

February 9, 2009

The Honorable George Miller
Chair, Committee on Education and Labor
United States House of Representatives
2205 Rayburn Office Building
Washington, DC 20015

The Honorable Howard McKeon
Ranking Member, Committee on Education and Labor
United States House of Representatives
2101 Rayburn Office Building
Washington, DC 20015

Dear Chairman Miller and Ranking Member McKeon:

We understand that the Committee may soon consider the Stop Child Abuse in Residential Programs for Teens Act. 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. Similar legislation was approved by the Committee and passed the House with broad bipartisan support in the 110th Congress. We urge the Committee to approve the Stop Child Abuse in Residential Programs for Teens Act and report it to the full House for early consideration.

A 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 these residential programs. 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.

The American Bar Association has long supported federal and state legislative efforts to improve the protection of children and youth. 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 that are not funded by public or government systems for at risk children and youth under age 18 but that function as privately operated overnight facilities. Based on this policy, the ABA supports the provision in your bill to create new federal support for states to require licensure of, or otherwise regulate, private residential treatment facilities. We further support requiring government monitoring and enforcement of program operational standards. By clearly defining 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, the proposed legislation

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 that, when they place their child in a residential facility that their child will be safe and properly cared for, the child's human rights and dignity will be protected and that the staff of the facility will be 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.

Sincerely,

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

Thomas M. Susman
Director

cc: Members of the Committee