Clinical Social Work and the Family Court: A New Role in Child Sexual Abuse Cases

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ABSTRACT: Clinical social workers encounter difficult treatment issues when working with children where there is a suspicion of child sexual abuse, or where there has been an indicated child protective services case but no family court action. This article outlines a new role for the clinical social worker to play in relationship to the family court system. The author argues that the involvement of the clinician in an assessment process developed to aid the court can aid in the protection of children and set the stage for effective intervention and treatment.

Problem Statement

Clinical social workers have increasingly encountered difficult treatment issues and ethical dilemmas as the number of sexually abused children in their caseloads has grown. A major difficulty is the problem presented by children, (often pre-school or school-aged), where there is a suspicion of child sexual abuse, or where there has been an indicated child protective services case but no family court action.

The instance where there is a suspicion of child sexual abuse presents the clinician with a number of thorny problems. The social worker may become concerned, based on the child's behavior and ambiguous statements in the clinical setting, that the child is being sexually abused. However, the clinician may feel uncomfortable pressing the child for specific information, either out of fear of traumatizing the child if no abuse exists, or because the clinician is not skilled in the investigative interviewing skills often needed to help children make a disclosure. Any disclosure of abuse will necessitate a report to

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child protective services, and this in turn can put pressure on the 
clinician to become more involved in an investigation, a role that may 
be counter-productive to the treatment relationship.

The other common clinical dilemma is the one in which child pro-
tective services (C.P.S.) has already conducted an investigation, has 
indicated sexual abuse but been unable to move the case on to the 
family court (or comparable) system due to lack of evidence. Without 
the back-up of family court, C.P.S. can only refer for services and they 
have no authority to mandate treatment, to remove a child or to in-
sist that the alleged offender be kept away from the child. In both 
these situations, (where there is suspicion but no positive knowledge 
or where a case in indicated but there is no family court involvement) 
the clinician may be treating a child who has on-going contact with 
either the alleged or identified perpetrator. These cases present ex-
tremely troubling treatment issues, as it is very difficult to provide 
meaningful clinical intervention in the light of on-going contact with 
a suspected offender and possible on-going abuse.

In addition to these pressures on the worker, a related issue has 
been the growing demand by Child Protective Services and/or the 
criminal justice system for the clinical social worker to assist in the 
establishment of the fact of abuse. This type of request has become 
more prevalent as the number of clinical social workers with exper-
tise in child sexual abuse has grown. The demand for the clinician to 
present information to the legal system which may help protect the 
child from further abuse or help prosecute an offender presents fur-
ther role conflicts. In addition to placing the clinician in the position 
of being unable to assure the confidentiality often needed to establish 
and maintain the therapeutic relationship, it asks clinicians to per-
form in an arena with which they may be unfamiliar. Clinical social 
workers generally have little experience in shaping their clinical ob-
servations and judgments into testimony understandable to a lay au-
dience, i.e. the family court judge or criminal jury. In fact, many may 
not understand the legal distinctions between the family and crimi-
nal system, and therefore hold false assumptions about the workings 
of the family court.

The Need for a New Clinical Stance

It is the author's position that there is a new role for the clinical 
social worker to play in the effective identification and intervention 
in child sexual abuse, but particularly in relationship to the family