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**Review of the book *Justice Denied: What Americans Must Do to Protect its Children* by M.A. Hamilton**

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## **A Book Review of *Justice Denied: What Americans Must Do to Protect Its Children***

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### **Abstract**

The book *Justice Denied: What Americans Must Do to Protect its Children* provides a stark contrast between the rights of victims and perpetrator by providing real-life stories of domestic violence, abuse, and sexual assault cases and how the criminal justice system often biases the offender. Gutzmann asserts that this book is an excellent preparation for those entering the child welfare field and that readers will be moved to support change in our civil and criminal justice systems.

**Keywords:** Advanced generalist practice, social work, justice, child abuse

Marci A. Hamilton is a Visiting Professor of Public Affairs at the Woodrow Wilson School and the Kathleen and Martin Crane Senior Research Fellow in the Law and Public Affairs Program at Princeton University. She is convinced that it is in the best interests of Americans to allow victims of childhood sexual abuse the chance to seek justice when they are fully ready and prepared to do so, despite the years that have passed since the abuse took place. It turns out she may be right.

The first chapter of this book hooks the reader with a personal story from an incest sexual abuse survivor (Hamilton, 2008). When she confronted her father, he laughed in her face. Due to the statutes of limitations there was nothing legally that she could do, as a litigant must file their lawsuit and a prosecutor file charges before they expires or the child abuser will go without consequences. Chapter two focuses on how the law has been structured so that child predators rarely have to face the legal system.

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Chapter three concentrates on how the solution for the statutes of limitations is very clear and simple. If the statutes of limitations were eliminated, we would not need harsher penalties, civil commitment, tracking, pedophile-free zones, and sexual predator registries (i.e., Megan's Law). The elimination of the statutes of limitations needs to be handled in a two-step manner (chapter four). In the private sphere, abolish the statutes of limitations going forward for all childhood sexual abuse involving private individuals and organizations so that both criminal prosecution and civil actions can be pursued. Past child abuse claims can be reopened by state legislatures for survivors to identify perpetrators and to obtain some measure of justice. In the public sphere, the same principles justify abolishing statutes of limitations. Also in the public arena, funding can be a powerful state motivator, and the federal government must make funding on the state level contingent upon elimination of the statutes of limitations on child abuse.

In chapters 5 through 8, Hamilton charges the insurance industry, the Catholic Church hierarchy, defense attorneys, and teachers as those opposed to removal of statutes of limitations. Instead of schools and churches being some of the safest places for our children, a legal system that protects institutions and perpetrators more than child victims has converted schools and churches into high risk zones for those vulnerable to unscrupulous guardians.

This book gave me the chance to gain a better understanding of what is taking place in child welfare and prepared me to advocate for survivors and the justice they deserve. Advanced generalist social workers need to understand the legal setting in which child welfare decisions are made. The emotional impact of this book will be a great preparation for those who are considering entering the child welfare field. Hamilton's examples are compelling and unsettling. Readers will be moved to support change in our civil and criminal justice systems. Hamilton makes a strong case; we can protect the predators or the children. It is our choice.

### **References**

Hamilton, M.A. (2008). *Justice Denied: What Americans Must Do to Protect Its Children*. New York, NY: Cambridge University Press.

### **About the Author(s)**

Brittney Gutzmann, BSW, is a recent graduate of the University of South Dakota and is currently working at Mid-Iowa Family Therapy Clinic, Inc. She is expected to receive her Master's degree in social work from the University of South Dakota in May of 2015. She has been working in the field of child welfare for 2 years. Her main interests are based on the crises surrounding children and families. Correspondence concerning this article should be sent to Brittney Gutzmann at [Brittney.Peters@usd.edu](mailto:Brittney.Peters@usd.edu).