



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**CCD AD HOC CHILD ABUSE PREVENTION TASK FORCE
2010 ANNUAL REPORT**

(January 2011)

The Task Force on Child Abuse Prevention met on an ad hoc basis, primarily via email. CCD co-chairs worked as liaisons for CCD to the National Child Abuse Coalition. Co-chairs monitored and shared information on all legislative activity related to abuse and neglect providing input to legislative proposals that affect children with developmental and other disabilities. Co-chairs participated in National Child Abuse Coalition discussions regarding the reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA), continued advocating for CCD recommendations for amendments to CAPTA. The Task Force also worked to promote passage of HR 4247, a bill to prevent and reduce the use of physical restraint and seclusion in schools, introduced by Chairman of the Education and Labor Committee, Rep. George Miller.

CAPTA is the only federal program that provides primary prevention activities. It was reauthorized in 2003 as the Keeping Children Safe Act of 2003 (PL 108-36). The amended law contains several improvements that help refer children who are maltreated for early intervention services, as well as additional Child Abuse Task Force recommendations that helped put more emphasis on primary prevention of abuse and neglect, i.e. *before* a child enters Child Protective Services. However, more improvements were needed to ensure that these children get the services they need to thrive. The program expired in 2008 and we had the opportunity to continue to make improvements in CAPTA in this reauthorization.

On December 3, 2010, the Senate passed S.3817, the Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010 by unanimous consent. With only minor changes to Title I, the House approved the bill on December 8 under suspension of the rules and sent it back to the Senate for final passage. The Senate filed Report 111-378 on Dec. 14. The President signed the reauthorization into law on Dec. 20, 2010 (PL 111-320).

The new law includes our Task Force recommendations for Title II, the Community –Based Child Abuse Prevention Grants to make respite a “core” prevention service and to strengthen language regarding the required involvement of parents of children with disabilities and

parents with disabilities. In Title I, many of CCD's recommendations to conduct research and collect data regarding the nexus between abuse and neglect and disabilities were included.

A list of CCD's recommendations that are included are listed below.

- Throughout: "disabled infants" becomes "infants or toddlers with disabilities". "Infant or toddler with a disability" has the meaning given the term in IDEA.
- Sec. 104(a) Research programs may focus on "(K) the impact of child abuse & neglect on the incidence and progression of disabilities"
- Sec. 105(a)(1) Secretary may award grants to public or private organizations
 - o (E) "for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting agency collaboration"
 - o (D) "for training to support the enhancement of linkages among CPS agencies and health care agencies, entities providing physical and mental health services, community resources, and DD agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships"
- Sec. 106(d) Annual State Data Report: report shall include "(16) the number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under Part C of the [IDEA]"
- Sec. 108(d) Sense of Congress: the Secretary should encourage all states and public and private entities that receive assistance under this title to: "(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities"
- Sec. 206(a)(3)(A) amended to include respite care services to the list of core child abuse and neglect prevention services.

In addition to participating in the reauthorization of CAPTA, the Task Force will continue to monitor other maltreatment legislative proposals that affect children with disabilities, including HR 4247, to prevent and reduce the use of physical restraint and seclusion in schools, introduced by Chairman of the Education and Labor Committee, Rep. George Miller. The bill passed the House on March 3, 2010 and was referred to the Senate. The Senate companion, S. 2860, was introduced by Senator Dodd. However, neither bill was taken up by the Senate HELP Committee where they were referred due to difficulty obtaining a Republican cosponsor. On September 29, 2010, a bipartisan bill (S. 3895) was introduced in the Senate, sponsored by Sens. Chris Dodd (D-CT) and Richard Burr (R-NC). Unfortunately, the bill was not able to move forward largely due to certain provisions that were changed in order to gain bipartisan support. One provision addressing the inclusion of restraint and seclusion in a student's Individualized Education Program created controversy within the disability community. Although the disagreement related mostly to strategy in moving the bill forward rather than policy, the resulting controversy stalled the bill and eventually prevented it from moving forward in the 111th Congress. Sen. Dodd retired this year, but Sen. Burr and Rep. Miller remain committed to the issue. The biggest hurdle is likely to be moving a bill through the House; the Education & Labor Committee's new Chairman, John Kline (R-MN), was not in favor of the House bill.

Co-Chairs in 2010:

- **Kim Musheno**, Association of University Centers on Disabilities
- **Jill Kagan**, National Respite Coalition