closing Interviews

- 1) Investigators should summarize the major issues and feelings and ask the interviewee if there are any other concerns to discuss. The alleged child victim should be told what will happen next.
- 2) Interviewees should have the opportunity to clarify any unclear or confusing information.
- 3) The interviewer should inform the child's caretaker that the investigation will continue and that other sources will be contacted.

RECORDING INFORMATION

A. Introduction

The appropriate recording of information is a necessary and fundamental skill required to conduct professional investigations. The recording of information is important to:

- 1) document the facts,
- 2) provide necessary information to plan an investigation,
- 3) note inconsistencies in interviewee's statements, and
- 4) assist the investigator in recalling information for court or administrative review testimony.

In addition to aiding the investigator in planning an investigation, good records demonstrate that all standards and mandates have been met.

B. Documentation Skills

The purposes of narrative summaries are:

- 1) to list the facts and direct observations obtained during the course of the investigation,
- 2) to list other information that substantiates the facts.

In order to accomplish these two purposes, narratives must be thorough, accurate, clear, timely, and factual.

In recording information, it is important for the interviewer to separate facts from judgments. It is also important for the interviewer to ensure that all of the "WHO, WHAT, WHEN, WHERE, and HOW" questions were asked, answered, and recorded.

AFTER THE INVESTIGATION IS COMPLETED

If the child abuse and neglect report is substantiated, there are eight options that can be appropriately pursued. They are:

1. Personnel Action
2. Criminal Action
3. District Court Action
4. Programmatic Changes
5. DSS Services Provided to Child Victims and Their Families
6. Treatment Provided to Perpetrator
7. Loss of License to Operate
8. Civil Action

SUMMARY

The following information summarizes some of the major points discussed in this section.

Considerations and techniques to be used by the investigator for a more effective interview:

- 1) Secure the cooperation of the child's caretaker,
- 2) Conduct the interview of the child separately from the adult so that the child will speak more freely,
- 3) Realize that the interview may prompt the caretaker to become suspicious of, or enraged at, the child,
- 4) In some children, play is a viable method of interviewing because it is non-threatening and natural. The child's developmental stage will determine whether and when play will be used as an interviewing method,
- 5) Even though dolls, puppets, and drawing supplies have been used, their unavailability should not discourage the interviewer. Since a young child has a developed imagination, other items such as clothes pins, pencils, sticks, and paper clips can be used,
- 6) The physical environment will affect how relaxed and comfortable the child is during the interview,
- 7) The interviewer should open the discussion by telling the child who he or she is and why he or she is there,
- 8) The investigator needs to give the child undivided attention and should control personal reaction to the child's statements,

9) The tempo of the interview should be slow and the questions clear.

(Appendix D gives developmental considerations for interviewing children.)

When preparing and asking the "Who, What, When, Where, and Coercion" questions, it is important to remember not to provide information about the incident to the victim prior to asking questions. Examples of questions to ask are:

What

--"Can you tell me what happened?"

--"I need to know what the person did."

--"Did he/she ever touch you? Where?"

Who

Child's response here will probably not be elaborate. Most children know the offender and can name him or her, although in some cases the child may not understand relationship to self or family. Ascertain from other sources what is the exact nature or extent of the relationship.

When

The response to this question will depend on child's ability, how recently abuse/neglect happened, lapse between last incident and report, number of incidents (children will tend to mix or confuse separate incidents). If the child is under six, information regarding time is unlikely to be reliable. An older child can often narrow down dates and times using recognizable events or associating abuse/neglect with other incidents.

--"Was it before your birthday, the weekend, Valentine's Day?"

--"Was it nighttime or daytime?"

--"Did it happen after dinner, "Happy Days," your brother's bedtime?"

Where

Information about which room, the location of others, and where the child was before and after the incident may be learned.

Coercion

What kind of force, threat, enticement, pressure was used to insure cooperation and secrecy?

--"Did he/she tell you not to tell? What did he/she say?"

--"Did he/she say something bad would happen or you would get into trouble if you told?"

--"Did he/she say it was a secret?"

INTERVIEWS

A. If you tape an interview:

- (1) Inform interviewees of the use of the tape recorder,
- (2) If they refuse to be taped take copious notes,
- (3) Even when you tape take written notes of key points - it helps you maintain an understanding, flow of work, etc.

B. Make a list of those you need to interview -- stick to it -- be sure all are interviewed. If during the investigation, it becomes apparent that someone should be added to the list, do so.

C. Allocate your time for the interviews -- be sure to get it all in.

D. When someone tells you they saw the alleged abusive incident -- find someone else also -- especially in mental hospitals where there are questions of patient competence. Find staff that can support eyewitness accounts -- they are always more credible.

Finally, it is vital that the investigator document all statements, observations, and evidence to ensure a timely, complete, and accurate report.

In summary, the investigative process is a skill that must be carefully thought through and relies on an educated and experienced investigator. The success of the investigation also depends on the investigator's persistence, sensitivity to the persons being interviewed, and to the completeness and clarity of the written record.

APPENDIX A

COMMONWEALTH OF KENTUCKY
CABINET FOR HUMAN RESOURCES
DEPARTMENT FOR SOCIAL SERVICES

CONFIDENTIAL
SUSPECTED ABUSE/NEGLECT, DEPENDENCY OR EXPLOITATION REPORTING FORM

TYPE REPORT: Child Adult Spouse County of Report _____ Time Report Received _____

Report Date _____ Incident Date(s) _____

1. Name(s)	Age	Sex	Nature of Report			
a. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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T | 1. Physical Injury |
| | 2. Sexual Abuse |
| | 3. Mental Injury |
| | 4. Neglect |
| | 5. Dependency |
| 6. Adult Abuse | |
| 7. Spouse Abuse | |
| 8. Self-Neglect | |
| 9. Caretaker Neglect | |
| 10. Exploitation | |

2. Current Address _____ Street/Rural Route _____ City/Zip _____ County _____ Telephone# _____

3. Directions _____

4. Parent(s) /Guardian/Caretaker _____ Relationship _____

5. Other Known Household Members _____

6. Describe nature/extent/causes of abuse/neglect/dependency, or exploitation. List witnesses and/or collateral contacts, previous incidents or reports. Describe behavior of adult victim and of alleged perpetrator (dangerous?)

7. Alleged Perpetrator, if different from 4 above

Name _____ Relationship _____

Address _____ Street/Rural Route _____ City/Zip _____ County _____ Telephone# _____

8. Person Taking Report _____ Title _____

9. Worker Assigned to Investigate _____ County _____ Telephone # _____

by: Family Services Office Supervisor _____

10. ATTENTION: LAW ENFORCEMENT Certification of Receipt of Report on Form JC-3 or by Other Law Enforcement Means.

Kentucky Revised Statutes, Chapter 620.030 and/or 209.030(2), dealing with suspected child physical or sexual abuse and suspected adult abuse, neglect, exploitation, or spouse abuse requires the Department for Social Services to notify the appropriate law enforcement agency.

INTERVENTION REQUESTED At your discretion

Sent to: _____, County Attorney

11. Person Making Report _____ Title/Relationship _____

Address _____ Street/Rural Route _____ City/Zip _____ County _____ Telephone# _____



DEPARTMENT FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40601

BUREAU FOR SOCIAL SERVICES

Date _____
Month Day Year

Dear _____ :

KRS: 199.335 (3) provides in part that:

"The Bureau or its delegated representative shall upon receipt of the initial report immediately send a report of suspected physical or sexual abuse to the appropriate law enforcement agency for any appropriate action."

In compliance with KRS 199.335 (3), the Bureau for Social Services provides the following information:

Name and Address of Child(ren) Being Reported

Name _____ Age _____
Name _____ Age _____
Name _____ Age _____
Address _____ County _____

Name and Address of Parent or Parent Substitute

Name _____
Address _____

Name of Suspected Perpetrator

Name _____
Address _____

Type of Report

Physical Abuse Sexual Abuse

Nature and extent of abuse/comments.

Agency Representative _____

Title: _____

Telephone Number: _____

BSS-115A
(Rev. 6-78)

APPENDIX B

CHAPTER 508

ASSAULT AND RELATED OFFENSES

508.010 Assault in the first degree

- (1) A person is guilty of assault in the first degree when:
- (a) He intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or
 - (b) Under circumstances manifesting extreme indifference to the value of human life he wantonly engages in conduct which creates a grave risk of death to another and thereby causes serious physical injury to another person.
- (2) Assault in the first degree is a Class B felony.

508.020 Assault in the second degree

- (1) A person is guilty of assault in the second degree when:
- (a) He intentionally causes serious physical injury to another person; or
 - (b) He intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or
 - (c) He wantonly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.
- (2) Assault in the second degree is a Class C felony.

508.025 Assault in the third degree

- (1) A person is guilty of assault in the third degree when with recklessness he causes or attempts to cause physical injury to a state, county, city, or federal peace officer or probation and parole officer by means of a deadly weapon or a dangerous instrument.
- (2) Assault in the third degree is a Class D felony.

508.030 Assault in the fourth degree

- (1) A person is guilty of assault in the fourth degree when:
- (a) He intentionally or wantonly causes physical injury to another person; or
 - (b) With recklessness he causes physical injury to another person by means of a deadly weapon or dangerous instrument.
- (2) Assault in the fourth degree is a Class A misdemeanor.

508.040 Assault under extreme emotional disturbance

- (1) In any prosecution under KRS 508.010, 508.020 or 508.030 in which intentionally causing physical injury or serious physical injury is an element of the offense, the defendant may establish in mitigation

that he acted under the influence of extreme emotional disturbance, as defined in subsection (1) (a) of KRS 507.020.

(2) An assault committed under the influence of extreme emotional disturbance is:

(a) A Class D felony when it would constitute an assault in the first degree or an assault in the second degree if not committed under the influence of an extreme emotional disturbance; or

(b) A Class B misdemeanor when it would constitute an assault in the third degree if not committed under the influence of an extreme emotional disturbance.

508.050 Menacing

(1) A person is guilty of menacing when he intentionally placed another person in reasonable apprehension of imminent physical injury.

(2) Menacing is a Class B. misdemeanor.

508.060 Wanton endangerment in the first degree

(1) A person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.

(2) Wanton endangerment in the first degree is a Class D felony.

508.070 Wanton endangerment in the second degree

(1) A person is guilty of wanton endangerment in the second degree when he wantonly engages in conduct which creates a substantial danger of physical injury to another person.

(2) Wanton endangerment in the second degree is a Class A misdemeanor.

508.080 Terroristic threatening

(1) A person is guilty of terroristic threatening when:

(a) He threatens to commit any crime likely to result in death or serious injury to another person or likely to result in substantial property damage to another person; or

(b) He intentionally makes false statements for the purpose of causing evacuation of a building, place of assembly, or facility or public transportation.

(2) Terroristic threatening is a Class A misdemeanor.

508.090 Definitions for KRS 508.100 to 508.120

The following definitions apply in KRS 508.100 to 508.120 unless the context otherwise requires:

(1) "Abuse" means the infliction of physical pain, injury, or mental injury, or the deprivation of services by a person which are necessary to maintain the health and welfare of a person, or a situation in which an adult, living alone, is unable to provide or obtain for himself the services which are necessary to maintain his health or welfare.

(2) "Physically helpless" and "mentally helpless" means a person who lacks substantial capacity to defend himself or solicit protection from law enforcement agencies.

508.100 Criminal abuse in the first degree

(1) A person is guilty of criminal abuse in the first degree when he intentionally abuses another person or permits another person of whom he has actual custody to be abused and thereby:

(a) Causes serious physical injury; or

(b) Places him in a situation that may cause him serious physical injury; or

(c) Causes torture, cruel confinement or cruel punishment;

To a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.

(2) Criminal abuse in the first degree is a Class C felony.

508.110 Criminal abuse in the second degree

(1) A person is guilty of criminal abuse in the second degree when he wantonly abuses another person or permits another person of whom he has actual custody to be abused and thereby:

(a) Causes serious physical injury; or

(b) Places him in a situation that may cause him serious physical injury; or

(c) Causes torture, cruel confinement or cruel punishment;

To a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.

(2) Criminal abuse in the second degree is a Class D felony.

508.120 Criminal abuse in the third degree

(1) A person is guilty of criminal abuse in the third degree when he recklessly abuses another person or permits another person of whom he has actual custody to be abused and thereby:

(a) Causes serious physical injury; or

(b) Places him in a situation that may cause him serious physical injury; or

(c) Causes torture, cruel confinement or cruel punishment;

To a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.

(2) Criminal abuse in the second degree is a Class A misdemeanor.

CHAPTER 509

KIDNAPPING AND RELATED OFFENSES

509.020 Unlawful imprisonment in the first degree

(1) A person is guilty of unlawful imprisonment in the first degree when he knowingly and unlawfully restrains another person under circumstances which expose that person to risk of serious physical injury.

(2) Unlawful imprisonment in the first degree is a Class D felony.

509.030 Unlawful imprisonment in the second degree

(1) A person is guilty of unlawful imprisonment in the second degree when he knowingly and unlawfully restrains another person.

(2) Unlawful imprisonment in the second degree is a Class A misdemeanor.

509.040 Kidnapping

(1) A person is guilty of kidnapping when he unlawfully restrains another person and when his intent is:

(a) To hold him for ransom or reward; or

(b) To accomplish or to advance the commission of a felony; or

(c) To inflict bodily injury or to terrorize the victim or another; or

(d) To interfere with the performance of a governmental or political function; or

(e) To use him as a shield or hostage.

(2) Kidnapping is a Class B felony when the victim is released alive and in a safe place prior to trial, except as provided in this section. Kidnapping is a Class A felony when the victim is released alive but the victim has suffered serious physical injury during the kidnapping, or as a result of being released in any circumstances which are intended, known or should have been known to cause or lead to serious physical injury. Kidnapping is a capital offense when the victim is not released alive or when the victim is released alive but subsequently dies as a result of:

(a) Serious physical injuries suffered during the kidnapping; or

(b) Not being released in a safe place; or

(c) Being released in any circumstances which are intended, known or should have been known to cause or lead to the victim's death.

509.070 Custodial interference

(1) A person is guilty of custodial interference when, knowing that he has no legal right to do so, he takes, entices or keeps from lawful custody any mental disabled or other person entrusted by authority of law to the custody of another person or to an institution.

(2) It is a defense to custodial interference that the person taken from lawful custody was returned by the defendant voluntarily and before arrest or the issuance of a warrant for arrest.

(3) Custodial interference is a Class D felony unless the person taken from lawful custody is returned voluntarily by the defendant.

CHAPTER 510

SEXUAL OFFENSES

510. Definitions

The following definitions apply in this chapter unless the context otherwise requires:

(1) "**Deviate sexual intercourse**" means an act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

(2) "**Forcible compulsion**" means physical force that overcomes earnest resistance or a threat, express or implied, that overcomes earnest resistance by placing a person in fear of immediate death or physical injury to himself or another person or in fear that he or another person will be immediately kidnapped.

(3) "**Marriage**" means person living together as man and wife regardless of the legal status of their relationship. Spouses are not married to one another for purposes of this chapter if either or both spouses have filed a petition under KRS Chapter 403 and they are living apart.

(4) "**Mentally defective**" means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

(5) "**Mentally incapacitated**" means that a person is rendered temporarily incapable of appraising or controlling his conduct as a result of the influence of a controlled or intoxicating substance administered to him without his consent or as a result of any other act committed upon him without his consent.

(6) "**Physically helpless**" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(7) "**Sexual contact**" means any touching of the sexual or other intimate parts of a person not married to the actor done for the purpose of gratifying the sexual desire of either party.

(8) "Sexual intercourse" means sexual intercourse in its ordinary sense but is limited to sexual intercourse between persons not married to each other. Sexual intercourse occurs upon any penetration, however slight; emission is not required.

510.020 Lack of consent

(1) Whether or not specifically stated, it is an element of every offense defined in this chapter that the sexual act was committed without consent of the victim.

(2) Lack of consent results from:

(a) Forcible compulsion; or

(b) Incapacity to consent; or

(c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(3) A person is deemed incapable of consent when he is:

(a) Less than sixteen years old; or

(b) Mentally defective; or

(c) Mentally incapacitated; or

(d) Physically helpless.

510.040 Rape in the first degree

(1) A person is guilty of rape in the first degree when:

(a) He engages in sexual intercourse with another person by forcible compulsion; or

(b) He engages in sexual intercourse with another person who is incapable of consent because he:

(i) is physically helpless; or

(ii) is less than twelve (12) years old.

(2) Rape in the first degree is a Class B felony unless the victim is under twelve years old or receives a serious physical injury in which case it is a Class A felony.

510.050 Rape in the second degree

(1) A person is guilty of rape in the second degree when, being eighteen years old or more, he engages in sexual intercourse with another person less than fourteen years old.

(2) Rape in the second degree is a Class C felony.

510.060 Rape in the third degree

(1) A person is guilty of rape in the third degree when:

(a) He engages in sexual intercourse with another person who is incapable of consent because he is mentally defective or mentally incapacitated; or

(b) Being twenty-one years old or more, he engages in sexual intercourse with another person less than sixteen years old.

(2) Rape in the third degree is a Class D felony.

510.070 Sodomy in the first degree

(1) A person is guilty of sodomy in the first degree when:

(a) He engages in deviate sexual intercourse with another person by forcible compulsion; or

(b) He engages in deviate sexual intercourse with another person who is incapable of consent because he:

(i) is physically helpless; or

(ii) is less than twelve (12) years old.

(2) Sodomy in the first degree is a Class B felony unless the victim is under twelve years old or receives a serious physical injury in which case it is a Class A felony.

510.080 Sodomy in the second degree

(1) A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person less than fourteen years old.

(a) He engages in deviate sexual intercourse with another person who is incapable of consent because he is mentally defective or mentally incapacitated; or

(b) Being twenty-one years old or more, he engages in deviate sexual intercourse with another person less than sixteen years old.

(2) Sodomy in the third degree is a Class D felony.

510.100 Sodomy in the fourth degree

(1) A person is guilty of sodomy in the fourth degree when he engages in deviate sexual intercourse with another person of the same sex.

(2) Notwithstanding the provisions of KRS 510.020, consent of the other person shall not be a defense under this section, nor shall lack of consent of the other person be an element of this offense.

(3) Sodomy in the fourth degree is a Class A misdemeanor.

510.110 Sexual abuse in the first degree

(1) A person is guilty of sexual abuse in the first degree when:

(a) He subjects another person to sexual contact by forcible compulsion; or

(b) He subjects another person to sexual contact who is incapable of consent because he:

(i) is physically helpless; or

(ii) is less than twelve years old.

(2) Sexual abuse in the first degree is a Class D felony.

510.120 Sexual abuse in the second degree

(1) A person is guilty of sexual abuse in the second degree when:

(a) He subjects another person to sexual contact who is incapable of consent because he is mentally defective or mentally incapacitated; or
(b) He subjects another person who is less than fourteen years old to sexual contact.

(2) Sexual abuse in the second degree is a Class A misdemeanor.

510.130 Sexual abuse in the third degree

(1) A person is guilty of sexual abuse in the third degree when:

(a) He subjects another person to sexual contact without the latter's consent;

(b) In any prosecution under this section, it is a defense that:

(i) the other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen years old; and
(ii) the other person was at least fourteen years old; and
(iii) the actor was less than five years older than the other person.

(2) Sexual abuse in the third degree is a Class B misdemeanor.

510.140 Sexual misconduct

(1) A person is guilty of sexual misconduct when he engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.

(2) Sexual misconduct is a Class A misdemeanor.

510.150 Indecent exposure

(1) A person is guilty of indecent exposure when he intentionally exposes his genitals under circumstances in which he knows or should know his conduct is likely to cause affront or alarm.

(2) Indecent exposure is a Class B misdemeanor.

**New section created by 1986 General Assembly reads:

The arrest record of anyone accused by his spouse of an offense under KRS Chapter 510 shall be expunged if said charge was either dismissed with prejudice or a verdict of not guilty on said charge was entered.

CHAPTER 529

PROSTITUTION OFFENSES

529.010 Definitions

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Advancing prostitution" - a person "advances prostitution" when acting other than as a prostitute or as a patron thereof, he knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

(2) "Profiting from prostitution" - a person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he knowingly accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity.

(3) "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs.

529.020 Prostitution

(1) A person is guilty of prostitution when he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a Class B misdemeanor.

529.030 Promoting prostitution in the first degree

(1) A person is guilty of prostitution when he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a Class B misdemeanor.

529.030 Promoting prostitution in the first degree

(1) A person is guilty of promoting prostitution in the first degree when he knowingly:

(a) A person convicted of violating KRS 510.040 to 510.150, 529.030 to 529.050, 529.070, 530.020, 531.310, 531.320, 531.370, or the criminal offense of unlawful transaction with a minor when the minor is induced, assisted or caused to engage in illegal sexual activity, when

the act is committed against a minor by the use of force, violence, duress, menace or threat of bodily harm;

(b) A person who, in committing any of the offenses enumerated in subsection (1)(a) of this section caused bodily injury to the minor;

(c) A person convicted of any of the offenses enumerated in subsection (1)(a) of this section and who was a stranger to the minor or made friends with the minor for the purpose of committing an act constituting any of the offenses enumerated in subsection (1)(a) of this section, unless the defendant honestly and reasonably believed the minor was eighteen (18) years old or older;

(d) A person who used a dangerous instrument or deadly weapon against a minor during the commission of any of the offenses enumerated in subsection (1)(a) of this section;

(e) A person convicted of any of the offenses enumerated in subsection (1)(a) of this section and who has had a prior conviction of assaulting a minor, with intent to commit an act constituting any of the offenses enumerated in subsection (1)(a) of this section;

(f) A person convicted of kidnapping a minor in violation of the Kentucky penal code and who kidnapped the minor for the purpose of committing an act constituting any of the offenses enumerated in subsection (1)(a) of this section;

(g) A person who is convicted of committing any of the offenses enumerated in subsection (1)(a) of this section on more than one (1) minor at the same time or in the same course of conduct;

(h) A person who is committing any of the offenses enumerated in subsection (1)(a) of this section has substantial sexual conduct with a minor under the age of fourteen (14) years;

(i) A person who occupies a position of special trust and commits an act of substantial sexual conduct. "Position of special trust" means that position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor. Position of authority includes, but is not limited to, the position occupied by a natural parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational director who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, or employer.

(2) "Substantial sexual conduct" means penetration of the vagina or rectum by the penis of the offender or by any foreign object, oral copulation, or masturbation of either the minor or the offender.

(a) Advances prostitution by compelling a person by force or intimidation to engage in prostitution or profits from such coercive conduct by another; or

(b) Advances or profits from prostitution of a person less than eighteen (18) years old.

(3) Promoting prostitution in the first degree is a Class C felony:

(a) If it involves a violation of subsection (1)(a) or if the minor so used is less than eighteen years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity;

(c) Class A felony if the minor so used incurs physical injury thereby.

529.040 Promoting prostitution in the second degree

(1) A person is guilty of promoting prostitution in the second degree when he knowingly advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes.

(2) Promoting prostitution in the second degree is a Class D felony.

529.050 Promoting prostitution in the third degree

(1) A person is guilty of promoting prostitution in the third degree when he knowingly advances or profits from prostitution.

(2) Promoting prostitution in the third degree is a Class A misdemeanor.

529.070 Permitting prostitution

(1) A person is guilty of permitting prostitution when, having possession or control of premises which he knows or has reasonable cause to know are being used for prostitution purposes, he fails to make reasonable and timely effort to halt or abate such use.

(2) Permitting prostitution is a Class B misdemeanor.

CHAPTER 530

FAMILY OFFENSES

530.060 Endangering the welfare of a minor

(1) A parent, guardian or other person legally charged with the care or custody of a minor is guilty of endangering the welfare of a minor when he fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming a neglected, dependent, or delinquent child.

(2) Endangering the welfare of a minor is a Class A misdemeanor.

530.065 Unlawful transaction with a minor; first degree

(1) A person is guilty of unlawful transaction with a minor in the first degree when he knowingly induces, assists, or causes a minor to engage in illegal sexual activity except those offenses involving minors in KRS Chapter 530 and KRS 529.040(1)(b), illegal controlled substances

activity, illegal gambling activity, or any other criminal activity constituting a felony.

(2) Unlawful transaction with a minor in the first degree is a Class D felony.

530.070 Unlawful transaction with a minor; second degree

(1) A person is guilty of unlawful transaction with a minor in the second degree when:

(a) Acting other than as a retail licensee, he knowingly sells, gives, purchases or procures any alcoholic or malt beverage in any form to or for a minor. The defendant may prove in exculpation that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. This subsection does not apply to a parent or guardian of the minor; or

(b) He knowingly induces, assists, or causes a minor to engage in any other criminal activity; or

(c) He knowingly induces, assists, or causes a minor to become a habitual truant; or

(d) He persistently and knowingly induces, assists or causes a minor to disobey his parent or guardian.

530.080 Endangering the welfare of incompetent person

(1) A person is guilty of endangering the welfare of an incompetent person when he knowingly acts in a manner which results in an injury to the physical or mental welfare of a person who is unable to care for himself because of mental disease or defect.

(2) Endangering the welfare of an incompetent person is a Class A misdemeanor.

CHAPTER 531

PORNOGRAPHY

531.010 Definitions

As used in this chapter:

(1) "Distribute" means to transfer possession of, whether with or without consideration.

(2) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical, or

electrical reproduction or any other article, equipment, machines, or materials.

(3) "Obscene" means:

(a) to the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and

(b) The matter depicts or describes the sexual conduct in a patently offensive way; and

(c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(4) "Sexual conduct" means: Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse or deviant sexual intercourse; or exhibition or contact with genitals; flagellation, or excretion for purpose of sexual stimulation or gratification.

531.020 Distribution of obscene matter

(1) A person is guilty of distribution of obscene matter when, having knowledge of its content and character, he:

(a) Sends or causes to be sent into this state for sale or distribution;

or

(b) Brings or causes to be brought into this state for sale or distribution; or

(c) In this state, he:

(i) prepares, or

(ii) publishes, or

(iii) prints, or

(iv) exhibits, or

(v) distributes, or

(vi) offers to distribute, or

(vii) has in his possession with intent to distribute, exhibit or offer to distribute, any obscene matter.

(2) Distribution of obscene matter is a Class B misdemeanor unless the defendant has in his possession more than one unit of material coming within the provisions of this chapter, in which case it shall be a Class A misdemeanor.

531.030 Distribution of obscene matter to minors

(1) A person is guilty of distribution of obscene material to minors when, knowing a person to be a minor, or having possession of such facts that he should reasonable know that such person is a minor, and with knowledge of the content and character of the material, he knowingly:

(a) Sends or causes to be sent; or

(b) Exhibits; or

(c) Distributes, or offers to distribute, obscene material to a minor.

(2) Distribution of obscene materials to minors is a Class A misdemeanor unless the defendant has previously been convicted of violation of this section or of KRS 531.020, in which case it shall be a Class D felony.

531.040 Using minors to distribute obscene material

(1) A person is guilty of using minors to distribute obscene material when knowing a person to be a minor, or having possession of such facts that he should reasonably know such person is a minor, and knowing of the content and character of the material, he knowingly:

- (a) Hires; or
- (b) Employs; or
- (c) Uses,

a minor to do or assist in doing any of the acts prohibited by KRS 531.020.

(2) Using minors to distribute obscene material is a Class A misdemeanor unless the defendant has previously been convicted of violation of this section or KRS 531.030, in which case it shall be a Class D felony.

531.050 Advertising obscene material

(1) A person is guilty of advertising obscene material when, having knowledge of its content and character thereof, he writes or creates advertising or solicits anyone to publish such advertising or otherwise promotes the sale or distribution of obscene matter.

(2) Advertising obscene material is a Class B misdemeanor.

531.060 Promoting the sale of obscenity

(1) A person is guilty of promoting the sale of obscenity when he knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any matter reasonably believed by the purchaser or consignee to be obscene, or he denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept such matter, or by reason of the return of such matter.

(2) Promoting the sale of obscenity is a Class B misdemeanor for the first offense; a Class A misdemeanor for the second offense; and a Class D felony for each subsequent offense.

CHAPTER 531

SEXUAL EXPLOITATION OF MINORS

531.300 Definitions for KRS 531.080 and 531.310 to 531.370

(1) "Distribute" means to transfer possession of, whether with or without consideration.

(2) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials.

(3) "Obscene" means:

(a) The predominant appeal of the matter, taken as a whole, is to a prurient interest in sexual conduct involving minors; and

(b) The matter depicts or describes the sexual conduct in a patently offensive way; and

(c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(4) "Sexual conduct by a minor" means:

(a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated; or

(b) Physical contact with, or willful or intentional exhibition of genitals; or

(c) Flagellation or excretion for the purpose of sexual stimulation or gratification; or

(d) The exposure, in an obscene matter, of the unclothed or apparently unclothed human male or female genitals, pubic area or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family.

(5) "Performance" means any play, motion picture, photograph, or dance. Performance also means any other visual representation exhibited before an audience.

(6) "Sexual performance" means any performance or part thereof which includes sexual conduct by a minor.

(7) "Promote" means to prepare, publish, print, procure or manufacture, or to offer or agree to do the same.

531.310 Use of a minor in a sexual performance

(1) A person is guilty of the use of a minor in a sexual performance if he employs, consents to, authorizes or induces a minor to engage in a sexual performance.

(2) Use of a minor in a sexual performance is:

(a) A Class D felony if the minor so used is less than eighteen (18) years old at the time of the offense;

(b) A Class C felony if the minor so used is less than sixteen (16) years old at the time of the offense;

(c) A Class B felony if the minor so used incurs physical injury thereby.

531.320 Promoting a sexual performance by a minor

(1) A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he produces, directs or promotes any performance which includes sexual conduct by a minor.

(2) Promoting a sexual performance by a minor is:

(a) A Class D felony if the minor so used is less than eighteen (18) years old at the time of the offense;

(b) A Class C felony if the minor so used is less than sixteen (16) years old at the time of the offense;

(c) A Class B felony if the minor so used incurs physical injury thereby.

531.340 Distribution of matter portraying a sexual performance by a minor

(1) A person is guilty of distribution of matter portraying a sexual performance by a minor when, having knowledge of its content and character, he:

(a) Sends or causes to be sent into this state for sale of distribution;

or

(b) Brings or causes to be brought into this state for sale or distribution; or

(c) In this state, he:

(i) exhibits for profit or gain; or

(ii) distributes; or

(iii) offers to distribute; or

(iv) has in his possession with intent to distribute, exhibit for profit or gain or offer to distribute, any matter portraying a sexual performance by a minor.

(2) Any person who has in his possession more than one (1) unit of material coming within the provision of KRS 532.300(2) shall be rebuttably presumed to have such material in his possession with the intent to distribute it.

(3) Distribution of matter portraying a sexual performance by a minor is a Class A misdemeanor unless the defendant has in his possession more than one (1) unit of material coming within the provisions of KRS 531.300, in which case it shall be a Class D felony.

531.350 Promoting sale of material portraying a sexual performance by a minor

(1) A person is guilty of promoting the sale of material portraying a sexual performance by a minor when he knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any matter portraying a sexual performance by a minor, or he denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of failure of any person to accept such matter, or by reason of the return of such matter.

(2) Promoting the sale of matter portraying a sexual performance by a minor is a Class A misdemeanor for the first offense, a Class D felony for the second offense, and a Class C felony for each subsequent offense.

531.360 Advertising material portraying a sexual performance by a minor

(1) A person is guilty of advertising material portraying a sexual performance by a minor when, having knowledge of its content and character thereof, he writes or creates advertising or solicits anyone to publish such advertising or otherwise promotes the sale or distribution of matter portraying a sexual performance by a minor.

(2) Advertising material portraying a sexual performance by a minor is a Class A misdemeanor.

531.370 Using minors to distribute material portraying a sexual performance by a minor

(1) A person is guilty of using minors to distribute material portraying a sexual performance by a minor when knowing a person to be a minor, or having possession of such facts that he should reasonably know such person is a minor, and knowing of the content and character of the material, he knowingly:

- (a) Hires; or
- (b) Employs; or
- (c) Uses, a minor to do or assist in doing any of the acts prohibited by KRS 531.340.

(2) Using minors to distribute material portraying a sexual performance by a minor is a Class D felony unless the defendant has been previously convicted of violation of this section or KRS 531.030, in which case it shall be a Class C felony.

CHAPTER 532

CLASSIFICATION AND DESIGNATION OF OFFENSES

532.010 Classification of offenses

- (1) Capital offenses;
- (2) Class A felonies;
- (3) Class B felonies;
- (4) Class C felonies; and
- (5) Class D felonies.

532.020 Designation of offenses

(1) Any offense defined outside this code for which a law outside this code provides a sentence to a term of imprisonment in the state penitentiary or reformatory for:

(a) At least one (1) but not more than five (5) years shall be deemed a Class D felony;

(b) At least five (5) but not more than ten (10) years shall be deemed a Class C felony;

(c) At least ten (10) but not more than twenty (20) years shall be deemed a Class B felony;

(d) For twenty (20) or more years shall be deemed a Class A felony.

(2) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum which falls between ninety (90) days and twelve (12) months shall be deemed a Class A misdemeanor.

(3) Any offense defined outside the code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum of less than ninety (90) days shall be deemed a Class B misdemeanor.

(4) Any offense defined outside this code for which a law outside this code provides a sentence to a fine only or to any other imprisonment shall be deemed a violation.

532.045 Persons prohibited from probation, parole or conditional discharge

(1) Notwithstanding other provisions of applicable law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within the provision of this section be stricken for any of the following persons:

532.060 Sentence of imprisonment for felony.

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) The authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty (20) years nor more than life imprisonment;

(b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;

(c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and

(d) For a Class D felony, not less than one (1) year nor more than five (5) years.

(3) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

532.090 Sentence of imprisonment for misdemeanor. A sentence of imprisonment for a misdemeanor shall be definite term and shall be fixed within the following maximum limitations:

(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and

(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

532.110 Concurrent and consecutive terms of imprisonment.

(1) When multiple sentences of imprisonment are imposed on a defendant for more than one (1) crime, including a crime for which a previous sentence of probation or conditional discharge has been revoked, such multiple sentences shall run concurrently or consecutively as the court shall determine at the time of sentence, except that:

(a) A definite and an indeterminate term shall run concurrently and both sentences shall be satisfied by service of the indeterminate term;

(b) The aggregate of consecutive definite terms shall not exceed one (1) year; and

(c) The aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term which would be authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed.

(2) If the court does not specify the manner in which a sentence imposed by is to run, the sentence shall run concurrently with any other sentence which the defendant must serve.

(3) When a defendant is sentenced to imprisonment for a crime committed while on parole in this state such term of imprisonment and any period of reimprisonment that the board of parole may require the defendant to serve upon the revocation of his parole shall run concurrently, unless the court orders them to run consecutively.

(4) Notwithstanding any provision in this section to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution, during an escape from imprisonment, or while he awaits imprisonment, the sentence imposed for that offense may be added to the portion of the offense. Provided, however, that the sentence imposed upon any person convicted of an escape or attempted escape offense shall run consecutively with any other sentence which the defendant must serve.

(5) Notwithstanding any provision in this chapter to the contrary, if a person is convicted of an offense that is committed while he is imprisoned in a penal or reformatory institution the sentence imposed for that offense may, upon order of the trial court be served in that institution, provided, however, such person may be transferred to another institution pursuant to rules and regulations of the corrections cabinet.

EDUCATION

161.750 Nonrenewal of limited contracts. -- (1) Any teacher employed under a limited contract shall at the expiration of such limited contract be deemed reemployed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease as provided by the salary schedule, unless the superintendent of schools has recommended to the board of education that the contract of the teacher not be renewed and unless the board has voted to approve said recommendation.

(2) If the board of education approves the superintendent's recommendation, as provided in subsection (1) of this section, the board must present written notice to the teacher that the contract will not be renewed no later than April 30 of the school year during which the contract is in effect. Upon receipt of a request by the teacher, the board shall provide a written statement containing the specific, detailed and complete statement of grounds upon which the nonrenewal of contract is based.

(3) Upon failure of the employing board of education to act favorably on the recommendation of the superintendent not to renew a contract as required by subsection (1) of this section, to give written notice of said nonrenewal as required by subsection (2) of this section or to provide the written statement of grounds required by subsection (2) of this section the teacher shall receive a contract of employment for the

next school year; and, if the teacher has served the number of years as required by KRS 161.740(1)(b) or (c), said contract of employment shall be a continuing contract. Such teacher shall be presumed to have accepted such employment, unless he shall notify the board of education in writing to the contrary on or before the fifteenth day of June, and a written contract for the succeeding year shall be executed accordingly. (Enact. Acts 1942, ch. 113, (4); 1944, ch. 98; 1964, ch. 41 (4); 1970, ch. 169, (1); 1976, ch. 103, (1).)

161.790 Termination of contract by board -- Causes for -- Procedure -- Suspension pending trial -- Appeal. -- (1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, including but not limited to 1. violations of lawful rules and regulations established by the local board of education for the operation of schools, and 2. refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties;

(b) Immoral character or conduct unbecoming a teacher;

(c) Physical or mental disability;

(d) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved.

(2) (a) Charges on the above causes shall be supported by written records of teacher performance by the superintendent, principal, or other supervisory personnel on the board.

(b) Marriage of a teacher shall not be cause for termination of the contract.

(3) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the chairman and secretary of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty (20) nor more than thirty (30) days after the service of such charges upon the teacher. The teacher shall within ten (10) days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of

the teacher to give such notice, the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(4) Upon receipt of the teacher's notice of intention to appear and answer such charges, the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issue shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an offer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five (5) days.

(5) The board of education may, on recommendation of the superintendent, suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(6) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty (30) days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals. (Enact. Acts 1942, ch. 113, (8); 1944, ch. 98; 1964, ch. 41 (6).)

APPENDIX C

**CABINET FOR HUMAN RESOURCES
DEPARTMENT FOR SOCIAL SERVICES
LIST OF COUNTY OFFICES BY DISTRICT**

STATE HOTLINE 1-800-752-6200

PURCHASE DISTRICT (1)

Lee King*		(502) 247-2900
4	Ballard	(502) 335-5173
18	Calloway	(502) 753-5362
20	Carlisle	(502) 628-3434
38	Fulton	(502) 472-1850
42	Graves	(502) 247-4711
53	Hickman	(502) 653-4335
73	McCracken	(502) 444-8105
79	Marshall	(502) 527-1354

PENNYRILE DISTRICT (2)

George Byars		(502) 885-6143
17	Caldwell	(502) 365-7275
24	Christian	(502) 887-2503
28	Crittenden	(502) 965-5246
54	Hopkins	(502) 825-6566
70	Livingston	(502) 928-2158
72	Lyon	(502) 388-2146
89	Muhlenberg	(502) 338-3072
110	Todd	(502) 265-2543
111	Trigg	(502) 522-3451

GREEN RIVER DISTRICT (3)

William Horton		(502) 685-4491
30	Daviess	(502) 685-4491
46	Hancock	(502) 927-8142
51	Henderson	(502) 826-6203
75	McLean	(502) 486-3232
92	Ohio	(502) 298-7471
113	Union	(502) 389-2314
117	Webster	(502) 667-7043

BARREN RIVER DISTRICT (4)

Kenneth Royle (502) 843-5447

2	Allen	(502) 237-3101
5	Barren	(502) 651-8396
16	Butler	(502) 526-3833
31	Edmonson	(502) 597-2163
50	Hart	(502) 524-7111
71	Logan	(502) 726-3516
85	Metcalfe	(502) 432-2721
86	Monroe	(502) 487-6701
107	Simpson	(502) 586-8266
114	Warren	(502) 781-2750

LINCOLN TRAIL (5)

Richard Appling (502) 769-2381

14	Breckinridge	(502) 756-2196
43	Grayson	(502) 259-3184
47	Hardin	(502) 769-2381
62	Larue	(502) 358-4175
78	Marion	(502) 692-3135
82	Meade	(502) 422-3942
90	Nelson	(502) 348-9048
115	Washington	(606) 336-9395

JEFFERSON DISTRICT (6)

John Karman (502) 588-4509

56	Jefferson	(502) 588-4803
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NORTHERN KENTUCKY (7)

Dennis Corrigan (606) 292-6549

8	Boone	(606) 371-8832
19	Campbell	(606) 292-6733
21	Carroll	(606) 732-6681
39	Gallatin	(606) 567-7381
41	Grant	(606) 824-4471
59	Kenton	(606) 292-6340
94	Owen	(502) 484-3937
96	Pendleton	(606) 654-3381

GATEWAY/BUFFALO TRACE (8 & 9)

Gladys McCartney (606) 784-6687

6	Bath	(606) 674-6308
12	Bracken	(606) 735-2195
35	Fleming	(606) 845-2381
68	Lewis	(606) 796-2981
81	Mason	(606) 564-6818
87	Montgomery	(606) 498-6312
88	Morgan	(606) 743-3158
101	Robertson	(606) 724-5413
103	Rowan	(606) 784-4178

FIVCO/BIG SANDY (10 & 11)

Ronald Moatz (606) 324-4131

10	Boyd	(606) 329-8444
22	Carter	(606) 474-6627
32	Elliott	(606) 738-5167
36	Floyd	(606) 886-8192
45	Greenup	(606) 473-7366
58	Johnson	(606) 789-4373
64	Lawrence	(606) 638-4360
77	Magoffin	(606) 349-3123
80	Martin	(606) 298-7633
98	Pike	(606) 432-2596

KENTUCKY RIVER DISTRICT (12)

Gene Rice (606) 439-2355

13	Breathitt	(606) 666-7506
60	Knott	(606) 785-3106
65	Lee	(606) 464-8801
66	Leslie	(606) 672-2313
67	Letcher	(606) 633-0191
95	Owsley	(606) 539-5191
97	Perry	(606) 439-2347
119	Wolfe	(606) 668-3101

CUMBERLAND VALLEY DISTRICT (13)

Jim Wood (606) 878-0610

7	Bell	(606) 337-6171
26	Clay	(606) 598-2027
48	Harlan	(606) 573-4620
55	Jackson	(606) 287-7114
61	Knox	(606) 546-5154
63	Laurel	(606) 878-0610
102	Rockcastle	(606) 256-2138
118	Whitley	(606) 549-4505

LAKE CUMBERLAND DISTRICT (14)

Keith McWhorter (606) 387-6655

1 Adair (502) 384-4731
23 Casey (606) 787-8369
27 Clinton (606) 387-6655
29 Cumberland (502) 864-3834
44 Green (502) 932-7484
74 McCreary (606) 376-5365
100 Pulaski (606) 679-4436
104 Russell (502) 343-3512
109 Taylor (502) 465-6621
116 Wayne (606) 348-9361

BLUEGRASS DISTRICT (15)

Gyles Williams (606) 252-3587

3 Anderson (502) 839-5176
9 Bourbon (606) 987-4655
11 Boyle (606) 236-6105
25 Clark (606) 745-4771
33 Estill (606) 723-5146
34 Fayette (606) 253-1677
37 Franklin (502) 564-3540
40 Garrard (606) 792-2186
49 Harrison (606) 234-3884
57 Jessamine (606) 885-9451
69 Lincoln (606) 365-3551
76 Madison (606) 986-8411 (Berea) (606) 623-1204 (Richmond)
84 Mercer (606) 734-5448
91 Nicholas (606) 289-7123
99 Powell (606) 663-2881
105 Scott (502) 863-0565
120 Woodford (606) 873-8041

SALT RIVER DISTRICT (16)

Stan Thompson (502) 633-1892

15 Bullitt (502) 955-6591
52 Henry (502) 845-2922
93 Oldham (502) 222-9472
106 Shelby (502) 633-1892
108 Spencer (502) 477-8807
112 Trimble (502) 255-7274

*District Manager

DIRECTORY OF CHILD ABUSE REPORTING AGENCIES

**CHILDREN'S RESIDENTIAL
SERVICES FACILITY**

**LAW ENFORCEMENT
AGENCY**

COUNTY ATTORNEY

Ashland Day Treatment
Robert Brewer, Director
1420 Central Avenue
Ashland, KY 41101
(606) 329-9777

Ashland City Police
City Building
Ashland, KY 41101
(606) 325-8571

Jerry P. Vincent
Courthouse
Catlettsburg, KY
41129

Ashland Group Home
Rocky Hall, Director
3700 13th Street
P. O. Box 1507
Ashland, KY 41101
(606) 325-9946

Ashland City Police
City Building
Ashland, KY 41101
(606) 325-8571

Jerry P. Vincent
Courthouse
Catlettsburg, KY
41129
(606) 739-4321

Bowling Green Day
Treatment
Norm Johnson, Director
P. O. Box 6499
822 Woodway Drive
Bowling Green, KY 42101
(502) 842-0161

Bowling Green
Police Department
Juvenile Section
1011 College Street
Bowling Green, KY
42101
(502) 842-4244

Michael Caudill
Courthouse
Bowling Green, KY
42101
(502) 842-0123

Bullitt County Day
Treatment
Wayne Muscar, Director
Bullitt Lick Middle
School
1080 West Blue Lick Road
Shepherdsville, KY 40165
(502) 955-8300

Lloyd Shot Dolley,
Sheriff
Courthouse
Shepherdsville, KY
40165
(502) 543-2514 or
955-7804

Thomas B. Givhan
Courthouse
Buckman Street
Shepherdsville, KY
40165
(502) 543-2218

Cardinal Treatment
Center
Tom Andis, Director
2915 Freys Mill Road
Louisville, KY 40222
(502) 425-2172

Jefferson County
Police Department
600 West Jefferson St.
Louisville, KY 40202

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202

Central Kentucky Re-Ed
Mary Davidson, Director
690 Newtown Pike
Lexington, KY 40508
(606) 253-2436

Sargeant Les Bishop
Crimes Against
Children
134 East Main Street
Lexington, KY 40507

Norrie Wake
Courthouse
Lexington, KY 40507
(606) 252-7552

Central Kentucky
Treatment Center
Ray Frazier, Director
8310 Westport Road
Louisville, KY 40222
(502) 425-2573

Jefferson County
Police
Child Exploitation
Unit
600 West Jefferson
Louisville, KY 40225

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Children's Treatment
Services
Martha Discher, Director
Lakeland Road
Louisville, KY 40223
(502) 245-4121

Jefferson County
Police Department
600 West Jefferson St.
Louisville, KY 40202

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Christian County Day
Treatment
Tom Vreeland, Director
820 Central Avenue
Hopkinsville, KY 42240
(502) 887-2519

Thomas Scillian, Chief
Hopkinsville County
Patrol
620 Riverfront Drive
Hopkinsville, KY 42240
(502) 887-4135

J. Michael Foster
Courthouse
511 S. Main Street
Hopkinsville, KY
42240
(502) 886-1272

Covington Day Treatment
Don Gardner, Director
5th District School
18th & Holman
Covington, KY 41011
(606) 431-8883

Janet Radenheimer
Covington Police Dept.
20th and Madison
Covington, KY 41011
(606) 292-2222

John R. Elfers
Courthouse
Main Street
Covington, KY 41011
(606) 491-3824

Franklin County Day
Treatment
Larry Montgomery,
Director
961 Leestown Road
Frankfort, KY 40601
(502) 223-8043

Sargeant Debra A. Zych
Domestic Violence and
Juvenile Services
308 West Second Street
Frankfort, KY 40601
(502) 875-8582

James E. Boyd
Courthouse
Frankfort, KY 40601
(502) 875-8745

Frenchburg Group Home
Garrie Stamper, Director
General Delivery
Sudith, KY 40381
(606) 768-3107

Hershell Sexton,
Sherriff
Courthouse
Frenchburg, KY 40322

John A. Nefzger
Courthouse
Frenchburg, KY 40322
(606) 768-2962

Glasgow Group Home
Hollis Thrasher, Director
Main & Franklin Streets
Glasgow, KY 42142
(502) 651-6085

Gayle Woods, Sheriff
Courthouse
Glasgow, KY 42142

Danny Basil
Courthouse
Glasgow, KY 42141
(502) 651-8766

Green River Boys Camp
David Peak, Director
Route 1
Cromwell, KY 42333
(502) 526-3826

J. V. McKinney, Sheriff
Courthouse
Morgantown, KY 42261

Walter Chyle, Jr.
Courthouse
Morgantown, KY
42261
(502) 526-3316

Hardin County Day
Treatment
Richard Williams, Director
114 South Muhlberry
Elizabethtown, KY 42701
(502) 737-3585

Chief Edward Day
Elizabethtown Police
Department
308 South Mulberry
Elizabethtown, KY 42701

Thomas S. Bland
Courthouse
Elizabethtown, KY
42701
(502) 765-6726

Harrodsburg Day Treatment
William Royalty, Director
East Lexington Street
Harrodsburg, KY 40330
(606) 734-4126

Chief Leslie Williams
Harrodsburg City
Police
125 W. Broadway
Harrodsburg, KY 40330

Douglas L. Greenburg
Courthouse
Harrodsburg, KY
40330
(606) 734-9405

Hopkinsville Group Home
Neil Bentley, Director
2625 Madisonville Road
Hopkinsville, KY 42240
(502) 885-4206

Bill Billard, Sheriff
South Main Street
Hopkinsville, KY 42240

J. Michael Foster
Courthouse
511 S. Main Street
Hopkinsville, KY
42240
(502) 886-1272

Kiva House
Doug Halpern, Director
160 Constitution Street
Lexington, KY 40507
(606) 233-0444

Sargeant Les Bishop
Lexington Police
Department
Crimes Against Children
134 East Main Street
Lexington, KY 40507

Norrie Wake
Courthouse
Lexington, KY 40507
(606) 252-7552

Lake Cumberland Boy's
Camp
George Page, Director
Route 4
Monticello, KY 42633
(606) 348-4201

Jim Hill, Sheriff
Courthouse
Monticello, KY 42633

Van Fossen Phillips
Courthouse
Main Street
Monticello, KY 42633
(606) 348-9789

Lexington Day Treatment
Bob Potts, Director
115 Cisco Road
Lexington, KY 40504
(606) 253-1585

Sargeant Les Bishop
Lexington Police
Department
Crimes Against Children
134 E. Main Street
Lexington, KY 40507

Norrie Wake
Courthouse
Lexington, KY 40507
(606) 252-7552

Lexington Group Home
Calvin Lee, Director
1710 Terraceview Drive
Lexington, KY 40504
(606) 252-7490

Sargeant Les Bishop
Lexington Police Dept.
Crimes Against Children
134 E. Main Street
Lexington, KY 40507

Norrie Wake
Courthouse
Lexington, KY 40507
(606) 252-7552

Lincoln Village Treatment
Center
Charles Fenigstein,
Director
P. O. Box 740
Elizabethtown, KY 42701
(502) 737-5636

Kentucky State Police
Post 4, Bardstown Road
Elizabethtown, KY 42701

Thomas S. Bland
Courthouse
Elizabethtown, KY
42701
(502) 765-6726

London Group Home
Norma Sizemore, Director
Regional State Office
Building
London, KY 40741
(606) 864-7911

London Police Dept.
City Hall Building
Broad Street

Elmer Cunnagin, Jr.
Courthouse
London, KY 40741
(606) 864-6159

Louisville Day Treatment
Judy Repko, Director
8711 LaGrange Road
Louisville, KY 40222
(502) 425-7126

Jefferson County Police
600 W. Jefferson St.
Louisville, KY 40204

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Louisville Group Home
Marcia Fegley, Director
5408 Regent Way
Louisville, KY 40218
(502) 968-7202

Jefferson County Police
600 W. Jefferson St.
Louisville, KY 40204

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Madisonville Day
Treatment
Gary Whitfield, Director
110 Sugg Street
Madisonville, KY 42431
(502) 825-6053

Dave Duncan
Madisonville City Police
Madisonville, KY 42431
(502) 821-1720
or
Sheriff Beau Summers
Courthouse
Madisonville, KY 42431
(502) 821-5661

W. Logan Calvert
Courthouse
Madisonville, KY
42431

Mayfield Girls' Treatment
Center
Julia Fowler, Director
Highway 45 South
Route 3
Mayfield, KY 42066
(502) 247-3237

Burl Youngblood,
Sheriff
Courthouse
Mayfield, KY 42066

Gail B. Robbins
Courthouse
Mayfield, KY 42066
(502) 247-6321

Middlesboro Group Home
Ken Clendaniel, Director
105 Rochester Avenue
Middlesboro, KY 40965
(606) 248-6719

Middlesboro Police
Department
P. O. Box 601
Middlesboro, KY 40965

John H. Golden
Courthouse Square
Pineville, KY 40977
(606) 337-2720

Morehead Treatment
Center
Diana Weils, Director
100 Pine Crest Drive
Morehead, KY 40351
(606) 784-6421

Kentucky State Police
Post 8
Flemingsburg Road
Morehead, KY 40351

Harvey T. Pennington
Courthouse
Morehead, KY 40351
(606) 784-8542

Newport Day Treatment
David Reis, Director
721 Weingartner Street
Newport, KY 41071
(606) 292-6664

Chief Ed Huck
Newport Police
345 Columbia Street
Newport, KY 41071
(606) 292-3622

Paul H. Twehues, Jr.
Courthouse
4th & York Street
Newport, KY 41071
(606) 491-5843

Northern Kentucky
Treatment Center
Ron Turner, Coordinator
P. O. Box 100
Crittenden, KY 41030
(606) 356-3172

Kentucky State Police
Box 169
Dry Ridge, KY 41035

John R. Elfers
Courthouse
Main Street
Covington, KY 41011
(606) 491-3824

Owensboro Day Treatment
Ed Sander, Director
Route 2, Box 47A
3001 Leitchfield Road
Owensboro, KY 42303
(502) 686-3247

John Bouvier, Sheriff
Courthouse
Owensboro, KY 42301

Robert M. Kirtley
Courthouse
Owensboro, KY 42301
(502) 685-8442

Owensboro Treatment
Center
Margaret Logsdon,
Director
Route 2, Box 47A
3001 Leitchfield Road
Owensboro, KY 42303
(502) 686-3311

John Bouvier, Sheriff
Courthouse
Owensboro, KY 42301

Robert M. Kirtley
Courthouse
Owensboro, KY 42301
(502) 685-8442

Re-Ed School of Kentucky
Jerry Whitley, Director
1804 Bluegrass Avenue
Louisville, KY 40214
(502) 368-2591

Louisville Police Dept.
225 South 7th Street
Louisville, KY 40202

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Rice Audubon Treatment
Center
Mike Yelton, Director
8711 LaGrange Road
Louisville, KY 40222
(502) 425-7521

Jefferson County
Police Department
600 West Jefferson
Louisville, KY 40204

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Waddy Group Home
Kathy Lyons, Director
Route 2, Box 44
Waddy, KY 40076
(502) 829-5391

Shelbyville Police
Department
1040 Main Street
Shelbyville, KY 40065

James Hite Hays
Courthouse
Shelbyville, KY 40065
(502) 633-5850

Walton Group Home
Mike Murphy, Acting Director
12315 Dixie Highway
Walton, KY 41094
(606) 485-6367

Walton City Police
Main Street
Walton, KY 41094

Larry J. Crigler
Courthouse
Burlington, KY 41005
(606) 586-9950

Westport Group Home
Lewis Mucker, Director
8300 Westport Road
Louisville, KY 40222
(502) 425-1517

Jefferson County Police
600 W. Jefferson St.
Louisville, KY 40204

Mike Conliffe
Courthouse
Sixth & Jefferson
Louisville, KY 40202
(502) 625-6336

Woodsbend Boys' Camp
Henry Williams, Director
Route 2, Box 85E
West Liberty, KY 41472
(606) 743-3177

Roger Benton, Sheriff
Morgan County Office
Building
West Liberty, KY 41472

Edward C. Keeton, Jr.
Courthouse
West Liberty, KY
41472
(606) 743-3475

APPENDIX D

DEVELOPMENTAL CONSIDERATIONS FOR INTERVIEWING CHILDREN

TODDLER (Ages 2-3)	PRESCHOOLER (Ages 4-5)	SCHOOL AGE (Ages 6-11)	ADOLESCENT (Ages 12-18)
<ul style="list-style-type: none">● Understanding of language is far superior to the ability to express self verbally● Limited ability to verbalize and generalize● Seeks adult approval● Imitates other's language● Separation is extremely difficult	<ul style="list-style-type: none">● Very talkative● Can verbalize but may not understand complex questions● Limited ability to separate fantasy from reality● Beginning to know the difference between right and wrong● Responds well to praise and encouragement● Tends to be protective of the parents	<ul style="list-style-type: none">● Can be very independent and self-assured at times● Family is still very important● Has strong likes and dislikes● Forms own opinions and ideas	<ul style="list-style-type: none">● Can often be communicated with as an adult● Doesn't feel understood● Independent yet dependent● Often doesn't trust adults● Often doesn't think of consequences of words or acts● Often idealistic -- compare life unfavorably with the ideal

DEVELOPMENTAL INTERVIEWING OF THE SEXUALLY ABUSED CHILD

Since children tend to react differently to sexual abuse depending on their age, it is important for us as interviewers to construct the interview in relation of a child's individual developmental stage; (i.e., interviewing techniques with a 12 year old child victim of sexual abuse would differ from those techniques used with a 5 year old). The chart below gives useful techniques in interviewing the sexually abused child, given their developmental stages.

<u>AGE</u>	<u>DEVELOPMENTAL STAGE</u>	<u>RECOMMENDED INTERVIEWING TECHNIQUES</u>	<u>JUSTIFICATION(S)</u>
Birth to 1 1/2	Infancy	Interview with child not possible.	Child unable to verbally communicate his view of the world; separation from caretaker creates anxiety and distress.
1 1/2 to 3	Toddler	Some interviews need to involve caretaker's physical presence. Avoid asking child's interpretation of the sexual encounter. Ask caretaker what "nicknames" child has for his genitals. Do ask questions relating to child's genitals. (Ex: "Did somebody touch your wee-wee"?) Set the interviewing scene as non-threatening as possible. Avoid sitting behind desks. Playrooms are good settings. If playroom is not available, bring some toys to your office.	"Clinging" behavior is still present in some toddlers and it may not be easy for them to separate. Child has not yet incorporated basic knowledge of right or wrong -- therefore his answer may be unreliable; child is unable to tell events in sequence; his view of events may be distorted. Using these names in referring to their genitals makes child feel more comfortable. Child is aware of genital area and is not embarrassed when asked these types of questions. Playroom settings are much more conducive and less threatening to children at this age; makes child feel more "safe"; gives worker opportunity to observe child on his "turf"; gives child chance to exercise control.

	Toddler	<p>Avoid projective techniques. Projective techniques are those that allow the respondent to project his own frame of reference (personal meanings and perceptions) in responding to some stimulus, such as a toy or a picture.</p> <p>Help child choose age-appropriate toys.</p>	<p>Toddlers have not incorporated self-concepts or self-images, therefore responses may be distorted; they cannot put feelings into words easily.</p> <p>Toddlers have a hard time making choices.</p>
3 - 6	Pre-school	<p>Say "Let's go to my office, I have some toys there." Be firm but level.</p> <p>Use playroom for interview.</p> <p>Initiate play activities.</p> <p>Reinforce to child that "what happened was not his/her fault".</p> <p>"Coach" child into telling his story.</p> <p>Do not ask direct questions.</p> <p>Be very specific. Don't use metaphors or irony.</p> <p>Obtain child's interpretation of what</p>	<p>Child may say "no" if you "ask"; idea of toys is inviting; can usually separate from mother easily.</p> <p>Play is useful in observing role interpretation; is the child's natural medium for self-expression. Play is "work" to them.</p> <p>Child may be frightened.</p> <p>Child may have incorporated a sense of guilt; if the sexual abuse was very traumatizing, the child will feel the full impact of guilt.</p> <p>Child may talk well, but does not understand concepts; memory is spotty; are able to give only one thought at a time; time and space is personalized, not logical; may confuse pronouns.</p> <p>"What happened?" turns kids off.</p> <p>Pre-schoolers only understand one meaning of words.</p> <p>Pre-schooler's verbal skills are usually</p>

happened, using dolls or pictures to point out specific genital areas.

Role playing.

Use projective questions and stories.

6- 12 School Age

Allow child to tell what happened.

Reinforce to child that "what happened was not his/her fault and that he/she is not wrong for telling".

Utilize projective techniques such as pictures and projective - type questions and stories.

Can use direct verbalization.

sufficient. Can move from telling you about doll to themselves.

4 -5 year olds love to pretend. Role playing allows child to express feelings in permissive, non-threatening situations.

Children at this age are able to give answers which they consider "honest". Can put their feelings into words better. Do not lie intentionally.

6 - 7 year olds are able to remember long sequence of actions or events; they seldom lie about major issues; respond to questions better; 8 year olds are more truthful about matters considered important. 9 year olds truthful but may exaggerate.

Up until age 8 children believe that punishment or misfortune will automatically befall the wrongdoer no matter what nature of transgression. Children at this age have progressed from blaming others to accepting blame and feeling guilty.

Helps us clarify better what a child is feeling; useful in assessing attitudes, perceptions, and self-images; useful in identifying the depressed child, the insecure child, etc. School age children respond better to pictures and other stimuli.

Generalizations can be used to lessen anxiety and feelings of "no one can

12-17 Adolescence

Role playing.

understand" and "no one ever feels this way".

Denial is a common defense in children who experience trauma following a sexual abuse. Role playing often leads into a good discussion and with some children can be much more productive than a regular interview; in asking questions during role play we are sometimes able to obtain more "real" information, (ex: a child may be able to tell you, as pretending to be the "doctor", how the doll got infected), thus revealing important clues to the nature of their own source of infection.

Role playing.

Adolescents are sometimes shy; their shyness stems from anxiety over how others judge their changing bodies and behavior. It may be easier for some adolescents to "spill" out their problems and concerns through role play than in a one-to-one interview. Some teens see role playing as a game.

Can talk direct.

Increased ability for insight and can reason abstractly.

Employ acceptance and sympathetic listening.

These attitudes are helpful in interviewing adolescents, for they are highly sensitive to how others react to them. Incest victims are especially sensitive.

Explore family relationships.

Many adolescents use sexual relationship as means of putting distance between self and family.

Answer questions honestly.

Adolescents need precise stipulations about what is not confidential and consequences; they also need to know who makes final decisions.

NORMAL CHILD DEVELOPMENT

PHYSICAL

COGNITIVE

EMOTIONAL

SOCIAL

FOUR WEEKS OLD

Startle response to light and sound

Hands fisted - grasp reflex

Can hold head erect for a few seconds

Can focus, but doesn't perceive what he sees

Sleeps about 20 hours per day

Eyes follow to midline

Alert about one out of every 10 hours. Vague indirect expression during most of waking hours

Expects feedings at certain intervals

Remembers objects that re-appears within 2 1/2 seconds

Gratified by sucking

Responds to mother's emotional attitude

Random behavior, cries from discomfort

Smiles at approximately 6 weeks

Beginning vocalization such as cooing, gurgling, grunting

Responds to being held, fed, changed, spoken to

*****FOUR MONTHS OLD*****

Holds head up

Holds chest up

Tries to reach for objects but over shoots

Focuses on objects with eyes

Eyes follow to 180 degrees

Sits with support for short periods

May transfer a toy from one hand to the other

Follows dangling or moving object, sound source. Regards ring or rattle immediately

Stares at place from which object drops

Has memory span of 5-7 minutes

Begins babbling, string of syllable-like vocallizing

Imitates several tones

Recognizes mother

Shows pleasure and anger

Responds to sound, sight and touch

Coos, babbles, gurgles

Laughs aloud

Spontaneous social smile, not selective

*****SEVEN MONTHS OLD*****

Sits in high chair - on verge of sitting alone	Attention more concentrated; interested in detail	Shows affection for all people	Plays peek-a-boo
Bounces actively when placed in standing position	Distinguishes near and far objects and space	Thumbsucking to relieve tension	Imitates simple acts
Reaches accurately	Grasps, manipulates, mouths, shakes, bangs objects	Fear of loud noises and falling	Cries for people
Manipulates actively - bangs	Looks briefly for toy that disappears	Pats mirror image	Responds to name
Turns completely over	Responds with expectation to repetition of an event or signal	Shows pleasure, anger, fear, affection	Uses attention-getting actions
Fingers food	Transfers object from hand to hand. Retains two or three blocks or small toys offered		Squeals
	Has special, well-defined syllables, usually four or more; most common sound like ma, mu, da, di, ba		
	May say dada or mama		

*****TEN MONTHS OLD*****

Rolls over	Reaches behind self for a toy without seeing it	Shows discrimination in giving affection - only familiar people	Wants to be with people
Sits alone	Points, pokes, touches and pries with extended index	Responds to words - i.e., "Where is Daddy?"	Waves "bye-bye"
Creeps - crawls	Searches for hidden object if he sees it hidden	Pulls on clothes of others to gain attention	Learns by imitation - pat-a-cake
Pulls self to standing position	Points to body parts		Shakes head "no"
Thumb-index control	May say one or two words besides Mama and Dada		Shy of strangers
Attempts to imitate scribble	Understands and obeys words and commands, e.g., "Give it to me."		Repeats performance laughed at
Holds own bottle			
Feeds self cracker			

*****FIFTEEN MONTHS OLD*****

Walks

Finger feeds well

Drops things purposely

Birthweight tripled at one year

Creeps upstairs

Drinks from cup - spoon to mouth

Likes to take off shoes

Scribbles with crayon

Likes to empty containers

Uses spoon, spilling little

Builds tower of two cubes

Combines two different words, e.g., "Dada go"

Points to one named body part

Capable of primitive affection - sympathy, jealousy, anxiety

Begins positive signs of independence - feeds self, takes shoes off, etc.

Begins to imitate domestic duty

Kisses pictures

Asks by pointing

Wants an audience

*****EIGHTEEN MONTHS OLD*****

One dozen teeth

30 - 33 inches tall

20-28 pounds weight

Sleeps over 12 hours

Walks backwards - jumps with both feet

Abdomen protrudes

Throws ball

Walks upstairs with one hand held

Becomes noticeably right or left-handed

Piles three cubes to build a tower when first shown how

Obeys requests to pass familiar named items to an adult. Understands and performs simple tasks like shutting a door

Says 6 - 20 words, knows many more than that

Urgently vocalizes and points to an object that he wants

Aware there are others - doctor, sibling, - and responds selectively

Temper tantrums begin

Destructive - tears magazines

Still needs much emotional support from mother or other familiar adult, but often resists authority

Plays alone on floor with toys

Responds to simple verbal directions

Tries to sign

Copies everyday actions such as sweeping floor and reading

*****TWO YEARS OLD*****

Squats steadily and stands without using hands as props

Runs easily, controlling stops and starts, and dodging obstacles

Climbs on furniture to reach windows and door handles, and gets down unaided

Can throw a small ball forward while standing

Holding handrail or wall, walks up and down stairs, placing both feet on each step

Knows 150 - 200 words

Combines words into ideas

Names objects

Knows night and day

Concrete rather than abstract thinking

Takes things apart and can put them together again

Can copy a circle

Can build a tower of 6-7 blocks

Short attention span

Likes people

Dependent on mother

Selfish

Fear of animals, being deserted - response is helplessness

Shows sympathy, pity, modesty and shame and can evidence guilt

Can show great affection

Temper tantrums

Easily frustrated, his drive to do things is so strong

Cries easily, frequently angry

Appears aggressive - even defiant

Cannot share

Solitary to parallel play - plays near rather than with other children

Shy with strangers

Pinches, pulls, kicks and bites

*****THREE YEARS OLD*****

Bowel and bladder control during the day is often established by the third birthday

Developing coordination

Feeds self with spoon and small fork, opens door, turns faucet off and on

Helps to bathe self

Can hop on one foot

Runs, digs, climbs and jumps

Counts two or three objects

Rides tricycle

Jumps from bottom step

Puts on shoes, unbuttons buttons, feeds self well

Builds tower of 9 or 10 cubes

Weighs 31 pounds or more

Vocabulary of 500-1000 words

Knows name and address

Tells simple stories of daily happenings

Copies cross and circle

Holds up fingers to signify age

Counts 3 objects

"Why?"

Name objects (e.g., pencils, keys, etc.)

Repeats short sentences

Developing concepts of space and time

Outbursts brief, but he can feel prolonged anxiety

Capable of jealousy

Apt to be possessive

Can hold himself in anticipation

Cooperative, kind, easy to please

Child may develop an imaginary playmate at this age

Strong need for companionship

Asks questions about death, sex, God, etc.

Proud of what he makes

More interested in animate objects - loves pets

Developing independence

Time of nightmares and bad dreams

Likes friendly verbal humor

Desires to please

Likes to play with one or two other children
Resents being helped - "do it myself!"

Can be bargained with

Beginning to develop the capacity to share, to wait, to take turns

Describes what is happening in a picture book

Understands taking turns

Forgets hurts easily and does not carry grudge

Makes frequent unreasonable demands for attention

May develop imaginary friends

Still uses aggression to achieve ends

*****FOUR YEARS OLD*****

His drive level is extraordinary - runs up and down stairs, races through the house

His drive to talk is also very high

Refined and precise gestures

Buttons clothes, laces shoes, toilets self, washes hands without help

Likes to climb and jump

Can climb a tree and come down by self

Nap time becomes shorter-periods of quiet play may be substituted

Weights about 35 pounds, is about 39" tall

Has a vocabulary of 1500 words

Can count to 5

Repeats 4 digits

Has fluid thought

Likes to have explanations

Speech understandable

Tells original story mixing truth and fiction

Follows a two-stage command

Speaks in complete sentences

Marked by insecurity and uncoordination

Many fears persist

Senses right and wrong

Confusion of truth - problem separating fantasy from reality

Beginning of pity-sorry for others

Imaginative play

"Why?" and "How?"

Can handle own toileting, etc., but prone to dawdle, talks while eating, etc.

Curiosity about sex

Tension outlets are heightened at this age. The child may blink his eyes, bite his nails, pick his nose, play with his sexual organs or suck his thumb

Expresses his emotional insecurity by crying, whining and frequent questioning

Independent and sociable

Forms friendships - enjoys playing with others

Able to share

Bossy, rambunctious and belligerent

Child is crude and direct.
Name-calling, bragging,
little regard for others'
feelings. Loves to defy
orders and requests.

Learning sense of values
(right, wrong, good, bad)

Struggling for exclusive
affection and attention
of parents - rivalry with
siblings and one or the
other parent

*****FIVE YEARS OLD*****

Controlled mature sense of balance

Dresses self, brushes teeth, combs hair

Precision and command of tools

Laces and ties shoes

Skips, using feet alternately

Weights 33-52 pounds, 39-46" tall

Vocabulary of 2000 words

Concrete

Distinct and complete sentences

Perception of order, form and detail

Sense of time

Realistic

Can carry a tune

Counts to 10

Recognizes some numbers and letters

Capable of learning phone number and address

Not concerned with inconsistencies

Copies a square

Draws a recognizable man with head, body and limb

Follows simple instructions

Names 5 colors

Stable, reliable and well-adjusted

Calm, friendly and not too demanding

Innocent of certain complex emotions

Capable of anxiety and unreasonable fears

Realistic

Enjoys playing with others, but can and will stand up for himself

Likes to have rules - learns what is right to say and do

Grows under praise, wilts under criticism

Emotions last longer

Not ready for competition - can't stand losing

"Silliness" and "Show-Off"

Capacity for friendship

Protective towards young playmates and siblings

Can respect authority of those who supervise him

Can be cooperative and self-reliant

Vivid imagination

SIX YEARS OLD

Slow growth process

Large muscles better developed than smaller ones

Eyes not yet mature

Tendency toward farsightedness

Permanent teeth begin to appear

Heart is in a period of rapid growth

Inept at activities using small muscles

Short attention span

Difficulty making decisions

Vague idea of space and time

Curiosity easily aroused

Works in spurts

Self-centered

Jealous of other's possessions

Easily hurt

Does not adjust well to others

Needs lots of praise, warmth and encouragement

Ready to accept simple responsibility

Usually not modest

Proud of self and skills

Highly emotional

Resents correction or direction, defiant

Retains many "babyish" characteristics and still wants to be cuddled by parents - - just don't want friends to know

Eager to learn

Exuberant, restless, overactive and easily fatigued

Self-assertive, aggressive wants to be first, competitive, boastful

Inconsistency in maturity level, evidenced (e.g., regresses when tired)

Often pairs up with best friend; tends to leave out third child

Play is loosely organized groups small, no teams

*****SEVEN YEARS OLD*****

Slow steady growth

Losing teeth, generally have six year molars

Better use of small muscles

Eyes not ready for much near work

Full of energy, but easily tired, restless and fidgety

Very little abstract thinking

Learns best in concrete terms and while active

Rudimentary understanding of time and money values

New awareness of individual differences

Adds and subtracts one-digit numbers

Sensitive to feelings and attitudes of peers and adults

Highly dependent on adult approval

Likes to know limits

Less responsive to mother's demands

Develops reactions to anxiety (aggression to dependency) which carry to adulthood

Cautious and self-critical; anxious to do things well

Protects self by withdrawal

Able to assume some responsibility

Sets goals too high

Concerned about right and wrong though often prone to take small things

End result more important than the route

Uses language (rather than actions) to complain

Feelings of shame often
Center on body

Seeks direction but wants some freedom to make choices from selected alternatives

Sees teacher as guide

Interests of boys and girls are diverging, less play together

Talkative, exaggerates, may fight with words instead of blows

Enjoys activities alone as well as with others

Competition beginning

Loyalty strong but of short duration

*****EIGHT YEARS OLD*****

Slow, steady growth

Arms lengthening, hands

larger

Eyes ready for both
near and far vision

Poor posture may
develop

Large muscles still
developing

Understanding of time and the
use of money

The value and relations of coins
are understood precisely. Change
can be made exactly

Concerned about the reasons
behind things

Sensitive to criticism

Needs much praise and
support

"Needs" a best friends

Often demanding of
parents

Talks with adults rather
than to adults

Judgmental and critical
both of self and others

Discovering parents are
human and make mistakes

Resents being treated as
a child

Responds to reason

Jealous of mother and
father together

Outgoing

Pretty open and
honest with parents
about school, friends,
play, etc.

Forms groups or
gangs but they don't
last long

Have secretive clubs -
definite rules

Begins to select
friends on the basis
of qualities or for a
reason

High accident rate

Much spontaneous
dramatization

Fond of collections of
any and all kinds

Often careless, noisy,
argumentative, alert,
friendly and interest-
ed in people

Allegiance to the peer
rather than the adult
in cases of conflict

Attitude about
opposite sex a com-
bination of attraction
and hostility

*****NINE YEARS OLDS*****

Slow steady growth

Girls forge ahead of boys

Great differences in physical performances and interests in different children

Uneven growth of different body parts

Rapid muscular growth

Eyes almost adult size and ready for close, work with less strain

Motor skills fairly well developed

Begins development of special motor skills - sports, dancing, music, handicrafts

Increased understanding of time and space

Attention span much longer

Wider discrepancies in reading ability

Developing an interest in science

Gaining in self-control

Becoming more inner directed

Not interested in cuddling and open signs of affection

Less demanding of parent's attention

Tries to give impression of becoming calm and steadfast

Bursts of emotion and impatience

Sensitive to and embarrassed by correction

Apt to be over-ambitious in demands of self

Perfectionist - wants to do well but loses interest if discouraged or pressured

Truthful and honest

Accepts blame

Has many questions and needs reasonable explanations

Still pretty self-centered and inconsiderate

Gaining self-confidence

Likes organized play with very definite rules

Much arguing over fairness in games

Gangs strong, of only one sex, of short duration and changing membership

*****TEN YEARS OLD*****

Same characteristics as exhibited at age

9. See Physical Development - Nine Years Old

Some conception of historical events and their sequences

Interest in reasoning things out; will try problem-solving

More interest in the community, country and other people than in fantasy

Conversations more adult; much time spent in talk and discussion; often outspoken and critical of adults

Individual interests more long-lasting

Capable of learning simple multiplication

Seems to be at peace with self and world; calm and self-confident

Can usually toss off criticism

Generally direct, matter-of-fact, simple and clear-cut

Shows concern and is sensitive to others

Shows no great concern about self

Can take increased responsibility but needs guidance

Indicates a special pride in father

Believes parents to be "OK". Still brings home some information/questions but less talkative than before

Usually morally sensitive to right and wrong

Helpful

Likes and enjoys friends

Likes rules and teamwork

Congenial and loyal

Engages in hero-worshipping

*****ELEVEN YEARS OLD*****

Resting period followed by rapid growth, generally between the ages of 9 and 13. Boys may mature as much as 2 years later than girls

Secondary sex characteristics begin to develop

Rapid muscular growth

Uneven growth of different parts of the body causes awkwardness, slouching, laziness and restlessness

Appetite increases

Great gains in historic perspective

Intellectual differences will show up sharply

Capable of learning multiplication and simple division

Capable of having a differentiated and abstract concept of their religious denomination

Tends to be moody and sensitive

Egocentric and selfish

Emotions do not quickly stabilize

Resents criticism

Works against what is expected of him

Super critical of others

Struggle for independence really underway

Begins to develop a cock-sure attitude becomes over-critical, changeable, rebellious, uncooperative, defies adult authority

At times, can be loud, boorish and rude

With strangers, may be cooperative, friendly, lively and pleasant or very quiet

Conforms to peer pressure

Beginning interest in the opposite sex

*****TWELVE YEARS OLD*****

Same characteristics as exhibited at age 11. See Physical Development: Eleven Years Old

Aware of less tangible subjects: religion, philosophy, aesthetics

Beginning to be idealistic

Logical in discussions

Emotions are extreme, either really likes something or really hates it

Believes he/she is no longer a child

Less self-centered; may be able to view self more objectively

Noticeable emotional control

Shows marked decrease in jealousy

Cannot accept praise gracefully

Outgoing, friendly

Feel that they can control anything

Believe parents to be impossible at times

Participate less in family activities

Acutely aware of themselves; very self-conscious

Establishing a relationship with them is hard

There is a wide range in maturity level

Girls are more mature and show more insight into human relations

Engage less in bickering and physical settling of disputes

STAGES OF DEVELOPMENT IN ADOLESCENCE

This very brief summary of the various developmental stages of adolescents is distributed to the workshop participants in advance in order to expedite and facilitate our discussion on Assessment and Treatment of the abused adolescent and his family. During the workshop, reference will be made to these stages of adolescent development. Please read it before we begin.

A. Early Adolescence

1. Young adolescents trying to sever previous dependent emotional ties with parents.
2. They tend to involve less in family activities.
3. They tend to downgrade the parents.
4. They become reluctant to accept advice or criticism.
5. They tend to discard bobbies which tied them to childhood.
6. They are no longer compliant, agreeable and disciplined.
7. They desire independence from their parents and yet the dependent needs for love, shelter, clothing, food and emotional support are there.
8. Emotional separation is painful for both but necessary for accomplishing developmental tasks.

The ambivalence we observe has its roots in this effort for emotional separation.

9. The emotional conflict we observe centers on the adolescent's loss of identity.
10. We observe a "Psychological Void."

He is not either completely dependent on the parents nor accepted by the peer group.

11. We observe mood swings accompanied by depression and boredom.
12. We observe regressive retreats back into childhood.
13. We observe a mild anti social behavior (shoplifting, fights, vandalism, etc.).
14. We observe slight fall in school grades.
15. We observe occasional truancy (missing school).
16. The early adolescent's behavior could be thought as "a testing out" type of behavioral experimentation.
17. Absence of such behavior in the adolescent could be clinically suspicious.

18. Successive regression is an indication of pathologic adjustment.
19. School failure, school drop-out and frequent drug use are indicators of pathologic complications.
20. Such complications could have their roots in the home.

B. MIDDLE ADOLESCENT

1. We observe strong peer group allegiance.
2. Involvement in the adolescent sub-culture.
3. They bridge the "psychologic void" by developing emotional ties with the peer group.
4. Friends become more important.
5. They adopt peer group ideas and values. (Fads of dress, language, music and dance are clear indications.)
6. This kind of behavior enhances "the emotional separation".
7. A new separate identity is underway. Conforming to that of the peers.
8. Behavioral experimentation as a result of peer group pressure.
9. They experiment with adult like roles, dating, part-time job, acquisition of special educational interests.
10. "Normal" activities often include group anti social behavior.

OR

a partial hippie type dropout

11. Many try to prove that they are fearless, powerful and sexy.
12. Indicators of pathologic adjustments are: has no friends, poor peer group ties, sexual promiscuity, and drug use.

C. LATE ADOLESCENT

1. This is an adulthood emancipation period.
2. He accepts additional adult responsibilities.
3. "Normal" adjustment problems occur when adolescents feel hesitant in accepting independent responsibilities and maintain middle adolescent roles.
4. Such behaviors are manifested by:
 - a) Retaining primary group ties

b) Continued dependence on the family

5. If middle adolescent roles persist a pathologic situation may exist.

For detailed information on these stages, read the Handbook of Adolescent Psychology edited by Joseph Adelson, New York, Wiley Interscience, 1980.

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