

June 16, 2008

Dear Representative:

We understand that the House of Representatives may soon consider H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act. I write on behalf of the American Bar Association (ABA) and its more than 400,000 members nationwide 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. 5876, so that it may soon become law.

H.R. 5876 was introduced on April 23, 2008 by Representatives George Miller (D-CA) and Carolyn McCarthy (D-NY) and approved by Education and Labor Committee May 22, 2008. 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 legislation to improve the protection of children and youth, as now would be extended to private treatment facilities by the proposed Act. Most recently, in February 2007, our Association urged enactment of state, territorial, and tribal laws to require licensing, regulation, and monitoring of residential treatment facilities not funded by public or government systems for at risk children and youth under age 18 but rather functioning as privately-operated overnight facilities. Based on this policy, we 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. 5876 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. 5876 will help to assure that the facilities will actually meet the educational, mental health, and other treatment needs of teens to 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 their human rights and dignity will be protected, and that the staff of the facility is appropriately qualified to help their child.

For such 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. 5876.

Sincerely,

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

Thomas M. Susman
Director