

COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES

MEETING MINUTES

Washington, D.C.

February 24, 2014

“This is not just a body-count commission, as tragic as that count may be. This is not about death, but life, and the type of life we want these children to have—one free of abuse and neglect.”

--U.S. Rep. Lloyd Doggett, 35th District, Texas. Doggett was the sponsor of the Protect Our Kids Act of 2012, which created the Commission to Eliminate Child Abuse and Neglect Fatalities

The initial meeting of the Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF) took place in Washington, D.C., on February 24, 2014. Commissioners introduced themselves and set the stage for working together during the next two years.

BACKGROUND

This first meeting covered the history that led to the creation of CECANF: Why is this commission necessary, and why now? There is little national awareness of the magnitude of the problem of child deaths from abuse or neglect. Data collection often is incomplete, incompatible, and not accessible in a single place. Deaths from abuse or neglect are most likely undercounted. There is not enough known about what works to prevent fatalities and how successful programs and strategies operate. This was the backdrop to the founding of the commission.

Several conferences and reports, including a U.S. Government Accountability Office (GAO) report on the inadequacy of data, led to the passage of the Protect Our Kids Act of 2012, which created CECANF. This legislation had strong bipartisan support and is based on the premise that deaths from abuse or neglect are preventable. The act charges the commission with making recommendations within two areas of focus: (1) improving policy and practice to reduce fatalities, and (2) measuring the true extent of fatalities and using data to inform policy decisions to prevent them.

Expectations

Commissioners articulated their expectations for CECANF and for their recommendations. Goals included the following:

- Increased understanding of the problem at the national level
- Uniform and cross-system data collection

- Effective, comprehensive, cross-system approaches to address the problem
- More effective strategies for jurisdictions to keep children from falling between the cracks
- Recommendations that can be turned into practical, fundable national policies
- More attention to prevention of abuse and neglect as a strategy
- An analysis of what is working and what is not
- Increased emphasis on community involvement
- Engagement of tribal communities to be part of the solution
- *Elimination* of deaths from abuse or neglect, not just reduction of deaths.

The commission has an historic opportunity to make a difference—in federal, state, and local policy, and more specifically in the lives of thousands of children and families. CECANF can be the hub for local commissions also working to prevent fatalities, but this commission’s focus is on looking at *national* policy and funding streams.

The Commission’s Charge Under the Protect Our Kids Act of 2012

CECANF reports directly to Congress and to the president. The foundation of their charge is that deaths from child abuse or neglect are preventable. A better understanding of the data and of the extent of the problem can lead to improved policy and practice. Specifically, the legislation charges the commission with the following:

- Examining the effectiveness of existing policies, practices, and services, specifically those funded under titles IV and XX of the Social Security Act
- Recognizing the importance of cross-system work
- Analyzing demographic trends
- Improving data collection in general and across systems
- Producing recommendations that are feasible and implementable around improvement of practice and policy to prevent fatalities, improvement of measurements, and use of data to review policy and research

SPEAKER PRESENTATIONS

The commission heard from experts who outlined the intent of the legislation that created CECANF and offered an overview of previous panels, commissions, reports, and recommendations about preventing fatalities from child abuse or neglect. These speakers set the stage for future discussions of what is currently known about the problem and its context. The speakers urged the commission to discuss mental health as a factor, to look at the barriers to preventing fatalities, to look for the red flags that could predict future

violence in order to stop it, and to suggest ways to prioritize services for those most in need of help.

CECANF Commissioners Theresa Covington and Michael Petit

Commissioners Covington and Petit both worked to build momentum for CECANF through their involvement with child death review panels. They pointed out that children die from abuse or neglect in states and jurisdictions across the country, but there is little urgency to address the problem at a national level. CECANF will do that.

Research about effective programs exists, but it has never risen to the level of informing legislation and implementation. A 2009 report by the Every Child Matters Education Fund pointed out that the existing data often is in different places, which has contributed to undercounting the actual number of children who have died from abuse or neglect. Children and families often are known to more than one system, but the systems do not communicate and families do not get help when they need it.

U.S. Rep. Dave Camp of Michigan commissioned a report from GAO on undercounting of deaths from abuse or neglect and held a hearing at the House Committee on Ways and Means. There was strong, bipartisan support, from both members and staff, for legislation to address the problem. This support led to the Protect Our Kids Act of 2012, sponsored by Rep. Lloyd Doggett of Texas.

Kurt Heisler, Research Analyst, Office of Data, Analysis, Research, and Evaluation; Administration on Children, Youth and Families (ACYF), U.S. Department of Health and Human Services (HHS)

The federal effort to collect child abuse and neglect data goes back decades with the Child Abuse Prevention and Treatment Act (CAPTA), which established a national database. The National Child Abuse and Neglect Data System (NCANDS) grew from that act. States submit data every 12 months to NCANDS via a web portal that allows HHS to report out in a uniform manner, despite differences in state laws and terminology.

Heisler described the reporting process, starting from the first allegation of abuse or neglect. In cases of child fatalities, HHS asks the state or jurisdiction to report on involvement of other systems, such as the district attorney or medical examiner's office, and to indicate whether its report includes data from these other systems. States and jurisdictions have different reporting requirements, which has an impact on the understanding of fatalities across states. California, for example, only reports out after cases have been audited.

In addition, participation in NCANDS is voluntary, not mandatory. If states choose to accept CAPTA funding for programs, however, they are obligated to report their data. Despite the fact that data is self-reported and voluntary, Heisler says that NCANDS is generally reliable and shows trends similar to other reports of abuse and neglect data.

Under CAPTA, states report:

- The number of fatalities due to abuse or neglect
- The number of those fatalities that involve children who were in foster care
- The number of fatalities that involve children with prior child protective services (CPS) involvement, including the number abused by parents or principal caretakers after reunification

The Child and Family Services Improvement and Innovation Act of 2011 required states to describe in their child welfare plans the data sources they use for reporting child deaths, including state statistics, child death review teams, law enforcement agencies, and offices of medical examiners or coroners. States are not required to consult all of these sources, however; they are only required to list the sources they used. States do not routinely collect reports on near fatalities or cases not involved with CPS.

Catherine Nolan, Director, Office on Child Abuse and Neglect; Children’s Bureau, ACYF, HHS

Nolan focused her presentation on pre-CECANF commissions and federal efforts to address child fatalities. She included a recent history of relevant federal legislation and agencies dedicated to child welfare. The oldest of these agencies is the Children’s Bureau, which includes an office focused on child abuse and neglect. The Children’s Bureau, Nolan explained, is the focal point for collaborative efforts and special initiatives to prevent abuse and neglect and oversees NCANDS reporting, the Child and Family Services Reviews, and examination of child fatality review teams.

She cited a 1995 report by the U.S. Advisory Board on Child Abuse and Neglect—*A Nation’s Shame: Fatal Child Abuse and Neglect in the United States*—that exposed the lack of knowledge about the scope of fatalities and offered 26 recommendations to improve investigations, services, and training. Expansion of child death review teams to all 50 states was one significant result of this call to action. The recommendations also included increasing primary prevention, expanding home-based services, and integrating child abuse and domestic violence services.

Nolan cited numerous studies and federal programs to investigate child deaths and prevent fatalities. They include the following:

- A report by the Maternal and Child Health Bureau (MCH) under HHS offered advice to the federal government to guide consistency of fatality reviews. (MCH later provided funding for the National Center for Child Death Review.)
- The Children’s Justice Act of 1986 provides grants to states to improve handling of child abuse and neglect cases in general, including fatalities where abuse or neglect is suspected. Sixteen states use these funds for child death reviews.
- The Child and Family Services Improvement and Innovation Act of 2011 provides grants to state child welfare agencies for community-based prevention

efforts, including shaken baby syndrome prevention programs and safe sleep education in the community.

- The Child and Family Services Reviews include a focus on safety outcomes for each state.
- A study by a private contractor examined best practices for fatality reviews, including cross-system participation and data collection. This report concluded that child deaths and near fatalities are sentinel events and clear markers of the health and safety of a community. Recommendations focused on public education, improvement of policy and practice, and agency collaboration.

Commissioners responded with questions about funding, prevention and the barriers to prevention, outcomes of programs funded so far, data beyond NCANDS, and much more. They were setting the stage.

Rep. Lloyd Doggett, Texas

Rep. Doggett sponsored the Protect Our Kids Act. He talked about the situation in Texas, which leads the nation in having the highest incidence of child fatalities from abuse or neglect. He called on the commission to deliver a blueprint for change in Texas and throughout the country. He pointed out that CECANF's mandate includes examination of federal, state, and local policies and resources.

Doggett advised the commissioners not to limit their horizons, but to go where the evidence takes them in formulating their recommendations. Ultimately, he pointed out, this is a commission not about death, but about life. He said that he hopes the commission will not wait two years to provide evidence of their progress but will provide Congress with interim recommendations. Doggett asked them to help Congress learn how to use existing resources more effectively and to identify actions that can be taken without legislative activity, but he added that if they see the need for additional funding, they should make that recommendation. He invited the commission to meet in San Antonio, where the child fatality problem is significant and where many people and a lot of resources are focused on it.

LOOKING AHEAD AND DEVELOPING A WORK PLAN

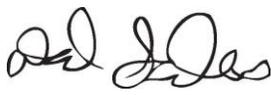
Commissioners discussed plans for their work together during the next two years. The following issues emerged for inclusion in an initial work plan:

- **Defining the scope of the problem.** What do we know now about the extent of the problem, and how do we get additional information to fill the gaps and help inform the commission's recommendations? A list of questions will be compiled and sent to the Administration for Children and Families for response.
- **Identifying states or jurisdictions that have experienced success in reducing fatalities from abuse or neglect.** What can we learn from them? What can we

learn from failures in other jurisdictions? This work will include states, counties, and tribes and will look at community-based prevention efforts implemented in states and counties where fatalities have decreased. The commission wants to hear directly from jurisdictions that have made advances in solving the problem. Where are the best practices?

- **Looking at the issues as they affect subpopulations.** How can we ensure inclusion of tribal populations in terms of data and resources?
- **Funding and sharing cross-system information.** This includes information from and about the role of the courts.
- **Strengthening the connections between state and local programs.**
- **Understanding the challenges of confidentiality rules and regulations.**
- **Looking at the cost of reforms.**
- **Setting a bold agenda and actionable goals.** These will be ongoing after the commission's work is finished.

The commissioners agreed to start with what the commission needs to know right now and to make these questions a priority for discussion during the next several meetings, while looking for exemplary programs. Commission Chair David Sanders proposed developing a draft work plan to be discussed at the next meeting.

 5/23/2014