

Foster Care and Adoption Continued

~~ENCLOSURES FILED OVERSIZE ATTACHMENTS~~

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DATA 12883

JUNE 22, 1999

MEMORANDUM

TO: NICOLE RABNER

FROM: JOY WARREN

SUBJECT: BRIEFING ON CHILD ABUSE PREVENTION

I attended a briefing by the National Child Abuse Coalition on child abuse prevention on 6/21/99 in the Capitol. The panelists, including representatives from the Child Welfare League of America and Center for Disease Control, presented research findings on the link between child maltreatment and delinquency and the prevalence of health problems among adults who experienced childhood trauma. (I have reports if you would like to see them. The CWLA research generally shows risk factors that contribute to delinquency, including having a parent who is incarcerated or a substance abuser. The CDC research shows that adults who were abused or neglected are more likely to have physical and mental health problems).

The panelists also made a plea for support for the Kennedy amendment in the Senate version of the juvenile crime bill (provides for prevention funding) and for increased prevention funding in CAPTA and in Title XX Social Services block grant funding.



FAX COVER SHEET

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION,
HUMAN SERVICES

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DATE: 5/11/99
TO: Nicole Rabner
FAX: 456-2878
FROM: Barbara Pisaro Clark
RE: HR 764 HHS comments on Turman testimony sent to Ron Jones

PAGES (including cover): 14

cc: Nicole Rabner

MAY-11-1999 09:35 TO:52 - HHS

FROM: JONES, R. E.

P. 4/24

Good morning, Mr. Chairman and Members of the Subcommittee: I am Kathryn Turman and I serve as the acting director of the Office for Victims of Crime (OVC) within the Office of Justice Programs, U.S. Department of Justice. My agency is committed to enhancing the nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. I appreciate the opportunity to testify today regarding the provisions raising the portion of the Crime Victims Fund allocated to Children's Justice and Assistance Act program from \$10 million to \$20 million, describe some of the efforts of the Department on behalf of child abuse victims, and share our thoughts regarding how best to respond to child victims.

For more than a decade, OVC has served as the Federal Government's chief advocate for victims of crime. OVC provides significant financial support for victim assistance and compensation programs around the country and has launched a wide range of initiatives to ensure the fair treatment of victims in our legal system and in all other areas of public life.

With an estimated 1 million violent crimes involving child victims reported to police, another 1.1 million cases of child abuse substantiated by child protection agencies, roughly 1.8 million of the nation's adolescents between the ages 12 and 17 having been victims of a serious sexual assault, 3.9 million adolescent children

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FROM: JONES, R. E.

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having been victims of a serious physical assault, and almost 9 million having witnessed serious violence, child victim issues are undoubtedly a high priority for this Administration.

In fact, in December 1998 President Clinton and Deputy Attorney General Eric Holder launched the *Children Exposed to Violence Initiative* with three specific purposes in mind -- to prevent children's exposure to violence, to intervene early in the lives of children who are exposed, and to hold perpetrators of violence against children accountable. This initiative focuses public attention on abuse and violence that affects the lives of too many children, and challenges federal, state, and local law enforcement -- in partnership with families, communities, social service agencies, child protective services, mental and physical health care providers, schools, courts, the private sector, and federal, state, and local government leaders -- to improve prevention, intervention, and accountability efforts. On June 22-24, 1999, the Justice Department and the Department of Health and Human Services will co-host a National Summit on Children Exposed to Violence in Washington, D.C.

While this effort is a new initiative, the Department has had substantial involvement with child abuse victims since the passage of the Victims of Crime Act of 1984 (VOCA). In that Act, Congress created a unique funding mechanism

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FROM: JONES, F.E.

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-- the Crime Victims Fund (the Fund) -- to support services to crime victims. The Fund is derived from fines and penalties paid by convicted federal offenders -- not from tax dollars. Since its inception, the Fund has generated more than \$2 billion to support thousands of crime victim programs throughout the United States; this includes programs and services for child victims of crime.

In the 15 years since VOCA was enacted, OVC has observed wide ^{great} fluctuations in Fund deposits, ^{from \$77M in its 1st year (1987) to increases} in 1995 and 1996, approximately \$763 million in 1995 & 1996. from federal criminal offenders was collected to serve crime victims -- the largest two-year total in the history of the Fund. In the next two-year period, 1997 and 1998, Fund deposits totaled approximately \$687 million, which represents a \$76 million decline in deposits. In previous years (1992 and 1993) the Fund suffered a similar decrease of more than \$75 million in deposits.

There is very little predictability in Fund deposits. Any effort to increase a specific allocation from the Fund such as an increase in the set-aside for victims of child abuse could potentially have grave effects on other VOCA authorized program areas, particularly on state entitlement grants for crime victim compensation and crime victim assistance services. While funding authorized under Children's Justice Act is dedicated to a great extent to system changes and enhancements, state child abuse task forces, and evaluation and assessment,

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~~money for VOCA victim compensation and victim assistance programs is used solely to provide direct victim services such as counseling and therapy, criminal justice advocacy, information and referral, and crisis intervention. Thus, increasing the CJA earmark as currently proposed is at the expense of state VOCA grants for direct services for crime victims, including child victims.~~

In 1986 when Senator Paula Hawkins introduced the Children's Justice and Assistance Act amendment to VOCA, it was at a time when the country had just witnessed the shortcomings of the McMartin Preschool case. As the nation watched the turmoil suffered by the children thrust into the criminal justice system and the frustration of justice and social service professionals, we recognized that there was a dire need to provide resources to improve the investigation and prosecution of child abuse cases. The Children's Justice and Assistance Act provided a modicum of resources to develop training, programs, and protocols in this area.

Since 1986, when CJA was enacted, a wide range of research, training, and model programs have been established to improve the justice system's response to cases of child abuse, neglect, and exploitation from a variety of funding sources in addition to CJA. For instance, at the New Haven Department of Police Services and the Child Study Center at the Yale University School of Medicine, a

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collaborative program to address the psychological impact of family and community violence on children and families, brings together police officers and mental health professionals to provide each with training and consultation, and to provide direct interdisciplinary intervention for children who are victims, witnesses, or perpetrators of violent crime. This program has been replicated in a number of cities and is the basis for the OJP Safe Start program begun this year. Safe Start is a \$10 million initiative to support replication of this effort in about 12 communities. OVC is joining with the Violence Against Women Office and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to fund and monitor the program.

Another well-known example has been the establishment of Children's Advocacy Centers in more than 350 communities across the nation. These centers allow law enforcement officers, child protection workers, prosecutors, victim advocates, and therapists to conduct coordinated interviews of children in a "child friendly" setting rather than multiple interviews in intimidating environments.

According to the Department of Health and Human Services' *Update of State Activities Conducted Under the Children's Justice Act*, proposed annual funding for Children's Advocacy Centers represents roughly 23 percent or \$254,610 of the funds set aside for investigation efforts under CJA. Funding

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through OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and through state VOCA victim assistance funding from OVC are also provided to communities seeking to establish or strengthen Children's Advocacy Centers. This is just one example where there are at least three distinct funding streams -- CJA, VOCA, and OJJDP -- funneling money to the same initiative, and from two separate agencies.

Each year the Dallas Police Department Investigations Unit sponsors its annual Crimes Against Children Training Conference, where hundreds of law enforcement personnel and multi-disciplinary teams from across the United States attend a five-day comprehensive training course intended to improve the investigation and prosecution of child abuse and neglect cases.

Further, the American Professional Society on the Abuse of Children (APSAC) offers a variety of training and professional education courses to professionals who work with abused and neglected children. APSAC's national colloquium provides training for professionals on a range of topics relating to child abuse and neglect. APSAC's Advanced Training Institutes offer instruction in six-hour blocks on topics such as developing courtroom skills for expert testimony in child maltreatment cases, advanced medical evaluation of physical or sexual abuse, coordinated multidisciplinary approaches, and interdisciplinary

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FROM: JONES, E. E.

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training relating to child fatalities. APSAC also conducts 40-hour Child Forensic Interviewing Clinics that give participants the opportunity to interact with clinicians, researchers, and trainers in the field of forensic child interviewing.

The American Prosecutor Research Institute (APRI), along with the National Center for the Prosecution of Child Abuse, provides extensive training, resources, support, and advice to prosecutors, police, social workers, and others involved in the prosecution of child abuse cases. With funding from OJJDP, APRI also offers an advanced dual track training course for prosecutors in the areas of child exploitation and parental kidnaping.

Finally, the Fox Valley Technical College in Wisconsin provides training and technical assistance to law enforcement, prosecutors, child protective service workers and family service professionals who work with missing and exploited children. These programs are designed to increase skills and abilities, enhance service coordination and delivery, and improve the investigation and handling of missing and exploited children cases. All of these programs have been initiated from a variety of governmental and private funding sources. Each year, various components within the Department of Justice sponsor and support training for professionals who interact with child abuse victims. These funds for child abuse

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initiatives are provided by the Office of Juvenile Justice and Delinquency Prevention, the Violence Against Women Grants Office, the Bureau of Justice Assistance, and the Office for Victims of Crime.

~~While training for professionals who respond to child victims is an on-going need, increasing funding solely to continue efforts to improve the investigation and prosecution of child abuse will not address another important need for child victims -- which is funding to support much-needed services for other very vulnerable child victim populations, particularly for children who witness violence, child victims of parental kidnaping, and child victims of exploitation.~~

As previously mentioned, the Crime Victims Fund is used to support state compensation programs that provide financial assistance to crime victims for out-of-pocket expenses incurred as a direct result of crime such as medical and mental health counseling, lost wages, and funeral expenses, and to support community-based victim services programs such as rape crisis centers, domestic violence programs, and services for child physical and sexual abuse victims. Based on the latest data (FY98), state victim assistance programs spent \$44 million and state crime victim compensation programs spent \$32 million on child abuse. This means that under VOCA, states spent about \$76 million on child abuse. Between

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1994 and 1996, in the VOCA victim assistance program funding for child abuse increased 80.5% (percent). These funds are used for direct services. If an

~~additional \$10 million is set aside from the Crime Victims Fund for Children's Justice Act programs, states will have \$10 million less for these programs and programs serving other crime victims.~~

OVC proposes two recommendations that we believe will broaden the impact of the Children's Justice and Assistance Act. First, OVC recommends that any increase in funding under CJA be proportionately reallocated to support improved investigative and prosecutorial efforts and to fund child victim and witness treatment programs. If this recommendation were adopted, OVC would remove the required 10 percent allocation to the priority categories -- domestic violence, sexual assault, and child abuse -- in the VOCA victim assistance grant program guidelines. This would provide maximum flexibility to states to determine funding allocations for these areas. The current percentage allocations were necessary in the early years after VOCA was enacted to assure a base level of funding for these victim populations. However, OVC has found in funding child abuse programs, many states have viewed the established percentage requirement as a "cap" on funding rather than a "floor" for minimal funding to support child abuse programs.

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Presently, CJA funding is limited to programs to enhance treatment of victims in "child abuse and neglect cases, particularly cases of child sexual abuse and exploitation." [42 U.S.C. § 5106c (a)(1)] The law defines the term "child abuse and neglect" to mean "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm..." [42 U.S.C. § 5106g(2)]

This definition leaves out a vast number of children who are victimized by crime and need programs and attention not now available. Victims of abuse by non-custodial family members, friends, or strangers are not covered by the present definition. In addition, children who witness crime are not included. In this country, children witness violent crime on a daily basis, including homicide, rape, assault, and domestic violence. Although child witnesses may not suffer physical injury, the emotional consequences of viewing or being within earshot of such acts of violence are severe and long lasting. Child witnesses to violence often experience many of the same symptoms and lasting effects as children who are victims themselves, including post-traumatic stress disorder (PTSD).

The definition contained in the CJA is outdated and limits the money from being spent in a way that will encompass all child victims and witnesses to

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violence, not just a select few. We have learned a lot since CJA was originally passed more than a decade ago, and these lessons should be incorporated in any changes made lest you tie the hands of those in the field who seek to use the money for the most effective programs. The focus of CJA funding on matters pertaining to intrafamilial child abuse victims fails to take into consideration three other important child victim populations -- victims of parental kidnaping, child victims of sexual abuse/exploitation by non-family persons, and children who witness violence.

Second, the manner in which funding is currently distributed to support services and system change for handling child abuse cases does not lend itself to establishing a comprehensive response to child abuse. Each year, OVC transfers \$8.5 million to the Department of Health and Human Services, in accordance with current provisions of CJA, to administer the state grant program. OVC retains \$1.5 million to fund child abuse initiatives in Indian Country. Since CJA was established, OVC has provided nearly \$9 million in direct funding to 38 tribal programs in states with federally recognized tribes. I have attached to my testimony an OVC fact sheet on this subject. These funds are in addition to the millions of dollars each year that OVC administers through the state formula grant programs and its national scope training and technical assistance efforts which

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both support child abuse victims.

~~When states must seek funding from multiple agencies with distinct goals~~

~~and objectives and different funding requirements to support a target population, the result is often a *piecemeal* approach to the overall problem. OVC believes that, in the best interest of improving implementation and administrative oversight of Children's Justice Act funding and programs, CJA funding should be administered by the Department of Justice.~~

~~OVC currently administers funding for direct services to crime victims under the VOCA victim assistance grant program and for national scope training and technical assistance for justice system and allied professionals under VOCA's discretionary program authority. If this recommendation is adopted, designated state agencies applying for VOCA victim assistance dollars could receive funding under CJA from one agency and begin to develop comprehensive responses to child victims and witnesses. Likewise, OVC would be better positioned to couple its demonstration and discretionary funding authority to support training, technical assistance, and the development of model programs using both CJA and VOCA funding from the Crime Victims Fund.~~

~~Further, if the focus of CJA funding remains directed toward improving the investigation and prosecution of child abuse cases, the Department of Justice is in~~

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~~the best position to provide guidance and technical assistance to grantees on
policies, protocols, and training in the investigation and prosecution of child
abuse.~~

Mr. Chairman, that concludes my formal remarks. I would be pleased to continue to work with this Subcommittee as you consider legislation to address the important issue of child victims. I would be pleased to answer any questions you or other members of the Subcommittee may have. Thank you.



FAX COVER SHEET

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DATE: 5/11/99
TO: ~~Ron Jones~~ *Nicole Rabnu*
FAX: ~~395-3109~~ *456-2878*
FROM: Barbara Pisaro Clark
RE: HR 764 HHS testimony with edits, chart
PAGES (including cover): 06

Turman mark up to follow

*This was our suggested
compromise on our testimony*

Comparison of Crime Victims Fund Deposits with Children's Justice
Act Appropriations

	Crime Victims Fund*	Children's Justice Act
1987	\$ 77,000,000	\$2,812,000
1988	93,000,000	3,485,000
1989	133,000,000	3,578,000
1990	148,000,000	9,194,000
1991	127,000,000	9,455,000
1992	221,000,000	9,325,000
1993	144,000,000	9,325,000
1994	185,000,000	9,325,000
1995	233,000,000	8,500,000
1996	528,000,000	8,500,000
1997	362,000,000	8,500,000

* Amounts are rounded and taken from OVC Fact Sheet Victims of
Crime Act Crime Victims Fund

STATEMENT FOR THE RECORD

SUBMITTED BY

**CAROL W. WILLIAMS
ASSOCIATE COMMISSIONER
THE CHILDREN'S BUREAU
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES
ADMINISTRATION FOR CHILDREN AND FAMILIES
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

ON

H.R. 764

"THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT"

BEFORE THE

**SUBCOMMITTEE ON CRIME
HOUSE COMMITTEE ON THE JUDICIARY**

MAY 12, 1999

Mr. Chairman and Members of the Subcommittee,

I want to thank you for the opportunity to submit testimony regarding H.R. 764, the "Child Abuse Prevention and Enforcement Act", which includes a provision to double the amount of funding set aside for the Children's Justice Act. These enhanced funds would enable the states and tribes to expand innovative, multi-agency, multi-disciplinary activities to assure children's safety and well-being. We greatly appreciate the interest and leadership shown by the members of this subcommittee in working to protect children from abuse and neglect.

We are proud that the Administration has been able to work in a bipartisan fashion with the Congress over the past several years to pass critical child protection and child welfare reform legislation, including the Adoption and Safe Families Act which makes clear that the safety and well-being of children must be the first consideration. We have also recognized that protecting children and assuring them a chance to grow up in safe, stable environments requires the coordinated efforts of child welfare agencies, law enforcement and the courts. ~~Therefore, we are pleased to express our support for~~ The increased resources that H.R. 764 would provide ~~to~~ would promote improved collaboration to ensure the safety of children.

As you know, the Children's Justice Act (CJA) is authorized as part of the Child Abuse Prevention and Treatment Act (CAPTA), which is administered by the Children's Bureau within the Administration for Children and Families in the U.S. Department of Health and Human Services. The Children's Bureau is responsible for administering the major child abuse and neglect and child welfare programs, including the Social Security Act's title IV-B Child Welfare Services and Promoting Safe and Stable Families programs and title IV-E foster care, adoption assistance and Independent Living programs, as well as CAPTA and several other discretionary grant programs. One of our goals in administering the various authorities is to assist the states to use federal funds in a coordinated manner, so as to strengthen the systems for protecting and serving abused and neglected children and their families. In our administration of programs, we also work to coordinate with other federal agencies administering related programs, including the Department of Justice, and we encourage state child welfare agencies to collaborate with other state and local agencies and entities that play critical roles in protecting children. The CJA is an important tool in encouraging and leveraging such coordination at the state and local levels.

The CJA program was first authorized in 1987 for the purpose of developing, establishing and operating programs designed to improve the handling of child abuse cases, particularly child sexual abuse; to strengthen the investigation and prosecution of cases of abuse; to reduce trauma to child victims; and to make needed reforms in state laws, policies and procedures in order to provide comprehensive protection to children. Later the legislation was amended to address sexual exploitation, child maltreatment fatalities, and child maltreatment cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal. The amendments also addressed the issues of prompt and successful resolution of civil and criminal court proceedings, enhancing the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual exploitation cases, and enhancement of performance of court appointed attorneys and guardians ad litem for children. The statutory language in CAPTA outlines the purposes of the program and the eligibility requirements for states to receive grants.

It also specifies that funds for the program are to come from the Victims of Crime Act of 1984, at the level specified by section 1404A of that Act. Since the creation of the CJA program, funds in the Crime Victims Fund have grown from \$77 million to \$362 million. Funding for the CJA is set at \$10 million, with \$8.5 million being administered by the Children's Bureau for grants to the states, and \$1.5 million administered by the Department of Justice for grants to Indian tribes.

The major purposes of the CJA include improving the investigation, administrative and judicial handling and prosecution of child abuse and neglect; reducing the trauma experienced by child victims; and preventing child maltreatment fatalities. The program is designed to promote systems change and improvement in the arena of child protection. For this reason, one major requirement of the program is that a state multi-disciplinary task force, comprised of representatives from child protective services agencies, law enforcement, the courts, health and medical professionals, and others be established to review and make recommendations on the need for changes in state laws, policies, regulations, training procedures and other systemic factors affecting the protection of abused and neglected children. Among the more frequent types of activities states address using CJA funds are:

- Promoting and funding interagency, multi-disciplinary training and cross-training, so that the various professionals involved in child abuse and neglect cases understand each other's work and learn to communicate effectively across specialties. Such training helps to ensure more comprehensive assessments, more complete investigations and court presentations, reduced trauma to child victims and more appropriate interventions applied in a more timely manner.
- Establishing and providing ongoing training for child fatality review teams that help to identify cases of child maltreatment fatalities and prevent future fatalities.
- Supporting the establishment and/or maintenance of Child Advocacy Centers, where child victims and their families can be interviewed, evaluated and treated by a multi-disciplinary team in a child-friendly setting, thereby reducing the risk of subjecting children to further trauma during the investigation child abuse.

I would like to highlight for you several specific examples of activities being carried out by the states with the support of CJA funds.

- Florida has developed educational standards and a certification process for all non-medical personnel of child protection teams and sexual abuse treatment programs. Child fatality review teams have been established at the state and local levels, in order to review individual child deaths, gather data and utilize that information to design prevention efforts at the state and local levels.
- Texas has used some of its CJA funds to establish the Telemedicine Project to enhance the quality of medical evaluations and consultation for child sexual abuse cases occurring in remote areas.

- The Virginia CJA Task Force recently held two regional multi-disciplinary training conferences, focusing on investigation and prosecution of child maltreatment related fatalities and serious physical abuse. The target audience included law enforcement, child protective services workers, attorneys, school personnel and medical professionals.
- New Jersey's CJA Task Force accomplishments include four regional multi-disciplinary diagnostic facilities for sexual abuse and serious physical abuse cases, with a training component which routinely brings all the various professionals together, resulting in more effective handling and resolving of cases, reduced trauma to children due to fewer interviews and examinations by individual professionals, and more rapid response to the child's needs for treatment.
- Georgia CJA funds assisted in the development and implementation of a comprehensive training program to strengthen the multi-disciplinary approach to cases and also provided funding of a Children's Advocacy Center serving four northwest Georgia counties.
- Massachusetts funds several Family Advocacy Centers and a case tracking and review project, the goal of which is to enhance an already established multi-disciplinary case review program. Their statewide "Project Alliance" was established to provide consistent and coordinated information to school personnel (teachers, child protection teams) regarding their mandate to report suspected child abuse and neglect. On-site training and technical assistance is provided.

In closing, I would like to again emphasize the importance of strengthening and improving the systems of care for our children so that we can continually ensure their safety. The Children's Justice Act plays an important part in this ongoing and important work. I thank you for the opportunity to ~~express my support for this provision of H.R. 764.~~

submit this statement for the record.

Total Pages: _____

LRM ID: REJ82

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, May 10, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
Richard E. Green
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109
SUBJECT: HEALTH & HUMAN SERVICES Testimony on HR764 Child Abuse
Prevention and Enforcement Act

DEADLINE: 10:00 AM Tuesday, May 11, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

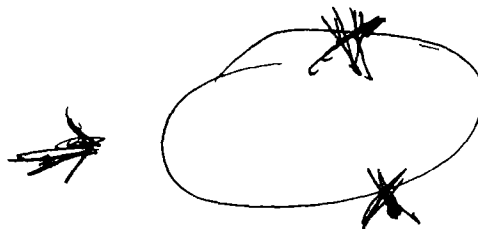
COMMENTS: DOJ is expected to testify also.

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Melinda Haskins



☐ Concur
☐ No Objection
☐ No Comment
☐ See proposed edits on pages _____
☐ Other: _____
☐ FAX RETURN of _____ pages, attached to this response sheet

STATEMENT FOR THE RECORD

SUBMITTED BY

**CAROL W. WILLIAMS
ASSOCIATE COMMISSIONER
THE CHILDREN'S BUREAU
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES
ADMINISTRATION FOR CHILDREN AND FAMILIES
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**ON
H.R. 764
"THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT"**

**BEFORE THE
SUBCOMMITTEE ON CRIME
HOUSE COMMITTEE ON THE JUDICIARY**

MAY 12, 1999

Mr. Chairman and Members of the Subcommittee,

I want to thank you for the opportunity to submit testimony regarding H.R. 764, the "Child Abuse Prevention and Enforcement Act", which includes a provision to double the amount of funding set aside for the Children's Justice Act. These enhanced funds would enable the states and tribes to expand innovative, multi-agency, multi-disciplinary activities to assure children's safety and well-being. We greatly appreciate the interest and leadership shown by the members of this subcommittee in working to protect children from abuse and neglect.

We are proud that the Administration has been able to work in a bipartisan fashion with the Congress over the past several years to pass critical child protection and child welfare reform legislation, including the Adoption and Safe Families Act which makes clear that the safety and well-being of children must be the first consideration. We have also recognized that protecting children and assuring them a chance to grow up in safe, stable environments requires the coordinated efforts of child welfare agencies, law enforcement and the courts. Therefore, we are pleased to express our support for the increased resources that H.R. 764 would provide to promote improved collaboration to ensure the safety of children.

As you know, the Children's Justice Act (CJA) is authorized as part of the Child Abuse Prevention and Treatment Act (CAPTA), which is administered by the Children's Bureau within the Administration for Children and Families in the U.S. Department of Health and Human Services. The Children's Bureau is responsible for administering the major child abuse and neglect and child welfare programs, including the Social Security Act's title IV-B Child Welfare Services and Promoting Safe and Stable Families programs and title IV-E foster care, adoption assistance and Independent Living programs, as well as CAPTA and several other discretionary grant programs. One of our goals in administering the various authorities is to assist the states to use federal funds in a coordinated manner, so as to strengthen the systems for protecting and serving abused and neglected children and their families. In our administration of programs, we also work to coordinate with other federal agencies administering related programs, including the Department of Justice, and we encourage state child welfare agencies to collaborate with other state and local agencies and entities that play critical roles in protecting children. The CJA is an important tool in encouraging and leveraging such coordination at the state and local levels.

The CJA program was first authorized in 1987 for the purpose of developing, establishing and operating programs designed to improve the handling of child abuse cases, particularly child sexual abuse; to strengthen the investigation and prosecution of cases of abuse; to reduce trauma to child victims; and to make needed reforms in state laws, policies and procedures in order to provide comprehensive protection to children. Later the legislation was amended to address sexual exploitation, child maltreatment fatalities, and child maltreatment cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal. The amendments also addressed the issues of prompt and successful resolution of civil and criminal court proceedings, enhancing the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual exploitation cases, and enhancement of performance of court appointed attorneys and guardians ad litem for children. The statutory language in CAPTA outlines the purposes of the program and the eligibility requirements for states to receive grants.

It also specifies that funds for the program are to come from the Victims of Crime Act of 1984, at the level specified by section 1404A of that Act. Since the creation of the CJA program, funds in the Crime Victims Fund have grown from \$77 million to \$362 million. Funding for the CJA is set at \$10 million, with \$8.5 million being administered by the Children's Bureau for grants to the states, and \$1.5 million administered by the Department of Justice for grants to Indian tribes.

The major purposes of the CJA include improving the investigation, administrative and judicial handling and prosecution of child abuse and neglect; reducing the trauma experienced by child victims; and preventing child maltreatment fatalities. The program is designed to promote systems change and improvement in the arena of child protection. For this reason, one major requirement of the program is that a state multi-disciplinary task force, comprised of representatives from child protective services agencies, law enforcement, the courts, health and medical professionals, and others be established to review and make recommendations on the need for changes in state laws, policies, regulations, training procedures and other systemic factors affecting the protection of abused and neglected children. Among the more frequent types of activities states address using CJA funds are:

- Promoting and funding interagency, multi-disciplinary training and cross-training, so that the various professionals involved in child abuse and neglect cases understand each other's work and learn to communicate effectively across specialties. Such training helps to ensure more comprehensive assessments, more complete investigations and court presentations, reduced trauma to child victims and more appropriate interventions applied in a more timely manner.
- Establishing and providing ongoing training for child fatality review teams that help to identify cases of child maltreatment fatalities and prevent future fatalities.
- Supporting the establishment and/or maintenance of Child Advocacy Centers, where child victims and their families can be interviewed, evaluated and treated by a multi-disciplinary team in a child-friendly setting, thereby reducing the risk of subjecting children to further trauma during the investigation child abuse.

I would like to highlight for you several specific examples of activities being carried out by the states with the support of CJA funds.

- Florida has developed educational standards and a certification process for all non-medical personnel of child protection teams and sexual abuse treatment programs. Child fatality review teams have been established at the state and local levels, in order to review individual child deaths, gather data and utilize that information to design prevention efforts at the state and local levels.
- Texas has used some of its CJA funds to establish the Telemedicine Project to enhance the quality of medical evaluations and consultation for child sexual abuse cases occurring in remote areas.

- The Virginia CJA Task Force recently held two regional multi-disciplinary training conferences, focusing on investigation and prosecution of child maltreatment related fatalities and serious physical abuse. The target audience included law enforcement, child protective services workers, attorneys, school personnel and medical professionals.
- New Jersey's CJA Task Force accomplishments include four regional multi-disciplinary diagnostic facilities for sexual abuse and serious physical abuse cases, with a training component which routinely brings all the various professionals together, resulting in more effective handling and resolving of cases, reduced trauma to children due to fewer interviews and examinations by individual professionals, and more rapid response to the child's needs for treatment.
- Georgia CJA funds assisted in the development and implementation of a comprehensive training program to strengthen the multi-disciplinary approach to cases and also provided funding of a Children's Advocacy Center serving four northwest Georgia counties.
- Massachusetts funds several Family Advocacy Centers and a case tracking and review project, the goal of which is to enhance an already established multi-disciplinary case review program. Their statewide "Project Alliance" was established to provide consistent and coordinated information to school personnel (teachers, child protection teams) regarding their mandate to report suspected child abuse and neglect. On-site training and technical assistance is provided.

In closing, I would like to again emphasize the importance of strengthening and improving the systems of care for our children so that we can continually ensure their safety. The Children's Justice Act plays an important part in this ongoing and important work. I thank you for the opportunity to express my support for this provision of H.R. 764.

HR 764 IH

106th CONGRESS

1st Session

H. R. 764

To reduce the incidence of child abuse and neglect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 12, 1999

Ms. PRYCE of Ohio (for herself, Mr. EWING, Mr. GREENWOOD, Mr. DELAY, and Mrs. JONES of Ohio) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reduce the incidence of child abuse and neglect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Child Abuse Prevention and Enforcement Act'.

SEC. 2. IMPROVEMENT OF ACCESS TO CERTAIN COURT AND LAW ENFORCEMENT RECORDS TO PREVENT CHILD ABUSE.

(a) DESCRIPTION OF GRANT PROGRAM- Section 1402 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796aa-1) is amended by adding before the period at the end the following: 'or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders'.

(b) APPLICATION TO RECEIVE GRANTS- Section 1403 of such Act (42 U.S.C. 3796aa-2) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: 'or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders'; and

(2) in paragraph (2), by inserting before the period at the end the following: 'or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders'.

(c) REVIEW OF APPLICATIONS- Section 1404(a) of such Act (42 U.S.C. 3796aa-3(a)) is amended in the matter preceding paragraph (1) by inserting after 'to receive a grant' the following: 'for closed circuit televising of testimony of children who are victims of abuse'.

(d) DEFINITIONS- Section 1409(2) of such Act (42 U.S.C. 3796aa-8(2)) is amended by inserting before the period at the end the following: 'or the taking of a child in violation of a court order'.

(e) CONFORMING AMENDMENT- Part N of title I of such Act (42 U.S.C. 3796aa) is amended in the heading to read as follows:

'PART N--GRANTS FOR CLOSED-CIRCUIT TELEVISIONING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE AND FOR IMPROVING ACCESS TO COURT AND LAW ENFORCEMENT RECORDS FOR THE PURPOSE OF PREVENTING CHILD ABUSE'.

SEC. 3. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended--

(1) by striking 'and' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and adding '; and'; and

(3) by adding at the end the following:

'(27) enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect'.

SEC. 4. INCREASE IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

Section 1402(d)(2) of the Victims of Crime Act of 1984 is amended by striking '\$10,000,000' and inserting '\$20,000,000'.

END

Total Pages: _____

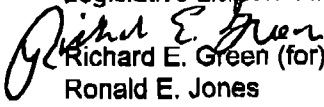
LRM ID: REJ84

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Tuesday, May 11, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM:  Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: **JUSTICE Testimony on HR764 Child Abuse Prevention and Enforcement Act**

DEADLINE: 4:00 PM Today Tuesday, May 11, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: HHS testimony was circulated yesterday as LRM REJ 82.

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RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

_____ Concur
 _____ No Objection
 _____ No Comment
 _____ See proposed edits on pages _____
 _____ Other: _____
 _____ FAX RETURN of _____ pages, attached to this response sheet

STATEMENT

OF

**KATHRYN M. TURMAN
ACTING DIRECTOR
OFFICE FOR VICTIMS OF CRIME
OFFICE OF JUSTICE PROGRAMS**

BEFORE THE

**SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES**

ON

**MAY 12, 1999
WASHINGTON, D.C.**

Good morning, Mr. Chairman and Members of the Subcommittee: I am Kathryn Turman and I serve as the acting director of the Office for Victims of Crime (OVC) within the Office of Justice Programs, U.S. Department of Justice. My agency is committed to enhancing the nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. I appreciate the opportunity to testify today regarding the provisions raising the portion of the Crime Victims Fund allocated to Children's Justice and Assistance Act program from \$10 million to \$20 million, describe some of the efforts of the Department on behalf of child abuse victims, and share our thoughts regarding how best to respond to child victims.

For more than a decade, OVC has served as the Federal Government's chief advocate for victims of crime. OVC provides significant financial support for victim assistance and compensation programs around the country and has launched a wide range of initiatives to ensure the fair treatment of victims in our legal system and in all other areas of public life.

With an estimated 1 million violent crimes involving child victims reported to police, another 1.1 million cases of child abuse substantiated by child protection agencies, roughly 1.8 million of the nation's adolescents between the ages 12 and 17 having been victims of a serious sexual assault, 3.9 million adolescent children

having been victims of a serious physical assault, and almost 9 million having witnessed serious violence, child victim issues are undoubtedly a high priority for this Administration.

In fact, in December 1998 President Clinton and Deputy Attorney General Eric Holder launched the *Children Exposed to Violence Initiative* with three specific purposes in mind -- to prevent children's exposure to violence, to intervene early in the lives of children who are exposed, and to hold perpetrators of violence against children accountable. This initiative focuses public attention on abuse and violence that affects the lives of too many children, and challenges federal, state, and local law enforcement -- in partnership with families, communities, social service agencies, child protective services, mental and physical health care providers, schools, courts, the private sector, and federal, state, and local government leaders -- to improve prevention, intervention, and accountability efforts. On June 22-24, 1999, the Justice Department and the Department of Health and Human Services will co-host a National Summit on Children Exposed to Violence in Washington, D.C.

While this effort is a new initiative, the Department has had substantial involvement with child abuse victims since the passage of the Victims of Crime Act of 1984 (VOCA). In that Act, Congress created a unique funding mechanism

→ Change in law

-- the Crime Victims Fund (the Fund) -- to support services to crime victims. The Fund is derived from fines and penalties paid by convicted federal offenders -- not from tax dollars. Since its inception, the Fund has generated more than \$2 billion to support thousands of crime victim programs throughout the United States; this includes programs and services for child victims of crime.

In the 15 years since VOCA was enacted, OVC has observed wide fluctuations in Fund deposits. In 1995 and 1996, approximately \$763 million from federal criminal offenders was collected to serve crime victims -- the largest two-year total in the history of the Fund. In the next two-year period, 1997 and 1998, Fund deposits totaled approximately \$687 million, which represents a \$76 million decline in deposits. In previous years (1992 and 1993) the Fund suffered a similar decrease of more than \$75 million in deposits.

There is very little predictability in Fund deposits. Any effort to increase a specific allocation from the Fund such as an increase in the set-aside for victims of child abuse could potentially have grave effects on other VOCA authorized program areas, particularly on state entitlement grants for crime victim compensation and crime victim assistance services. While funding authorized under Children's Justice Act is dedicated to a great extent to system changes and enhancements, state child abuse task forces, and evaluation and assessment,

grave effects

money for VOCA victim compensation and victim assistance programs is used solely to provide direct victim services such as counseling and therapy, criminal justice advocacy, information and referral, and crisis intervention. Thus, increasing the CJA earmark as currently proposed is at the expense of state VOCA grants for direct services for crime victims, including child victims.

In 1986 when Senator Paula Hawkins introduced the Children's Justice and Assistance Act amendment to VOCA, it was at a time when the country had just witnessed the shortcomings of the McMartin Preschool case. As the nation watched the turmoil suffered by the children thrust into the criminal justice system and the frustration of justice and social service professionals, we recognized that there was a dire need to provide resources to improve the investigation and prosecution of child abuse cases. The Children's Justice and Assistance Act provided a modicum of resources to develop training, programs, and protocols in this area.

Since 1986, when CJA was enacted, a wide range of research, training, and model programs have been established to improve the justice system's response to cases of child abuse, neglect, and exploitation from a variety of funding sources in addition to CJA. For instance, at the New Haven Department of Police Services and the Child Study Center at the Yale University School of Medicine, a

collaborative program to address the psychological impact of family and community violence on children and families, brings together police officers and mental health professionals to provide each with training and consultation, and to provide direct interdisciplinary intervention for children who are victims, witnesses, or perpetrators of violent crime. This program has been replicated in a number of cities and is the basis for the OJP Safe Start program begun this year. Safe Start is a \$10 million initiative to support replication of this effort in about 12 communities. OVC is joining with the Violence Against Women Office and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to fund and monitor the program.

Another well-known example has been the establishment of Children's Advocacy Centers in more than 350 communities across the nation. These centers allow law enforcement officers, child protection workers, prosecutors, victim advocates, and therapists to conduct coordinated interviews of children in a "child friendly" setting rather than multiple interviews in intimidating environments.

According to the Department of Health and Human Services' *Update of State Activities Conducted Under the Children's Justice Act*, proposed annual funding for Children's Advocacy Centers represents roughly 23 percent or \$254,610 of the funds set aside for investigation efforts under CJA. Funding

through OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and through state VOCA victim assistance funding from OVC are also provided to communities seeking to establish or strengthen Children's Advocacy Centers. This is just one example where there are at least three distinct funding streams -- CJA, VOCA, and OJJDP -- funneling money to the same initiative, and from two separate agencies.

Each year the Dallas Police Department Investigations Unit sponsors its annual Crimes Against Children Training Conference, where hundreds of law enforcement personnel and multi-disciplinary teams from across the United States attend a five-day comprehensive training course intended to improve the investigation and prosecution of child abuse and neglect cases.

Further, the American Professional Society on the Abuse of Children (APSAC) offers a variety of training and professional education courses to professionals who work with abused and neglected children. APSAC's national colloquium provides training for professionals on a range of topics relating to child abuse and neglect. APSAC's Advanced Training Institutes offer instruction in six-hour blocks on topics such as developing courtroom skills for expert testimony in child maltreatment cases, advanced medical evaluation of physical or sexual abuse, coordinated multidisciplinary approaches, and interdisciplinary

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P. 10/24

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training relating to child fatalities. APSAC also conducts 40-hour Child Forensic Interviewing Clinics that give participants the opportunity to interact with clinicians, researchers, and trainers in the field of forensic child interviewing.

The American Prosecutor Research Institute (APRI), along with the National Center for the Prosecution of Child Abuse, provides extensive training, resources, support, and advice to prosecutors, police, social workers, and others involved in the prosecution of child abuse cases. With funding from OJJDP, APRI also offers an advanced dual track training course for prosecutors in the areas of child exploitation and parental kidnapping.

Finally, the Fox Valley Technical College in Wisconsin provides training and technical assistance to law enforcement, prosecutors, child protective service workers and family service professionals who work with missing and exploited children. These programs are designed to increase skills and abilities, enhance service coordination and delivery, and improve the investigation and handling of missing and exploited children cases. All of these programs have been initiated from a variety of governmental and private funding sources. Each year, various components within the Department of Justice sponsor and support training for professionals who interact with child abuse victims. These funds for child abuse

initiatives are provided by the Office of Juvenile Justice and Delinquency Prevention, the Violence Against Women Grants Office, the Bureau of Justice Assistance, and the Office for Victims of Crime.

While training for professionals who respond to child victims is an on-going need, increasing funding solely to continue efforts to improve the investigation and prosecution of child abuse will not address another important need for child victims -- which is funding to support much-needed services for other very vulnerable child victim populations, particularly for children who witness violence, child victims of parental kidnaping, and child victims of exploitation.

As previously mentioned, the Crime Victims Fund is used to support state compensation programs that provide financial assistance to crime victims for out-of-pocket expenses incurred as a direct result of crime such as medical and mental health counseling, lost wages, and funeral expenses, and to support community-based victim services programs such as rape crisis centers, domestic violence programs, and services for child physical and sexual abuse victims. Based on the latest data (FY98), state victim assistance programs spent \$44 million and state crime victim compensation programs spent \$32 million on child abuse. This means that under VOCA, states spent about \$76 million on child abuse. Between

1994 and 1996, in the VOCA victim assistance program funding for child abuse increased 80.5% (percent). These funds are used for direct services. If an additional \$10 million is set aside from the Crime Victims Fund for Children's Justice Act programs, states will have \$10 million less for these programs and programs serving other crime victims.

OVC proposes two recommendations that we believe will broaden the impact of the Children's Justice and Assistance Act. First, OVC recommends that any increase in funding under CJA be proportionately reallocated to support improved investigative and prosecutorial efforts and to fund child victim and witness treatment programs. If this recommendation were adopted, OVC would remove the required 10 percent allocation to the priority categories -- domestic violence, sexual assault, and child abuse -- in the VOCA victim assistance grant program guidelines. This would provide maximum flexibility to states to determine funding allocations for these areas. The current percentage allocations were necessary in the early years after VOCA was enacted to assure a base level of funding for these victim populations. However, OVC has found in funding child abuse programs, many states have viewed the established percentage requirement as a "cap" on funding rather than a "floor" for minimal funding to support child abuse programs.

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Presently, CJA funding is limited to programs to enhance treatment of victims in "child abuse and neglect cases, particularly cases of child sexual abuse and exploitation." [42 U.S.C. § 5106c (a)(1)] The law defines the term "child abuse and neglect" to mean "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm...." [42 U.S.C. § 5106g(2)]

This definition leaves out a vast number of children who are victimized by crime and need programs and attention not now available. Victims of abuse by non-custodial family members, friends, or strangers are not covered by the present definition. In addition, children who witness crime are not included. In this country, children witness violent crime on a daily basis, including homicide, rape, assault, and domestic violence. Although child witnesses may not suffer physical injury, the emotional consequences of viewing or being within earshot of such acts of violence are severe and long lasting. Child witnesses to violence often experience many of the same symptoms and lasting effects as children who are victims themselves, including post-traumatic stress disorder (PTSD).

The definition contained in the CJA is outdated and limits the money from being spent in a way that will encompass all child victims and witnesses to

violence, not just a select few. We have learned a lot since CJA was originally passed more than a decade ago, and these lessons should be incorporated in any changes made lest you tie the hands of those in the field who seek to use the money for the most effective programs. The focus of CJA funding on matters pertaining to intrafamilial child abuse victims fails to take into consideration three other important child victim populations -- victims of parental kidnaping, child victims of sexual abuse/exploitation by non-family persons, and children who witness violence.

Second, the manner in which funding is currently distributed to support services and system change for handling child abuse cases does not lend itself to establishing a comprehensive response to child abuse. Each year, OVC transfers \$8.5 million to the Department of Health and Human Services, in accordance with current provisions of CJA, to administer the state grant program. OVC retains \$1.5 million to fund child abuse initiatives in Indian Country. Since CJA was established, OVC has provided nearly \$9 million in direct funding to 38 tribal programs in states with federally recognized tribes. I have attached to my testimony an OVC fact sheet on this subject. These funds are in addition to the millions of dollars each year that OVC administers through the state formula grant programs and its national scope training and technical assistance efforts which

both support child abuse victims.

When states must seek funding from multiple agencies with distinct goals and objectives and different funding requirements to support a target population, the result is often a *piecemeal* approach to the overall problem. OVC believes that, in the best interest of improving implementation and administrative oversight of Children's Justice Act funding and programs, CJA funding should be administered by the Department of Justice.

OVC currently administers funding for direct services to crime victims under the VOCA victim assistance grant program and for national scope training and technical assistance for justice system and allied professionals under VOCA's discretionary program authority. If this recommendation is adopted, designated state agencies applying for VOCA victim assistance dollars could receive funding under CJA from one agency and begin to develop comprehensive responses to child victims and witnesses. Likewise, OVC would be better positioned to couple its demonstration and discretionary funding authority to support training, technical assistance, and the development of model programs using both CJA and VOCA funding from the Crime Victims Fund.

Further, if the focus of CJA funding remains directed toward improving the investigation and prosecution of child abuse cases, the Department of Justice is in

the best position to provide guidance and technical assistance to grantees on policies, protocols, and training in the investigation and prosecution of child abuse.

Mr. Chairman, that concludes my formal remarks. I would be pleased to continue to work with this Subcommittee as you consider legislation to address the important issue of child victims. I would be pleased to answer any questions you or other members of the Subcommittee may have. Thank you.

STATEMENT

OF

**PATRICK J. COLEMAN
DEPUTY DIRECTOR OF POLICY AND MANAGEMENT
BUREAU OF JUSTICE ASSISTANCE
OFFICE OF JUSTICE PROGRAMS**

BEFORE THE

**SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
U. S. HOUSE OF REPRESENTATIVES**

ON

**MAY 12, 1999
WASHINGTON, D.C.**

Mr. Chairman and Members of the Subcommittee: My name is Patrick Coleman and I am the Deputy Director of Policy and Management for the Bureau of Justice Assistance in the Office of Justice Programs at the U.S. Department of Justice. Created by the Justice Assistance Act of 1984, the Bureau of Justice Assistance is mandated to support innovative programs to strengthen the nation's criminal justice system by helping state and local governments enhance their systems of prevention, apprehension, prosecution, adjudication, detention, and treatment of criminal offenders. BJA supports such initiatives through the administration of formula and discretionary grants to state and local jurisdictions as well as through training and technical assistance initiatives. I am pleased to be here today to discuss the availability of BJA funding, in particular that of the Byrne Formula Grant Fund, for use in enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect.

The prevention and intervention of child abuse and neglect is a matter of great importance to the Bureau of Justice Assistance (BJA). It is the responsibility of our federal, state, and local justice systems to work together to ensure that communities have the capacity to identify populations that are potentially vulnerable to abuse, to implement measures that wherever possible can contribute to the prevention of such abuse, and in the disheartening, but all too frequent

situations where it is required, to support the community's capacity to intervene in an abusive situation. Further it is essential that the capacity exists to intervene in a way that does not re-victimize the victims, while at the same time provides swift, sure, and just resolution to the case.

BJA has long supported, through funding, training, and technical assistance a wide variety of initiatives that seek to build community capacity to prevent and intervene in child abuse. Further, BJA continues to support efforts by law enforcement, juvenile justice, and corrections authorities, as well as other criminal justice and community-based organizations, to prevent and intervene in child abuse.

For example, BJA's Closed Circuit Televising (CCTV) of Children Who Are Victims of Abuse Grant Program allows eligible states and local units of government to obtain equipment and personnel training for closed-circuit televising and videotaping of the testimony of children in criminal child abuse proceedings. For FY 1999, \$1 million has been allocated for this program. The goals of this program are to demonstrate the effective and practical use of television and videotaping technology, to facilitate testimony of child witnesses for use in criminal proceedings; identify prototype programs; encourage the replication of effective programs using television and videotaping technologies in

other jurisdictions; develop and provide training and technical assistance to facilitate the success and replication of programs; and assess the effectiveness of funded programs. The American Bar Association's Center on Children and the Law conducted an evaluation of the CCTV program, which demonstrated that states were successfully able to use BJA funds to implement the use of closed-circuit television and videotape equipment and/or provide training.

Under the CCTV program, BJA also funds the Virginia Department of Criminal Justice Services to provide training and technical assistance to grantees about child testimony techniques and related technologies, as well as to organize a national conference on the use of closed-circuit and videotaped testimony.

Another example of BJA's work in this area falls under the Local Law Enforcement Block Grants (LLEBG) Program. Under this program, states and units of local government are able to use funds for child abuse and neglect prevention programs. South Carolina, Virginia, and Washington are all using part of their LLEBG State and Local Training and Education Assistance Program funds, a total of \$171,000 combined, to provide basic and advanced training in child abuse investigation and prosecution. These are a few examples of how BJA has supported communities in building capacity to address child abuse.

The Edward Byrne Memorial State and Local Law Enforcement Assistance

Program currently provides 26 broad legislatively created purpose areas that can be used at the discretion of state administrative agencies to fund crime and violence prevention and control programs. Currently under consideration is the possibility of creating a 27th purpose area to make it possible for states to use Byrne formula funds for "enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect." I think it important to consider at this point that there are already a number of purpose areas that can be and -- in fact -- are used to fund child abuse prevention and intervention programs.

For instance, purpose Area 18 states that Byrne funds may be used for "programs to improve criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse." Under the Byrne Formula Program, several states are using their funding for child abuse-related programs. A prime example is South Carolina, which funded three agencies to find ways to improve law enforcement's response to child abuse and neglect. South Carolina's program goals included increased investigators' skills in child abuse investigation, increased coordination among agencies responsible for child welfare, increased successful prosecution and penalties, decreased child abuse homicides, and increased knowledge of law enforcement officers and other professionals who come into contact with children as well as the general public in

recognizing signs of child abuse and reporting requirements. During FY 1997, over 1,200 individuals were investigated for allegations of abuse (this number includes elder abuse) and many of the victims were taken out of violent situations and placed in protective custody. All funded investigators attended at least two courses to increase their skills; courses included Obscenity and Child Pornography, Investigative and Prosecutorial Issues, and Court Practices for Children.

In total, states used approximately \$790,000 of Byrne formula monies in FY 1996, \$675,000 in FY 1997, and \$153,000 in FY 1998 to fund child abuse and neglect-related programs under Purpose Area 18. During these fiscal years, 23 programs were funded that specifically focused on prosecution of child abuse offenders, child abuse investigations, and child abuse/sexual assault task forces.

States are also using other Byrne Formula Grant Purpose Areas to fund child abuse and neglect prevention and intervention programs: one prosecution program was funded under Purpose Area 16: "Innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes." One other program that established a child abuse/sexual assault task force was funded under Purpose Area 2: "Multijurisdictional task force programs to integrate federal, state, and local drug law enforcement agencies and prosecutors

for the purpose of enhancing inter-agency coordination and intelligence and facilitating multijurisdictional investigations."

Other purpose areas which can be used to fund child abuse programs include:

4. Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs in rural jurisdictions.

10. Programs to improve the operational effectiveness of courts by expanding prosecutorial, defender and judicial resources and implementing court delay reduction programs. And

11. Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.

While the addition of another purpose area would aid in raising the profile of this important issue, child abuse and neglect issues are funded under current

Byrne purpose areas, as well as through other grant programs administered by BJA. Further, we have found other ways of raising the profile of important issues that may not be explicitly stated in purpose areas, but are clearly eligible for funding. Some of our outreach activities in the past include a letter to state administrative agency directors from the Attorney General about the potential use of Byrne funds to meet state and local adjudicatory system needs. Another mechanism we have used to promote criminal justice programs, is our National Policy Briefing series, which we have used to highlight promising practices in various criminal justice topics such as adjudication and violence prevention.

In conclusion, while there may be a benefit to adding a purpose area specifically for child abuse and neglect programs, the funding mechanisms to support such programs are already thoroughly provided for under current Byrne purpose areas. Furthermore, state administrators of Byrne Formula Grant funds have successfully used Byrne funds in the past for child abuse and neglect programs.

Mr. Chairman, that concludes my prepared remarks and I would be pleased to answer any questions you or other members of the Subcommittee may have.

Thank you.

Fax Transmission

3 pages (including this cover)

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FAX: 202-628-0302

E-Mail: tbirch@nasaa-arts.org

To: Nicole Rabner
From: Tom Birch, Legislative Counsel, National Child Abuse Coalition
Date: April 6, 1999

As promised, here is a draft article on child abuse prevention for your consideration should the First Lady wish to address this topic in her newspaper column. I have tried to weave together the research and information we use in our advocacy with some of the themes covered in past Presidential proclamations for Child Abuse Prevention Month.

Please let me know if I can be of help with providing more information.

Thanks again for your interest in our prevention initiatives. We had a very encouraging meeting last week with the Assistant Secretary for Elementary and Secondary Education, Judith Johnson, to discuss the possibility of including some attention to prevention of child maltreatment in ESEA as a strategy for addressing school readiness.

A handwritten signature in black ink, appearing to be 'Tom', with a long, sweeping underline that extends to the left and then curves back towards the right.

April is Child Abuse Prevention Month

All too often we hear disturbing and shocking news reports about a child who has been severely abused or abandoned or miserably neglected. While these may seem isolated incidents, recent reports from state child welfare agencies confirm that one million cases of substantiated child abuse or neglect occur in this country every year. Of the most serious cases -- the ones that make the news -- more than 1,000 children die each year. These are the youngest victims, particularly those under 5 years old, who are most severely battered, usually at the hands of a parent or other family member. In fact, deaths from abuse and neglect of the youngest children, which are often regarded as rare and tragic curiosities, outnumber deaths from falls, choking on food, suffocation, drowning, residential fires, and motor vehicle accidents.

Whether as parents, as family members or as citizens, everyone is responsible for preventing child abuse. We must do whatever we can to nurture our children and to create a safe and healthy atmosphere in which they can grow into sound, productive adults.

On the first day of April, Child Abuse Prevention Month, HHS Secretary Donna E. Shalala described the reports of child abuse and neglect as "an unacceptable human tragedy we must do more to prevent." Indeed, the horrors of physical or emotional trauma deny these children their childhood, and abused and neglect children often carry with them throughout their lives the psychological -- and physical -- scars of their maltreatment.

The consequences of not working to prevent harm to children are enormous. By addressing the prevention of child abuse we can go a long way -- because of what we know about the effects of child abuse -- toward preventing physically and mentally disabling conditions in children, toward reducing juvenile delinquency and the numbers of teenagers who run away, toward ending adolescent drug and alcohol addiction, and keeping young people from the trap of prostitution and pornography. Finally, prevention means working to break the generational cycle of child abuse, because children who are abused can learn at home that violence is an acceptable way to handle their problems and can grow up to be parents who abuse their own children.

Consider these possibilities.

Child abuse prevention fights crime, because the victims of child abuse are more likely to engage in criminality later in life. Over two-thirds of youths arrested have a prior history of abuse and neglect.

Preventing child maltreatment helps to prevent failure in school, because abused and neglected children often suffer poor prospects for success in school

Preventing child abuse can help to prevent disabling conditions in children, because the serious physical abuse of children can result in brain damage, mental retardation, cerebral palsy, and learning disorders.

Fortunately, we have begun to learn ways to succeed in preventing child abuse and neglect. Communities around the country are already working in small ways to support families with services that help to relieve the stress and pressures of raising children in a complex and often isolating society. There are programs for new parents offering support and information about caring for a new baby and what to expect in a child's development.

Parenting education groups and family resource centers, home visitors and peer-parent support groups can confront a symptom before it becomes a crisis, like teaching a parent how to deal with a baby who won't stop crying, or a youngster who wets the bed, the very kinds of situations which child protection agencies tell us can end in senseless and tragic deaths. These innovative programs work to protect children from harm and to mitigate the stresses on families that can ignite violence in the home. Program evaluations show reductions in child maltreatment and other healthy outcomes for parents and families in communities focusing on prevention.

The work of preventing harm to children begins in our neighborhoods and hometowns. We all have a role to play, joining hands with our community organizations, businesses, religious groups, schools, law enforcement, other parents and family members – everyone who has a stake in the future of our families. We all benefit when families are strong and children are healthy.