



State Director E-News

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Public Policy

Office of Juvenile Justice and Delinquency Prevention (OJJDP) Names new Acting Administrator

Melodee Hanes has replaced Jeff Slowikowski as acting administrator of the Office of Juvenile Justice and Delinquency Prevention. Previous to joining OJJDP, Hanes served 16 years as a deputy county attorney in Des Moines, Iowa, and Billings, Montana. She focused principally on prosecution of child abuse, sexual assault and homicide cases. She has trained child protection investigators, and served as an adjunct professor of law at Drake University, where she taught child abuse law, forensic law and medicine.

2011 Policy Activity in Child Welfare

The Child and Family Services Improvement and Innovation Act

Passage of this bill was a major legislative accomplishment in the first session of the 112th Congress, when most measures were stalled by partisan and budgetary battles. [P.L. 112-34](#), approved by Congress in late September 2011, was a bipartisan, bicameral measure to provide greater flexibility for federal child welfare funds. The legislation provides waiver authority for up to 10 states to utilize IV-E federal funds to test alternative ways to achieve child welfare goals. States may apply to the US Department of Health and Human Services (HHS) for waivers to federal spending, provided their activities address at least 2 of 10 approved policy-related areas of improvement. Additionally, the Child and Family Services Improvement Act extends the Promoting Safe and Stable Families Program through 2016, with funding to promote child safety and strengthen families. The Court Improvement Program is also extended through 2016, providing mandatory funds for court system improvements, timely court actions for child safety, permanency and well-being, and training.

Congress has included a provision to protect against identity and credit theft for foster youth age 16 and older. States must now obtain annual credit checks for youth, and resolve inaccuracies in the credit reports. When feasible, the legislation specifies that court-appointed advocates can assist in correcting such inaccuracies. Representatives Geoff Davis (R-KY) and Jim McDermott (D-WA), and Senators Max Baucus (D-MT) and Orrin Hatch (R-UT) were the primary sponsors of the legislation.

Education Legislation Pushed Over into 2012

Long term, intense negotiations by the Senate Health, Education, Labor and Pensions (HELP) Committee to reauthorize the Elementary and Secondary Education Act (aka No Child Left Behind) were thwarted towards the end of the 2011 legislative session. Nonetheless, House and Senate Committees intend to move forward in early 2012.

Senator Al Franken (D-MN) was successful in attaching an amendment to the education legislation which would have reinforced the intention of Fostering Connections to Success Act to assure that school districts and child welfare agencies collaborate to promote educational stability for children in foster care. Both the Administration and Congress have demonstrated support for strengthening collaboration between systems, so we can expect that a similar measure will be considered in 2012.

Congress Calls to Strengthen Reporting Laws

In response to the child sexual abuse allegations that arose at Penn State, Sen. Bob Casey (D-PA) introduced legislation aimed at expanding state child abuse reporting laws to mandate that all adults have the responsibility to report known or suspected incidents of child abuse or neglect. Under Casey’s bill, the universal mandate for child abuse reporting, which already exists in 18 state statutes, would become a requirement in all states in order to receive Child Abuse Prevention and Treatment Act (CAPTA) grants. . The bill, the [Speak Up to Protect Every Abused Kid Act](#) – or, the Speak Up Act – S. 1877, was introduced by Casey on November 16, with the co-sponsorship of Sen. Barbara Boxer (D-CA), and was referred to the Senate Committee on Health, Education, Labor and Pensions (HELP). At the conclusion of a Committee hearing in December, Senator Barbara Mikulski (D-MD) said that she hopes to develop bipartisan support for legislation addressing the issue of reporting.

Other Senators and Representatives were also quick to respond to the Penn State case with calls for improved reporting of suspected child maltreatment. Sen. Barbara Boxer (D-CA), besides signing on as a cosponsor to Casey’s bill, introduced two bills of her own on November 17: the [Federal Children’s Protection Act, S. 1889](#), amending the Victims of Child Abuse Act to add a new provision mandating any person “while on federal land or in a federally operated (or contracted) facility” to report suspected abuse; and the [State Children’s Protection Act, S. 1887](#), which would require that all states enact legislation mandating that any person who believes or suspects an occurrence of child maltreatment report to law enforcement or child protective services

Sen. Bob Menendez (D-NJ) introduced the [Child Abuse Reporting Enforcement Act \(CARE Act\), S. 1879](#), on November 16, requiring states, in order to receive federal social services funding, to make it a felony for any individual to fail to report child abuse to law enforcement and child protection services. The bill would require a penalty of at least a year in prison for failure to report and would specify that all who witness abuse are mandated to report abuse to the authorities.

In the House, longtime child advocate, Rep. George Miller (D-CA), ranking Democrat on the Committee on Education and the Workforce, has called upon the committee chair, Rep. John Kline (R-MN) to conduct a hearing “to evaluate any inherent weaknesses, inconsistencies, or inadequate implementation” of existing federal law designed to protect children and students, including CAPTA, that may put children at risk of harm and require congressional action.

A freshman House member, Rep. Karen Bass (D-CA), former speaker of the California state assembly and chair of the congressional foster care caucus, has reached out to child advocates for guidance in developing a productive response to the situation and concerns raised by the incidents at Penn State. Bass seeks a bipartisan legislative initiative.

Rep. Sheila Jackson Lee (D-TX), co-chair of the House Congressional Children’s Caucus, intends to introduce the Federal Zero Tolerance of Child Sexual Abuse Act to stop federal funds from going to institutions, employees or any other entities where sexual abuse of children is not immediately reported.

State Government Leaders Also Seek Reporting Reforms

Leaders in state government also joined their federal Congressional colleagues in attempting to correct current statutory provisions applying to reports of child maltreatment. In Louisiana, Gov. Bobby Jindal issued an executive order to require anyone working at a public Louisiana college who has witnessed child abuse or neglect to report it to law enforcement within 24 hours. Failure by a mandated reporter in Louisiana to report suspected incidents of child abuse or neglect is a misdemeanor, carrying a fine of up to \$500 and a prison sentence of up to six months.

State Government Leaders Also Seek Reporting Reforms (cont.)

A bill introduced by a New York legislator in the state assembly would add college coaches, athletic directors, graduate assistants, and college administrators to those required to report incidents of child abuse. Republican Senator George Maziarz has proposed, with bipartisan support, the College Coaches and Professionals Reporting Act.

The Virginia State Council of Higher Education has asked the state attorney general to review current statutory authority to determine whether state laws need to be strengthened as a result of the Penn State case. Pennsylvania state lawmakers are considering a number of bills dealing with child sexual abuse, many of them filed before the Penn State scandal. On November 15, a legislative committee approved a bill creating a new, third-degree felony for a coach or person in a position of trust who commits a sex act on a child. Among the bills before the Pennsylvania legislature are those which would: require reporting of child sex crimes directly to law enforcement (current law allows someone who sees a sex crime at institutions to notify his or her supervisor or manager), create a two-year "window" to bring civil suits on past sex crimes and eliminate the statute of limitations for civil and criminal actions. Urging caution, Pennsylvania's Governor Tom Corbett said that state leaders must address weaknesses in Pennsylvania's child sex abuse laws with thought and care. "I think we need, in a very dispassionate way, to sit down as a legislature and with the governor's office to look at what is needed, what laws are out there in other states and not react in haste to what has happened," Corbett said.

In Maryland, where the state child abuse reporting law requires all persons to report, Republican state Sen. Nancy Jacobs wants to make it a crime to fail to report child abuse. "The problem," she says, "is there is no teeth to the law." Jacobs is working with the state's attorney to have a bill drafted by Jan. 11.

The week after the charges of child sexual abuse were announced at Penn State, the Pennsylvania statewide child abuse reporting hot line logged 4,832 calls -- more than twice the number of calls the hot line receives during an average five-day period, according to a report in the [Pittsburgh Tribune-Review](#). Calls have included reports from adult survivors of child abuse. The director of a counseling center near Pittsburgh said that a number of calls were from men, suggesting that "because the case is linked to the male-dominated sports culture, it has had more of an impact on men," the news report explained.

Research and Reports

CDC Sets Cost of Child Abuse and Neglect at \$124 Billion

The Centers for Disease Control (CDC) has released a study that projects the cost of new cases of child abuse and neglect to be \$124 billion. The figure represents the total cost of new cases each year projected over the victim's lifetime. The study examined 2008 data looking at only the new maltreatment for that year and then projected various categories of expenses for each victim over his or her lifetime. The average lifetime cost per victim was set at \$210,012. That figure included \$32,648 in childhood health costs, \$10,530 in adult medical costs; \$144,360 in productivity losses; \$7,728 in child welfare costs; \$6,747 in criminal justice costs; and \$7,999 in special education costs. The estimated cost of a child fatality was projected at \$1.2 million with most of that due to a loss in lifetime productivity. The calculations were based on examining 579,000 new child abuse cases (total cases for 2008 were 772,000). The child welfare costs, which may appear low to some are based on a projection that looked at all children that were subjected to a child protective services investigations in 2008 (3,578,000) and then matching that against the estimated \$25.7 billion spent on total child welfares services at the federal, state and local levels. The CDC figure is substantially higher than the \$103 billion figure based upon a 2007 study by Prevent Child Abuse America. To learn more: [CDC Study](#)

HHS Releases 2010 Child Abuse and Neglect Report Data

An estimated 3.3 million reports of possible cases of child abuse and neglect were made to state child protective services (CPS) agencies in the United States in 2010, a number unchanged from 2009. According to the study, [Child Maltreatment 2010](#), released in December 2011 by the U.S. Department of Health and Human Services (HHS), less than two-thirds (60.7%) – 2.003 million reports -- were accepted by CPS for an investigation or assessment, again the same number of reports as tallied in 2009. Of those reports screened in, the 2010 data analysis shows that 436,321 reports were substantiated; the study identifies “the number of nationally estimated unique victims” at 695,000.

In 2010, more than half the states (29) reported a decreased number of victims when compared to 2009. According to the study, the decrease may be attributed to several factors, including a decrease in the number of children who received a CPS response and an increase in the number of states with alternative response dispositions. For example, one state had an approximately 30 percent decrease (about 10,000 unique victims) in the number of reported victims due to the implementation of an alternative response program.

Among the children confirmed as victims by CPS agencies in 2010, almost one-half of all victims were white (44.8%), 21.9 percent were African-American, and 21.4 percent were Hispanic.

Kids Count: Decline in Children’s Economic Well-Being

The economic well-being of low-income children and families declined significantly over the last decade, according to data released by the Annie E. Casey Foundation in its annual [Kids Count Data Book](#), as the official child poverty rate increased 18 percent between 2000 and 2009, resulting in 2.4 million more children living below the federal poverty line. That means a 7 percent increase in the number of children living in low-income families, for a total of 31 million children or 42 percent of the nation’s children!

The Kids Count data also reveals the impact of job losses and home foreclosures on children: in 2010, 11 percent of children had at least one unemployed parent. This is double the number in just three years. Since 2007, 4 percent of America’s children have been affected by foreclosures.

Last year, a study presented at the national conference of the American Academy of Pediatrics (AAP) directly linked an increased unemployment rate to child maltreatment one year later. Researchers led by Dr. Robert Sege, MD, PhD, FAAP, professor of pediatrics, Boston University School of Medicine, and director, Division of Ambulatory Pediatrics, Boston Medical Center, reviewed state-level unemployment statistics from the Bureau of Labor Statistics, and compared them with child maltreatment data from the National Child Abuse and Neglect Data System (NCANDS), during the years 1990 to 2008.

Each 1 percent increase in unemployment was associated with at least a 0.50 per 1,000 increase in confirmed child maltreatment reports one year later. In addition, higher levels of unemployment appeared to raise the likelihood of child maltreatment, as it was not only the lagged change in unemployment, but also the previous year’s unemployment level that influenced the number of child abuse cases.

According to the study, a prolonged rise in unemployment rates is not only detrimental to the economic health of the country but also to the physical and mental health of children. Sege concluded, "These results suggest that programs to strengthen families and prevent maltreatment should be expanded during economic downturns."

Additional Research Links Economic Downturn to Child Abuse

The recession and bad economy have been linked to an increase in child abuse, especially in abusive head trauma to infants, according to research published in [Pediatrics](#). The five-year study, which set out to evaluate the rate of abusive head trauma (AHT) in three regions of the United States before and during an economic recession, looked at child abuse in 74 counties in four states confirming anecdotal reports from pediatricians in the last three or four years who have reported seeing a growing number of shaken baby syndrome and other forms of abusive head trauma.

The study's authors, Dr. Rachel P. Berger of Children's Hospital of Pittsburgh and her colleagues, chose to focus on abuse head trauma after noting an increase at the Pittsburgh hospital from late 2007 through June 2009 which averaged 30 cases a year during those recession years versus 17 yearly before 2007. The number of cases in the 74 counties studied rose by 65 percent from about 9 cases per 100,000 children in pre-recession years to almost 15 per 100,000 during the recession.

The children studied were younger than 5, and most were infants. Most suffered brain damage and 69 of them died, though the death rate of those cases studied did not rise during the recession. Although the study did not report on health insurance and family employment information for the abused children in the study, the report noted that unemployment rates in the 74 counties rose during the study, and the proportion of children on Medicaid in those counties – another indication of economic risk -- also increased, from 77 percent before the recession to 83 percent.

The report's authors concluded that the research findings are “consistent with our understanding of the effect of stress on violence. Given the high morbidity and mortality rates for children with AHT, these results are concerning and suggest that prevention efforts might need to be increased significantly during times of economic hardship.”

The counties studied included Pittsburgh and western Pennsylvania; central and southern Ohio; and a handful of counties in northern Kentucky and in the Seattle area. Of the 422 children diagnosed with abusive head trauma during the study, roughly 65 cases occurred each year before the recession, versus about 108 yearly during the recession.

Although recent federal government data on child maltreatment suggest that the recession did not affect child abuse rates, the study's authors point out that those numbers are based on reports from child protective services, not medical diagnoses, and did not address brain injuries specifically.

Foster Care-Education Outcome Measures Webinar available On Line

The Legal Center for Foster Care and Education of the American Bar Association held a webinar on January 19, 2012 on the topic of education for children in foster care. The session featured a discussion of the education requirements under Fostering Connections to Success (PL 110-351), court educational outcome measures and a presentation including various policy perspectives including a view from the judiciary. The American Bar Association Center on Children and the Law houses both the National Child Welfare Resource Center on Legal and Judicial Issues (NRCLJI) and the Legal Center for Foster Care and Education (Legal Center FCE). The Legal Center FCE is a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. To hear the presentation and to access useful resources and documents go online: [American Bar](#)