



APA Public Interest Government Relations Office

End Institutional Abuse Against Children Act

Over the past 15 years, some unlicensed, privately-run residential programs for youth with mental and emotional problems have been established across the United States and abroad. Physical and sexual abuse and neglect have been reported in these facilities. In addition, many of these programs are not currently subject to the licensing or monitoring requirements enforced at regulated mental health facilities in the United States.

The purpose of the End Institutionalized Abuse Against Children Act is to assure the safety of American children in foreign-based and domestic institutions by:

- directing the Attorney General to seek the cooperation of appropriate foreign authorities periodically to investigate such institutions in a foreign country operated or managed by U.S. citizens or other private entities organized under U.S. laws (foreign-based institutions);
- requiring the Attorney General to make rules to protect children who are U.S. citizens or nationals and who are kept in foreign-based institutions for behavior modification. This legislation would set forth civil penalties for U.S. citizens or such private entities who violate such rules;
- amending the Foreign Assistance Act of 1961 to require country reports on human rights practices to include descriptions of child abuse or human rights violations against any children at foreign-based institutions; and
- amending the Child Abuse Prevention and Treatment Act (CAPTA) to authorize the Secretary of Health and Human Services to make grants to States to support inspections of child residential treatment facilities. It would condition such grants on State adoption and enforcement of laws with licensing requirements for such institutions, including certain criminal and civil penalties, set forth in this Act.

The End Institutionalized Abuse Against Children Act would provide grant funding to states to:

- hire and train individuals who have appropriate expertise in health professions, including mental health, to carry out periodic, unannounced inspections of child residential treatment facilities in accordance with section 303(b)(5); and
- collect and maintain data from the inspections of such child residential treatment facilities to be included in the report required by section 306.

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The following licensing requirements would be mandatory for child residential treatment facilities in states applying for funding:

1. The State requires any person who operates a child residential treatment facility to be issued a license for the operation of the facility, and the license is in effect.
2. The facility meets applicable standards of the State for the provision of treatment services for children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
3. In the case of each child who is a resident of the facility and whose domicile is another State, the facility meets the standards of such other State for the operation of such a facility, including any licensing standards.
4. With respect to State law that prohibits the physical or mental abuse of children and the neglect of children, the law of the State in which the facility is located applies to the facility standards for the care of children who are residents of the facility, including enforcement standards, that are equivalent to the standards applied by the State to parents or legal guardians.
5. The State requires periodic, unannounced inspections of the facility to determine compliance with applicable law, including law regarding the licensing of health professionals and laws regarding the standards referred to in licensing requirement 4.

