

# Criminal charges avoided in mild child beating cases

By Jeff Kruse

Six years of living has taught Brent (not his real name) that most men are mean, roller coasters are fun, telling the truth usually gets you in trouble, but most of all, that you don't break your mother's camera . . . or else.

Or else some big guy that's living in your house for a couple weeks will take a belt and hit you with it.

"Well, we didn't have any choice," says Brent's mom, "besides, you don't see me going around breaking cameras."

Meanwhile Brent, a hemophiliac, develops a bruise that covers half of his upper thigh.

This is a mild case of child abuse and one that rarely results in criminal conviction, according to several Lancaster County officials.

### No child abuse charge

"There is no charge against child abuse per se," said Roger Hirsch, Lancaster County attorney. "The defendant must either be charged with assault or with a misdemeanor charge, such as disturbing the peace."

The above case, in which Hirsch was the prosecuting attorney, resulted in a \$100 fine to the defendant for "disturbing the peace." The fine having been paid, he is free to stay in the home with Brent.

"In order to obtain an assault conviction it is necessary to show sufficient intent which is very difficult to show," Hirsch said.

Because of insufficient evidence in Brent's case an assault charge was not filed despite the fact the defendant had a previous history of violence and mental problems.

### Hurts the child

Linda Wagner, resource mobilization agent for Lancaster County, said they are trying to get away from criminal convictions in abuse cases because it makes the situation worse.

"Prosecution only increases the parents' negative feelings, and this hurts the child more." If the abuser is not

the parent it makes little difference.

"He still is playing the role of spouse, and we can't keep him away forever," she said.

Working with the family in a treatment-oriented fashion is the best way to attack the problem, she said. In Brent's case, a caseworker from Protective Services was assigned to the family.

### Progress made

Sandy Carmichael of Protective Services has been working with Brent's mother for over two months now.

"I think there is definite progress being made," she said.

The man who bruised Brent is not involved in the counseling, she said.

"This was the first time he's ever been bruised, and he is clothed and fed properly," she said.

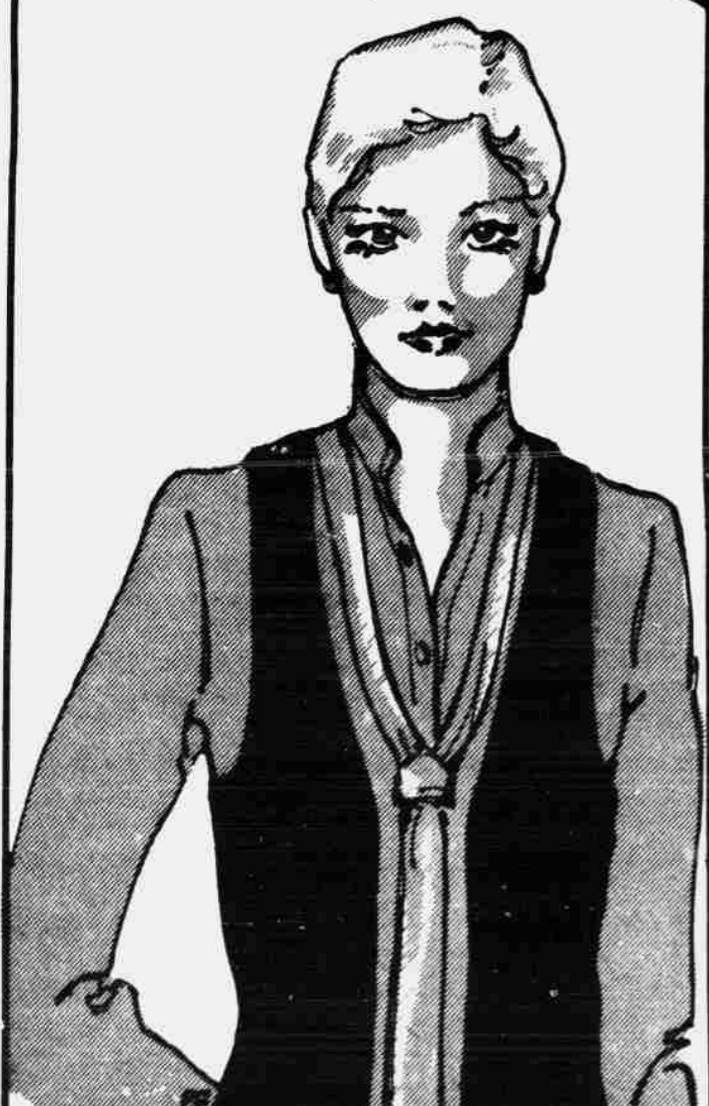
Consequently, Brent's mother has the right to keep him at home, and has full say in whatever is done with him.

Carmichael said she's not sure how long her meetings with the family will continue.

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