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**PREVENTION OF CHILD ABUSE FATALITIES  
HAMPERED BY CULTURE OF SECRECY**

*New Report Finds Too Many States Continue To Restrict Public Scrutiny  
Of Child Protection Programs; Some Have Improved Disclosure Laws*

**WASHINGTON, DC – April 17, 2012** – A new report finds that a culture of secrecy in states across the country continues to hamper efforts to stem the tide of child abuse-related fatalities and near-fatalities, estimated to be at least 1,700 a year. Information about child abuse deaths and near-deaths that could help prevent future tragedies remains veiled behind many states' restrictive disclosure laws, highlighting the urgent need for systemic reform.

These are the conclusions of a new state-by-state study of public disclosure laws released today by the Children's Advocacy Institute (CAI) at the University of San Diego (USD) School of Law and First Star, a national organization working to improve the lives of America's abused and neglected children.

"The death of an abused or neglected child is not only an unspeakable tragedy, it is also a red flag that something has gone terribly wrong with the child welfare system responsible for that child," said Robert C. Fellmeth, CAI Executive Director and Price Professor of Public Interest Law at the USD School of Law. "Yet, too often these cases are shrouded in secrecy and, as a result, literally fatal flaws in state systems go undetected and opportunities to fix them are missed."

The 2012 "State Secrecy and Child Deaths in the U.S." report was announced today at a Capitol Hill briefing. The advocacy groups also appealed to Congress to pass bipartisan legislation, co-sponsored by U.S. Sen. John F. Kerry (D-MA), to establish a special commission charged with developing a national strategy for reducing the number of child abuse and neglect deaths and near-deaths ([S 1984, HR 3653](#)).

"This report underscores the importance of passing bi-partisan legislation this year to start getting our arms around a chronic problem nationwide that we know too little about and have struggled to document properly," said Senator Kerry. "As a prosecutor in Massachusetts, I saw with my own eyes the horrific results of crimes against children and as a father it makes me sick to think that too often abuse ends in death."

The report issues grades from "A+" to "F" based on an analysis of child death and near death disclosure laws and policies in all 50 states and the District of Columbia.

The report gave mediocre to poor grades (C+ or lower) to 20 states, including some of the country's most populous - California, Texas, New York and New Jersey. Four states earned D's or F's - Colorado, Delaware, and New Mexico received grades in the D range, while Montana received the country's lone F.

## State Secrecy Report/Page 2

Perfect (A+) scores were recorded for Arizona, Indiana, Nevada and Pennsylvania, while Arkansas, Iowa, Maine, New Hampshire, Oregon, and Utah received A's or A-'s.

This is the Second Edition of the State Secrecy Report Card. The first was released in 2008 and became a key factor in prompting changes in public disclosure laws. The 2012 study provides an update on whether states have since strengthened their laws.

Eleven states improved their disclosure laws by making them mandatory, more enforceable, more broadly applicable and/or more specific with regard to the types of information to which the public is entitled. Most improved were Georgia, Maine, Pennsylvania, South Dakota, Tennessee, Utah, and Wisconsin, which jumped to A's and B's from D's and F's. Other states that received higher grades include Arizona (B to A+), Arkansas (C- to A-), Virginia (C- to B-) and Rhode Island (C- to B).

The states reporting the most improvement were Utah and Pennsylvania, which went from grades of F to A and A+, respectively.

Three states – California, Connecticut and Delaware - passed new laws or adopted new regulations further restricting public access to information resulting in lower grades than they received in 2008.

“While we are pleased with the progress made by several states, there is clearly still work to do,” said Peter Samuelson, founder and Chairman of First Star. “We must amplify our message that the importance of ferreting out the causes of child abuse deaths and near deaths trumps the need to protect the confidentiality of the families involved.”

“Systemic shortcomings can't be fixed if no one sees what they are,” said Amy Harfeld, National Policy Director & Senior Staff Attorney for CAI. “Holding states accountable through transparency and public disclosure will promote public debate and lead to reforms that will better safeguard all children.”

CAI and First Star called on Congress to approve legislation ([S 1984](#), [HR 3653](#)) that would create a Commission to Eliminate Child Abuse and Neglect Fatalities. The bill would study and evaluate federal, state, and private child welfare systems, develop a national strategy to prevent abuse and reduce child abuse and neglect fatalities, and develop a national reporting standard. The bill has been endorsed by 30 organizations, including many leading child safety and welfare groups and the National District Attorneys Association.

“It's more difficult to address a problem if we don't know the extent of it and this report confirms that many states have either papered over the problem or failed to dedicate the resources needed to address it,” Sen. Kerry said. “We need to pass the Protect Our Kids Act to shine light on this issue and give child abuse the laser-like focus that's needed.”

CAI and First Star also pressed Congress to strengthen the federal Child Abuse Prevention and Treatment Act (CAPTA). Although the law requires states to allow for public disclosure of information on child deaths or near deaths, it remains vague enough to give states too much wiggle room. While some states practice more disclosure than their statutes require, without being codified in statute, these practices are discretionary and could be changed at any time by a new administration. Although Congress called on the Secretary of Health and Human Services to develop clear guidelines in the form of regulations instructing states of their responsibilities under CAPTA, the Secretary has taken no such action.

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**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. Visit <http://www.caichildlaw.org>.

**First Star** is a national 501(c)(3) non-profit that improves the lives of America's abused and neglected children by strengthening their rights, illuminating systemic failures, and igniting reform to correct them. We pursue our mission through research, public engagement, policy advocacy, and litigation. Visit <http://www.firststar.org>.