

# Decision-making in Child Abuse and Neglect

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Since 1962, terms like "child abuse" and "neglect" have been used widely.<sup>1</sup> Because the serious mistreatment of children was found to be much more common than professionals and the public had previously recognized, increasingly broad standards were instituted mandating that adults "having reasonable cause to believe . . . a child has suffered non-accidental injury" must report the situation to the appropriate authorities.

Actually, both child abuse and neglect had been serious social concerns in America since the early 1890s, when the American Humane Society was founded. Participants in the 1909 White House Conference on Children debated whether the abused child's interest was better served by removing him/her from a seriously deficient home or by trying to improve the home situation.

That debate persists today. Despite newer knowledge about child development, we seem to have made little progress in applying our conceptual models to the tasks of understanding the parent who mistreats a child, the child's reaction to mistreatment, and the effect of mistreatment on the child's world view. The lack of useful conceptual models, the absence of data (particularly of good longitudinal studies), and the emotionally charged nature of the issues have led to highly subjective and inconsistent interventions.

We have had the opportunity to evaluate and begin the treatment of more than 300 abused children who had psychologic and behavioral problems. After watching some of these children progress through the social welfare, mental health, and correctional systems, we have concluded that the fate of these unfortunate children would be improved if governmental and judicial policy acknowledged and respected the child's inner psychologic world.

Since World War II, child psychiatrists, psychologists, and social scientists have been developing a conceptual model of child development based on the nature of the parent-child relationship. Called in its varying forms object-relations theory or social-attachment theory, this model focuses on the importance of the very early parent-child relationship, often called "bonding" as a necessary and vital aspect of a child's development, one that shapes subsequent relationships with family members and ultimately with

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the world at large. We consider this model to be valuable in conceptualizing child abuse and neglect and believe that using it will lead to more intelligent decisions about abused and neglected children.

The model has many roots including Fairbairn's work<sup>2</sup> with schizoid patients, Klein's focus<sup>3</sup> on early parent-child relationships, and Freud's observations<sup>4</sup> of children separated from their parents and relocated to safer areas during World War II's heavy bombings of London. Many of these children subsequently showed signs of distress that were thought to have resulted from the disruption of the normal parent-child relationship.

Spitz<sup>5</sup> studied infants cared for in impersonal orphanages and found that many became marasmic. Bowlby<sup>6</sup> studied a group of juvenile delinquents whom he diagnosed as exhibiting an affectionless personality. He found they all had lost a parenting figure early in life. Robertson's films<sup>7</sup> demonstrated that even short-term separations from his parent were painful for a child, especially when the child was placed in a strange, new environment. These clinical observations led investigators to study the effects of separation in a variety of laboratory settings. Harlow's work with primates<sup>8</sup> and Ainsworth's studies with human infants<sup>9</sup> have been particularly seminal.

We now appreciate that the parent-child bond is the mark of our biological heritage as primates. Like all other primate children, the human infant must receive adequate parental nurturance, care, and protection to survive. Since the infant primate is dependent on the parent for a long period of time after birth, it has evolved a biological repertoire of behaviors to "connect" physically, emotionally, and psychologically with the parent. This connection is not only oral, it is tactile, olfactory, visual, and auditory as well.<sup>10</sup> The infant is stimulated by, shaped by, and focused on the parent from the first moments of life. In reciprocal fashion, the infant actively influences, shapes, and stimulates the parent to provide for his care.<sup>11</sup> Most parents care for their children "adequately enough"<sup>12</sup> that the child survives and the species continues. Child abuse and neglect may be viewed as a failure or aberration in the normal parent-child bond.

To understand the problems lawyers and social workers have had in developing definitions of abuse and neglect that are useful in deciding when to intervene, we must recognize that the mistreatment of children is neither a distinct phenomenon nor a unitary syndrome. The 1962 definition of child abuse or baby battery included mainly the most severe cases, such as those where infants' skulls had been broken; recent definitions have been expanded to include any form of corporal punishment. Some authors seem to consider anything less than optimal child rearing to be abuse because such upbringing impedes a child from realizing his full potential.<sup>13</sup>

This lack of clarity in definition has created a difficult problem for the judge who must decide when the state must intervene to protect the child.

## **Child Abuse and Neglect**

Given the lack of an agreed upon definition of child abuse, the legal complexities of proving abuse, the limited alternatives available to a judge other than placing a child in foster care, the limitations of the contemporary foster care system, and the large number of children in borderline situations, judges face very complex and difficult decisions.<sup>14</sup>

The newer child abuse and neglect standards have transformed the important question of what constitutes "minimally adequate parenting" from a theoretical to a practical one. The criteria professionals now use in making these decisions tend to assess parental behavior that is readily observable from the outside, for example: (1) the parents' ability to provide material things; (2) racial or ethnic compatibility between parent and child; (3) cultural definitions of adequate parenting and proper home atmosphere; and (4) moral judgments about parental behavior. In contrast, social relations theory focuses on the nature and quality of the parent-child bond. By using the assessment of this bond as a guide, it can make the decision-making process more sensitive to the child's psychological needs.

### **The Best Interest of the Child**

The major question the judge must decide in evaluating an abuse or neglect case is whether the safety and well being of the child is so seriously jeopardized that the legally intrusive and psychologically painful decision to remove the child from his parents' home is justified. The judge must consider: the constitutional right of the family to its sanctity; the immediate safety of the child; the positive and negative aspects of the separation process; and the long-term benefits and hazards to the child of separation.

**Constitutional Issues** The various constitutional issues involved in the process by which the state may potentially interfere with the sanctity of the family vary somewhat from state to state. We will not attempt a review of the legal literature in this article.<sup>15</sup>

**The Immediate Safety of the Child** In some cases of physical abuse, sexual abuse, or neglect, the parent's behavior is so harmful and offensive to common humanitarian standards that the court's decision not to return the child home is made easily. In the majority of cases, however, the decision is complicated by several problems.

1. The facts in the case may be difficult to determine. Evidence of mistreatment is often inconclusive. The child may be too young or frightened to recount what happened, and there may be doubt about whether the child is a reliable witness. The parent may be highly motivated to distort or lie, from fear of criminal prosecution, from fear of losing the child, or from fear of the stigma and guilt of being "labeled" a bad parent.

2. Violence is difficult to predict with accuracy: despite years of cumu-

lative experience, psychiatrists have been unable to predict future violence with a high degree of reliability even when they have a good history and have done a thorough psychologic evaluation. In child abuse cases information about previous violent behavior (generally thought to be the best indicator) may be difficult to obtain. Former spouses, grandparents, neighbors, and teachers may be sources of information, but numerous practical problems arise in attempting to use such sources. For these reasons probation officers frequently rely on the process of building a file; i.e., their decision to refer a case to court is made on the basis of cumulative referrals from multiple sources over a protracted period. In a highly mobile society, this practice may lead to a significant underidentification of mistreatment.

3. In neglect situations, it is very difficult to assess to what extent the child is at risk. Young children must be supervised to be protected against accidental injury; but we have only the most general standard of "how much" and what "quality" of supervision is appropriate. Circumstances, settings, and motivations for the behavior must be taken into account in assessing overt parental actions.<sup>15</sup> Evaluating the parent-child bond may help determine whether a single episode is representative of serious difficulty or merely unfortunate circumstance. A parent who is away from home for three days and fails to make any provision for the care of three children, aged nine months, three years, and eleven years, might on the face of it be considered unconcerned and neglectful of his/her children. If, however, the parent were absent because he/she suffered a concussion in an auto accident rather than being on an alcoholic binge the court would see the situation differently.

**The Positive and Negative Aspects of Separation** There are several positive aspects of separation:

1. It provides for the immediate safety of the child.
2. It serves to set a limit on parental behavior: e.g., as long as you use heroin and do not feed and clothe your child, the state deems you unfit to be a parent in this society.
3. It tells the child that society will protect him even if the parent fails to do so. Some children say that it is not right for a parent to burn, rape, or torture them; for these children court intervention validates their perspective. For the children who believe that abusive parental behavior was justified, state intervention may for the first time challenge their distorted world view.
4. Separation can temporarily free a parent from the burdens of child rearing and thus create an opportunity for him to take constructive steps to improve his economic and social situation so that he can subsequently provide an adequate home.
5. Separation may provide an opportunity for the child to live in a

situation where he is safer, wanted, and valued.

The negative aspects of separation are particularly telling on the child.

1. A child with an affectional bond to a parent values that relationship as a major source of his psychological identity and well being. Some studies indicate that if the parent is hostile or rejecting, the child may become even more dependent and clinging, continuously seeking security by staying close to the parent.<sup>9</sup>

2. Typically, separation leaves both parent and child with a strong sense of failure and inadequacy. This is easily comprehensible when one looks at the parent; but the psychologic issues involving the child are less obvious. Many children ascribe the mistreatment to some personal deficiency or inadequacy of theirs, such as their failure in some way to please or hold on to the parent. Thus, when the court orders separation of parent and child, the child may conclude that this is because of his/her failure; he/she is, in effect, being punished for being a bad child.

Some abused and neglected children have taken physical care of their parents; the children may feel guilty because they will no longer be able to fulfill the necessary and meaningful role of caretaker and protector. The abstract nature of the court experience may exacerbate the situation. Children often do not attend court proceedings or receive clear and comprehensible explanations about the grave interventions the court has made in their lives. Since young children are very concrete in their thought processes, they have a very hard time understanding the complexities of the legal decision-making process. It would be beneficial if the judge explained directly to the child, in simple terms, why he/she is being taken from his/her home. Not all judges would feel capable or comfortable with this task. Moreover, because the child's view of the world is limited, many children would be unable to understand and accept the explanation.

**Long-term Issues** The child's feelings about the biologic parent are often at the core of placement failure, both in foster home and in residential care. The initial separation of parent child is only the first step in what, for many children, is a painful and confusing process. Except in the most extreme cases, the court is required to allow the biologic parent a period of time to reestablish fitness. Because the separation is thus mandated to be temporary, the child lives with great uncertainty about his/her future. Uncertainty about security figures creates high levels of stress and consequent anxiety. Adults would say that the child does not know how much commitment to make to the foster parent, nor how much commitment the foster parent may be willing or able to provide. (The foster parent has a similar problem.)

From the perspective of children in ordinary homes, the fear of the loss of a parent is an occasional source of anxiety. The basic sense of security is presumed. By contrast, the child entering foster care begins life in the new

home with a pervasive anxiety because of the lack of trust in persistent relationships with adults. Even though the child is removed from his home, he continues to be attached to the biologic parent and may be reluctant to attach to new parenting figures during the "limbo" period, even if the foster parents are very willing. Many foster parents find the child's persistent loyalty to the biologic parent distressing. The child's coolness to them and his/her idealization of the mistreating parent may be difficult for the new parent to understand and tolerate, especially if the child provokes abuse as a means of relieving his/her dysphoric state.

During this period of uncertainty, the biologic parent is allowed to have periodic visits with the child. Parental visitation is a very emotionally charged and difficult area. It can serve to reassure the child that the biologic parent is alive and well and serve to maintain the child's hope in the parent. Visitation can serve as a measure of the parent's interest. On the other hand, it is often very stressful for the child and may make the foster parent's task much more difficult by arousing reunification fantasies and anxieties. The failure of a parent to appear can be emotionally devastating for the child. Typically the child sees the parental rejection as an indication of its lack of worth, of its "badness."

The child's belief in his "good" parent and his own intrinsic badness serves important psychological functions. First, it is in keeping with what the mistreating parent thinks about the situation. Virtually all abusing parents tell their children the child is to blame for the mistreatment. Second, it allows the child to preserve the illusion of living in a sensible world by protecting the image of the parent as good. To paraphrase Fairbairn,<sup>2</sup> better a sinner in a world ruled by the Lord, than a saint in a world ruled by Satan. Third, this defense preserves hope. "If I am evil and my parents good, I can change and then I will be cared for." If the child gives up this fantasy, life becomes hopeless and unlivable. Fourth, self-blame fits with the child's inherent self-centered world view. In the early years of life, the child has a very distorted sense of what is under his control and causation. The child normally learns, as he psychologically matures, that the universe does not revolve around him. The parental view, that the child caused the mistreatment, matches the child's inflated view of his ability to influence his parent.

Many children experience a strong sense of loss when removed even from abusive homes. The child may be overtly sad; "homesick" would be the common term. The adjustment may be even more difficult if the child resists the concept of placement and refuses to accept the new situation, as many do. The child may think that if he/she makes enough trouble he/she will be sent back to the parent. Often the child's sense of loss, resentment over the separation, and subsequent depression progress from overt sadness

to a more despondent and embittered state. Although the court and the foster parents see themselves as the abused child's rescuers, the child may see them as tormentors who enforce the undesired separation from the parent.

Since the child feels abandoned, and thus of little worth, he/she is likely to have difficulty with his/her peers. He/she may become more aggressive, less cooperative, and less able to accept small defeats gracefully. Small frustrations seem insurmountable and temper tantrums become more common.

Before the separation the child is likely to have developed personality and behavioral difficulties stemming from his mistreatment at home. These difficulties are exacerbated by his inability and unwillingness to successfully abide by the court's decision. Even in cases where progress is achieved toward stabilizing the placement, the child may have to be moved again. Children are creatures of routine even more than adults. Each move is a total disruption of life's routines. Each move encourages adaptations based on avoiding the pains associated with forming new relationships or terminating established ones. Typically, a child will deal with several caseworkers and have to adjust to several different living situations. The system set up to help these children may, in fact, make it more difficult for them to form the stable and nourishing human relationships they need to recover from years of abuse and neglect by failing to provide stable and nourishing relationships.

In a significant number of cases, these pressures and the stress of persistent uncertainty lead to foster home failure. Some children go through multiple foster placements; eventually, a child may be sent for some form of institutional or residential treatment.

Psychologic treatment is often a poor substitute for the missing stable and nourishing relationships. A Catch 22 situation may develop. The child is considered to be too disturbed for foster care, but he/she is unresponsive to treatment in institutional care because of the frustration of not having a family and because of the lack of consistent parenting figures.

The current child-placement system fails to take serious account of the findings of psychiatric object-relations theory and the psychologic research about "bonding" and "separation." The system tends to deemphasize the need for continuing dependable attachment figures, favoring instead interventions that are expedient for the courts and that protect the rights of biologic parents. The results are sometimes disastrous for the child. Definitive interventions that may work when the child is six are hopeless when he/she is sixteen.

A perceptive judge will be sensitive to the trauma of separation and will proceed cautiously. Mindful of the hazards of prolonging the uncertainty,

he will have the courage to make timely decisions favoring resolution and establishment of a permanent home.

### **Evaluating the Parent-Child Relationship**

Even when the court has access to accurate information, assessing the nature and quality of the parent-child relationship is difficult. Consider the case of a six-year-old girl referred because she comes to school in clothes that smell of urine, occasionally has facial bruises, and takes food from other children because she has no lunch. The parent says that the girl's clothing is urine-soaked because she is enuretic, that she is bruised because she is clumsy, and that the child is given a lunch every day, but often forgets to bring it to school.

The case evaluator can interview the teacher, visit the home, and talk with the child and parent. How can the evaluator determine the nature and quality of the parent's relationship with the child? We would recommend that the evaluator consider the following:

1. *Knowledge.* Does the parent know the child? To what extent is the parent familiar with and sensitive to the world of the child? Does the parent know the child's idiosyncrasies, routines, and preferences?

2. *Executive ability.* Can and will the parent provide the caretaking, organizing, and executive aspects of parenting? Does the parent have the ability and desire to provide a minimally necessary amount of order and structure in the child's life? Is the home chaotic and disorganized? Can the parent provide for the child's supervision and care? Is the child fed? Is the environment safe? Can the parent arrange for minimal medical care?

3. *Discipline.* Does the parent have realistic expectations about the child's ability to control his behavior? What methods does the parent use to maintain control over the child's behavior? What techniques of limit setting and discipline are used? Are they used consistently, or do the rules of the home vary drastically with parental mood?

4. *Nurturance.* Does the parent provide a minimal necessary level of developmentally appropriate nurturance? Here we consider nurturance as the emotional aspects of the process of stimulating the child's physical and psychologic development. Is there minimal empathy for the child's emotional state? Does the parent have some understanding of the child's feelings and needs as a human being? Does the parent allow the minimal level of autonomy necessary for the child's emotional growth? Can the parent allow the child to separate to attend school or play with friends?

### **The Parent-Child Bond**

A judge who is provided with careful evaluation of the parent-child relationship is in a better position to decide wisely. Although deficiencies



in the bond are quite variable we will attempt to define several categories we have found useful in discriminating between different types of abuse/neglect cases. These groupings are neither all-inclusive nor mutually exclusive.

**A Weak or Nonexisting Bond; the Rejecting Parent** Delivery room nurses occasionally observe a parent who has a severe negative reaction toward a newborn child. The parent may not want to see the child, or he/she may interpret the newborn's crying as willful evil or even demonic possession. The child may be overtly unwanted and resented for psychologic or economic reasons and, from the first moments of life, be seen as an undesired burden. Although some children are temperamentally less social, less appealing, or more difficult,<sup>17</sup> the deficiency in most of these cases is with the adult. However, it is possible that some children are in some way biologically limited in their ability to attach.

Under these circumstances the tasks of parenting are all work and no joy; there is little to make the experience pleasurable for the caretaker. Such children may reappear as "failure to thrive" infants, as neglected children, or as children abused because of parental anger over the burdensome chores of infant care. Heavy use of drugs or alcohol or severe depression may render the parent unable to muster the psychologic energy needed to form a strong and positive attachment.

If parents see the child only as a burden rather than as a person and abuse and neglect him as a result, the child's interests would likely be best served by removal from such parents and by permanent placement in a potentially nurturing environment. Infants are so vulnerable to injury from mistreatment, and build so much on early growth and development, that serious deficiencies in parenting are likely to have a major adverse impact on long-term well being. Although some intensive efforts with these parents have been promising,<sup>18</sup> such programs are usually not available. Unrealistic optimism combined with a professional's reluctance to make major interventions occasionally can lead to catastrophe.<sup>19</sup> The child cannot afford, either physically or psychologically, to wait a few years with the hope that with supervision and therapy the quality of parenting will improve. Marasmic babies do not easily recover and crushed skulls do not easily mend.

**Children in Whom a Positive, Strong Parent-Child Bond is Established, but the Parent is, for either External or Physical Reasons, Unable to Parent** If the parent is unable to parent for remediable external reasons, the wisest course of action is to remedy those reasons rather than to separate parent and child. An example might be a single mother who loses a job, and because of poverty is reduced to living under a bridge. In this situation, the child's interests would best be served by the parent's receiving sufficient financial support to find an apartment and adequate social support to

continue the parent-child dyad.

Another situation that threatens the relationship occurs when a parent is institutionalized, either in a jail or in a hospital for physical or mental illness. Using our model, if a bond existed and the parent could potentially resume functioning, every attempt would be made to avoid disruption. A mother who is a prostitute would be evaluated, not on the basis of her criminal behavior but on the basis of her ability to function as a parent. If she is judged to be a "good enough" parent, her infant would be placed in prison with her; obviously, adequate provisions would have to be made in prison for caring for the infant's needs.

**The Parent-Child Bond is Strong, but the Parent is Psychologically Unwilling or Unable to Parent** Many of these situations present to the court as neglect cases, often in association with parental drug or alcohol abuse and sometimes concurrently with parental mental illness. If the child is attached to the parent, he may feel and take a great deal of responsibility for protecting the parent. These children may have great difficulty separating because of this sense of responsibility; sometimes the separation is easier if they know their parent is receiving treatment. They may also display a striking degree of independence for their age, developed as an adaptation to the lack of reliable parenting figures. This independence of thought and behavior is likely to cause problems for a new parenting figure, who might find such a child excessively controlling and resistive to the foster parent's authority.

Some of these children will be more comfortable "giving" rather than "getting" and will not be comfortable accepting affection directly. Often they focus on somatic complaints as a more psychologically acceptable way of seeking nurturance.

**Children and Parents Who Suffer from Distortions of the Normal Parent-Child Bond** Many types of distortion may occur.

1. Persistent reversal of the parent-child relationship results from the needs of very dependent parents. Some parents who are immature and who themselves feel alone, abandoned, and unable to cope with life's pressures turn to their child as if the child were the parent. The child develops a strong bond and often an unrealistic sense of power because he is so important to the parent's survival. The parent may be reluctant to separate from the child and the child may have great difficulty separating from the parent, even to attend school or engage in age-appropriate activities. Outside parties often consider separation of the parent and child beneficial, but it is technically difficult to achieve. For separation to be successful, secure emotional support for both parent and child must be provided from another source. The parent, who feels excluded and abandoned, is likely to undermine the treatment process. The children in these situations are often

difficult to treat because they are unhappy either when close to the parent or when separated from him. The relationship is intensely ambivalent, with the other alternative from what is currently in effect appearing to be the best to the child. Eventually, parent and child may be separated and reunited several times. Both the child and the parent may exhibit suicidal feelings and behavior in response to forced separation.

2. Episodic role reversal may occur during periods of stress, with the child being seen as a representation of a rejecting or abandoning parent. Some parents carry into child-rearing excessive feelings related to their own childhood. A parent who grew up without security may be extremely sensitive to any perceived rejection by the child. The parent may then explode, making the child the target of all of the anger that the parent has felt about being abandoned, unprotected, and unloved in his/her own childhood. The parent may physically abuse the child during what is, in effect, a giant temper tantrum. The adult, at that moment, exhibits a child's mentality.

In these situations, both parent and child have a strong attachment, although it is distorted. Subsequent to the abuse, the parent may be genuinely distressed and contrite about even life-threatening abuse.

Although it may be necessary to remove the child from the home for the child's safety, some of these parents are willing to undergo psychotherapy and are capable of responding to it. Treatment often focuses on correcting the distortions the parents have in terms of their view of themselves, the relationship with the child, and the antecedent relationship with the parents' parents.

3. The child may be seen as an extension of a former or current spouse. In some families violence toward children is associated with violence between husband and wife. Injuring the children may be seen as an indirect means of injuring or controlling the spouse. When a parent engages in such behavior, the child is seen not as an individual with unique worth and needs, but as an extension of the other parent or as the other parent's valued possession. Hurting the child is the equivalent of damaging a spouse's car or smashing a prized trophy. At the moment of the mistreatment there is, in reality, no parent-child relationship other than possession of property.

4. The parent is excessively punitive. In some families, the parent may use excessively coercive or physical methods of discipline, but these methods are used in a predictable and consistent way. If the parent and child basically have a good relationship and the degree of force does not compromise the child's safety, it may be wisest not to intervene. An example is a child who is spanked heavily for playing with a power tool. If the parent is consistent, it is likely that the method will be effective in persuading the child not to repeat the behavior.

We have no social consensus about this method of limit setting. Even if such parenting is subtly or indirectly damaging to the long-term development of the child, the damage to the child is not sufficient to justify the high costs of intervention.

Commonly, some form of therapy or parental training is recommended as a condition of reunification in situations of distorted or deficient parenting. Unfortunately, there is relatively little data for evaluating how effective either therapy or parent training are as techniques to develop and improve skills. This would be a fruitful area for further research.

## Summary

Social attachment theory can be of value in examining the wide variety of abuse and neglect situations that come to the attention of authorities. We consider evaluation of the parent-child relationship as a crucial part of the judicial process. We have suggested parameters that can be used to evaluate the relationship. We have outlined some of the more common distortions in this relationship that have, in our experience, been associated with the mistreatment of children.

The use of social attachment theory has been of great help in understanding the emotional reactions of the many children we have seen for evaluation and treatment. The theory also serves as a potential guide for improvements in social policy. If we are more sensitive to the psychological world of these children, we will be better able to truly protect them.

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