

Question: What is Munchausen Syndrome by Proxy?

I would like to discuss physical child abuse with you.

Nothing is more heart wrenching than photographs of a young child who has been severely physically abused. They most often show large bruises, burns, welts or scalding that brings tears and the urge to stop this type of torture to even the most hardened of investigators. Such disturbing photos are also shown to legislators to help pass new laws or to secure additional funding for social agencies. When the public hears of physical child abuse, these are the very images that come to mind.

In actuality there are very few allegations of this type of serious abuse. In those rare cases of severe physical abuse the physical evidence is often overwhelming and proves that physical child abuse has occurred. The only time that a false allegation might arise is if the true perpetrator falsely accuses someone to avoid punishment.

So, where are all the allegations of physical abuse coming from. For centuries in Judea Christian communities parents have used physical discipline or corporeal punishment as a means of teaching their children right from wrong. The Bible refers to such physical discipline in it's warning "spare the rod and spoil the child." However, shortly after World War II this means of molding a child's moral character was challenged by a well known pediatrician Benjamin Spock. What he proposed was positive reinforcement and non-physical discipline as the more enlightened method of child rearing. Spock's methods were popular in more liberal circles and became the philosophical underpinning of social workers, child therapists and child advocates. It still remains today as the foundation of any training done by state agencies.

More conservative parents, however, particularly those with fundamentalist religious beliefs have long opposed Spock's ideas. That is why the fierce conflict between these two perspectives of handling children is still not resolved in the courts. In response to the horrors of physical child abuse many state legislatures wrestled to define what constitutes such abuse in the early 1990's. Representatives were heavily lobbied by both social workers who wanted corporeal punishment outlawed and my various Judea Christian groups who believed that it was their religious right to use corporeal punishment. The end result was ambiguous statutes. Is it physical abuse if you spank your child on the back of the leg, rather than on the bottom? What is age appropriate discipline? How does one define serious physical injury? Can a red spot caused by hand spanking be a serious physical injury? These are the terms found in many state statutes but none are properly defined. Therefore, the manner in which these statutes are being interpreted depends upon the child rearing perspective of the people reading it. For example, we have found that child protective service officials in California generally interpret the use of any instrument on the child as physical abuse. For decades, however, mother spanked their children with a wooden spoon in order that the mother's hand was not associated with inflicting pain. Does the spoon used with the same force as one might use a hand to spank a child constitute an instrument of abuse. In many states child protective service workers have taken children away from their

parents for such disciplinary conduct.

Our office has counseled many Judea Christian oriented parents who have raised their children with love, tempered with physical discipline, only to be terrified by allegations made by child protective services or the police against them of child abuse. Since child protective services as a group is against corporeal punishment in any form, they are very liberal in interpreting corporeal punishment as child abuse. They can then use their power to seize children and can request the police to make an arrest for child abuse. The police and prosecutors are not so uniform in their interpretation. Each officer, each department and each DA's office has a different view of what is legal corporeal punishment and what is not. However, police and prosecutors tend to ignore the perspective of some Judea Christian oriented families who feel it is their right to use corporeal punishment for discipline. The freedom given to child protective service workers, police officers and prosecutors in defining corporeal punishment is what most often leads to false allegations of physical child abuse. Their freedom turns into unchecked power when combined with the unlimited resources of the DA's office and an often misinformed or biased staff and judicial system that relies upon information from people in the employment of the state. Even though the ultimate authority, the jury, will decide what is reasonable treatment of a child, it is unfair to expect families to bear costs and trauma of a jury trial in order to establish that what they are doing is reasonable and legal.

Many state laws, as they currently stand, make it possible for agents of the state to control parent's actions even if the parents are acting in the best interests of their children. And while Judea Christian groups can influence what laws are written and passed, they have little power in influencing how social workers or officers in the legal and justice system interpret child abuse standards and that may mean arrest, jail and a seizure of your children should you believe you have the right to physically punish your child in order to reinforced moral training and education. Well, as we have said the training that most social workers, the police, and officers of the legal system receives predisposes them to believe that signs of physical contact with a child, like bruising or a red mark, can be a sign of child abuse, merely because of their concept of corporeal punishment.

The odds are even higher that parents will face criminal charges of physical abuse should their child be very young, non-verbal, or display a severe bruise, injury or fracture that cannot be accounted for by the parent. Unfortunately, our office knows this too well from experience. One of the cases involved a child who was being carried in the mother's arms as she walked through the airport. She tripped and fell to the floor on top of the child. The little girl hit her head and began crying. The mother believed that the child was uninjured when she stopped crying and continued home. The mother then left the child with the father to babysit her. Several hours later the child became seriously ill and after being rushed to the hospital x-rays revealed a fractured skull and a sub-dural hematoma. The father was immediately arrested for physical child abuse, handcuffed and taken off to jail. He faced a maximum in that case of 8 years in prison because the radiologist, a self proclaimed child abuse expert, reported

that the force necessary for such an injury was either a fall from a third story window or by swinging the child by her feet and smashing her head against a wall. During courtroom testimony and cross-examination the radiologist admitted having no scientific basis for her opinion. She could not name one controlled scientific study that supported her claim that such force as she described was necessary to cause the child's injuries. Furthermore, she admitted that she had never personally witnessed a child injury by a three story fall or being swung by the feet and having a child's head smashed against a wall. In summary, she had no scientific studies and no personal knowledge upon which to base these outrageous conclusions. Why was there a lack of science in her testimony, first of all because she was trained to be a child advocate and had no other experience, scientific or personal, in the field. Her first response was to claim child abuse. Secondly, studying the force required to create fractures in children entails human subjects, an unthinkable kind of study in our society. Our researchers at our firm, however, did find studies based upon deceased animals whose bones had the same dimensions as those of children. However, the child abuse expert called by the prosecution rejected the animal studies on the grounds that there were no comparison studies between animal bones versus human bones. Therefore, the validity of the controlled university research was brought into question. Our research also discovered actual human studies done in Europe and we had to translate them from German into English. In Germany several studies were conducted on children who had recently died. One study focused specifically on measuring the force necessary to break limbs. Another on the force needed to fracture the skull. These studies showed that the kind of damage sustained by our client's child could be caused by a fall of only three feet onto a hard floor like that found in an airport that was approximately the height of the fall the child suffered while being held in mother's arms and then having her mother fall in top of her when the mother tripped. All allegations against the father were subsequently dismissed when this scientific evidence was presented to the court. Despite the radiologist's intention to help the injured child by advocating against abuse without any scientific research she was actually harming the child by denying the child a loving parent and making it more difficult for her innocent parents to defend themselves. If her erroneous testimony had not been exposed the child would have lost her father to prison. She would have been deprived of his love, attention and companionship on the basis of exaggeration and personal bias. This kind of arrogance and the lack of knowledge on the part of experts who have no data on force, whether it relates to the torque required for a spiral fracture, the angle of bending necessary to break a bone or the impact required to fracture a skull or cause a brain injury has no place in a court where defendant's must fight for their lives. The cause of injuries to non-verbal children is often difficult to determine. The search for evidence can be complex and time consuming. We work to force the justice system to make decisions on the basis of unbiased scientific data. We believe that that is the only way of distinguishing between the guilty and the innocent, of distinguishing false allegations of child physical abuse from those that are true.

Another very difficult form of physical child abuse is called Munchausen Syndrome by Proxy. This strange name came from a 1977 case where English pediatrician Roy Meadows noted an article by psychiatrist Richard Asher in 1951. In 1951 Asher used the name and legend of one Baron Karl Friederick Munchausen, the notorious 18th century German baron known for his outrageously tall tales,-- that's where the name came from--to describe a certain kind of psychiatric patient who sought out the attention of physicians after physician after physician for more and more outlandish claims of illness or rare disease.

English pediatrician Roy Meadows noted that a small percentage of mothers of their little patients brought the child into pediatricians and hospitals all too often. Meadows noted that these parents, almost always mothers, consistently insisted their children were ill. He also noted that these parents seemed to enjoy the special attention numerous medical personnel had to give to the parent's ever more exaggerated claims. In the severe cases Meadows noticed that the parents were so intent upon obtaining the attention of medical personnel they actually caused their children --by diet, poison or other means --to become ill. Today the contributors to the American Psychiatric Diagnostic and Statistical Manual call this kind of process "factitious illnesses" and are studying Munchausen Syndrome by Proxy for inclusion in the manual. Modern research notes that this constellation known as Munchausen Syndrome by Proxy involves the intentional production of physical or psychological signs and symptoms in a person under the care of the individual. Modern research suggests that the motivation of the individual is to assume the sick role and the attention of medical personnel that comes with it by proxy, through the child. Although these cases are rare our office is involved in the defense of parents accused of this disorder. These cases are quite expensive because they require both medical and psychological experts. If an actual physical illness exists in the child was it caused by the accused parent. If no physical evidence can be found is the investigation and examination reliable. These are just some of the questions our team works to answer with our experts and our research data bank.