

A Study on Difficulties to Enforce the Law Relating Child Abuse

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Abstract – The role of law enforcement in child abuse cases is to explore to decide whether an infringement of criminal law happened, recognize and secure the guilty party, and record fitting criminal allegations. The reaction of law requirement to child abuse should be predictable. The goal of this guide is to give officers who react to this sort of Crime with data that will guarantee this consistency. It is likewise to help law enforcement comprehend the significance of creating methodology and conventions and ways they can work with different callings to guarantee that the necessities of children are met. State-mandated reporting laws require a referral when there is a doubt of maltreatment. In most child abuse cases, law enforcement winds up associated with one of two different ways: by a referral from a school, a doctor, or an organization, for example, social administrations, or by an immediate call for administration from a parent, a child, or a neighbor. In view of expanded reporting of child abuse, it is important that cops be prepared to deal with cases including child abuse.

Keywords: Child Abuse, Enforcement, Laws.

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INTRODUCTION

Child abuse is a community issue. No single organization has the preparation, labor, assets, or lawful order to mediate viably in child abuse cases. Nobody office has the sole obligation regarding managing mishandled children.

At the point when a child is physically beaten or sexually abused, the perfect arrangement of occasions is that specialists treat the wounds, advisors guide the child, social administrations works with the family, police capture the guilty party, and lawyers arraign the case. To advance this reaction, powerful network mediation includes the arrangement of a child protection group that incorporates experts from prescription, criminal equity, social work, and training who comprehend and welcome the diverse jobs, duties, qualities, and shortcomings of the other colleagues however collaborate and organize their endeavors. The aptitudes of every individual are seen as various however similarly essential.

Child abuse cases have one of a kind attributes that make them not quite the same as different sorts of cases. For various reasons, children make "perfect" exploited people, and Crimes including child abuse, especially sexual maltreatment, are among the most troublesome researched by law enforcement:

- Children are generally unfit to ensure themselves in view of their dimension of physical and mental advancement; much of the time they don't prefer to discuss the maltreatment. They may postpone divulgence or recount just piece of the story.
- A passionate bond regularly exists between the child and the wrongdoer; children may need the maltreatment to stop, yet they may not need the guilty party to be rebuffed.
- Crimes of maltreatment are not generally secluded episodes; rather, they happen over some undefined time frame, regularly with expanding seriousness.
- In most sexual maltreatment cases, there is no definitive medicinal proof that sexual maltreatment happened. Additionally, it happens in a private place without any observers to the occasion.
- Meetings of children require unique taking care of; lawful issues overseeing child declaration are muddled and regularly changing, and children—regardless of whether exploited people or witnesses —

are frequently seen as less trustworthy or skilled than the charged.

- Child abuse cases regularly include simultaneous common, criminal, and once in a while regulatory examinations; they frequently cross jurisdictional lines.
- The criminal equity framework was not intended to deal with the uncommon needs of children.

Officers must be objective and proactive in their examinations of maltreatment. Questions concerning who, what, where, when, how, and for what reason must be replied. Remember that child abuse is a Crime and law requirement has a lawful obligation and duty to react appropriately.

MULTIDISCIPLINARY GROUP APPROACH

The best way to deal with cases including child maltreatment is interagency coordination and arranging. Social specialists, doctors, advisors, examiners, judges, and cops all have vital tasks to carry out. All must cooperate with a typical concern—the welfare of the child—and with a shared objective—to speak with common regard. Contrasts of sentiment are not out of the ordinary. Viable collaboration incorporates having an instrument for talking about and, if conceivable, settling these distinctions.

All members from the child protection group have a commitment to acknowledge what alternate experts on the group are trying to achieve and to see how their exercises interrelate. For instance, law enforcement officers should be worried that their examination may damage a child, and doctors and specialists should be worried that their treatment and assessment procedures may impede or harm law requirement's examination. A progressing discourse of issues that the group experiences amid examinations will help settle them and will likewise clear up the jobs and duties of colleagues.

All players on the child protection group must have unmistakably characterized jobs so as to complete their obligations viably.

- An interagency convention helps in setting up composed rules for the members who explore instances of child abuse and disregard.
- An appropriately drafted assention likewise gives a plan to every one of the central offices in charge of maltreatment cases in the network.

The colleagues should likewise put their time in building up a long-run vital arrangement that will

guarantee the group is ever receptive to the requirements and changes inside the network.

The objective ought to be effective coordination of administrations, with the main goals being to figure out what occurred and to address the issues of the child. Coming up next are fundamental components of a successful interdisciplinary reaction group:

- Identification of the extent of the network issue.
- Identification of the assets accessible.
- Establishment of correspondence rules for every reaction colleague and the unfortunate casualty's family.
- Establishment of obviously characterized jobs and obligations regarding every reaction colleague.
- Establishment of obviously characterized criteria for the sorts of cases with which the group will end up included.

ESTABLISHING LAW ENFORCEMENT PROTOCOLS AND PROCEDURES

With their legitimate specialist to explore infringement of the law, law enforcement officers are indispensable members from a network's child protection group. Inability to react legitimately to child abuse cases from the start (e.g., disappointment of the reacting law enforcement officer to get certain data) can result in cases being rejected in court or, now and again, in honest members being dishonestly denounced.

Agents ought to be prepared and experienced in equitably exploring child abuse, including leading meetings of children and questioning speculated guilty parties. Preparing ought to be seen as a progressing procedure, intended to build the skill of the interdisciplinary group.

Additionally, neighborhood law requirement offices must build up approaches and methods to explore child abuse cases. Faculty exploring child abuse need to think about numerous critical variables (see figure 1, "Considerations for Child Abuse Examinations," pages 6 and 7).

Established agency protocols, training, and guidelines will control the decision-making procedure, yet officers are probably going to confront circumstances in which the officer's judgment must be the directing light. Thus, officers must be acquainted with what is anticipated from them legitimately in their locale. As fundamental,

they ought to counsel the organization's lawful consultant or the indicting lawyer to illuminate this.

SPEAKING A COMMON LANGUAGE

Proficient phrasing is utilized by numerous controls. Members from the child protection group must be acquainted with exceedingly concentrated specialized terms, (for example, "subdural hematoma," "separation," "battered child disorder," and "pedophilia") and in addition with fundamental or normal terms, (for example, "child," "attack," and "assault"). Be that as it may, issues can emerge in light of the fact that a few terms don't have an all around acknowledged, reliable definition. It is critical for clear correspondence and powerful coordination that proficient colleagues comprehend what is implied when proficient wording (or language) is utilized by other colleagues and that they request illumination when they don't.

The legitimate meaning of a child fluctuates from State to State and even from resolution to rule in a similar State. Issues, for example, regardless of whether the unfortunate casualty assented or whether the wrongdoer was a gatekeeper or overseer are imperative lawful Considerations in such cases. How the law decides assent is frequently confounding, even on account of a 14-year-old child who has been enticed by a 55-year-old pedophile. There is a contrast between the lawful meaning of assent and the importance given to it by laypeople.

To figure out who is a child and what is abuse, law enforcement officers must swing to the law. The correctional code will lawfully characterize both, however law requirement officers should at present manage their very own discernments and assessments and with those of society in general.

Hence, members filling in as a feature of an interdisciplinary team should obviously convey how they are characterizing a specific term and set up shared conviction. Law requirement agents ought to dependably know about and impart to others the lawful meanings of terms.

Law enforcement specialists should likewise have the capacity to speak with exploited people, guilty parties, and witnesses, and in addition with social laborers, doctors, emotional well-being faculty, legal advisors, judges, and companions. To maintain a strategic distance from disarray and misjudging, examiners must be similarly acquainted with different family or slang terms for body parts and sexual acts when conversing with unfortunate casualties, witnesses, and suspects. Agents must know both the slang and expert terms, as well as the proper occasions for utilizing each.

CONSIDERATIONS FOR CHILD ABUSE EXAMINATIONS

When You Get the Referral

- Distinguish individual or expert inclinations with child abuse cases. Build up the capacity to desensitize yourself to those issues and keep up a goal position.
- Know office rules and State resolutions.
- Realize what assets are accessible in the network (treatment, injured individual remuneration, and so forth.) and give this data to the child's family.
- Present yourself, your job, and the concentration and goal of the examination.
- Guarantee that the best treatment will be accommodated the insurance of the child.
- Meeting the child alone, concentrating on supportive proof.
- Don't discount the likelihood of child maltreatment with a residential debate objection; chat with the children at the scene.

Getting Data for the Primer Report

- Ask about the historical backdrop of the oppressive circumstance. Dates are vital to set the course of events for when abuse may have happened.
- Cover the components of Crime important for the report.
- Ask about the instrument of maltreatment or different things on the scene.
- Don't limit children' announcements about who is manhandling them, where and how the maltreatment is happening, or what sorts of acts happened.
- Spare feelings for the finish of the report, and give steady realities. Feature the environment of divulgence and the disposition and air of members in the objection.

Protecting the Crime Scene

- Treat the scene as a Crime scene (regardless of whether abuse has happened previously) and not as the site of a social issue.

- % Secure the instrument of maltreatment or other substantiating proof that the child distinguishes at the scene.
- Photo the scene and, when fitting, incorporate any wounds to the child. Re-photograph wounds as expected to catch any adjustments in appearance.

Follow-up Examination

- Be strong and idealistic to the child and the family.
- Organize a therapeutic examination and transportation to the healing facility. Gather things for a difference in garments if necessary.
- Make utilization of fitting insightful methods.
- Make certain the child and family have been connected to help administrations or treatment.
- Make sure the family realize how to achieve an analyst to uncover additional data.

Amid the Court Stage

- Visit the court with the child to acclimate the person in question with the court setting and environment before the primary hearing. This job might be accepted by the investigator or, in a few purviews, by injured individual/witness administrations.
- Get ready court shows (pictures, shows, draws) to help the child's declaration.
- Document all proof as per State and court strategy.
- Except if they are suspects, refresh the family about the status and advancement of the examination and keep in contact with them all through the court procedure. Contingent upon the case, officers ought to be wary about the sort and measure of data gave to the family, since they may impart the data to other people.
- Give court results and case conclusion data to the child and the family.
- Catch up with the probation division for readiness of the presentence report and unfortunate casualty affect statement(s).

Working with the Medicinal Profession

Doctors can be vital partners in the aversion and treatment of child abuse. Specialists can fill in as family instructors and teachers, as persuasive child advocates, and as key members from the network multidisciplinary group. They can ease weight on a family by overseeing medical issues, giving child raising counsel, and talking about family arranging options.

In instances of suspected child abuse, specialists have five essential duties:

- To distinguish suspicious wounds.
- To analyze issues of maltreatment.
- To oversee treatment to the child.
- To report associated episodes with maltreatment to the proper experts.
- To affirm in ensuing legitimate procedures.

Shockingly, a few doctors are hesitant to get associated with instances of abuse. For instance, they may discover couple of individual or expert rewards in managing an oppressive family. They may not wish to report an occurrence since it might be difficult to figure out who caused a child's wounds. At long last, they may not wish to affirm in court due to time imperatives or in view of a dread of questioning, cross examination, difficulties to their certifications, or conceivable prosecution.

Law enforcement agents can help check doctors' hesitance by completely including members from the Medical calling in the network's group way to deal with child abuse and by focusing on the significance of therapeutic proof in setting up a case for court. It might likewise be useful to remind doctors that every one of the 50 States and the Area of Columbia have sanctioned enactment with respect to invulnerability from common or criminal obligation for people who, in compliance with common decency, make or take an interest in making a report of child abuse or disregard.

ACQUIRING A MEDICAL EXAMINATION

As a rule a Medical appraisal of the child should be executed as quickly as time permits. The main roles of the Medical examination are to evaluate potential damage and recognize the requirement for treatment. Such an examination will likewise secure law enforcement against allegations that a child's wounds happened after expulsion from the home. At whatever point conceivable, all children associated with having been mishandled ought to be given a therapeutic examination, ideally by a medicinal expert experienced and prepared in

leading scientific examinations. This is basic in cases in which sexual maltreatment is asserted. The Medical expert ought to console the child, who might be frightful about the methodology and worried about the physical and enthusiastic results of the maltreatment.

An optional motivation behind a medicinal examination is to decide the nearness of any supporting proof of intense or incessant injury. As of late the capacity and ability of specialists to certify child abuse has enhanced significantly. Better preparing, the foundation of conventions, and mechanical progressions have enhanced the capacity of specialists to confirm physical and sexual maltreatment in children. Therapeutic imaging innovation now accessible incorporates attractive reverberation imaging (X-ray), registered tomography (CT), and colposcopes (an instrument with amplification capacities for envisioning the inside of an empty organ, for example, the vagina or rectum; pictures and video can be taken with the colposcope to record the examination results).

Law enforcement ought to know that announcements made to specialists by the child amid the medicinal examination might be permissible in court as exemptions to the prattle rule. Numerous demonstrations of child sexual maltreatment don't leave any physical damage that can be distinguished by a therapeutic examination. Likewise, children' wounds can recuperate quickly. Be that as it may, absence of medicinal support does not really imply that a child was not sexually mishandled or that an offense can't be demonstrated in court.

Investigator's Sample Child Sexual Assault Protocol

Talking the Person in question-

- Survey the Medical needs of the child with the goal that crisis therapeutic conditions can be taken care of promptly.
- Figure out what examinations are required for accumulation of proof.
- Decide setting.
- Set up what offenses, assuming any, have happened.
- Build up date and time of the offense.
- Contact child defensive administrations (CPS), if that has not been finished.

GETTING A THERAPEUTIC EXAMINATION

Note: If a rape happened inside the past 72 hours, the therapeutic examination ought to be executed at

the earliest opportunity to expand the likelihood of recuperating certain legal proof, for example, blood, semen, spit, and follow proof. In the event that the strike happened over 72 hours prior, the likelihood of this sort of proof being recouped is diminished. In any case, since the agent can't be certain beyond a shadow of a doubt when the last experience was, it is judicious to plan the medicinal examination within the near future. A doctor as well as medical attendant analyst leads the examination.

- Contact a doctor or potentially rape nurture inspector. ^ Facilitate with CPS to decide whether you (the police agent) or the CPS specialist will go with the child to the examination.
- Meet with the CPS agent, the doctor as well as medical attendant inspector, the child, and the parent or watchman at the healing center treatment room.
- Help the child and guardians or gatekeeper with the methodology for admission to the crisis room. (CPS may give this help, contingent upon who has asked for the examination.) ^ Brief medicinal faculty concerning the certainties, charges, suspect data, the psychological condition of the child, previous narratives, and what the police division and CPS are searching for in the examination and what proof is to be gathered.

Dealing with the Proof

- See that the way of life are arranged and set apart to keep up the chain of care. Incorporate the date, the initials of the individual directing the examination, and the child's name. Transport the way of life and every single other material gathered for proof to the State research center. Ensure that both you and the research facility faculty have marked the chain of authority frame. Neighborhood systems may vary from this; law enforcement must know and pursue every jurisdictional technique for taking care of proof.
- Ensure that photos are set apart with the date, time, injured individual's name, picture taker's initials, and case number and swung over to you as proof. Photos can be taken by cops, specialists, CPS laborers, doctors, nurture inspectors, or different gatherings.

SUBPOENA METHODOLOGY

- Call the doctor and additionally nurture analyst as quickly as time permits if a

subpoena has been issued to look at timetables and recognize any contentions early. Such warning ought to incorporate the names of the child injured individual, litigant, and indicting lawyer (whenever known); court date; and matters to which the doctor might be asked for to affirm. Nearby techniques may vary from this; law enforcement must know and pursue all practices and systems for their ward.

- As a choice, law requirement may aid the coordination of a pretrial gathering with the Medical expert and the investigator ahead of time of the court hearing. At this gathering:
- Questions that might be asked of the medicinal expert can be laid out.
- Medical wording or troublesome preliminary issues identified with the declaration can be cleared up.
- Solicitations for displays that might be useful in clearing up declaration can be talked about and time considered their planning.

This gathering is additionally a graciousness to set up the therapeutic expert in a convenient manner and to mitigate the tension of affirming.

LOCAL UNSETTLING INFLUENCE CALLS

A standout amongst the most widely recognized calls for administration by law enforcement is the residential unsettling influence call. Most cops comprehend the potential for threat related with such calls, however many don't understand that a rough grown-up might likewise vent outrage on a child. An ongoing report in Florida uncovered that about 33% of local unsettling influence considers veiled an occurrence of some type of child exploitation. Consequently, officers ought to ask whether there are children living at the living arrangement and, provided that this is true, where they are.

- It is suggested that local unsettling influence calls be replied with no less than two officers, for officer protection as well as so one officer can manage the gatherings required with the local aggravation while the other officer chats with any children who might be available.
- Once the included gatherings are quiet, most guardians, whenever asked carefully, will enable an officer to chat with their children and may even value the officer's offer to relieve a child's dread that somebody has been harmed or will imprison.

- If conceivable, an officer ought to talk specifically with the children. Such discussions permit the cop to assemble data about the circumstance specifically from the child and to survey the child's requirement for protection.

Officers ought to be attentive and search for any physical signs that the child may have been abused, however they ought to know that a child in this circumstance is probably going to be apprehensive and pulled back. Apprehension or a hesitance to converse with an officer does not imply that physical maltreatment has occurred. The officer ought to be receptive to the way that the child might not have any desire to remain at the living arrangement, dreading another squabble.

An officer presuming child abuse should safeguard conceivable Crime scene proof, for example, a weapon or instrument of maltreatment and mastermind capturing of the scene. This disposes of the requirement for a court order, since officers are as of now lawfully on the scene. The officer should likewise advise social administrations of his or her doubts of child maltreatment as quickly as time permits.

PUTTING A CHILD IN EMERGENCY PROTECTIVE CUSTODY

Officers who end up associated with a child abuse case through social administrations ought to consider all data that has been given to them. In light of this data, officers ought to ask an essential inquiry: "In the event that we leave and get a court request to evacuate this child, is the child liable to be harmed before we return?" On the off chance that the appropriate response is truly, the officer should expel the child. All activities ought to be as per State rules and departmental strategy and technique:

- Relying upon the ward, the officer might be committed to expel the child if coordinate revelation of physical or sexual maltreatment is made, if such maltreatment is claimed, or if proof of a damaging occurrence is available.

In addition, in many purviews, State law enables an officer to choose to evacuate a child dependent on perception of the realities and judgment of the data given. In a few circumstances an officer may evacuate a child since the person in question feels that the child may endure further physical or passionate mischief or injury or be covered up or stole under the steady gaze of a court request can be acquired.

In a few wards law requirement might be called upon by child defensive administrations to examine

charges of child abuse, to authoritatively put a child in crisis defensive guardianship, or to help with such arrangement. Officers in such circumstances need to know the laws in their State. Inability to comprehend their legitimately mandated jobs and obligations could result in:

- A child being left in an unsafe circumstance.
- A child being evacuated illicitly.
- The officer and the division being set in a circumstance of common risk.

In any case, if a misstep is to be made, it is smarter to blunder in the endeavor to defend the physical prosperity of the child.

In locales where law enforcement has sole obligation regarding choosing to expel a child from the home, the child is generally put in the care of the bureau of social administrations until the point when a last protection with respect to guardianship of the child can be made by the courts. Social administrations is in charge of setting the child in an authorized child care office. Officers should know about the legalities with respect to parental rights and their duties regarding giving composed warning of the child's expulsion.

In many States it isn't adequate for law requirement to take a child from one parent and place that person in the guardianship of another parent or of a relative without a court request or check of lawful specialist. Likewise, in many States the arrangement of a child in the care of another individual is the sole obligation of the branch of social administrations and not law enforcement. In any case, if social administrations puts the child in the care of a parent or somebody other than an authorized child care office, law enforcement ought to know about the ward's approaches and practices before taking an interest in or consenting to this situation.

It is exceedingly suggested that evacuation or confinement orders or other proper court printed material go with officers to the expulsion site and that this printed material be disclosed to ill-disposed guardians. In a few locales there is "rundown expulsion" expert—that is, with no printed material close by and dependent on conditions of the case as it builds up, the child might be expelled from the home. Wellbeing issues go into the condition, particularly as law enforcement is regularly present for the insurance of social administration staff.

Law enforcement officers are in charge of guaranteeing that they have met all necessities of their State administering the position of children into defensive guardianship.

BASIC OVERSIGHTS TO AVOID

Some law enforcement officers coincidentally cause a circumstance to raise while putting a child in defensive guardianship. Experienced officers have figured out how to maintain a strategic distance from three basic slip-ups:

- # Making untimely allegations. Putting forth an accusatory expression to the parent, watchman, or caretaker that the child is being taken into defensive guardianship since somebody has abused the child places cops in a circumstance of genuine obligation. An increasingly proper explanation is, "In light of flawed wounds, imprints, or charges about wrong action, the child is being taken to an authorized child care office of the State until an entire and intensive examination concerning the circumstance can be led."
- # Endeavoring to legitimize the evacuation of a child. A few officers endeavor to defend with the parent their choice to expel a child. Be that as it may, the best strategy is to expel the child and empty the circumstance as fast as could be expected under the circumstances, in the wake of guaranteeing that everybody's rights are secured. The truth of the matter is that no measure of clarifying will decrease the agony, dread, and outrage (antagonistic vibe) engaged with having a child removed. Officers ought to know that elevated feelings can prompt an unsafe heightening of the circumstance.
- # Neglecting to give the majority of the required structures. Cops must be comfortable with every one of the structures that must be finished by the parent at the time that a child is set in defensive authority. For instance, numerous States necessitate that a frame clarifying that the child has been set in defensive guardianship must be given to the guardians inside 24 hours after the child has been so set. The shape must express that the position was made as per a specific resolution, and it must portray the guardians' rights in the issue. The duty regarding giving this frame to the guardians shifts from State to State. Law enforcement officers and social administration laborers must realize what is required in their State.

REMOVING THE CHILD

On the off chance that a law enforcement officer has been called to aid the evacuation of a child, it

is the officer's duty to guarantee that the child is expelled with as meager injury or threat to the child and the social specialist as could be allowed.

- The cop should meet with the social specialist at a nonpartisan area before heading off to the home. The social specialist ought to clarify the circumstance by and large, depict the format of the home, and indicate who is relied upon to be there. Along these lines the cop and the social laborer can decide an arrangement of activity before touching base at the scene.
- Any vital things, for example, prescription, ought to be carried with the child. The key point is that once the choice to evacuate a child has been made, the activity ought to be done quickly.

EFFECT ON THE CHILD

Physical expulsion from the house is to a great degree horrible for the child. Both the law enforcement officer and the social laborer are relative outsiders. They have to remember the accompanying focuses:

- Discussing the circumstance with the parent or guardian just raises the passionate dimension of the child. Such contentions may make the child turn out to be progressively anxious, agitated, upset, and touchy.
- By and large, children are not going to leave their folks readily, despite the fact that they have been physically or sexually abused. They may not comprehend what is best for them and may endeavor to oppose the law requirement officer.
- Officers ought not react to a child's upheavals with resentment or disappointment. Rather, they ought to act as decidedly—or possibly impartially—as would be prudent. They ought to do all that they can to enable the child to conform to another and startling circumstance.
- Once the officer has expelled the child from the living arrangement and the child has gotten an opportunity to quiet down, if the child is mature enough to convey, the officer should set aside the opportunity to clarify that the child has not done anything incorrectly and was evacuated for his or her own protection.

CONCLUSION

Child abuse is a multidimensional issue that requires a multidisciplinary, multiagency group approach for effective mediation. This implies all experts included — in law requirement, child defensive administrations, emotional wellness, drug, and the law—impart and facilitate with each other. A child's best advantage can be served just when the different experts that are included comprehend their particular jobs, have learning of their State rules and nearby rules, and have sufficient preparing in their individual fields. Delicate and predictable use of strategies and techniques set up in composed conventions is basic for a successful union to battle child abuse.

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