

February 23, 2009

Dear Representative:

We understand that the House of Representatives may soon consider H.R. 911, the Stop Child Abuse in Residential Programs for Teens Act of 2009. I write on behalf of the American Bar Association (ABA) to express our strong support for this legislation aimed at preventing abuse and neglect of children and young people in residential treatment programs in the United States. We urge members of the House to support H.R. 911, so that it may soon become law.

H.R. 911 was introduced on February 9, 2009 by Representatives George Miller (D-CA) and Carolyn McCarthy (D-NY) and approved by a 32-10 vote by the Education and Labor Committee February 11, 2009. Similar legislation passed the House with broad bipartisan support in the 110th Congress. Committee hearings held in October 2007 and April 2008 included extensive testimony regarding abuse of youth and marketing claims by programs that deceive vulnerable parents about what is truly taking place in many residential programs for youth that are not currently accountable to the public. These programs are part of a largely unregulated industry: while day care facilities, nursing homes, and hospitals are required to meet state operational standards, many residential treatment programs, which care for and house some of our nation's most vulnerable youth, remain largely unmonitored by any state or federal regulatory bodies. A recently issued GAO report on residential therapy, outdoor wilderness, and boot camp programs found that during 2005 alone, 33 states reported 1,619 staff members involved in incidents of abuse in such residential programs.

The ABA has long supported federal and state legislation to improve the protection of children and youth, as now would be extended to private treatment facilities by the proposed Act. In February 2007, the ABA urged enactment of state, territorial, and tribal laws to require licensing, regulation, and monitoring of privately operated residential treatment facilities not funded by public or government systems for at risk children and youth under age 18. We thus support this much-needed legislation to create new federal support for states to require licensure of, or otherwise regulate, private residential treatment facilities. We also strongly support the provision in H.R. 911 to require ongoing monitoring and enforcement of program operational standards.

By defining clearly which programs are included and imposing minimum legal requirements to operate and maintain them, including standards regarding staff

qualifications and residents' physical and emotional safety, H.R. 911 will help to assure that the facilities will actually meet the educational, mental health, and other treatment needs of teens that reside there. Parents of troubled children need to be given greater confidence when they place their child in a residential facility that their child will be safe and properly cared for, that the child's human rights and dignity will be protected, and that the staff of the facility is appropriately qualified to help their child.

For these parents, the Stop Child Abuse in Residential Programs for Teens Act represents a significant and necessary federal step to help protect American children and youth from abuse and neglect in residential care. We urge House members to vote for passage of H.R. 911.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman