

Testimony

Before the Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives—

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Chairman Paulsen; Ranking Member Doggett, and Members of the Subcommittee:

Thank you for the opportunity to address the important issue of child abuse fatalities in the US and what may be accomplished through the Protect Our Kids Act and the establishment of a national Commission to End Child Abuse and Neglect Fatalities. As the Executive Director of National Children’s Alliance, the national association and accrediting body for more than 750 Children’s Advocacy Centers in the US serving more than 279,000 abused children last year¹, I know too well the tragedy of children killed by their caretakers and the toll this takes on communities, their remaining siblings and extended family members, and the multidisciplinary teams who must investigate these sad cases.

Children’s Advocacy Centers (CACs) are child-friendly facilities in which multidisciplinary teams of law enforcement, child protective services, prosecutors, medical professionals, mental healthcare providers, and victim advocates coordinate their efforts to investigate and treat child abuse while holding offenders accountable.² In the case of child abuse fatalities, our CACs are often used for the interviews conducted with other child witnesses and siblings. I have personally observed the interviews of small children who watched as their sister was purposely thrown out of a multi-story apartment window to her death. And, I have held the hand of the tearful, tough, and experienced detective who had left the side of that broken little 2 year-old body to come to the CAC to interview the siblings and was undone at the prospect. Child abuse fatalities are heartbreaking in every way: the loss and waste of a precious young life; the profound and traumatic grief of siblings, grandparents, and extended family members; the loss of innocence of a community that thought children were protected; and the secondary trauma suffered by the child abuse professionals who intervene.

Recognizing that these tragic deaths are preventable the National Coalition to End Child Abuse Deaths³, of which National Children’s Alliance³ is a member, has been working since 2010 to

¹ 2011 National Children’s Alliance National Statistics

² For more information about CACs visit www.nationalchildrensalliance.org

³ The National Coalition to End Child Abuse Deaths is comprised of member organizations: Every Child Matters, the National Association of Social Workers, the National District Attorneys Association, the National Children’s Alliance, and the National Center for the Review and Prevention of Child Deaths.

raise awareness of the problem, to encourage bipartisan policy solutions, and to call for a national strategy to end child abuse deaths in America. For the most vulnerable victims of abuse—those at imminent risk of fatal harm—only the protection of the government stands between them and death. Ensuring that their lives are protected has been the ongoing work of this Subcommittee through your hearing on Child Abuse Fatalities and the GAO report on the same in 2011, and now this one to directly address the establishment of a national Commission to End Child Abuse and Neglect Fatalities. Thank you for your ongoing commitment to this important issue.

Child Abuse Fatalities in the US

Over the past decade significant gains have been made in child abuse prevention and intervention: the overall rate of abuse has declined as evidenced by a series of National Incidence Studies; substantiated sexual abuse cases have declined by 47%; and while the data is more mixed about physical abuse, overall substantiated physical abuse appears to have experienced some decline as well⁴. What has not declined, and in fact has either remained flat or increased during this more general decline, is the rate of child abuse fatalities or near fatalities that warranted emergency department treatment⁵. The horrifying persistence of fatal child abuse despite the implementation of effective prevention and intervention measures for most other forms of abuse calls for a deeper examination of its causes and scope.

In 2010 (the last year for which we have a full data set) US official child welfare records captured through NCANDS (National Child Abuse and Neglect Data System), indicate 1,537 children were fatally abused⁶. Of these, and consistent with prior periods of reporting, approximately 80% of children who died from maltreatment were 3 years old or younger, and more than half were infants.⁷ However, that number does not capture either the scope of the problem or the scope of the suffering. Indeed, a recent GAO report indicates that the NCANDS data, due to the voluntary nature of the data collection and the fact that in many states only one data source is used for the reporting, substantially undercounts fatal child abuse and estimates that roughly 2,500 children are fatally abused each year.⁸ Of those fatally abused, at least 14% were previously known to child welfare agencies or in their care.⁹

Moreover, restrictive confidentiality laws make it difficult to thoroughly examine abuse fatalities when they occur so that we can learn how to prevent them and what risk factors are most

⁴ Finkelhor, D. & Jones, L. "Have Sexual Abuse and Physical Abuse Declined Since the 1990's?", 2012.

⁵ Leventhal, J.M. and J.R. Gaither, Incidence of serious injuries due to physical abuse in the United States: 1997-2009. *Pediatrics*, 2012. 130(5): p. 1-6

⁶ Department of Health and Human Services, Administration for Children and Families, "Child Maltreatment 2010"

⁷ *Ibid.*

⁸ US Government Accountability Office, "Child Fatalities From Maltreatment: National Data Could Be Strengthened", July 2011.

⁹ *Ibid.*

associated with them. Recent rules promulgated by HHS to clarify the CAPTA confidentiality requirements were marginally helpful. While making clear that States may provide information necessary so that child death review teams and policymakers can examine the particular child welfare case in which the child died, it did not indicate that information on past child welfare reports or investigations involving the same child or siblings could likewise be provided. If as Justice Brandeis once said, “the best disinfectant is sunlight,” then the inability for policymakers to thoroughly examine all of the factors that lead to a child’s death means that we continue to view these tragedies as though through a glass darkly and with little hope of system reform.

And as important as delving into the specifics of a given case to learn from it, we also lack meaningful aggregate data. As the GAO concluded in their 2011 report “Child Fatalities From Maltreatment: National Data Could Be Strengthened,” weaknesses in our current NCANDS data collection effort include:

- Roughly half of all States reporting through NCANDS do not use multiple data sources—such as death certificates, state child welfare agency records, or law enforcement reports—in collating their reports for submission;
- Inconsistent State definitions of maltreatment, differing State legal standards for substantiating maltreatment, and missing State data complicate reporting these deaths through NCANDS, and thus our understanding of the scope of the problem;
- And, that additional demographic, family composition, and risk factor information has been collected by NCANDS but as yet is unreported to policymakers and the public in the annual HHS annual publication of Child Maltreatment. (Administration officials now plan to release this information in the 2013 report, which we welcome.)

What is sorely lacking in all of this is a comprehensive national strategy to combat the tragedy of child abuse fatalities. Rather than a piecemeal approach to preventing these deaths, children at risk of imminent harm need and require the government’s protection. Fatal child abuse is preventable. And as a public health problem, can be approached in a thoughtful and analytical manner, much as the US has successfully combated other public health threats. States are the great innovators; while the federal government has a unique role as a convener of States and policymakers to hold up examples of successes which may be emulated.

Commission to Eliminate Child Abuse and Neglect Fatalities

Key to this national strategy is the establishment of a bipartisan commission, empowered by Congress to thoroughly examine the scope of the problem particularly as it relates to children within, or previously known to, the child welfare system. States vary widely in their child abuse fatality rates. Guidance provided through the work of a Commission can ensure that a child’s

chance of surviving his/her childhood is not an accident of geography. By scrutinizing the effectiveness of federal, State, and local data collection systems and identifying the most efficient practices, the Commission can lift up examples from within the States of effective child abuse fatality prevention and intervention practices for widespread dissemination.

In many ways, opening a national conversation on child abuse fatalities through a Commission to End Child Abuse and Neglect Fatalities mirrors and strengthens the process by which States review child deaths to strengthen their own prevention efforts. In 1996, Congress authorized CAPTA and included issues related to fatal maltreatment through public disclosures of the existence of child maltreatment fatalities and the establishment of Citizen Review Panels to review and make recommendations for improvement in child fatalities, foster care, and intervention.¹⁰ In some states these CRPs also serve as Child Death Review teams. Since that time, the Children's Bureau within HHS has supported the development and continuance of Child Death Review and now all States conduct Child Death Review in some capacity.¹¹ For a decade the Maternal and Child Health Bureau has funded the National Center for the Review and Prevention of Child Deaths. The resource center provides training and technical support to all states to help establish and improve the review process, and manages a national Child Death Review Case Reporting System. While an invaluable resource to Child Death Review teams within States, the resources allocated to the National Center for Review and Prevention of Child Deaths are minimal and State participation in the Child Death Review Case Reporting system is voluntary. Undoubtedly, more resources are needed to improve child death review within States, with a special emphasis on child abuse fatalities. And, in a complementary way, the National Commission to End Child Abuse and Neglect Fatalities can take case studies within States and across States for examination of what has worked to reduce these preventable deaths--and what strategies should be discarded as failing to produce desired outcomes.

Reducing child abuse fatalities, particularly those involving prior contact with the child welfare system, is a complex matter. We, the National Coalition to End Child Abuse Deaths, strongly support the establishment of a Commission to End Child Abuse and Neglect Fatalities to investigate and address issues such as:

- Building upon the best of current child protection systems and evidence-supported prevention and intervention efforts, to develop a national strategy to end maltreatment deaths, including public health and social services aimed at strengthening families and preventing maltreatment in the first place;
- Workforce training, caseload, and risk assessment practice within child protective services so that at-risk children may be identified to prevent fatal or near-fatal risk of harm;

¹⁰ Covington, T. & Petit, M. "Chapter Five: the Prevention of Child Fatalities," The Children's Bureau: Shaping a century of child welfare practices, programs, and policies., Children's Bureau, Department of Health and Human Services, Draft 2012.

¹¹ Ibid.

- Better protect children at risk of imminent harm by encouraging Children’s Advocacy Centers to expand their services to include severe physical abuse and neglect cases so that the child abuse experts represented on their multidisciplinary team can ensure close coordination of criminal legal proceedings and civil child protection systems, as well as medical care and mental healthcare for child victims;
- Strengthening the medical examiner and coroner system within the US to ensure proper and accurate designations of cause of death in child abuse fatalities, which are often among the most medically complex;
- Providing training to law enforcement and prosecutors to thoroughly investigate and prosecute cases of fatal and near-fatal abuse in order to hold offenders accountable;
- Creating data-sharing systems that allow agencies to cross-share information about near-fatalities and fatalities so that children can be saved and research can inform our practice;
- Through tested public education campaigns, enabling the public to identify and report child abuse and neglect, thereby engaging communities in protecting their own children.¹²

Because of the complexity of each of these issues, a coordinated and thoughtful approach is critical and can only be achieved through the work of the Commission to End Child Abuse and Neglect Fatalities that may examine them in depth and prevent the sort of unintended negative consequences that too often attach to well-meaning public policy conducted in a less comprehensive way.

In Summary:

Child abuse and neglect fatalities are preventable tragedies. And, our efforts on behalf of these children must go beyond finger-pointing, the blaming and firing of individual caseworkers, and scattered prevention and intervention strategies if we are to reform child protection systems in a way that prevents future deaths. A national strategy to end child abuse fatalities is critically needed in this country. And, our best hope of reaching a comprehensive strategy, given the complexity of the subject, is through the establishment of a Commission to End Child Abuse and Neglect Fatalities empowered to investigate, make thoughtful recommendations, and lift up promising evidence-supported practices. The lives of more than 1,500 children each year depend upon it. Thank you.

¹² We Can Do Better, “Child Abuse and Neglect Deaths in America”, 3rd Edition, 2012.