

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairman Miller Statement at Committee Hearing on “Child Abuse and Deceptive Marketing by Residential Programs for Teens”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the chairman of the House Education and Labor Committee, for a committee hearing on “Child Abuse and Deceptive Marketing by Residential Programs for Teens.”*

Good morning. Welcome to today’s hearing on “Child Abuse and Deceptive Marketing by Residential Programs for Teens.”

Last October, this Committee heard from the parents of three children who died in private residential programs as a result of the abuse and neglect they experienced at the hands of staff members.

The stories these parents told left everyone in this room stunned, heartbroken, and angry.

Bob Bacon testified that program staff members mocked his son, Aaron, when the 16-year-old boy asked for medical help, calling him a “faker.” For weeks, the staff deprived Aaron of adequate food and water – even when his weight loss became frighteningly apparent.

Cynthia Harvey told the committee that program staff members waited 45 minutes before summoning appropriate medical care for her daughter, Erica, who had collapsed and was having difficulty breathing.

Paul Lewis testified that program staff members ignored his son Ryan’s obvious signs of emotional distress, denying him the psychiatric care that could have saved his life.

In each of the three cases, it was clear from the parents’ testimony that the deaths of their children were preventable. Untrained and uncaring staff, reckless management, and irresponsible operating practices permitted these horrible tragedies to occur.

Sadly, the deaths of Aaron, Erica, and Ryan were not isolated cases.

The Government Accountability Office found thousands of allegations of abuse and neglect at private residential programs for teens between 1990 and 2007.

The abuses included staff members forcing children to remain in so-called “stress” positions for hours at a time; to undergo extreme physical exertion without food, water, or rest; and to eat their own vomit.

The purpose of today’s hearing is to gain a better overall understanding of the industry in which these types of abuses have been allowed, in many cases, to continue almost unchecked.

Specifically, we will learn more about where these programs operate, the loose patchwork of state laws that govern them, and how they market themselves to parents.

We will also discuss legislation that Congresswoman McCarthy and I have introduced to keep kids safe in residential programs.

Residential programs for teens – which come in a variety of forms, including therapeutic boarding schools, wilderness camps, boot camps, and behavior modification facilities – have sprung up in greater numbers since the 1990s.

As we will hear today, a number of these programs use deceptive marketing practices to appeal to parents.

They claim to be subject to independent inspections that never happen.

They claim to offer services that they don’t, like schooling with transferable education credits.

They assure parents that health insurance will cover the cost of their services when in reality it won’t.

Programs are aided in these deceptions by their relationships to ancillary service providers, like referral services.

While referral services purport to offer independent advice to parents about which programs would be best for their children, the truth is that at least some of the referral services operate with significant conflicts of interest.

This tangled web of deception, fraud, and conflicts of interest makes it extremely difficult for parents to judge whether any of these programs offer a safe, professional, high-quality environment for their children.

We know that there are many programs and many people around the country who are committed to helping improve the lives of young people and who do good work every day, but it is difficult for parents to tell the good programs from the bad.

Making matters worse, these programs often operate free of minimum standards of care. It is estimated that hundreds of the programs operate nationwide, with anywhere from no regulation whatsoever to some regulation.

Even the information that states collect on many of these programs is limited. Indeed, in a survey conducted by the GAO, state agencies in 45 states could not say whether deaths had occurred at exclusively private residential programs for teens in 2006.

The legislation that Congresswoman McCarthy and I have introduced will end the federal government's longstanding failure to address this nightmare of abuse and neglect.

The goal of our legislation is simple – we want to keep children safe.

The legislation will require the U.S. Department of Health and Human Services to establish minimum standards that all programs must meet, including prohibitions on the physical and mental abuse of children and requirements that programs provide children with adequate food, water, and medical care.

These standards will also include new training requirements for program staff members, including how to identify and report child abuse.

The legislation will require HHS to set up a hotline for people to call to report abuse at these programs. It will also require HHS to create a website with information about each program, so that parents can look to see if substantiated cases of abuse have occurred at a program that they are considering for their kids.

The legislation will require HHS to enforce these standards by inspecting program facilities and, when there are violations, by issuing civil penalties of up to \$50,000 per violation. Within three years, the legislation would call upon the states to take up this role of setting standards and enforcing them.

We have an obligation to keep kids safe no matter what setting they are in, and this legislation would take the first step toward finally ending the horrific abuses that have gone on for too long in private residential programs for teens.

We must treat this issue with the urgency it demands by acting on this legislation quickly.

Individuals who have themselves lived through this abuse are in the hearing room today, as are family members of abuse victims. I want to thank you all for being here to remind us why this issue is so important.

I also want to thank all of our witnesses. We appreciate that you took the time to be with us today and we look forward to hearing your testimony.

Thank you.

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