

Keeping Kids Safe

The Stop Child Abuse in Residential Programs for Teens Act of 2008

H.R. 5876, Bill Summary

An estimated 20,000 to 30,000 U.S. teenagers attend private residential programs – including therapeutic boarding schools, wilderness camps, boot camps, and behavior modification facilities – that are intended to help them with behavioral, emotional, or mental health problems. Depending on the state where they are located, some of these programs are regulated; some are not. As a result of this loose patchwork of regulations, reports of child abuse at the programs have frequently gone unchecked. The Government Accountability Office found thousands of allegations of child abuse and neglect at private residential programs for teens between 1994 and 2007. Tragically, in a number of cases, this abuse and neglect led to the death of a child.

To address this urgent problem, the “Stop Child Abuse in Residential Programs for Teens Act of 2008” (H.R. 5876) would:

Keep teens safe with new national standards for private residential programs

Specifically, the legislation would:

- Prohibit programs from physically or mentally abusing children in their care;
- Prohibit programs from denying children essential water, food, clothing, shelter, or medical care – whether as a form of punishment or for any other reason;
- Require that programs only physically restrain children if it is necessary for their safety or the safety of others, and to do so in a way that is consistent with existing federal law on the use of restraints;
- Require programs to provide children with reasonable access to a telephone and inform children of their right to use the phone;
- Require programs to train staff in understanding what constitutes child abuse and neglect and how to report it; and
- Require programs to have plans in place to provide emergency medical care.

Prevent deceptive marketing by residential programs for teens

Specifically, the legislation would:

- Require programs to disclose to parents the qualifications, roles, and responsibilities of all current staff members;
- Require programs to notify parents of substantiated reports of child abuse or violations of health and safety laws; and
- Require programs to include a link or web address for the website of the U.S. Department of Health and Human Services, which will carry information on all private residential programs.

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Hold teen residential programs accountable for violating the law

Specifically, the legislation would:

- Require the U.S. Department of Health and Human Services to conduct unannounced site inspections of every private teen residential program in the country at least once every two years;
- Give HHS the authority to assess civil penalties of up to \$50,000 against programs for every violation of the law; and
- Give parents the right to sue in federal court program operators that violate national standards.

Ask states to step in to protect teens in residential programs

Two years after enactment, the legislation would provide certain federal grant money to states only if they develop their own standards (that are at least as strong as national standards) for residential programs for teens and inspect the programs at least once every two years. The national standards would remain in place and parents would retain their ability to sue in federal court. The Department of Health and Human Services would continue to inspect programs, but would not have to conduct inspections of every program every two years in states that have adopted and are effectively enforcing their own standards. In addition, the legislation would require HHS to investigate any death or pattern of violations at a program.