

Honorable George Miller (D-CA)
Chairman, House Education and Labor Committee
Opening Statement at Committee Markup of H.R. 5876
The Stop Child Abuse in Residential Programs for Teens Act of 2008
Wednesday, May 14, 2008

Good morning.

Today our committee is considering important legislation to stop child abuse in residential programs for teenagers.

The Government Accountability Office has uncovered thousands of allegations of abuse at teen residential programs, including therapeutic boarding schools, boot camps, wilderness camps, and behavior modification facilities, occurring between 1990 and 2007.

This Committee has closely examined a number of cases of child abuse and neglect, including cases that resulted in the death of a child.

What we have learned is shocking, infuriating and heartbreaking.

We have heard stories about program staff members forcing children:

- to remain in so-called “stress” positions for hours at a time;
- to undergo extreme physical exertion without adequate food, water, or rest;
- to stand with bags over their heads and nooses around their necks in mock hangings;
- and to eat foods to which they are allergic, even as they get sick.

We have heard from parents of children who died preventable deaths at the hands of untrained, uncaring staff members.

We have heard from adults who attended these programs as teens. They, too, were victims of physical and emotional abuse and witnessed other children being abused.

These abuses have been allowed to continue unchecked because of the weak patchwork of regulations governing teen residential programs.

It is estimated that tens of thousands of children are enrolled in residential programs. In many states, many of these programs operate with no meaningful oversight.

Parents often send their children to these programs when they feel they have exhausted their alternatives. Their children may be abusing drugs or alcohol, attempting to run away or physically harm themselves, or otherwise acting out.

Parents send their children to these programs, which sometime charge exorbitant tuitions, because of the promise that staff members will be able to help children straighten their lives out.

In far too many cases, however, the very people entrusted with the safety, health, and welfare of these children are the ones who violate that trust in some of the most horrific ways imaginable.

We have learned a great deal from the GAO about the programs' irresponsible operating practices that put kids at risk, and about the deceitful marketing practices that programs use to lure parents desperate for help for their kids.

In addition, the GAO found examples of referral service providers that claim to offer independent advice to parents about programs operate with significant conflicts of interest.

We know that there are many programs and people around the country who are committed to helping improve the lives of young people and who do good work every day.

But unfortunately, it can be extremely difficult for parents to tell the good programs from the bad.

The legislation before us today, H.R. 5876, would help keep children safe in residential programs and help ensure that parents have the information they need to make safer choices for their kids.

The legislation requires the U.S. Department of Health and Human Services to establish minimum standards for all programs and to enforce those standards.

With children's health and safety at risk, this federal role is a necessary recognition that we are dealing with an emergency and we cannot wait for the states to act.

Ultimately, however, the states will be primarily responsible for carrying out the work of this bill. The legislation calls upon the states, within three years, to take up the role of setting standards and enforcing them.

The HHS and state standards would include prohibitions on the physical, sexual, and mental abuse of children.

The standards would require that programs provide children with adequate food, water and medical care.

They would require that programs have plans in place to handle medical emergencies.

They would also include new training requirements for program staff members, including training on how to identify and report child abuse.

The legislation requires HHS to set up a toll-free hotline for people to call to report abuse at these programs.

It also requires 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.

Finally, the legislation helps prevent programs from using deceptive marketing tactics to target parents.

It requires programs to disclose to parents the qualifications, roles and responsibilities of all current staff members, and it requires programs to notify parents of substantiated reports of child abuse or violations of health and safety laws.

I would like to thank Congresswoman McCarthy for her hard work and partnership in introducing this legislation.

I would also like to thank the former program participants and the parents who have so bravely shared their stories with us.

I think we can all agree that we have a responsibility to keep kids safe no matter what setting they are in.

Today we are taking the first step towards finally ending the horrific abuses that have gone on for far too long in residential programs for teens.

I urge all my colleagues to join us in passing this vital legislation.

Thank you.

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