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Residential Children's Programs Target Of Legislation

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Oct. 17, a group of former students of a local boarding school for girls stood outside the Kosciusko County Courthouse demonstrating against physical, emotional and mental abuse they allege they suffered.

With them stood several members of a local task force formed to pursue a change in state law to require more accountability for residential programs for children. The local task force members are not the only ones looking for such a law change.

Congress also is eyeing a bill aimed at preventing child abuse in residential programs, public or private, nationwide.

The bill is called HR 6358. It passed the House of Representatives June 25 and is currently in the Senate. HR 6358 calls for more public accountability. If the bill is passed in its current form, the school that former students were demonstrating against, Hephzibah House, and similar organizations may fall under its jurisdiction. Hephzibah House is a "private Christian boarding school for teenage girls," according to the school's Web site.

According to the bill, covered programs would include public or private organizations, which operate residential environments including boot camps, therapeutic boarding schools and behavior modification programs, which operate with a focus on serving children with emotional, behavioral or mental problems or disorders or problems with alcohol or substance abuse. The bill would not cover hospitals licensed by the state or foster family homes which are licensed and regulated by the state and in which children are placed by the state.

The bill would prohibit disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter or medical care necessary to maintain physical health, mental health and general safety; physical and mechanical restraints and seclusion. The bill also would prohibit acts designed to humiliate, degrade or undermine a child's self-respect. Residential facilities covered by the bill would be required to provide "reasonable access for making and receiving phone calls with as much privacy as possible and shall have access to the appropriate state or local child abuse reporting hotline number and the national hotline number."

The bill would establish penalties for facilities cited with violations, including fines. Enforcement measures would be established including unannounced inspections, licensing requirements and new databases.

HR 6358 passed through the House with a vote of 318 ayes to 103 nays, with 13 present not voting. Of the nine Indiana Representatives who voted on the bill, six voted for it and three against it. Local Dist. 3 Representative Mark Souder voted against the bill.

"I believe these things should be worked through at the state and local level," said Souder. "I voted for the Republican alternative both in committee and elsewhere that would increase state regulation."

Souder said the alternative proposal did not include increased federal oversight.

"Obviously, I believe there needs to be some additional controls, particularly for those who abuse kids, it's a terrible tragedy," he said. "We need also better enforcement. But, I do not favor the federal government taking over something I believe can be regulated at the state and local level."

Souder said he could get behind increasing federal oversight if state regulations could not be stiffened or in cases dealing with multiple states, but he said increasing federal regulations is a last resort. "I don't think we're there yet," Souder said.

Becky Moreno, victim's assistance advocate with the Warsaw Police Department, organized the local task force seeking change in Indiana law. Moreno said she supports HR 6358.

"I think this bill is an excellent step toward preventing child abuse and bringing about some accountability that is otherwise lacking," Moreno said. "Child abuse is a national problem. Anything that could be done to prevent this problem everywhere would be the best-case scenario."

The bill is currently under review in the Senate Committee on Health, Education, Labor, and Pensions.

For information on HR 6358, visit www.govtrack.us/congress/bill.xpd?bill=h110-6358

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