

California court rules spanking with wooden spoon not abuse

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SAN JOSE, Calif. – A state appeals court on Tuesday tossed out child abuse findings against a frustrated Northern California mother who spanked her 12-year-old daughter hard enough with a wooden spoon to cause bruising.

The 6th District Court of Appeal in San Jose reversed the child abuse determination made by the Santa Clara County Department of Social Services. Social workers wanted to report Vernica Gonzalez to the state Department of Justice's child abuse database with a "substantiated" abuse determination. That determination was upheld by a trial court judge.

The appeals court said the spanking came close to abuse, but that social workers and the lower court judge failed to consider the family's entire circumstances.

Gonzalez and her husband testified that other forms of punishment such as groundings and taking away her phone had failed to persuade their 12-year-old daughter to do her schoolwork and avoid gang culture. The parents said that other family members had testified that spankings in the household were a rarity.

The appeals court said the mother's growing frustration with her daughter's behavior and her intention not to inflict harm in the April 2010 spanking weighed heavily in its ruling.

"Nothing in the record suggests the mother should have known she was inflicting bruises," Justice Conrad Rushing wrote for the unanimous three-judge panel. Rushing continued that "the spanking was entirely the product of a genuine and deliberate disciplinary purpose, i.e., to arrest troubling behavior patterns exhibited by the daughter."

The court ordered the child abuse report to be withdrawn or Gonzalez given another hearing in which the San Jose family's entire circumstances are considered and the spanking put into context with the parents' growing frustration with a recalcitrant daughter.

"We cannot say that the use of a wooden spoon to administer a spanking necessarily exceeds the bounds of reasonable parental discipline," Rushing concluded.