



STATE SECRECY & CHILD DEATHS IN THE U.S. 2ND EDITION

An Evaluation of Public Disclosure Practices about Child Abuse and Neglect Fatalities and Near Fatalities

Child abuse or neglect lead to the death or near death of an estimated 1,770 children in the United States each year, yet information critical to determining the causes of these fatalities or near fatalities – and preventing future tragedies – remains veiled in secrecy in many states.

In the second edition of the “State Secrecy and Child Deaths” report, the Children’s Advocacy Institute (CAI) and First Star shine a light on the scope of this national tragedy and take a state-by-state look at public disclosure laws that in many cases hinder efforts to stem a national tide of child abuse fatalities and near fatalities.

The 2012 edition of the “State Secrecy” report seeks educate citizens and public officials about the adequacy of public disclosure policies in their states, provide states with examples of best policies and statutes nationwide, and encourage all states to adopt formal policies and/or laws that will ensure that, in these most grave instances of child abuse, there is sufficient *transparency, consistency, predictability, and enforceability* to engender public scrutiny and allow for reform.

CAI and First Star released the first edition of the State Secrecy and Child Deaths report card in 2008, believing that states must be held accountable to the public regarding the causes of child abuse deaths and near-deaths in order to identify and remedy systemic shortcomings. The report graded each state (“A” to “F”) on its implementation of the federal Child Abuse Prevention and Treatment Act (CAPTA), which requires that each state, as a condition of federal grant funding, “allow for public disclosure of the findings or information about...case[s] of child abuse or neglect [that have] resulted in a child fatality or near fatality.”

The 2008 report found that a majority of US states failed to release adequate information about fatal and life-threatening child abuse cases – findings that generated substantial public attention and were key in prompting positive change with regard to child abuse and neglect laws and policies in several states.

The Second Edition of the “State Secrecy” report card will provide an updated comparison of states public disclosure laws and policies. *Ten states have improved their laws significantly, while others have actually reduced transparency, and several are stuck with the same shamefully low grades they received in 2008.*

CAPTA acknowledges the importance of public disclosure in alleviating systemic problems that may unnecessarily lead to child deaths or near-deaths. Unfortunately, CAI and First Star have found that standards at the state level vary widely, and that many states have policies that fail to fulfill CAPTA’s intent. Even in states where disclosure has been deemed an important goal, the

requirement is often not adequately reflected in state laws or written policies and is not enforceable, or can be quickly undone by a change in administrations.

After the release of the 2008 First Edition, advocacy groups including the National Child Abuse Coalition petitioned Congress to clarify and strengthen the reporting requirements imposed on the states by CAPTA, but no such amendments were made in the 2010 reauthorization.

Since enforceability is the key concept to address in evaluating a state's policy regarding public disclosure of this information, a major goal of the "State Secrecy" report is to encourage states to formalize their policies in statute or for binding regulations to be issued forcing them to do so.

As the Second Edition of the report highlights, public disclosure of the most tragic child abuse and neglect cases is a necessary step toward fixing problems inherent in our child protection systems. CAI and First Star hope to provide state advocates, policy-makers and whistle blowers with some of the tools they need to shine a brighter light on the system's worst failures. The report will also acknowledge best practices in the high-ranking states in order to encourage higher standards nationwide. Until each state has laws that require the release of accurate and thorough information in a timely manner, we will never be able to identify and repair the fault lines in our child protective systems, or slow the horrifying rate of child fatalities in this country.