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THE NEGLECT OF CHILDREN AND CULTURE: RESPONDING TO CHILD MALTREATMENT WITH CULTURAL COMPETENCE AND A REVIEW OF *CHILD ABUSE AND CULTURE: WORKING WITH DIVERSE FAMILIES**

Theresa Hughes

This article examines cultural competence in the context of child protective proceedings, underscoring the dangers posed by bias toward particular cultural views, standards, and norms. I look at the racial imbalance within the realm of child maltreatment proceedings and explore the challenge of how children can receive appropriate services, counseling, and representation, given their varying cultural, ethnic, and racial backgrounds. Lastly, I review *Child Abuse and Culture: Working with Diverse Families*, by Lisa Aronson Fontes.

Keywords: *culture; competence; child abuse; neglect; maltreatment; multiculturalism*

INTRODUCTION

“No culture can live if it attempts to be exclusive.”

Mohandas Gandhi

As I write from the most culturally diverse place on the planet, Queens, New York, it is plainly evident that cultural competence¹ ought to be an undercurrent of professional society.² Within only 109 square miles of the county, nearly 2.25 million people live, and 138 languages are spoken.³ Nationally, there are 31.1 million foreign-born people.⁴ Millions of Americans identify themselves as members of minority cultural and religious traditions.⁵ Yet, cultural competence is a skill that has for too long been overlooked in normative legal practice.

Although child maltreatment is a phenomenon familiar to all ethnic groups, ethnic minorities are appreciably overrepresented in the family court system.⁶ As different cultures come into contact with each other, conflicting cultural child-rearing practices create a situation ripe with the potential for disputes concerning what is child abuse or neglect.⁷ The apparent threat is the mishandling of the child maltreatment case due to bias toward particular cultural views, standards, and norms. In order to respond to child abuse and neglect effectively, increased attention must be given to the role of families' race and culture and appropriate threshold trainings must be routinely incorporated to establish a professional standard of cultural competence. The principal question this article speaks to is how these children are going to receive appropriate services, counseling, and representation given their varying cultural, ethnic, and racial backgrounds.⁸

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PREMISE

In the legal, social, and psychological sense, child maltreatment is a complicated, emotionally charged, and decidedly pervasive part of society. When the issue of culture⁹ is taken into account, it becomes even more challenging. Mental health workers, social workers, police officers, medical personnel, attorneys, and other professionals interview children about very serious, personal, sensitive, and often embarrassing child abuse and neglect issues.¹⁰ Naturally, these children do not present identical pedigree; rather, they vary in age, gender, ethnicity, economic position, culture, race, and religion.¹¹ Although many professionals undergo comprehensive training on issues of child maltreatment, and more specifically child interviewing for maltreatment, the response to child abuse and neglect is often not culturally competent. There is an educational void regarding promoting and developing cultural competency. My hunch is that, in the legal profession, a good number of professionals are not opposed to, but just do not know how to go about incorporating cultural awareness skills into their practice.¹² While the main recipients of child protective services are disproportionately poor and African American, the judges, attorneys, and child protective case workers are mostly middle-class and White.¹³

Two years¹⁴ after Dorothy Roberts boldly highlighted the disastrous racial imbalance in the child welfare system in *Shattered Bonds*,¹⁵ Lisa Fontes' *Child Abuse and Culture: Working with Diverse Families*¹⁶ presents a fitting and overdue follow-up in the form of, as I see it, a cultural competence guidebook, structuring a responsive and workable approach for cultural practice in the context of child maltreatment cases.

CHILD MALTREATMENT

The term "child maltreatment," also known as "child abuse and neglect," refers to violence or mistreatment that a child or adolescent experiences at the hands of someone who is caring for him or her.¹⁷ Federal legislation provides a foundation for states by identifying a minimum set of acts or behaviors that define child abuse or neglect.¹⁸ There are numerous forms of abuse, and definitions vary from one jurisdiction to another, as each state is responsible for providing its own definitions of child abuse and neglect.¹⁹ However, most states recognize four major types of maltreatment: neglect, physical abuse, sexual abuse, and emotional abuse.²⁰

Many states define abuse in terms of harm or threatened harm, while other standards include acts or omissions, recklessly failing or refusing to act, willfully causing or permitting, and failing to provide.²¹ These standards guide mandatory reporters²² in their decision on whether to make a report to child welfare.²³ Case workers or investigators for child welfare agencies investigate reports by speaking with parents, others (e.g., medical personnel, teachers, etc.), and if possible, the child, to determine if abuse or neglect has occurred and if further risk is posed.²⁴ The case workers will typically make one of two findings: "unfounded" (unsubstantiated) or "founded" (substantiated), meaning there was insufficient or sufficient evidence to conclude that a child was maltreated.²⁵ However, there is a good deal of room for misinterpretation and subjectivity, based on personal bias and stereotypes. Evidence has shown that there is considerable variation between social workers as to what they consider "good parenting."²⁶ The notions of "race" and "ethnicity" are laced throughout social work practice and policy, especially during the assessment process which can "reflect the power relationships between professionals and service users."²⁷ Hence, therein

rests the need for appropriate training on understanding and appreciating the significance of culture in child protection work.²⁸

WHAT CAUSES CHILD MALTREATMENT

Many abusive parents report having been abused as children themselves. However, many have not. Some factors identified in abusive parents include: low self-esteem, low intelligence, hostility, isolation, depression, immaturity, dependency, drug or alcohol abuse, lack of parenting skills, inappropriate attitudes, physical illness, marital conflicts, financial stress, and so on.²⁹ These factors may in fact lead to behavior on the part of the parent which causes what many subjectively categorize, define, and understand as child abuse or neglect.³⁰ Immigrant families bring with them parenting practices and belief systems, including belief systems surrounding the use of corporal punishment, that may conflict with local U.S. laws and customs.³¹ How child maltreatment is statutorily defined affects most immigrant parents in a very different way than nonimmigrant parents.³² For example, in Vietnam, physical punishment is a traditional way of raising children, and is part of the culture that has existed for many years.³³ But when immigrating to the United States, for many there is a clashing of maintaining traditional ways and cultures with assimilating when it comes to discipline.³⁴ A Vietnamese child will be taught in an American school that her parents do not have a right to use excessive corporal punishment, and if such child is physically punished at home, she may relay this to a teacher or friend resulting in a child abuse report to child welfare, in turn causing stress between the child and parent, and confusion on the parents' part, not understanding why they have lost their authority to raise their own child.³⁵

STATISTICS: THE RACIAL IMBALANCE

There are approximately 2.9 million child maltreatment reports made annually in the United States.³⁶ Of those, almost 1 million are actual victims of child abuse or neglect.³⁷ Estimates as of April 2005 hold that there are over 500,000 children living in the foster care system, ranging in age from newborn to over 19 years old.³⁸ The median length of stay in foster care is 18 months, females are the slight majority, and the greater part live in nonrelative (a.k.a. "stranger") homes.³⁹ Although heartbreaking, these numbers are not, at the present time, actually startling. What is indeed shocking is the disproportionate numbers related to the race/ethnicity of these children, with an elevated 59% being children of color.⁴⁰ Among the more than 72 million children living in the United States, 41% are considered to be children of color: Black, Latino, Native American, Asian, or some race other than White.⁴¹ There is an unbalanced overrepresentation of children of color throughout the child welfare system, as children of color account for twice that of the general population.⁴² For every 1,000 Black children, 17 are in foster care, but for every 1,000 White children, 5 are in foster care; for every 1,000 Black children, 17 are substantiated as victims of child abuse or neglect, but for every 1,000 White children, 9 are substantiated as victims of abuse or neglect.⁴³ Black, Hispanic, and Asian/Pacific Islander children have disproportionately higher investigations of child abuse and neglect⁴⁴ than White children, regardless of the race of the investigator.⁴⁵ Additionally, the racial and ethnic diversity of children in the United States continues to increase.⁴⁶

RESPONDING TO CHILD MALTREATMENT WITH CULTURAL COMPETENCE

Child welfare agencies across the continent are mandated to investigate reported cases of suspected child abuse and neglect.⁴⁷ The investigation consists of interviews of the subject children, siblings, parents, relatives, neighbors, teachers, medical personnel, police officers, and so on. When necessary, children may be removed (temporarily or permanently) from their homes, criminal prosecution may ensue, family court civil cases may be filed against the parents or persons legally responsible, and mental health and rehabilitative services may be ordered.

Child maltreatment research often does not take notice of ethnicity in its analyses and design.⁴⁸ Indeed, prior to the 1990s, literature on cultural competence in the field of child protection was virtually nonexistent.⁴⁹ However, there has been a more assertive movement within the last decade to raise awareness and provide training to better serve and represent ethnically diverse clients.⁵⁰ Conferences, classes, and lectures have been held, and models and suggestions have been proposed to address the issues of sensitivity and competence.⁵¹ It may be fair to say that at this juncture, the term “cultural competence” is a reasonably commonly used phrase.⁵² But the need remains for professional training to develop abilities to cross cultural boundaries, especially for those dealing with child protection cases.⁵³

Why is training cultural competence so difficult? Cultures are highly subjective, always changing, with nebulous boundaries, and are highly heterogeneous.⁵⁴ Generally, models seem to recommend that professionals should be aware of their own cultural biases and ideals, and be more sensitive to their clients’ worldviews. However, it is unclear how to actually carry this out.

Despite pioneering efforts to teach cultural competence in the field of child welfare, stereotypic thinking nonetheless clouds professionals’ evaluations, intervention efforts, and representation.⁵⁵ Although relying on stereotypes can be convenient, storing a considerable amount of information in quickly accessible form, it is clearly potentially harmful and laced with bias.⁵⁶ For example, in an assessment situation, certain stereotyping could lead a worker to assume that all families from certain ethnic backgrounds use harsh forms of punishment to discipline their children.⁵⁷ Asking one to be culturally competent is asking that the professional shed the belief that others see the world as he does.⁵⁸ It requires more than just acknowledging different perspectives and creating an illusion of understanding.⁵⁹ No one is suggesting that child safety should be compromised in the name of cultural competence, but rather the distinction between harmful traditions and those traditions which positively enhance the child’s cultural identity need to be drawn.⁶⁰

THE BOOK: CONTENTS, COMPARISONS, CAPABILITIES, AND CRITICISMS

I must confess that I too have been guilty of what one might call cultural “pre-competence.” Despite efforts to be aware of cultural differences between myself and my clients, I often found myself struggling to translate that awareness into practice. Then I came across and skeptically delved into *Child Abuse and Culture: Working with Diverse Families*. Then, I read it again, and firmly came to the conclusion that this book is a pedagogical treasure.

Fontes possesses a skill found in the best trial attorneys.⁶¹ She can translate complex issues and prolific technical rhetoric into interesting, practical, and easily understandable

form.⁶² This is the “Cultural Competence for Dummies” in the most flattering sense. It offers a clear, comprehensible read for both the amateur and professional and is packed with useful information which can be used in classrooms and trainings across professions.

Fontes, a psychologist, has dedicated the last 15 years to teaching professionals to understand diversity in the child maltreatment setting. She has written, lectured, researched, created an instructional tape,⁶³ and more in what appears to be a truly genuine mission of making professionals more responsive to and responsible for cultural issues in the context of family violence.

As I see it, Fontes’ overriding goal is for fairness. This book is a paradigm of fairness in the name of child safety while simultaneously approaching each client with an impartial and open-minded willingness to consider the cultural factors which shape the family and play a role in the alleged child maltreatment. Through numerous examples, Fontes calls for maximizing accuracy of assessments for child maltreatment, maintaining a welcoming environment, building a sound rapport, and respecting families throughout the entire child protective process. In order to level the child protective playing field, she suggests professionals be open to their clients’ diversity and then put into practice measures to actually effectuate such fairness.

The “culture-matters-because” theme is laced throughout each chapter as the author provides a *broad to narrow* framework. Fontes walks the reader through introductory terms, brief self-reflection, a depiction of the perspective of the immigrant family, the clash between diverse cultures and the child welfare system, the assessment processes, patient/client interviewing, various forms of child maltreatment (e.g., excessive corporal punishment and physical abuse), sexual abuse, the use of interpreters, the role of prevention and education, and, lastly, provides for changes that need to be made at the child welfare agency level to improve dealings between workers and clients.

Fontes highlights the need for change on the individual level as well as the greater agency level by implementing nondiscriminatory policies. As she does throughout the book, the author provides real-life, easy-to-read examples of practices, in this case both good and bad, that agencies employ in the cultural context (e.g., making the agency aesthetically comfortable and familiar). Although she discusses the need for prevention broadly, from the child’s home to his neighborhood to the nation in general, she provides specific guidelines for professionals on several levels. She also pays special attention to those who are leading abuse child prevention groups, addressing questions about how to engage culturally diverse parents in the group setting.

The chapter on interviewing is extremely helpful and also my favorite part of the book. What I found most valuable about this chapter was that it evidently came out of real-life practice, not from statistics or research. Virtually every reader will strengthen her interviewing skills after reading this section, as Fontes walks us from information gathering to location to rapport building to nonverbal communication. Her emphasis on the importance of tone, touch, pace, and caring are noteworthy.

A highly practical chapter, especially from a legal point of view, is on the use of language interpreters because interpreters should be used at many, if not all, stages throughout a child protective investigation, services, and court proceedings. Because the interpreter may be the only person involved who is aware of an omission or mistake, thereby making the gaffe easily passed by, it is critical that professionals be properly trained to cultivate relationships and ensure that the interpreter remains within his professional role and duties. Fontes provides a very helpful sample of an actual introduction for interpreters to use as well as tips for when to use and how to prepare your interpreter for your specific child protective situation.

The essence of the importance of cultural training is found in the chapters addressing discipline and sexual abuse where Fontes dives into the cultural misunderstandings and misplaced reporting practices. She presents various research on data and its many inherent contradictions as she links culture to child rearing. Fontes takes the reader around the globe with examples of discipline which would certainly fall into the child maltreatment category in the United States, and then proceeds to address the appropriate methods of intervention, stressing the need to address each situation on an individualized basis.

The book is laced with concrete examples of cultural differences that arise in the context of child protection (e.g., immigrant families leaving their children home alone because in their country of origin, neighbors would keep an eye on each others' children—versus the United States where such behavior could result in a child neglect petition for “failing to supervise” the children), and explains how to “adjust” one's practice to make an effort to learn specifics about a client's culture (e.g., the role of family members or learning to be comfortable with silence).

As I read Fontes' book, I made notes in the margins, specifically jotting down tips that were practical and noted examples that I could employ with my clients and students. I stopped counting at 67. I was convinced—long before finishing it—that this was the book I was looking for. Tips included: asking the client which language she prefers to speak, gathering information about the client's cultural background before you meet with her, if taking notes, explaining what you are writing, learning whether touch is acceptable to certain cultures before meeting (e.g., a pat on a child's head in Chinese culture is demeaning), and so on.

Clearly, Fontes does not advocate that families continue practices from their country of origin which are harmful to children, but she presents that the fact that the practice was acceptable in their country of origin should be taken into account in assessing a family's overall stability, their willingness to conform to local standards, and what interventions and services are appropriate for the family.

Fontes is not the first to attempt to train cultural competence or to coin the phrase. Of the many, Green and Leigh in the late 1980s offered learning tools to develop “ethnic competence” during the child interview process, which employ global questions to learn about a culture and then integrate such knowledge into one's professional assessment.⁶⁴ Last year, Richard Stuart released *Twelve Practical Suggestions for Achieving Multicultural Competence*.⁶⁵ This offers suggestions for professionals to become aware of their clients' messages, to control their own biases, to be sensitive to the individuality of each client, and, more generally, to use multicultural research “as a source of questions that enhance respect for clients' cultural identities.”⁶⁶ Stuart suggests a plan of action that includes developing a “sufficiently complex set of cultural values” and “uncoupl[ing] theory from culture.”⁶⁷ What Fontes is able to do is take generally theoretical suggestions, such as these, one step further by expanding upon and offering further real-life examples.

Fontes may overextend her scope slightly in that she offers this book as a training tool for professions with conflicting roles (e.g., psychologists and lawyers, among others). Some might argue that cultural competence might not play a significant role for lawyers and judges handling child abuse and neglect cases, as child maltreatment statutes are virtually silent on culture. Lawyers are not necessarily mandated reporters and do not do assessments.⁶⁸ However, attorneys must be aware of cultural differences, as such awareness will influence the amount, quality, and quickness with which the attorney can gather the information from the client in order to be an effective advocate.⁶⁹ But attempting to address a wide-ranging audience is a minimal flaw that is significantly outweighed by the book's ability

to provide a gateway to the legal community at large. I suggest that Fontes' book be used in conjunction with *The Five Habits* in order to bridge legal cultural competence with child welfare.⁷⁰ *The Five Habits* is a process developed by Susan Bryant and Jean Koh Peters to aid lawyers in enhancing their cross-cultural competence skills.⁷¹ *The Five Habits* builds a diverse vocabulary and offers practical tools for increasing justice for clients.⁷²

Fontes offers valuable ways for organizations and child welfare agencies to better serve culturally diverse people. Cultural competence trainings must go beyond the walls of child welfare agencies and into courthouses, schools, police precincts, and hospitals.⁷³ Having worked in a legal services office with a caseload of well over one hundred, it is clear to me that many attorneys simply may not have the time to incorporate into their practice regular readings of the many training texts. Yet this area needs attention. Although Fontes has trained professionals throughout the world, she, as one person, cannot be everywhere. Therefore, my appeal to Fontes would be for an abbreviated version of this book, in the form of a condensed training manual that should become a staple in professional trainings and practice.

Personally, I have employed many strategies suggested in *Child Abuse and Culture* in my child advocacy class and in practice, and have found that students, as well as myself, are now learning how to approach their clients' cultural issues with more awareness, sensitivity, and respect. This book offers an important cultural competence tool for scores of professions. I applaud Fontes' work over the last 15 years and highly encourage proliferation of this book.

CONCLUSION

The American population is rapidly changing with more than 1 in 10 Americans now foreign-born, and 1 in 3 belonging to groups identified as minorities.⁷⁴ We are a nation of immigrants with diverse backgrounds.⁷⁵ With virtually every client I represent in family court, I am faced with unfamiliar ethnic, religious, and cultural practices, yet we have been accustomed to understanding family law as collective and secular.^{76,77} Just last week, I heard a respondent-father's attorney plead the importance of the Pakistani culture in his client's reasoning for not entering into a plea bargain, only to be quickly interrupted and then dismissed by the child welfare agency's attorney who stated, "Yeah, yeah, I'm aware of that stuff, but he *still* beat his wife!"⁷⁸ With increased attentiveness, this will be a practice of the past. There is no doubt that this is a difficult task, as culture is complex and variable, difficult to define, and easily subject to misinterpretation.⁷⁹ But, regardless of the profession we are working in and the challenges posed, the issue of and movement toward cultural competence stands imminently before us.⁸⁰

NOTES

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1. Multicultural competence can be defined as the ability to understand and constructively relate to the uniqueness of each client in light of the diverse cultures that influence each person's perspective; Richard B. Stuart, *Twelve Practical Suggestions for Achieving Multicultural Competence*, AM. PSYCHOL. ASS'N., 35 PROF. PSYCHOL.: RES. & PRAC. 1, 3-9 (2004). A further definition includes "practice that is geared towards knowledge of and skills

in working with cultural groups other than one's own;” Jill E. Korbin, *Culture and Child Maltreatment: Cultural Competence and Beyond*, 26 CHILD ABUSE & NEGLECT 637 (2002).

2. Susan Orlean, *Our Local Correspondents: All Mixed Up*, THE NEW YORKER, June 22, 1992, at 90; Angela Montefinise, *Census Behind The Numbers Counting Queens Diversity and Loving Every Minute*, SOUTHEAST QUEENS PRESS available at <http://www.queenspress.com/archives/features/2002/0607/feature.htm> (last accessed Mar. 13, 2006) (on file with author).

3. *Borough Update Queens*, N.Y.C. ECON. DEV. CORP., Nov. 2003.

4. Total population in 2000 was 281.4 million. U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, ECONOMICS AND STATISTICS ADMIN., *The Foreign-Born Population of the U.S.: 2000 Dec. 2003* at <http://www.census.gov/population/www/socdemo/foreign.html> (last accessed Dec. 1, 2005).

5. Ann Laquer Estin, *Embracing Tradition: Pluralism in American Family Law*, 63 MD. L. REV. 540 (2004).

6. Leah Behl et al., *Ethnicity in Child Maltreatment Research: A Content Analysis*, CHILD MALTREATMENT 6, 143–47 (2001).

7. Todd Taylor, *The Cultural Defense and Its Irrelevancy in Child Protection Law*, 17 B.C. THIRD WORLD, L.J. 331 (1997).

8. Child Welfare League of America, National Data Analysis System, <http://ndas.cwla.org>.

9. The word “culture” was first used to mean “that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.” Stuart, *supra* note 2, at 3.

10. U.S. Dep't of Health & Human Svcs., Admin. for Children & Families, Children's Bureau Express, *Interviewing Immigrant Children About Maltreatment*, http://cbexpress.acf.hhs.gov/nonissart.cfm?issue_id=2001-09&disp_art=349 (last accessed Dec. 1, 2005) [hereinafter U.S. Dep't. of Health and Human Svcs.].

11. *Id.*

12. Although there is an extensive amount of literature in the realm of cultural competence, there appears to be a need to bridge this research and training into real-life practice.

13. Annette R. Appell, *Protecting Children or Punishing Mothers: Gender, Race, and Class in the Child Protection System*, 48 S.C. L. REV. 577, 579 (1997).

14. Over the last decade, there has been a host of cultural competence materials and research; however, this has been primarily in the mental health, not the legal, realm.

15. DOROTHY ROBERTS, SHATTERED BONDS (2003).

16. LISA ARONSON FONTES, CHILD ABUSE AND CULTURE: WORKING WITH DIVERSE FAMILIES (2005).

17. Dep't of Justice—Canada, Child Abuse: A Fact Sheet, <http://canada.justice.gc.ca/en/ps/fm/childafs.html>, (last accessed Dec. 1, 2005).

18. U.S. Dep't. of Health & Human Svcs., *supra* note 10; The Federal Child Abuse Prevention and Treatment Act (CAPTA), 42 U.S.C.A. §5106(g)(2), as amended by the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as: “Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm.” *Id.*

19. U.S. Dep't. of Health & Human Svcs, Admin. for Children & Families, *What is Child Abuse and Neglect?* <http://nccanch.acf.hhs.gov/pubs/factsheets/whatiscan.cfm> (last accessed Dec. 1, 2005) [hereinafter Admin. for Children & Families].

20. *Id.*

21. *Id.* at <http://nccanch.acf.hhs.gov/general/legal/statutes/define.cfm>.

22. Certain professionals are statutorily required to report suspected child maltreatment and may face fine or imprisonment for failure to do so (varies by state).

23. Admin. for Children & Families, *supra* note 19 at <http://nccanch.acf.hhs.gov/general/legal/statutes/define.cfm> (last accessed Dec. 1, 2005).

24. *Id.* at <http://nccanch.acf.hhs.gov/pubs/factsheets/cpswork.cfm>.

25. *Id.*

26. Penelope Welbourne, *Culture, Children's Rights and Child Protection*, 11 CHILD ABUSE REV. 345, 347 (2002).

27. *Id.* at 345, quoting BARN ET AL., ACTING ON PRINCIPLE: AN EXAMINATION OF RACE AND ETHNICITY IN SOCIAL SERVICES PROVISION FOR CHILDREN AND FAMILIES 62 (1997).

28. *Id.* at 347.

29. Health 24.com, <http://www.health24.com/child/Abuse/833-859,12694.asp>. (last accessed Dec. 1, 2005).

30. Kieu Tran, *Misconception of Child Abuse and Discipline in the United States*, at <http://www.colorado.edu/journals/standards/V6N1/EDUCATION/ktran.html> (last accessed Dec. 15, 2005).

31. Sarah Maiter et al., *Perceptions of Child Maltreatment by Parents from the Indian Subcontinent: Challenging Myths About Culturally Based Abusive Parenting Practices*, 9 CHILD MALTREATMENT 309, 310 (2004).

32. Tran, *supra* note 30.
33. *Id.*
34. *Id.*
35. *Id.*
36. U.S. Dep't of Health & Human Services, Admin. for Children & Families, Child Maltreatment 2003: Summary of Key Findings, at <http://nccanch.acf.hhs.gov/pubs/factsheets/canstats/cfm> (last accessed Feb. 27, 2005).
37. *Id.*
38. U.S. Dep't of Health and Human Services, Admin. for Children & Families, Youth and Families, Children's Bureau, at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report10.htm (last accessed Dec. 15, 2005) [hereinafter Children's Bureau].
39. *Id.*
40. *Id.*; See also Child Welfare League of America, National Data Analysis System, at <http://www.cwla.org/ndas.htm> (last accessed June 2005).
41. *Id.*
42. *Id.*
43. *Id.*
44. I will interchangeably use the terms child abuse/neglect and child maltreatment.
45. Child Welfare League of America, *supra* note 40.
46. ChildStats.gov, America's Key National Indicators of Well-Being 2005, at <http://www.childstats.gov/americaschildren/> (last accessed Dec. 1, 2005).
47. Child Abuse: A Fact Sheet, *supra* note 17.
48. Behl, *supra* note 6.
49. Welbourne, *supra* note 26, at 345.
50. Sherri Y. Terao et al., *A Reporting and Response Model for Culture and Child Maltreatment*, CHILD MALTREATMENT 6, 158 (2001).
51. This is primarily within the mental health profession. *Id.* See also V.D. Abney, *Cultural Competency in the Field of Child Maltreatment*, in THE APSAC HANDBOOK ON CHILD MALTREATMENT 409–19 (John E.B. Myers et al. eds., 2002).
52. Jill E. Korbin, *Culture and Child Maltreatment: Cultural Competence and Beyond*, 26 CHILD ABUSE AND NEGLECT 637 (2002).
53. *Id.* at 639.
54. Stuart, *supra* note 1, at 2.
55. *Id.* at 1.
56. *Id.* at 5.
57. Maiter, *supra* note 31.
58. Stuart, *supra* note 1, at 1.
59. *Id.*
60. John Koramoa et al., 11 CHILD ABUSE REVIEW 415, 415–21 (2002).
61. And, perhaps, an occasional politician.
62. Welbourne, *supra* note 26, at 349 which touts the PRACTICE GUIDANCE ACCOMPANYING THE FRAMEWORK FOR ASSESSING CHILDREN IN NEED AND THEIR FAMILIES (2000).
63. LISA ARONSON FONTES, INTERVIEWING IMMIGRANT CHILDREN AND FAMILIES ABOUT CHILD MALTREATMENT (2000).
64. James W. Green & James W. Leigh, *Teaching Ethnographic Methods to Social Service Workers*, 11 PRAC. ANTHROPOLOGY 5, 5–11 (1989), cited in *Responses to the Conference: Ethical Issues in Interviewing, Counseling, and the Use of Psychological Data with Child and Adolescent Clients*, 64 FORDHAM L. REV. 2035 (1996).
65. Stuart, *supra* note 1, at 1.
66. *Id.* at 9.
67. *Id.* at 7.
68. Mandated reporting statutes and requirements vary by state. Although what is deemed a mandated reporter varies by jurisdiction, often physicians, school personnel, psychologists, social workers, and police are included.
69. Green & Leigh, *supra* note 64.
70. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (2001), available at <http://www.cleaweb.org/documents/multiculture.pdf>.
71. *Id.*
72. *Id.*
73. Places where Fontes has herself lectured on cultural competence.

74. Stuart, *supra* note 1. “Paradoxically a *majority* of the population in three states (California, Hawaii, and New Mexico) as well as the District of Columbia are ‘minorities.’”

75. U.S. Dep’t of Health & Human Services, Office of the Assistant Secretary for Planning and Evaluation, *Trends in the Well-Being of America’s Children and Youth*, <http://aspe.hhs.gov/hsp/03trends/> (last accessed Aug. 9, 2005).

76. Estin, *supra* note 5.

77. Although the law and legal system are presumably secular, I must note that every family courtroom I have entered bears the words “In God We Trust” above the judge’s bench.

78. Statement made in October 2005 by an anonymous employee of the Administration for Children’s Services Family Court Legal Services in Queens County Family Court (on file with author).

79. Estin, *supra* note 5.

80. Terao, *supra* note 50.

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