



**CWLA’s Mental Health Advisory Board (MHAB) and Residential  
Advisory Committee  
Joint Position Statement in response to the  
“The Stop Child Abuse in Residential Programs for Teens Act of  
2008”  
Final - 7/1/08**

**Our Position:**

The Mental Health Advisory Board (MHAB) is a national collective of professionals in child mental health while the Residential Advisory Committee is a collective of representatives from agencies that provide residential services. Both groups provide guidance to the Child Welfare League of America, as well as others in the field of child welfare, on standards, best practice, trends, and policies and their potential implications. The MHAB and the Residential Advisory Committee recognize the need for addressing the abuse and neglect of children placed in programs/facilities referred to as outdoor camps, wilderness camps, boot camps, or therapeutic academies and applaud the intent of “The Stop Child Abuse in Residential Programs for Teens Act of 2008” also referred to as the Miller Bill. We believe this legislation will provide much needed regulation to assist with preventing future abuses in these types of programs/facilities and recommend that the League support this Legislation with specific modifications. While we strongly support the intent of the present legislation; we believe a number of modifications are necessary to ensure that the Bill covers the intended programs/facilities and prevents any unintended consequences.

**Issue:**

In recent years there has been a growing concern that outdoor types of residential programs such as boot camps, wilderness types of programs and even therapeutic types of schools/academies that serve children with behavioral, emotional and/or mental health problems, do not have the regulation and support that they require to ensure the safety and health of children in their care. In October, 2007, the GAO released a report that included investigations of ten closed cases of youth served in these types of private programs that resulted in death.<sup>1</sup> The report indicated findings of “ineffective management” that is described as leading to “the hiring of untrained staff, a lack of adequate nourishment, and reckless or negligent operating practices.”<sup>2</sup> The GAO found that licensing requirements for these programs were inconsistent nationally. Although some states do require licensing for these programs, private programs have often gone without sufficient regulation and some have operated without any type of regulation or monitoring. Often these programs lack basic safety standards including adequate emergency response, suicide prevention plans, and appropriate guidelines for restraint and seclusion.<sup>3</sup>

---

<sup>1</sup> October 10, 2007. GAO, Testimony Before the Committee on Education and Labor, House of Representatives. “Residential Treatment Programs, Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth.”

<sup>2</sup> Ibid,

<sup>3</sup> Ibid.

The GAO report noted inaccuracy in the number of allegations of abuse and neglect in these programs due to the lack of national reporting requirements.<sup>4</sup> GAO found that after some states required these programs meet specific regulation, and even closed noncompliant programs, some programs reemerged with the same leadership in other states.<sup>5</sup> They also reported that programs have engaged in false marketing practices which have mislead parents and other consumers about the services actually provided.<sup>6</sup>

“The Stop Child Abuse in Residential Programs for Teens Act of 2008”, H.R. 5876, introduced on April 23<sup>rd</sup> and approved by the House Education and Labor Committee on May 14<sup>th</sup> was designed to improve the conditions in outdoor camps, wilderness camps, boot camps, therapeutic academies, and other similar programs to: stop children being abused; ensure their safety; provide national standards for these programs; and, hold them accountable. Although the Bill’s title appears to only address teens we are pleased to see that the Bill is inclusive of children under the age of 18 as many of the programs that fall under the covered program definition serve younger children.

While the Bill appears to have addressed most of the concerns raised in the GAO report there are three areas the legislation is silent on: 1) the need for adequate suicide prevention plans; 2) safety issues for children attending nonresidential day camps such as outdoor, wilderness, boot; and 3) the confidentiality of a child/children involved in a substantiated incident of abuse/neglect when the required notification of the incident is sent to parents of all children residing in the program.

The areas requiring modifications are as follows: 1) the definition of a covered program includes residential programs that are already licensed; and 2) the requirement of a new national 1-800 hotline for reporting of suspected abuse and neglect in programs covered by this legislation. In regards to the first issue, we are concerned that by including the broader range of residential programs that are generally already licensed/regulated there is a risk of creating multiple reporting and oversight systems with increased chance for children being further exposed to trauma by having to tell their story many times to the different licensing/oversight bodies –federal, state and local with responsibility for investigating the same report of suspected abuse and neglect. For the second issue, the addition of a new national 1-800 number for reports of abuse and neglect instead of requiring the already existing national 1-800 number to accept calls of suspected abuse and neglect from the range of programs that are covered by this legislation will lead to duplication and confusion. A large number of residential facilities that fall under the current definition of a covered program by this Bill already use a specific national and/or state number for reports of suspected child abuse and neglect. It is crucial to minimize confusion while ensuring that every child in a program and their families know what their rights are and should be clear who, how and where they are to reach out in order to raise any concerns about care at a covered program/facility.

Additionally, CWLA has developed standards of excellence and best practice guidelines for the continuum of care, in particular residential services. These standards are based on leading experts in

---

<sup>4</sup> April 24, 2008. GAO, Testimony Before the Committee on Education and Labor, House of Representatives. “Residential Facilities, State and Federal Oversight Gaps May Increase Risk to Youth Well-Being.”

<sup>5</sup> GAO, October, 2007, 28.

<sup>6</sup> GAO, October, 2007, 13.

the field and are modified and updated as new research emerges. They outline prohibited technique, highlight characteristics of best practice, and delineate desirable outcomes for children and families.<sup>7</sup> Utilized by programs, facilities, states, advocates, policy makers and other stakeholders in the US and Canada, these standards provide guidelines on safety issues such as behavior support policies and procedures depicting proper use of restraint and seclusion. The CWLA standards would be an important resource to be highlighted on the required website of resources and best practices.

**Recommendations:**

The League should make the following recommendations:

- Exclude from the definition of a covered program residential programs that already have licensing requirements that meet the requirements of this Bill.
- Consider including non-residential day programs such as outdoor, boot and wilderness camps that do not meet the requirements of the Bill in the definition of a covered program.
- Require covered programs to include suicide prevention planning as part of their service delivery.
- Ensure protection of a child victims' confidentiality in the disclosure of information for substantiated incidents of abuse/neglect.
- Change the requirement for a new 1-800 number for reporting suspected abuse or neglect in a covered program to that of using the current national 1-800 number. Additionally, require that policies and procedures be put in place regarding how calls to this national 1-800 number reporting suspected abuse and neglect at programs/facilities covered by this legislation are handled. Require that this number be communicated to children served in a covered program and their families.
- The legislated website should be required to include resources regarding how to choose and determine the legitimacy of a covered program to assist youth, parents, and professionals in making informed decisions.
- The Leagues' standards of excellence would be a helpful resource regarding best practices.

---

<sup>7</sup> Child Welfare League of America. *Child Welfare League of America, Standards of excellence for Residential Services*. 2004, Revised Addition.