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**FINAL REPORT FOR
THE SENATE STUDY COMMITTEE ON THE ABUSE OF CHILDREN**

MEMBERS

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Senator Vincent D. Fort
District 39

Senator Donzella J. James
District 35

Senator Thomas E. Price
District 56

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December 2001

BACKGROUND

The Senate Study Committee on the Abuse of Children was created by Lieutenant Governor Mark Taylor by the authority conferred to him by Senate Resolution 3 during the 2001 Session of the Georgia General Assembly. The Committee was charged with undertaking a “study of the conditions, needs, issues, and problems related to the incidences of child physical and sexual abuse in the State of Georgia.”

The resolution provided that Lieutenant Governor Mark Taylor appoint the Committee’s chairperson and members. Senator Mike Polak was appointed as Chair. Legislative members included Senator Vincent D. Fort, Senator Donzella J. James, and Senator Thomas E. Price. Other esteemed members of the Committee included experts on children and family issues: Vicki McLennan, Athens, DeKalb, Savannah, Southwest Georgia NOW Chapters and New Generation Partnerships, Inc. (Co-Chair); Sandra Alexander, M. Ed., Executive Director, Prevent Child Abuse Georgia; Patrice Harris, M.D., Senior Policy Fellow, Barton Child Law and Policy Clinic, Emory University; Terese deGrandi, M.D., Medical Director, Center for Advocacy and Protection, Children’s Healthcare of Atlanta; and Liz McDermott, MPA, Services Coordinator, Prevent Child Abuse Georgia. At the request of Senator Seth Harp to Senator Mike Polak, Nancy A. McGarrah, Ph.D., of Cliff Valley Psychologists; Allyson Anderson of Georgia CASA; and Michael Buchholz of the Georgia Network of Children Advocacy Centers, were invited to participate in all of the meetings as resource people by Vicki McLennan.

Legislative staff members assigned to assist the Committee were Kay A. Hall, Esq. from the Senate Research Office and Sandra Laszlo, Esq. from the Office of Legislative Counsel.

The Committee held four meetings. The meetings were held on October 10, 2001, November 1, 2001, November 27, 2001 and December 17, 2001. The November 27, 2001 meeting included a briefing by David C. Hellwig, Unit Chief, Social Services Section, Protective Services Unit, Division of Family and Children Services, Department of Human Resources; and Debra L. Elovich, Assistant Commissioner, Office of Policy and Government Services, Department of Human Resources.

PROLOGUE

While most of us have come to know fear for our safety in a new way since September 11, for millions of children in our country personal safety is not a new fear. They wake up and go to sleep each day wondering how and when the next assault on them will occur. Not from terrorists from a foreign country, but from their own parents or others in their home or neighborhood. They are emotionally, physically, and sexually assaulted and they are ignored and left to fend for themselves.

Child abuse is a major problem in Georgia and across our country. It is a problem that many people prefer to ignore or minimize.

It is difficult to think about a parent harming a child. Indeed, most parents love their children to

the best of their ability. Unfortunately, for thousands of children in our state, their parents' abilities are not very good or are absent. Child abuse is parenting gone wrong and it has a lousy outcome for children and society. It robs children of their childhood, shatters their bodies and self-esteem, and nationally kills more than 2,000 children each year.

There is ample data to support that children who survive abuse are more likely to have physical and mental health problems, and retarded or delayed brain development, and they are more likely to show up as a juvenile delinquent, pregnant teen, bully, domestic violence victim or perpetrator, adult criminal, or parent who then abuses their child.

Employers are beginning to recognize that the impact of abuse takes a toll on their employees' ability to be productive in the workplace. It limits children from reaching their full potential and becoming productive citizens and consumers, and it costs business and communities billions in tax dollars to treat.

With all the things that we have done to respond to child abuse, we have not made a significant impact on the number of children who are hurt in Georgia each year because of abuse. How long will these children have to cry for help? Until Georgia listens and acts. Until we ensure that Georgia provides clear policy and adequate funding to support best practices in preventing and treating child abuse. Children can't stop abuse, but adults can. Child abuse is an adult problem and adults must solve the problem.¹

EXECUTIVE SUMMARY

Virtually every grouping of people, from citizens of industrialized nations to tribes-people from the most remote corners of the earth, subscribes to the belief that having sex with children is wrong and that having sex with children from one's own family is crossing an inviolable line. Yet, this heinous crime still happens with alarming frequency. It seems that the taboo against incest is so strong that it extends to even discussing the reality of the act. People recoil from both verbal and written accounts of child sexual abuse. This, in turn, hinders efforts to protect children and punish perpetrators. Insofar as the Georgia Legislature is concerned, strong, concerted efforts to address this issue have been sorely lacking.

A quick look at legislative history shows us that it has been a decade since the statute of limitations on child sexual abuse was increased. In the early 1990's, Representative Mike Snow introduced and passed this legislation with ease. Subsequent efforts, however, have been met with resistance. One member of the House of Representatives recounted in a House Judiciary meeting his experience of have been accused of molesting his daughter. He explained that his daughter was suffering from "False Memory Syndrom (sufferers of this syndrome are thought to have had false memories inadvertently implanted in their psyches by mental health professionals). That year, the legislation

¹ From testimony presented by Sandra Alexander, Executive Director of Prevent Child Abuse Georgia, to the United States House of Representatives Committee on Education and the Workforce, Subcommittee on Select Education, October 17, 2001.

was killed quickly and quietly.

Recently though, there has been a new willingness to discuss the plight of abused children and to legislate solutions. In 1999, Representative Warren Massey introduced, but did not pass legislation that would have made certain sex crimes against children death penalty offenses. Last year, Senator Donzella James raised public awareness about child prostitution and passed legislation making the pimping of children a felony and Senator Tom Price successfully moved legislation through the Senate that, if passed, will increase the statute of limitations on sexual crimes against children under the age of sixteen.

The legislation that created our Senate Study Committee on Child Abuse and Child Sexual Abuse was first introduced by Representative Massey at the request of Georgia NOW lobbyist, Vicki McLennan, in 1999. It did not pass. Again, in 2000, Senator Greg Hecht worked to create this Committee without success. Finally, in 2001, Senator Mike Polak secured the creation of this Committee through an Executive Order issued by Lt. Governor Mark Taylor.

The members of this Committee see its work, to date, merely a beginning and hopefully, a springboard from which better communication between child advocates and legislators can be initiated and facilitated.

The people formally appointed to the Senate Study Committee include: Dr. Terese DeGrandi, a pediatrician; Dr. Patrice Harris, a forensic psychiatrist; Vicki McLennan, a public policy analyst; Liz McDermott, Community Services Coordinator; and Sandra Alexander, Executive Director of Prevent Child Abuse Georgia. Senator Mike Polak, Senator Thomas E. Price, and Senator Vincent D. Fort were initial appointees. In the course of four meetings, we added Senator Donzella J. James to our group as well as Allyson Anderson of CASA, Nancy McGarrah, Ph.D., of Cliff Valley Psychologists, and Michael Buchholz from the Georgia Network of Children's Advocacy Centers. Representative Stephanie Stuckey Benfield participated in some of the meetings as well.

The Department of Human Resources did a presentation to the Committee as did Fulton County District Attorney Paul Howard. Representatives of the District Attorneys' Office's from DeKalb County and Clayton County joined us for the second and third meetings.

The people who created this Committee wanted to begin an in-depth dialogue about the problem of child sexual abuse between the experts on this issue and caring legislators. We accomplished that goal. Our participants, particularly the direct-service providers, showed a great deal of passion, caring and frustration about this subject. Enough written information was compiled to start a book, which is now being distributed to the State Senate. To summarize our findings at this point is almost like asking someone to summarize a sentence after only speaking the first two or three words.

Our work has raised more questions than it has formulated answers. It is important in this summary to underscore the following observations:

* The Georgia Department of Human Resources (DHR) does not request enough money to do its

job thoroughly. *Participants new to the legislative arena were alarmed by what they considered to be an understatement of the problems children in Georgia face.*

** Child Protective Services workers have conflicting ideas about “family preservation.” The philosophy of DHR changes periodically. Sometimes the mandate is to “do everything possible to keep family members all under one roof. Other times, the mandate is to err on the side of caution and get abused children out of the home as soon as possible.*

** The Georgia Department of Human Resources does not have a clear directive that the sexual abuse of children is to be treated as a crime. One of the first questions asked by a DHR representative during our first meeting was whether or not sexual abuse of children should be treated as a crime or as a social problem.*

** Child Protective Services (CPS) workers are underpaid, overloaded and have no opportunity to debrief with a mental health professional on their cases. We saw that Senate Studies dating all the way back to 1989 talked about the shortage of and low pay for CPS workers. The issue of helping these workers cope emotionally with their cases seems to have not been a topic of discussion at the state level even though it should be.*

** The majority of doctors, when surveyed, were unable to label a diagram of female genitalia correctly. If doctors do not know female anatomy, they cannot accurately diagnose child sexual abuse in cases where penetration has taken place.*

** Many doctors are reluctant to take the time to testify in child sexual abuse cases in court because it takes too much time away from their medical practices.*

** Children who report their abuse at school are not assured of having an advocate to protect them upon returning home on the day they report the abuse.*

** Younger children are at risk of being raped and/or molested when they are placed in Youth Detention Centers.*

** Sexual predators are doctors, lawyers, clergy, coaches - any and all professions - and come from all racial, socio-economic, and religious backgrounds.*

Our time was spent more on the problems facing the children who are victims of abuse than the punishment of the perpetrators of sex crimes. When money and resources are short, unfortunately, a triage system of dealing with the worst emergencies first is inevitable. This shortchanges the entire system of intervention. To prevent abusers from being free to molest more children, we have

to make sure they go to jail and stay in jail. To keep today’s victim from being tomorrow’s perpetrator, we must offer them intense therapy for as long as it takes.

Legislative action is something we did not have to initiate this year. We support the legislation introduced by Senator Thomas E. Price that increases the statute of limitations on sex crimes against

children. We support the legislation introduced by Senator Donzella J. James that takes young children out of the general YDC populations. We support Senator Hecht's legislation that removes the statute of limitations from the seven deadly sin crimes and we support the concept of the proposed child endangerment legislation.

Senator Polak suggested that the Committee continue to meet and work in some fashion. We agree that it would be valuable to continue as a Committee, A Blue Ribbon Panel, a Commission or as an adjunct to the Office of Child Advocate. Any continuation of the Committee would need to include an expanded group of participants.

We want to point out that there is hope for the children who suffer at the hands of adults. In our first meeting, Dr. Terese DeGrandi introduced herself then told us of her experience of performing seven hours of reconstructive surgery on a six-year-old girl who had been raped. The child's surgery was a success, as was her therapy. The perpetrator was caught, tried, convicted and sentenced to many years in jail. The child is now a young college student who is doing well in life. The most important thing is that her soul is intact. It may have been wrenched apart for a while but now she is whole. Whether the "system" does everything right or not, sometimes what it takes to save a child is just one enlightened witness to that child's pain and grief. Each of us can be that enlightened witness in our own way.²

REPORT

THE PROBLEM

Child abuse takes many forms. All result in both short and long term negative consequences for the child and for all citizens of our state.

² The Executive Summary of this Report was submitted on behalf of the Committee by Vicki McLennan, January 22, 2002.

For the purposes of this Committee, we recognize four forms of child abuse. These are working definitions, not legal definitions.

Sexual Abuse - the exploitation of a child for the sexual gratification of an adult or older child. Sexual abuse may include touching offenses such as fondling, sodomy and/or rape, or non-touching offenses such as child prostitution, indecent exposure, exhibitionism and exposure to pornographic material.

Physical Abuse - the non-accidental injury of a child. This may include: superficial bruises and welts, burns, human bites, strangulation, broken bones, internal injuries and, in some cases, death.

Physical Neglect - the failure to provide a child with the basic necessities of life, including: adequate food, shelter, clothing, medical care and supervision for optimal growth and development.

Emotional Abuse - excessive or aggressive paternal behavior that places unreasonable demands on a child to perform above his or her capabilities. This form of abuse creates an emotionally damaging atmosphere. It frequently occurs as verbal abuse, but can also include: rejection, terrorizing, shameful forms of punishment, withholding physical and emotional contact, and developmentally inappropriate expectations.

Please see attachments from the O.C.G.A. for various forms of child abuse and child sexual abuse, as currently defined in Georgia. The definitions include: child sexual exploitation; incest; child molestation; pandering which involves solicitation of a minor to perform an act of prostitution; statutory rape; and child abuse.

National Scope of Problem

According to a 1999 survey conducted by the National Center on Child Abuse Prevention Research, a program of Prevent Child Abuse America, an estimated 3,244,000 children nationwide were reported to child protective services (CPS) as alleged victims of child maltreatment at a rate of 46 of every 1,000 children in the population. Nationally, the rate of children reported for child abuse or neglect has risen 2 percent over the past five years. It is estimated that 1,070,000 children were substantiated as victims of child abuse and neglect in 1999, a rate of 15 out of every 1,000 children in the population. Almost half (46 percent) of all substantiated cases were children who were victims of neglect, while 18 percent suffered from physical abuse and 9 percent were sexually abused. Victims of emotional abuse and domestic violence represented 4 percent of the total. In addition, almost a quarter (23 percent) of the children were reported to be victims of “other” types of maltreatment including both abuse and neglect, threat of harm and abandonment.³ Further, in 1999 an estimated 1,396 children died as a result of child abuse and neglect, nearly four children every day.

³ *Current Trends in Child Abuse Prevention, Reporting and Fatalities: The 1999 Fifty State Survey.* Prevent Child Abuse America National Center on Child Abuse Prevention Research, Chicago.

Child Abuse and Neglect Reports in Georgia⁴

According to the most recent statistics taken from the Protective Services Data System Annual Report 2000, 74,803 reports of child abuse and neglect were made to Georgia county Departments of Family and Children Services (DFCS). When a report is made, DFCS determines whether it meets the criteria for an investigation: a child under 18 years alleged to having been mistreated by the parent or caretaker. Currently, DFCS does not have the authority to investigate sexual abuse by an alleged third party. Law enforcement officers are responsible for reviewing cases of abuse by alleged third parties. In 2000, 20,647 reports did not meet the criteria for abuse and neglect, and were screened out or referred to other local resources, such as early intervention programs, prevention programs, mental health resources, and the court system.⁵

In Georgia, a total number of 93,672 incidents of abuse and neglect were reported in 2000. According to the Report, the number of cases of alleged child maltreatment is lower than a count of the incidents of alleged maltreatment, because there may be maltreatment reported on several children in one case. Also, for each child in a case, more than one type of incident of abuse or neglect may be reported.⁶

Briefing by Division of Family and Children Services Representatives

In a meeting on November 27, 2002, Debra L. Elovich, Assistant Commissioner, Office of Policy and Government Services, DHR, and David C. Hellwig, Unit Chief, Social Services Section, Protective Services Unit, DFCS, presented a report to the Study Committee concerning general procedures for filing child abuse reports, current budget issues, and a briefing on reported child sexual abuse in Georgia. The stated goal of the Child Protective Services Unit is to ensure the protection and safety of children who are victims of abuse and neglect. The findings presented to the Committee are as follows:

- O.C.G.A. Code Section 49-5-8 gives DFCS the authority to investigate reports of deprivation, abuse or abandonment by parents, guardians and those in loco parentis. This statute gives law enforcement the authority to investigate crimes committed by a third party. **DFCS is *not* required by law to investigate reports of a criminal nature involving sexual abuse by a third party or report of statutory rape when the parents/guardian are protecting the child.**
- More than 83 percent of confirmed abusers were the victim's biological parents, and 47 percent of the victims were under age six.
- In 2000, 6,462 incidents of sexual abuse were reported; 2,354 were substantiated and entered

⁴ See Protective Services Data System Annual Report 2000, Georgia Department of Human Resources, Division of Family and Children Services.

⁵ Protective Services Data System Annual Report 2000, p. 1.

⁶ Protective Services Data System Annual Report 2000, p.2.

the information system.

- The overwhelming majority of incidences of sexual abuse take place in the victim's own home.
- Specific types of sexual abuse include: fondling, penetration, sodomy, exhibitionism/voyeurism, incest, sexual exploitation, sexually transmitted disease, and genital injury.
- A snapshot of child maltreatment reveals that 62 children a year die from child maltreatment, 13,900 children are in foster care in Georgia, and 900 children are in long term treatment.
- The State of Georgia mandates that each county have a Local Child Abuse Protocol. The majority of these Protocols require DFCS and law enforcement to jointly investigate sexual abuse and physical abuse cases.
- The first disclosure is considered the best disclosure. A multi-disciplinary approach eliminates the need for repeated interviewing of the child.

Status of Funding for DFCS

Last year, Governor Roy E. Barnes and the legislature made a \$32 million dollar investment of new money into the child welfare system allocating funds for 100 more caseworkers, raises for case workers, a continuum of placement options for children taken into care, and training. After years of budget cuts in DFCS, cuts that were approaching \$100 million, the state provided the first installment of funding for a long-range plan to improve the child welfare system.

For FY 2003, Governor Roy E. Barnes recommended a \$14 million dollar enhancement package for the Child Protection Initiative. Even with this unprecedented commitment, Georgia still does not have enough prevention programs, assessment and treatment services, and placements for our children, and we will still require 388 additional caseworkers to meet the national standards of the Child Welfare League of America.⁷ An analysis of Georgia's budget over the last decade revealed

that the DHR budget is \$185 million short of where it should be after accounting for inflation and population growth. It is essential that we continue to build on the progress of the past two years and adequately fund the system entrusted to care for our abused and neglected children.

Senate Bill 76

This bill, authored by Senator Donzella J. James, provides for a minimum age that a child may be detained in a youth detention center. This legislation states that a child shall not be considered for

⁷ *Strategies to Strengthen Georgia's Child Protective System: Proposed Methods to Protect Georgia's Children from Abuse and Neglect By Increasing the Resources Dedicated to the Division of Family and Children Services.* Policy Paper for the 2001 General Legislative Session. Barton Child Law and Policy Clinic at Emory University.

commitment to the Department of Juvenile Justice unless the child has attained the age of 12 years at the time of the act, omission, or negligence constituting the delinquent or unruly conduct. In addition, a child shall not be detained in a youth detention center unless the child has attained the age of ten years. The purpose of this legislation is to protect underage children from harm in potentially unsafe conditions that currently exist in youth detention centers. The Committee agreed that the intent of this bill is valid. Some members noted that, at this point in time, there are no viable housing alternatives for these children whose numbers are approximately 50 statewide per year.

National Institute of Justice Study

A recent study commissioned by the National Institute of Justice found that childhood abuse and neglect increased the odds of future delinquency and adult criminality by 29 percent. The study followed 1,575 cases from childhood through young adulthood, comparing the arrest records of two groups, and found that being abused or neglected as a child increases the likelihood of arrest as a juvenile by 59 percent, as an adult by 28 percent, and for a violent crime by 30 percent. According to the findings, the “cycle of violence” hypothesis suggest that a childhood history of physical abuse predisposes the survivor to violence in later years. Those children that suffered physical abuse, as opposed to neglect or sexual abuse, were the most likely to be arrested later for a violent crime.⁷

STUDY COMMITTEE RECOMMENDATIONS AND FINDINGS

POLICY RECOMMENDATIONS

- Regard and respond to child abuse, including sexual abuse as a major public health issue. Child abuse and child sexual abuse have serious physical and mental health consequences for children. Drinking and driving, smoking, cancer, AIDS, polio, and every other public health issue has been positively impacted by a public health approach which includes a strong prevention and public awareness strategy as well as a strategy for treating the problem after it occurs. We need to do the same for child abuse. For child sexual abuse, this would

⁸ See “How likely is it that today’s abused and neglected children will become tomorrow’s violent offenders?” Fall, 2001 Issue of Juvenile and Family Justice Today.

include targeting prevention messages to perpetrators and potential perpetrators and to the people who know them, as well as to children.

- Regard and respond to child abuse as a crime. Child abuse is a crime by law in Georgia and in all other states. Child abuse is the only crime that we send social workers out to investigate. Investigations of child sexual abuse and serious physical abuse should be done jointly by law enforcement and child protective services. Confirmed cases should be prosecuted to the fullest extent of the law.
- Accept no cuts in funding for programs that prevent and treat child abuse. Protecting Georgia's children requires a strong prevention strategy, adequate and competent responders to incidents of abuse (including law enforcement, judges, medical professionals, mental health professionals, and CPS professionals) and adequate placement and treatment services for children who are abused. This is not the case in Georgia at the present time and will never happen without a change in the level of state commitment and funding for solving the problem.
- Child abuse is a problem that requires a seamless system from the initial investigation to final disposition and incorporates a multi-disciplinary response. Create mandatory multi-disciplinary teams in all counties to include DFCS, law enforcement, District Attorney, and medical professionals to make assessments in serious or difficult cases and to foster communication so that cases are not dropped because one branch did not know that the other was involved, or did not know how to handle the case. This approach would work to minimize trauma to the victim.
- Develop a statewide system to track the incidence of abuse and neglect.
- View the Sex Offender Registry and its Website as a prevention resource. Photos of the offender should be available or posted. Information should be updated to give the offender's current address, etc.
- Increase the resources and power of the Office fo the Child Advocate to do its job.
- Promote hospital/health based model approaches for forensic diagnosis and comprehensive evaluation in child abuse cases. Child protective services alone are not structurally capable of making many of these decisions, but medical led multi-disciplinary teams can. GA CARES is a network or medical centers of excellence that is just beginning in the state. It should be supported and expanded and available to assist child protective services by providing expert medical evaluation of child abuse cases.

FUNDING RECOMMENDATIONS

- **Accept no cuts in funding for programs that prevent and treat child abuse.** Protecting Georgia's children requires a strong prevention strategy, adequate and competent responders

to incidents of abuse (including law enforcement, judges, medical professionals, mental health professionals) and adequate placement and treatment services for children who are abused. This will never happen with the current level of state commitment and funding for solving this problem.

- **Fix the shelters.** IN 2001, THE OFFICE OF CHILD ADVOCATE (OCA) COMPLETED AN EXHAUSTIVE INVESTIGATION OF THE FULTON AND DEKALB COUNTY CHILDREN'S EMERGENCY SHELTERS; THE ONLY TWO PUBLICLY OPERATED CHILDREN'S SHELTERS IN GEORGIA. IN ITS REPORT, OCA DESCRIBED THE SHELTERS AS "UNFIT" FOR THE CHILDREN WHO LIVE THERE. SPECIFICALLY, CONDITIONS ARE DESCRIBED AS UNSANITARY, UNSAFE, DANGEROUSLY OVERCROWDED, AND INADEQUATELY STAFFED BY POORLY TRAINED PERSONNEL.

WHILE REMEDYING THESE CONDITIONS WILL REQUIRE ADEQUATE SHELTER FUNDING, OCA'S PRIMARY CONCERN IS LACK OF REGULATORY OVERSIGHT BY THE OFFICE OF REGULATORY SERVICES (ORS) - CHILD CARE LICENSING SECTION. THIS IS BECAUSE FACILITIES OWNED AND OPERATED BY GOVERNMENT ARE EXEMPT FROM THE ENFORCEMENT AUTHORITY OF ORS. AS A RESULT, OCA STATES THAT THE SHELTER "IF OWNED AND OPERATED BY A PRIVATE PROVIDER, WOULD NEVER PASS INSPECTION AND WOULD NEVER BE LICENSED TO CARE FOR CHILDREN." OCA'S REPORT STATES THAT "SERIOUS CONSIDERATION SHOULD BE GIVEN TO WHETHER FACILITIES OWNED AND OPERATED BY STATE AND LOCAL GOVERNMENT SHOULD CONTINUE TO BE EXEMPT FROM THE REGULATIONS WHICH GOVERN PRIVATE PROVIDERS." OCA ALSO RECOMMENDS PRIVATIZATION OF THE SHELTERS WITH PROFESSIONALLY TRAINED STAFF.

NOTE: THE FULL TEXT OF THE OCA SHELTER REPORTS CAN BE FOUND AT WWW.GACHILDADVOCATE.ORG.

- **Increase financial backing for the statewide child advocacy centers.** No single agency, individual or discipline has all the knowledge, skills or resources to provide the assistance needed for abused children and their families. Combined knowledge of child protective services, law enforcement, medical, prosecution and mental health results in a more effective response system. These centers are safe, neutral, "child friendly" facilities for children and families who are alleged victims of child abuse. There are 30 centers set up throughout the state. These centers facilitate a multi-disciplinary approach to the investigation, prosecution

and treatment of child abuse cases. These centers also provide videotaped forensic

interviews by trained professionals, which avoid multiple interviews, reduce trauma of disclosure and preserves statements for court.

- **The DFCS caseworkers must be better paid, given appropriate caseloads, and better trained.** The first part of the state system to be involved after a disclosure of child abuse is DFCS. Unfortunately, this system does not work to protect children adequately because of constant overworking and turnover of caseworkers. Training is extremely important for the caseworkers to properly interview possible victims and determine appropriate interventions with families.

Hire and adequately pay licensed clinical social workers to become case managers of the child abuse cases. These social workers must have a background in family dynamics. Working as a multi-disciplinary team, the licensed clinical social workers and the DFCS social service case managers can assess cases and present them in court, file and re-file court issues and provide back-up for each other.

- **Increase Medicaid and other funding to expand services for mental health treatment.** At the present time, children removed from parents by DFCS often receive evaluation and therapy from psychologists and psychiatrists. This mental health service is extremely important to help victims of abuse.

- **The forensic medical examinations must be done by well trained professionals.** Qualified medical services are available, but are in short supply and are underutilized. GA CARES is a network of medical centers lead by forensic pediatricians. These forensic pediatricians are few, and do this in addition to their usual duties. Telemedicine must be set up in sites outside these centers to assist less developed regions. Telemedicine provides the benefit of the most recent advances in forensic medicine for all of the children who are victims of child abuse, regardless of whether they live in large cities or in small towns. Benefits include enhanced professional support, more accurate investigations, and enhanced credibility of medical opinions in the child abuse cases. There will need to be state funding for the continuing medical education of these professionals. Eventually, there needs to be financing for full (24/7) coverage. The victims deserve access to experts in this unique field. **Please see attachments for a description of GA CARES.**

- **Develop specialized residential facilities for severely abused children and adolescents.** Because of the closure of psychiatric hospitals, there are very limited placements for children whose emotional problems require more intensive treatment than can be given through the foster care system. Finding spaces in existing hospitals for Medicaid eligible children is almost impossible. Because inpatient treatment is not available, these severely traumatized children are often placed in foster homes or in shelters, neither of which is prepared or trained to handle these severe problems. Other children are often sexually and physically abused by these children and adolescents, some of whom become violent offenders.

- **Support hospital/health based model approaches for forensic diagnosis and**

comprehensive evaluation in child abuse cases. Child protective services, alone, are not structurally capable of making many of these decisions, but health-led, multi-disciplinary teams can do this. GA CARES is a network of medical centers of excellence that is just beginning in the state. It should be supported and expanded and available to assist child protective services by providing expert medical evaluation of child abuse cases.

- **Review the work of the Office of Child Advocate and increase resources and power to do its job.** MS. DEE SIMMS WAS APPOINTED GEORGIA'S FIRST CHILD ADVOCATE IN SEPTEMBER 2000. SHE SELECTED STAFF, LOCATED OFFICE SPACE, SOUGHT AND PROCURED INCREASED RESOURCES, PUBLICIZED THE CREATION OF OCA, INVESTIGATED MORE THAN 600 REFERRALS, UNDERTOOK EXTENSIVE INVESTIGATIONS OF THE TWO ATLANTA PUBLIC CHILDREN'S SHELTERS, MET WITH CHILD WELFARE PROFESSIONALS ACROSS THE STATE, AND PRESENTED WORKSHOPS AT NUMEROUS CONFERENCES.

NEVERTHELESS, OCA LACKS SUFFICIENT FUNDING AND STAFF NECESSARY TO FULFILL THE WIDE BREADTH OF ITS STATUTORY MANDATES IN CONJUNCTION WITH THE NECESSARY TIME-INTENSIVE RESPONSE TO INDIVIDUAL CASES. OCA'S 2002 BUDGET REQUEST FOR AN \$800,000 INCREASE WILL ENABLE IT TO DO ITS JOB BY HIRING THREE ADDITIONAL INVESTIGATORS AND ONE CLERK FOR ITS MACON OFFICE AND ONE ATTORNEY, THREE INVESTIGATORS, AND ONE CLERK TO ESTABLISH AN ATLANTA OFFICE – WHERE NEARLY HALF OF OCA'S REFERRALS ORIGINATE.

BUT FOR OCA TO BE TRULY EFFECTIVE, IT MUST POSSESS ENFORCEMENT AUTHORITY TO COMPEL CHANGE WHERE IT FINDS CHILDREN TO BE LIVING IN SUB-STANDARD CONDITIONS AND AT RISK. DESPITE OCA'S EXHAUSTIVE INVESTIGATION AND REPORT OF UNFIT LIVING CONDITIONS FOR CHILDREN, THE FULTON AND DEKALB COUNTY SHELTERS REMAIN OPEN, WHICH REPRESENTS A GLARING ILLUSTRATION OF A LACK OF ENFORCEMENT AUTHORITY PREVENTING MEANINGFUL CHANGE FOR CHILDREN.

- **For child sexual abuse specifically, we should look at the overall decline in the number of cases and determine what that means.** If it means that prevention programs are working, then we should expand the reach of these programs. If it means that cases are not getting reported, then we should find out why and act to change it. If the reduction is due to more aggressive prosecution, then this avenue should be more fully explored.

LEGISLATIVE RECOMMENDATIONS

- Child abuse is a crime by law in Georgia and all other states. Child abuse is the only crime that we send social workers out to investigate. Investigations of child sexual abuse should

be done jointly by law enforcement and child protective services social workers. Confirmed cases should be prosecuted to the fullest extent of the law.

- In addition to the registry of sex offenders, composed of those convicted of the crime, there must be restriction of those accused of sexual offenses to exposure of children during the

investigation. The amount of bail is pathetically low and easy to “make,” thus allowing alleged perpetrators unrestricted access to the community. If a plea is reached, it is sometimes to a lesser charge.

- Strengthen the law to keep the perpetrator incarcerated for a longer period of time. The amount of time to serve is often as little as a few months. Many believe that there is not effective treatment for perpetrators, so they must not be sent out to molest again.

CONCLUSION

These findings are being made to the Senate in the hopes that its members will be informed of the many aspects and challenges of identifying, preventing and treating child abuse, including child sexual abuse in Georgia. The Senate Study Committee on Child Abuse hopes to provide legislative members much needed information to assist them in addressing these issues through the legislative process.