



FOR RELEASE – EMBARGOED UNTIL APRIL 29

NEWS CONFERENCE CALL TODAY AT 3PM IN WASHINGTON, DC
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ABUSED CHILDREN DYING UNDER SHROUD OF STATE SECRECY

*Report Shows Most States Fail to Release Information Critical to
Exposing and Resolving Systemic Problems in Child Abuse Prevention Systems*

Two National Child Advocacy Groups and Congressional Leaders Advocate for Greater Transparency

WASHINGTON DC, April 29, 2008 – The majority of U.S. states fail to release adequate information about fatal and life-threatening child abuse cases, adhering to misguided and secretive policies that place confidentiality above the welfare of children and prevent public scrutiny that would lead to systemic reforms, according to a report released today by First Star and the University of San Diego School of Law’s Children’s Advocacy Institute (CAI), two leading national child advocacy groups.

Only a handful of states fully comply with the legislative intent of federal law mandating public disclosure of the deaths and near deaths of abused or neglected children, according to the report, entitled *State Secrecy and Child Deaths in the U.S.* The report’s authors argue that states withhold critical information that would hold child welfare systems accountable and avert future tragedies. First Star and CAI released their findings at a Capitol Hill briefing today.

The report issues letter grades from “A” to “F” based on an analysis of the child death and near death disclosure laws and policies of all 50 U.S. states and the District of Columbia. Only six states – Nevada, New Hampshire, California, Indiana, Iowa and Oregon – receive top grades of “A” or “A-.” Twenty-eight states receive a “C+” or lower grade. Ten states flunked entirely: Georgia, Maryland, Montana, New Mexico, North Dakota, Pennsylvania, South Dakota, Tennessee, Utah and Vermont received a grade of “F” (see attached chart).

“When abuse or neglect lead to a child’s death or near death, a state’s interest in confidentiality becomes secondary to the interests of taxpayers, advocates and other children, who would be better served by maximum transparency,” said Amy Harfeld, First Star’s Executive Director and a co-author of the report. “Once we know what is broken, we can try to fix it.”

Approximately 1,500 children die each year in the U.S. as a result of child abuse and neglect. Countless more suffer life-threatening injuries. First Star and CAI are calling on Congress and individual state Legislatures to adopt stronger policies and laws that demand closer examination of the handling of child abuse cases that result in child deaths or near deaths.

“The current emphasis on confidentiality only masks the problems inherent in child protection systems,” said Robert C. Fellmeth, CAI Executive Director and Price Professor of Public Interest Law at the USD School of Law. “Public exposure is a critical step toward fixing these problems.”

All 50 states and the District of Columbia accept federal funds under the Child Abuse Prevention and Treatment Act (CAPTA). To be eligible for funding, states are supposed to have provisions that “allow for public disclosure of the findings or information about” abuse or neglect cases that result in child death or life-threatening injuries. But few states adequately comply, in part because the public disclosure requirement in CAPTA leaves too much room for interpretation.

The Report highlights Massachusetts as an example of a state in need of reform. In Massachusetts in 2005, Haleigh Poutre, then 11, was allegedly beaten into a coma by her foster parents. The Department of Social Services had received and dismissed at least 14 separate reports of prior suspected abuse.

First Star and CAI are pushing for changes in state and federal laws, including:

- **Clarified language in federal law (CAPTA).** CAI and First Star acknowledge that the public disclosure mandate as written in federal law is vague and leaves too much room for interpretation. They support changes that would clarify and strengthen disclosure requirements so states know how to comply with the intent of the legislation.
- **Amendments to state policies and laws.** To make disclosure policies more enforceable, the advocacy groups want state Legislatures to more clearly articulate and strengthen their policies and modify their statutes to require maximum transparency in cases of death and near death caused by abuse or neglect.
- **Separating disclosures from criminal proceedings.** Currently, some states, such as Minnesota and North Carolina, will not release information about a child fatality or near fatality unless a person is criminally charged. Disclosures should not be dependent on a district attorney’s decision to prosecute.

“Child abuse deaths and near deaths reflect the system’s worst failures,” said CAI’s Emily Reinig, the report’s chief author. “Unfortunately, it is often only through such cases that lawmakers and the public learn of systemic inadequacies in child welfare systems. Until state laws require the regular release of accurate and unfiltered information, an informed public discussion cannot occur. Public access to the facts will protect children and save lives.”

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About First Star

First Star is a national 501(c)(3) non-profit organization dedicated to strengthen the rights and improve the lives of America’s abused and neglected children through education, public policy, legislative reform, and litigation. 1666 K Street NW Suite 300 | Washington, D.C. 20006 | (202) 293-3703 | www.firststar.org

About The Children’s Advocacy Institute

The Children’s Advocacy Institute, of the University of San Diego School of Law, works to improve the health, safety, and well being of children. In addition to its academic component, CAI engages in regulatory and legislative advocacy, impact litigation and public education in order to ensure that children’s interests are represented effectively whenever and wherever government makes policy and budget decisions that will impact them. 5998 Alcalá Park | San Diego, CA 92110 | (619) 260-4806 | www.caichildlaw.org

GRADES

AT A GLANCE

Jurisdiction	Grade
Alabama	B-
Alaska	C
Arizona	B
Arkansas	C-
California	A-
Colorado	D
Connecticut	B-
Delaware	C
District of Columbia	B-
Florida	B+
Georgia	F
Hawaii	B-
Idaho	B-
Illinois	B+
Indiana	A-
Iowa	A-
Kansas	B
Kentucky	C-
Louisiana	C-
Maine	D+
Maryland	F
Massachusetts	D-
Michigan	B-
Minnesota	B
Mississippi	B-

Jurisdiction	Grade
Missouri	B-
Montana	F
Nebraska	C+
Nevada	A
New Hampshire	A
New Jersey	B-
New Mexico	F
New York	B+
North Carolina	C
North Dakota	F
Ohio	C+
Oklahoma	C+
Oregon	A-
Pennsylvania	F
Rhode Island	C-
South Carolina	C
South Dakota	F
Tennessee	F
Texas	C+
Utah	F
Vermont	F
Virginia	C-
Washington	B
West Virginia	B-
Wisconsin	D
Wyoming	D+