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INTRODUCTION

- ❖ Child abuse consists of many forms of maltreatment, including physical abuse, sexual abuse, emotional abuse, and neglect.
- ❖ Of these, emotional abuse has a lifetime prevalence rate of 10.3% and perpetrators are nearly evenly split between mothers and fathers (Finkelhor, Ormrod, & Turner, 2010; Finkelhor, Vanderminden, Hamby, & Shattuck, 2014).
- ❖ Specifically, 19% of mothers and 23% of fathers indicated that the year before the survey, they either committed at least one act of emotional aggression or in the previous week used harsh physical or verbal discipline (Finkelhor, Vanderminden, Hamby, & Shattuck, 2014).
- ❖ Researchers often use the same definition of emotional child abuse as child protective services, which generally only includes the most serious and chronic abuse, or by including more general behaviors like psychological aggression, which has led to high prevalence rates because behaviors like yelling are common in parenting (Slep, Heyman, & Snarr, 2011).
- ❖ Moreover, witnessing domestic violence is a form of emotional abuse but is frequently not included in research definitions or laws (Slep et al., 2011).
- ❖ Given these disparities, there is little consensus between researchers, attorneys, social workers, forensic psychologists, and the courts on the definition of emotional abuse.
- ❖ In addition, although child abuse has a lasting impact on physical and mental health and has been linked to many psychological and health problems throughout adulthood, researchers and health care professionals often do not ask about abuse in studies or their practices.
- ❖ General practitioner physicians do not have exposure and regular access to the research documenting the many links between child abuse and a wide range of physical and psychological outcomes in adults (Springer, Sheridan, Kuo, & Carnes, 2003).
- ❖ Researchers have many concerns about the emotional impact of asking about abuse, whereas abuse survivors typically do not mind talking about their experiences in professional settings (Becker-Blease & Freyd, 2006).

Civil Statutes: Sample of 5 States

CALIFORNIA

As a result of the conduct of the parent or guardian, a child is considered dependent if he or she is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

FLORIDA

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

ILLINOIS

The term 'abused child' includes impairment or substantial risk of impairment to the child's emotional health.

NEW YORK

'Impairment of emotional health' and 'impairment of mental or emotional condition' includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, acting out, or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

TEXAS

The term 'abuse' includes the following acts or omissions by a person:

Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning
 Causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning

'Severe emotional disturbance' means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

Criminal Statutes: Sample of 5 States

CALIFORNIA

As a result of the conduct of the parent or guardian, the child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

FLORIDA

"Child abuse" means: 1. Intentional infliction of physical or mental injury upon a child; 2. An intentional act that could reasonably be expected to result in physical or mental injury to a child; or 3. Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

"Mental injury" means injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range of performance and behavior as supported by expert testimony.

ILLINOIS

Any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor; or creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function.

NEW YORK

A person is guilty of endangering the welfare of a child when: 1. He or she knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his or her life or health; or creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ.

TEXAS

"Abuse" includes the following acts or omissions by a person: (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning; (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning.

Forensic Implications

1. A consistent definition of emotional abuse is needed across disciplines to allow psychologists to develop assessment methods to more readily identify emotional abuse in adult survivors and children currently being abused.
2. Establishing a consistent definition for emotional abuse can facilitate psychologists and attorneys working together on development and implementation of guidelines for child custody cases.
3. Better assessment of emotional abuse can lead to more thorough research on outcomes, which can in turn give attorneys, judges, and child protection caseworkers information to help in determining treatment plans and placement decisions.
4. Repeat offenders might move to states with vague definitions of emotional abuse to be able to keep victimizing children so clarification of the definition of emotional abuse in statutes is needed.
5. Uniform definitions of abuse assist mandatory reporters in making informed and consistent reports of emotional abuse.

References

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