



BREAKING THE SILENCE ON CHILD ABUSE: PROTECTION,
PREVENTION, INTERVENTION, AND DETERRENCE

UNITED STATES SENATE
THE SUBCOMMITTEE
ON
CHILDREN AND FAMILIES

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Introduction

Chairwoman Mikulski, Ranking Member Burr, and members of the Subcommittee, the Child Welfare League of America (CWLA) appreciates the subcommittee's attention to and consideration of this critical issue. According to a recent Government Accountability Office (GAO) report, more than five children die every day as a result of child abuse, with the majority of victims (80%) age four or younger. In light of recent events surrounding alleged acts of sexual abuse on children, we applaud the Committee and the Congress for considering steps to address the need to improve the safety and well-being of all children by introducing legislation and calling for a hearing with the intent of improving child abuse reporting laws.

CWLA represents hundreds of state and local direct service organizations including both public and private, and faith-based agencies. Our members provide a range of child welfare services from prevention to placement services including adoptions, foster care, kinship placements, and services provided in a residential setting. CWLA believes that keeping children safe from child abuse and neglect should always be the first goal of any child protective services response. The best ways to ensure that children are safe from all forms of maltreatment are comprehensive, community based approaches to protect children and support and strengthen families. As collective, public and private agencies, in collaboration with individual citizens and community entities, we can prevent and remedy child maltreatment, achieve child safety and promote child and family well-being.

Statistics

In 2009, approximately 3.3 million allegations of child abuse and neglect, representing 6 million children, were made to child protective services agencies, resulting in 2.6 million reports for investigation. An estimated 710,000 children were determined to be victims of abuse or neglect. Of these victims, 78.3% were neglected, 17.8% were physically abused, and 9.5% were sexually abused. Almost one-sixth (17.6%) of children substantiated as abused or neglected were placed in foster care as a result of an investigation. Approximately 40% of children substantiated as abused or neglect never received follow-up services.

It is important to note that neglect, the most common form of maltreatment, can be just as serious as those victims of sexual or physical abuse. In fact, such alarming rates of neglect tell us that we are not doing enough to prevent these children from coming into care or being brought to the attention of the Child Protective Services (CPS) system. Furthermore, such a high and consistent percentage of families going without follow-up help, means that services are not being adequately provided at the front end of the child welfare system.

Federal Child Abuse Prevention Laws

Since the initial passage of the Child Abuse Prevention and Treatment Act (CAPTA) in 1974, Congress has amended the Act several times with the most recent reauthorization in December, 2010. CAPTA, the key federal legislation addressing child abuse and neglect, is the only federal legislation exclusively targeting prevention, assessment, identification, and treatment of child abuse and neglect. While States must comply with specific Federal requirements and guidelines

in order to be eligible for Federal funding, the primary responsibility for child welfare services rests with the States, and each State has its own legal and administrative structures and programs that address the needs of children and families.

In addition to CAPTA, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

Federal law does not identify categories of mandatory reporters of abuse or neglect or direct state identified mandated reporters to any specific person or agency. Furthermore, less than 20 states require that any person who witnesses child abuse report it, while the majority of states only require certain professionals report abuse.

State Laws

Currently, 48 States and the District of Columbia designate professions whose members are mandated by law to report child maltreatment. These individuals, commonly referred to as mandatory reporters, typically have frequent contact with children and may include social workers, teachers and other school personnel, physicians and other health-care workers, child care providers, and law enforcement officers. In approximately 18 States any person who suspects child abuse or neglect is required to report. Of these States, 16 specify certain professionals who must report but also require all persons to report suspected abuse or neglect, regardless of profession.

Additionally, 18 States require mandatory reporters to provide their names and contact information, either at the time of the initial oral report or as part of a written report. However, all jurisdictions have provisions in statute to maintain the confidentiality of abuse and neglect records, and 39 states protect the identity of the reporter from being disclosed to the alleged perpetrator.

Recommendations for Future Improvements

The failure to report incidents of abuse and neglect can undoubtedly lead to the continued abuse and further compromise the health and well-being of children and CWLA believes more can be done to keep our children safe. Combating abuse and neglect is fundamental to the well-being of all children. We believe that highlighting the importance of reporting child abuse and neglect is an important first step. Therefore, we support federal and state efforts to combat this problem by strengthening reporting requirements at both the state and local levels.

With the introduction of Senator Bob Casey's Speak Up to Protect Every Abused Kid Act of 2011, it is our hope that Congress will work to pass this legislation. The Speak Up Act of 2011, would require all states to pass and enforce laws requiring all adults to report instances of known or suspected child abuse. The Speak Up Act will also provide a baseline definition of abuse or neglect, support to states to carry out educational campaigns and training to inform individuals about what constitutes child abuse and neglect, and funding for testing innovative approaches that may improve the reporting of incidents of child abuse and neglect. Finally, it requires a report to Congress assessing the implementation of the amendments made by the Speak Up Act,

as well as an update on States efforts to improve reporting on and responding to reports of child abuse or neglect.

Currently, failure to report child abuse is a misdemeanor in 39 states and a felony in three. Unlike similar legislative proposals that seek to impose criminal and otherwise punitive penalties for individuals who witness abuse but do not make reports, Casey's bill seeks to focus more on creating uniformity of child abuse reporting laws at the federal level. Rather than mandating jail time for failure to report, or prohibiting states from accessing the very services intended to help prevent and combat child abuse and neglect, the Speak Up Act will require HHS to work with states to disseminate guidance and information on best practices regarding educating the public on abuse and neglect as well as the responsibilities of all adults to report suspected and known incidents of child abuse or neglect. We think it is imperative that Congress continue to work towards implementing statutes that better assist states and child protection agencies in meeting the needs of vulnerable children and families, instead of focusing on punitive measures that have little if any effect on increasing reporting, and are counterproductive to the overall goal of protecting children.

While the Committee's decision to take action on this issue was largely prompted by sexual abuse allegations, we are pleased that the Chairwoman and others are committed to going beyond sexual abuse, which accounts for less than 10% of all substantiated cases of abuse and neglect, to examine how well children are being protected from all forms of abuse and neglect. We believe that the provisions laid out in the Speak Up Act are an important first step towards addressing abuse and neglect in this country. In addition, the bill places equal significance on combating all forms of abuse and neglect. It is our hope that Casey and others on the Committee will look for ways to strengthen this bill by including more emphasis on preventing child abuse and neglect, and investing in workforce improvements that will help agencies investigate reports of abuse and neglect, and subsequently provide services to the 40% of families who are currently not receiving follow-up services.

In closing, CWLA supports Congress' efforts to raise awareness regarding the reporting of child abuse and neglect and will continue to monitor their efforts. We hope that this hearing lays the groundwork for further work on strengthening federal laws to better protect all children from abuse and neglect. We thank you for your continued leadership on this and other issues involving children, youth, and families and look forward to working with you in the future.