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**Testimony before the Judiciary Committee
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**Child Sexual Abuse Reporting Act of 2012
B19-0647**

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Good morning Chairman Mendelson and members of the committee. Thank you for the opportunity to testify. My name is Judith Sandalow and I am the Executive Director of Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which is the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. The very nature of our work means that our attorneys, investigators and staff will regularly be working with children who are the victims of abuse, including sexual abuse.

The goal of the Child Sexual Abuse Reporting Act of 2012 (B19-0647) ("the Act"), to encourage more people to come forward and report sexual abuse of children, is a laudable one that is universally supported. Central to the very mission of Children's Law Center is providing every child in the District with a safe home, a meaningful education and a healthy mind and body. Reducing incidents of abuse and encouraging a culture where, if it happens, victims can feel safe to come forward, society can do its part and systems are in place to support the victims, is a part of that mission. We think the Act's addition of protection for reporters of abuse from any form of retaliation in their place of employment is an important addition that will serve the goal encouraging reporting.

Unfortunately, we feel strongly that the Act's expansion of mandatory reporting to all adults does not serve the goal and there are much better and proven effective ways to increase reporting. While this broad mandate might sound appealing at first, it is riddled with problems. The expansion of reporting may make victims more afraid to report to friends and family. The agencies responsible for responding to the reports will likely receive more false reports, taking time away

from accurate reporters and subjecting children and families to unnecessary investigations. Attorneys trying to uncover abuse may be hampered in their efforts. And the list goes on.

If our law required reporting by every single person, victims would expect that any disclosure would lead to an investigation. Friends and family would no longer be a safe first step to come to terms with their trauma. This would discourage many victims from coming forward and seeking help.

Another concern is that by expanding mandatory reporting to include all lay persons, we could vastly increase the number of inaccurate claims; thereby burying those serious claims which do need to be investigated in an avalanche of misinformation. As it stands, already less than half of the abuse and neglect reports in the District of Columbia are substantiated claims.² Child abuse investigations are invasive for the child and family and can, in-and-of themselves, be traumatizing. False allegations can be devastating for all involved. Joette Katz, commissioner of the Connecticut Department of Children and Families and a former justice of the Connecticut Supreme Court, has stated that she is not and would not be an advocate for mandatory reporting for all adults because of the likelihood that children will be traumatized when they are needlessly subjected to the forensic interviews and invasive physical examinations that accompany investigations into these reports.³

The District already has a fairly comprehensive reporting act. One of the reasons to require professionals with a relationship to children to report is that these professionals are trained to look for the signs of abuse and have a connection to the child. It is not surprising their reports are more accurate and less likely to be false. In addition, these professionals have the training and the capacity to ensure that the kids are connected with appropriate supports to help the child and family recover from the trauma.

In addition, we are concerned about how this expansion will affect our ability to represent our clients. Being able to effectively gain a child's trust and investigate what has happened to the

child and what is in the best interest of each child, requires confidence and confidentiality. Currently our clients can be candid with us and we can work together to address their trauma. Not being able to decide when and how to disclose information would have a chilling effect on our attorneys and investigators and less abuse would be uncovered.

If there was any evidence that expanding mandatory reporting to all adults increases reporting perhaps it might be worth exploring, and weighing the pros and cons; but there is none we could find. However, there is a proven way to increase reporting – education.

One approach, which is proven to increase the reporting of abuse, is to focus on children.⁴ Educational programs that encompass skills for children to identify boundary violations and unwanted forms of touching, how to break off interactions, how to report abuse and even how to mitigate possible negative consequences that come with feeling like the child was somehow guilty or at fault, lead to more children coming forward.⁵ The DC Department of Mental Health already has such a program. “Good Touch Bad Touch” is an evidence-based program that is implemented in the schools, however in this school year, it has only been implemented in seven (7) schools (down from 19 schools in FY 2010-2011).⁶ The Council could take this small program, and expand it so that it reaches all school age children instead of just a scattered sample.

Similarly, the “Enough Abuse” campaign in Massachusetts is an example of collaboration in a comprehensive public education campaign to address child sexual abuse.⁷ Several statewide organizations worked together with the goal of preventing abuse and educating Massachusetts citizens about the topic – how to understand child sexual abuse, how to recognize it, and how to prevent it. The program was designed with the understanding that prevention of child sexual abuse requires a comprehensive effort that engages adults and communities.⁸

In conclusion, the Act has an admirable goal. We believe the protection from retaliation provision helps achieve this goal and is a good addition to existing law, however, the expansion of

mandatory reporting to all adults does not and is not. We hope the Council will focus on effective methods of encouraging reporting instead and expand DC's existing school based education program and explore a public education campaign that would encourage and foster reporting.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

¹ Children's Law Center works to give every child in the District of Columbia a safe home, meaningful education and healthy life. As the largest nonprofit legal services provider in the District, our 80-person staff partners with hundreds of pro bono attorneys to serve 1,200 at-risk children each year. Applying the knowledge gained from this direct representation, we advocate for changes in the city's laws, policies and programs. For more information, visit www.childrenslawcenter.org.

²Child Maltreatment Report, pg 12 <http://www.acf.hhs.gov/programs/cb/pubs/cm10/cm10.pdf#page=17> 2010; Demonstrating that in 2010 there were 1,697 substantiated reports and 3,882 unsubstantiated.

³Joette Katz, "Penn State Case Should Prompt Smart State Action," http://articles.courant.com/2011-11-27/news/hc-op-katz-penn-state-sexual-abuse-1127-20111127_1_child-abuse-mandatory-reporter-forensic-interviews; 11/27/2011.

⁴ See note 4 citing to David Finkelhor, Nancy Asdigian, and Jennifer Dziuba-Leatherman, "The Effectiveness of Victimization Prevention Program for Children: A Follow-Up," *American Journal of Public Health* 85, no. 12 (1995) 1684-89

⁵ http://futureofchildren.org/futureofchildren/publications/docs/19_02_08.pdf

⁶ Department of Mental Health Answers to DC Council 2011 Performance Oversight Questions – Q. 58. Describing Good Touch Bad Touch as a "National Mental Health Association Clearinghouse endorsed, evidence-based sexual abuse prevention program for 7th-9th graders that teaches the skills needed to prevent or interrupt abuse." http://www.dccouncil.washington.dc.us/budget/2012/health_February_2012.

⁷ Enough Abuse Campaign

http://www.enoughabuse.org/index.php?option=com_content&view=article&id=65&Itemid=74. This campaign was originally funded in 2002 by a grant from the U. S. Centers for Disease Control and prevention. The federal funding has since run out and it is now funded through local grants.

⁸ Enough Abuse Campaign

http://www.enoughabuse.org/index.php?option=com_content&view=article&id=3&Itemid=7 2010.