

United States of America

Response to United Nations Secretary-General's Study on Violence against Children Questionnaire to Governments

Contributing agencies:

*Administration for Children and Families, Department of Health and Human Services
Health Resources and Services Administration, Department of Health and Human Services
Substance and Mental Health Services Administration, Department of Health and Human Services
Centers for Disease Control and Prevention, Department of Health and Human Services
Bureau of Democracy, Rights, and Labor, Department of State
Bureau of International Organization Affairs, Department of State
Office of Juvenile Justice and Delinquency Prevention, Department of Justice
Child Exploitation and Obscenity Section, Criminal Division, Department of Justice
U.S. Immigration and Customs Enforcement, Department of Homeland Security*

I. LEGAL FRAMEWORK

International human rights instruments

1. Describe any developments with respect to violence against children, which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights Instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

The United States has signed but not ratified the Convention on the Rights of the Child (CROC) and the Palermo Protocol. It has, however, ratified the two optional protocols to the UN Convention on the Rights of the Child concerning (1) Children in Armed Conflict and (2) the Sale of Children, Child Prostitution, and Child Pornography. Aside from the CROC, the U.S. is a State Party to other leading international instruments upholding the rights of children, including the ILO Convention No. 182 on the Worst Forms of Child Labor, the Hague Convention on the Civil Aspects of International Child Abduction, the 1967 Protocol to the Refugee Convention, the International Covenant on Civil and Political Rights, and the Interantioanl Convention on the Elimination of all Forms of Racial Discrimination.

With regard to the mention of international human rights standards in cases involving violence against children, U.S courts typically depend upon protections enshrined within the applicable domestic penal code at both the state and federal level to adjudicate cases and complaints.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

The government of the United States is a Federal system, with a central Federal government; each of the States has its own government. The U.S. Constitution and the code of U.S. laws specify which functions are the responsibility of the Federal government and which functions are retained by the individual States. The Children's Bureau has a primary concern for assuring the safety and well-being of children within their family systems, and as such addresses the prevention of and intervention for violence against children perpetrated by parents, family members, and other caregivers; violence against children perpetrated by strangers and acquaintances is the responsibility of the Department of Justice.

The primary responsibility for the delivery of protective services to children rests with the individual States. Each State has its own legal and administrative structures that address the issue of maltreatment of children. The role of the Federal government is to support State-level delivery of services through setting minimum standards for laws and programs, authorizing vehicles for funding of programs, and providing oversight and evaluation of outcomes.

The government of the United States recognizes that parents have a fundamental liberty, protected by the Constitution, to raise their children as they choose. The legal framework regarding the parent-child relationship balances the rights and responsibilities among the parents, the child, and the State, as guided by Federal statutes. The basis for government's intervention in child maltreatment is grounded in the concept of *parens patriae*—a legal term that asserts that government has a role in protecting the interests of children and in intervening when parents fail

to provide proper care. If parents are unable or unwilling to meet their responsibility, the State has the power and authority to take action to protect the child from harm. Over the past several decades, Congress has passed significant pieces of legislation that support the States' duty and power to act on behalf of children when parents are unable or unwilling to do so.

The child welfare system of the United States not only provides protective services to children, but also endeavors to provide appropriate care and services to children whose parents are unable to maintain their children safely in their homes. The structure of laws at both the Federal and State levels address a continuum of needs, from prevention efforts, reporting of suspected abuse, investigation and assessment of family situations, through foster care placements when needed, reunification of children with their parents whenever possible, to planning for a safe, stable and permanent home for every child if the child cannot safely return home. At every junction on this continuum, the safety, permanency, and well being of the child are the paramount concerns.

The Child Abuse Prevention and Treatment Act (CAPTA) is one of the key pieces of legislation that guides child protection. CAPTA, in its original inception, was signed into law in 1974. It was reauthorized in 1978, 1984, 1988, and 1996. CAPTA provides Federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and nonprofit organizations for demonstration programs and projects. Additionally, CAPTA identifies the Federal role in supporting research, evaluation, technical assistance, and data collection activities; establishes the Office on Child Abuse and Neglect; and establishes the mandate for the National Clearinghouse on Child Abuse and Neglect Information. CAPTA also sets forth a minimum definition of child abuse and neglect.

CAPTA was originally enacted in P.L. 93-247. The law was completely rewritten in the Child Abuse Prevention, Adoption and Family Services Act of 1988. It was further amended by the *Child Abuse Prevention Challenge Grants Reauthorization Act of 1989* and the *Drug Free School Amendments of 1989*.

A new title III, *Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness*, was added to the Child Abuse and Neglect Prevention and Treatment Act by the *Stewart B. McKinney Homeless Assistance Act Amendments of 1990*.

CAPTA was amended and reauthorized by the *Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992* and amended by the *Juvenile Justice and Delinquency Prevention Act Amendments of 1992*.

The Act was amended by the *Older American Act Technical Amendments of 1993* and the *Human Services Amendments of 1994*.

CAPTA was further amended by the *Child Abuse Prevention and Treatment Act Amendments of 1996*, which amended Title I, replaced the Title II and repealed Title III.

CAPTA was most recently amended by the *Keeping Children and Families Safe Act of 2003*, which amended Title I and replaced Title II. Full text of CAPTA can be found at: <http://www.acf.hhs.gov/programs/cb/laws/capta03/index.htm>

The publication, “Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption” provides an overview of much of the significant legislation that has shaped child welfare law at the Federal level. This publication was prepared by the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children’s Bureau, and can be downloaded from the Internet at <http://nccanch.acf.hhs.gov/pubs/otherpubs/fedlegis.pdf>.

2. Provide details of any specific legislative provisions on:
 - Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;

The Children’s Bureau (CB) is the oldest federal agency for children and is located within the United States Department of Health and Human Services' Administration for Children and Families, Administration on Children, Youth and Families. It is responsible for assisting States in the delivery of child welfare services - services designed to protect children and strengthen families. The agency provides grants to States, Tribes and communities to operate a range of child welfare services including child protective services (child abuse and neglect) family preservation and support, foster care, adoption and independent living. In addition, the agency makes major investments in staff training, technology and innovative programs.

Federal legislation has been passed that requires the Children’s Bureau to address violence against children that occurs within the family or by other caregivers. CAPTA provides resources to assist States in addressing the physical, sexual, and psychological abuse and neglect of children.

One prevention program specifically authorized by CAPTA, and administered by the Children’s Bureau, is the Community-Based Grants for the Prevention of Child Abuse and Neglect program (known administratively as the Community-Based Child Abuse Prevention grants or CBCAP). Grants are provided to States to develop, operate, expand and enhance community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, through networks where appropriate.

Another program administered by the Children’s Bureau is Title IV-B of the Social Security Act, subpart 2, Promoting Safe and Stable Families program, which provides funds to states to provide family support, family preservation, time-limited family reunification services, and services to promote and support adoptions. These services are primarily aimed at reducing the risk of abuse and promoting nurturing families, assisting families at risk of having a child removed from their home, promoting the timely return of a child to his/her home, and if returning home is not an option, placement of a child in a permanent setting with services that support the family. As part of this program, the Court Improvement Program provides grants to help State courts improve their handling of proceedings relating to foster care and adoption. After an initial assessment of court practices and policies, States use these funds for improvements and reform activities. Typical activities include development of mediation programs, joint agency-court training, automated docketing and case tracking, linked agency-court data systems, one judge / one family models, time-specific docketing, formalized relationships with the child welfare agency, and legislative change. Additional information about both of these programs can be found on the Internet at <http://www.acf.hhs.gov/programs/cb/programs/state.htm>.

Juvenile Justice and Delinquency Prevention Act of 2002.

On November 2, 2002, President Bush signed into law legislation authorizing U.S. Department of Justice programs (P.L. 107-273) - which includes juvenile justice programs. This new law, the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, amends the JJDP Act of 1974, and became effective October 1, 2003.

Since its passage in 1974, the Juvenile Justice and Delinquency Prevention Act has significantly impacted the way States and communities deal with troubled youth, which remains the primary responsibility of state and local governments. The original goals of the Act and of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) were simple: to assist State and local governments to prevent and control juvenile delinquency and to improve the juvenile justice system. These goals remain statutory priorities today. A second important element in the 1974 Act was to protect juveniles in the juvenile justice system from inappropriate placements and from the harm both physical and psychological that can occur as a result of exposure to adult criminal offenders. Yet another important element of the JJDP Act emphasized the need for community-based treatment for juvenile offenders. In passing the JJDP Act, Congress recognized that keeping children in the community is critical to their successful treatment.

The JJDP Act, as amended in 2002, continues four core requirements with which participating States and Territories must comply to receive grants under the JJDP Act. The four core requirements are deinstitutionalization of status offenders (DSO), separation of juveniles and adults in secure institutions (separation), removal of juveniles from adult jails and lockups (jail removal), and reduction of disproportionate minority contact (DMC), where it exists. Meeting the core requirements is essential to creating a fair and consistent juvenile justice system that advances an important goal of the JJDP Act: to increase the effectiveness of juvenile delinquency prevention and control. Each participating State must develop and implement a strategy for achieving and maintaining compliance with the four core requirements as part of its Formula Grants Comprehensive Three-Year Plan and subsequent Plan Updates. A States level of compliance with each of the four core requirements determines eligibility for its continued participation in the Formula Grants program. The following is a summary of the changes found in the Juvenile Justice and Delinquency Prevention Act of 2002.

Deinstitutionalization of Status Offenders

The JJDP Act provides that status offenders and nonoffenders not be detained or confined in secure detention facilities or secure correctional facilities. This includes alien juveniles who have not been charged with any offense. Pursuant to section 223(a)(11)(A)(I), (ii), and (iii), juveniles who are excluded from the DSO requirement are those who have: (1) been charged with or have committed a violation of the Youth Handgun Safety Act 18 U.S.C. 922(x)(2); (2) committed a violation of a Valid Court Order; or (3) been held in accordance with the Interstate Compact on Juveniles as enacted by the State. In the 1980 Amendments to the JJDP Act, Congress enacted a provision intended to address concerns that the DSO requirement deprived juvenile court judges of a significant option in handling certain chronic status offenders. The exception provides that status offenders found to have violated a Valid Court Order (VCO) may be securely detained in a juvenile detention or correctional facility. OJJDP has outlined a process for determining whether a VCO exists and a juvenile has been found to be in violation of that Valid Court Order. Section 223(a)(23) provides that an appropriate public agency (1) must be notified that a juvenile is being held in custody for violating a court order; (2) must be interviewed by an agency representative within 24 hours to determine the reasons for the juvenile's behavior and determine the most appropriate least secure disposition; and (3) must

submit an assessment report to the court within 48 hours of the time the juvenile was placed in secure custody. The report, which is to be submitted to the judge prior to a determination of placement, may be prepared and submitted by an appropriate public agency.

Sight and Sound Separation

Juveniles alleged to be or found to be delinquent, status offenders, and nonoffenders may not have sight and/or sound contact with incarcerated adults, including inmate trustees. A collocated facility is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. Whereas, previously all collocated facilities were subject to the separate staff requirement established by the 1992 Amendments to the JJDP Act, section 223(a)(12)(B) allows for the utilization of the same staff, providing that there is in effect a State policy that requires the staff to be trained and certified to work with the juvenile population.

Jail Removal

The JJDP Act provides that no juvenile will be detained or confined in any jail or lockup for adults. The JJDP Act provides for three exceptions to this requirement: (1) alleged delinquent offenders may be held for up to 6 hours; (2) alleged delinquent offenders in rural areas may be held if certain criteria are met; and (3) juveniles waived or transferred to a criminal court may be held in adult jails or lockups. The rural exception allows temporary detention beyond the 6-hour limit of juveniles accused of delinquent offenses who are awaiting an initial court appearance. In order for a State to utilize the rural exception, all of the conditions outlined in the Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (page 12) must be met. If all of the conditions are met, a juvenile awaiting an initial court appearance may be detained for up to 48 hours (excluding weekends and holidays), or if the facility is located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation does not allow for court appearances within 48 hours, an additional 48-hour delay is excusable.

Child Abuse and Neglect and Delinquency

As part of its mission, OJJDP emphasizes interagency coordination and collaboration to maximize Federal resources, reduce overlaps, improve program input and outcomes, enhance critical information and knowledge that form the basis for new program development activities and strengthen commitment and ownership in preventing and addressing juvenile crime and delinquency. A child victim of maltreatment suffers immediate, obvious consequences, which might include physical injury, malnutrition, and emotional distress. The link between child abuse and neglect and delinquency is often more subtle and may take years to surface in the life course of child and adolescent development. It is important to recognize the research evidence that the child victim is at a heightened risk for early onset of delinquency, involvement in serious and violent delinquency, and subsequent involvement in adult criminality. Section 223(a)(26) and (27) provides that States shall establish policies and systems that make child protective services and child welfare records available to the court in the juvenile justice system so that the best interest of the child may be considered when determining an appropriate action, and when establishing and implementing treatment plans for juvenile offenders.

The [Prison Rape Elimination Act of 2003 \(PREA\)](#) (Public Law 108-79) was enacted by Congress to address the problem of sexual assault of persons in the custody of U.S. correctional

agencies. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies.

- Protection of children from all forms of violence;

Federal legislation has been passed that requires the Children's Bureau to address violence against children that occurs within the family or by other caregivers. CAPTA provides resources to assist States in addressing the physical, sexual, and psychological abuse and neglect of children.

Title IV of the Keeping Children and Families Safe Act of 2003 reauthorized and amended the Family Violence Prevention and Services Act. This Act addresses the issue of children as direct and collateral victims of domestic violence perpetrated against other members of child's family or household. In addition, the Act regards children as victims of domestic violence when they have witnessed the violence perpetrated in their homes.

- Redress, including compensation, for child victims of violence;

Legislative provisions vary according to civil and criminal courts at the state and federal level. Please refer to #2 as well as the internet links in this answer, however, for more information on specific provisions.

- Penalties for perpetrators of violence against children;

Child abuse and neglect and other forms of violence against children are crimes. Sexual abuse of children and adults is typically prosecuted under state law. However, when a child is sexually abused on federal lands, such as military bases or Indian lands, the offense can also be prosecuted under federal laws found in Chapter 109A of Title 18 of the United States Code. For example, it is a federal crime for a person to engage in a sexual act with a minor child within specified federal territories. *See* 18 U.S.C. § 2243 (maximum penalty of 15 years in prison for a sexual act with child between 12 and 16 when offender is more than 4 years older than victim). Moreover, federal law assigns harsher penalties for those convicted of engaging in a sexual act with young children or if the offender uses force or threats, inflicts serious bodily injury or death, or kidnaping is involved. *See* 18 U.S.C. § 2241 (maximum penalty of life in prison for a sexual act with a child under 12 or, when force or threat is involved, with a child under 16 when offender is more than 4 years older than victim).

Additionally, federal law penalizes the commercial sexual exploitation of children as well as transporting, enticing, or causing children to engage in unlawful sexual activity and traveling to engage in unlawful sexual activity with children. *See* 18 U.S.C. §§ 1591, 2422, and 2423. These federal statutes, which generally only apply in cases where the offense involves a connection to interstate commerce, are discussed further in the response to Question 16.

18 USC 1111 in particular pertains to the offense of felony murder predicated on (among other things) child abuse or perpetrated as part of a pattern or practice of assault or torture against a child or children. (Punishable by death or life imprisonment).

18 USC 113 refers to sentencing enhancement for simple assault where victim is under age 16 (18 USC 113(a)(5)); and sentencing enhancement for assault resulting in substantial bodily injury where victim is under age 16 (18 USC 113(a)(7)).

The National Center for the Prosecution of Child Abuse, a program of the American Prosecutors Research Institute, can provide further information on these issues. The Center can be accessed via the Internet at http://www.ndaa-apri.org/apri/programs/ncpca/ncpca_home.html.

Under the Trafficking Victims Protection Act of 2000 (TVPA) the U.S. Department of Health and Human Services (HHS) is designated as the agency responsible for helping victims of human trafficking become eligible to receive benefits and services so they may rebuild their lives safely in the United States. As part of this effort, HHS has initiated the Rescue & Restore Victims of Human Trafficking campaign to help identify and assist victims of human trafficking in the United States.

The intent of the Rescue & Restore campaign is to increase the number of identified trafficking victims and to help those victims receive the benefits and services needed to live safely in the United States. The first phase of the campaign focuses on outreach to those individuals who most likely encounter victims on a daily basis, but may not recognize them as victims of human trafficking. By initially educating health care providers, social service organizations and the law enforcement community about the issue of human trafficking, we hope to encourage these intermediaries to look beneath the surface by recognizing clues and asking the right questions because they may be the only outsiders with the chance to reach out and help victims.

The Rescue & Restore campaign is being launched in three pilot cities in Spring 2004: Atlanta, GA; Philadelphia, PA; and Phoenix, AZ, in which local coalitions are being formed to address the issue on the ground. The campaign will continue to roll out in communities - both urban and rural - across the country throughout the year.

A critical component of the Rescue & Restore campaign is the creation of the Trafficking Information and Referral Hotline, 1.888.3737.888, which connects victims of trafficking to Non-Government Organizations (NGOs) who can help victims in their local area. The hotline helps intermediaries determine whether they have encountered a victim of human trafficking, helps connect victims to resources and coordinates with local social service organizations to protect and serve victims of trafficking.

The Rescue & Restore Campaign website was also launched to provide information about the issue of human trafficking, information about the campaign, information and resources for health care providers, social service providers and law enforcement officers as well as information about how to get involved in the campaign. The following informational materials can be accessed from the website:

The [Rescue & Restore Campaign website](#) was also launched to provide information about the issue of human trafficking, information about the campaign, information and resources for health care providers, social service providers and law enforcement officers as well as information about how to get involved in the campaign. The following informational materials can be accessed from the website.

- Fact sheets
- Training and resource tools for law enforcement, health care and social service providers
- Educational brochures and posters
- Pocket assessment cards for health care providers and law enforcement officers
- Trafficking Information and Referral Hotline Rolodex card

See also: [Federal Efforts to Combat Human Trafficking](#)

- Reintegration and rehabilitation of child victims of violence.

Counseling services and numerous non-profit organizations provide centers that specialize in the reintegration and rehabilitation of child victims of violence. Federal, state, and local authorities assist these efforts with officers who outreach to victims and counselors, and often consist of specialists capable of helping children readjust their lives.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
 - The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighborhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Where federal jurisdiction lies, as discussed above in response to Question 3, federal laws apply universally and are not dependent on the location or setting of a violation.

Please refer also to the text of CAPTA for the specific protections featured within that piece of legislation.

The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) addresses a wide range of maltreatment and violence against children by family members and other caregivers with reauthorization of the Child Abuse Prevention and Treatment Act; the abandonment of infants and young children in the reauthorization of the Abandoned Infants Assistance Act; and the harm to children when there is domestic violence in the home in the reauthorization of the Family Violence Prevention and Services Act. This legislation, however, does not address violence against children by non-caregivers or in settings other than the family home.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defenses available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

The United States does not use corporal punishment of children in the judicial system. This issue is addressed in law primarily at the State level, typically within legal definitions of child abuse and neglect. Definitions of physical abuse include any actions or behaviors that inflict harm or injury to the child. Fourteen States (Arkansas, Colorado, Florida, Georgia, Indiana, Minnesota,

Mississippi, Missouri, Ohio, Oklahoma, Oregon, South Carolina, Texas, and Washington) and the District of Columbia provide an exception from the definition of physical child abuse for the use of reasonable physical discipline, as long as the type of discipline used does not inflict injury or substantial risk of injury. Abuse, by distinction, includes unreasonable or excessive use of corporal punishment.

Twenty-eight states have outlawed corporal punishment in schools. Schools in the United States are locally controlled, although also subject to certain state and federal legislation. According to the Department of Education's latest available statistics relating to the 1999-2000 school year, the remaining twenty-two states used corporal punishment (referred to as paddling) on a total of 342,038 children and adolescents in their schools. Texas was the top jurisdiction, paddling 73,994 youngsters, followed by Mississippi (48,627), Arkansas (40,437) and Alabama (39,197). These numbers represent a significant decline in the use of corporal punishment since the 1970's. The total of youngsters spanked in schools in 1976 was 1.5 million.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

The U. S. Supreme Court has held that the Constitution prohibits execution for crimes committed at age 15 and younger but permits execution for crimes at ages 16 or older. Of the 40 death penalty jurisdictions in the United States, 18 jurisdictions have expressly chosen a minimum age of 18, 5 jurisdictions have chosen an age 17 minimum, and the other 17 death penalty jurisdictions use age 16 as the minimum age. At the federal level, 18 USC 3591(a) prohibits the imposition of the death penalty for any offense committed before the defendant's 18th birthday.

On January 26, 2004, the U.S. Supreme Court granted certiorari in *Roper v. Simmons*. The Court is reconsidering whether the U.S. Constitution's Eighth Amendment prohibition against cruel and unusual punishment is violated when an individual is sentenced to death for a crime committed when that individual is seventeen years of age. The justices are reviewing an *en banc* decision of the Missouri Supreme Court that set aside the death penalty imposed on a seventeen year old juvenile offender. Oral argument in *Roper* took place on October 13, 2004.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Current legislation addressing bullying, hazing and sexual harassment is primarily found at the state level. (Please find description of state-by-state legislation in Annex # 1.)

Federal legislation prohibits discrimination on the basis of sex, age, gender, race, and disability. Some of this legislation includes:

Title IX of the Education Acts of 1972

Titles VI and VII of the Civil Rights Act of 1964

The Civil Rights Act of 1991

Section 504 of the Rehabilitation Act of 1973

Titles I and II of the Americans with Disabilities Act of 1990

Age Discrimination Act of 1974

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honor crimes are addressed in your country.

Federal law prohibits harmful or violent traditional practices. For example, 18 USC 116 prohibits female genital mutilation of any female under age 18 with the exception of certain necessary surgical operations (which cannot take into account whether custom or ritual require such an operation).

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

We do not have information available at this time.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator;
- The age of the victim and /or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

Federal legislation provides a foundation for States by identifying a minimum set of acts or behaviors that define child abuse and neglect. The Child Abuse and Neglect Prevention and Treatment Act (42 U.S.C. 5101 *et seq.*) sets forth a minimum definition of abuse and neglect (42 U.S.C. 5106g(2), (4)):

(2) The term "child abuse and neglect" means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

(4) The term "sexual abuse" includes -

(A) The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or

(B) The rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

These minimum definitions serve as guidelines to States in drafting their laws defining abuse and neglect and sexual abuse. The most common exception to the state definition of violence is a religious exemption for parents who choose not to seek medical care for their children due to religious beliefs. Other exceptions include corporal punishment, cultural practices, and poverty.

State agencies are responsible for enforcing the laws in their respective States that address abuse and neglect of children.

State laws regarding the sexual abuse of children do in some cases address the relative ages of the perpetrator and the victim.

Incest by definition is sexual activity between persons who are in some way biologically or legally related. Sexual abuse, by statutory definition, occurs when an adult forces or persuades a child who is a family member to engage in sexual activity.

Incest and sexual abuse are defined in State laws as types of conduct that can be reported to child protective services agencies under the child abuse reporting laws, but incest and sexual abuse are also defined as crimes under State criminal codes, and can be investigated by law enforcement agencies. The type and severity of the abuse, as well as the needs of the child victim, are taken into consideration when determining the most appropriate response.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

We are unaware of any recent comprehensive review of the legal framework to address violence against children.

12. Provide information on any studies and surveys, which have been undertaken to assess the impact of legal measures to address violence against children.

We are not aware of any studies and surveys at this time.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if family or juvenile courts have specific responsibility for this issue.

Cases of abuse and neglect of children by family members and other caregivers are adjudicated at the State court level. Every State has its own court system, and every State designates specific courts within the system to hear these types of cases.

Juvenile Court and Family Court have jurisdiction over matters regarding custody of minors and crimes committed by minors. Violence against children, as it pertains to the prosecution of perpetrators and civil proceedings regarding compensation are under the jurisdiction of municipal, county, and superior courts.

The Pew Commission on Children in Foster Care has prepared a background paper that provides an overview of the court systems in the States that have responsibility for handling these cases. This paper is available on the Internet at <http://pewfostercare.org/research/docs/BadeauPaper.pdf>. Additional information on the work of State courts can be found at the National Center for State Courts at <http://www.ncsconline.org/>.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual

and homosexual activities?

Normally, the federal age of consent to sexual activity is 16. *See, e.g.*, 18 U.S.C. § 2243(a). It is, however, unlawful to produce, possess, distribute, or receive sexually explicit images of a person under 18, *see* 18 U.S.C. §§ 2251, 2252, and 2252A, and to entice a person under 18 to engage in sexual activity for which any person can be charged with a criminal offense or to cause a person under 18 to travel between states for the purpose of engaging in sexual activity for which any person can be charged with a criminal offense. *See* 18 U.S.C. §§ 2422 and 2423. Federal law does not distinguish between girls and boys or between heterosexual and homosexual activities. Additionally, the age of consent may vary under state law, as detailed below.

State	Male/Female	Male/Male	Female/Female
Alabama	16	Law invalidated	Law invalidated
Alaska	16	16	16
Arizona	18	Law repealed	Law repealed
Arkansas	16	Law invalidated	Law invalidated
California	18	18	18
Colorado	15/17	17	17
Connecticut	16	16	16
D.C.	16	Law Repealed	Law Repealed
Delaware	16/18	Law Repealed	Law Repealed
Florida	16/18	Law invalidated	Law invalidated
Georgia	16	16	16
Hawaii	16	Law Repealed	Law Repealed
Idaho	16/18	Law invalidated	Law invalidated
Illinois	17	17	17
Indiana	16	16	16
Iowa	14/16	Law Repealed	Law Repealed
Kansas	16	Law invalidated	Law invalidated
Kentucky	16	Law invalidated	Law invalidated
Louisiana	17	Law invalidated	Law invalidated
Maine	16	16	16
Maryland	16	Law invalidated	Law invalidated
Massachusetts	16/18	Law invalidated	Law invalidated
Michigan	16	Law invalidated	Law invalidated
Minnesota	16	Law invalidated	Law invalidated
Mississippi	16	Law invalidated	Law invalidated
Missouri	14/17	Law invalidated	Law invalidated
Montana	16/18	18	18
Nebraska	17	Law Repealed	Law Repealed
Nevada	16	18	18

New Hampshire	16	18	18
New Jersey	16	16	16
New Mexico	17	13	13
New York	17	17	17
North Carolina	16	Law invalidated	Law invalidated
North Dakota	18	Law repealed	Law Repealed
Ohio	16	Law Repealed	Law Repealed
Oklahoma	16	Law invalidated	Law invalidated
Oregon	18	18	18
Pennsylvania	16	16	16
Rhode Island	16	Law repealed	Law repealed
South Carolina	14/16-bill pending	Law invalidated	Law invalidated
South Dakota	16	Law Repealed	Law Repealed
Tennessee	18	Law Invalidated	Law Invalidated
Texas	17	Law invalidated	Law invalidated
Utah	16/18	Law invalidated	Law invalidated
Vermont	16	Law Repealed	Law Repealed
Virginia	18	Law invalidated	Law invalidated
Washington	16/18	16/18	16/18
West Virginia	16	18?	18?
Wisconsin	18	18	18
Wyoming	16/18	Law repealed	Law repealed

15. Provide information on the minimum age of marriage for women and men.

	Age With Parental Consent	Age Without Parental Consent		Age With Parental Consent	Age Without Parental Consent
State	M/F	M/F	State	M/F	M/F
Alabama	14	18	Montana	16	18
Alaska	16	18	Nebraska	17	19
Arizona	16	18	Nevada	16	18
Arkansas	17/16	18	New Hampshire	14/13	18
California		18	New Jersey		18
Colorado	16	18	New Mexico	16	18
Connecticut	16	18	New York	16	18
Delaware	18/16	18	North Carolina	16	18
D.C.	16	18	North Dakota	16	18
Florida	16	18	Ohio	18/16	18
Georgia	16	18	Oklahoma	16	18
Hawaii	15	18	Oregon	17	18
Idaho	16	18	Pennsylvania	16	18
Illinois	16	18	Rhode Island	18/16	18
Indiana	17	18	South Carolina	16/14	18
Iowa	16	18	South Dakota	16	18
Kansas	14/12	18	Tennessee	16	18
Kentucky	18	18	Texas	14	18

Louisiana	18	18	Utah	14	18
Maine	16	18	Vermont	16	18
Maryland	16	18	Virginia	16	18
Massachusetts	12/14	18	Washington	17	18
Michigan	16	18	West Virginia	18	18
Minnesota	16	18	Wisconsin	16	18
Mississippi		17/15	Wyoming	16	18
Missouri	15	18	Other conditions may apply at States' discretion		

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

The President has encouraged communities across the Nation to protect children from those who would prey on them. The President held the first White House Conference on Missing, Exploited, and Runaway Children in October 2002. The Administration released the “Parent’s Guide to Child Safety,” which provides tips to parents and children on preventing child abductions. Since its publication, millions of copies of the guide have been distributed to every public and private school in America.

Trafficking to the United States violates US criminal, immigration, and labor laws, as well as the Victims of Trafficking and Violence Protection Act. Trafficking also usually involves conspiracy and visa, mail, and wire fraud. The gross, systematic violation of human rights, which often includes kidnapping, extortion, and enslavement, is also a violation of US laws.

Federal statutes governing trafficking and sex tourism include 18 U.S.C. §§ 1591, 2421, 2422, and 2423. Together, these statutes prohibit sex tourism and the interstate and international sex trafficking of adults and children, as well as sex trafficking within a state. For example, 18 U.S.C. § 1591, as amended by the Trafficking Victims Protection Act of 2000, prohibits trafficking by making it illegal to recruit, entice, or obtain a person to engage in commercial sex acts, or to benefit from such activities. The law applies to victims of any age; if the victim is over 18, however, it applies only if force, fraud, or coercion is used to cause the victim to engage in a commercial sex act. The law does not require the victims to have crossed a state or international boundary because it applies in cases in or affecting interstate or foreign commerce. Those who traffic victims in violation of this statute may face up to life in prison.

Federal laws such as 18 U.S.C. § 3509 provide rights to child victims and witnesses, including child victims of sexual exploitation, in order to minimize the impact upon them of being involved as a victim or witness in a criminal proceeding. These rights include alternatives to live, in-court testimony in certain circumstances, such as if the child would be unable to testify due to fear or would suffer emotional trauma from testifying, privacy protection measures to keep identifying information about the child confidential, use of multidisciplinary child abuse teams to assist the child where it is feasible to do so, and provision for the court to appoint a guardian *ad litem* to represent the child’s best interests in cases where such an appointment is

appropriate. Many states have analogous protections for child victims and witnesses. Prosecution of juveniles is rare in the federal system, as such matters are normally handled in state court. Both federal and state prosecutors exercise their prosecutorial discretion as appropriate to avoid unjustly penalizing child victims of sexual exploitation.

People who sell or purchase children intending or knowing that the child will be involved with any sexual activity are also prosecuted under federal law. *See* 18 U.S.C. § 2251A. Federal prosecutors have legal authority to prosecute people who buy and sell children for pornographic or sexual activity when the child being sold or transferred must be transported in interstate or foreign commerce, or the offer to sell or purchase the child is communicated or transported in interstate or foreign commerce by any means, including computer or United States mails. Where this interstate conduct does not occur, state and local law enforcement authorities can prosecute this offensive conduct.

18 U.S.C. §§ 2421-2423 also cover interstate and international sex trafficking, but generally require that actual travel across a state or international boundary or other interstate activity has taken place. Some of the key provisions that hold the traffickers accountable are: 18 U.S.C. § 2421, which prohibits transporting a person across state or international boundaries for the purposes of prostitution or other unlawful sexual activity and carries a 10 year maximum sentence; 18 U.S.C. § 2422(a), which prohibits enticing or coercing a person to travel across a state or international boundary in order to engage in prostitution or other unlawful sexual activity and carries a 20 year maximum sentence; 18 U.S.C. § 2422(b), which prohibits using the mail or other interstate communications such as the telephone or the Internet to entice or coerce a person under 18 to engage in prostitution or other unlawful sexual activity and carries a 5 year minimum sentence and a 30 year maximum sentence; and 18 U.S.C. § 2423(a), which prohibits transporting a person under 18 across state or international boundaries for the purposes of prostitution or other unlawful sexual activity and carries a 5 year minimum, 30 year maximum penalty.

Those who profit from victimizing children and adults in the sex trade are only one half of the problem. The other half are those who patronize this illicit industry. Federal statutes hold those who travel to do so, and those who benefit from arranging that travel, accountable. For example, 18 U.S.C. § 2423(b) prohibits traveling across state lines or into the United States for the purpose of engaging in any illicit sexual conduct (which includes any commercial sex act with a person under 18) and carries a 30 year maximum sentence, while 18 U.S.C. § 2423(c) prohibits an American citizen or national engaging in illicit sexual conduct outside the United States and carries a 30 year maximum sentence. 18 U.S.C. § 2423(c) does not require that the citizen have traveled outside the country with the purpose of engaging in illicit sexual conduct in a foreign country. 18 U.S.C. § 2423(d) prohibits arranging or facilitating, for financial gain, another person's travel to engage in illicit sexual conduct and carries a 30 year maximum sentence.

The Victims of Trafficking and Violence Protection Act was passed by Congress and enacted on October 28, 2000. The Act provides social services and some benefits to victims, creates stronger criminal penalties and higher sentencing for traffickers, and creates new non-immigrant classification for victims of trafficking in order to allow foreign victims to remain temporarily in the United States in order to facilitate prosecution and to provide necessary humanitarian services.

In addition, various state laws also prohibit the commercial sexual exploitation of children. State laws generally cannot be inconsistent with the federal statutes discussed above and are generally broader and focus on persons who advance, promote or induce prostitution.

For more information, The National Center for the Prosecution of Child Abuse (NCPCA) maintains collections of criminal laws concerning, among other issues, the sexual exploitation of children. This State statute collection can be accessed at <http://www.ndaa-apri.org/apri/programs/ncpca/statutes.html>.

The National Center for Missing and Exploited Children (NCMEC) provides many resources, including a compilation of applicable Federal and State laws, on the issue of sexual exploitation of children. These resources can be accessed on the Internet at http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=218.

Megan's Law requires the registration of sex offenders and notification when sex offenders are released into the community. NCMEC also maintains a State-by-State index of fact sheets on the implementation of Megan's law at http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=1545.

Operation Predator was launched in July 2003 by Homeland Security Secretary Tom Ridge and Assistant Secretary Garcia to draw upon Immigration and Customs Enforcement's (ICE) unique law enforcement authorities to identify, investigate, arrest and, in the case of foreign nationals, deport child sex predators. Operation Predator's reach extends beyond our borders through ICE's international law enforcement presence and targets the borderless Internet through the ICE Cyber Crime Center.

Operation Predator is a comprehensive initiative designed to protect young people from alien smugglers, human traffickers, child pornographers and other predatory criminals. This Operation brings to bear the broadest range of law enforcement authorities in the federal government to target those who exploit young people. Operation Predator draws on the full spectrum of intelligence, investigative, cyber and detention and removal functions of ICE to target those who exploit children. Under Operation Predator, ICE is taking several new steps to identify, investigate and remove child predators from America's streets. More than 4,200 individuals have been arrested in the first fifteen months of the initiative.

Operation Predator is a highly successful law enforcement program of the Department of Homeland Security/ICE that uses a comprehensive approach and utilizes all of ICE's capabilities to target those who prey on children. ICE developed Operation Predator to identify, investigate, and arrest child predators. Operation Predator has prioritized child victimization into 4 targeted groups- International Child Sex Tourists/Travelers, Child Pornographers, Human Smugglers/Traffickers and Foreign Nationals removable from the US for crimes against children.

Pornography and harmful Information

17. Provide information on legislation and other measures to prohibit the production, possession and

dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.

The Justice Department is aggressively prosecuting Federal laws against child exploitation and child pornography. The number of Justice Department prosecutions for these cases has increased 41 percent from the end of FY 2000 through FY 2003. The Administration has increased the funding and reach of important Justice Department programs that target child pornography and exploitation, especially on the Internet. These programs include the FBI's Innocent Images program, which investigates sexual predators who use the Internet to sexually exploit children. In addition, the Department's Child Exploitation and Obscenity Section has created a High Tech Investigative Unit that focuses specifically on child exploitation crimes perpetrated over the Internet.

Child pornography is defined by law as the visual depiction of a person under the age of 18 engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2256(1) and (8). This means that any image of a child engaged in sexually explicit conduct is illegal contraband. Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. *See* 18 U.S.C. § 2256(2). A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive. In addition, for purposes of the child pornography statutes, federal law considers a person under the age of 18 to be a child. *See* 18 U.S.C. § 2256(1). It is irrelevant that the age of consent for sexual activity in a given state might be lower than 18. A visual depiction for purposes of the federal child pornography laws includes a photograph or videotape, including undeveloped film or videotape, as well as data stored electronically which can be converted into a visual image. For example, images of children engaged in sexually explicit conduct stored on a computer disk are considered visual depictions.

Federal prosecutors enforce the laws that make it a crime to possess, receive, distribute or produce child pornography in a way that affects interstate or foreign commerce. *See* 18 U.S.C. §§ 2251, 2252, 2252A. Thus, federal jurisdiction is implicated when the visual image is transported across state lines, or when the visual image was produced using materials that were transported across state lines. It is important to note that this set of requirements covers transporting pornographic materials depicting children electronically by computer. For example, it is illegal under federal law to send an email containing child pornography to a person in another state. It is also illegal to send an email containing child pornography to a person in the same state if the computer server for the email is located in a different state. Given the complex configuration of the Internet, this will almost always be the case. Not surprisingly, it is illegal to download child pornography from an Internet web site. Even in cases where the image itself has not traveled in interstate or foreign commerce, federal law may still be violated if the materials used to create the image - - such as the CD Rom on which the child pornography was stored, or the film with which child pornography was created - - traveled in interstate or foreign commerce. *Id.*

While federal courts may interpret these situations differently depending upon the jurisdiction, the federal government has jurisdiction to investigate and prosecute offenders in such situations. Mailing child pornography via the United States Postal Service is automatically a federal offense, even if material is mailed to someone in the same state. Moreover, people possessing, receiving, distributing or producing child pornography can be prosecuted under state laws in addition to, or instead of, federal law.

Congress recently significantly increased the maximum prison sentences for child pornography crimes and, in some instances, created new mandatory minimum sentences. These prison terms can be substantial, and where there have been prior convictions for child sexual exploitation, can result in a life sentence.

In 1977 the Sexual Exploitation of Children Act was enacted prohibiting the use of a minor in the making of pornography, the transport of a child across state lines, the taking of a pornographic picture of a minor, and the production and circulation of materials advertising child pornography. It also prohibits the transfer, sale, purchase, and receipt of minors when the purpose of such transfer, sale, purchase, or receipt is to use the child or youth in the production of child pornography. The transportation, importation, shipment, and receipt of child pornography by any interstate means, including by mail or computer, is also prohibited.

The Child Protection Act of 1984 defines anyone younger than the age of 18 as a child, and therefore clarifies previous prohibitions by stating that a sexually explicit photograph of anyone 17 years of age or younger is child pornography.

On November 7, 1986, the U.S. Congress enacted the *Child Sexual Abuse and Pornography Act* that banned the production and use of advertisements for child pornography and included a provision by which child victims of exploitation could receive civil compensation. It also raised the minimum sentences for repeat offenders from imprisonment of not less than two years to imprisonment of not less than five years.

On November 18, 1988, the U.S. Congress enacted the *Child Protection and Obscenity Enforcement Act* that made it unlawful to use a computer to transmit advertisements for, or visual depictions of, child pornography and it prohibited the buying, selling, or otherwise obtaining temporary custody or control of children for the purpose of producing child pornography.

With the passage of the *Telecommunications Act of 1996* it is a federal crime for anyone using the mail, interstate or foreign commerce, to persuade, induce, or entice any individual younger than the age of 18 to engage in any sexual act for which the person may be criminally prosecuted.

The Child Pornography Prevention Act of 1996 amends the definition of child pornography to include that which actually depicts the sexual conduct of real minor children and that which appears to be a depiction of a minor engaging in sexual conduct, including images that have been “morphed” to look like children even though those photographed may have actually been adults, and including computer generated images of child pornography even if the actual children depicted are not real.

On April 16, 2002 the Supreme Court ruled in *Ashcroft v. Free Speech Coalition* that provisions in the Child Pornography Prevention Act of 1996 barring the production and dissemination of virtual images of child pornography (morphed or graphical representations on non-real actors) were unconstitutional.

The Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003 (PROTECT) was signed into law in April of 2003. The PROTECT Act, among other things, revises and strengthens the prohibition on ‘virtual’ child pornography so that such prohibitions are constitutional, prohibits any obscene materials that depict children, and provides tougher penalties compared to existing obscenity law. It gives law enforcement additional tools to prevent, investigate, and prosecute violent crimes against children. The law strengthens child pornography laws and builds upon steps already taken by the President to expand, enhance, and coordinate the successful Amber Alert system across America (see question 34). It also substantially increases the criminal penalties for a number of child exploitation crimes and adds a number of new provisions aimed at thwarting child sex tourism.

In addition, various state laws prohibit child pornography.

The National Center for the Prosecution of Child Abuse (NCPCA) maintains collections of criminal laws concerning, among other issues, child pornography. This State statute collection can be accessed at <http://www.ndaa-apri.org/apri/programs/ncpca/statutes.html>.

The National Center for Missing and Exploited Children (NCMEC) provides many resources, including a compilation of applicable Federal and State laws, on the issue of child pornography. These resources can be accessed on the Internet at http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=218.

18. Provide Information on any legislation or guidelines to protect children from injurious Information and material transmitted through the media, Internet, videos, electronic games, etc.

Currently, regulations on violent media are voluntary and optional. However, federal law prohibits the distribution of obscenity. More specifically, it is a crime to mail or receive obscene materials, or to import or transport obscene materials across state lines, including by computer. *See* 18 U.S.C. §§ 1461, 1462, 1463. It is also illegal to transport obscene materials for sale or distribution, or to engage in the business of selling obscene materials. *See* 18 U.S.C. §§ 1465, 1466.

There are also federal laws that specifically criminalize directing obscenity toward minors. Federal law prohibits a person from using the mail or any other means of interstate commerce, including a computer, to knowingly transfer obscene materials to someone the person knows is under 16 years of age. *See* 18 U.S.C. § 1470. For example, it would be a crime to send through email an obscene picture to a 15-year-old. The PROTECT Act also prohibits the use of Internet domain names with the intent to mislead a minor into viewing harmful material or mislead a person into viewing obscenity. *See* 18 U.S.C. § 2252B. For example, a pornographic web site cannot use a domain name suggestive of a cartoon character or children’s television show, as this would likely mislead a minor into viewing harmful material.

Moreover, a new law prohibits sending commercial e-mail containing sexually oriented material without appropriate marks giving the recipient notice as to the content of the material. *See* 15 U.S.C. § 7704(d). This statute will protect children, as well as adults, from unwittingly opening e-mail containing sexually oriented material. Another federal statute, 18 U.S.C. § 2425, protects children by making it a crime to distribute information via interstate facilities

such as the Internet about a child under 16 to another person with the intent to entice or encourage any person to engage in unlawful sexual activity.

The President signed into law legislation creating the Dot Kids domain on the Internet as an on-line child-friendly zone. The Internet domain, .kids.us, has only child-friendly content, affording parents a measure of comfort that their children can use the Internet in a safer environment.

A number of bills, currently pending in committees in Congress seek to limit advertising of violent video games on television, require video games retailers to display the ratings developed by the Entertainment Software Ratings Board (currently optional), or outlaw the sale or rental of video games with excessively cruel and realistic violence to persons under the age of either 17 or 18 (jurisdictions differ in the age they choose).

The *Juvenile Justice Act* does not regulate media content. Instead, it pinpoints media violence as a leading cause resulting in juvenile violence and encourages corporate responsibility and decency in media production. The Juvenile Justice Act establishes voluntary programming guidelines to remove harmful influences on children, creates a \$25 million, 2-year national media campaign against youth violence, restricts the use of federal property, equipment, or personnel for filming motion pictures or television shows for commercial purposes that glorify or endorse violence, requires Internet service providers to offer screening/filtering technology that enables parents to limit their children's access to material on the Internet, and provides funding for a number of studies of media and youth violence.

In addition, various state laws are intended to protect children from exposure to materials harmful to them.

The National Center for Missing and Exploited Children (NCMEC) operates a CyberTipline to facilitate the reporting of the use of the Internet and other electronic media for sexual exploitation of children and distribution of child pornography. Information about the program and related laws can be found on the Internet at http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=169.

- ◆ **Internet Crimes Against Children (ICAC) Task Force Program.** Children and teenagers have seized the Internet's educational and recreational opportunities with astonishing speed and casualness. Adapting information technology to meet everyday needs, young people are increasingly going online to meet friends, satisfy information needs, purchase goods and services, and complete school assignments. Currently, 28 million children and teenagers have access to the Internet, and industry experts predict that they will be joined by another 50 million globally by 2005. Although the Internet gives children and teenagers access to civilization's greatest museums, libraries, and universities, it also increases their risk of being sexually exploited or victimized.

Recognizing the Internet's dangers and the real risk of technology facilitated child sexual exploitation, the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), acting on Congressional authorization and funding, developed the ICAC Task Force Program to assist State and local law enforcement agencies with acquiring the necessary

knowledge, equipment, and personnel resources needed to prevent, interdict, or investigate ICAC offenses.

The ICAC Task Forces, now numbering 45, are on the front line addressing computer facilitated child sexual exploitation through aggressive investigations, prosecutions, computer forensics and community outreach. Moreover, they have become regional clusters of technical and investigative expertise offering both prevention and investigative services to children, parents, educators, law enforcement officers, and other individuals working on child sexual exploitation issues.

In addition to the Task Forces themselves, OJJDP has embarked on an initiative with its partners, the National Center for Missing and Exploited Children (NCMEC) and Fox Valley Technical College, to provide training and technical assistance to thousands of law enforcement officials and prosecutors across the United States and around the world on the ICAC program standards and investigative techniques.

Through continued partnerships with the FBI, the Department of Homeland Security's Immigration and Customs Enforcement (ICE) and the U.S. Postal Inspection Service, the ICAC Task Forces have made an indelible mark on child exploitation investigations. In fact, through the end of Fiscal Year 2004, the ICAC Task Forces are credited with investigating tens of thousands of cases that have led to nearly three thousand arrests and convictions since 1998.

The President has secured increased funding for the ICAC Task Force program from \$6.5 million in FY 2001 to \$12 million in FY 2004, and has proposed \$14.5 million for FY 2005.

Reporting obligations relating to violence against children

19. Provide Information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

All 50 states have passed some form of a mandatory child abuse and neglect reporting law in order to qualify for funding under the Child Abuse Prevention and Treatment Act (CAPTA, Jan. 1996).

The Children's Bureau has oversight responsibility for the implementation of the Child Abuse Prevention and Treatment Act (CAPTA, 42 U.S.C. 5101, *et seq.*). CAPTA funds grants to States to assist them in developing effective child protective systems to provide for the safety of children within the States. To qualify for these grants, CAPTA requires States to have in place certain policies and procedures, including provisions for the reporting known and suspected instances of child abuse and neglect (42 U.S.C. 5106a(b)(2)(A)(i)). The requirement for persons to report is a matter of State law.

All States and the District of Columbia have statutes identifying mandatory reporters of child abuse and neglect. All but two of the States have designated specific professionals as mandated

reporters. (New Jersey and Wyoming do not specify any professionals as reporters, but simply require all persons to report.) Professions typically mandated to report include health care workers, school personnel, mental health professionals, childcare workers, and social workers.

Eighteen States (Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming) require all persons to report. In all other States, any person is allowed to report. This is known as voluntary or permissive reporting.

All States (except Maine, Maryland, North Carolina, and Wyoming) and the District of Columbia have laws that make failure to report by a mandated reporter a misdemeanor-level violation.

Complaint procedures.

20. Provide Information on any complaints procedures relating to all forms of violence against children perpetrated in:
- The family/home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions, state and private, including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighborhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Where federal jurisdiction lies, as discussed above in response to Question 3, federal laws apply universally and are not dependent on the location or setting of a violation.

All States have enacted statutes that set out the procedures that child protective services and other appropriate agencies must follow in receiving and responding to reports of suspected abuse and neglect of children within their families. These procedures specify timeframes for initiating and completing investigations, and provide the necessary authority for officials to gather evidence and to place children in an emergency shelter when needed. The National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau has tracked States laws on reporting procedures across the States, and has made information available through its website <http://nccanch.acf.hhs.gov/>

The Office of the Assistant Secretary for Planning and Evaluation, HHS, ACF, and the Children's Bureau, recently released the *National Study of Child Protective Systems and Reform Efforts* (<http://aspe.hhs.gov/hsp/cps-status03/state-policy03/index.htm>), a review of child protective policy and procedure across the States. This report provides detailed information on various aspects of child protective practice, including the intake and screening of reports of child abuse or neglect.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

All States have procedures in place for any person, regardless of age or position, to make a report when they have knowledge or suspicion that a child is being abused or neglected. Most States maintain toll-free, telephone hotlines for that purpose. When a report is received, a

designated State agency, usually a child protective services (CPS) department, has the responsibility to investigate the report and to provide protective services to the child and his or her family as needed. Generally speaking, no third party legal aid is required at this initial stage of making a report on the part of the reporter, or responding to a report on the part of the State child protective agency.

Once a child has been placed in the child protective and/or child welfare system, Federal and State law does provide for the child to be assigned some type of legal assistance, through a court appointed attorney, a guardian *ad litem*, or a court appointed special advocate (CASA), to represent the child's interests in any proceedings that may be necessary. Parents who are financially unable to secure the services of an attorney may also be assigned a court-appointed attorney. The American Bar Association (ABA) provides information on obtaining legal aid on its Web site at <http://www.abanet.org/legalservices/findlegalhelp/freehelp.html>.

Agencies also have attorneys on staff to advise them on legal and court issues. The National Child Welfare Resource Center on Legal and Judicial Issues (<http://www.abanet.org/child/rclji/home.html>) is a source of training and technical assistance to State agencies and attorneys. The Center is operated by the ABA Center on Children and the Law and is funded by the Children's Bureau.

Each State child welfare agency also has a State liaison officer (SLO) on staff. The SLO addresses complaints from family members who feel that their cases have in some way been handled unfairly.

22. Describe steps that have been taken to raise awareness of possibilities to submit complaints about violence against children.

The Office on Child Abuse and Neglect (OCAN), a division of the Children's Bureau, takes the Federal lead in the effort to educate individuals and communities about how to prevent child abuse and neglect.

Generally, child abuse and neglect prevention activities focus on four main areas, all of which include a component that addresses the "how and where" to report suspected child abuse and neglect:

- Creating and distributing public awareness material and information.
- Developing and using skills-based curricula to teach children to recognize and resist child abuse.
- Conducting parent education and parent support programs.
- Providing home visitation programs for families at risk.

In addition to emphasizing the responsibility and importance of reporting suspected child abuse and neglect in print materials, OCAN also takes advantage of online resources to provide information on how and where to report child abuse and neglect in all States. A fact sheet, "How To Report Suspected Child Abuse and Neglect," is available online at http://www.acf.dhhs.gov/programs/cb/publications/rpt_abu.htm.

As another example of the use of online technology, the Children's Bureau supports the ACF's Questions and Answers Support page (<http://faq.acf.hhs.gov/cgi->

bin/acfrighnow.cfg/php/enduser/std_alp.php), an online mechanism to empower citizens to find answers to frequently asked questions related to issues of concern to children and families. The Children's Bureau responds to questions directed to the Child Welfare category, including the sub-category of child abuse and neglect. One of the questions specifically addresses how and where to report suspected child abuse and neglect.

The National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau, supports the initiatives and programs of the Children's Bureau. The Clearinghouse provides several means of accessing information on how and where to report suspected child abuse and neglect:

- The homepage of the Clearinghouse website at <http://nccanch.acf.hhs.gov/index.cfm> prominently displays a link to "Reporting Child Abuse and Neglect" which includes information, in both English and Spanish, on "How to Report Suspected Child Maltreatment."
- The "FAQs" button (Frequently Asked Questions) on the navigation bar on the Clearinghouse homepage links users to the "Reporting Child Abuse and Neglect" information.
- In addition, the Clearinghouse develops and widely disseminates information that includes how and where to report child abuse and neglect in response to customer requests and in support of key national conferences nationwide. For example, reporting information is included in the following:
 - [Child Abuse and Neglect Information Packet](#)
 - [A Coordinated Response to Child Abuse and Neglect: The Foundation for Practice](#) (<http://nccanch.acf.hhs.gov/pubs/usermanuals/foundation/index.cfm>)
 - Resource Listing: "Child Abuse and Neglect Reporting Numbers" (

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Federal and state laws provide protections in proceedings. *18 USC 3509* provides special procedures and protections for child victims of physical abuse, sexual abuse or exploitation and to child witnesses to crime committed against another person. For example, alternatives to live in-court testimony may be available to the child; the courtroom may be closed to persons without a direct interest in the case, including members of the press, if the child does provide live testimony; certain privacy protection may be afforded to the child; and the child may have a guardian ad litem appointed or may be allowed to have an adult attendant in close proximity while testifying.

States have special procedures in place, such as in the way testimony can be delivered (for example, videotaped depositions), or modification to some rules of evidence (for example, exceptions to the hearsay rule), which are intended to accommodate the special needs of children or to mitigate the trauma that testifying in court can inflict on child victims. The National Center for the Prosecution of Child Abuse (NCPCA), a project of the American Prosecutors Research Institute, maintains a collection of State statutes on some of these issues, including the use of anatomical dolls in investigation, the use of closed circuit television in court testimony, and

determining the competency of child witnesses. These publications can be accessed through the Internet at <http://www.ndaa-apri.org/apri/programs/ncpca/statutes.html>.

The National Study of Child Protective Services Systems and Reform Efforts, a study commissioned by the Office of the Assistant Secretary for Planning and Evaluation, ACF, HHS, and the Children's Bureau, can provide some information on the standards of evidence for substantiating a report of abuse or neglect at <http://aspe.hhs.gov/hsp/cps-status03/state-policy03/chapter6.htm#Investigation>.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

When a report of abuse or neglect is made to the State child protective services agency, an investigation is initiated to determine whether the allegations made can be confirmed or substantiated. The majority of reports (about 60%)¹ are unsubstantiated, i.e., the results of the investigation could not confirm the allegations made in the report. In most States, when a report is substantiated, the alleged perpetrator's name is entered into a State central registry of child abuse and neglect reports. The records in the central registry may be used in some States to screen employees or prospective employees for jobs where the employee will have significant contact with children, or to screen prospective adoptive or foster parents.

When a report is substantiated, the family may come under the supervision of the State's child welfare system. At this point, a determination is made as to whether it is safe for the child to remain with his or her family. Factors that are considered include the type and severity of the abuse or neglect, the age and physical needs of the child, the overall situation in the home, the skills and capacity of the parents or other caregivers, and the presence and quality of other resources available to the family. If the child is not in immediate danger of serious injury, the child may be left in the home, and services, such as parenting classes, child care, or job training, may be offered to the family to address situations that threaten family stability.

If the child cannot be safely maintained in the home, the State agency may place the child in an out-of-home placement. The options for out-of-home placements include foster care, kinship care, group or residential facilities, and emergency shelters. Any out-of-home placement must be approved by a State court.

Whenever a child is placed in out-of-home care and is under the supervision of the State agency, Federal and State law require the agency, working with the parent, to prepare a service plan. The service plan specifies the services the agency will provide to address the parent's problems and the progress the parent must make in order to be reunified with his or her child. The laws at the Federal and State level also specify strict timeframes, usually 15 months, for the parent to achieve reunification with his or her child. Failure to fulfill the service plan within the timeframes can result in the termination of the parent's rights to the child, which releases the child for adoption by another family.

Child Maltreatment 2002, the latest report available from the National Child Abuse and Neglect Data System (NCANDS), can provide statistics on the disposition of reports and the types of services provided. This report is available online at <http://www.acf.hhs.gov/programs/cb/publications/cm02/cm02.pdf>.

The National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau publishes the fact sheet, *How Does the Child Welfare System Work?* This fact sheet provides an overview of the organizations and systems in place across the States that have responsibility for protecting children. This publication is available on the Internet at <http://nccanch.acf.hhs.gov/pubs/factsheets/cpswork.pdf>.

¹ This statistic is from *Child Maltreatment 2002*, the latest available report from the National Child Abuse and Neglect Data System (NCANDS), available online at <http://www.acf.hhs.gov/programs/cb/publications/cm02/cm02.pdf>.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

No comprehensive assessment is known to us at this time.

II INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured,

The Children's Bureau provides Federal oversight and administers grant programs and other funding vehicles to support States in their efforts to provide protection to children endangered by violence in their homes. States maintain child protective services (CPS) departments as part of their State governments. CPS departments receive the reports of abuse made by either mandated or voluntary reporters, and have responsibility for investigating the reports and assessing family situations to determine the safety of children. State law enforcement agencies may also have a role in these investigations. All States have laws that specify cross-reporting requirements among the agencies involved in assuring the safety of children and their families. Many States utilize a multidisciplinary team approach to the delivery of services.

The Family and Youth Services Bureau (an agency within ACF, HHS) targets services, policies, and programs, to runaway and homeless youth in order to fund local and state level programs aimed at providing services and opportunities to homeless youth and at-risk families in order to prevent neglect and abuse.

The Head Start Bureau (an agency within ACF, HHS) is responsible for the administration of state-level "Head Start" programs, which provide education and early childhood development, medical, dental, and mental health care, and nutrition information to low-income families. Additionally, Head Start programs are sensitive to ethnic, cultural, and linguistic heritage and experience.

The Child Care Bureau (an agency within ACF, HHS) assists low-income families in finding quality and affordable childcare so that children are protected from abusive and neglectful child care providers or lack of childcare.

Coordination of these institutions is provided by the organizational structure under which they were created. The four Bureaus listed above are coordinated by the Administration on Children, Youth, and Families, which is led by a Commissioner. Additionally, the Commissioner is overseen by the Assistant Secretary of the Administration of Children and Families, further coordinating the actions of the Bureaus in ACYF with ACF and HHS.

Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 42 U.S.C. § 5601 *et seq.*) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system. On November 2, 2002, Congress reauthorized the **JJDP Act**.

(<http://ojjdp.ncjrs.org/about/ojdpact2002.html>) The reauthorization (the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, 116 Stat. 1758) supports OJJDP's established mission while introducing important changes that streamline the Office's operations and bring a sharper focus to its role. The provisions of the reauthorization took effect in FY 2004 (October 2003).

OJJDP, a component of the **Office of Justice Programs** (<http://www.ojp.usdoj.gov/>), **U.S. Department of Justice**, (<http://www.usdoj.gov/>) supports states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. Juveniles in crisis—from serious, violent, and chronic offenders to victims of abuse and neglect—pose a challenge to the nation. **Charged by Congress** (<http://ojjdp.ncjrs.org/about/legislation.html>) to meet this challenge, OJJDP collaborates with professionals from diverse disciplines to improve juvenile justice policies and practices. The Office also strives to enable the juvenile justice system to better protect public safety, hold offenders accountable, and provide services tailored to the needs of youth and their families. Under the leadership of its **Administrator** (<http://ojjdp.ncjrs.org/about/administrator.html>), OJJDP sponsors numerous research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming nationwide through its **five organizational components** (<http://ojjdp.ncjrs.org/about/DivList.asp>).

- ◆ The Office of the Administrator (OA) establishes OJJDP's priorities and policies, oversees the management of the Office's divisions, and fosters collaboration with federal, state, and local agencies and associations that share OJJDP's commitment to preventing and combating juvenile delinquency and addressing the problem of missing and exploited children.
- ◆ Office of Policy Development (OPD) assists the OJJDP Administrator in coordinating national policy on juvenile justice. OPD advises the Administrator on policy and legal issues and how OJJDP can best accomplish its mission. OPD also provides leadership and direction for OJJDP's research and training and technical assistance efforts and oversees the agency's communications and planning activities.
- ◆ Child Protection Division (CPD) develops and administers programs related to crimes against children and children's exposure to violence. It provides leadership and funding in the areas of enforcement, intervention, and prevention. CPD's activities include supporting programs that promote effective policies and procedures to respond to the problems of missing and exploited children, Internet crimes against children, abused and neglected children, and children exposed to domestic or community violence.

- ◆ Demonstration Programs Division (DPD) provides funds to public and private agencies, organizations, and individuals to develop and support programs and replicate tested approaches to delinquency prevention, treatment, and control in areas such as mentoring, substance abuse, gangs, truancy, chronic juvenile offending, and community-based sanctions. DPD also supports and coordinates efforts with tribal governments to expand and improve tribal juvenile justice systems and develop programs and policies that address problems facing tribal youth.
- ◆ State Relations and Assistance Division (SRAD) provides funds to help state and local governments achieve the system improvement goals of the JJDP Act, combat underage drinking, implement delinquency prevention programs, address disproportionate minority contact, and support initiatives to hold juvenile offenders accountable for their actions. SRAD also supports and coordinates community efforts to identify and respond to critical juvenile justice and delinquency prevention needs.

The OJJDP Administrator serves as the vice chairperson of the Coordinating Council on Juvenile Justice and Delinquency Prevention—an independent body within the executive branch of the federal government—coordinates all federal programs and activities related to juvenile delinquency prevention, the care or detention of unaccompanied juveniles, and missing and exploited children. It has a number of other mandated responsibilities and also engages in activities such as fostering collaboration and disseminating information. Part of the Council’s mandate is to make annual recommendations to Congress regarding juvenile justice policies, objectives, and priorities. To help shape these recommendations, the Council holds quarterly meetings open to the public that provide a forum for the exchange of information, ideas, and research findings.

The Council has nine members representing federal agencies and nine practitioner members representing disciplines that focus on youth. The Attorney General serves as chairperson.

The US Department of Justice, Civil Rights Division (CRD), Special Litigation Section has investigated conditions of confinement in more than 100 juvenile facilities in sixteen states, and the Commonwealths of Puerto Rico and the Northern Mariana Islands. The Section currently monitors conditions in more than 65 facilities that operate under settlement agreements with the United States. The cases have involved both publicly and privately operated facilities, as well as conditions for youths being held prior to their juvenile court adjudication and those placed in facilities as a result of being adjudicated delinquent. The scope has ranged from single facilities to statewide systems, from 30-bed detention centers to 700-bed training schools. The investigations, and the subsequent settlements reached in most cases, have focused on a number of important federal rights of juveniles, including rights guaranteed by the Individuals with Disabilities Education Act, 20 U.S.C. ' 400 *et seq.*, the Americans with Disabilities Act, 42 U.S.C. ' 12131 *et seq.*, and youths' constitutional rights to reasonable safety, adequate medical and mental health care, rehabilitative treatment and education. Several of the cases have involved allegations of staff abusing juveniles, preventable youth-on-youth violence, and excessive use of restraints and isolation. The Section has made a priority of ensuring adequate access to mental health treatment and has focused attention on the special needs of very young juveniles, juveniles with special medical problems, and on the myriad of problems created by crowding in juvenile facilities.

Within U.S. Immigration and Customs Enforcement, Office of Investigations (an agency within the Department of Homeland Security), there is a Human Rights Violators and Public Safety Unit (HRVPSU). As a part of its responsibilities, this unit oversees investigations of individual human rights violators or regimes that have been involved in genocide, torture, forced military conscription and other serious acts of violence against children. The unit also oversees proactive investigations of criminal street gangs that are responsible for significant violence against children.

The National Center for Children Exposed to Violence was created by the Department of Justice in 1999 as a center dedicated to the study and dissemination of resources and information regarding children exposed to violence in order to increase awareness and prevent violence against children. As part of the Yale University Child Study Center, NCCEV is not a government agency but was formed by a government mandate and functions primarily on government funding. Additionally, NCCEV is a leading resource in advising the legislature on matters of violence against children.

The National Study of Child Protective Services Systems and Reform Efforts, a study commissioned by the Office of the Assistant Secretary for Planning and Evaluation, ACF, HHS, and the Children's Bureau, can provide additional information on the cross-agency responsibility in responding to reports of abuse or neglect at <http://aspe.hhs.gov/hsp/cps-status03/state-policy03/chapter6.htm#Investigation>.

In December 2002, President George W. Bush created the White House Task Force for Disadvantaged Youth. (The Executive Memorandum may be found online at <http://www.whitehouse.gov/news/releases/2002/12/20021223.html>.) The Task Force was charged with developing, under existing authorities and programs, a comprehensive Federal response to the problems facing America's youth.

In April 2003, the Task Force presented the President with an initial overall assessment of the Federal response to failure among disadvantaged youth. In October 2003, the Task Force released its Final Report, presenting a national youth policy framework designed to support all young people in growing up to be healthy and safe and ready to participate in work, college, military service, marriage, family, parenting, and civic engagement and service. To promote these positive outcomes for disadvantaged youth, the Task Force recommends improving Federal programs through better management, better accountability, better connections, and giving priority to the neediest youth. The Administration has convened an interagency working group to follow up on the Task Force Report's recommendations.

The text of the report may be found at: <http://www.ncfy.com/whreport.htm>

27. Is there a lead government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

No, there is no lead authority. Agencies throughout the federal, state, and local level address issues pertaining to violence against children. At the federal level, agencies bring their expertise to the table and coordinate efforts with states, one another, and lawmakers.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

Financial and human resources are substantially allocated to addressing violence. No comprehensive review to measure the extent is available to us at this time.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

Financial and human resources are allocated to addressing violence against children in all the aforementioned agencies.

The Children's Bureau is one source of resources and funding for programs addressing violence against children (see Annex # 2), though there are many more. The Children's Bureau is responsible for assisting States in the delivery of child welfare services that are designed to protect children and strengthen families. The Children's Bureau accomplishes this through providing grants to States, Tribes, and communities to operate a wide range of child welfare services that includes child protective services (CPS).

The Children's Bureau funds several State and discretionary grant programs that include activities directed at the intervention and prevention of violence against children in the home and/or in the family. Examples of State grant programs with a focus on intervention and/or prevention activities that address violence against children in the family include:

- CAPTA (Child Abuse Prevention and Treatment Act) State Grant Program

This grant provides flexible funds to the States to improve the capacity of their child protective services systems. Recent additions to the scope of this program include the education of the public on the role of child protective services, as well as the nature and basis for reporting suspected incidents of child abuse and neglect.

- Community-Based Child Abuse Prevention (CBCAP) Grant Program

This grant program provides funds to States to develop, operate, expand and enhance community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, through networks where appropriate.

- Children's Justice Act (CJA) Grant

The CJA grants help States to develop, establish, and operate programs designed to improve the investigation and prosecution of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, and to improve the handling of cases of suspected child abuse or neglect-related fatalities.

Funding priorities for the Discretionary Grant Program are established each year. The Children's Bureau defines critical issues for investigation, and makes recommendations regarding subject areas for research, demonstration and evaluation. Some examples of discretionary grants aimed at intervening or preventing violence against children in the home and in the family include:

- Child Abuse Prevention and Treatment Act Research and Demonstration Projects

Funds for these projects support research on the causes, prevention, and treatment of child abuse and neglect; demonstration programs to identify evidence-based effective practices for preventing maltreatment and treating troubled families; and the development and implementation of training programs. Projects have focused on every aspect of the prevention, identification, investigation, and treatment of child abuse and neglect.

- Community-Based Family Resource and Support (CBFRS) program

The CBFRS program, administered by the CBCAP grants, support effective and comprehensive child abuse prevention activities and family support services, including an emphasis on strengthening marriages and reaching out to fathers, that will enhance the lives and ensure the safety and well-being of children and their families.

For detailed information on State and local spending for child welfare services, the Urban Institute (<http://www.urbaninstitute.org>), a nonpartisan economic and social research organization, may be a helpful source of information. The Institute has published several reports, papers, and data-at-a-glance resources related to child welfare spending, including the brief, "The Cost of Protecting Vulnerable" (2002), available online at http://www.urban.org/UploadedPDF/310586_FactPerspectives.pdf.

Please review the ACF's FY2004 discretionary program funding listing attached at the end of this document to help understand the extent of ACF's financial and human resources commitment to addressing violence against children.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, Indicate the extent of these resources and the way in which they are used.

Unfortunately, we do not have knowledge as to whether international or bilateral donors provide resources for these activities.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

Within U.S. Immigration and Customs Enforcement, Office of Investigations (an agency within the Department of Homeland Security), a Human Rights Violators and Public Safety Unit (HRVPSU) routinely cooperates with investigations of human rights violators who are also

being investigated by other countries, specifically, Australia, Canada, the United Kingdom, Rwanda, Sierra Leone and Iraq. Likewise, the HRVPSU cooperates with the United Nations and international entities such as International Criminal Tribunals for Rwanda and Yugoslavia in order to bring human rights violators and war criminals to justice. The targets of these investigations have often victimized children as a part of their crimes.

ICE's HRVPSU also works with foreign governments throughout the Americas to coordinate enforcement actions targeting criminal street gangs who operate transnationally. These criminal street gangs are responsible for significant violence against children.

The U.S. assists countries in promoting the well-being of children in many other ways, such as through support to international organizations like UNICEF and the International Labor Organization, reporting on human rights, and broad variety of other activities. Unfortunately, we do not have a more comprehensive assessment of ways the U.S. counters violence against children in particular.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

Generally, child abuse and violence against children is dealt with on a state level through the state Child Protective Services Agency. Nationally, the United States Department of Health and Human Services supports state programs and services through funding, policy direction and information dissemination. Complaints are typically received directly by CPS or through a number of local, state, or national non-governmental agencies that facilitate prevention of abuse, protection of children, and prosecution of perpetrators.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

No committees are dedicated specifically to addressing violence against children.

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details,

Listed below is some recent Federal legislation that has impacted the efforts of the United States government, at both the Federal and State level, to assure the safety of children.

The Keeping Families Safe Act of 2003 strengthens state and community-based programs that prevent child abuse and family violence and treat victims. In addition, the legislation will help us keep children safe by requiring criminal background checks for foster and adoptive parents. It also provides additional resources to increase the number of older children placed in adoptive families.

The Protection of Children from Sexual Predators Act of 1998 establishes new criminal offenses, amends existing statutes, and provides for enhanced penalties. The bill was signed and became effective on October 30, 1998.

The Strengthening Abuse and Neglect Courts Act of 2000 seeks to improve the administrative efficiency and effectiveness of the nation's abuse and neglect courts to assist courts in meeting the timelines for achieving permanency for children in foster care that were mandated by the Adoption and Safe Families Act of 1997.

The Child Abuse Prevention and Enforcement Act of 2000 seeks to reduce the incidence of child abuse and neglect through law enforcement initiatives and prevention activities.

The PROTECT Act (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003) provides for national coordination of Amber alerts, which builds upon steps taken by this Administration. AMBER Alert is a network through which state and local authorities coordinate efforts in the public and private sector to locate and recover abducted children believed to be at imminent risk of harm. Amber Alert incorporates a system for public notification when a child has been abducted, and provides for enhanced penalties for child sexual abuse, sexual exploitation, and child pornography. *AMBER Alert* requires states to take steps to protect children from abduction including institution of the Amber Alert System and Safe Haven programs. The Administration established an Amber Alert coordinator, has recommended national standards and guidelines for issuing Amber Alerts.

A more complete listing of laws and policies can be found on the Web site of the Children's Bureau at <http://www.acf.hhs.gov/programs/cb/laws/index.htm>.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of Institutions involved (such as academic Institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international nongovernmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

To address all types of violence, including violence against children, the Centers for Disease Control and Prevention (CDC) with the Department of Health and Human Services (HHS) uses a public health approach. This approach has four key steps: define and monitor the problem, identify risk and protective factors, develop and test prevention strategies, and assure widespread adoption of prevention principles and strategies. Toward this end CDC works with and provides funding to academic institutions, community-based organizations, faith-based groups, small and minority-owned businesses, tribal organizations, health departments, UN organizations and others.

For example, in the area of problem identification:

Five state health departments have been funded to develop child maltreatment surveillance systems. States are comparing alternative approaches to surveillance for fatal and nonfatal child

maltreatment on the state level, and testing methods that may be employed for the surveillance of violence at all ages. These projects address the pressing need for a practical surveillance system for child maltreatment that can be implemented at the state level. This program will help determine the utility of various data sources for such a system. Potential data sources include data from hospitals, child protective services, FBI/police, child fatality reviews, and medical examiner or coroner reports.

CDC is working with a diverse group of child maltreatment experts and the same five state health departments mentioned above to develop uniform definitions and recommended data elements for child maltreatment surveillance. Without uniform definitions, different terms are used to describe acts of child maltreatment. These inconsistencies contribute to confusion and a lack of consensus about the magnitude of the problem. Consistent data allow researchers to better gauge the scope of the problem, identify high-risk groups, and monitor the effects of prevention programs.

CDC is also presently developing a *National Violent Death Reporting System* (<http://www.cdc.gov/ncipc/profiles/nvdrs/facts.htm>). The system is being designed to link detailed information from medical examiners, coroners, police, crime labs and death certificates in order to answer important questions about trends and patterns of violence in the United States, including violence against children. The system will help gather more accurate and in-depth information about victims of child maltreatment and establish standards for identifying abuse-related deaths. Thirteen states are currently funded to implement the system (Arkansas, Colorado, Georgia, Massachusetts, Maryland, North Carolina, New Jersey, Oklahoma, Oregon, Rhode Island, South Carolina, Virginia, and Wisconsin).

The National Electronic Injury Surveillance System (NEISS), operated by the U.S. Consumer Product Safety Commission, provides data about all nonfatal injuries treated in US hospital emergency departments. CDC uses these data to generate national estimates of nonfatal injuries, including those related to child maltreatment, youth violence, self-harm, intimate partner and sexual violence. CDC has also developed and pilot tested a number of special screens for these forms of violence to gather additional information beyond what is typically collected by the NEISS system. NEISS data are available through CDC's Web-based Injury Statistics Query and Reporting System (WISQARS) – <http://www.cdc.gov/ncipc/wisqars/default.htm>.

Etiologic and Prevention Research:

Through its extramural research program, CDC provides funding to academic institutions, community-based organizations, health departments and others to understand and prevent many types of violence, including child maltreatment, youth violence, intimate partner violence, sexual violence, and suicide. Examples of these research and prevention initiatives are described further in Sections V and VI.

Awareness and Dissemination:

Developed by CDC in partnership with 10 other Federal agencies, the *National Youth Violence Prevention Resource Center* serves as an online source for information and materials gathered from institutions, community-based organizations, and federal agencies working to prevent violence among the nation's youth. The Center's website, toll-free hotline, and fax-on-demand service offer

access to information about prevention programs, publications, research, statistics, and fact sheets. Additional information is available from the Center's website: www.safeyouth.org

The *National Sexual Violence Resource Center* was established with CDC funds to provide sexual assault programs, state and local organizations, community volunteers and the media with comprehensive information about sexual violence, policy analysis and development, and technical assistance. The center compiles, synthesizes and distributes research and evaluation findings to help practitioners develop appropriate programs and policies to prevent and control sexual violence.

CDC also raises awareness about the problem and disseminates information by organizing and supporting meetings and conferences, creating and distributing publications, and presenting information about violence prevention to local, state, national and international audiences.

As the oldest Federal agency for children, the Children's Bureau works with State and local agencies to develop programs that focus on preventing child abuse and neglect in troubled families, protecting children from abuse and neglect, and finding permanent placements for children who cannot safely remain within their homes. The Children's Bureau seeks to accomplish these goals by providing for the safety, permanency, and well-being of children through leadership, support for necessary services, and partnerships with States, Tribes, and communities nationwide.

Statistical data on child maltreatment in the United States clearly demonstrates that every day the safety and well being of some children is being threatened or placing them at high risk of harm. Intervening on their behalf is not the sole responsibility of any one agency or professional group, but rather it is the responsibility of all citizens and communities nationwide.

While local public child protective services (CPS) agencies, law enforcement, and State and local courts are mandated by laws in the United States to respond to child maltreatment, other professional community members, such as teachers, doctors, nurses, and mental health providers, also play a key role in supporting families and protecting children. In order for intervention and prevention services to be effective, interagency and interdisciplinary cooperation and collaboration in bringing together expertise and resources is imperative.

Beginning at the Federal level, the Office on Child Abuse and Neglect (OCAN), a division of the Children's Bureau, has taken the Federal lead on activities to protect children from maltreatment. For example, OCAN has taken a leadership role in the Federal Interagency Work Group, a forum for collaboration among Federal agencies with an interest in child maltreatment. A key goal of this group is to create a common national agenda in the areas of training, research, legislation, information dissemination, and delivery of services as they relate to the prevention, intervention, and treatment of child abuse and neglect. Membership in the Work Group, in addition to HHS, is represented by staff from various Federal Departments including Justice, Defense, Education, Agriculture, and Labor, to name a few.

OCAN is also the focal point for interagency collaborative efforts on special initiatives related to child abuse and neglect. Each year, OCAN, under Presidential Proclamation, sponsors a national Child Abuse Prevention Initiative to raise awareness of the issue. The Prevention Initiative is an opportunity for Federal and State agencies, national organizations, and community groups to work together across the country to keep children safe, provide the support families need to stay

together, and raise children and youth to be happy, secure, and stable adults. For more information and links to resources and prevention partners, visit the Prevention Initiative Web site at <http://nccanch.acf.hhs.gov/topics/prevention/index.cfm>.

At the State level, child welfare agencies are utilizing Federal and State funds to provide services and support programs to families impacted by child abuse and neglect as well as those that are at risk. These programs may include parent education, crisis and emergency services, and treatment for abused and neglected children. FRIENDS (Family Resource Information, Education and Network Services) National Resource Center for Community-Based Grants for the Prevention of Child Abuse and Neglect is part of the Children's Bureau Training and Technical Assistance Network. It provides technical assistance and information to State leads of the Community-Based Child Abuse Prevention (CBCAP) grants to help States in their efforts to reduce the incidence of child abuse and neglect and to strengthen families.

Also, State chapters of several national organizations involved in child abuse prevention efforts focus on engaging in public awareness campaigns, parenting education activities, and developing skills-based prevention curricula for children's programs. For a listing of selected national organizations with State chapters supporting prevention activities, see http://nccanch.acf.hhs.gov/topics/prevention/partners/reslist.cfm?svcID=134&rate_chno=11-11238.

Community efforts also play a key role in prevention activities. The Children's Bureau's Prevention Initiative resources for 2004, the Child Abuse Prevention Resource Packet (<http://nccanch.acf.hhs.gov/topics/prevention/index.cfm>) includes tools for helping communities develop and sustain prevention programs at <http://nccanch.acf.hhs.gov/topics/prevention/develop/index.cfm>. These resources provide guidance on collaboration within the community, tips for obtaining funding for programs, and the marketing and evaluation of prevention activities.

In addition, there are a variety of community organizations that offer a wide range of services for children and families. For example, local chapters of the Boys and Girls Clubs, Boy Scouts/Girl Scouts, and YMCA/YWCAs provide after school, supervised opportunities for children and youth to participate in social and recreational activities in safe environments. These groups include prevention activities in their programs. Many smaller community groups find it necessary to develop partnerships with other community members... professionals, businesses, faith-based groups... who share their interest in creating prevention activities to meet the needs of their community.

In order to inform all of the child abuse and neglect prevention stakeholders, it is essential to continue to identify best practices and evidence-based research and to fund innovative programs and initiatives that address the problem of child maltreatment. Through its Child Abuse Prevention and Treatment Act Research and Demonstration Projects, the Children's Bureau has funded projects that support research on the causes, prevention, and treatment of child abuse and neglect; demonstration programs to identify evidence-based effective practices for preventing maltreatment and treating troubled families; and the development and implementation of training programs. Projects have focused on every aspect of the prevention, identification, investigation, and treatment of child abuse and neglect. As part of the discretionary grant program, these grants are primarily awarded through the competitive grant process that is open to applicants such as State and local

agencies, non-profit, faith-based and community-based organizations, universities and colleges, and advocacy groups with a non-profit status.

There is an important non-governmental organization opposing the use of corporal punishment against children. The Center for Effective Discipline, located in Columbus, Ohio, is a non-profit organization that operates two programs for disseminating information about the effects of corporal punishment on children and alternatives to its use. It operates a program called EPOCH-USA (End Physical Punishment of Children) that is part of a multi-national effort of EPOCH-Worldwide and concentrates its efforts on ending corporal punishment of children in families. It also supports the National Coalition to Abolish Corporal Punishment in Schools (NCACPS), which advocates for a ban on corporal punishment in schools. In 2001, the Center for Effective Discipline testified before the United Nations Committee on the Rights of the Child at its Day of General Discussion on Violence against Children within the Family and Schools in Geneva, Switzerland. Several national professional organizations have also passed policies opposing the use of corporal punishment, particularly in schools. These include the National Association of Social Workers, the National Association of School Psychologists, and the American Psychological Association.

The Safe Schools/Healthy Students (SS/HS) Initiative - A Comprehensive Approach to Youth Violence Prevention:

The SS/HS Initiative is an unprecedented collaborative grant program supported by three Federal agencies-the U.S. Departments of Health and Human Services, Education, and Justice. The SS/HS Initiative is a unique Federal grant-making program designed to prevent violence and substance abuse among our Nation's youth, schools, and communities. These Federal agencies are working together to ensure that Federal funding is channeled to schools and communities that can work together to provide comprehensive educational, mental health, social, law enforcement, and juvenile justice system services that promote healthy child development and school environments that are safe, disciplined, and drug free.

The purpose is to provide schools and communities with the benefit of enhanced school and community-based services in an effort to strengthen healthy child development thus reducing violent behavior and substance use. The SS/HS Initiative seeks to develop real-world knowledge about what works best to promote safe and healthy environments in which America's children can learn and develop.

Since 1999, almost 150 urban, rural, suburban, and tribal school districts-in collaboration with local mental health and juvenile justice providers-have received grants using a single application process. These grantees are implementing comprehensive programs that address all of the following six elements:

- A safe school environment
- Violence, alcohol, and drug abuse prevention and early intervention programs
- School and community mental health preventive and treatment intervention services
- Early childhood psychosocial and emotional development services
- Educational reform
- Safe school policies

There are also hundreds of nonprofit, non-governmental, and academic institutions involved in research, prevention, prosecution, information distribution, rehabilitation, social services, and activism.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Government routinely issues funding through grants for programs and research on the issue of violence against children. Civil society plays an important role in advising the legislature and in advocating for increased standards. Coordination in civil society is through an informal network of groups concerned with the issues. On a more formal level, funding is dispersed to organizations so that best projects and best potential is rewarded.

With an annual budget of over \$6.7 billion, the Children's Bureau's primary role is to work with State and local agencies to develop a number of programs that focus on preventing the abuse of children in troubled families, protecting children from abuse, and finding permanent placements for those who cannot safely return to their homes. The Children's Bureau seeks to provide for the safety, permanency, and well-being of children through leadership, support for necessary services, and productive partnerships with States, Tribes and communities.

The Children's Bureau does not work alone in these efforts. The ten ACF Regional Offices serve as the first point of contact for information and assistance for States and Tribes operating child welfare programs.

In addition, the Children's Bureau also provides an array of training and technical assistance (T/TA) support resources on various child maltreatment related topics through grants, contracts, and cooperative agreements. Currently, the Bureau operates 11 National Resource Centers (NRCs), two Clearinghouses, and two technical support projects. For a description of each resource, see <http://www.acf.hhs.gov/programs/cb/links/index.htm#resource>.

To provide another case example, the SS/HS (Safe Schools/Health Students) Initiative referred to in the last answer make grants to local education authorities, and provides schools and communities across the United States with the benefit of enhanced school and community-based services. The school-based community partnerships include rural, urban, suburban, and tribal projects. School districts submitted comprehensive plans created in partnership with law enforcement officials, local mental health authorities, and often with juvenile justice officials and community-based organizations as well.

Plans are required to address six elements:

- a safe school environment
- alcohol and other drug and violence prevention and early intervention programs
- school and community mental health preventive and treatment intervention services
- early childhood psychosocial and emotional development programs
- educational reform
- safe school policies

In FY 2002, more than 350 applications were received, and less than 15 percent of the applications were funded. This year, awardees were selected from the FY 2002 rank-ordered list of unfunded applicants.

37. Describe the role played by the media in addressing violence against children.

The media plays a voluntary role in bringing awareness to issues pertaining to violence against children in print, radio, television, and Internet formats. The government publicizes its programs in an effort to increase awareness what is available. The media often reports suspected criminals, as well. There are various other ways the media addresses these issues, though a comprehensive resource is unavailable at this time.

The President signed into law the PROTECT Act in April 2003, which gives law enforcement additional tools to prevent, investigate, and prosecute violent crimes against children. The bill strengthens child pornography laws and builds upon steps already taken by the President to expand, enhance, and coordinate the successful Amber Alert system across America (see question 34). Moreover, the bill criminalizes the use of misleading domain names (such as

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programs and policies to address violence against them. Provide details, including ages and other details of the children involved.

The involvement of children in designing programs and activities within the civil sector varies by institution. Some organizations involve the input of children while others do not, and serve mainly as observational and informational-based institutions.

For example, the Centers for Disease Control and Prevention (CDC) has established ten National Academic Centers of Excellence on Youth Violence to foster collaborative efforts between university researchers and communities that address the problem of youth violence. These centers, located in Alabama, California (Riverside and San Diego), Hawaii, Maryland, Massachusetts, Michigan, New York, Puerto Rico, and Virginia, focus on developing and implementing community response plans, training health care professionals, conducting research on youth violence, and implementing and evaluating prevention strategies to reduce youth violence.

Several centers directly involve youth in the planning and implementation of activities. For example, the center in Michigan, through their *Photovoice Project*, brings together young people from around Flint, Michigan to generate dialogue about their own experiences and perceptions of the root causes of violence and to generate solutions to the problem in their communities. In addition to the dialogue, *Photovoice* participants lend their own voices through a collective process of sharing photographs and writings about issues that matter to them. More information about the National Academic Centers of Excellence is available on the Internet at: <http://www.cdc.gov/ncipc/factsheets/yvactivities.htm>

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

The involvement of children in designing special procedural or evidentiary rules applying in court proceedings varies by state, although all states and judiciary bodies take past experiences with legislation involving children into account before creating procedure.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

The amount and type of resources made available varies.

The amount of funding provided by The Centers for Disease Control and Prevent (CDC), for example, to each center ranges from \$400,000 to \$1,000,000. The amount available to support youths' participation in programmatic activities is at the discretion of each center.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

The Children's Bureau's policies regarding the abuse and neglect of children in the family and/or the home are grounded in the Child Abuse Prevention and Treatment Act (CAPTA) Federal legislation.

While it is generally believed that parents or primary caregivers have the right to raise their child as they choose, this right does carry with it certain responsibilities and obligations, including the protection, safety, and well being of the child, regardless of gender. However, if parents or caregivers are unable or unwilling to meet these responsibilities and obligations, then the State has the authority to intervene and take the appropriate action to protect the child from harm. The Child Abuse Prevention and Treatment Act (CAPTA), and its amendments, have supported the States' duty and authority to act on behalf of children when their parents or caregivers cannot or will not do so. CAPTA is one of the key pieces of legislation that guides child protection.

The Children's Bureau provides leadership and direction in policy development and interpretation under titles IV-B and IV-E of the Social Security Act and the Basic State Grant under the Child Abuse Prevention and Treatment Act. ACF is the Federal Government agency designated to develop guidance and procedures for the administration of the prevention programs and initiatives outlined in CAPTA. The Children's Bureau issues guidance to the States on the administration of State grant programs through the:

- Child Welfare Policy Manual <http://www.acf.hhs.gov/programs/cb/laws/cwpm/index.jsp>

The manual conveys mandatory policies that have their basis in Federal Law and/or program regulations. It also provides interpretations of Federal Statutes and program regulations initiated by inquiries from State Child Welfare agencies or ACF Regional Offices.

- Policies, Guides, and Manuals (PGMs) www.acf.hhs.gov/programs/cb/laws/pgm/index.htm

These issuances may be program regulation guides, grants administration manuals, and any other policy, program and grants related guides or manuals. They provide comprehensive guidance to clarify, explain, and expand upon the meaning of the related program and grant administration rules and regulations.

- Program Instructions (PIs) <http://www.acf.hhs.gov/programs/cb/laws/pi/index.htm>

These issuances clarify and explain procedures and methods for operationalizing program policies and for adding details to program regulations or policy guide requirements.

- Program Regulations (PRs) <http://www.acf.hhs.gov/programs/cb/laws/pr/index.htm>

These issuances are used to transmit final regulations, interim final rules, and notices of proposed rulemaking. The regulations are basic requirements, rules, standards, and procedures for program implementation, based on specific legislative authority. Final regulations have the force and effect of law.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

The U.S. government provides and delivers an enormous amount of support by other agencies. The Children's Bureau and Centers for Disease Control and Prevention are only two federal agencies that accomplish this.

The Children's Bureau (<http://www.acf.hhs.gov/programs/cb/>) assists States in the delivery of child welfare services designed to protect children from abuse and neglect and to respond to the maltreatment of children. The Children's Bureau accomplishes this by providing grants to States, Tribes, and communities to operate a range of child welfare services, including child protective services (child abuse and neglect). In addition, the Children's Bureau works with State and local agencies to develop a number of programs that focus on preventing child abuse and neglect in troubled families, protecting children from abuse and neglect, and finding permanent placements for children who cannot safely live in their homes.

In addition, the Office on Child Abuse and Neglect (OCAN), a division of the Children's Bureau, provides leadership and direction on the issues of child maltreatment and the prevention of abuse and neglect under the Child Abuse Prevention and Treatment Act (CAPTA -- <http://www.acf.hhs.gov/programs/cb/programs/capta.htm>). It is the focal point for interagency collaborative efforts, national conferences (<http://nccanch.acf.hhs.gov/profess/conferences/cbconference/index.cfm>) and special initiatives (Child Abuse Prevention Initiative at <http://nccanch.acf.hhs.gov/topics/prevention/index.cfm>) related to child abuse and neglect, and for coordinating activities related to the prevention of abuse and neglect and the protection of children at-risk. It supports activities to build networks of community-based, prevention-focused family resource and support programs through the Community-Based Child Abuse Prevention Grants (CBCAP). OCAN supports improvement in the systems that handle child abuse and neglect cases, particularly child sexual abuse and exploitation

and maltreatment related fatalities, and improvement in the investigation and prosecution of these cases through the Children's Justice Act (<http://www.acf.hhs.gov/programs/cb/publications/cjafact.htm>).

As another example of its leadership and guidance in the area of child abuse prevention, OCAN and the Children's Bureau initiated an effort to share information on new, innovative prevention programs that demonstrate positive outcomes for children and families. The publication, *Emerging Practices in the Prevention of Child Abuse and Neglect* (<http://nccanch.acf.hhs.gov/topics/prevention/emerging/report/index.cfm>), identifies evidence-based effective practices in child abuse and neglect prevention. Exemplary prevention programs were nominated for the project and reviewed by an advisory group of experts.

The Centers for Disease Control and Prevention (CDC) works with many state public health agencies and partners to implement programs to prevent child maltreatment. For example, CDC funds three statewide sexual abuse prevention collaboratives to conduct activities to prevent child sexual abuse, such as conducting a statewide inventory of child sexual abuse prevention programs and implementing a perpetrator/offender-focused prevention program.

The Rape Prevention and Education (RPE) grant program, funded and coordinated by CDC, strengthens sexual violence prevention efforts by supporting increased awareness, education and training, and the operation of hotlines. The purpose of this program is to award formula grants to all 50 States and Territories to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities. Apart from services and crisis intervention, many of the activities under this program are also geared toward reducing and preventing sexual violence among adolescents, including efforts to change their attitudes, beliefs, and behaviors around sexual violence.

In 1998 the Juvenile and Family Court Judges addressed the problem of co-victimization of children and their mothers by assembling an Advisory Committee composed of representatives from the courts, child welfare agencies, domestic violence agencies, federal agencies, and the academic community. The resulting document was Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice (called the "Greenbook" because of its green cover). This project is a multi-year collaboration between 8 government agencies (4 in DOJ and 4 in HHS) formed to fund several demonstration sites across the U.S. to implement the 70 recommendations in the "Greenbook". CDC is conducting an evaluation of six demonstration sites across the U.S. to help determine the effectiveness of these recommendations and the feasibility of implementing them. The intent of these demonstration sites is to completely change the three systems which come in contact with abused women and children and their perpetrators (the court system, the child protective system, and the domestic violence service provider system) so that victims are protected and perpetrators held accountable. The Green Book is available online at: <http://www.ncjfcj.org/dept/fvd/publications/>

CDC has launched several prevention initiatives aimed at encouraging and promoting positive parent-child interactions. These initiatives are summarized in *Using Evidence-Based Parenting Programs to Advance CDC Efforts in Child Maltreatment Prevention – Research Brief 2004* (<http://www.cdc.gov/ncipc/pub-res/parenting/default.htm>). The initiatives result from extensive strategic planning and consultation with child maltreatment prevention experts and promote

positive parenting skills. One of the initiatives, conducted by researchers at the University of South Carolina, is examining the effectiveness of a multilevel intervention program called Triple P-Positive Parenting Program (<http://www.triplep.net/>). The Triple P-Positive Parenting Program is a parenting and family support strategy to prevent severe behavioral, emotional and developmental problems among children by enhancing the knowledge, skills, and confidence of parents. The project tests broad strategies aimed at preventing and reducing the risk of child maltreatment in the population and promotes positive parenting to reduce stress and child behavior problems. Other initiatives focus on the development, implementation, and evaluation of services designed to enhance parental participation and retention in existing efficacious parenting programs to reduce subsequent incidents of child maltreatment and other outcomes.

CDC also supports home visitation programs. For example, CDC is providing technical assistance to the Nurses for Newborn Foundation in two states to expand nurse home visitation programs for high-risk families to prevent infant mortality and child maltreatment. CDC is also providing support for a large-scale effectiveness trial of the Project SafeCare Program – a program that provides home-based parenting and family preservation services to approximately 2,000 families annually.

CDC has established ten National Academic Centers of Excellence on Youth Violence to foster collaborative efforts between university researchers and communities that address the problem of youth violence. Five centers focus on developing and implementing community response plans, training health care professionals, and conducting small, pilot-projects to evaluate effective strategies for preventing youth violence. The other five centers conduct comprehensive activities, including researching risk factors for youth violence and evaluating prevention strategies. More information about the National Academic Centers of Excellence is available on the Internet at: <http://www.cdc.gov/ncipc/factsheets/yvactivities.htm>

CDC also provides funding to universities and community-based programs to develop specific programs and interventions directed at minority youth. For example, researchers at the University of North Carolina are being funded by CDC to develop and test an intervention aimed at preventing aggressive behavior and suicide in Latino youth by promoting bicultural coping skills and family cohesion. Researchers at the University of Wisconsin-Milwaukee are examining the effectiveness of violence prevention program aimed at reducing aggressive behavior in African-American adolescents who have experienced violent crime. The long-term impact of the program is being assessed through the collection of annual self-report, parent-report, and official record data about participants' involvement in violence, crime, gang activity, substance use, as well as positive indicators of adjustment.

The CDC has a long history of developing, implementing and evaluating school-based violence prevention programs. One of its single, largest efforts to date is a multi-level violence prevention trial that is being conducted by researchers at Virginia Commonwealth University, the University of Illinois-Chicago, University of Georgia, and Duke University to assess the effectiveness of a violence prevention program in 37 middle schools in four states. Each project teaches students conflict resolution skills and problem-solving skills, trains teachers about violence prevention, and engages families in program activities.

In addition to providing funding and technical support to a variety of institutions, agencies, and community-based organizations, CDC also provides tools and guidelines to facilitate the

development, implementation and evaluation of programs. For example, CDC's *Best Practices for Youth Violence Prevention: A sourcebook for Community Action* (available on the Internet: (<http://www.cdc.gov/ncipc/dvp/bestpractices.htm>)) was designed to help communities develop and implement youth violence prevention programs. The sourcebook, drawing upon the expertise of more than 100 of the nation's leading scientists and practitioners, includes four key strategies for reducing youth violence: school-based social development programs, mentoring programs, parenting and family-based programs, and home visiting programs.

Through its Coordinated School Health Program, CDC works with schools at the state, district, and classroom level to prevent the most serious health risk behaviors among children and adolescents, including violence. Toward this end, CDC provides guidance and tools in the areas of health education, health services, health promotion for staff, nutrition services, physical education, healthy school environment, counseling, psychological and social services, and family/community involvement. For example, CDC's *School Health Guidelines to Prevent Unintentional Injuries and Violence* are designed to help education agencies and schools promote safety and make schools safe places for students to learn (<http://www.cdc.gov/mmwr/PDF/RR/RR5022.pdf>). The *School Health Index* is a planning tool for schools to improve the effectiveness of their health and safety policies and programs (<http://apps.nccd.cdc.gov/shi>).

43. Does your Government monitor the impact of these policies and programs directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

The Children's Bureau and HHS employ two major mechanisms for monitoring the extent to which States are successful in attaining positive outcomes for child abuse and neglect victims and identifying areas where improvement is needed.

One mechanism is the Child and Family Services Reviews (CFSR), monitored by the Children's Bureau. The Reviews are a comprehensive, thorough examination of what is actually happening to the children and families engaged in State child welfare services. The Reviews are designed to enable the Children's Bureau to ensure that State child welfare agency practice is in conformity with Federal child welfare requirements. The Monitoring Team is tasked with conducting the reviews and assisting States to enhance their capacity to help children and families achieve positive outcomes.

The entire CFSR process, including the legislative authority and policy, tools and instruments, and individual State assessments and final reports are accessible via the Children's Bureau website at <http://www.acf.hhs.gov/programs/cb/cwrp/index.htm>.

A key piece of the review is identifying where States are not in conformance in regards to seven outcomes or seven systemic factors subject to review. If a State is found out of conformance on any one of the seven outcomes or seven systemic factors subject to review, it is required to submit a Program Improvement Plan (PIP). The PIP (<http://www.acf.hhs.gov/programs/cb/cwrp/pip/index.htm>) consists of four components, including the approved steps to be taken to remedy the area(s) of nonconformance and the tracking and progress in completing the required work within the specified timeframe.

The second mechanism utilized for monitoring outcomes for child abuse and neglect victims is the *Child Welfare Outcomes: Annual Report to Congress* (<http://www.acf.hhs.gov/programs/cb/publications/cwo.htm>). The 2001 Report, the fourth in the series thus far, is a Federally mandated annual report that examines the performance of States on seven national child welfare outcomes measures developed by ACF, in consultation with State and local child welfare agency administrators and other experts in the child welfare field. Outcomes specifically related to child abuse and neglect include reducing the recurrence of child abuse and/or neglect and reducing the incidence of child abuse and/or neglect in foster care. Although the Child Welfare Outcomes reports and the CFSRs represent separate activities within the Children's Bureau, one objective of both initiatives is to provide information that the Children's Bureau can use to assist States in improving child welfare services.

44. Does your Government participate in any Internationally coordinated concerning violence against children?

If YES, please provide details.

The Centers for Disease Control and Prevention (CDC) is a member of the *Inter-American Coalition for the Prevention of Violence*. The other members include the Inter-American Development Bank, the Organization of American States, the Pan American Health Organization, UNESCO, USAID, and the World Bank. The purpose of the Coalition is to reduce violence in the Americas through the development of surveillance systems, training and education, and the implementation and evaluation of comprehensive prevention strategies.

CDC is also a core partner in the *Violence Prevention Alliance* – a network of WHO member states, governments, non-governmental and community-based organizations, private, international and intergovernmental agencies working to prevent violence. The *Alliance* works to facilitate the development of policies, programs and tools to implement the recommendations of the *World report on violence and health* in communities, countries, and regions around the world, and attempts to strengthen sustained, multisectoral cooperation around this shared vision for violence prevention. The *Alliance* focuses on child maltreatment, youth violence, elderly abuse, intimate partner violence, and sexual violence.

See Question #31 for additional answers.

I. DATA COLLECTION, ANALYSIS AND RESEARCH

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

There are many researchers across the United States engaged in research on violence against children. Many of them receive funding from U.S. Federal Agencies (Departments of Justice, Education, Health and Human Services, for example). The agencies, themselves, also have scientists conducting research on several forms of violence against children.

There are two primary sources of Federal data on child abuse and neglect: the National Incidence Studies (NIS) and the National Child Abuse and Neglect Data System (NCANDS) reports.

The Child Abuse Prevention and Treatment Act (CAPTA) required HHS to conduct a comprehensive study of the incidence of child abuse and neglect, and trends in child maltreatment. The first National Incidence Study (NIS) was conducted in 1979 and 1980, the second was conducted in 1986 and 1987, and the third was conducted between 1993 and 1995. The Executive Summary of the third report (NIS-3) is available online at <http://nccanch.acf.hhs.gov/pubs/statsinfo/nis3.cfm>. All three studies attempt to estimate the true incidence of child abuse and neglect beyond the children reported to child protective services (CPS) agencies. Sources of child maltreatment reports in nationally representative counties are identified, including reports from child protective service agencies and surveys of community sentinels (law enforcement, medical services, education, and other service professionals).

In 2003, CAPTA was reauthorized and amended by the *Keeping Children and Families Safe Act of 2003* (<http://www.acf.hhs.gov/programs/cb/laws/im/im0304a.pdf>). Within the section on Research and Assistance Activities and Demonstrations, the Act called for the collection of additional data on the national incidence of child abuse and neglect as a means of providing information to better protect children from abuse or neglect, and to improve the well-being of abused or neglected children. Per the Act, a fourth NIS will be conducted and a report will be issued.

As part of the CAPTA amendments of 1988, HHS was mandated to establish a national data collection and analysis program that would make State child abuse and neglect reporting information available. In response to this mandate, HHS established the National Child Abuse and Neglect Data System (NCANDS). The NCANDS, which now requires that all States submit data to the extent practical, is a national reporting system that captures data provided by child protective services agencies nationwide. The data includes demographic information about child victims of abuse and neglect, the sources of reports, child fatalities resulting from abuse and/or neglect, perpetrators, and preventive and post investigation services. The first report was released in 1992, containing data from 1990. This report has been released each year since that time, with the 2004 report, which provides 2002 data, being the most current edition (<http://www.acf.hhs.gov/programs/cb/publications/cmreports.htm>).

The primary victimization survey supported by Department of Justice is the National Crime Victimization Survey conducted annually by the Bureau of Justice Statistics. NCVS does not survey anyone under the age of 12, so victim data for younger children is not captured through this effort. Information about the NCVS is available at <http://www.ojp.usdoj.gov/bjs/cvictgen.htm>

OJJDP has also sponsored a few large-scale victim surveys of youth. They include:

Second National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART-2). NISMART consists of several complementary studies designed to estimate the size and nature of the nation's missing children problem. OJJDP published a series of Bulletins about the project and findings. They are available online at <http://www.ojjdp.ncjrs.org/publications/PubSearch.asp> (On this page, you can find all publications in the NISMART series.)

Survey of Youth in Residential Placement (SYRP). This survey of a national sample of youth in the juvenile correctional system asked a number of questions, including questions about victimization prior to placement and during placement in the facility. The findings of the study have not yet been released, but should be available soon.

OJJDP currently funds a program known as Performance-based Standards (PbS) designed to address conditions of confinement and services for youth housed in correctional facilities, including detention facilities. Standards have been developed addressing security, order, safety, programming, health/mental health services, and the justice of facility operations. The PbS website is www.performance-standards.org. OJJDP publications on PbS can be accessed via: http://abstractsdb.ncjrs.org/content/AbstractsDB_Search.asp In July 2004, the PbS program was recently awarded along with several other finalists for the prestigious Innovations in Government Award, sponsored by the Ash Institute for Democratic Governance and Innovation at Harvard University's Kennedy School of Government and the Council For Excellence in Government.

Examples of CDC studies include the following:

Since 1992, CDC and the Departments of Education and Justice have conducted a national study of school-associated violent deaths. This study monitors trends related to school-associated violent deaths, identifies risk factors, and assesses the effects of prevention efforts. The findings from the latest study are available on the Internet at: <http://www.cdc.gov/ncipc/abstract.htm>

CDC's Youth Risk Behavior Surveillance System (YRBSS) is designed to monitor priority health risk behaviors that contribute to the leading causes of death, disability, and social problems in the United States. The YRBSS consists of national, state, and local school-based surveys of representative samples of 9th through 12th grade students. The school-based surveys are conducted biennially and provide information on a variety of risk behaviors, including interpersonal violence at school and in the community. Information about the survey and the latest findings are available on the Internet at: <http://www.cdc.gov/HealthyYouth/yrbs/index.htm>

The School Health Policies and Programs Study (SHPPS) is a national survey CDC conducts periodically to assess school health policies and programs at the state, district, school, and classroom levels. SHPPS provides information on health education, programs, environmental strategies, and policies that states, districts, and schools use to address violence (physical fighting, weapon possession, gang activities, bullying, dating violence, and sexual assault) in schools. The findings from the latest study are available on the Internet at: <http://www.cdc.gov/healthyouth/shpps/factsheets/pdf/violence.pdf>

The Health Resources and Services Administration (HRSA) of the Department of Health and Human Services, Maternal and Child Health Bureau (MCHB) performed a nationally representative school-based survey in 2001 of students in grades 6-10 that included questions on bullying, fighting, and weapon-carrying behavior. The U.S. survey is part of the quadrennial Health Behavior in School-Aged Children study performed in collaboration with WHO-Euro. Most recent prevalence data on violence for the United States are published in the recent HBSC International Report.¹ More thorough analysis of the U.S. violence data from the survey is currently underway. Questions on violence topics include the following:

- Bullying: frequency of involvement of school bullying, the ways in which bullying occurred, and gender and number of students who bullied a student.
- Fighting: frequency, resulting injuries and relationship of other person involved in the most recent fight.
- Weapon-carrying: frequency and types of weapons carried.

Examples of U.S. prevalence, contextual, and analytic studies on violence resulting from the previous 1997/98 survey - which included more detail on bullying and violence away from school grounds than available in the latest study - are included in the reference list below.

References:

1. Currie C, Roberts C, Morgan A, Smith R, Settertobulte W, Samdal O, Rasmussen VB. Young peoples health in context: Health Behavior in School-aged Children study. International report from the 2001/02 survey. Denmark, World Health Organization Regional Office for Europe, 2004.
2. U.S. Department of Health and Human Services. U.S. teens in our world: Understanding the health of U.S. youth in comparison to youth in other countries. Rockville, MD: USDHHS, 2003.
3. Smith-Kouri E, Iachan R, Scheidt PC, Overpeck MD, and the HBSC International Violence Study Group. A cross-national study of violence-related behaviors in adolescents. Arch Pediatr Adolesc Med. 2004;158:539-544.
4. Nansel TR, Craig W, Overpeck MD, et al. International Comparison of Bullying Behaviors in Youth (in press)
5. Nansel TR, Overpeck MD, Haynie DL, Ruan WJ, Scheidt PC. Relationships between bullying and violence among US Youth. Arch Pediatr Adolesc Med. 2003;157:348-353.
6. Nansel TR, Overpeck MD, Pilla RS, Ruan J, Simons-Morton B, Scheidt PC. Bullying Behaviors Among U.S. Youth: Prevalence and Association with Psychosocial Adjustment. JAMA 2001;285:2094-2100

46. Have there been any small-scale or representative interview studies with parents and children on violent victimization of children?

If so, please give details.

The Children's Bureau has funded representative interview studies with children and/or parents impacted by child abuse and neglect.

In many instances, statistical research, including interviews with parents and/or children impacted by child abuse and neglect, is conducted within the Discretionary Grant Program (<http://www.acf.hhs.gov/programs/cb/programs/discretionary.htm>) through priority areas directed at the Fellowships for University-Based Doctoral Candidates and Faculty and/or Investigator-Initiated Research in Child Abuse and Neglect. (See "Awards" at <http://www.acf.hhs.gov/programs/cb/funding/index.htm>).

The HHS/HRSA addresses services for children and youth with special health care needs as part of the President's New Freedom Initiative. HRSA's MCHB, Division of Services for Children with Special Health Needs (DSCSHN), is responsible for developing and implementing a plan to achieve appropriate community-based service systems for children and youth with special health care needs, including those at risk for child abuse and neglect, and their families.

Components of the plan include:

- Development of inclusive community-based systems of services
- Family/Professional partnerships in all aspects of decision-making,
- Access to comprehensive health care through a medical home.

CDC has launched several prevention initiatives aimed at encouraging and promoting positive parent-child interactions. These initiatives are summarized in *Using Evidence-Based Parenting Programs to Advance CDC Efforts in Child Maltreatment Prevention – Research Brief 2004* (<http://www.cdc.gov/ncipc/pub-res/parenting/default.htm>). See answer to question 42 for additional information.

CDC is also analyzing attitudes and beliefs about parenting practices. Information is being gathered from a literature review, focus groups, and interviews to identify regional, ethnic, and socioeconomic factors that influence parenting practices. The information gathered from this formative research will guide the development of culturally appropriate messages and interventions that are meaningful and relevant to the diverse populations they serve.

In addition to those described above, several of CDC's funded grants and cooperative agreements have parent and family-based components that involved periodic interviews with parents, caregivers, children and youth.

Additional examples of longitudinal studies or sample studies including interviews with children and/or parents may be found in the documents collection of the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau. The Clearinghouse, a major national resource on all aspects of child maltreatment and child welfare, maintains an online, searchable documents database at <http://basis1.calib.com/BASIS/chdocs/docs/canweb/SF>.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail,

Over the past five years, the Children's Bureau has funded numerous research projects related to violence against children in the family and/or the home.

The Child Abuse Prevention and Treatment Act Research and Demonstration Projects, one of the Children's Bureau's discretionary grant programs, funds projects that support research on the causes, prevention, and treatment of child abuse and neglect; demonstration programs to identify evidence-based effective practices for preventing maltreatment and treating troubled families; and the development and implementation of training programs. Projects have focused on every aspect of the prevention, identification, investigation, and treatment of child abuse and neglect. To view a list of Discretionary Grant Awards for fiscal years 2000 through 2003, see <http://www.acf.hhs.gov/programs/cb/funding/index.htm>.

These research projects usually have duration of 3 to 5 years. At the completion of the research, a final report and/or product is submitted for review and comment. After the approval of the Federal Project Officer, final reports are submitted to the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau for archiving. The Clearinghouse serves as

a repository for all final reports, technical reports, and other publications funded by the Children's Bureau and those related to child maltreatment that are funded by ACF and/or HHS. To search the Clearinghouse's collection see <http://basis1.calib.com/BASIS/chdocs/docs/canweb/SF>

A primary example of the use of this funding stream is the "Longitudinal Study of Child Abuse and Neglect, LONGSCAN" (<http://www.iprc.unc.edu/longscan/>) a collaborative consortium of research studies, with the coordinating center located at the University of North Carolina and five satellite sites. The research projects, including interviews with parents and children, are examining the causes and effects of child maltreatment over a 20-year period.

In addition to grant funded research projects, the Children's Bureau also enters into contracts with other agencies, organizations, and/or consulting groups to conduct research. The *National Survey of Child and Adolescent Well Being* (<http://aspe.hhs.gov/hsp/CPS-status03/index.htm>) is being conducted through a contract between the Children's Bureau the Research Triangle Institute, and subcontracts with the University of North Carolina at Chapel Hill and Caliber Associates, a private consulting firm. The Survey will study children who are at risk of abuse or neglect or are in the child welfare system. These children will be followed for a number of years, and information will be collected on the types of abuse or neglect involved, agency contacts and services, and out-of-home placements. The data will be taken from first-hand reports from children, parents, and other caregivers, as well as reports from caseworkers, teachers, and data from administrative records.

In December 1999, the Office of Behavioral and Social Sciences Research (OBSSR), National Institutes of Health (NIH), U.S. Department of Health and Human Services (HHS), announced a special Request for Applications (RFA) focusing on Research on the Development of Interventions for Youth Violence. The goal of this 3-year initiative was to stimulate investigations of innovative research for youth violence prevention, treatment, service delivery and maintenance of behavior change. The RFA solicited exploratory/ developmental research grant applications exploring the translation of ideas from basic behavioral and social science into novel interventions for children and youth at risk for violent behavior. The objective was to encourage the necessary initial development to provide a basis for important future youth violence intervention research. The initiative was sponsored by OBSSR, in partnership with the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute of Child Health and Human Development (NICHD), the National Institute on Drug Abuse (NIDA), and the National Institute of Mental Health (NIMH). Interest in the RFA was substantial, resulting in the submission of 99 applications by the April 14, 2000, deadline. Twelve research grants were selected on the basis of the scientific review. Over \$3 million annually was awarded to the cooperating organizations. The grantees were invited to annual meetings throughout the duration of these three-year projects, in order to report progress, discuss problems, share information, and explore opportunities for cross-site collaboration.

In April 2003, NIH issued another RFA on "Research on Children Exposed to Violence". This RFA seeks to enhance understating of children exposed to domestic violence, community violence, and war/terrorism. It is co-sponsored by 6 NIH Institutes and Centers/Offices (NICHD, NIAAA, NIDA, OBSSR, the Fogarty International Center and the National Institute of Neurological Diseases and Stroke) and the DHHS Administration on Children, Youth and Families, the Centers for Disease Control, the Substance Abuse and Mental Health Services Administration and the U.S. Department of Education's Office of Special Education Programs. Further information on this

RFA's research objectives, goals and topics are at: <http://grants.nih.gov/grants/guide/pa-files/PA-03-096.html>

More recently, the NIH's National Institute of Mental Health (NIMH) issued an RFA in March 2004, on "Mental Health Consequences of Violence and Trauma" which seeks to enhance scientific understanding about the etiology of psychopathology related to violence and trauma, promote studies on developing and testing of effective treatments, services and prevention strategies, including with respect to violence against children. Other examples of NIMH supported research projects on violence related to children include "Post-traumatic Stress Disorder (PTSD) in Children with Burns", "Predictors of Child and Family Post-disaster Functioning", "Child Exposure to Violence and PTSD Across Urban Settings", and "Mental Health Consequences of Violent Victimization". NIMH also has further information at: Child and Adolescent Violence Research at the NIMH - <http://www.nimh.nih.gov/publicat/violenceresfact.cfm>; and, Helping Children and Adolescents Cope with Violence and Disasters - <http://www.nimh.nih.gov/publicat/violence.cfm>

The NIH Fogarty International Center (FIC) announced a new research training program – the International Collaborative Trauma and Injury Research Training Program (ICTIRT) – on April 7, 2004. This new program, co-sponsored with eight other NIH partners, the HHS/Centers for Disease Control and Prevention, the World Health Organization and the Pan American Health Organization, will address the growing burden of morbidity and mortality in developing countries due to trauma and injury and also afford opportunities for research on injury and trauma that results from violence to children. This new program, which has current financial commitment of approximately \$7 million over five years, will address training across the range of basic to applied science, the epidemiology of risk factors, acute care and survival, rehabilitation, and long term mental health consequences. The eight NIH partners who are co-sponsoring this program include the National Institute on Alcohol Abuse and Alcoholism, the National Heart, Lung and Blood Institute, the National Institute on Biomedical Imaging and Bioengineering, the National Institute of Mental Health, the National Institute of Nursing Research, the NIH Office of Behavioral and Social Sciences Research, and the NIH Office of Research on Women's Health.

In the Health Resources and Services Administration (HRSA) of the Department of Health and Human Services, the Maternal and Child Health Bureau's (MCHB) Division of Research, Training and Education has also funded associated research into the impact of home-visiting services in preventing child maltreatment. Projects have included the David Olds' model of home visiting and Hawaii's Healthy Start Program, both of which have been replicated throughout the country. Current MCHB-funded research supports a parenting enhancement program to prevent child maltreatment and a dual (birth and childcare assistant) intervention program to promote good obstetrical outcomes, positive parenting, maternal well-being and child health and positive development.

Through the Crimes Against Children Center at the University of New Hampshire, which is supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice, several studies have been conducted using secondary data analysis to investigate issues regarding child victimization. Many of these studies have been published as OJJDP Bulletins, as part of the Crimes Against Children series. (See response under q. 45.) The Crimes Against Children Research Center is online at <http://www.unh.edu/ccrc/>.

Through its extramural research program, CDC provides grants and cooperative agreements to academic institutions, community-based organizations, small and minority-owned businesses, tribal organizations, health departments, and others to understand and prevent many types of violence, including child maltreatment, youth violence, intimate partner violence, sexual violence, and suicide. For example:

CDC is providing funding to researchers at Emory University to examine individual, socioeconomic, and environmental factors in low-income, African-American communities that mediate and moderate the link between child maltreatment and intimate partner violence. The study investigates whether youth from homes with intimate partner violence are at increased risk for child maltreatment; what individual factors mediate the link between child maltreatment and intimate partner violence; and which socioeconomic and environmental factors moderate the link between child maltreatment and intimate partner violence. It also identifies the individual, socioeconomic and environmental characteristics of maltreated and non-maltreated children whose female caregivers have a history of domestic violence.

CDC is providing funding to researchers at the Medical University of South Carolina to conduct a follow-up assessment of youth who participated in the National Survey of Adolescents (NSA) to determine the long-term impact of adverse family environments and experiencing child violence. The NSA collected information about sexual and physical assault, harsh physical punishment, witnessed violence, suicidal behavior, substance abuse, mental health problems, post-traumatic stress disorder, major depression, and delinquent behavior. The follow-up study examines the relationship between these exposures, childhood victimization and adult outcomes.

Research shows a strong relationship between developmental outcomes and risk for child maltreatment as well as victimization and perpetration of violence in adolescence and adulthood. The *Legacy for Children* initiative is a set of child development research projects sponsored by CDC to determine if low-income mothers can improve the long-term developmental outcomes of their children through nurturing and responsive interactions, educational activities, goal setting, sharing and learning from the experiences of other participants, and increased maternal investment of time and energy.

CDC is providing funds to two universities to examine the relationship between exposure to violent media and serious forms of violent victimization and perpetration. In addition to examining serious forms of violent victimization, the studies are assessing which aspects of media (type and content) contribute to serious violent victimization and perpetration, and which individual and contextual factors mediate or moderate the association between exposure to violent media and serious violence (i.e., which factors make some youths more susceptible to these types of influence).

CDC is funding researchers at the University of Pittsburgh's Center for Injury Research and Control to examine if early identification of at-risk youth and timely referral to community-based programs can reduce rates of revictimization. The study targets young people ages 14-25 that have been admitted to the hospital for treatment of a violence-related injury.

CDC also conducts a number of studies through its intramural research program. For example, CDC is conducting a large-scale study of exposure to adverse child events (ACE study). The findings to date indicate that exposure to maltreatment and other forms of violence during childhood is associated with several risk factors and risk-taking behaviors later in life (depression,

obesity, alcohol and drug use), as well as heart disease, cancer, suicide, and sexually transmitted diseases.

Another study is examining the links between different forms of interpersonal and self-directed violent behaviors in adolescence. The study will help scientists gain an understanding of the prevalence and consequences of different types of aggressive behaviors, the association between dating violence and other forms of peer violence, and the manner in which these types of violent behaviors vary by sex, developmental stage, and other factors.

Information about these and other grants and cooperative agreements is available on the Internet at: <http://www.cdc.gov/ncipc/profiles/violence/abstracts.htm>.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

We are not aware of any studies or survey as the time, although HRSA's Office of Women's Health is represented on an inter-agency committee examining the impact of statutory rape measures on girls who are younger than the age of legal consent as determined by state legislation.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

The Federal Bureau of Investigation handles cases involving violence against children. The Bureau of Justice Statistics, a division of the United States Department of Justice compiles crime statistics. There are different interpretations of the term "formal inquiries". The term has different meanings for different groups, including:

1. A formal investigation of a child's death, which usually includes an autopsy, an investigation of the scenes where the incident occurred leading to the death, and a review of the child and family health and social services history.

This type of formal investigation is the accepted standard of practice for law enforcement and medical examiner/coroner investigators. These investigations are usually completed by local or state jurisdictions. Our U.S. government does not have in place a federal system of these investigations unless a case requires the involvement of the Federal Bureau of Investigation. The government does support investigations through:

a. Federal funding for child death scene investigation trainings and development of death investigation guidelines through the U.S. Department of Justice.

b. Development of investigation protocols for sudden and unexplained infant deaths through the CDC.

2. An inquest conducted by court systems, to determine if there was criminal activity.

a. This is handled in each individual legal jurisdiction throughout the U.S.

3. A multi-disciplinary review of child deaths by a formal review committee. These review committees can occur as part of an active investigation to provide information to law enforcement, medical examiner/coroners or prosecutors. Reviews can also occur retrospectively after the investigation is completed. The purpose of these reviews is to better understand the circumstances of the death in order to develop strategies to improve systems and/or to implement prevention activities.

a. The U.S. government (HHS and DOJ) provides funding to 2 resource centers that provide technical assistance to states and communities in conducting effective, multidisciplinary reviews. Some states provide funding for their own system of review. All but one state in the U.S. has in place processes to support state and/or local reviews of their violent child deaths.

b. The U.S. Child Abuse Prevention and Treatment Act (CAPTA) requires that citizen review panels be organized in states to review fatal child maltreatment deaths and near fatalities, in order to make state-level recommendations for improvements to the child welfare system. Many of these panels are organized at the state level and serve the dual purpose of child death review teams, as described previously.

The HHS/HRSA MCHB funds a National Center for Child Death Review, the goals of this Resource Center are to:

- 1) promote and support Child Death Review activities at the national, state and local levels;
- 2) refine the Child Death Review methodology; and
- 3) integrate the child death review process with other MCH review processes addressing mortality and morbidity to include a broader range of populations and content issues.

Its objectives include the:

- 1) development of tools and materials
- 2) development of a web-based report tool and system
- 3) provision of training and technical assistance to support CDR teams in states

There are criminal State statutes that mandate autopsies in child death cases; the content of these statutes vary from State to State. The State Statutes Series, researched and published by the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau, includes only statutes related to civil actions involving child abuse and neglect. Child deaths resulting from abuse or neglect are addressed in the criminal statutes. For current State statutes that mandate autopsies in child deaths resulting from abuse or neglect, see the website of the National Center for Prosecution of Child Abuse at http://www.ndaa-apri.org/pdf/mandatory_autopsies_feb_2004.pdf.

Although not formally or legislatively mandated, there are active Child Fatality Review Teams established in almost all of the States. These Teams are multi-agency, multidisciplinary teams comprised of key community professionals from many different fields. These Teams are tasked with reviewing child deaths from various causes, often with an emphasis on reviewing child deaths involving parents or other caretaker abuse and/or neglect. The National Center on Child Fatality Review (<http://ican-ncfr.org>) has taken the lead promoting and establishing Teams across the U.S., in Canada, and in Australia.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

The Bureau of Justice Statistics publishes reports annually on many different facets of crime in the United States. The Federal Bureau of Investigation, Uniform Crime Division, publishes an annual report on crime in the United States. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes these data available through an online feature called the Easy Access to FBI's Supplementary Homicide Reports. It is available at <http://ojjdp.ncjrs.org/ojstatbb/ezashr/default.asp>.

The OJJDP also publishes a report every few years entitled: Juvenile Offenders and Victims: National Report. The next report is scheduled to be published in 2005. In the meantime, the latest available data are available on the OJJDP statistical briefing book, at <http://ojjdp.ncjrs.org/ojstatbb/index.html>. The National Clearinghouse on Child Abuse and Neglect Information, a division of the United States Department of Health and Human Services also compiles statistics on violence against children using the National Child Abuse and Neglect Data System (NCANDS).

The following reports also provide more information:

The Child Maltreatment Reports <http://www.acf.hhs.gov/programs/cb/publications/cmreports.htm>
Prepared annually since 1992 by the Children's Bureau do not address all violent deaths of children; but they do report data and information on child fatalities resulting from abuse and/or neglect involving children under the age of 18.

Child Maltreatment 2002, the most current report available, includes not only information on the number of child fatalities resulting from abuse and/or neglect known to State child protective services agencies (CPS), but it also includes additional data from other sources, such as health departments and fatality review boards, provided to many of the State child welfare agencies.

In addition to providing the number of fatalities resulting from abuse or neglect, the Child Maltreatment report also includes information on the age and sex of the victims, parental status of the perpetrators, fatalities by prior contact with child protective services agencies (CPS), and fatalities by type of maltreatment (neglect, physical abuse, psychological/emotional abuse, sexual abuse, or multiple maltreatment types). According to *Child Maltreatment 2002*, there were an estimated 1,400 child deaths resulting from abuse or neglect at a rate of 1.98 deaths per 100,000 children in the general population under the age of 18.

The Bureau of Justice Statistics (BJS), a component of the Office of Justice Programs within the U.S. Department of Justice, is a source of current information on crime. BJS collects, analyzes, publishes, and disseminates information on crime, criminal offenders, and victims of crime, which are broken down by demographic categories including age, race, ethnicity, and gender. BJS does provide data on homicides, including homicides of children. A listing of available reports can be viewed on the BJS website at <http://www.ojp.usdoj.gov/bjs/>.

Apart from the state Child Fatality Review Teams (see the National Center on Child Fatality Review – <http://ican-ncfr.org/>) other information about violent deaths is available from CDC's

National Center for Health Statistics (NCHS). NCHS keeps track of all deaths in the United States, including homicides among children aged 0-18, through its vital statistics registry. Death certificates from State vital statistics offices are sent to NCHS on a monthly basis and compiled into a National Mortality Database. This database, along with other sources, is used to monitor the *Healthy People 2010* objectives for the nation. In 2001, the latest year for which national data are available, there were 2,363 homicides among children under the age of 18. These deaths accounted for 11.4% of all homicides in the United States in 2001. National violence-related morbidity and mortality data are available from CDC's Web-based Injury Statistics Query and Reporting System (WISQARS) – <http://www.cdc.gov/ncipc/wisqars/default.htm>) as well as from NCHS (<http://www.cdc.gov/nchs>).

For 2000, 10.2% of homicide victims were under age 18 (1,586 victims).

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	X
Age	X
Ethnicity	X
Manner of death (homicide, suicide, undetermined)	X
External causes of death (firearm, strangulation, etc.)	X
Geographical location incident (address)	X
Scene of occurrence (home, school, etc.)	
Time and date of Incident	X
Victim-perpetrator relationship	
Other:	
Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of Incident	
Victim-perpetrator relationship	
Other:	

Please refer to the NCANS report and the links to other evaluations described above.

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

There are various indicators of the amount of violence perpetrated against children. A few are provided below.

Number of Substantiated Claims of Maltreatment (Information from NCANS)

<http://www.acf.hhs.gov/programs/cb/publications/cmreports.htm>

2003: not available
2002: 12.2 per 1,000 children
2001: 12.4 per 1,000 children
2000: 12.3 per 1,000 children

Information from NCANS – Number of Reports of Maltreatment

2002: 1,798,389
2001: 1,742,545
2000: 1,695,550

Homicides among children aged 0-18 (US national vital statistics from NCHS):

2000: Number = 2,364 Rate: 3.10 per 100,000
2001: Number = 2,363 Rate: 3.08 per 100,000
2002: Number = 2,359 Rate: 3.07 per 100,000
Final Death Data for 2003 are not currently available.

The Child Maltreatment Reports

(<http://www.acf.hhs.gov/programs/cb/publications/cmreports.htm>), released annually by the Children's Bureau include national data on child abuse and neglect perpetrated by family members or other caregivers known to child protective services (CPS) agencies in the U. S. According to the reports from 2000, 2001, and 2002, the number of victims each year was as follows:

2002: an estimated 896,000 children
2001: an estimated 903,000 children
2000: an estimated 879,000 children
2003: not available for release at this time.

53. Provide the total number of convictions and reported cases for the various categories: 2000, 2001, 2002, 2003.

The Bureau of Justice Statistics (BJS), a component of the Office of Justice Programs within the U. S. Department of Justice, is a source of current information on crime. BJS collects, analyzes, publishes, and disseminates information on crime, criminal offenders, and victims of crime, including violent crimes against children. Current information and publications are available at <http://www.ojp.usdoj.gov/bjs/>.

VII. AWARENESS, ADVOCACY AND TRAINING

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

In 2002, the Secretary of the U.S. Department of Health and Human Services (HHS) announced that prevention was a major Department initiative. In 2003, the National Child Abuse Prevention Initiative, led by the Office on Child Abuse and Neglect (OCAN), a division of the Children's

Bureau, reflected this priority while marking the 20th anniversary of the Presidential Proclamation designating April as Child Abuse Prevention Month.

OCAN and its National Clearinghouse on Child Abuse and Neglect Information partnered with the broader child abuse prevention community on a number of activities to raise awareness of the issue. A major activity was the development of a new Child Abuse Prevention Community Resource Packet and poster depicting the theme of the initiative, “Gateways to Prevention.”

Building on the success of the 2003 initiative, in 2004 OCAN revised the community resource packet and poster, keeping its theme of “Gateways to Prevention” with an increased focus on the concept that “Everyone Can Help Prevent Child Abuse” (<http://nccanch.acf.hhs.gov/topics/prevention/index.cfm>). With new content to reflect the focus, a redesigned Prevention Website based on user feedback, and a newly developed online toolkit (<http://nccanch.acf.hhs.gov/topics/prevention/develop/index.cfm>) for building the capacity of prevention organizations, the goal was to “get the word out” about preventing child abuse and neglect to a broad audience and to support prevention organizations in their efforts.

In keeping with its tenet that “Everyone Can Help Prevent Child Abuse,” OCAN and its prevention partners targeted a broad audience including governmental officials; professionals in a variety of fields (teachers, law enforcement, health care, mental health providers, e.g.); the military community; Tribal organizations; national, State, and community organizations; the business community; and concerned citizens nationwide. Reaching such a broad audience required a variety of approaches. Under OCAN’s guidance, and through its National Clearinghouse on Child Abuse and Neglect Information, a direct mailing disseminated thousands of prevention packets to the targeted audiences nationwide. Providing Prevention Packets for dissemination at key national conferences addressing child maltreatment topics, and prevention in particular, was another means of outreach to large audiences.

In addition to disseminating print copies of the prevention packets via the mail and conferences, modern technology played a key role in “getting the word out” about the Prevention Initiative. On April 1st, a televised news conference and press release (<http://www.hhs.gov/news/press/2004pres/20040401.html>) were issued, officially denoting the beginning of National Child Abuse Prevention Month. On the same day, the Clearinghouse launched the redesigned Prevention Website, built for maximum usability and ease in downloading all of the prevention materials, in both English and Spanish language versions. Email alerts, list serve announcements, and a feature in the Children’s Bureau-sponsored electronic newsletter, the *Children’s Bureau Express* (<http://cbexpress.acf.hhs.gov/>) were other uses of technology employed for outreach to targeted audiences.

HHS has created a national Bullying Prevention Campaign aimed at children 9-13 years, and adults who influence their lives. These efforts are centered in its Health Resources and Services Administration (HRSA), which launched a web-based bullying prevention campaign in March, 2004, to encourage government agencies and health, education and safety-related, faith-based and youth organizations to act to end such behavior among young people. The campaign’s slogan, “**Take a Stand. Lend a Hand. Stop Bullying Now!**” was chosen by a 22-member youth expert panel consisting of children 9-17 years of age (This is relevant also to Section IV of the Questionnaire, Questions 38, 39 and 40). The HRSA campaign aims to raise awareness about bullying; prevent and reduce bullying; identify interventions for “tweens” and other target

audiences; and foster links on the issue among public health, education and other partners. Preventing bullying – considered a “gateway” behavior to later violence – is an important step in reducing the risk of more serious incidents of violence and crime as the target group ages into adulthood. The infrastructure for the national Campaign consists of more than 70 health, education, safety, mental health, law enforcement and justice, positive youth development, and faith-based organizations and agencies who have signed on as partners to strengthen the reach of the campaign’s messages to children who bully, children who are bullied, bystanders and adults.

The Centers for Disease Control and Prevention (CDC) is currently working with a number of partners to develop and launch a national social norms campaign aimed at changing adolescent attitudes and behaviors around physical and sexual violence in current and future dating relationships. The primary audience for the campaign is adolescents in grades 6-8 (ages 11-14). Secondary audiences include parents, school personnel, and other influential adults. The campaign messages and information will be disseminated through print, radio, interactive games, brochures, and television public services announcements.

Other prevention campaigns have been implemented by State sexual assault coalitions funded through the Rape Prevention and Education grant program mentioned earlier. The Wisconsin Sexual Assault Coalition, for example, recently conducted a multifaceted campaign with adolescent boys and girls to reduce and prevent teenage sexual assault.

55. How were the campaign messages and information disseminated (check all that apply)?

Radio
Television
Theatre
Schools
Others (through direct mailings, websites, listserves, electronic newsletters, conferences)

Among other avenues, print, radio, interactive games, brochures, and television public services announcements have been readily used.

The HHS/HRSA National Bullying Prevention Campaign messages and information, for example, were/are disseminated via radio, television, print media, to schools and community health, education, mental health, positive youth development, faith-based and law enforcement/justice organizations and agencies. A second phase of the campaign is now in the planning stage.

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

The Children’s Bureau does not provide direct training to staff engaged in child abuse and neglect protection, intervention, prevention, or treatment activities. However, the Children’s Bureau does provide grant funds to the States for the training and development of the child welfare workforce through its CAPTA (Child Abuse Prevention and Treatment Act) Grants. These grants provide for the training of child protective services (CPS) workers on their legal duties and the rights of parents. Also, various child welfare training programs, funded through the discretionary grants, upgrade the skills and qualifications of child welfare workers through their participation in programs focused specifically on child welfare services.

The CAPTA Grants are administered by the individual States' child welfare agencies and a portion of the funds is earmarked for workforce training and development. Discretionary grants, on the other hand, are awarded to public and private non-profit institutions of higher learning to develop and improve education and/or training programs and resources for child welfare service providers.

With an increased emphasis on the development of a highly qualified, competent child welfare workforce and on the promotion of effective staff recruitment and retention strategies, the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau, has a section of its website devoted to Workforce Development/Training Resources at <http://nccanch.acf.hhs.gov/profess/workforce/index.cfm>.

The Children's Bureau also sponsors a biennial national conference on child abuse and neglect; the 15th National Conference will be held in 2005. These conferences attract thousands of professionals and volunteers to participate in discussions across a broad range of policy, research, program, and practice issues concerning the prevention, intervention, and treatment of child abuse and neglect.

If YES, Indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

HHS/HRSA's Maternal and Child Health Bureau (MCHB) supports a wide range of training programs to prevent violence against children. These have been directed towards medical professionals; public health professionals; social workers and psychologists; teachers/educators; police; and parents, caretakers and families. The following are examples:

MCHB's Division of Perinatal Systems and Women's Health has supported three programs to improve the health of women and their families at risk for, or who are survivors of, domestic/family violence. From 2000-2003, four 3-year grants were funded for \$150,000/year to improve the System of Care for Pregnant Women Experiencing Domestic Violence. Grants were awarded in Washington, Illinois, New York and Maryland to improve screening during prenatal care and link women with community-based intervention services such as women's shelters, legal counsel, law enforcement, and advocacy. Four additional 3-year grants for \$150,000/year are being funded from 2002-2005 to Develop the System of Care to Address Family Violence During or Around the Time of Pregnancy. Grants were awarded to Healthy Start sites in Oregon, Illinois, North Carolina, and Pennsylvania to improve perinatal screening and intervention for family violence and to link with child abuse, elder abuse and abuser intervention programs in order to more comprehensively address the cycle of violence within the family. A third activity is ongoing through a one year contract with the Family Violence Prevention Fund to provide technical assistance to over 20 Healthy Start sites to improve screening and intervention for family violence within their programs.

Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs

In 1992, the American Public Health Association (APHA) and the American Academy of Pediatrics (AAP) jointly published Caring for Our Children: National Health and Safety Performance Standards: The publication was the product of a 5-year national project funded by the HHS/HRSA, MCHB. Caring for Our Children is a comprehensive set of health and safety standards developed to serve as guidelines to states, child care providers, childcare health

consultants, parents and advocates for quality childcare. States are using Caring for our Children to help improve the health and safety of child care programs through the improvement of child care state regulations and the training of health consultants and providers. Caring for Our Children contains a set of 659 health and safety standards with rationale on their purpose. Standards on child abuse are contained in the document and integrated throughout all of the chapters covering areas such as staff training, assessment, signs and symptoms, reporting and prevention.

In 2002, MCHB and the National Center for Education in Maternal and Child Health funded by MCHB, produced two volumes entitled *Bright Futures in Practice: Mental Health*. Over fifty non-governmental organizations signed on to the project as supporting organizations. Designed for the training and continuing education of pediatricians and other primary care health professionals, the publication covers several topics relating to violence and aggression among children and adolescents, including dating violence, domestic violence, bullying, availability of firearms and other risk factors, and anger management tools.

The MCHB Training Program supports programs offering Leadership Education in Neurodevelopmental Disabilities (LEND). Some of these grantees use their funds for the purpose of prevention and identification of abuse towards children with developmental disabilities. Some of the activities conducted are the following:

- clinical rotation with Child protection team.
- on-line training curriculum on maltreatment of vulnerable adults and children.
- competency training in identification of abuse and reporting requirements.
- utilizing protective services social workers to teach and bring current materials.
- website distribution of current information on research, policy and practice to professionals.
- annual lectures/seminars on the issue.
- collaborate with child welfare agency to co-sponsor workshops, conferences.
- train the trainer manual for training child welfare caseworkers on developmental issues of children being served by child welfare agencies.
- training curriculum for foster care workers to enable them to work more effectively with children in the system who have disabilities.

Also, The University of North Carolina Injury Prevention Research Center is being funded by CDC to develop a national training program for violence prevention practitioners. This initiative is known as PREVENT (Preventing Violence through Education, Networking and Technical Assistance). The project is an outgrowth of the National Injury Prevention and Training Initiative and is supported by the National Association of Injury Control Research Centers and the State and Territorial Injury Prevention Directors' Association (STIPDA). PREVENT will help practitioners and organizations build skills in: 1) identifying community needs and assets, 2) creating and mobilizing partnerships, 3) developing and implementing prevention programs, 4) measuring success, and 5) funding and sustaining programs. These skills will be developed using a variety of educational methods including distance-based modules, regional workshops, an intensive institute, action learning projects, and coaching.

As mentioned earlier, CDC has established ten National Centers of Excellence for Youth Violence Prevention. In addition to implementing community response plans and conducting research and evaluation activities, the centers are developing curricula for the training of health care professionals and are working to integrate the curricula into medical, nursing, and other health professional training programs. The various training initiatives currently taking place target broad professional

and community audiences, and take place across different specialties and disciplines (e.g., pediatricians, nurses), settings (community-based clinics and organizations, teaching hospitals, schools), and populations (including low and high-risk children and adolescents, victims of violence, and families). Descriptions of these initiatives will be published in a special supplement to the *American Journal of Preventive Medicine*, early 2005. Additional information is also available from CDC's National Center for Injury Prevention and Control, Division of Violence Prevention (www.cdc.gov/ncipc).

The Rape Prevention and Education (RPE) program mentioned earlier also focuses on awareness, education and training. Education and training efforts are conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities.

Furthermore, the Children's Bureau provides grant funds to the States for the training and development of the child welfare workforce through its CAPTA (Child Abuse Prevention and Treatment Act) Grants. (See previous descriptions) These grants provide for the training of child protective services (CPS) workers on their legal duties and the rights of parents. Also, various child welfare training programs, funded through the discretionary grants, upgrade the skills and qualifications of child welfare workers through their participation in programs focused specifically on child welfare services.

The CAPTA Grants are administered by the individual States' child welfare agencies and a portion of the funds is earmarked for workforce training and development. Discretionary grants, on the other hand, are awarded to public and private non-profit institutions of higher learning to develop and improve education and/or training programs and resources for child welfare service providers.

With an increased emphasis on the development of a highly qualified, competent child welfare workforce and on the promotion of effective staff recruitment and retention strategies, the National Clearinghouse on Child Abuse and Neglect Information, a service of the Children's Bureau, has a section of its website devoted to Workforce Development/Training Resources at <http://nccanch.acf.hhs.gov/profess/workforce/index.cfm>.

The Children's Bureau also sponsors a biennial national conference on child abuse and neglect; the 15th National Conference will be held in 2005. These conferences attract thousands of professionals and volunteers to participate in discussions across a broad range of policy, research, program, and practice issues concerning the prevention, intervention, and treatment of child abuse and neglect.

Annex # 1

Question 7: Regarding State Legislation on Bullying/Hazing and Harassment of Children

From The Attorney General's (of the State of Washington) Task Force Report on a Legislative Response to Bullying, January 15, 2001 Available at: www.naag.org

California, Connecticut, Delaware, Georgia, Maine, Minnesota, New Hampshire, Oregon, Vermont, and Wisconsin are the leading states in this effort. These states have all taken different approaches towards addressing the problem of harassment, intimidation, and bullying in their public schools. California, Georgia, Oregon, Minnesota, New Hampshire, Vermont, and Wisconsin have passed specific legislation addressing the issue. Delaware and Connecticut have not passed specific legislation, but Delaware has a comprehensive educational initiative that sends attorneys general into schools to teach anti-bullying workshops and Connecticut recently devoted a day at the state capital to addressing school violence prevention. A significant portion of the program focused on eliminating intimidation, harassment, and bullying in Connecticut schools. Maine already has a comprehensive civil rights law, which addresses issues of intimidation, harassment, and bullying in schools. Additionally, the Maine Office of the Attorney General sponsors workshops in Maine schools and helps establish student organizations committed to addressing incidents of intimidation, harassment, and bullying in the schools it visits. Alaska, Massachusetts, Pennsylvania, Indiana, New Jersey, and Tennessee also have laws that address bullying in some manner. Despite the differences in approach, all the programs generally contain the following similarities:

- A clear statement of what behavior is prohibited by the law;
- A clear statement of who is protected by the law;
- A clear statement of what the procedures are for reporting an act of harassment, intimidation, or bullying;
- Instructions as to who is responsible for developing a policy and what it must include at a minimum;
- Instructions as to how the plan is to be publicized; and
- A clear statement of what the punishment is for violation of the policy.

The statutes and practices of the states may vary in approach, but all make it apparent that harassment, intimidation, and bullying will not be tolerated in schools and faculty and administrators have an obligation to implement and enforce a program to address the issue. The more comprehensive plans include training for teachers and administrators on the topic of harassment, intimidation, and bullying and a review of the schools' policy to measure its effectiveness. What follows is a brief description of the statutes, policies, and programs initiated by the states in the effort to prevent harassment, intimidation, and bullying in schools.

Alaska

Alaska addresses the problem of bullying in its administrative code under expectations of teacher conduct. The Alaska Code of Ethics and Teaching Standards indicates that a teacher "shall make reasonable efforts to protect students from conditions harmful to learning or health and safety" and "may not expose a student to unnecessary embarrassment or disparagement." Failure to comply

with the expectations of the code constitutes grounds for revocation or suspension of certification, a warning, or a reprimand.

Most importantly the code states that an educator may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds.

California

In 1998, a voter initiative added article I, section 28, subdivision (c) to the California Constitution which states that “[a]ll students and staff of public primary and elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure, and peaceful.”

California has a law entitled the Carl Washington School Safety and Violence Prevention Act, applicable to grades 8-12. An appropriation of \$100 million was provided in the 1999 Budget Act to fund the program. The funds are to be used to provide conflict resolution personnel, on-campus communications devices, establish staff training programs, and establish cooperative arrangements with law enforcement agencies. Grants were also made to target student violence in two middle schools.

In 1999, the Governor signed the “No More Victims’ Violence Prevention and School Safety 2000 Strategy.” Although \$5 million to fund competitive grants to grades K-7 was included in the act, the Governor vetoed this provision.

Under California Education Code 233 entitled, Human Relations, the state curriculum must include human relations education with the aim of fostering an appreciation of people of different ethnicities. It establishes guidelines for teacher and administrator in-service-training programs on how to prevent and respond to acts of hate violence. The State Department of Education is also to prepare guidelines for the design and implementation of local programs and instructional curricula that promote understanding, awareness, and appreciation of the contributions of people with diverse backgrounds and of harmonious relations in a diverse society. The guidelines are to include methods of evaluating the programs and curricula and suggested procedures to ensure coordination of the programs and curricula with appropriate local public and private agencies.

Additionally, it is grounds for expulsion under California Code section 48900 to commit or attempt to commit a sexual assault or sexual battery or harass, threaten, or intimidate a pupil who is a cooperating witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness.

Under California Code 48900.3, a pupil in any grade 4-12 may be suspended or recommended for expulsion if the superintendent of principal determines that the pupil caused or attempted to cause or participated in an act of hate violence.

Moreover, in the current legislative session, there is a bill that establishes the Bullying Prevention Grant Program for grades 5 and 6 and appropriates \$150,000 to the State Department of Education

to implement the program. Schools can apply for a grant to implement a two-year bullying program. Each school is eligible for a \$5,000 grant.

Colorado

In November 2000, Colorado Attorney General Ken Salazar, John Moran, president of The Colorado Trust, and Dr. Delbert Elliott, director of the Center for the Study and Prevention of Violence at Colorado University at Boulder announced recommendations and findings for Colorado on youth violence prevention issues. The proposals and findings were developed out of Safe Communities-Safe Schools statewide youth violence prevention forums, held in 63 counties, as well as research on youth violence.

Key among the Safe Schools proposals is a recommendation to the Legislature to fund a Bullying Prevention program in Colorado schools. The bullying issue was raised by students and parents throughout Colorado as a major issue for young people. According to newspaper accounts, excessive bullying has been offered as motivation for the murders at Columbine (Jeff Kass, "Witnesses Tell of Columbine Bullying," RockyMountainNews.com, October 3, 2000)

In September 2000, Colorado Governor Bill Owens created the Columbine Review Commission to make recommendations on dealing with similar situations to Columbine in the future. In separate hearings, the Commission heard conflicting testimony about bullying at the high school. Columbine Principal Frank DeAngelis had testified that "if it was occurring (bullying), it was not being reported." His testimony was in stark contrast to later public testimony before the Commission. According to the RockyMountainNews.com the Commission heard public testimony that bullying was "rampant" at Columbine (Jeff Kass, "Witnesses tell of Columbine Bullying," RockyMountainNews.com, October 3, 2000). The Commission authorized personal interviews and a report to better understand conflicting testimony about bullying at Columbine.

Regina Huerter of the Denver District Attorney's Office wrote and delivered the report entitled The Culture of Columbine in December 2000. Her report was based on a total of 34 interviews with 43 interviewees including past and present Columbine students as well as adults. Based on her interviews and research, Ms. Huerter concluded that there was bullying at Columbine. An excerpt of her 12-page report is listed below.

"...It is difficult to say with scientific certainty what is reality regarding bullying at Columbine and what is only perceived as being real. Even with respect to perception, it is also difficult to say with certainty how widely held the perceptions are. What is not in doubt is that bullying occurred at Columbine, that in some instances the school administration reacted appropriately, and in other instances the school administration's reaction is unclear or altogether unknown. Among the people I interviewed, the vast majority believed that bullying existed at Columbine and that it was part of the school's "culture." Some interviewees based their perceptions on incidents that involved only one or two "bullies" and others based their perceptions on the involvement of a larger group of individuals, and different levels of harassing behavior over an extended period of time."

Connecticut

According to the Connecticut Attorney General's Office, student bullying and harassment are dealt with through the student disciplinary statutes. Connecticut law requires each school board to

inform parents annually of its policies governing student conduct and school discipline and authorizes punishment ranging from removal from class to expulsion for violation of student conduct policies. CONN. GEN. STAT. § 10-233.

Connecticut law, CONN. GEN. STAT. § 10-15c, holds that discrimination in public schools is prohibited. Children are to be allowed to participate in school activities, programs and courses of study, without discrimination on account of race, color, sex, religion, national origin or sexual orientation. Additionally, the code of professional responsibility for teachers, CONN. GEN. STAT. § 10-145d-400a,) requires that the teachers nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation.

In 1999, the Legislature adopted Public Act 99-259 which grants the courts the power to suspend a delinquency proceeding and order a child to participate in a school violence prevention program if the student has been charged with an offense involving physical violence or threatened physical violence at school. These programs, which are paid for by the parents, are provided through and overseen by the Office of Alternative Sanctions and must consist of at least eight group counseling sessions in anger management and nonviolent conflict resolution. This year, the Legislature directed the State Department of Education to report to it next year on the activities undertaken by the local and regional boards of education to counteract aggressive behavior among students in schools under their jurisdiction.

Finally, the Attorney General's Office, in conjunction with the state Legislature, recently held a daylong conference entitled "Creating Safe Schools and Non-Violent Neighborhoods." Part of the program included a forum and training on youth aggression and anti-bullying programs. Dr. Olweus presented his model program and provided training on the program. A panel of youth, teachers, legislators, and police then participated in a discussion about the program.

Delaware

Although Delaware has no legislation specifically regarding bullying in schools, it does have a comprehensive school crime reporting law, 14 Del. C. § 4112. Harassment is not one of the crimes that the principal is mandated by law to report to the police, but it is a crime that the school may choose to report. The Department of the Attorney General has prosecuted juveniles for harassment that occurred in school. The Delaware statute defines harassment, in pertinent part, as "... intent to harass, annoy or alarm another person: (1) He or she insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct in a manner which the person knows is likely to provoke a violent or disorderly response." 14 Del. C. § 1311.

Furthermore, in January 1999, Attorney General Jan Brady sponsored a two-day seminar for school administrators, psychologists, and law enforcement, entitled Bully Proofing Our Schools Before It's Too Late. The conference featured a presentation by Paul Von Esson, M.S.W. and Victoria Temple Meyer, Ph.D. based on the book Bully Proofing Your School. The second day of the conference featured Stanton Samenow, a nationally recognized expert on the psychology of criminals and author of Before its Too Late. Those who attended thought Dr. Samenow's presentation was outstanding, according to Deputy Attorney General Rhonda Denny. Dr. Samenow's research in the criminal mind is the basis for the thinking diaries, which the Bully Proofing Your School program uses to help the bullies change their behavior. Many of the

administrators went back to their schools and initiated actions to prevent bullying and some have introduced the complete program.

The Delaware Attorney General is consolidating information on bullying and intends to create a website and a brochure on the topic of bullying. The office has already shared videos and other information that they have collected from these programs with many schools throughout the state. The Department of the Attorney General, upon request, presents bully-proofing training sessions to school faculties.

Additionally, the School Crime Deputy and the School Ombudsman from the Delaware Department of the Attorney General has presented a bully-proofing assembly to 4-8 grade students in public and parochial schools across Delaware. The assembly features skits performed by students and combines information relating to Delaware's comprehensive school crime reporting law with the concept of bully proofing. At the assemblies, students are given information regarding bullying and then asked to sign a pledge not to bully. Students also receive the number for the school crime hotline, which was established by the Department of the Attorney General in 1996. Deputy Attorney General Denny believes that beginning a bully prevention program in middle school is far too late based on the percentages of young offenders that she meets in her line of work.

Georgia

Georgia has a specific law prohibiting bullying. Georgia has defined bullying as "any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so, or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm." GA. CODE ANN. 20-2-751.4.

Each school district must adopt policies, applicable to students in grades 6-12 that prohibit bullying. The rules against bullying must be included in the student code of conduct. If a student commits three bullying offenses within a school year the student is assigned to an alternative school. Each school district must ensure that students and parents are notified of the rules against bullying and the penalties for violating the rules, by posting the district policy at each school and including the policy in the student and parent handbooks. Any school district that fails to comply is ineligible for state funding.

Additionally, the State Board of Education is required to develop a comprehensive character education program for levels K-12. GA. CODE ANN. 20-2-145. This program is known as the "Character Curriculum," and focuses on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. The program addresses methods of discouraging bullying and violent acts against fellow students. Local school districts must implement the program in all grade levels and provide opportunities for parental involvement in establishing expected outcomes of the program. The Department of Education is also required to develop workshops for training teachers and administrators in the character education program.

Indiana

Indiana has a statute prohibiting intimidation and threatening another person. "Intimidation" is defined as a person who communicates a threat to another with the intent that the other person engage in conduct against his will. "Threat" is defined as an expression, by words or action, of an intention to unlawfully injure the person threatened or another person, or damage property, unlawfully subject a person to physical confinement or restraint, commit a crime, expose the person threatened to hatred, contempt, disgrace, or ridicule. IND. CODE § 35-45-2-1 .

Maine

Maine has an extensive civil rights protection program.

The Maine Civil Rights Act prohibits anyone from:

“Intentionally interfering with another person’s right to engage in lawful activities through the use of violence, threat of violence or property damage and when the conduct is motivated by bias toward the victim because he or she is a minority.”

The Act specifically applies to bias based on race, color, religion, ancestry, sex, national origin, sexual orientation and physical or mental disability. It makes it unlawful to interfere with another’s right to engage in lawful activities because of that person’s characteristics, actual or perceived, through force or threat of force. The Act prohibits violence or threat of violence, property damage or threat of property damage, trespass or threat of trespass. It also authorizes the Attorney General to file a suit in superior court seeking an injunction. The Attorney General is authorized to recover, from the defendant, the cost of the state’s attorneys and a civil penalty of up to \$5,000. A defendant who knowingly violates a civil rights injunction can be charged with a Class D crime punishable by up to one year in jail.

Maine also has a Human Rights Act which, makes it unlawful to discriminate by limiting access to services or benefits to persons based on their characteristics, actual or perceived, The Act prohibits discrimination in employment, housing, public accommodations, education, or credit on the basis of race, color, religion, ancestry, sex, national origin, physical or mental disability, age.

The Office of the Attorney General has filed numerous civil rights actions, bringing 98 cases since August 1992. Only 4 of the 156 defendants subjected to restraining orders have violated those orders. Since the Office has no attorney positions budgeted for civil rights enforcement, the Office uses attorneys who volunteer to handle civil rights cases. The department also trains and certifies Designated Civil Rights Officers (CRO) in police departments throughout the state. The CRO has the responsibility for identifying hate crimes and bias incidents, reporting those matters to the Department of the Attorney General, and coordinating any resulting investigations.

The Civil Rights Team Project

Maine has found that in virtually every one of the serious civil rights violations involving teenagers, two common denominators existed. First, the serious violence was preceded by months and sometimes years of low-level harassment, generally beginning with racial, ethnic, sexual, religious, or homophobic slurs. Second, school administrators were not aware of the earlier harassment because the targeted victims did not pass the information on to the appropriate school personnel due to fear of retaliation.

To combat this problem, the Office of the Attorney General began the Civil Rights Team Project (CRTP). The teams consist of three students per grade level at a school plus one or two faculty advisors. The teams attend a one-day training program conducted by the Department of the Attorney General and then work to provide education and awareness on issues of bias and prejudice at their schools. The teams have attempted numerous different educational approaches including bringing in interactive student theater groups and other presenters, establishing team bulletin boards, and distributing brochures to all students on preventing bias, prejudice, and harassment. The teams also try to get their schools to sponsor diversity days where schools devote a day to educating students about multiculturalism. Team members encourage students to provide information about harassment directly to their members. The teams have no responsibility for discipline. Rather, when a team learns of harassment, it is the team's responsibility to pass the information on to the appropriate school or law enforcement authorities.

Besides providing training to the teams, the Office of the Attorney General conducts an in-service training for faculty and administrators at each of the participating schools. The training takes two and half-hours and is conducted by two person teams consisting of an assistant attorney general and an outside trainer retained by the office. The training provides information about the Maine Civil Rights Act, enforcement of the Act, and on creating strategies to deal with hateful language and behaviors. The in-service training helps to ensure that the school's staff and administration are supportive of the team's efforts.

The objective of the CRTP is to have a team of students that through their own leadership feel empowered to change the hateful language and behaviors that exist in their schools. The CRTP enables all students to feel safe in an environment where differences are considered "cool." It also allows students to express themselves without fear of retaliation. The CRTP began in 1996 with 18 schools and now has 122 middle and high schools participating, with others on the waiting list.

Maine appears to be the leader in this area of harassment prevention. Maine's CRTP seems like an ideal means of attacking harassment, intimidation, and bullying. In some instances the CRTP teams take on the responsibility for facilitating faculty-training programs on harassment issues. This brings students and teachers together and allows the students to educate the teachers on what the actual problems concerning harassment are in the particular school, rather than providing a district wide policy that may not be appropriate for all schools. There appears to be a common theme among educators when serious acts of violence occur. Typically, it may be: "we had no idea (student name) had been subjected to this pervasive harassment. The incidents occurred outside the supervision of our staff." Maybe if students were a part of the teacher educational program they could inform teachers of the current lingo, times when events generally occur, places where harassment generally occurs, the conflicts between particular groups in the school, or specific persons who promote harassing acts. It is easy to understand that educators are not able to supervise at all moments of the day, but by listening to students, educators can develop better insights into what measures are necessary within their individual schools to prevent harassment. Students are often quite willing to share information if they are asked in a private, non-threatening environment where their anonymity will be protected.

Massachusetts

Massachusetts General Laws Chapter 76 Section 5 prohibits public schools from discriminating against students on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.

While Massachusetts does not have laws that prohibit bullying, the state has, as part of its seven-year education reform/high stakes testing efforts, developed "frameworks" in academic subjects. This is a new approach for Massachusetts, as the state did not previously recommend curricular content. The Health Curriculum Framework, adopted in October 1999, specifically recommends instruction in such anti-violence initiatives as anti-bullying, anti-teasing, and anti-harassing programs.

Minnesota

Minnesota has a law against harassment and intimidation, but it lacks direct protection against harassment, intimidation, and bullying based on sexual orientation. The Minnesota policies are to target sex, religion, and racial discrimination. However, one very positive aspect of the Minnesota approach is its inclusion of a wide range of community organizations. This makes the safety of children a community issue rather than only a school issue.

Minnesota law mandates that the Commissioner of Children, Families, and Learning; in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention; all are to assist districts, upon request, in developing or implementing a violence prevention program for students grades K-12 that can be integrated into existing curriculum. Each district is encouraged to integrate a program that includes at least a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing. The program is to include planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect. MN. ST. Section 120B.22.

The program targets early adolescents for prevention efforts, especially those whose personal circumstances may lead to violent or harassing behavior. The program is to have opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening or preventing violence in school and at home. Administrative policies are to reflect and staff are to model nonviolent behaviors that do not display or condone sexual, racial or cultural harassment or student hazing. (The program also has a component to assist pregnant teens.) Id.

The department of education commissioner is also to maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. A school board must adopt a written policy that must apply to pupils, teachers, administrators, and other school personnel. The policy must include reporting procedures and set forth disciplinary actions that will be taken for violation of the policy. The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment, and be included in each school's student handbook. Each school must develop a

process for discussing the school's sexual, religious, and racial harassment and violence policy with students and school employees. MN ST § 121A.03.

New Hampshire

New Hampshire has one of the newest and most comprehensive laws against intimidation, harassment, and bullying in schools. In the last legislative session, the New Hampshire Legislature passed a school safety bill designed to protect all students from harassment and violence known as the "Pupil Safety and Violence Prevention Act of 2000." Each school district must adopt a pupil safety and violence prevention policy, which addresses bullying. The state board of education is to issue an advisory to school districts offering guidance on how to implement such a program. The new law requires school districts to take action to prevent and remedy incidents of violence, harassment and discrimination on any basis. Under the new law, school employees will receive training for dealing with minority populations, specifically including gay and lesbian students.

The law requires mandatory reporting of incidents of bullying or harassment. A school employee, or employee of a company under contract with a school or school district, who has witnessed, or has reliable information that a pupil has been subjected to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response shall report such incident to the principal, or designee who shall in turn report the incident to the superintendent. Whoever reports a violation or intervenes will be immune from any cause of action that may arise from the failure to remedy the reported incident.

A specific curriculum is not required under the statute, nor does the statute require the inclusion of any curriculum, textbook, presentation, or other materials in any program or activity.

New Jersey

New Jersey has an anti-harassment statute, N.J. STAT. ANN § 2C:33-4. The statute prohibits communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm. It is also considered harassment if one subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or engaging in any other course of conduct with purpose to alarm or seriously annoy such other person. The statute specifically addresses enhanced penalties for acting with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity.

Oregon

Existing law prohibits one student from threatening, intimidating, harassing, or coercing any fellow student. OR. REV. STAT. § 339.250(4). In 1999, the Oregon Legislature added requirements to the burdens carried by school administrators with respect to threats of violence or harm in public schools. The Attorney General's Committee on School and Community Safety has been meeting regularly since early 2000. It has heard presentations touching on the importance of controlling student-on-student bullying or harassment as part of an overall strategy to improve school safety, but no information has been received purporting to measure the effectiveness of any particular strategy.

Additionally, a district may suspend or expel any student who assaults or menaces a school employee or another student. The statute defines menace as words or conduct through which the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury. The use of threats, intimidation, harassment or coercion against any fellow student or school employee, open defiance of a teacher's authority or use or display of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school. School districts must also develop policies on managing students who threaten violence or harm in public schools. The policies adopted by a school district must include staff reporting methods and require an administrator to consider immediately removing a student from the classroom setting when the student has threatened to injure another person, place the student in a setting where the behavior will receive immediate attention, or require the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting. The school administrator must notify the parent or legal guardian of the student's behavior and the school's response. OR. REV. STAT. § 339.250.

School districts must also notify the parents of a student when the student's name appears on a targeted list that threatens violence or harm to the students on the list; or when threats of violence or harm to the student are made by another student. School districts must attempt to notify the persons by telephone or in person within 12 hours of the threat. School districts must follow up this notice with a written notification within 24 hours. School districts, school boards and public school officials that provide the required notice will not be liable for any civil claim arising out of the notification.

Pennsylvania

Pennsylvania law states: "It is the policy of the Board that educational programs shall be provided without discrimination on the basis of race, sex, color, religion, disability, sexual orientation or national origin." 22 PA. CONS. STAT. § 5.4

Additionally, the professional educator may not discriminate on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest against a student or fellow professional. This list of basis of discrimination is not all-inclusive. PA. CONST. STAT. § 235.8.

Pennsylvania also prohibits harassment and stalking. Harassment occurs, according to the statute, when a person, with intent to harass, annoy or alarm another, the person, strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same, follows the other person in or about a public place or places, or engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose. 18 PA. CONST. STAT. 27.

Tennessee

Under Tennessee law, each school code of conduct must contain the type of behavior expected from each student and the consequences of failure to obey such standards. Each code is to address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol,

student conduct on school property, conduct in classes, and such other subjects as the local governing body may choose to include. TENN. CODE ANN 49-6-4013.

There is also a civil cause of action for malicious harassment. TENN. CODE ANN. 4-21-701. A person commits malicious harassment if, among other things, they intentionally threaten, by telephone or in writing in a manner that knowingly annoys or alarms the recipient. It also includes placing anonymous calls, or calls at an hour known to be inconvenient to the victim in an offensively repetitious manner, without a legitimate purpose of communication TENN. CODE ANN. 39-17-308.

Tennessee law also states that “it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals.” The statute makes intimidating a person from exercising their civil rights a crime. TENN. CODE ANN. 39-17-309.

Vermont

Vermont has required anti-harassment policies for several years. Under Vermont law, through a process including parents, teachers, students and community members, each school must develop, implement, and annually update a comprehensive action plan to improve student performance within the school. The plan must address the effectiveness of efforts made to ensure the school maintains a learning environment free from harassment, hazing and bullying. The board must enact policies based on sound instructional and classroom management practices and a policy that includes clear discipline policies that are consistently and effectively enforced. VT. STAT. ANN. tit. 16 § 165.

Each school district must also develop a harassment policy that includes a statement prohibiting unlawful harassment of a student and the consequences and appropriate remedial action for staff or students who commit harassment. The district must develop a procedure that directs students and staff how to report violations and file complaints. The plan must involve a procedure for investigating the reports, and should include a description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment. The reporting procedures must include an annual designation of two or more people within the school to receive complaints and a procedure for publicizing those people's availability. The procedure must publicize the availability of the Vermont Human Rights Commission, the Federal Department of Education's Office of Civil Rights, and other appropriate state and federal agencies to receive complaints of harassment. Acts of retaliation for reporting harassment are prohibited by the law.

Notice of the policy and procedures must be made available to students, custodial parents or guardians of students, and staff members. Notice is to be in age-appropriate language and should include examples of harassment and hazing. At a minimum, the notice must appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct. VT. STAT. ANN. tit. 16 § 565.

Wisconsin

Wisconsin statute maintains that no student may be denied admission to any public school or be denied participation in, be denied the benefits of, or be discriminated against, in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability. WIS. STAT. § 118.13.

The Wisconsin Administrative Code also bans harassing or discriminating against any student because of age, race, creed, color, ancestry, national origin, marital status, sex, or sexual orientation. Additionally, each school district must develop policies prohibiting discrimination against pupils. The policies must include, among other things, the standards and rules of behavior, including pupil harassment, and disciplinary actions, including suspensions and expulsions. Each school district must also:

- Designate an employee to receive complaints regarding discrimination;
- Establish a procedure for receiving and resolving complaints, including a provision for written acknowledgement within 45 days of receipt of a written complaint and a determination of the complaint within 90 days of receipt of the written complaint unless the parties agree to an extension of time;
- Annually provide notice of board policies on pupil nondiscrimination, including the name and address of the designated employee and the complaint procedure;
- Include a pupil nondiscrimination statement and the complaint procedure in pupil and staff handbooks and other published materials distributed to the public describing school activities and opportunities.

WIS. ADM. Code § RL 62.11.

Additionally, each school district must evaluate the status of nondiscrimination and equality of educational opportunity in the school district at least once every five years. The evaluation must include review of the following:

- School board policies and administrative procedures;
- Enrollment trends in classes and programs;
- Methods, practices, curriculum and materials used in instruction, counseling, and pupil assessment and testing;
- Trends and patterns of disciplinary actions, including suspensions.
- Participation trends and patterns and school district support of athletic, extracurricular and recreational activities;
- Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district;
- School district efforts to achieve equality of educational opportunity and nondiscrimination.

WIS. ADM. CODE § PI 9.03-06.

The school board must provide an opportunity for participation in the evaluation by pupils, teachers, administrators, parents and residents of the school district. The board must then prepare a written report made available to the public.

Annex # 2

Question 29: Regarding HHS/ACF Discretionary Program Funding

FY2004 Budget for the Administration for Children and Families within the Department of Health and Human Services, including resources available to address violence against children

DISCRETIONARY PROGRAM	Funding FY2004
LIHEAP Block Grant	1,789,380,000
Contingency Fund (LIHEAP)	99,410,000
Child Care & Development Block Grant	2,077,503,980
Research and Evaluation Fund	9,805,802
Promoting Safe & Stable Families (Discretionary only)	99,383,159
Subtotal, Head Start	6,774,848,164
Early Learning Opportunities Fund	33,579,704
Subtotal, Runaway and Homeless Youth Programs	89,431,224
Education & Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless and Street Youth	15,302,181
Mentoring Children of Prisoners	49,701,024
Child Abuse State Grants	21,883,123
Child Abuse Discretionary Activities	34,385,919
Community-Based Child Abuse Prevention	33,204,928
Child Welfare Services	289,319,882
Child Welfare Training	7,411,016
Adoption Opportunities	27,103,142
Abandoned Infants Assistance Programs	12,052,468
Independent Living Training Vouchers	44,733,506
Adoption Incentives	7,455,750
Subtotal, Child Health Act Programs	12,785,120
Native American Programs	45,156,992
Social Services Research & Demonstration, B.A.	13,167,849
PHS Evaluation Funds	6,000,000
Subtotal, Social Services Research & Demonstration, Program Level	19,167,849
Compassion Capital Fund	47,701,889
Federal Administration	177,894,195
Center for Faith-Based and Community Initiatives	1,385,775
Community Services Block Grant	641,935,105
Job Opportunities for Low Income Individuals (JOLI)	5,431,762
Community Economic Development	26,906,311
Rural Community Facilities	7,184,361
National Youth Sports	17,893,800
Community Food & Nutrition	7,238,042
Individual Development Accounts	24,695,432
Women's Shelters	125,648,275
Domestic Violence Hotline	2,982,300

Total, Children & Families Services Programs, B.A.	8,763,192,308
Transitional and Medical Services (for Refugees)	168,975,130
Victims of Trafficking	9,909,189
Social Services (for Refugees)	152,217,586
Victims of Torture	9,909,189
Preventive Health (for Refugees)	4,791,562
Targeted Assistance (for Refugees)	49,025,035
Unaccompanied Alien Children	52,769,810
Total, Refugee and Entrant Assistance, B.A.	447,597,501
Total, Discretionary Programs, B.A.	13,286,272,750
State Child Support Administrative Costs	3,897,674,000
Federal Incentive Payments to States	454,000,000
Access and Visitation Grants	10,000,000
Payments to territories	23,000,000
Repatriation	1,000,000
AFDC/Emergency Assistance	20,000,000
Subtotal, AFDC Programs	20,000,000
Total, Payments to States for CSE & FS Programs, Obligations	4,405,674,000
Payments to States for CSE & FS Programs, Net B.A.	4,412,970,000
Foster Care	4,974,200,000
Independent Living	140,000,000
Adoption Assistance	1,699,700,000
Total, Payments to States for Foster Care Adoption Assistance, B.A.	6,813,900,000
Social Services Block Grant:	1,700,000,000
Promoting Safe & Stable Families	305,000,000
Total, TANF, B.A. Current Law	10,140,595,204
Total, Children's Research & Technical, B.A.	52,140,000
Total, Child Care Entitlement, B.A.	1,920,239,750
TOTAL, ENTITLEMENT PROGRAMS, B.A.	13,231,870,000
TOTAL, PRE-APPROPRIATED PROGRAMS, B.A.	12,112,974,954
TOTAL, DISCRETIONARY PROGRAMS, B.A.	13,286,272,750
TOTAL, B.A.	38,631,117,704