# History of child protection services

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This Resource Sheet provides a brief history of developments in child protection services in Australia and internationally.

Social and political interest in the protection of children from abuse or neglect at the hands of caregivers is a relatively recent phenomenon. Since the early colonial days in Australia, there have been some forms of protection for children. Abused and abandoned children were either boarded out to approved families or placed in orphanages run by voluntary organisations (Tomison, 2001). However, provisions of care throughout most of the 19th century were established solely for the needs of abandoned or "illegitimate" children whose parents were seen as socially inadequate. The concept of providing protection of children from their parents or caregivers did not exist (Liddell, 1993). Governments took the position that children were the property of parents who had the right to treat their child any way they saw fit. Western society showed little interest in, and had no specific policies for, protecting children from their parents or caregivers (Fogarty, 2008). Although child maltreatment has been occurring since before there were laws to protect children from abuse and neglect, western society in the 19th century was characterised by particularly brutal attitudes towards children (National Society for the Prevention of Cruelty to Children [NSPCC], 2000), a fact immortalised by authors of the time such as Charles Dickens (1812–1870).

## International developments in the late 19th century: The "first wave" of the child rescue movement

The first manifestations of child protection services with a legal mandate to intervene to protect children from abuse and neglect emerged in the late 19th century, initially in the form of charitable and philanthropic endeavours (Jeffreys & Stevenson, 1996). Often referred to as the first wave of the child rescue movement, developments in the United States and the United Kingdom helped to pave the way for change in Australia. In the United States, the much-publicised case of Mary Ellen McCormack in the 1870s is widely accepted as the catalyst for the creation of laws to protect children from maltreatment by caregivers. Mary Ellen McCormack was a 10-year old girl who experienced ongoing physical abuse by her adoptive mother in New York. As there were no laws to protect children from cruelty, the American Society for the Prevention of Cruelty to Animals was approached to assist. It took the case to court on the basis that Mary Ellen was a "human animal" and therefore entitled to protection comparable to that given to animals. The case saw Mary Ellen placed in an orphanage and her caregiver imprisoned. This soon led to the establishment of the New York Society for the Prevention of Cruelty to Children (NYSPCC). Founded in December 1874, the society was the first child protection agency in the world (NSPCC, 2000; NYSPCC, 2000). The establishment of the

NYSPCC also led to child protection legislation and the establishment of juvenile courts in the United States (Fogarty, 2008)

In the United Kingdom there was considerable resistance towards protection of children from their parents as this was seen as "interfering" into the private sphere of the family. Specific child protection legislation was viewed as an invasion of the family (Fogarty, 2008). Nevertheless, child protection did emerge in the United Kingdom after Thomas Agnew, a banker from Liverpool, England, visited America in 1881 where he observed the work of the NYSPCC (NSPCC, 2000). Agnew returned to England in 1882 where, inspired by the NYSPCC, he went about establishing the first child protection service in the United Kingdom, the Liverpool Society for the Prevention of Cruelty to Children, founded in 1883. This paved the way for the establishment of the London Society for the Prevention of Cruelty to Children in 1884. The society changed its name to the British National Society for the Prevention of Cruelty to Children (NSPCC) in 1889 and expanded its charter to include all children living in the United Kingdom. In the same year, the lobbying efforts of NSPCC were rewarded with the passing of the Prevention of Cruelty to Children Act, commonly known as the "Children's Charter". The Act enabled society to intervene for the first time to protect children from cruelty or neglect perpetrated by their parents, where previously a parent's ownership of a child gave parents the right to treat their child in any way they saw fit, barring murder.

## Developments in Australia in the late 19th century

Child protection in the late 19th century in Australia followed a similar path to the United States and the United Kingdom. An increased public awareness of child abuse issues led to the establishment of non-government and voluntary child protection societies, partly in imitation of those established in the United States and the United Kingdom. The New South Wales Society for the Prevention of Cruelty to Children (NSWSPCC) was established in 1890, the Victorian Society for the Prevention of Cruelty to Children (VSPCC) in 1894, and the Western Australian Children's Protection Society in 1906 (CPSWA) (Liddell, 1993; Scott & Swain, 2002). Modelled on the British NSPCC, these groups were responsible for investigating and reporting child abuse and

neglect, a mandate that continued well into the 20th century (Children's Protection Society, 2003; Jeffreys & Stevenson, 1996; Scott & Swain, 2002). The development of such agencies strengthened the role of the non-government sector in carrying out early forms of child protection work (Tomison, 2001). By the end of the 19th century most states in Australia had also established Children's Courts and developed legislation to protect children from the more "obvious" forms of child maltreatment, such as severe physical abuse (Tomison, 2001). "Boarding out" to approved families became a preferred option over institutional care for children abandoned or abused (Liddell, 1993). Although the Commonwealth of Australia was established in 1901, the provision of child protection services remained a state responsibility, which ensured that each state and territory had its own unique child protection response. The continuation of state responsibility for child protection has meant that legislation and practice has differed somewhat between each state and territory throughout the 20th century and today.

## The "second wave" of the child rescue movement: Developments in the 1960s

The first half of the 20th century was not notable for big changes in child welfare in Australia. Institutionalised care re-emerged as a preferred method of out-of-home care over boarding out. However, by the 1950s, concerns on the standard of living in such institutions led to a shift toward smaller group care (Liddell, 1993). Although government agencies and voluntary organisations continued their work, particularly directed to neglected children, the general public and the government were not interested in child protection in the first half of the century (Fogarty, 2008).

The child protection landscape changed significantly in the early 1960s—often referred to as the second wave of the child rescue movement. Modern professional interest in the early 1960s was prompted by research—the most famous of which was a study in the United States led by Dr Henry Kempe (Fogarty, 2008). Kempe, Silverman, Steele, Droegemueller, and Silver (1962) coined the term the "battered-child syndrome" in describing evidence of untreated physical injuries caused by physical abuse by caregivers. The authors argued that "battered-child syndrome" was a significant cause of childhood disability and death for

children under the age of 3 years (Lonne, Parton, Thompson, & Harries, 2009). Unlike the original "first wave" developments of the 19th century, the issue was identified by medical professionals rather than by survivors and community groups, which professionalised the issue and brought it back to public attention (Lonne et al., 2009). The research evoked significant media attention, which helped to increase public awareness of child protection issues. Many researchers have argued that media coverage throughout the 60s was just as important as the research itself (Tomison, 2001). Dramatic changes to approaches in protecting children soon followed in America. Within a few years, all fifty American states had introduced major legislative changes implementing professionally staffed child protection services. The establishment of mandatory reporting laws requiring all health and welfare professionals to report suspected and actual cases of child abuse and neglect to public authorities were also introduced in all states of America by the late 1960s (Fogarty, 2008; Lonne et al., 2009)

In Australia, similar research was emerging. Work by Wurfel and Maxwel (1965) investigated abuse of 26 children from 18 families at the Adelaide Children's Hospital and Bialestock (1966) investigated 289 neglected babies admitted to a reception centre. This research and the research by Kempe and colleagues (1962) also led to mass media and public debate on child abuse issues, which put increasing pressure on state governments to take greater responsibility. Welfare departments were establishment in each state throughout the 1960s (with the exception of Victoria) and Australian states and territories soon moved to government-based child protection approaches. In Victoria, child protection investigations continued to be performed by the police and the Children's Protection Society (formerly the VSPCC) (Fogarty, 2008). The new research on the effects of child abuse in the 60s and the subsequent media attention that followed helped to increase public and political awareness of child protection matters and led to continued debates and various changes to government approaches in the decades to follow.

## Developments in the 1970s and 80s in Australia

Over the next two decades, state governments continued to develop and refine systems for investigating and dealing with child abuse and neglect in Australia. The 70s and 80s were characterised by significant social change, particularly in relation to family structures. New families were emerging that varied from traditional family structures, including more families of single parents and families where parents had divorced or remarried. This broadened the scope of families in the child welfare system and added to the complexities of providing child protection services where risks of abuse and or neglect were identified (Liddell, 1993). Definitions of what constituted child abuse and neglect also greatly expanded throughout the period. By the late 1980s, definitions in each state included emotional abuse, neglect, sexual abuse and physical abuse. The focus of child abuse and neglect moved beyond just young children and included all young people up to the age of 18 (Lonne et al., 2009).

The 70s and 80s continued the process of de-institutionalisation of out-of-home care, as permanency planning became a popular principle (Liddell, 1993). Returning children either to their homes, to foster care or to smaller group care became the preferred option for most child protection departments.

After generating significant political debate, the influences from the United States led to mandatory reporting laws of child abuse and neglect in most states of Australia in the 1970s. Tasmania first introduced mandatory laws in 1974, followed by South Australia in 1975, New South Wales in 1977 and Queensland in 1980. Today all states in Australia have some form of mandatory reporting laws (Higgins, Bromfield, Richardson, Holzer, & Berlyn, 2009).

## Changes to child protection in Victoria

The biggest changes in child protection practices in the 1980s occurred in Victoria. By the mid-1980s, the Victorian Children's Protection Society was unable to obtain sufficient funding to meet the increased demand for its services (Scott & Swain, 2002). A review was conducted on child protection in Victoria and the state took over the provision of statutory child protection services in 1985. Rather than fund a 24-hour service, the government elected to continue with a dual track model of child protection, in which the police responded to those cases to which the statutory child protection service was unable to respond due to a lack of resources or

the need for after-hours intervention. The combined child protection service and police responsibility for child protection was known as the *dual-track system* (Liddell, 2001). The dual-track system was abolished in 1994 following an Inquiry by Fogarty and Sargeant (1989) as the statutory child protection service assumed full responsibility for investigations of child abuse and neglect. This also coincided with the introduction of mandatory reporting laws in Victoria (See Box 1).

## The 1990s and the child protection legalistic approach

Although developments in the late 1980s and 1990s continued to vary in each state, most states moved to "professionalise" the response to child abuse and neglect. This led to the widespread adoption of professional decision-making aids, guides and checklists that assessed the risks of child maltreatment (Holzer & Bromfield, 2008). The aids assisted child protection workers in determining if abuse and neglect had occurred, the risk of further harm, and whether the child should be removed from the family home. The focus on professionalising child protection services also saw most states move to a more legalistic approach to child abuse and neglect. Under a legalistic framework, child protection work became predominantly focused on developing a legal response to allegations of child

abuse and neglect and determining whether abuse or neglect was serious enough to warrant protective intervention (Tomison, 2001). This approach meant that for child protection workers, investigative and administrative work took up a significant amount of time. Government funding for child protection and non-government family support services was also significantly reduced, which meant that support for families suffering from social problems was limited (Tomison, 2001). Child protection systems became the sole point of contact for families at risk of abuse and neglect, which increasingly made it difficult for departments to meet demand.

## Child protection in the 21st century

By the late 1990s, child protection services in all Australian states and territories were finding it difficult to cope with high numbers of reports of suspected child abuse and neglect. The legal/forensic approach was being criticised for subjecting low risk families to unnecessary investigations, while at the same time letting some high risk families fall through the cracks (Lonne et al., 2009). This led governments and child protection services to seek alternative solutions in the 21st century. New models of child protection and family support were adopted in most states and territories in Australia (Bromfield & Holzer, 2008). Child protection approaches at the beginning of the 21st century recognised the vital role played by the broader child

### Box 1: The role of the media in child protection reform

In Victoria—as in other jurisdictions—media attention surrounding the death of a child (e.g., the death of Victoria Climbè in the UK) galvanised public support and resulted in significant legislative change in the area of child protection in the late 1980s. In 1989, a 2-year old boy, Daniel Valerio, died as a result of physical assault at the hands of his step father Paul Aiton. Both the police and child protection service had received allegations that Daniel was being physically abused. The departmental enquiry into Daniel's death reinforced the need for the abolition of the dual-track system (Scott & Swain, 2002). In 1993 Paul Aiton was tried and

convicted for Daniel's death. A major Victorian tabloid newspaper, *The Herald-Sun*, used the trial and accompanying photographs of Daniel taken by a police surgeon days before his death to campaign for mandatory reporting in Victoria (Goddard & Liddel, 1995). The campaign created a groundswell of public support and forced the state government to amend the 1989 Children and Young Persons Act making it mandatory for prescribed professionals (e.g., teachers, police) to notify the state child protective services if they suspected that a child was being physically or sexually abused (Goddard & Liddel, 1995; Liddell & Goddard, 1995).

and family welfare system in supporting families and therefore preventing child abuse and neglect. New child protection models sought to achieve a balance between statutory child protection services and family support services. Under such models, statutory child protection services no longer drive the system but become one facet in an overall welfare system for children and their families (Bromfield & Holzer, 2008). This has led to child protection services and family support services working more collaboratively in order to assess family needs. In working more collaboratively with other family welfare services, child protection workers have had more options when responding to a report of suspected child abuse or neglect. This has enabled workers to tailor responses more to the perceived needs of the family rather than an across the board assessment of the risks of actual child abuse and neglect (Tomison, 2001). For example, for cases where risks of actual child abuse and neglect are low, a less intrusive assessment process involving non-government agencies can be arranged to provide general support to the family. These approaches have aimed to reduce the risk of

## Box 2: Recognising different types of child maltreatment

By the late 1980s and 1990s, the category of child abuse expanded from being severe physical abuse and extreme neglect to a much broader idea of what constitutes child maltreatment. Below is a brief timeline of when different types of child maltreatment were recognised in child protection legislation.

### 1960s Severe physical abuse

Kempe and colleagues (1962) research on the "battered-child syndrome" pushed child physical abuse into the realm of professionals and resulted in the application of a medical model to the problem. Professionals focused on the psychopathology of perpetrators, which led to a substantial growth in government-run child protection services around the world.

### 1980s Child sexual abuse recognised on the world stage

There is no definitive reason for why sexual abuse emerged as a key issue for child protection in the 1980s, however the most prominent theory suggests that the impact of feminism lead to the public recognition of child sexual abuse (Scott & Swain, 2002). Significant media attention was given to any case of child sexual abuse and statutory child protection services found it difficult to cope with the influx of reports. Tensions arose between child protection services, police and child sexual assault services as roles and responsibilities became blurred (Scott & Swain, 2002).

### 1980–90s Neglect re-discovered

The original child rescue movement of the late 19th and early 20th century was primarily focused on "rescuing" children from neglect by "morally corrupt and lazy" parents (Bromfield & Holzer, 2008). Research in the 80s and 90s started to recognise that child neglect was a prominent form of maltreatment that could severely impact on a child's development. Over the last three decades, child neglect has had the most child protection substantiations.

### 1990s Emotional abuse started to be recognised

Research in the 1980s and 1990s started to identify that child physical abuse and neglect was often accompanied by psychological or emotional abuse. Child emotional abuse eventually became recognised as an abuse type in its own right with specific adverse effects for children. Child protection substantiations of child emotional abuse have been higher than child physical abuse or sexual abuse in Australia (Australian Institute of Health & Welfare, 2010), however, research on the risks and effects of emotional abuse have been less prominent.

### 2000s Exposure to family violence became a mandatory reporting trigger

The 1990s saw increasing support for the recognition of witnessing family violence as a separate and distinct maltreatment sub-type. Although witnessing family violence has not been recognised as a maltreatment type within child protection services, exposure to domestic violence has been introduced as a trigger for mandatory reporting in New South Wales and Tasmania. Exposure to domestic violence is typically recorded as "emotional abuse" (Bromfield & Holzer, 2008).

families having negative or traumatic experiences from inappropriate or unnecessary investigations.

## A public health model for child protection services in Australia

Today, child protection systems continue to vary across states and territories. In most states child protection services are part of a broader department of human services. Although a greater focus has been placed on prevention and providing family support services to families at risk of child abuse and neglect, statutory child protection services in each state and territory continue to struggle to meet demand (Holzer & Bromfield, 2008). There is a growing acceptance that applying a public health model to child protection may help to reduce the burden on child protection departments and deliver better outcomes for children and families (Council of Australian Governments, 2009). The public health model provides a framework that expands the service continuum, where preventative interventions are categorised as primary, secondary or tertiary. In the public health model approach, priority is placed on having universal services available to all families, such as health and education. Secondary prevention interventions are provided to families that are deemed to be at risk of child maltreatment, while tertiary child protection services are deemed to be a last resort for families where child abuse and neglect has occurred (Holzer, 2007). The public health model as applied to child abuse and neglect is an encouraging approach to service delivery because the central focus is on the prevention of child abuse and neglect, as opposed to focusing on services where abuse and neglect has already occurred (O'Donnell, Scott, & Stanley, 2008).

## Conclusion

The history of child protection in Australia has seen a variety of responses to protecting children and supporting families in need. Child protection and the child welfare system as a whole will continue to evolve and adapt to ever-changing social environments. Twenty-first century developments in protecting children in Australia have recognised that statutory child protection services in isolation are unable to provide support to all families in need

and reduce the risk of child abuse and neglect. Child protection approaches now recognise that protecting children is everyone's business and that parents, communities, governments, non-government organisations and businesses all have a role to play.

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