

GROWING & STRENGTHENING AMERICA'S MIDDLE CLASS

KEEPING KIDS SAFE: THE BIPARTISAN "STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008"



110TH CONGRESS

**THE HONORABLE GEORGE MILLER
CHAIRMAN
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES**

**June 2008
(Updated with Manager's Amendment)**

"STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008"

Tens of thousands of U.S. teenagers attend private and public residential programs – including therapeutic boarding schools, wilderness camps, boot camps, and behavior modification facilities – that are intended to help them with behavioral, emotional, or mental health problems. Depending on the state where they are located, some of these programs are regulated; some are not. As a result of this loose patchwork of regulations, reports of child abuse at the programs have frequently gone unchecked. The Government Accountability Office found thousands of allegations of child abuse and neglect at residential programs for teens between 1994 and 2007. Tragically, in a number of cases, this abuse and neglect led to the death of a child.

To address this urgent problem, the bipartisan "Stop Child Abuse in Residential Programs for Teens Act of 2008" would:

- ✓ **Keep teens safe with new national standards for private and public residential programs**
- ✓ **Prevent deceptive marketing by residential programs for teens**
- ✓ **Hold teen residential programs accountable for violating the law**
- ✓ **Ask states to step in to protect teens in residential programs**

Keep Teens Safe with New National Standards for Private and Public Residential Programs

- Prohibit programs from physically, mentally, or sexually abusing children in their care;
- Prohibit programs from denying children essential water, food, clothing, shelter, or medical care – whether as a form of punishment or for any other reason;
- Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing federal law on the use of restraints;
- Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;
- Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and
- Require programs to have plans in place to provide emergency medical care.

Prevent Deceptive Marketing by Residential Programs for Teens

- Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;
- Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and
- Require programs to include a link or web address for the website of the U.S. Department of Health and Human Services, which will carry information on residential programs.

Hold Teen Residential Programs Accountable For Violating the Law

- Require states to inform the U.S. Department of Health and Human Services of reports of child abuse and neglect at covered programs and require HHS to conduct investigations of such programs to determine if a violation of the national standards has occurred; and
- Give HHS the authority to assess civil penalties of up to \$50,000 against programs for every violation of the law.

Ask States to Step In To Protect Teens in Residential Programs

Three years after enactment, the legislation would provide certain federal grant money to states only if they develop their own licensing standards (that are at least as strong as national standards) for public and private residential programs for teens and implement a monitoring and enforcement system, including conducting unannounced site inspections of all programs at least once every two years. The Department of Health and Human Services would continue to inspect programs where a child fatality has occurred or where a pattern of violations has emerged.

"This nightmare has remained an open secret for years. Sporadic news accounts of specific incidents have built a record that should never have been ignored, but shamefully was. The federal government has completely failed to grasp the urgency of this situation."

-- Chairman George Miller

TESTIMONY ABOUT ABUSE IN RESIDENTIAL PROGRAMS

“If those of us who are mandated reporters of suspected child abuse were to learn of such treatment occurring in a family’s home, we would be required to file suspected child abuse reports so that the concerns could be investigated. We must consider the reports of mistreatment and abuse occurring in residential facilities just as carefully.”

-- Congressional Testimony of Allison Pinto, Ph.D.
October 10, 2007

“We urge Congress to act to prevent people who do not know how to treat children with dignity-- let alone treat mental illness-- from selling their fraudulent treatment to other vulnerable parents and children. People with mental illness should have the right to safe, effective treatment that people with physical illness do-- and these predators should not be allowed to prey on them and their parents.”

-- Paul Lewis, father of Ryan C. Lewis
(1/30/87 – 2/13/01)



Paul Lewis, father of Ryan C. Lewis, testifies at the October 2007 hearing.

“In the eight closed cases we examined, ineffective management and operating practices, in addition to untrained staff, contributed to the death and abuse of youth enrolled in selected programs. In the most egregious cases of death and abuse, the cases exposed problems with the entire operation of the program...”

“Posing as fictitious parents with fictitious troubled teenagers, we also found examples of deceptive marketing and questionable practices in the private residential program industry. Deceptive marketing included potential fraud, false statements, and misleading representations related to a range of issues including tax deductions, education, and admissions policies. We also found undisclosed conflicts of interest.”

-- Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations
United States Government Accountability Office
“RESIDENTIAL PROGRAMS:
Selected Cases of Death, Abuse, and Deceptive Marketing”
April 24, 2008

TESTIMONY ABOUT ABUSE IN RESIDENTIAL PROGRAMS

“I will not blame others for my choices, my mistakes. I take responsibility for those. What I do blame The Family for is stripping me of my childhood. I still have nightmares of being locked up and told I’m ruining my life... The programs are quick to take credit for a successful story, and are just as fast to claim anyone that doesn’t make it just ‘didn’t work the program.’ The truth? The nightmares and psychological scars of being dragged from your home to a place in the middle of nowhere, restrained in blankets and duct tape, assaulted, verbally and physically....those scars and that trauma never go away.”

-- Testimony of Jon Martin-Crawford
Former Program Participant at the Family Foundation School and
Member of the Board of Advisors for the Community Alliance for the
Fair and Ethical Treatment of Youth

“GAO found thousands of allegations of abuse, some of which involved death, at residential treatment programs across the country and in American-owned and American-operated facilities abroad between the years 1990 and 2007. Allegations included reports of abuse and death recorded by state agencies and the Department of Health and Human Services, allegations detailed in pending civil and criminal trials with hundreds of plaintiffs, and claims of abuse and death that were posted on the Internet. For example, during 2005 alone, 33 states reported 1,619 staff members involved in incidents of abuse in residential programs...”

“GAO also examined, in greater detail, 10 closed civil or criminal cases from 1990 through 2004 where a teenager died while enrolled in a private program. GAO found significant evidence of ineffective management in most of the 10 cases, with program leaders neglecting the needs of program participants and staff. This ineffective management compounded the negative consequences of (and sometimes directly resulted in) the hiring of untrained staff; a lack of adequate nourishment; and reckless or negligent operating practices, including a lack of adequate equipment. These factors played a significant role in the deaths GAO examined.”

-- Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations
United States Government Accountability Office
“RESIDENTIAL TREATMENT PROGRAMS: Concerns Regarding
Abuse and Death in Certain Programs for Troubled Youth”
October 10, 2007

LEGISLATIVE HISTORY

2003:

Chairman Miller urges then-Attorney General John Ashcroft to begin an immediate investigation into reports of child abuse at private residential treatment programs. The Attorney General refused, as did his successor, Alberto Gonzales.

Chairman Miller writes to then-Secretary of State Colin Powell asking him to investigate the treatment of children in facilities located overseas but serving American children and operated by U.S. companies. Secretary Powell's response was insufficient.

2005:

Chairman Miller introduces the "End Institutional Abuse Against Children Act."

Chairman Miller asks the Government Accountability Office to launch an investigation of private residential treatment programs.

October 2007:

The GAO presented case studies of programs where deaths occurred.

Chairman Miller and Rep. Rahall ask the Inspectors General at the U.S. Departments of the Interior and Agriculture to launch investigations into private residential treatment programs for children that operate on federal land.

Chairman Miller asks the Federal Trade Commission to investigate deceptive marketing practices by residential treatment programs for teens.

GAO makes a referral to the FBI regarding the death of 15-year-old Roberto Reyes while he was attending the Thayer Learning Center in Kidder, MO in 2004.

April 2008:

The GAO details findings from examination of eight cases, and results of investigation of deceptive marketing tactics and questionable practices.

Chairman Miller introduces the Stop Child Abuse in Residential Programs for Teens Act of 2008.



Representative George Miller (D-CA)

CHAIRMAN Committee on Education and Labor

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Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

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