

ments, no matter how small or incremental. Assert and act on the belief that the mental health and personal effectiveness of employees are as important as the needs of the population served. Involve employees in planning and implementing activities that will make them feel supported and appreciated. Build intra-agency support systems as well, so that employees feel part of a broader network of professionals striving to serve the target population

4. All professions involve some degree of stress, but working with abused and neglected children can be particularly hazardous to the emotional health of professionals, who daily confront the dark side of human nature. The stress associated with this field of work should not be minimized as "business as usual." To provide employees with adequate support, create organizational assumptions about the difficulty of the work and the value of the people who do it. Organizational assumptions are generally not put in writing, though they can be; they are the agency's spoken and unspoken values about its work and employees.

At University of California (Davis) Child Protection Center, nurse practitioners were distressed because they did not know what happened to the majority of the children they examined. At issue was whether or not their work was effective. In response to this need for affirmation, management and staff asserted a new, positive organizational assumption: that a child-friendly environment staffed with professionals skilled in working with children positively touched the child's life, no matter how brief the visit. While nurse practitioners are still curious about outcomes of individual cases, the underlying fear that their work was insignificant in the children's lives was alleviated.

5. As a manager, espouse and model for employees the value of a balanced life. Separate work from your personal life. Balance work and leisure. Take lunch breaks. Develop absorbing interests outside the field. Acknowledge and support both staff and management's need to leave clients and problems behind when the day is done. Draw attention to these ways of taking care of yourself, and encourage employees to do

the same.

Building a positive culture is a shared undertaking between staff and management, requiring clear communication and continued commitment. Group spirit ebbs and flows: gains may lead to consistently good morale for several months that, later, begins to unravel. The unravelling is a sign not of failure, but of the need to reassess needs and rethink strategies for meeting them. Regular attention to organizational issues and mutual support and responsibility between administration and staff ensures the evolution of a positive organizational structure that nourishes and rewards professionals in this extremely difficult field.

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## PROFESSIONAL EXCHANGE

### WORKING WITH LAWYERS —by Lucy Berliner

A shift has taken place in the focus of concern in legal cases involving children as victims and witnesses, a shift that can dramatically heighten interviewers' stress levels. In the old days, the children were the targets. They were portrayed as prone to lying about victimization for attention or revenge. Defense attorneys claimed that children, especially young children, were unreliable reporters of events because they have difficulty distinguishing real from imagined experiences, or because they are highly suggestible.

But now, in part because concerted investigation has established that children are generally reliable witnesses and rarely lie about abuse experiences (see, e.g., "Fighting Harpers," p. 8), attention has largely shifted away from the children's capabilities and motivations and onto the interviewer's capabilities and motivations. I think this reflects a positive change in the social climate regarding children who may have been abused. There is now widespread recognition that children are commonly victimized, and a growing consensus that our disbelief of child witnesses has allowed offenders to victimize children with impunity. That children who report abuse are far more likely to be viewed sympathetically and given the benefit of the doubt is a very substantial improvement in attitudes toward children

For the professionals who interview abused children, however, this shift is a new source of stress. With improper interviewing now often considered the primary source of unreliable or false information from children, interviewers may find their every move attacked in court. As a community, we have tended to respond to this attack with confusion and distress. Some interviewers are virtually paralyzed, reluctant to ask any questions for fear of ruining a case; others give up on accommodating their technique to the legal system, feeling that they have to choose between providing effective therapy and providing reliable evidence of abuse; others adhere to rigid, attorney-generated lists of do's and don't's that may hamstring their ability to be helpful to children.

The problem is not going to go away. Our adversary system requires that the testimony of complaining witnesses be discredited. Defense attorneys will never stop trying to impeach opposing witnesses. They can't, they won't, and they shouldn't. They are acting properly. We can't rid ourselves of the problem, but we can respond constructively in several ways

First, we can keep our own house in order. We should not give the lawyers and experts good reason to challenge our work. True, much of the criticism raised against interviewers is unwarranted and unfair. The accusations that child abuse professionals are fortune-seeking, psychologically disturbed, or unconcerned with the truth are patently absurd. But some of the concerns defense attorneys raise are quite legitimate. Examples abound of interviewers using approaches which are clearly inappropriate, leading, suggestive, or coercive. As a pro-

fessional group, we should give defense lawyers and experts no legitimate grounds for attacking our practice.

We need to be certain that we and our colleagues are thoroughly familiar with the body of knowledge that does exist regarding interviewing techniques, children's suggestibility, and the reliability of the evidence children give. Those professionals who have state-granted authority to conduct investigations and invoke legal interventions—CPS workers, law enforcement investigators—as state-identified officials are particularly responsible for knowing this work. But all child interviewers should be conscientious, careful, meticulous record-keepers, well-read in the literature in the field, and prepared to explain and defend their interview process. Each interviewer whose technique is not thoroughly informed by the available information hurts the credibility of everyone in the field; each conscientious, highly professional interviewer improves the field as a whole.

Second, we must stop changing our practice to accommodate unfounded or unsupported claims by defense lawyers and their cadre of expert witnesses. We and researchers must be the ones who determine what is good and what is bad interviewing technique. Using rigid, attorney-generated interviewing protocols and long lists of do's and don't's isn't cooperating—it's conceding. Before we follow their rules, we must see evidence that, for instance, a reliable report from a child can only be produced when an interviewer has no prior knowledge, asks no specific questions, and is not friendly and supportive.

Continued on next page

**BERLINER** (continued from page 6)

Furthermore, we must insist on seeing realistic, reliable evidence for such claims. Some research tends to exaggerate and magnify the risks for error without exhibiting much concern for the context of possibly endangered children. This caution reflects the traditional academic stance of scientific objectivity, which is necessary for testing hypotheses. But research findings not balanced or informed by real life considerations and the awareness of the use and misuse of data do not serve the ultimate goal of truth seeking. We must become critical readers of research evidence, able to articulate clearly our objections to research that does not take human factors sufficiently into account.

Finally, and perhaps most importantly, we cannot lose heart and abandon our efforts or become distracted from our purpose of helping children. After all, we are simply experiencing now what children have always endured: the accusation that our statements about abuse are lies or misinterpretations caused by incompetence or malice. The difference is that we can choose not to be involved: children can only choose to suffer in silence. We should be glad that it is us grownups who are taking the heat, who have become the targets. At least we can defend ourselves. We can use this experience as a potent and visceral reminder of how it feels to be discounted.

I don't mean to suggest that it isn't hard. To devote a professional career to

helping children only to be accused of manufacturing the problem is extremely disturbing. It can produce defensiveness, excessive caution, loss of commitment, depression, anxiety, and ultimately a decision to leave the field. Let us fight against this, not by trying to out-lawyer the lawyers, but rather by keeping our eyes on the prize: a society in which adults and social institutions stand up for children.

*Lucy Berliner, MSW is Director of Research at the University of Washington's Harborview Sexual Assault Center in Seattle, Washington, Chair of APSAC's Task Force on the Evaluation of Suspected Sexual Abuse in Young Children and a member of APSAC's Executive Committee*

## PROFESSIONAL EXCHANGE

### WORKING WITH SOCIAL WORKERS

—by Paul Stern

It was the first child abuse case I tried in Washington State. The defendant, a chief intelligence officer for a military service, had confessed but the confession had been suppressed. His two daughters had bravely testified about the ongoing sexual abuse they suffered. The allegations arose, however, amid a nasty divorce, and the mother was an unsympathetic witness. After nine hours of deliberations, the jury acquitted.

I had never given any thought to how I was going to tell these teenagers that a jury had elected not to believe them. It was nearly midnight, and the two girls had napped on my office floor off and on during the evening. Now wide awake, they smiled nervously and asked optimistically about the verdict.

And I had to tell them.

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I went to law school to be a trial attorney. In my 20 years of schooling I never took a child psychology course, nor a child development class—not anything dealing with children. I have never been a parent, have no younger siblings, and see my only nephew only once every 3-4 years. When I started trying child abuse cases, I didn't know a thing about children.

As trial attorneys in a child sexual abuse case we have the responsibility to explain children's behavior to a jury. We must also translate into adult-ese what the victims are really saying in the language of children. Simultaneously, we should compassionately guide the children through a most painful part of their lives, and do so within a structured, public arena with their abuser looking on and a well-educated adult hired by their abuser trying to rattle and

confuse them.

In reality, much of my dedication to the cause of prosecuting child abusers is merely cowardice. I don't ever again want to have to tell a child that 12 people—people they had never met before, people whose names they never know—have said they could not believe enough of what the child had said to convict. And no matter how much we might sugar-coat and rationalize our disappointment over acquittals (“That defense-oriented judge made terrible rulings,” “It was a tough case, and I had such lousy witnesses”), it's as simple as this: It is my job to make sure the jury believes the child. If I succeed, they convict. If I fail, they acquit.

If not driven by cowardice, others might find the motivation in their ego: the simple unwillingness to lose. Others might simply enjoy The Game of the trial practice.

Through it all, however, we begin to feel the dedication of the cause. We try to “keep our eyes on the prize”; but we often find that the prize keeps changing. Perhaps for social workers “the prize” has been easy to identify. In the companion article, Lucy Berliner describes it as “a society in which adults and social institutions stand up for children.” For the trial attorney, it has traditionally been winning. Now, by being committed to our work, “the prize” for us as prosecutors of child abuse cases has become hazier.

A conviction can have a steep price for the child. To how much pain are you willing to subject the child in order to obtain a conviction? In time, success begins to involve the process, too. Allowing the victim to face his or her abuser. With a support system. With strength. With dignity. The look of pride on the child's face as she walks from the courtroom, feeling empowered to do what a few months ago seemed unthinkable, becomes part of “the prize” even to the prosecutor.

It is within this haze that the trial attorney handling child abuse cases can get lost. Many of us now understand the concerns of

the social worker. When before we might have placed winning above all other concerns, now we feel conflicting interests. We, too, want to protect the child and empower him or her. We can finally appreciate what social workers have been telling us for years. But we are trained to win. If we listen too much, will we lose the edge in court, the drive, the motivation to do what we must to obtain a conviction?

The social worker can help educate us. Sadly, many prosecutors do not recognize and understand the “unusual” behavior of an abused child. Too many prosecutors haven't learned to translate the child's words into words a judge or a jury, or even the attorney, can understand. We need to be taught, sensitized, enlightened, motivated.

“The prize” remains the conviction, for that is what we are paid to produce. Yet it is no longer enough to do our job and let the social worker pick up the pieces. On the other hand, the system is not served by the prosecutor and the social worker in the same role. We must educate each other, as the companion article makes clear. But we must also recognize that we have different but compatible jobs to do. We must work together toward two prizes. We need to respect that in each other and encourage that in each other.

Recently I was helping a younger colleague prepare a child sexual abuse case for trial. She became frustrated at one point and exclaimed, “This job would be so much easier if I could stop being a social worker and just be a lawyer.”

In child abuse cases you can't “just be a lawyer.” But by knowing that we need social workers and knowing what their role is, you can be a much better prosecutor.

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