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**PUBLIC HEARING**

before

**SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE**

on

**CHILD ABUSE AND SEXUAL ABUSE OF CHILDREN**

**IN DAY AND RESIDENTIAL CHILDREN'S FACILITIES**

Held:  
October 3, 1984  
Room 114  
State House Annex  
Trenton, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Senator Richard J. Codey, Chairman  
Senator C. Louis Bassano

**ALSO PRESENT:**

Eleanor H. Seel, Research Associate  
Office of Legislative Services  
Aide, Senate Institutions, Health and  
Welfare Committee

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**SENATOR RICHARD J. CODEY (Chairman):** We would like to start the hearing, so will everyone take a seat and please refrain from talking?

Our first witness this morning will be Commissioner George Albanese.

**COMMISSIONER GEORGE J. ALBANESE:** Senator Codey and members of the Committee, at your request, I would first like to introduce Kathy Howell, who is Director of the Prevention Drama Program, and who works out of the Community Training Unit in the Division of Youth and Family Services. I feel she puts on one of the most effective programs dealing with child abuse and sexual abuse in the State of New Jersey.

I would like to ask Kathy to perform the psychodrama that has been introduced to many of us who have been working in the child abuse and child neglect area over the last couple of months. I think you will be pleasantly surprised by the kind of program she puts on. Kathy?

**KATHY HOWELL:** Please, while these hearings are in progress, remember the people who are involved when we go out and try to help them. When we make the laws that try to help them, please bear them in mind, because a lot of what we try to do is useful. Is it useful enough? I don't know.

Today I want to tell you about one of the dramas that I present to high school kids, adults, and community groups. It is a story about a young woman -- an ordinary little girl who grew up in an ordinary set of circumstances -- who abused her child. When I do this for high school kids, I usually ask them, "How many of you are going to be parents someday?" They all raise their hands. Then I look around and say, "How many of you are going to be abusive parents someday?" Nobody raises his hand. Well, if everybody is going to be a parent, and nobody is going to be an abusive parent, how come we have so many abused children? Where do these abusive parents come from? I am going to tell you a story today about where one of the abusive parents came from.

The girl's name is Kathy, and she is 18 years old. This is not the State House Annex; this is a hospital, and Kathy's

three-month-old baby has been hurt. While the baby is receiving medical attention, Kathy is being interviewed by a therapist. The therapist asks Kathy, "Tell me something about yourself, Kathy -- something about your background."

KATHY: What do you want to know?

THERAPIST: Well, when you were little, were your mom and dad and you together?

KATHY: Yea, my family was together.

THERAPIST: Were you a happy little girl, Kathy?

KATHY: I don't know; I guess so. Why do you want to know that? How is my baby?

THERAPIST: I hope the baby will be all right, Kathy. She is with the doctor now. Tell me about when you were little.

KATHY: Well, I remember when I was four years old, we moved to this big house. It was out in the country. The lady next door had kittens, and she used to let me play with them. Yes, I remember, there was a big vacant lot across the street, and there were flowers growing in the lot. Sometimes I used to pick them for mommy.

"Mommy, I have a present for you, mommy."

MOMMY: Kathy, look at you. You're dirty. You know I'm expecting company.

KATHY: Mommy, I have flowers for you.

MOMMY: Throw them away, Kathy. They are dandelions. Dandelions are weeds, not flowers. Throw them away.

THERAPIST: You were disappointed?

KATHY: Not really. She had to teach me.

THERAPIST: How about with your father, Kathy? Did you get along all right with your father?

KATHY: I got along just fine with my father. I don't know why you asked me that. I loved my father very much, and he loved me. I mean, like any kid, I was a little afraid of my father, but we got along all right.

I remember this one time -- it was first grade. Yea, it was first grade, because it was Mrs. Young's class. I went up to the board to do some arithmetic problems. Now, I knew how to do them when I was

in my seat, but I couldn't remember when I got up to the board. Mrs. Young wanted me to do them anyhow. Everybody started laughing at me, and anyhow, I got nervous and wet my pants. Mrs. Young had to call my mother to pick me up from school. She was really mad when she came to pick me up because my father needed the car. She told me to get in the car.

MOMMY: Don't get that seat wet.

KATHY: When I got home, she said:

MOMMY: Go upstairs and change your clothes.

KATHY: I told her I was really sorry. When my father came in, he asked me what I was sorry about. I told him everybody was laughing at me. My mother told him I wet my pants in school.

DADDY: You wet your pants in school? Stupid little Kathy wet her pants, did she? We taught you better than that. Look at me when I'm talking to you.

KATHY: Daddy, I didn't mean to. I just wet my pants because I couldn't help it. Everybody was laughing at me.

DADDY: Kathy, this is never to happen. Do you understand?

KATHY: I won't do it again, daddy.

DADDY: It is never to happen again.

THERAPIST: Your father was really hard on you. Did he treat you that way all the time?

KATHY: No, not all the time. Sometimes he had better ways of dealing with me.

THERAPIST: What do you mean?

KATHY: I mean, he used to beat me with the belt when I was bad.

THERAPIST: Can you tell me of an incident, Kathy?

KATHY: I can tell you of lots of incidents. There were a lot of incidents. I remember this one time -- I was about nine or ten years old. Yes, it was my grandmother's vase. I broke my grandmother's vase. It was Saturday morning, and I had finished all of my chores.

Mom, I'm going to go out now, okay?

MOMMY: No, Kathy, it isn't okay.

KATHY: Oh, why not Mommy? I did all of my chores.

MOMMY: Because, Kathy, the living room hasn't been done yet. I want you to do that.

KATHY: But, mommy, that's not one of my chores.

MOMMY: Kathy, it needs to be done, so go and do it.

KATHY: All right.

MOMMY: Be careful.

KATHY: All right. (Kathy begins to dust living room) Oh, no!

MOMMY: Kathy, what did you do now? You broke that vase, Kathy.

KATHY: Mommy, I'm sorry. I didn't mean to: it was on the edge of the table, and it just fell off. I can put it back together again as soon as I find the glue.

MOMMY: You can't fix that, Kathy. When your father sees this, he is going to be furious.

KATHY: Oh, mother, please don't tell daddy. Please don't tell him. I can put it back together. Don't tell him.

MOMMY: Don't touch me. You're bleeding.

KATHY: Mommy, I'm sorry I touched you, but please, just don't tell daddy.

MOMMY: That vase meant so much to us, Kathy -- more than you do, Kathy.

(At this point Kathy's father walks in, lifts Kathy off the floor, and throws her back.)

DADDY: Why did you break that vase, Kathy? Answer me! Why did you break it?

KATHY: Daddy, I didn't do it on purpose. It was on the edge of the table, and it just fell off when I was dusting. I can find the glue and put it together again, daddy. Just don't be really mad at me.

DADDY: Come over here, Kathy. Come over here now.

KATHY: I'm going to come over there, daddy, but please, don't be really mad at me.

DADDY: What happens to bad little girls?

KATHY: I don't know, daddy.

DADDY: Come on, Kathy. (Starts to take off his belt) Tell me, what happens to bad little girls?

KATHY: I wasn't being bad, daddy.

DADDY: Tell me what happens to bad little girls, Kathy?

KATHY: Mommy, where is the glue?

DADDY: What happens to bad little girls? (He beats Kathy with the belt)

KATHY: No, daddy, don't!

Kathy sits back down and the therapist says to her:

THERAPIST: Your father was very hard on you, Kathy. Tell me, Kathy, did things get better when you got older?

KATHY: What do you mean?

THERAPIST: I mean, like how were things outside of the family? Did you have a boyfriend?

KATHY: I didn't really go out with anybody -- hardly anybody anyhow -- until I met Jimmy.

THERAPIST: How did your parents feel about Jimmy?

KATHY: My father hated him, and my mother-- My mother was really weird. My mother used to say things to me like, "Kathy, he's not good enough for you." My mother never felt I was good enough for anything. But, they let me see him anyhow until this one time. I don't know if you are going to believe this or not, but it is the truth. We went to the movies, and when we got out of the movie theater, Jimmy's car had a flat tire. I mean, what were we going to do? We had to change the tire, right? Like a real jerk, I didn't think about going back into the movie theater and calling my parents to tell them I would be late. By the time I thought of it, the movies were closed, and there wasn't a telephone booth around.

Anyhow, we changed the tire, and I knew my father was going to be mad at me. When I got home, he met me at the door and he was furious.

DADDY: Where the hell have you been?

KATHY: Now, daddy, just don't get upset. I just want to explain what happened, okay? You said we could go to the movies, right? Well, when we got out of the movies, Jimmy's car had a flat tire. We had to change it.

DADDY: Ah, ah, you expect me to believe that story?

KATHY: Yes, daddy, it is the truth.

DADDY: Kathy, I know what you were doing in the back seat with that son of a bitch. You're nothing but a whore.

KATHY: Daddy, don't call me that. I wasn't doing anything! We had a flat tire.

DADDY: Ah, ah, a flat tire.

KATHY: I don't know why you're so mad at me. I'm only 15 minutes late. Fifteen minutes late. Daddy, I promise it won't happen again.

DADDY: That's right, Kathy, it won't happen again.

KATHY: Good. You're not going to be mad at me anymore?

DADDY: No, Kathy. It won't happen again.

KATHY: Why are you saying it like that?

DADDY: Because that bastard is never coming through that door again, and you're never going to see him again.

KATHY: You can't do that to me, daddy.

DADDY: No? I just did.

KATHY: Mother, did you hear what he said to me? He said I can't see Jimmy anymore.

MOMMY: That is right, Kathy. Your father said he can't come in, and that is the end of it.

KATHY: God, I hate you two.

THERAPIST: Kathy, you did continue to see Jimmy, didn't you?

KATHY: Yes, I continued to see him. I didn't give a damn about them anymore. They were always telling me that I was doing all this stuff that was wrong, and most of the time I wasn't doing anything. Yes, I continued to see Jimmy. I had to see Jimmy; Jimmy loved me. Anyhow, we continued to see each other. We didn't tell anybody, but we got married. Then about six months after I finished high school, I found out I was going to have a baby. We had to tell people then that we were married.

I felt really good about being pregnant. I knew the baby would love me.

Things were changing with Jimmy. Before we were married, he used to want to spend time with me by ourselves. Then, for awhile he wanted me to -- oh, I don't know -- go out with all of his friends and

entertain people. Have company over and all. I didn't know how to do stuff like that -- cook big meals and everything. I just wanted to have Jimmy and me and the baby.

I was glad I was pregnant. I knew the baby would love me, and it would be fun to be a mother.

THERAPIST: Was being a mother what you thought it would be?

KATHY: Well, yea, it was. There is just something that I don't understand about the baby. I'm being a good mother, but I don't think the baby loves me because the baby cries all the time -- all the time. I don't know if you have ever been in a tiny little apartment with a screaming baby, but sometimes it is just too much to stand. I just can't stand it sometimes.

I like the baby. She is a nice baby.

THERAPIST: Kathy, we're in the hospital. your baby is hurt. and I want you to tell me what happened to the baby.

KATHY: I told you when I came in here that it was an accident -- an accident. Just let me have my baby. Let me take the baby home, and I promise it won't happen again. It won't ever happen again. Please just let me take the baby home.

THERAPIST: I can't do that, Kathy. I need to know what happened to the baby.

KATHY: Jimmy went out to work. He's always out at work or someplace. He works two jobs. Anyway, I was going to make the whole house nice and clean for Jimmy when he got home. Everything was going to be just perfect. I was going to cook a big dinner and everything, but I took care of the baby first. I fed her, I changed her, and I put her down for a nap. A nap -- she slept for five minutes! She woke up and started to cry. I knew I just couldn't stand it anymore. I knew I had to get away from her, so I called up my mother, and:

MOMMY: Hello, Kathy.

KATHY: Hi, mom, how are you?

MOMMY: I'm fine, Kathy, but I'm very busy today. What is it you want?

KATHY: Mom, mom, do you think you could come over and baby-sit for me for maybe a half an hour? I have to get out of here. The baby keeps crying, and I can't stand it.



MOMMY: Kathy, you know this is the day I do my volunteer work. No, I can't come over today.

KATHY: Oh, mother, I forgot about that. But, please, just for maybe 10 minutes, please? I've got to get out of here. I can't stand the crying anymore!

MOMMY: Kathy, I can't come. Call somebody else.

KATHY: Mother, I don't have anybody else to call.

MOMMY: Kathy, I'm sorry. I can't do it.

KATHY: Oh, mother, please? You don't understand. Mother, please come and help me! I can't stand it, mommy! Please?

(At this point, Kathy's mother hangs up on her.)

THERAPIST: What happened then, Kathy?

KATHY: I went into the baby's room and went over to her crib. I bent over, and I was just touching her face really nice and soft like that. Her face was all red, and she was crying. I picked her up, and I just walked around the room with her. I told her, "Please don't cry anymore. Mommy loves you. Please don't cry anymore." She kept screaming at me. So, I sat down in the rocking chair with her. I was rocking her back and forth, and I said to her, "Please don't cry anymore. I love you. Mommy loves you. I don't want you to cry anymore." She was screaming at me, so I put her on my shoulder, and I was patting her back really nice and soft. She was screaming in my ear. I held her out in front of me, and I said to her, "Shut up! Shut up! I can't stand you screaming! Oh, God, shut up, shut up, shut up!"

MS. HOWELL: That is the Kathy story. What I usually do when I do this in front of an audience with a full cast is, I usually ask if there are any comments. "Does anybody want to say anything?" Especially when it is the high school kids -- our future parents. What usually happens is, it is very quiet. So, I say to people, "It is very quiet in here. What is going on?" It is interesting, because it is very quiet in here now. It is something that touches all of us, I think. The story does. I'm sorry for my rendition. It was not as good as it might have been. The story is an accurate depiction of a child abuser -- a person who is an ordinary person, but who hurts a

child. She doesn't want to; she wants help, but has nowhere to turn for help. She needs support, but doesn't know where to turn for support.

If Kathy had some education as a young girl, she might not have abused her child. If she had somebody who suspected that she might hurt her child, and that somebody had reported the suspicion to DYFS, maybe somebody could have gotten in there and prevented it from happening. That didn't happen with her.

Maybe Kathy can be helped now. Maybe there are services we can plug Kathy into, and maybe we can help her. I hope so.

I hope that during the hearing you remember Kathy. She is a "typical" child abuser.

Thank you very much for your attention. If anyone has anything they want to ask me, I would be happy to answer.

SENATOR CODEY: Thank you very much. I appreciate it. Commissioner?

COMMISSIONER ALBANESE: Mr. Chairman and members of the Committee, I want to thank you for the opportunity to testify here today.

We are here today because our children are being hurt. They are being exploited, mistreated, neglected, and molested. The truth is, they have been for years.

But, community awareness, media attention, and public education are beginning to drag this skeleton out of the closet -- from behind the closed doors of our homes and schools where it has thrived for decades.

Confronted with this ugly and cruel issue, we must begin to resolve it. But, Mr. Chairman, the resolutions are not easy. We must be on our guard and not sit back thinking we can just legislate or regulate child abuse away, because we can't.

I'm not here today to create a panic, but neither am I here to create a false sense of security. The reality is that child molesters are our silent enemy. The molester could be a parent, a neighbor, a doctor, the mailman, or even a teacher. In short, we don't

know who he is. He or she could be anybody. To complicate the matter, their prey -- our children -- are most often defenseless.

We must change this. We must give these victims, their relatives, and their communities the resources to attack these predators. We must begin to protect and invest in our children. But, we must pool our resources to ensure this investment. To develop this safety net, we must call on more community awareness, we must urge parental support, and we must educate our children. Awareness and education will help our children to fend for themselves and protect future generations, for yesterday's victims are today's predators.

We have learned that most abusers have, themselves, been victims of child abuse. In fact, according to a recent study of sexual offenders at the Adult Diagnostic Center in Avenel, 70% to 80% of the Center's inmates said they had been sexually abused as children.

The recent wave of publicity has brought the issue of institutional abuse to our attention. Before I address the specific problem of abuse in child-care facilities, I would like to give you an overall scope of the problem.

As you will see, the numbers are staggering because behind each number is a victim -- a little boy or a girl.

In New Jersey, we are receiving about 123 reports of suspected child abuse each day. That should total about 45,000 reported cases of child abuse this year, a 120-percent increase in just two years.

Compared with our overall problems, the number of reports of alleged child abuse at institutions, including hospitals, State facilities, day-care centers, and schools, is small. However, institutional abuse is still one of our big concerns.

You have responded to that concern. My Department has worked with you, the legislators, in shaping legislation that will give the child-care community the tools it needs to battle child abuse.

I want to commend Senator Orechio for his legislation to set up mechanisms for criminal history checks of all volunteers and employees of child-care facilities.

The Department supports this legislation, which will allow the State Police to fingerprint and conduct criminal background checks on those who work with children, including school teachers, institutional personnel, and others. However, so that you are not lured into a false sense of security, available information shows that 80% of substantiated perpetrators of child sexual abuse have no prior criminal records.

A recent sex abuse incident at Arthur Brisbane revealed that the individual involved had impeccable credentials. He had no criminal convictions. He was well-respected. This part-time recreation assistant is now under indictment, charged with sexually assaulting three boys at the Center. The sad part is that once this individual made bail, he could secure employment with another child-care agency, and we would have no way of knowing it.

I ask all of you here today: How would you feel if DYFS had substantiated a case of child sex abuse against an individual, and we allowed him to work in a day-care center where your child was being cared for? I think we all know the answer to that question.

For that reason, I support the establishment of a perpetrator file, but this file must be carefully constructed and used cautiously.

In protecting the rights of our children, we must be certain to respect and uphold the rights of our other State residents. As a result, the Department is working with the American Civil Liberties Union, the State Attorney General's office, and the State Public Advocates office, to address concerns on privacy, due process, access to files, hearings, and expungement procedures. I might add that we have gone as far as putting the third party in the initial proposal -- the administrative law judge -- to ensure the checks and balances in the hearing process.

However, the perpetrator file and fingerprinting are only two pieces of the puzzle to stem child abuse. For other answers, we must look to strengthening regulations for the licensing of day-care centers. This is crucial because the need for day care is rapidly increasing. In fact, since 1972, the number of licensed day-care centers has tripled, increasing from 600 to 1,700. These centers

undergo licensing inspections once every three years. We propose annual inspections.

These centers are not accredited with the quality of care ranging from creative stimulation to mere baby-sitting. We propose some means of accreditation which will require superior qualifications of staff and programming. I should caution you, however, that this is a monumental, fiscal, and physical task. It should be carefully studied by the new Child-Care Advisory Council, which was established by the Legislature to advise us on child-care issues.

Still another answer is training. The Department has begun training programs for day-care staff throughout the State and is looking at ways to increase parental involvement with day-care centers. But, I must point out that these tools are only weapons with which we can begin to attack the problem of child abuse. The real front line in the battle against child abuse must be set in the community. This is where the war must be fought if we are truly going to win.

To assist us in this effort, I am asking for your support in increasing community awareness and education.

The Governor's Task Force on Child Abuse Prevention has already taken the initiative in this area. In that effort, they have already outlined programs which will help prevent child abuse. I ask today for resources to fund a socio-drama about child abuse, which Kathy has performed today. It was originally aimed at high school students, but could be adapted for use in lower grades.

I ask for resources to prepare a packet of information for parents that would assist them on how to detect child abuse, that would tell them how to get involved in a child-care program, and what to do if child abuse is suspected.

I ask for resources to expand, by including child abuse awareness -- the Successful Kids on the Block Program -- which now uses puppets to educate children about what it is like to be mentally retarded. And, I ask for resources to develop a program aimed at providing children and their parents with the skills and information necessary to protect themselves in dangerous situations. Our children

need to know it is all right to say "no" to someone who wants to touch them. This program is very, very popular and constructive. It is known as the CAPP Program.

I also call for additional funding to support the Division of Youth and Family Services. This funding would be used for hiring additional social workers to fight the influx of recent child abuse cases, including inspectors to increase licensing inspections and investigators for the institutional abuse unit.

Furthermore, I am asking for a clarification of statutes to more precisely define the Division of Youth and Family Services' authority and responsibility in institutional abuse situations.

Additionally, I am asking today for more funding of programs for the nonprofit sector to assist them in treating the victims of child abuse, assisting families through counseling, and developing more emergency services for those in need.

While we are asking for legislation and funds, we know this is not enough. Today, we need the greatest resource of all. We need the assistance of each and every one of you here today. We need your commitment. We need you to help us to educate our parents, to increase community awareness, and to instruct our children. We need you to speak for the voiceless -- to protect the molested, and to nurture the neglected. We need you to help us shape the future of our children.

I ask your continued support in the campaign we are waging against child abuse.

I would also like to take this opportunity to speak to the day-care community -- the day-care centers in the State of New Jersey. I think they have done a fantastic job in protecting our children, and thereby protecting our future. They should be commended.

The message I really want to impart today is, I do support the fingerprinting. As we learned in the Foster Care Program-- A year ago, we did 1,000 checks, and we screened out 100 people who did not provide us with criminal history information, so we see the need for the fingerprinting. We see the need for the perpetrator file because we know that molesters do not necessarily have a criminal background.

Most important, though, let's not create a false sense of security by just implementing fingerprinting, implementing perpetrator files, or beefing up licensing. What we really need is the education of the community and parents, but most importantly, programs like the CAPP Program to educate our children, so they will know what is right and what is wrong.

We have prepared fact sheets for you on each of the proposals that I generally outlined in my remarks.

At this time, I would like to take the opportunity to introduce Barbara Kelley, who is a member of the Governor's task force. She will speak about some of the proposals that I outlined in a general sense.

**BARBARA KELLEY:** Good morning. I am Barbara Kelley, President of the New Jersey Chapter of the National Committee for the Prevention of Child Abuse, a member of the Board of Directors of the Association of Junior Leagues, a member of the Governor's Committee on Children's Services Planning, a member of the Governor's Task Force on Child Abuse, and a mother of two children.

I am appearing before you today in my capacity as a member of the Governor's Task Force on Child Abuse and chairperson of its Subcommittee on Prevention.

The disclosure of allegations of sexual abuse in child-care centers in this State and across the country has resulted in considerable attention in newspapers, magazines, television, and radio. Regrettably, the media attention, however well-meaning, has left the impression that sexual abuse runs rampant in child-care centers. But, we know this is not the case. In fact, the percentage of children abused in child care is very small. Most child abuse occurs in the home. However, the net effect of all this publicity has been to raise the anxiety level among parents and child-care providers alike.

It has made parents painfully aware of how vulnerable they are in making a child-care arrangement. It has given care providers a feeling that they will never again be without suspicion in performing their jobs.

Each of us would, I am sure, agree that clear-cut acts of child abuse, neglect, and sexual molestation should never go unattended. But, we also must be particularly sensitive that the remedies we suggest and put into place to prevent these occurrences are balanced: that is, we must protect our children at the same time as we teach them to protect themselves.

We must provide reassurance to parents at the same time as we help them to know what to look for in a quality center. We must assess who we hire to care for children at the same time as we help our child-care centers assess their own programs.

Such a balanced approach has marked the work, to date, of the Governor's Task Force on Child Abuse. As you may know, this Task Force was created by Governor Kean last November. It brings together a broad range of professional leadership from both government and the private sector to study the problem of abuse and recommend solutions. Included in its members are representatives of schools, hospitals, courts, police, prosecutors, child advocates, community agencies, corporations, and private citizens.

The Task Force has established committees which have been hard at work finding ways to address the problem of abuse.

The first of these committees is exploring the area of increased community education and public awareness. One of its proposals is a comprehensive informational package for every parent of a school-aged child.

A second committee on protection is focusing its efforts on fostering better cooperative relationships among schools, law enforcement, and DYFS to provide a comprehensive approach to child protection. Beginning this week, it will sponsor the first of three major conferences on this approach.

Model community support systems are one of the suggestions of the third committee on community support. These model systems would provide a real life application of a coordinated and comprehensive approach to child abuse in which every community group and individual is provided an opportunity to make a difference for children by becoming involved in a community support network for child protection.



The Prevention Subcommittee, which I chair, believes it has found an excellent program, which originated in Ohio, and which would be of enormous benefit to New Jersey.

The program called CAPP, Child Assault Prevention Project, teaches parents, teachers, and elementary grade students, K-6 -- it can also be extended to preschoolers -- strategies aimed at empowering children and reducing their vulnerability to sexual assault.

The program consists of two parts: adult workshops and classroom workshops for children. The adult program consists of an overview of child sexual assault, prevention theory and application, and identifying and responding to a child in a crisis situation.

The children's program uses role playing and group discussion in a non-threatening atmosphere to emphasize children's rights to be safe, strong, and free.

The CAPP Program, now in its seventh year in Ohio, has reached over 35,000 children and 10,000 adults in the Columbus area alone.

I offer these program directions of the Governor's Task Force as evidence of the "other" side of child abuse protection and prevention, the balancing side to what has been proposed in the area of fingerprinting, perpetrator lists, and greater cooperation between law enforcement and child protection.

Child abuse is an age-old problem and one which will take all of our collective resources to combat.

We must seek new ways to address it, and to support and bolster the ways we already have in place. The child-care community itself has suggested several new ways to prevent sexual assault in centers. Some of these suggestions would require centers to provide the mechanisms to encourage parents to become involved in their center's operations, such as:

1. Ensuring parents the right to observe center operations any time they choose;

2. Providing parents with children in child-care centers access to other parents with children in the same center for information-sharing and discussion; and,

3. Encouraging parents to actively participate in the activities at their center, either working directly with teachers on a part-time-as-needed basis, or as part of a parent/community advisory board.

Still other actions could be taken such as:

1. Ensuring pre-service training for child-care staff:
2. Supporting the concept of a statewide child-care clearinghouse to provide up-to-date information and referral for parents; and,
3. Preparing public information materials on what parents should look for in selecting quality child care.

The noted child abuse expert, Dr. Ray Helfer, has stated that: "The idea of prevention is that you may prevent something bad or enhance something good."

I believe that what we are looking for today in New Jersey is a way to do both and, on behalf of the Governor's Task Force, I ask your consideration of both sides of the prevention picture.

SENATOR CODEY: Thank you very much, Ms. Kelley. Senator Bassano, do you have any questions? (negative response)

Commissioner Albanese, exactly how will this perpetrator list be used? As you can imagine, it is an extremely sensitive issue.

COMMISSIONER ALBANESE: First, to clarify it, it has been in the newspapers. There is no list that presently exists. The list would be used by the Division of Youth and Family Services for the purpose of screening employees. Initially, we are proposing to use the list for State-run facilities.

Prior to any person being placed on the list -- on what they call the substantiated file -- that person would have a right to a hearing. As I stressed before, to ensure a checks and balance, he would have a right to a hearing, which we are proposing right now, and which would use the administrative law judges in the State of New Jersey. The administrative law judges would look at the substantiation and would hear the other side of the story, that of the individual whom DYFS has presented a substantiated case against.

SENATOR CODEY: When would the individual be given the chance?

COMMISSIONER ALBANESE: Prior to being placed on the list as a substantiated abuser.

SENATOR CODEY: So, the judge would make a determination as to whether or not he would be on the list.

COMMISSIONER ALBANESE: That is correct.

SENATOR CODEY: Would the so-called perpetrator have an avenue of appeal thereafter?

COMMISSIONER ALBANESE: If you wouldn't mind, I would like to call on Mr. Moskowitz, a DYFS person, who--

SENATOR CODEY: (interrupting) I would rather have you--

COMMISSIONER ALBANESE: (continuing) -- could outline the specifics. To be very honest with you, we have not reached all the conclusions because we are working with the Attorney General's office, the ACLU, and the Public Advocate in constructing the process.

SENATOR CODEY: You haven't reached the point where you have a definite--

COMMISSIONER ALBANESE: (interrupting) No. One of the things we have to do is to find out what is substantiated.

SENATOR CODEY: Okay. How is an incident investigated at the present time at a day-care center -- for instance, when you get a call that there may, in fact, be some child abuse?

COMMISSIONER ALBANESE: In the last two years, we established an Institutional Abuse Unit, a special unit which goes in immediately. Based on the incident, it looks to have the alleged perpetrator removed from the children. In the State facilities, this is done by a suspension, pending the outcome, or in some cases, it could be a reassignment of the individual. Our first objective is to get the individual -- the alleged perpetrator -- away from the children.

SENATOR CODEY: At what point do you call on the prosecutor's office?

COMMISSIONER ALBANESE: Immediately.

SENATOR CODEY: Who investigates, your Department or the prosecutor's office?

COMMISSIONER ALBANESE: Both.

SENATOR CODEY: At the same time?

COMMISSIONER ALBANESE: Right.

SENATOR CODEY: Your people are equipped to do that, as well as the prosecutor's office?

COMMISSIONER ALBANESE: Right. I would like to ask Mr. Blatner, the Director of DYFS, to go into a little more detail in terms of the relationship of DYFS and the prosecutor's office.

THOMAS BLATNER: First of all, we have an "800" office-of-child-abuse number, and the law prescribes that anyone who has reasonable cause to believe there is child abuse anywhere in the State can call this number immediately. It is a 24-hour hot line number.

If it is an institutional abuse situation, we have a centralized Institutional Abuse Unit of investigators who go into the facility where the allegation takes place. The first thing they will do is to ascertain what the nature of the allegation is. A number of allegations we get immediately cause suspicion: with others, we have no foundation. So, the first thing we have to do is to go there and see what the story is.

SENATOR CODEY: So, you don't call the prosecutor's office immediately.

MR. BLATNER: No, the first thing we do is, we go in immediately. We do not call the prosecutor before we go. If there is any indication that there is anything to the story at all, we will immediately call the prosecutor's office and identify the situation to them. Then they begin to work with us on the investigation.

One of the things we did very early on was, Commissioner Albanese established a prosecutor's working group because we found that law enforcement and our investigators weren't working closely together. We now have a cooperative arrangement.

In addition to that-- I do not pretend that a DYFS social worker, with a background essentially in social work, has all the investigative skills of the prosecutor's office. So, we have been working closely with them. We have developed a joint training program between DYFS and the State Police, which local police, our people, and both the prosecutor's offices are going for. Also, we have begun to send our institutional abuse investigators for training at the State Police Academy and the Division of Criminal Justice Investigating

Program. The idea is not to assume that our workers can do these detailed criminal investigations, but to get help.

SENATOR CODEY: But, they, in fact, investigate and make a determination as to whether or not the prosecutor's office should be called in.

MR. BLATNER: What I am saying is, there is a formal agreement between the Division and the prosecutor's office in prescribing these reporting procedures.

SENATOR CODEY: So, they are doing investigative work?

MR. BLATNER: Well, the law requires that any-- This is not just for institutional abuse. For any allegation of abuse, we are required, for all 45,000 reports we get, to go in and pursue that situation until such time as we either substantiate or don't substantiate, based upon the evidence.

SENATOR CODEY: How many pending day-care center abuse investigations are going on at this time?

MR. BLATNER: From January 1 to September 30 of this year, we have had a total of 108 allegations of child abuse and neglect of all sorts in day-care centers, including 27 involving sexual abuse. To date, we have substantiated eight out of the 108, and one of sexual abuse. The remainder -- I don't have these with me, but I can provide them to you -- have either been determined that they are not substantiated, or the investigation is continuing.

SENATOR CODEY: It is ongoing?

MR. BLATNER: Yes. In many cases--

SENATOR CODEY: (interrupting) But, you don't know how many.

MR. BLATNER: I can provide that to you during the hearing.

SENATOR CODEY: Commissioner Albanese, you mentioned training of day-care workers. What kind of requirements would be included in the training program?

COMMISSIONER ALBANESE: The training we're talking about right now is training in the area of child abuse and child neglect for existing employees of day-care facilities. It would be a three-hour training program for these employees. Our intention is to make this a standard operating procedure for all new employees of day-care

facilities, so we will have employees in our child-care facilities who will know the law and the requirements of the law in terms of reporting, as well as their ability to detect child abuse and neglect in the facilities. That is the training program we are talking about right now; it is a three-hour program for all 1,700 day-care facilities, including our own State facilities.

SENATOR CODEY: Commissioner, if a day-care center itself calls the Department and says they may have a case of child abuse by one of its workers, does the center then become the target of an investigation?

COMMISSIONER ALBANESE: Well, the individual they are making the allegation against becomes the individual we look at.

SENATOR CODEY: No, I understand that he or she would become the focus, but does the center itself then--

COMMISSIONER ALBANESE: (interrupting) Not unless we have reason to believe that, in fact, there is a widespread child abuse or sex abuse situation within the facility. That is part of the investigation.

Using the case at Arthur Brisbane, which is a child psychiatric facility, when the prosecutor, DYFS, and the Institutional Abuse Unit became involved -- myself and John Kay, who was the prosecutor of Monmouth County -- the concern was whether it was an isolated incident or whether there was widespread abuse at Arthur Brisbane or the County JINS shelter.

SENATOR CODEY: Was that incident brought to you by Arthur Brisbane people or by some other means?

COMMISSIONER ALBANESE: That was brought to us by DYFS.

SENATOR CODEY: That is a different type of situation than the one I asked about.

COMMISSIONER ALBANESE: Well, no, if a person calls, a DYFS team would respond.

SENATOR CODEY: I understand that, but I was talking with regard to a situation where the center itself turns someone in.

COMMISSIONER ALBANESE: I don't think the Institutional Abuse Unit goes in with that in mind -- that they are going to look at the entire facility -- if it isn't necessary.

SENATOR CODEY: What kind of background checks are you now doing on those employed at day-care centers?

COMMISSIONER ALBANESE: There are no background checks, other than the question posed to a perspective employee: "Is there anything in your background?"

SENATOR CODEY: Criminal background?

COMMISSIONER ALBANESE: Yes.

SENATOR CODEY: Okay. Senator Bassano?

SENATOR BASSANO: George, you mentioned accreditation for day-care centers earlier. Can you elaborate a little bit on what the Department's thinking is and what they would like to do in that area -- the type of criteria the Department would set down?

COMMISSIONER ALBANESE: Really, what we are looking at -- it is not specific to child abuse or sex abuse -- is some way of rating the quality of care in our day-care facilities in terms of the type of programming that goes on in the facilities. That is, other than what we presently do in terms of licensing, which is basically life safety and some programming. We do that in order to give the day-care community a target to shoot for in terms of upgrading their overall operation, which would be an indicator of quality care. We don't have that kind of information available. What we are suggesting is that the Child-Care Advisory Committee look into that as something we should consider in the State of New Jersey. It probably will cost an awful lot of money, and it will be a monumental program to implement, but we think it is worth exploring.

It is like we do with our institutions with the joint commission. We go through a check list of different things in the psychiatric facilities, so that when they become accredited, there is an assurance that there is a level of quality care in the facility.

SENATOR BASSANO: Would the Department consider not issuing a license if a facility does not meet accreditation? Would you go that far?

COMMISSIONER ALBANESE: I don't have a specific answer on that right now. That would have to be determined in the process.

SENATOR CODEY: Thank you very much, Commissioner. Our next witness will be the President of the Senate, Senator Carmen Orechio. Senator?

SENATE PRESIDENT CARMEN A. ORECHIO: First I would like to commend Senator Codey and the Committee for having this public hearing today. As I said before, the alarming reports of sexual abuse in New York, the incident at the Arthur Brisbane institution here in New Jersey, and the expanded number of incidents throughout the United States, certainly call for corrective legislation. From our own perspective, the bill I sponsored requiring criminal background checks of those staff members who man the child-care centers here in New Jersey -- private and public -- certainly will be just a beginning in the deterrence of a problem that has become more magnified as the days go by.

I also want to commend Senator Hagedorn for his bill, which provides for the same kind of checks. These checks would be done in a different manner than mine. He is concerned about the county institutions, and he is focusing on even the superintendents, for example, in the county institutions. His bill has a different thrust than mine.

I also want to mention that about two years ago, I sponsored a bill that provided for background checks of foster parents and adoptive parents. That was introduced by me at the urging of both the Association of Children of New Jersey, as well as the New Jersey Foster Parents Association. Unfortunately, because of budget constraints, the background checks for DYFS of those individuals who were going to be adoptive or foster parents could not be pursued.

I have a bill, S-788, which is before the Legislature now, which would provide for the funding so that State and Federal checks could be made. I believe this bill is a vital link in addressing the general problem of sex abuse and sexual exploitation that is being experienced here in New Jersey.

It is also certainly a concern when in the United States, you have over 650,000 complaints of child abuse that are filed, with probably another 50% that are not reported. As Commissioner Albanese indicated earlier, his most recent statistics reveal that in New



Jersey, the number of incidents are in excess of 40,000. With 35% of the incidents reported, that can be substantiated. Obviously, we have a lot of work to do.

I feel that this legislation, like mine and Senator Hagedorn's, is very essential, of course, but I think there is an educational process that is necessary to make more people alert and to apprise them of the horrors that are out there today involving the exploitation of our youngsters.

The bill before you -- my bill, S-2162 -- would provide that the staff members of these child-care centers have background checks. Those who are presently employed would also be subjected to the same checks six months after enactment of the law. If their background checks reveal that they have been involved in sexual exploitation, child abuse, or crimes of moral turpitude, of course, they will be discharged immediately based on the evidence that is presented. I am sure the prima facie evidence would suffice.

I also want to take this opportunity to commend Commissioner Albanese, who since he has become the Commissioner of Human Services, has certainly demonstrated, through the two and one-half years at this Department, his sensitivity to crimes, especially as they affect our young. I think he has done a revamping of many divisions under his aegis, and he has demonstrated a commitment -- a certain degree of conscientiousness -- that is somewhat rare in public service today. His cry for funds -- and, he has made this cry before-- We have to have some proof positive before there is a move energized to provide the resources to assist him in this endeavor, which certainly has to be dealt with in making our children who are in the custody of the State safe from harm.

I just want to say that this is another tool -- the bill I have, as well as Senator Hagedorn's bill, and maybe there will be other testimony revealed today -- that might require an expanded scope of criminal background checks. Of course, I have been asked by a number of people, both on the pro and con sides of the issue, whether or not those in education, those who teach in our schools, should undergo criminal background checks. It would seem to me that before we embark

on a path to address that, we certainly ought to find out whether there is overwhelming evidence requiring that those who spend most of their hours involved with children in our schools-- If those incidents are large enough to cause concern, then obviously we ought to extend that check.

It is a very expensive process to provide for the checks, and with crime being one of the major objectives in New Jersey -- the State Police, the law enforcement arm of our State government -- there are certainly priorities that have to be exercised and observed when spending money. It is apparent that the safeguarding of our children ought to be a high priority.

In conclusion, I would like to say that I am very pleased that Senator Codey scheduled this public hearing. I don't think a regular Committee meeting would have been sufficient to air the whole general subject of child abuse as it exists here in New Jersey. I think a public hearing where we can reflect and read the minutes taken stenographically, and hearing the viewpoints of those who have testified and those who will testify, will arm us with enough reflection and thinking to maybe establish some more corrective legislation.

The young children who are in our care, and those who are in the care of the private institutions as well, deserve consideration so that they can pursue a normal life.

I can tell you of my own experience, since I have been involved for 13 years in public safety in my community. There is evidence of a youngster, when he was 12 years old, being abused by a teacher in a school. Then, he, himself, was involved in abuse of minors. When he was 21 years old, he abused a youngster 10 years old, and just two weeks ago, his six-year-old sister was involved in the same process. It was pointed out earlier that the staff members who man these child-care centers, and who for the most part are involved in administering these facilities, are not involved. Basically, the family, relatives, and those, on a daily basis, have this contact, generally wind up being the abusers.

I think we have also been able to determine in a very definitive way the clues and circumstances that identify child abusers, as well as those children who are abused. With an educational program -- maybe this can be done through certain departments; through the education system itself -- the awareness can certainly go a long way in deterring this kind of criminal activity.

Thank you very much.

SENATOR CODEY: Thank you, Senator.

SENATOR ORECHIO: Do you have any questions?

SENATOR CODEY: Yes, I have one question. Senator Orechio, under your bill, is there any mechanism for continuing background checks? For example, someone who would pass the background check on the one hundred-eightieth day, but then thereafter may have some criminal activity.

SENATOR ORECHIO: Do you mean a recurring criminal check after he has been employed?

SENATOR CODEY: Yes.

SENATOR ORECHIO: I don't think I have it in this bill, but if we don't, it ought to be in there. There probably should be an annual review.

SENATOR CODEY: You would have no objection to it?

SENATOR ORECHIO: No, I have no objection at all. Anything that might be suggested to improve the bill -- to plug up any loopholes -- I am certainly amenable to.

SENATOR CODEY: Okay, thank you very much, Senator.

SENATOR ORECHIO: Thank you.

SENATOR CODEY: Senator Catherine Costa?

**SENATOR CATHERINE A. COSTA:** I would first like to thank Senator Codey, the Chairman of this Committee, for holding this hearing and also to say a word of public thanks for those who will offer testimony today.

I am Senator Catherine Costa, and although I chair the Senate Committee on Aging, I also served for four years, during the Hughes Administration, as a New Jersey State Youth Commissioner.

In my hometown, I served three years as the Adult Representative of the Willingboro Youth Council, and as a Freeholder in

Burlington County. When a mother came to me with a problem of a runaway daughter, through the help I was able to give, we discovered that the problem was not with the child but with the stepfather who was sexually molesting the child.

It was with a sense of outrage that I read of the sexual abuse of little children in child-care centers, and I am here today not only to speak out against this outrage, but to listen to the testimony so I, as a legislator, along with you can put our collective minds together to find a way to stop this shockingly evil crime.

I have been told by some experts that this issue has been around a long time. I noticed that one of our Rutgers educators, Roberta Knowlton, Executive Coordinator of the New Jersey Network for Family Life Education, recently delivered a paper at the Fifth International Congress on Child Abuse and Neglect held in Montreal. Her topic was "School and Community Based Programs which Teach Children to Avoid, Resist, and/or Deflect Abuse."

I think it may surprise some of us that the International Congress on Child Abuse has now held its fifth congress. Child abuse is clearly not limited to New Jersey. Indeed it is a problem international in scope.

I would like to raise the issue of accountability and the issue of supervision of personnel at our centers and institutions. As many of you know, the original Federal Head Start Program included a role for parents and community representatives in the day-by-day operation of these programs. I wonder, how much parental involvement has there been in those centers which have reported cases of sexual abuse? What help do we provide the parent in the selection of such a center?

I think most parents assume that a licensed child-care center has certain standards, and when they place their children in these centers it is with this understanding. It is up to us, as elected officials, to assure that their trust is well founded and that we can guarantee that our State institutions are among the best in this country.

Finally, I would like to say a word about the children in our care. It is hard to imagine that sexual abuse of children occurs, but it does. But it is harder for the abused child to be believed. This year a United States Senator reported that she had been abused and not believed as a child, and she was not alone.

I remember when I was a young child how frightened I was when I learned one of our neighbors had sexually abused two of his daughters, and how another neighbor was almost cited for contempt of court when, upon hearing the short sentence the judge was handing down, she hollered out, "If he could do that to his own children, how safe are ours?" But in retrospect, I really don't think we had to fear him. Such deviates do their dirty work where they feel safe. The questions naturally follows: "Are the child centers safe for the children or for the perpetrators of evil deeds?"

I think all of us have to make very clear public statements that those who would endanger children must not be employed as child-care workers. I know this is a view that is shared by the majority of dedicated child-care workers.

Those children who cannot complain about those who violate them -- because they are too young -- are indeed a sad case. And, we, as public officials, have an obligation to protect those children.

I hope those of us gathered here today will seek quick solutions for an urgent problem. I would particularly urge our State officials to move quickly to assure that the 18,000 children in our care are in good hands.

Thank you, Senator, for giving me the opportunity to address your Committee.

SENATOR CODEY: Thank you very much, Senator. Our next witness will be Mr. Ciro Scalera, Executive Director of the Association for Children of New Jersey.

CIRO A. SCALERA: Thank you, Senator. I want to commend the Committee for calling these hearings and also to commend Senator Orechio for his leadership and focus on children's issues in the Senate.

Before I begin my comments today, I wanted to acknowledge the work and assistance that I had from two of my staff members, Cecilia

Zalkind and Nancy Fritsche. We will attempt, in our comments before the Committee, today, to identify 10 concrete recommendations that we feel, if implemented, would go a long way to addressing some of the problems.

I would like to make some overall comments first. We believe that this Committee and this Legislature can find the appropriate balance between the State's important interest in protecting children and in the individual civil rights of our citizens. If, in your decision-making process, policy must lean towards one side or the other, within a balanced-policy approach, we would favor leaning toward the protection of the child as the policy. However, it should be clear that this is in the context of a middle range of policy options, the extreme options having been excluded and due process procedures and standards having been provided to all parties.

Secondly, you will undoubtedly hear many witnesses, and, in fact, many people have been calling our office cautioning against the adoption of single or easy solutions to what are some of the most complex, familial, institutional and societal problems we face today. The reality of assurance that government delivers to children and their families must equal the promise of assurance that government makes.

So that while we support, for example, the concept of criminal background checks, we also recognize their limitation and recommend other steps to be taken in this area.

Finally, while many of our specific recommendations could be handled through administrative regulations or policies, we would prefer to see general directions of these policies set forth in statute where appropriate.

I would now like to just briefly run through the 10 recommendations that we are going to make. I will only cover the recommendation and the rationale. The comment section, set forth below that, explains why we are recommending that, and the Committee can review that. There are many speakers today, and we do not want to take the time to go through that statement.

Our first recommendation is that a formalized independent process to investigate all allegations of institutional abuse be established. This has four subparts.

First, we recommend creation of an autonomous unit at the Commissioner's office level in the Department of Human Services to investigate allegations of institutional abuse. We recommend that legislatively this unit be empowered to enforce its recommendations. We also recommend that review and consideration of increasing the size of the institutional abuse investigative staff in both the Department of Human Services and the Department of Public Advocate be made, and that specialized training to all such staff be provided.

The present system of investigating institutional abuse is a potential conflict-of-interest position and has no real power to enforce its recommendations. It should be given authority to act upon, or where appropriate, seek enforcement of its recommendations.

Our second recommendation is that there be a promulgation of administrative regulations that set forth uniform implementation of the child abuse reporting law. Although the law clearly requires an individual to report allegations of abuse directly to the Division of Youth and Family Services, procedures in some institutions require initial reporting internally.

Our third recommendation is to develop and implement a thorough reference system for the hiring of State child-care and institutional employees. Criminal history background checks will identify only a small percentage of those involved in abuse.

The fourth recommendation is to provide increased support and training for child-care and institutional workers. Institutional and child-care workers are among the lowest paid, but are expected to provide high-quality care to some of our most difficult children. We set forth again, in each of these, in our "Comment" sections, why we feel this recommendation, either administratively or statutorily, should be enacted.

Our fifth recommendation is that there be a requirement to establish committees comprised of parents and concerned citizens, or other parental participation components for each child-care center and

institutional facility. Parents and concerned citizen involvement and monitoring of child-care centers and institutional facilities can improve the quality of care.

Sixth, we recommend the review and enactment of pending legislation, and these two recommendations are in the area of sexual abuse. The pending legislation is to protect the child victim of sexual abuse. The investigative and legal process itself can be a continuing trauma to the child who has been the victim of sexual abuse. There are currently two bills pending in the Assembly that address that issue.

We also recommend that education for children to prevent them from being the victims of sexual abuse be considered. Education can help children defend themselves and thus avoid situations in which they may become victims of sexual abuse. You have heard, in the earlier testimony, some approaches and programs that could do that.

Finally, we make two recommendations dealing with child welfare and prevention. One, which is a rather broad one, is to provide assistance to strengthen families. It acknowledges the pressures of unemployment and poverty, combined with reductions in services that have overwhelmed families least able to cope. These are in the nature of recommendations that have either been acted upon by the Legislature, such as increasing the AFDC grants to families, or proposals for the medically needy that are soon to be considered in the Legislature. So, there are a number of legislative proposals dealing with basic needs of families that does have a correlation with the issue of child abuse and neglect that we feel should be addressed.

Finally, we feel that consideration should be given to supporting and strengthening the existing child-welfare system. The dramatic increase in the number of reported child abuse cases and the increased need for services to families necessitates increased support for the State child-welfare system.

Thank you.

SENATOR CODEY: Are there any questions, Senator?

SENATOR BASSANO: Just a comment. We are hearing an awful lot about how we should look at people who may be potential abusers and



that we should screen them out of the system. The one thing this Legislature is going to have to address -- and we are not going to take this subject up today -- is what to do with that individual. What type of help is that person, the abuser, going to need? We are putting these people in jail. In many cases, they are coming out of jail and are going to be abusers again in the future. The Legislature is going to have to address that problem, in addition to the problem that we are talking about today.

MR. SCALERA: I would agree, and there are two aspects to that problem, Senator. Not only is it dealing with the problem of a convicted offender through the criminal process, but also treatment, both while that offender is in custody and then when he is released to society. The vast bulk of the cases are not prosecuted criminally, and the system has to be geared up, through the development of a private network of services and the agency's services itself, to deal with the whole civil end of this, which is where the vast bulk of the problem does occur. We would be there to support those kind of initiatives.

SENATOR CODEY: Some of your recommendations are excellent, and we will consider them when we do some legislation. Thank you very much, Mr. Scalera.

MR. SCALERA: Sure.

SENATOR CODEY: Mr. Al Wurf, Executive Director of AFSCME.

AL WURF: Thank you, Mr. Chairman. Sitting beside me is the president of our day-care local. We represent 800 employees. I may to turn to her just for reference purposes.

SENATOR CODEY: Quite all right.

MR. WURF: Okay. I have been sitting here and I suppose it is my personality, but I have been getting mad as hell. With the exception of the last speaker, no one has made reference to the employees, the people who work in these institutions. I am talking about the institutions for the retarded and the day-care centers. It sounds to me like we are talking about lepers.

Regarding the statements of Tom Blatner or Commissioner Albanese that they are involved in 27 sexual cases, I am not clear as to whether or not they are in State facilities or State day-care

centers. I would like to know that because, as far as I know, in the 10 years that I have been in this State, there has not been a sexual case involving an employee in a day-care center. There has not been a sexual case involving an employee in a school for the retarded, that I know of.

Let me first give you some demographics. Let me just tell you a little about the employees since no one else has spoken about them. We represent 5,000 employees who, in one way or another, are in proximity or involved in custodial work at day-care centers, institutions for the retarded, and institutions for delinquents. These employees, when they were hired, were fingerprinted. I see all kinds of legislation going around, but no one asked the employees if they had been fingerprinted. I have to tell you that there is a group of employees from these institutions here and they will tell you that they had their fingerprints taken. They will say that. as far as they understand, their backgrounds were checked.

I have no problem with fingerprinting. I have no problem with background checks. I just want the Department to know what the hell it is doing when it says that legislation is going to be enacted to fingerprint when fingerprinting is already going on. It is symptomatic of many things that go on in the government.

I want to tell you a little about the salaries. A day-care center worker makes \$9800, and eight years later or eight increments later, reaches \$13,000. About 22% to 27% of that money is deducted for pension, taxes, Social Security, and so forth. In short, Mr. Chairman, a day-care center employee or an employee in an institution of mental health or retardation may be taking home \$140 or \$150. Most of these employees are women. Many of these employees are minorities. Most of them have had difficulties getting jobs for obvious reasons. Most of them, or the majority of them, or the overwhelming majority of them, have not been involved in any kind of sexual abuse, and yet they are in proximity to the most personal parts of the patients or the child-care center children. I would suggest to you that you think in terms of the duties that these employees perform, such as taking little children to the bathroom, touching little children so that they can

fall asleep, and cuddling children who are frightened. And, I submit too, Mr. Chairman, that those children are generally coming from abused families, broken families, and so forth.

The same holds true for those who work in the schools for the retarded. Those women employees who work in these schools shower men and shower women. The men do not shower women patients. I give you this because this whole hysteria-- I'm against child molestation. You can take a molester and put him away for life as far as I am concerned. But, I want to give you this information, Mr. Chairman, so you will understand that if anybody is in a position to commit a sexual act, these employees are in that position. There is no seduction there that goes with these employees. They don't have to manipulate. They can walk into a shower and do something. And, they don't do something. It is not widely recognized that they don't do something.

I want to address myself a little to the "blacklist."

SENATOR CODEY: Are you talking about the perpetrator list?

MR. WURF: I call it a blacklist.

SENATOR CODEY: I understand that.

MR. WURF: A perpetrator means someone who has committed something. As you may be aware, when the creation of that list-- I now find that it is not created, but that has changed over and over again. When that list came out -- by implication -- employees who worked in institutions were on that list. As a matter of fact, not by implication, but by what appeared in the newspaper. I tried to ascertain the criteria as to how someone gets on that list. I was curious today to find out how someone gets on the list. The Department, or DYFS, or whoever runs Human Services, says, in effect, that it is not those who have been accused of a molestation. It says, in effect, it is not those who have been guilty of a molestation. Again, I don't know who is on that list. The fact that the American Civil Liberties Union is meeting with them-- They are also meeting with me and are talking about a suit. We are balancing. They are meeting with them and they are meeting with us, and eventually one of us will decide where we go. We need to figure out what is happening.

I do feel that children's rights have to be protected. I am a father and I have great emotion about all of that. I feel individual's rights have to be protected. One of the things that happened to me during this whole hassle of whether that list should or shouldn't be used, was that we received a number of telephone calls, not from our own members, but from school teachers who said, in effect, that students seemed to have a network of understanding among themselves, that if they were mad at a schoolteacher, they could call up this number. Under the law, as I understand it, you can call up this number, and, for instance, Richard Codey's name would then be thrown into the pot. Richard Codey may not know his name is in the pot, unless there is an investigation. But if the allegations are so bizarre, they don't even bother with the investigation, but they do keep that name. They do keep that name.

I was glad to hear that there is movement towards setting up some method of due process. I have my own ideas and I will get to that in a second.

I want to just talk a little about what is happening in the institutions and day-care centers in the State of New Jersey. Before I came here, I was with a group of employees who work in the day-care centers. I asked what was going on -- I knew this anyway -- and how they were handling this situation? The fact is that employees in the schools for the retarded, in day-care centers, and in institutions for delinquents-- Incidentally, institutions for delinquents is another story, by itself, because there you have teen-agers who tend to act out, attempt to seduce, or are charged with seduction and so forth. But, where you have young children, the employees are no longer holding those children. The employees are afraid to wipe the behinds of those children, and that is their duty. The employees are even afraid to have the kids urinate, so they bring another employee in with them. They are afraid that someone will say they are molesting or doing the wrong thing.

In the area of training, Mr. Chairman, we don't know of any training that goes on. I have five or six people here from various day-care centers, who will tell you that they don't know what training

goes on. I have some ideas in terms of training. I think it is about time that commissioners, legislators, and others recognize that there are human beings working in these places and that they are not monsters. There may be monsters about. But, I want to point out something that has been said, that if one politician steals, then all politicians are crooks: and, people like myself say, "No, they are not." No one has said that all employees are good, decent, hardworking, underpaid employees who work in places where there are children.

Mr. Chairman, others have given you some idea of the type of training that should take place. I would like to give you some of our ideas. It will be relatively brief.

I recommend the establishment by the State of an intensive training program in each center directed at involving participating children and their parents. The focus of such training should be:

a.) To make children aware of what they should do in order not to be victimized;

b.) To make children and their parents aware of the actions they must take immediately if a child is molested;

c.) To sensitize each employee and administrator to the serious criminal proceedings that are instituted when an incident of alleged abuse is reported:

d.) To make each employee and administrator aware of what constitutes abuse and what will not be tolerated:

e.) To make each employee and administrator aware of legal responsibilities they have in reporting any incident of child abuse of which they may have knowledge; and,

f.) To stipulate the limits and the parameters of interpersonal relationships and interactions of day-care children, as well as children in other State facilities.

Mr. Chairman, a number of years ago I became privy to information that some employees were taking pictures of female delinquents at Woodbridge State School. I am telling you this story to make an analogy. The person who made me aware was a concerned person, in terms of responsibility. Aside from my role as a labor leader, I am

also a concerned person in every area. I made an appointment for this person, the so-called whistle-blower, with one of the high officials in the agency, much before Commissioner Albanese. I said that this was a privileged meeting. I wasn't there, and I didn't get the information. This person wanted to talk about what was going on. The high official brought in the head of the institution to that meeting. The employee was accused of betraying her trust and subsequently had a nervous breakdown.

I mention this story to tell you that I -- we -- support the idea of an employee giving witness against another employee in sexual abuse situations. But, we also don't want an agency to cover up when something happens. There is always pressure, whether it is from the head of a given institution, the head of a department, or a commissioner, to cover-up what goes on or else to dump on the whistle-blower. If you want to have some controls, in terms of what goes on in institutions and in centers, you must have the support of employees. I don't care what else you have. To get that support, you must generate an idea that people who are in charge are concerned about your welfare and will not throw you to the wolves if you talk or give information about a misdeed.

I have a number of proposals. I was glad to see that Tom Blatner of DYFS talked about third parties and where a person can appeal an allegation of sexual molestation. There is another side to that, I might tell you, Mr. Chairman. There are people who have called me and said that an investigation vindicated some person, some relative, who they felt had molested their child, and they were at a dead end because the person who was vindicated was walking around and they were sure that their child was endangered. In short, what I am saying is third-party due process works both ways. It protects those who want to argue the term "probable cause," which comes into practically everything that an investigation brings about. If you want to argue that there isn't probable cause or there isn't basis for prosecutors to enter the case, you can also argue that it protects children when families or others feel that an investigation resulted in a vindication and the situation should be reinvestigated.

I have a proposal. So far, has no one has listened. As a matter of fact, I sent letters to each legislator, even to people who we are friends with. No one answered. So, I will make the proposal here anyway.

I believe there should be a child ombudsman in day-care centers, who is free of politics and free of bureaucracy, whose responsibility would be all encompassing. He would be the person or the agency that one goes to if one feels they have been denied their rights under an investigation. It would be the agency that parents go to if they feel their children have been denied their rights. It would be the agency that develops the criteria needed in day-care centers. It would be the agency where you could have an open proceeding. It would be an agency where someone could go if he was trying to clear himself, in this very sensitive area, and was frightened to go public, afraid that he would do damage to his reputation and to his job. He could go to this ombudsman for relief or vindication and a whole score of other things which deal with the whole arc of the child-care services.

There were some references in the Commissioner's report about upgrading employees. I think that employees working in day-care centers should be certified. What I am saying, in effect, is those who are already employed could be grandfathered in and those who come on the job should be certified and have a period of training, like an L.P.N., but maybe for a shorter period of training. There should be background checks.

I feel that if children are a priority, then you have to set up a paraprofessional mechanism and you have to pay the freight in terms of salary because of the responsibility. That is it, Mr. Chairman.

SENATOR CODEY: Senator Bassano, do you have any questions? (negative response) Thank you very much, Mr. Wurf.

I would just like to ask any future witnesses, if they could, to limit their testimony to about five minutes so that we can hopefully listen to everyone today.

Our next witness will be Miss Betty Wilson, President of the Center for Non-Profit Corporations. Miss Wilson.

BETTY WILSON: Senator Codey, Senator Bassano, and members of your staff, I want to thank you for the opportunity to provide testimony this morning. I am President of the Center for Non-Profit Corporations, which is a non-profit advocacy organization in New Jersey. I will keep my testimony short. I have made copies available to Mrs. Seel, and the entire testimony can be made part of the official record.

We commend your concern for children, and we share your outrage. The particular attention we are giving this morning to protecting children entrusted to the care of others is a worthy and important issue.

The extent of child abuse in our country is only lately coming to our attention, and we have this horrifying thought that we may still be only seeing the tip of the iceberg. What we have learned and what we know, without doubt, up to this point, is that child abuse is hidden behind closed doors. Because it is behind closed doors, most sexual offenders have not been discovered. Further, 95% to 98%, or perhaps even higher, of reported child abuse cases occur in the home or within the circle of immediate friends and family. So, the attention this morning is on 2%, perhaps, and certainly no more than 5% of the reported cases.

Child abuse is deeply entrenched in the most intimate settings of our lives. It requires thoughtful responses, and we must resist the temptation to resort to quick fixes. There just are no quick fixes. Use of criminal history checks, fingerprinting, and other similar tactics may give a feeling of action, but based on what we know, they hold very little promise of catching child abusers. Because child abuse has been behind closed doors, most perpetrators have never been turned in before. There are no criminal records that would disclose their sordid behavior. Most would not be caught.

Even if these laws are put in place, child abusers will not be stopped from getting employment in day-care centers. They will not be uncovered despite the best and most exhaustive investigate work and criminal history checks.



The best protection we can give to children is to teach them how to protect themselves. Parents need to trust their children and believe what their children are telling them. Teachers need to be trained to look for recognized signs of abuse. Children need to learn how to say, "No," and need to know that it is okay to say, "No."

Passage of legislation of the sort under consideration could give a false sense of security -- I noted that Commissioner Albanese made the same observation -- that our children are safe, yet there is no reason to believe that is true. I implore you to keep before you the fact that most child abuse occurs at home. Criminal history checks will do nothing to protect children at home. Teaching children, their parents, and their teachers is the best defense.

We have listed some recommendations. Rather than to direct vast resources to criminal history checks that won't turn in any victimizers anyway, we recommend putting our resources where they will do the most good. Resources should be directed to beefing up the protective services of the Division of Youth and Family Services, adding the sorely needed caseworkers, and building and adding to the support for school and community education and training programs for children, parents and teachers.

Thank you very much.

SENATOR CODEY: Thank you very much, Miss Wilson. Our next witnesses will be Gloria Dowdy and Roz McDonald of the New Jersey Foster Parents Association.

SUE DONDIEGO: Thank you, Senator. I am neither: I am Sue Dondiego. I am President of the New Jersey Foster Parent Association. I will keep my testimony brief.

We do support the legislation for background checks. We also have made some recommendations. Some have already been stated this morning. We believe training requirements should be imposed on new employees in residential and detention centers. We also would like all employees in residential and detention centers to attend mandated, practice relevant in-service training during which all related areas of child-care management (social, emotional, physical, moral, and intellectual) are explored.

We recommend that the proposed in-service training be offered to staff on all shifts. It is our understanding that after 5:00 p.m., there is limited staff and limited supervision.

We recommend that allegations of physical and sexual abuse be conducted by investigators who have received thorough training, and that thought be given to the establishment of an independent investigative unit, which has no vested interest, and which will be concerned solely with the best interests of children.

We are also concerned, even though this is not the immediate focus of this Committee-- Senator Orechio mentioned this morning, that two years ago, he had proposed a bill for background checks for foster parents and adoptive parents. I find it very ironic that we are taking children who have been abused from their homes and possibly, putting them in foster and adoptive homes which may be abusive. There is still no legislation on that and we are truly concerned about that.

I will leave copies of my testimony. I went over our recommendations briefly, but I would like to leave copies.

SENATOR CODEY: Yes, you can give them to Eleanor Seel. Thank you very much.

MRS. DONDIEGO: Thank you.

SENATOR CODEY: Our next witness will be Mr. Joseph DeJames, Director of the Juvenile Detention Monitoring Unit of the Department of Corrections.

JOSEPH DeJAMES: Thank you, Senator. I just want to make some brief remarks regarding the criminal history background checks. I am the Director of the Juvenile Detention Monitoring Unit in the Department of Corrections. Our primary responsibility is to evaluate, regulate, and approve all the juvenile detention facilities in the State of New Jersey. There are 18 such facilities.

Our primary responsibility over the past five years has been to address the issue of institutional child abuse in these institutions. When we started in 1978, there were a number of facilities where rampant child abuse existed. It was an institutionalized part of the program. There were juveniles abused and assaulted every single day of the week by many staff members. We

think, with the concerted efforts we have made, we have come a long way in resolving some of these problems. Also, enlightened county officials have replaced administrators who had accepted these practices. The efforts by DYFS have also come a long way in resolving some of these child abuse issues. Over the years, DYFS has provided training to all juvenile detention facilities. They have provided investigators through their institutional abuse investigative efforts, and these efforts are continuing.

One tool which should be in place to combat institutional child abuse is the requirement that all present and prospective employees of juvenile detention facilities undergo criminal background checks. I share some of the comments made by Betty Wilson and Commissioner Albanese that this will not solve the problem. We suspect that very few people have child abuse or sexual exploitation histories, but it is important for administrators to know who they have under their employ. We recommend that these checks be made both by the State Police and the FBI. We also recommend a review of the so-called perpetrators list as outlined by Commissioner Albanese this morning.

At the present time there is great disparity, county by county, in terms of how they hire prospective detention employees. There are some counties which require FBI checks and State Police checks. There are other counties which just require State Police checks. There are some counties which require employees to sign waivers indicating that they will be checked. Other counties do not require waivers. There are some counties which do no background checks whatsoever. There are some counties that do psychological and psychiatric investigations to determine employees' propensity towards violence. Most counties do not. The important point is there is no coordination; there is no systematic effort. Legislation should be very clear and very simple, that all present and prospective employees of juvenile detention facilities be required to undergo background checks. This includes all employees from foodhandlers, administrators, social workers, educators, nurses, and, most important, the line staff.

Again, I would just like to just end my remarks by saying that this will not solve the problem of institutional child abuse in juvenile detention facilities or any other facilities, for that matter. In our experience, institutional child abuse often exists because of the permissive attitude of administrators who allow it to exist. We have seen situations where child abuse has been rampant in institutions and the administrators have been very aware of it for long periods of time. I think we can go a long way toward, at least, weeding out those employees who do have the histories of child abuse and sexual exploitation; they should not be working in these facilities at all. Are there any questions?

SENATOR CODEY: Do you have a question, Senator Bassano?  
(negative response) Thank you very much, Mr. DeJames.

MR. DeJAMES: Thank you.

SENATOR CODEY: The next witness will be Miss Bettie Witherspoon, Executive Director of Better Beginnings Day Care Center.

LISTON ABBOTT: Mr. Chairman, with your indulgence, and per our past request, Betty and I, who are from the same institution, would appreciate reversing the order of our testimony.

SENATOR CODEY: You can both testify. That is quite all right.

MR. ABBOTT: I welcome and appreciate the opportunity to make a statement before this Committee on the subject of prevention of child abuse. Incidentally, I have made copies of my statement available, and if you wish, you might follow along with it.

As we discuss this issue today, and how to deal with it in the day-care setting, it may be helpful to have a real, live, and recent case study as a reference. I am sure that some of the proposed solutions we have heard, or will hear, have been heard before. Thus, we should look at a realistic case as a guide to avoid overestimating the efficacy of the proposed solutions or repeating actions which might mitigate against the desired results.

I am the Chairman of the Board of Directors of a day-care center. Together with my center director, who will also make a statement, we will do the following:

1.) Offer a number of positive steps that we have found have worked in training and sensitizing staff and children to observe and to protect themselves;

2.) Point out how a suspicion and allegation of sexual abuse can still develop despite all your best efforts; and,

3.) Show how the reaction of certain external forces can mitigate against subsequent reporting of suspicions of child abuse.

I will start out with an overview. The center I speak about is a community-based one in central New Jersey. It is supported by a combination of funds. The center is run by a nonprofit corporation with a Board of Directors, all of whom are parents, with a majority (by our bylaws) having children enrolled in the center. There is a staff of 19 and an enrollment of 72 children in the preschool or after-kindergarten components.

The staff is fairly close-knit, even though the turnover in some areas is typically high because of the low-pay scale. This center has had a high level of consciousness on the matter of child abuse for many years. The staff attends, on an ongoing basis, training sessions, workshops, and lectures. These involve staff and parents. This center has expert child-care specialists and early childhood educators under contract in the center to provide advice and counseling for the children, parents, and staff. The children are taught to respect their own bodies, and that they have a right to be free of unwanted touching. They are taught to discuss with their teachers any fears and unwanted intrusions on their persons. The staff persons make frequent checks into all parts of the facility, including bathrooms of any designation. They have learned to live with the occasional embarrassment of adult visitors and tradesmen who suddenly find themselves facing a teacher or staff aide in the bathroom. Parents are required to come into the classrooms to drop off and pick up their children and to take an active part in all activities and operations of the center.

This center inquires into the background of all prospective employees and checks all references to determine, as best they can, whether those persons meet the necessary standards for employment.

They have in the past requested background information from police departments and have been told that such information would not be revealed about anybody. Parenthetically, the center has also been informed of offers from police agencies to give information on whether or not particular individuals have police records. The center is inspected on a regular basis by State authorities for the conformance of their child-care program and facilities. The center also submits a complete listing of all employees to the State every month.

Because of these efforts, in one sense, and in spite of the fact that in another sense, center personnel recently ascertained from a parent that a case of unwanted touching (under the guise of a game) between a child and a staff member might have occurred. The staff member was removed from the center within 45 minutes, and the proper authorities were informed within one hour of the initial incident. The parents of the child were informed, and the general community population was informed of the actions taken by the center administration. An internal investigation of the incident was conducted by the Board of Directors. The actions of the center administration and the staff involved, who made the observations and reported them to the State agency, were found to be exemplary. The support group of parents was unanimously favorable. Then the center's normal activities really began.

They had immediately reported a suspicion of child abuse because 1.) New Jersey statutes require that they do; 2.) they wanted an investigation of the case to determine if there was any substantiation of their suspicion; and, 3.) they wanted to get possible help for the child and family if necessary.

However, they got caught up in the mass media publicity about child abuse that was going on from coast to coast. A thorough investigation was made and some staff members who had no suspicion felt intimidated and immediately requested both individual and psychological counseling. They started suffering migraines after the ordeal of the investigation. The center Board of Directors received a copy of the investigative report and were duly warned.

relevant State law prohibiting the discussion of results of the report with outsiders. However, parts of that report have appeared in the newspaper with statements which were very damaging to the reputation of the center and its administrative personnel. The Board, staff, and parents all disagree with many findings of that report, but they are still prohibited from discussing the report in public.

The center's major concern is not that the allegation of child abuse has been made and reported in the news media. Instead, it is that the staff and administration feel demoralized and unjustly treated after they did everything they thought was right, actions that were supported by their training and workshops. The center has even submitted documentation from professional child-care experts, whose advice and judgments they have used in the past, stating that the center administration followed their specific advice in dealing with the side issue of sexual play between two children. The parents are still 100% supportive of everything done by the center staff. The parents and other members of the Board of Directors feel intimidated that their judgments are being questioned. Their inquiries for adequate justification of charges against the center administrators and for specific State policies to be stated in writing have not been answered.

As I indicated at the start of this statement, this is a case study and not a pleading of an individual case. The point is that the process of reporting suspicions of child abuse is a key factor in the prevention of child abuse because it leads to the prosecution of child abusers and the treatment of the abused child. Individuals and institutions in the child-care field recognize that bad publicity is inherent in any case of suspected and alleged child abuse. However, when it becomes apparent that reporting their suspicions may lead to the loss of their funding, child-care license, reputations, and even their jobs, some will undoubtedly think twice before reporting them and may even sweep the matter under the rug, as in the case in many instances. This will clearly defeat the efforts toward prevention of child abuse. Thank you.

BETTIE WITHERSPOON: I am Bettie Witherspoon. I am the Director of this case-study day-care center. I am also the elected, provider representative of the Child-Care Policy Development Board. This group also elected me as their representative to the Task Force on Child Care and as their representative to the Advisory Council, a council that was created by legislation that was recently passed. Incidentally, I have been removed from this position -- not by my colleagues and not by those who elected me.

I have been involved in child care for the past-- My daughter is 19 years now; she became involved when she was two and a half years old, and I have been involved ever since, as an advocate for children and as an advocate of child care. I think you have seen me before.

For those of us who are earnestly and deeply concerned about human problems, abuse in any form is like a knife in the heart. It hurts us so deeply that we are anxious to find means by which to eradicate it completely. Unfortunately, abuse is not like polio. We cannot invent a vaccine to wipe it out. We wish we could. It is instead a safety prevention issue. We must do everything we can to prevent fire, and we must do everything we can to prevent abuse. When the abuse takes place in a very vulnerable population, like the children placed in our care -- whose parents need so much the services we provide -- we have a most particular obligation to use whatever means are available to us to protect those children and prevent their abuse. But we must also be careful not to commit other abuses that harm those children in other ways and destroy good and needed programs.

Today, I am sure you will hear of many techniques and methods that will be helpful in accomplishing the task before us. None of them will provide a perfect solution. Some of them may even be like putting a Band-Aid on the leg of a polio victim. They may give us more comfort than they do the victim or potential victim. They may give us something to point to so that we can then say we have done something. After all, we are human. We want to be able to comfort and protect. That is our nature.



Some of the methods and solutions that I am sure you will hear or have heard about include the following: background checks; closer monitoring; assuring that child-care centers are constantly open for visits by parents, officials, and the public; providing means for inter-parent communication; and encouraging parent involvement in the centers. All of these have merit, some more than others. But, of all things you hear, none is as effective as prevention training of staff, parents, and children. This must be ongoing and thorough. Teaching a group of children this year that they should roll if their clothes catch on fire will not do much for the children who come along in later years if their clothes catch on fire. None of these alone will provide a perfect solution. Even in combination, there is no perfect solution. What slips by through one method may or may not be caught by another.

The occurrences of child abuse in child-care settings have been horrifying -- to us, most of all. Yet, we can be glad that the problem is out in the open and that people are prepared to talk about a subject that has been taboo. We have the unique opportunity to use the child-care setting in a very positive way. Indeed, what frightens me is that, in our hysteria, we will do away with one of the best opportunities we have for reducing child abuse.

Ongoing staff and parent training can be a useful means for now and the future to assure that the possibilities of sexual abuse in any setting are minimized. I am sure that you will hear -- and you have -- that only 2% of such abuse takes place in any institutional setting. Ongoing and thorough training to give the staff the skills for recognizing telltale signs of molestation and other forms of abuse provides a means of monitoring some portion of the other 98%. Ongoing parent training and information-sharing will give parents a needed tool by which to approach the problem in any setting. Use of the growing package of resources available for teaching children prevention techniques will give the potential victims themselves a valuable lifelong aid.

Of course, we -- the State -- must be prepared to provide trained, caring persons to provide investigation and therapy in the aftermath.

There are some potentially dangerous side effects to the hysteria that has been set off by recent reports. Children need and crave a warm, affectionate environment. Yet, under the present circumstances people are afraid that the showing of this will be interpreted in a poor light. Children need to be provided with a healthy view of their sexuality. At present, if we are not careful, this will be obviated. Our children are our most valuable resources. But, people are dissuaded from going into the child-care field because of the low pay. The pay that was mentioned awhile ago sounded very good to those of us in community day-care. They are dissuaded from going into the field because of the low pay, the poor benefits, and the high stress. And now, those who have chosen the field, because of the intrinsic rewards it offers, are feeling demoralized and threatened.

Moreover, all the methods and techniques in the world will be completely useless if directors and teachers are afraid to report situations that seem to warrant investigations for fear of what will happen to them and their centers if they do. For instance, I myself, feel like the messenger who was killed for bringing bad news.

About two years ago, it became apparent to us that in providing for the safety of the children in our care, as well as for all the children in our community, we needed to include sort of preventive training in the area of potential sexual abuse. This awareness was created by the fact that there were repeated reports of a person riding in the streets and trying to lure children into his car by saying that the child's mother was sick and that the driver would take the child to the parent. Fortunately, in each instance the child ran away. We discussed this problem at parent meetings. We provided speakers to discuss children's sexuality, and, with parental consent, initiated a simple program into our curriculum wherein we taught children they have a right to say, "No," to unwanted touching, that they have private zones that are off limits, and that they don't have to keep a promise of secrecy made to an adult when it doesn't feel right. At the same time, we encouraged parents, as always, to listen carefully to their children and to communicate with them.

We believe, with our parents, that this type of safety precaution is as important as making sure that electrical plugs are covered, poisonous substances are kept out of reach of children, etc. In so doing, we believe that we have taken the most important step that we, as child-care providers, can take in the prevention of sexual abuse.

The following is a quote from the September 1984 issue of Young Children, in the article entitled "Child Sexual Abuse: The Educator's Role in Prevention, Detection, and Intervention": "Lack of information about the problem and the steps she might take to prevent sexual abuse place a child at greater risk than children who have been prepared to protect themselves. There are other factors which also appear to increase children's vulnerability -- specifically. children with low self-esteem or who are lonely or hungry for affection, children who have been taught to blindly obey adults, children poorly supervised, children entrusted to individuals who drink heavily."

As can be seen, providers of quality child care are in the unique position of offsetting all of the mentioned factors that make a particular child uniquely vulnerable to abuse. We believe in building a positive self-image. We believe in providing a warm and loving atmosphere. We believe in building independence and providing children with opportunities to make their own decisions. We provide constant supervision, and we provide a reasonable and necessary alternative to leaving a child in the care of a person who, for any reason, is not in a condition to provide good care.

The result of instituting these prevention techniques was that one of our children reported a situation that seemed to warrant investigation. We reported it to the DYFS Child Abuse Unit within one hour of the time the child talked to us. We were provided then with the unique opportunity to compare methods of investigation by various groups; a total of five came in. We recognize, more than anyone, the necessity for investigation. We requested it. And more than anyone, we wanted our children to be protected and action to be taken if, indeed, an abuse had been committed. We could, however, have hoped for a greater sensibility towards those who were trying to cooperate and do

the right thing. We could have expected a greater sensibility for the children in the program, and we could have hoped for a preservation of the confidentiality we were trying to maintain rather than have it discussed in front of others who were not privy to the situation. We are certain that those who performed so zealously felt that all of their actions were justified in the wake of all the recent publicity. A demand for disciplinary action to be taken against me resulted from the report. I felt that I had done everything right, and more. In fact, some of the investigation units commended me and my staff. Frankly, they did very little to alleviate the pain that we all felt. Later a demand for disciplinary action against the head teacher was added. I believe that a severe injustice has been done to me personally and to her. But, that is okay with me. I don't care if a career of 15 years has been destroyed. It doesn't matter. I would 100,000 times rather be hurt than for one of my children to be hurt. However, my deepest concern is that the results of all of this might be a clarion call to others to sweep problems under the rug -- fire the individual for another reason, maintain a clean record, and, incidentally, their own jobs. We know that this is what others have done in the past. Is this what we want to continue?

You have heard many suggestions today for the protection of our children. It would be unfortunate if all of the present openness were destroyed because persons were afraid to report for fear of being treated like criminals themselves, and because the centers they care so much about, and their own careers, might be destroyed in the process.

I am not, even at this moment, even a little bit sorry that we did behave in the way we did. We did it for the child and that family and we always will.

We simply cannot allow our day-care centers to be destroyed. We have too few, rather than too many. Quality day-care centers are the best possibility we have for the prevention of child abuse and the detection of child abuse. They are also the best possibility we have to effect a decrease in the vulnerability of young children, that is if we do indeed give attention to substantial ongoing techniques towards this end rather than quick solutions that look good for the moment and then are forgotten when hysteria focuses on a new problem. Thank you.

SENATOR CODEY: Did you take your concerns to DYFS?

MS. WITHERSPOON: Indeed.

SENATOR CODEY: What were the results of that meeting?

MR. ABBOTT: The concern of our reaction to the investigation?

SENATOR CODEY: Yes.

MR. ABBOTT: Yes, Senator, we did. There is still essentially a disagreement.

SENATOR CODEY: Okay. Thank you very much.

The next witness will be Ms. Mia Anderson, Chairman of Juvenile Protection of the New Jersey P.T.A.

MIA ANDERSON: I want to thank you for this opportunity to speak with you about this critical issue. I am here today representing New Jersey PTA, the oldest and largest child advocacy organization in the State, with 215,000 members.

First of all, of course we support the package of bills, which you are hearing testimony on today. They represent an important structure within which agencies can act responsively to prevent the retention and the hiring of child abusers.

While PTA applauds this legislative effort, we feel it is important to recognize that even if enacted, it will do very little to protect children from child abuse, because most child-abusive persons are in the home. Because of the conviction rate -- the indictment rate -- against child abusers, both sexual and physical, we don't have the kind of convictions that would give us the kind of lists we would need to make a significant contribution to this problem, in order for us to reduce the incidence of abusive behavior. That is really what we are talking about, isn't it -- to try to reduce the incidence of disfunctional behavior that results in abuse?

I don't think it is necessary to focus on some punitive measures that identify abusers, because the mere identification of abusers does nothing to reduce the incidence of abusive behavior. What we need to do is work with parents, children, and those people who have been identified as abusers in order to remediate the abusive behavior, to break the cycle, and to give the abused kids the skills necessary to

survive abusive behavior and to protect themselves against abusive behavior.

I am delighted to say that PTA has been a leader in presenting programs to parents by going into the community. I am also delighted that under the new leadership of Commissioner Albanese and the new management team at DYFS, we will shortly be working on a joint program together to get into the community and the home even more to help address what, I think, is probably one of the leading problems in the country today.

The other thing I think is important to recognize is that if all we do is enact legislation that either provides for mechanisms to punish dysfunctional behavior, or to fund a program for those families and children already in trouble, then we will have missed the entire point. None of the programs and none of the legislation will do anything to reduce the incidence of disfunction. In fact, if we do not institute a broad-based program of prevention, then all we are doing is replicating bad space and allowing for the creation of a larger and larger dependent population. I submit to you that that is not only morally unconscionable, but it is fiscally unsound. There isn't enough money in the world to support that kind of dependent population.

I would urge you to look at the problem of child abuse in its broad context, not just what happens in institutions, but rather in the fullness of the community which the abuser and the abused come from.

In the interest of time, I would like to underscore the testimony today by Commissioner Albanese, Barbara Kelley, Ciro Scalero, and Betty Wilson as significant and hitting exactly on the kinds of recommendations that New Jersey PTA would support.

I will send you a copy of more detailed testimony, and if there are any questions, I would be delighted to answer them now.

SENATOR CODEY: Okay, thank you very much, Ms. Anderson. Our next witness will be Mary Louise Foote, a board member of Parents Anonymous.

MARYLOU FOOTE: Thank you, Senator Codey. In the interest of time, I am not going to go through my entire testimony. I have already given it to Eleanor Seel for the record. However, I would like to stress Parents Anonymous' position as contained in that testimony.

While we have no real opposition to criminal checks and we think that they might, in fact, lead out some other kinds of criminal behavior, we do not believe they provide the answer to the sexual abuse of children issue. People who are involved sexually will rarely appear on criminal lists. We think there is an enormous expense involved in that and the money would be better used for other purposes in the area of child abuse.

We believe that child abuse is a family problem, and most of the solutions in terms of preventing future or current abuse lie with the services that we provide to families and parents.

There are two things, however, that we think need to be said regarding the issue of institutions and day-care centers. Since a relatively small amount of abuse occurs in those areas, what does occur is often serious. Child-care personnel are generally the lowest paid within the institutions, often lacking education and knowledge about child-rearing techniques, and often possessing little pride in their work. Without training and motivation to obtain job satisfaction, children in our institutions are exposed not only to neglect, but to emotional, physical, and sexual abuse.

When you talk to offenders about how they select victims for sexual abuse, most, men particularly, will indicate that there is a vulnerability about particular children that lets them know they are suitable victims. Certainly, the children who are in day-care, and more importantly, the children who are in residential treatment facilities for emotional and behavioral problems often caused by previous abuse or neglect, are among the more vulnerable children to be subjected to further abuses. We think it is very important not to act with political expediency or look for one-time cures.

Many people have mentioned training today, and we certainly support the fact that there needs to be a training program. We are concerned that training will be the same way for people in institutions as it has been in the past -- a one-shot, two-day training, and now everybody is trained. I want to stress that we feel it is very important that training for day-care staff for people in institutions has to be an ongoing process. It takes reinforcement.

I would say the same thing about the empowerment of our children, and I include children in pre-school day-care programs who need to be empowered when to say "no" to the privacy of their bodies. One-shot programs, such as CAPP, which may be very good, don't really serve the function in terms of providing adequate protection to children. It takes repetition and constant reinforcement throughout the curriculum and throughout the time that these children are available for that kind of education.

More important, it really is a parental responsibility, so we strongly urge the support of programs that assist parents in teaching their children these things, but in conjunction with the schools and day-care programs.

Thank you.

SENATOR CODEY: Okay, thank you very much, Ms. Footo. We are going to take a break and reconvene at two o'clock.

## RECESS

## AFTER RECESS

SENATOR CODEY: We would like to reconvene now. Our first witness this afternoon will be Mr. Nicholas Andrian.

**NICHOLAS ANDRIAN:** Thank you, distinguished Senator and other members of the Committee. My presence here is testimony to openness of our society and to the spirit of cooperation which has made America what it is. I thank you for the privilege -- and, indeed, I consider it a privilege -- to speak before you today.

A most serious matter brings us together at this time, namely the protection of the most vulnerable segment of our society -- our children. As one who has taught in our State schools for 14 years, who has recently graduated from a nursing program at UMDNJ in Newark, and as one whose wife is happily in the ninth month of pregnancy, I am



keenly aware of the importance of legislation designed to protect our children. I am sure we can all agree that the rash of child abuse cases reported recently has led to concern on the part of everyone present. I, for one, witnessed personally during my RN training the ugly results of the physical and psychological abuse and neglect of children of all ages. As a teacher, I took frequent notice of children and adolescents who were the victims of a more subtle, less acute type of abuse which nevertheless was just as devastating in its long-term effects. I frequently sought help for these youngsters by alerting school guidance counselors, social workers, and psychologists to the needs of the children in my classroom. That is a record I am proud of.

I would like to set up a hypothetical situation, Senator, and ask you, sir, what you think you would do if you were in the following situation?

SENATOR CODEY: Excuse me, sir. I don't answer questions.

MR. ANDRIAN: Oh, I'm sorry. I just used that rhetorically.

SENATOR CODEY: That is all right. Don't turn the tables on me.

MR. ANDRIAN: Okay, I'm sorry; it was just a rhetorical question.

Suppose a former student asked you and your wife to watch a child -- an 18-month-old girl -- while she gets her life together? Suppose you agree to help her? Suppose the mother, you learn on good authority, has just recently been de-programmed from a religious cult of which she had been a member for seven years? So, you take the baby.

You soon learn that the mother is in another state working -- let's say for an escort service -- and, she is involved with drugs. You then approach the baby's grandparents and tell them what you have learned about their daughter. They indicate no interest in raising the child. So, you have the child.

After one year, during which time the child has become strongly bonded to you and your wife, you approach the State agency, the Division of Youth and Family Services, for guidance. After all, you are a law-abiding citizen, and you believe in the system. DYFS names you and your wife para-foster parents and obtains custody of the

child for you through a court. All of this is done to protect the child whom you have grown to love as your own.

You subsequently learn, sir, that the mother has been arrested and placed in a mental hospital in another state. While she is in the process of being committed, she escapes. You, of course, dutifully as a foster parent and having custody of the child, notify DYFS of this development. The grandparents, upon learning that you and your wife have custody of the child, decide to seek custody for themselves several months down the road. They take you to court, and the very same judge who had given you custody at an earlier time, declares that the child must remain with you.

Subsequently, a psychological study shows that the child, who is now almost three years old, recognizes you and your wife as her mommy and daddy. You and your wife prepare to fight to retain custody of the child, and, of course, while you have had custody, you have not tried to leave the jurisdiction because you are law-abiding people.

Prior to a court-ordered weekend visitation, however, the child's grandmother calls you one morning expectedly and asks you to obtain a urine sample from the child for, as it turned out, a nonexistent doctor's appointment. You attempt to comply, unaware that you are being set up. The next morning, the natural mother, who is now back home in New Jersey with her parents, calls DYFS, which has done a flip-flop -- this is supposedly the word that the judge used when he realized there had been a change -- and DYFS is now backing the natural family for custody. The mother makes an allegation of sexual abuse of the child against you. Then your nightmare begins.

Supposing then, subsequently, that three doctors who examine the child at a local hospital say that there is no physical evidence of sexual abuse, and later testify and say that they heard the mother coaching the child in the examining room? Suppose then you are not allowed to question the child, nor are you or your attorney allowed to be present two weeks later when the child is examined by DYFS-paid personnel. No tape recordings, video tapes, or notes are made during these examinations.

Then you request from DYFS the possibility of having a specialist -- a pediatrician -- and a forensic psychiatrist question the child. Access to the child is twice denied to the specialist. Suppose then you learn through a subpoena that DYFS, and certainly not the prosecutor's office, is trying to have you arrested by your local police? To their credit, because the local police know you and know that there is a custody battle afoot, they refuse to do so until someone signs a complaint against you. Nobody would sign a complaint against you.

Then, realizing that you are not about to roll over and play dead, DYFS offers you a deal. If you drop custody, they would drop the child abuse complaint. You refuse. And, in fact, you demand to be taken before a grand jury where you will have full opportunity and full protection of the Constitution to prove your innocence. This is not allowed. To this day, you have never been charged.

You then offer to take a lie detector test administered by the State Police, and DYFS refuses to stipulate that if you pass this test, they will drop the charges and return the child to your home. You then waive all rights and take a lie detector test administered by an outside expert who then requests permission to come to testify in court. Your lie detector test and the specialist's testimony are excluded from the court proceedings. Your lie detector test shows innocence in all the areas of allegation.

You then have a tape recording of the child, which you happen to make during a visitation to the DYFS office. During this visitation with the DFYS worker present, you hear that the child call you a four-letter word, the most vulgar one you could probably think of. When you question the child as to where she heard this word, she says that grandma and grandpa refer to you in that way. Furthermore, they tell her to say bad things about the man she considers her daddy. You notify DYFS of this development, which is almost proof positive that the child has been coached. DYFS refuses to hear the tape, and instead, gets a court order to prevent the taping of any further visitations with the child at the DYFS office.

You then have documentation of distortions and even perjury by DYFS personnel and members of the natural family. You also have documentation of the natural mother's arrest and incarceration in a mental hospital in another state, as well as testimony that the mother was mentally ill when she made the allegations against you.

I suppose, sir, that you would probably agree with me at this point that your chances of having the charges dropped, in view of all this, and the child returned to your home would be pretty good. You probably have guessed, if you haven't already read it in the paper, that I am the person in this case. Despite these and other facts in support of your innocence, you are found guilty of sexual abuse of this foster child, following a three-month fact-finding hearing during which much of your evidence and almost all of your witnesses are discounted. Then, the results of this confidential hearing are turned over to a State-licensing board -- in this case, the Board of Nursing -- and, the Board of Nursing, even though you have never been criminally charged, revokes your license and forces you to walk shamefully off a job which you had just begun several weeks before.

This is what happened to me, Senator, and I would like to tell you, sir, that the effects this has had on my wife and me, and our family and friends, have just been phenomenal. We are utterly ruined financially, and my two careers -- careers where I could make an important contribution to society, and in fact, I did for many years in one of them -- are in abeyance. Although we are embattled and battered, we intend to press on for two reasons: One, we believe in the system, very much so, sir. That is why I am here. Also, we believe in America, the America which drew my wife's parents here from Cuba, and all four of my grandparents from Greece. Also, we believe in a just God who will not allow the beauty of what we shared with this child to remain steeped in such ugliness.

With this in mind, distinguished leader, I urge you to reflect long and hard on any legislation concerning child abuse. We want to protect children, and as I said, I have firsthand experience in seeing children who were so mistreated that it literally turned my stomach, never thinking that I would ever be the object of a child

abuse allegation. We want to protect our children, but in doing so, we must see to it that no child is ever used as an innocent pawn among disputing adults. Certainly, we must assure, insofar as humanly possible, that no innocent person will share my fate.

Before we allow background checks of people whose names may appear on a list of supposed substantiated child abusers, we had better be sure that they are proven guilty, lest we ruin the lives of those who have given a lifetime of good citizenship to our State. I would urge you, sir, and the other members, to deal compassionately on both sides, and put yourselves in the position of the unjustly accused. We must protect all members of our society. Children are certainly the most precious. Who could deny that? But, in seeking to protect children, we must protect other members of our society. We must not turn the clock back to the early 1950's. We must remember, too, that this is New Jersey, and that this is the United States, not Albania or the Soviet Union.

I thank you very much, sir, for the honor of appearing before you today. Thank you.

SENATOR CODEY: Mr. Andrian, I'm sure you can understand that since you are appealing a decision, DYFS cannot and will not comment publicly on the case.

MR. ANDRIAN: Yes, of course.

SENATOR CODEY: So, until such time as the appeal route has been exhausted, we can't get into the particulars of the case.

MR. ANDRIAN: Yes, I really--

SENATOR CODEY: (interrupting) Thereafter, yes, but until such time--

MR. ANDRIAN: (continuing) I really wanted to portray this as a hypothetical situation. These things can happen, and it is not that any one person on any side is bad or evil or whatever. We are all reacting to what is going on nowadays, and we just have to make sure that everyone is protected.

Thank you, sir. It was an honor to be here.

SENATOR CODEY: Thank you. Our next witness will be Ellen Bullock, Social Services Coordinator for Concerned Parents for Head Start.

ELLEN E. BULLOCK: Thank you for giving me the opportunity to testify today. I'll try to make my comments short since some of what I have to say has been referred to by other persons.

I am the Social Services Coordinator for Concerned Parents for Head Start in Paterson, New Jersey. We conduct a preschool program for 390 children from poor families residing in all parts of the City. We try to serve the whole child and his or her family by focusing attention on the education, health, social service, and nutritional needs of our program's participants. In this concern, we work closely with parents to help guide them in better parenting and to give them assistance in solving the many problems of survival they face.

Our agency views with dismay and horror the recent discoveries of child abuse in institutions and child-care facilities within our State, as well as in other parts of the country. We certainly support every responsible and well-thought-out action to put a stop to such abuse and to prevent the possibility of future abuse.

Concerned Parents for Head Start has already joined other community representatives in Passaic County in seeking measures that will ensure the prevention of child abuse in our own agencies. Our representatives have been involved in several planning sessions already to address the problem locally. We are stressing in our parents' meetings our commitment to work with them on the prevention of abuse wherever it may exist in their own homes, our facilities, or in the community at large.

I want to stress that we emphasize with all of our parents that we want them personally involved in the Head Start Program. They do this through membership on our Board of Directors, the Policy Council, and volunteer work in the classroom. We make every effort to have them assist us on a daily basis, and we invite them to come in as often as they like so that they can be there, see what is going on, and be a part of the activities. We have nothing to hide. If there is something they see that they have questions about, we welcome them reporting this to us. One of the parents reported something to us that was strictly against our policies, and we were able to deal with the situation because the parent was there and saw it. It wasn't child

abuse or sexual abuse, but it was a question in the way that discipline had been handled.

We welcome any guidelines and the resources that will require and permit us to do whatever personnel checks that are necessary. We are concerned about the rights of staff. We want to act within the law, but we want to make sure we have people who will not be perpetrating such acts on children.

We work closely with DYFS and other agencies on the prevention of child abuse within the Head Start family. We pledge ourselves to do everything in our power to make sure that no instance of child abuse ever takes place by our own staff.

A final word, and this has been said by others: Recent studies have revealed that day-care workers nationwide are the lowest paid in the country. Many are working at wages at or below the poverty level. We appeal to the State government to direct some of its surplus to upgrade the salaries and to improve staff development of child-care personnel throughout the State. Money is not all; however, if we pay more, we can attract better qualified personnel and retain them longer.

Thank you.

SENATOR CODEY: Ms. Bullock, are you aware of a recent national survey which indicated that what they did was, they looked at children from poor families -- those who had gone through Head Start and those who hadn't?

MS. BULLOCK: Yes.

SENATOR CODEY: Those who had gone through Head Start did much, much better in school and socially.

MS. BULLOCK: I am well-aware of those studies, yes. I happen to have been working in Africa when the OEO Program started in this country. It was watched with a great deal of interest by nations over there, especially the Head Start Program. We saw it as a very exciting development. I had a chance throughout the years to watch its development, and I am pleased after retiring from the Federal government and the District of Columbia government to come back as a retiree to work with Head Start, because I do believe so much in what they are doing.

SENATOR CODEY: Thank you very much, Ms. Bullock. Our next witness will be Dr. Jane Bugnard of the Task Force on Child Care in New Jersey.

DR. JANE BUGNAND: Good afternoon, Senator. You have copies of my testimony, and I will just speak to the points, rather than read the entire thing.

The Task Force on Child Care is a group of people who are dedicated to paying attention to advocacy for children. It is a group of people who work with children as teachers, directors, and professors of early childhood education. It is also a group of people who belong to important organizations in the State of New Jersey -- groups like the Junior League, the American Association of University Women, the Association for Children, and many other groups.

One of our more notable activities this past year was to work with Senator Lipman in drafting and passing P.L. 1983 C. 492, called the Child Care Licensing Act. We understand we had some help from many other Senators in the passage of that law, and we thank them.

We have long worked to attract the attention of the community, of the legislators, and of agencies to the problem of child care. We have long advocated for good, quality, affordable child care for children throughout New Jersey -- in fact, throughout the United States and the world.

The quantity of legislation that exists now brings us some concern. We are hopeful that selected legislation will offer genuine protection to children, rather than brief, quick things that lull people into a false sense of security, thinking that they have done something: therefore, the problem is taken care of. There is no piece of legislation that presently and adequately supports the strong standards that we think are very important to pay attention to in relation to child care. Some of these standards are partly provided presently, but not adequately in almost every case.

For example, in almost all centers, there needs to be more teachers and more paraprofessionals to work with the children. The minimum requirements under the present licensing law don't measure up to the number of people who are really needed to do the job that we



would like to see done. Obviously, if we are going to attract capable, interested, and responsible people to work in child care, we need to pay them. As many speakers have said before, the salaries are woefully inadequate, and vastly need to be improved.

Some things that could happen in centers, which do not happen, are very important to the protection of people who work with children. One of these is, there should be verified education credentials for every single person who works in the centers. There should be verified health records about the individuals, and verified letters of reference. Perhaps those things could or should be mandated either in legislation or in regulations.

Other speakers have said that parents are very important to child care. They are very important wherever children are, and they should be allowed to be anywhere children are at any time. Parents have skills and knowledge that they can offer to children, to the centers, and to any facility where there are children. They should have the opportunity to be there as one more protective individual between children and those who might not be offering children the good experiences we would like to see them have.

Senate Bill 2162, which is sponsored by Senator Orechio, and Senate Bill 2040, which is sponsored by Senator Hagedorn, might possibly lull us into a false sense of security by suggesting fingerprinting and criminal checks of those persons who work with children. Unfortunately, they will not necessarily uncover the abusers, as so many speakers have said before me.

Commissioner Albanese's proposed list of perpetrators, if he can manage to get that past his civil liberties' persons who are working with him on that, needs to be handled with great intelligence and very careful control. From what I understood him to say this morning, he is thinking in that vein. I certainly hope that will come to fruition.

Every time we talk about legislating anything, we have to talk about the cost. Regarding some of the proposed legislation, especially that of criminal investigations of people who work with children-- If the costs are passed on to those agencies that now have

very slim funds to finance their direct services to children, they may find themselves in the position of taking away from children in order to do these criminal investigations. That certainly will encourage the wrong thing.

I do have one concrete and possible suggestion to make, which could be happening right this moment. Part of the Child Care Licensing Act provides for an Advisory Council. That Advisory Council is supposed to be concerned with proposed revisions of the statutes and regulations. The group is also mandated to advise the Commissioner of Human Services of all matters relative to child care; it is also mandated to report to the Senate through your Committee, and to the Assembly through the corresponding Committee. This, we see, as one concrete way that important, long-term solutions could be brought to this problem of child abuse. The Task Force is more than willing to work with you, with any other Committee, or with any legislator who has suggestions or solutions to this problem.

Thank you very much for listening to me.

SENATOR CODEY: Thank you very much, Doctor. Our next witness is Edna Ranck.

**EDNA RUNNELS RANCK:** Good afternoon, Senator and others present. My name is Edna Ranck, and at the moment, I am a consultant in child care education and administration. I have been director of a preschool Federally-funded child-care center for seven years, and for five years, I directed a community coordinating agency for child-care services in Morris County.

I would like to briefly touch on one thing that others have mentioned, and I would also like to make three recommendations -- although I could probably make more -- three that I think are practical, realistic, necessary, and although they are not free, they can be built into the services that the State already has. I think it is terribly important for us who are in the field to express appreciation to the Senators, the Assembly members, and the Governor. Some strides have been made, but there are, as in every instance, more to be made.

While I was the Director of Childrens Services, I received grants from the Geraldine R. Dodge Foundation and from the Division of Youth and Family Services to do a study on child care and child abuse. The report is attached to copies of my testimony. We never dreamed, when we began this in 1983, what would occur by the middle of this year. We looked at child care as a front-line preventer of child abuse. People in classrooms would be those who could identify, report, and help treat. We came up with some recommendations after we did this. It is in four parts. I'm going to read them because they are very brief, because they, in some ways, summarize what we've heard this morning, and because they have grown out of some experience in one particular part of the State.

One recommendation was that child-care centers' staffs and family day-care home providers should identify and cooperate with programs providing services to abused and neglected children. There are a number of people who are doing things for children -- PIA's, Junior Leagues, and churches. These people could be working together. Second, community personnel must increase for child-care programs so that the staffs of these programs can be trained to identify, report, and assist in the treatment of abused and neglected children. A third recommendation is to identify and develop appropriate training and information materials for center-based staffs and family day-care providers, and then to bring those groups together, along with members of the DYFS district office staff. Training programs could include the people who are on line with the children, and who would be responsible. We found that this works very well. You get to know people, and people learn how to work within a system in a constructive way. The fourth thing is to increase publicity efforts on behalf of child-care and child-abuse services, and try to incorporate many resources within the community. Again, the report describes one way in which that was done.

A number of people have commented on the status of child-care workers. I don't guess you need to hear it again from me, so I won't repeat it.

It is true that most child care does not take place in child-care centers. We are talking about centers that are out-of-home, but nonresidential. There are all kinds of centers -- private and public. When you have low status, low pay, long hours, and an enormously dependent and demanding population -- and, you have people who perhaps are not as well-trained as they should be -- you will have stress. When you have a lot of children and a lot of hours, the risks are greater.

When we look at how we can handle and deal with child abuse and child care, we need to look not only at the short-range issues like checks and background examinations, but also at the programs which, in fact, may not cause it, but can produce a stressful environment. And, then the recommendations. I think these are pretty practical, and I think when the Advisory Council on Child Care gets busy, it will have a slate of things to do that will keep it busy for a long time. I hope that will be very soon; it is a little tardy in coming.

This is the first of three recommendations: The State of New Jersey should mandate regulations for all child-care programs. At the present time, we have licensing for centers for children from birth through five years old, but there are two categories of child care that are not in anyway standardized. By that, I don't mean uniform. I mean that they do not have State standardization. They are family day-care homes and before and after-school programs.

If there are people out there who want to get at children for any kind of negative purpose, what better way than to advertise and set up a program whereby you can attract people and get their children? Yet, no one is there to watch over them. Parents are the final answer, but parents sometimes become very desperate for child care. Sometimes they do things that they, themselves, do not want to do.

So, I would recommend regulations for family day-care homes and for before and after-school programs in the State. When people know that the State cares about their children, they will look at things a little differently.

The second thing is to amend the current licensing for the preschool programs and infant programs to require letters of reference

for people applying for licenses through DYFS and for all employees and volunteers in the programs. This is standard personnel practice, and we probably should assume that everyone is doing it, but I know very well that not everyone is doing it. When you are desperate for help, sometimes you hire them anyway.

Volunteers are a particularly crucial route because centers rely on them a great deal. Yet, how easy it would be for someone just to call and say, "Hey, I'd like to work with kids." How do you screen him? How do you prevent it? There are lots of ways to be aware of people.

The third thing is to build on a campaign for child care that was, in fact, begun by the Task Force that Dr. Bugnard mentioned just a moment ago. It was carried out in 1983 with limited resources, and yet, it managed to cover the State in a beginning way to bring together all of the aspects of child care in the State. I would suggest that we pull these resources together -- there are many of them -- to coordinate them, and to be as aware of everything having to do with children as we possibly can.

Thank you.

SENATOR CODEY: Thank you very much, Ms. Ranck. Our next witness will be Steve Eberhardt, Director of the Ada Budrick Day Care Center in Boonton, New Jersey. Mr. Eberhardt?

STEVE EBERHARDT: Thank you, Senator. I have been the director of a community-based child-care center for 14 years now. Before that, I established a day-care center in another state, and I have also worked as a public school teacher for two years.

One of the things that has disappointed me a little bit about the testimony we heard today is the fact that many of the people we have heard from are not involved in the care of children. The purpose of the investigation is to look into what kinds of abuse exist in child-care facilities -- institutions of all kinds. We do have some statistics on what cases have been reported over the past year, and what cases have been substantiated. I want to give my presentation in the context of these statistics.

I represent publicly-funded child-care centers, and I think it is important, before I go on, to distinguish between that type of day care, which we normally refer to as day care, and the types of care that have been referred to earlier in an institutional setting -- some kind of agency or facility that is operated by the State of New Jersey, which is not us. Also, this would include the perspective given on employees by Mr. Wurf from the AFSCME organization, which also is not us. We are not unionized; we are employees of individual, nonprofit corporations located around the State, which contract with the Division of Youth and Family Services to provide child care.

We think we've done a pretty good job of caring for children, and I think the statistics we have received from the Division of Youth and Family Services on reported and substantiated cases of abuse bear out that feeling.

So far in 1984, the period ending August 31, there were 27,321 reported cases of abuse. Out of that number, 8,500 were substantiated. To place that in perspective, out of the 8,500 substantiated, 834 of those were sexual abuse. Only 66 were cases of abuse that occurred in any kind of institution, and of that, eight occurred in day-care centers, such as the one I am talking about.

I am very concerned about the publicity that has been forthcoming on these cases, because the numbers are very small. We are not talking about a lot of cases, and I should say that the eight cases I referred to were cases where it was substantiated, but that is in all institutions across the State. There has only been one sexual abuse case substantiated in a day-care center in 1984 -- one. Granted, the year is not over yet, and we may well find more.

One of the things that concerned me this morning was the fact that I think part of the reason why we have adverse publicity in terms of day-care is a certain attitude -- a built-in bias -- on the part of the electronic media. You'll notice that they were all here this morning when Commissioner Albanese and Senator Costa spoke, but now that providers of child care are testifying late in the afternoon, there are a precious few of them to be found in the room. I think this may be one reason that we are only hearing part of the story.

We have been especially disturbed about the over-reaction of certain State agencies to accusations of sexual abuse in child care by imposing penalties on the centers involved, even before the guilt of anyone has been proven. Senator, I appreciated your question this morning to Commissioner Albanese on just that topic. I think you heard from the Better Beginnings Day Care Center about the experience they had. Procedural abuses like this by the State agencies will undoubtedly discourage others from reporting suspected cases.

We each -- that is, the child-care community and State government -- have a responsibility to ensure that physical and sexual abuse are prevented, and to deal promptly and effectively with cases that occur. It is the responsibility of the provider agencies to screen applicants for employment as thoroughly as possible, including a careful check of employment references. A central file of substantiated perpetrators would be a helpful addition to this process. However, a list of suspected perpetrators or fingerprinting of child-care staff would not be helpful. It would damage staff morale, and it would certainly infringe on the rights of those involved. In this context, I want to refer to Mr. Wurf's comments in terms of the need to fingerprint staff in public schools or in other facilities dealing with children.

As I have just told you, the statistics show that in 1984, we have exactly one substantiated case of sexual abuse in a day-care facility. Mr. Wurf's reference was that it was yet to be proven that there was sufficient justification for including public school staff in a fingerprinting scheme. I ask you, what kind of justification do we need for child-care staff? We have had one case so far this year.

It is also proper for child-care providers to teach children what is appropriate behavior from adults, and what they should do in case of inappropriate behavior. Several programs already exist in this area, and we heard about some of them this morning. DYFS has instituted a three-hour presentation for the staffs of all centers, and I believe the Commissioner referred to that. However, I attended the first session of that training given in Morris County on Monday. I will say that it is so superficial that it really doesn't deal with the

problem. Unfortunately, a large part of the training dealt with proper techniques of discipline, which when you consider that this is a program being presented to child-care providers who are in licensed child-care facilities, the implication is clear that we are already abusing kids. If we are talking about having a training program for parents or for families where abuse has occurred in the past, I think that would be an appropriate place to do that, but not with child-care staff.

The State's responsibility includes monitoring child-care programs to ensure that proper hiring procedures are followed, and that appropriate staff training is being provided. This function should be performed both by the Bureau of licensing and by program monitors from the DYFS regional offices, and should take place at least annually. Registration and regular monitoring of family day-care homes should also be required by law as soon as possible.

Beyond its responsibility for organized child-care programs, which we have said is the minority of the problem, the State needs to beef up its field staff in the DYFS district offices. These are the front-line staff who are responsible for pursuing reported abuse cases where 98% of the problems occur, and for providing ongoing case management facilities to families who have had problems in the past. District office field staff was cut severely in recent years in the name of efficiency and economy, but in today's environment, we wonder about the wisdom of those cuts. The State must provide the funds needed to reverse this pattern.

My specific concern is to prevent abuse or the appearance of abuse in the day-care setting, since that is what I am personally responsible for. I feel that the best way of accomplishing this goal is to hire and maintain qualified staff. The main obstacle to this goal is inadequate funding.

On the one hand, we are required by child-care licensing regulations and the Social Service Block Grant contract standards to maintain a minimum ratio of qualified staff to children served. In reference to Dr. Bugnand's comments, I believe those minimum standards are much too minimum if we are talking about the quality care of



children and avoiding stressful situations to which she and others have referred. On the other hand, we are told by some in State government that the cost of care per child in our programs is too high.

We can't have it both ways. Child-care salaries across the State are consistently and substantially below those of public school teachers. Yet, we in child care are expected to provide all-day custodial care, social service assistance and referral, and at least the same quality of educational instruction. We are required by law to provide more staff in the classroom. In fact, we do provide these services 10 hours a day instead of six, and 246 days per year instead of 183. Add to these minimum standards the need for more comprehensive staff training in the prevention and identification of child abuse, and the message is clear -- we need more money.

We recognize that it is neither possible nor desirable for the State to provide all of the financial resources we need. New resources need to be identified in the local community and in the private sector. The parents of children in subsidized child care need to pay a higher share of the cost. Parenthetically, parent tuition in block grant preschool child-care programs presently ranges from \$2.00 to \$18.00 per week for full-day preschool services which otherwise cost between \$60.00 and \$80.00 per week. Lastly, the State needs to kick in its fair share. Development of local resources is up to us. We need the cooperation of DYFS to bring parent tuition up to a realistic level, and I believe we will get it. In the absence of increased Federal funding, we need more financial support from the State, both to hire and keep qualified teachers, and to expand the availability of high-quality child-care services for those who need them.

Thank you for the opportunity to speak today.

SENATOR CODEY: Thank you very much, Mr. Eberhardt. Our next witness is Mary Beth Pavelec, Executive Director of the New Jersey Chapter, National Committee for Prevention of Child Abuse.

MARY BETH PAVELEC: My name is Mary Beth Pavelec, and I am here today representing the National Committee for Prevention of Child Abuse/New Jersey Chapter, of which I am Executive Director. The National

Committee is the oldest national organization dedicated to the prevention of child abuse. It is a volunteer-based network of 46 chapters working on a community, State, and national level to expand and disseminate knowledge about child-abuse prevention, and to translate it into action through the development of sound policies and prevention programs.

Institutional child abuse and child sexual abuse is not a new problem. It is one that institutions and government have been struggling with for many years. Recent incidents force us to confront the problem head on and to renew and intensify our efforts to prevent all manner of child abuse and child sexual abuse, wherever it may occur.

Our knowledge of sexual abuse, while vastly improved over the past decade, is not definitive. However, based on what is known, I feel confident in stating the following:

1. Most sexual abuse occurs in children over the age of five, past the preschool or day-care age;
2. Most sexual abuse occurs close to or at home. Most perpetrators are members of the victims' immediate families, relatives, neighbors, or close family friends; and,
3. There is no one personality test, no one set of characteristics, no one checklist that can be used to separate sexual perpetrators and potential perpetrators from non-perpetrators.

Today, most sexual abusers do not have criminal records related to molestation or abuse of children.

In searching for effective approaches to stopping child sexual abuse, we need to look beyond the screening of workers in child-care facilities. At this point in time, the single most promising avenue to preventing sexual abuse is by arming children and parents with knowledge about the protection of children. Most children can be taught lessons about self-protection and reaching out for help in relation to sexual molestation; and, they can apply these lessons in most situations of molestation. Parents and other concerned adults also need to be made aware of what they can do to prevent sexual abuse.

Programs are beginning to appear in the State which seek to provide such training and education. A thorough investigation of these various sexual abuse prevention programs would seem to be merited at this time. If we are serious about wanting to stop sexual abuse, we should also determine how to:

1. Encourage all parents to educate their children about protection against sexual abuse;
2. Educate parents, child-care workers, and pediatricians about how to listen to and observe children, so that they can detect sexual abuse in its earliest stages, should it occur;
3. Make available to all parents suggested guidelines for quality child care, which would include "what to look for in a person or facility which will care for your child;"
4. Encourage all schools, day-care settings, and other settings which serve children to provide educational programs for children about sexual abuse prevention; and,
5. Prevent potential perpetrators from becoming perpetrators.

Thank you.

SENATOR CODEY: Thank you very much. Our next witness will be Florence Williams, Executive Director, Passaic County Child Care Coordinating Agency.

FLORENCE WILLIAMS: Good afternoon, Senator. I thank you for the opportunity to present testimony today.

As the Executive Director of the Passaic County Child Care Coordinating Agency, also known as the CCCC, I am responsible for managing a nonprofit corporation which provides several child-care services in Passaic County. We administer the largest family day-care program in the State, with 169 active providers caring for approximately 1,000 children in all of Passaic County. We administer the Child Care Assurance Program, a voucher system which provides subsidized child care to parents who qualify under Title 20 income guidelines.

We work with DYFS with our Emergency Respite Program in which DYFS may place children who are in danger of abuse or neglect in special family day-care homes.

For the City of Paterson, we administer a day-care monitoring project, in which our Agency monitors day-care centers that receive funds from the City of Paterson.

We have an Information and Referral Program, and we participate in the Child Care Food Program.

Our funding, as you can see, is multifaceted. We have a deep and abiding interest in the welfare of New Jersey's children, and we join all of the other speakers in expressing our horror and outrage about the sexual abuses of children.

We, however, propose that the goal should be to protect children by providing quality care for them. We would like to submit the following recommendation to achieve this goal: There needs to be adequate funding for salaries of child-care workers in publicly-funded centers. Others have expressed this proposal, and I would like to underscore it.

I was formerly the director of a day-care center in Hackensack for six and one-half years, serving 100 children in day care and Head Start. Last year, I had the unsettling experience on the first day of school in September of losing three teachers to the City of New York, which was paying \$18,000 per year. Our day-care center could not compete because we only paid \$10,000. We couldn't begin to come close. This is typical of what day-care centers face. We are asked to provide credential personnel, but we cannot pay them, so we cannot attract them.

This is not to imply that low pay automatically produces child abusers. We have been very fortunate in day-care in that we have benefited from the dedicated services of workers who have sacrificed their own families' self-interest because of their dedication to children.

I believe that the State can help by addressing the problem and raising the ceiling on the cost of care in centers funded through the Social Services Block Grant. A ceiling of \$60.00 a week per child at a preschool center is totally unrealistic and guarantees that child-care centers will have a tough time attracting good teachers.

We are in support of funding to establish career ladders. Right now, the entry-level teacher aide, who is often a mother entering the work force for the first time, will start at the minimum wage. She has no expectation of promotion to the position of teacher unless she can enroll in college course work. State support of a program which would enable low-paid child-care workers to obtain training credentials would foster a commitment to child care as a career. Such a program would be designed to enable this committed worker to obtain the group teacher license and the CDA certification, both of which are steps on the career ladder leading to a bachelor's degree and certification.

Funding support for training, leading to credentials, would have a long-term effect on upgrading program quality and reducing the potential for child abuse. If there are to be criminal background checks, which we do not believe are a panacea or anything like that, there should be financial support for centers. We would not like to see centers harmed by having to divert their already scarce resources to provide criminal background checks.

I also bring to your attention the fact that background checks, access to the information, and personal privacy all have constitutional implications. Fingerprinting of child-care workers has been mentioned as a possibility, but should day-care workers be singled out? There is potential in the areas that children inhabit, and there is no denying that the greatest number of abusers are found within the child's own family circle.

The family day-care home presents a particular problem in the area of background checks. Besides the provider herself, a husband or male friend, uncle, father, brother, or other male may live in or frequent the home. Are all adults residing in a family day-care home to be fingerprinted and checked? Does the State have the right to require this? These questions must be explored and answered intelligently because there are more children being cared for in family day-care homes than in any other type of facility.

The licensing or registration of family day-care homes is a must. Several bills for this purpose have died in previous years in the Legislature, but we would hope that action will be taken on the

bills that are currently before the Legislature. Right now, Assemblymen Kern and Felice are sponsoring a family day-care registration bill, and we are in favor of it.

We support voucher programs for parents. When parents cannot afford quality care, they take anything they can get. Voucher programs would enable parents to obtain the kind of care they need. Right now, subsidized child care is for Title 20 eligible parents, and most often for preschool children. There are very few infant day-care programs, and there was a cut, which meant that a couple of years ago, after-school programs lost a lot of slots. You have many families who need infant care and after-school care, but they can't afford it. So, what do they do? They go to the neighbor who will charge the least, and they may not be given the best.

Our Child Care Assurance Program, which is funded under Title 20, enables a Title 20 eligible parent to come to our Agency and find good licensed day care. We help her find it, and we can usually refer her to our approved family day-care provider who receives a subsidy for the infant for which there may not be a day-care slot.

We believe that the Bureau of Licensing and DYFS must have their budgets beefed up. They must be mandated to provide more than annual visits to centers, and DYFS contract administrators should be able to provide more on-site technical assistance to centers that are in trouble.

We believe that programs which receive State funds must require parent participation on decision-making bodies. Right now, that is up to the corporate boards of the nonprofit agencies, and there are times -- I have seen it in my own experience -- when these boards do not want parents to participate. We believe that parents are the most effective monitors, and they are much more likely to hold employees to a high standard of care. You won't find many parents who will want to hire a teacher aide just because she knows someone. A parent wants to know if that person is going to be good for her children.

We feel that communities that are undertaking monitoring responsibilities should be supported. The City of Paterson contracts

with our Agency to monitor day-care facilities. Dr. Mary Gardner, head of the City Department of Human Resources, works with us when we discover problems and helps us to correct them. Mayor Frank Graves and the City Council are committed to this, and they have provided Community Development Block Grant funds for that purpose.

The County government assists by providing our Agency with matching dollars, which we use for the subsidy program. We believe that more county freeholders and more city governments should make this commitment. We feel that the Legislature could help foster that kind of commitment.

We would like to see some kind of program to provide grants for low-interest loans to centers to enable them to meet licensing requirements. It costs money to make good physical improvements and good physical environments. Many centers have to divert money from program areas for this purpose.

Finally, we would like to see the recommendations we and others have made today developed by a partnership between the Legislature, parents, and providers. We believe that the individual rights of workers and parents should not be denigrated. We believe that low-paid, dedicated child-care workers should not be stigmatized and made to feel that because they want to work in child care, they are there because they have something bad in mind. We don't want child-care workers to be afraid to touch, hug, and comfort. If you have the kind of atmosphere where you don't make any money and the working conditions are poor -- most child-care workers have no benefits or very few -- and then someone comes along and wants to fingerprint you and accuse you of being a criminal, you are not going to want to enter that field. So, the field will eventually be left to those who really don't belong there.

We urge your consideration of this tragic problem, and we urge your sensitivity, intelligence, and compassion.

Thank you.

SENATOR CODEY: Thank you very much, Ms. Williams. I will again ask that our witnesses please try to keep to five minutes. Our next witness is Stewart Grant of the Holley Child Care and Developmental Center in Hackensack. Mr. Grant?

**RICHARD MINGOIA:** I am not Mr. Grant. My name is Richard Mingoia; I am the Director at the Holley Center. Mr. Grant is my boss. He does not work in the facility; however, I work in the facility and I am responsible for anything that happens there.

My experience with institutional abuse is rather limited. I have been at the Holley Center since 1981. From approximately 1981 to, I guess, mid-1983, we had, I believe, seven or eight complaints of institutional abuse, four of which were made by me. The rest came from outside. Two of these complaints were substantiated; both cases which were substantiated were cases that I turned in. In these instances, it was not sexual abuse, it was very varied. One complaint involved the alleged improper medication of a child by a parent, but this turned out to be unsubstantiated. Most of the other instances were of physical assault.

The abusers in all of the cases were child-care workers, and they were first-time offenders. Basically, they were people who lost their cool under pressure. Working in a residential treatment center, there is a great deal of pressure. We get children who, for the most part, no one wants. They are extremely angry; they can be extremely destructive. I have had child-care workers lose parts of their fingers. This past year, our compensation insurance carrier cancelled us because of the number of injuries from children that had been reported by our child-care workers.

We are talking about kids who can be very destructive and quite angry, yet we are there to help them. I think that, by and large, we do a very good job. I also think that the Division of Youth and Family Services, for all of the complaints that people make about it, by and large, does a very good job of monitoring the operation of my program, and most other residential treatment centers. I have never had a problem getting anyone to come in to investigate. I think that maybe now, in the last couple of months, an aura of hysteria seems to be happening all over the place, and this is creating some additional problems in terms of staff morale. However, by and large, I felt that the system that was in place worked.



I think if you want to have a screening of workers prior to employment through some type of a fingerprint check or perpetrators' list, that might work. I do not think, though, that in most instances the type of a person who is charged with abuse in an institution is going to be weeded out that way. On the other hand, you know, we do check people for tuberculosis and communicable diseases, and if we check them for those, I don't see any reason why we shouldn't check them for other things too as just part of the application process.

That is all I have to say, unless you have some questions you would like to ask about what goes on in institutions.

SENATOR CODEY: Okay, thank you very much.

MR. MINGOIA: You're welcome.

SENATOR CODEY: We appreciate it. Our next witness will be Janet Grace, Legislative Liaison, Division on Women, Department of Community Affairs.

JANET GRACE: Good afternoon, Senator Codey. You have our testimony, so I will be very brief. First of all, the New Jersey Division on Women concurs with Dr. Jane Bugnard from the Task Force on Child Care in New Jersey. Dr. Bugnard expressed our sentiments very well.

However, I would like to point out that we, as advocates for New Jersey's women, are most concerned about children of working women. Working women, most of whom must have a job, need to know that they will have child care which is convenient, affordable, and safe. We are alarmed and concerned about the reports of abuse in children's facilities, but we know there are many, many child-care centers serving tens of thousands of children where there is no abuse. It is important to recognize the good job that these centers do in providing quality care. To us, quality care is what is important.

We also concur with all of the speakers who recommended that parental involvement in child-care centers is important. We also support the concept of putting more money into existing programs, such as funding DYFS to field more inspectors so that child-care centers can be inspected more frequently. This type of thing, to us, seems more logical than spending money on entirely new systems, such as fingerprinting everyone who works with children.

During the day, most of this has been said before. I simply want to add the Division's concurrence.

SENATOR CODEY: Thank you very much, Ms. Grace. The next witness will be Mr. David Armor, Superintendent, Gloucester County Juvenile Detention Center.

DAVID ARMOR: Good afternoon. My name is David Armor; I am Superintendent of the Gloucester County Juvenile Detention Center. I am representing the Detention Center and the New Jersey Juvenile Detention Association. I have been asked by Tom Stokes, President of the Detention Association, to formally present a letter addressed to Senator Orechio dated September 28, 1984.

Before I read the letter, which is the main portion of my testimony, I would like to refer to an excerpt from the Presentment of the Hudson County Grand Jury dated January 18, 1984. Page 21 reports that 10 juvenile corrections officers working at the Youth House were found to have criminal records, and says, "Where appropriate, they were dismissed from their positions." The County adopted a policy requiring State criminal histories prior to starting work. The Presentment suggests, however, that an FBI criminal history which would show a criminal record from another state be included and required prior to employment. Appropriate legislation should include specific language addressing the scope and the process of background checks.

I will now complete my testimony by reading the September 28 letter from the Juvenile Detention Association to Senator Orechio:

"Dear Senator Orechio: I have been informed by Assemblyman Herman's office that you have introduced legislation -- S-2162 -- to mandate background checks for prospective employees of day-care centers. With the recent television news and newspaper headlines focusing on incidents of child abuse in residential facilities, I understand why your proposed legislation just specifies day-care centers. Unfortunately, this is an ongoing problem that is just surfacing, and it is equally unfortunate that this child abuse -- physical, sexual, and emotional -- is not limited to just day-care or residential facilities. It is everywhere children are.

"My concern is twofold. As Assistant Superintendent of the Gloucester County Juvenile Detention Center, which is experiencing its own child abuse case, I am concerned about whom I hire and what their intentions are. As President of the New Jersey Juvenile Detention Association, I am concerned about the quality of all juvenile detention officers and the reputation of juvenile detention in general. Currently, there are no Civil Service regulations or requirements for a juvenile detention officer, other than being over 18 years old and being able to read, write, and speak English. This means we, as detention administrators, must hire anyone who can pass the Civil Service examination. Additionally, there is no mandatory training required once a person is hired. The N.J.J.D.A. has unsuccessfully attempted to upgrade the requirements for eligibility to take the Civil Service examination and to require mandatory training once hired.

"I am certain you can see the same problems in juvenile detention facilities as are currently in some day-care and residential facilities. I would like to request an amendment to S-2162 to include a thorough background check on prospective juvenile detention officers and everyone who applies to work in a juvenile facility before they are hired and working in the facility.

"Enclosed is a portion of the grand jury investigation into the abuse at the Hudson County Youth House, which is a juvenile detention center. I realize a background check will not prevent all cases of child abuse, but it is a start.

"I await your reply. Sincerely, Thomas K. Stokes, President, N.J.J.D.A."

SENATOR CODEY: Mr. Armor, what you are seeking is embodied in another bill, which we will be taking up shortly.

MR. ARMOR: Thank you.

SENATOR CODEY: You're welcome, sir. Our next witness will be Mr. David Harris, Executive Director, Greater New Brunswick Day Care Council. Mr. Harris?

DAVID J. HARRIS: Thank you, Senator. I appreciate your attentiveness and patience with us today. I have sort of waited around with you, being the next to the last official witness.

We are opening up Pandora's box here, Senator, and I don't think the Senate or the Legislature of New Jersey is ready to face the conditions of children in this State. In The Star-Ledger today, there was a casual, small article on one of the obscure pages on the infant mortality rate. It casually stated that the infant mortality rate for nonwhite kids is twice that of white kids. It is too high for either group. I am not trying to make this a racial issue, but it is interesting. Isn't that the ultimate child abuse -- death in the first year? There is near total silence on that issue. I am not saying it should be before this Committee, but it seems to me that somewhere in our awareness-- How can we bring that back to make it one of the trendy issues? Consider the child restraint law for seat belts in automobiles. Do you want to go out front and watch to see how that is going? The kids are standing up, and parents tell you, "Well, she wants to stand up. She likes standing up in the front seat." But, she wouldn't like flying through the windshield.

Now, it seems to me that we have taken a simplistic approach, and I am very, very distressed about this. Fingerprinting is history. A list of offenders is history. How do we go forward? How do we detect, if detection and prevention are what we want our major business to be? It seems to me that we need a much more comprehensive approach to this situation. I do not see it under the present discussion I have heard today. I have some questions about the official position of the Department. I do not support the fingerprinting aspect. I have some concerns, also, about the history of making a list, because we know that if you make a list it is hard to get rid of that list. It is a very distressing situation.

I stand here today to tell you that the dolls we find which are anatomically correct-- You find more in the 21 county prosecutors' offices than you find in the 1,700 day-care centers in the State. What do I mean by that? We are a society that is somehow very distressed about the issue of sex. I am not here advocating it should be something we should pass on to our children in the sense of their involvement from an early age, but it seems to me that if we cannot properly deal with the issue of what one's anatomy happens to be, based

on one's sex-- You're either one or the other, but somehow in centers we are supposed to keep that a mystery. Go down to your local store and in this area you will find a blank. You can go to the Scandinavian countries and find dolls which are anatomically correct. They do not present some myth. There is no wonder that there is a lot of sickness out there and that people are finding children who cannot fight back to deal with their issues, their problems, and the manifestations of their sicknesses.

We are opening up Pandora's box. It seems to me that sending out more DYFS inspection teams-- They want to know, "Well, Harris, when are you going to put a gate on the playground fence?" I say, "As soon as we get it back from being repaired." So, do you want me to answer on the gate, you know, every year, instead of once every three years? I don't quite understand because they don't come out and ask you about sexual abusers. I have a big and serious problem with this entire approach. It seems to me that part of it is this whole business that we have to solve everything within the one hour of a television program. That psyche has somehow fallen upon the Legislature, in a sense, and it's, "Let's face the issue of sex abuse in day-care centers. We'll pass a law, and it will be handled then." I am very distressed about that.

I hope that we will not just rush to judgment and just do anything. It seems to me that the proposals we have had so far are just an apparent response to the hysteria out there. Part of our job as public officials is to say, "Okay, folks, just a minute. We are going to do something that is responsible across the whole range of the situation."

Finally, I want you, Senator, and the other distinguished Senators in the New Jersey Senate, to come to the Greater New Brunswick Day Care Council and ask Mae Strong, the head teacher of our program, who clocked in this morning at 6:45 and who is still there now -- I will stake my job on it that if you call there she will be there until the last child has left-- I want you to put that pad in front of Mae Strong, who has a master's degree, who came up from Georgia, and who worked her way through school picking cotton. I want you to ask her to

put her fingers on that pad and to enter her fingerprints into the record. I want you to ask her. Rather, make the proposal for all teachers, but we do not want to fight the NJEA on this one, do we? It seems to me that there is some kind of discrimination here because we are talking about the public's perception of women's work. That is what it is, and that is why it is not up to the standards it should be.

I am not going to ask Mae Strong to put her fingers on that pad. I absolutely refuse here and now to ask her, after 14 years of dedicated service, "Will you now submit and certify that you are not a criminal, and that you are not on someone's list somewhere back in Georgia from 1960?" I absolutely refuse to do that. I think today we need to back away from the situation and tell the citizenry of New Jersey to take a comprehensive look at the conditions of children in our State, a look that does not go to a single issue or a trendy issue. We work hard out there; we will not take the weight for this situation. We will not take the weight for the situation in the Bronx District Attorney's office, for political ambition, and the whole business. We will not take the weight for that. The conditions of the children in New Jersey, while they are better than in many states, need to be addressed in a comprehensive sense. Thank you very much.

SENATOR CODEY: Mr. Harris, I just want to make clear that that list is not in any proposed legislation. That is merely an idea, from what I can gather at this point from the Commissioner. It has not been set or even effectuated at all.

MR. HARRIS: It seems sometimes, Senator, that we hear things and we read things. We have heard testimony today about lists.

SENATOR CODEY: Yes.

MR. HARRIS: I am simply saying I think we need to take a more in-depth look at this situation. There are no quick fixes. I appreciate the attention and time that you have put into this. We need to report back to the other Senators that this is, indeed, a serious issue. The issue is not the sexual abuse of children; it is the conditions we find children in throughout the State of New Jersey.

SENATOR CODEY: Thank you, Mr. Harris. Our last witness will be Mr. Thomas Smith, First Assistant Public Defender, Department of the Public Advocate. Mr. Smith?

THOMAS S. SMITH, JR.: Thank you, Senator. Good afternoon. My name is Thomas Smith, and I am the First Assistant Public Defender in the Office of the Public Defender, Department of the Public Advocate. I appear here today representing the entire Department of the Public Advocate.

Presently, there is a great public concern about the problem of child abuse in institutions, whether it be in the treatment, education, or general care of the young.

In light of the growing public awareness of this problem, I would like to take this opportunity to commend the Committee for conducting this hearing on child abuse and sexual abuse of children at day-care and residential-care facilities in New Jersey.

Since 1975, our Law Guardian Program has been responsible for the representation of children who are victims of child abuse or neglect in family courts. In those nine years, we have had numerous opportunities to review the many aspects of the system that protect children in this State.

Since 1981, through a formal agreement with the Division of Youth and Family Services, the Public Defender has also investigated allegations of institutional abuse in facilities operated by the Division of Youth and Family Services.

We are here today to point out to the Committee some aspects of the problem in protecting children from abuse and representing them as clients.

As you know, children in institutional settings are vulnerable individuals from the outset. Provider agencies encourage staff members to gain the trust of children in these institutional settings. Whether it is a result of this trust, or an effort by the child to appease and please the staff, opportunities for the exploitation of the child can and do exist.

In addition, institutional abuse does occur because of such additional factors as the nature and size of the facility, the lack of staff training, inadequate supervision, or tensions between staff and children or among staff themselves.

Whatever the reason, institutional abuse and neglect do occur, and it is important for those concerned in this State to appropriately deal with the problem. Obviously, it would be ideal if only perfect staff people could be hired. To the extent possible, efforts should be made to select only those applicants for staff positions who have appropriate backgrounds. Our Department, through its participation in the Governor's Task Force on Child Abuse, has supported the concept of the State Police conducting criminal background checks on job applicants for institutional staff, teachers, and youth workers, as well as possible foster parents. This system, however, must include certain due process protections which would enable a present or potential worker to challenge that information.

It would be extremely helpful if people who do have criminal backgrounds relating to child abuse or assaultive behavior were detected and precluded from working with children when it appears that their behavior might be repeated. However, it must be noted that any system of checking a person's background is not foolproof, and it is important that these checks not be seen as the ultimate panacea to the problem of institutional child abuse.

Along that same line, we have been informed by Commissioner Albanese that the Department of Human Services would like to develop the capacity to utilize the child abuse registry maintained by the Division of Youth and Family Services as another source of information on potential abusers.

We have advised Commissioner Albanese that our Department would be willing to cooperate in designing such a system. However, specific standards, such as the level of proof needed to put a person's name in this abuse registry and adequate procedural safeguards, must be assured. If these items are included, then it would be possible for that registry to be used in the same manner as criminal background checks. It must be reiterated, however, that even this system should only be used as another tool in combating abuse.

Our experience has also shown that a major part of the problem may come from a feeling on the part of institutional staff that they have a job to do, oftentimes without regard to the type of treatment given a child in their charge.



The administrators of children's facilities must make it absolutely clear that abusive behavior of children will not be tolerated. It must also be clear that the agency responsible will conduct a thorough and objective investigation. Both the child and the staff deserve to have these investigations conducted in a professional, deliberate, and serious manner. Investigators should be reminded that in this particular instance, a child who formerly lied could be telling the truth.

We have also found this question of credibility to be a problem with complaints of abuse by the Department's adult and juvenile psychiatric clients. These complaints are almost always discounted and treated as though inherently unreliable.

At no time would it be appropriate for an investigation to be thwarted because a particular child or adult may have fabricated stories in the past, may be a chronic complainer, or may be difficult to manage in an institutional setting. In fact, it is these troubled individuals who are most prone to be the victims of abuse.

In the Department's view, hospital administrative officials and professional staff have the responsibility to take the corrective steps against employee abuse of patients.

Experience has shown that problems of abuse often occur with the line staff rather than with the professional staff. Even though there is a mandatory duty to report instances of child abuse, there are cases that are not reported even by trained professionals such as doctors, nurses, social workers, and teachers. Reporting an instance of abuse mandates an investigation and even professionals are hesitant to get involved with the social services or legal systems.

We believe that the solution to alleviate this problem is to place an obligation on the professional staff to report any type of allegation of patient abuse to the institutional administration and to put an affirmative duty on the institutional administration to ensure a thorough and impartial investigation of the alleged abuse.

Investigations under the Civil Child Abuse Law, commonly known as the Dodd Law, must be taken seriously. Whether a facility is public or private, it is the investigating agency that must consider

the findings and make a full effort to remedy the problem. If they do not, that agency must be prepared to take the matter to court to enforce the remedies which are available under the Dodd Law. It is inappropriate to rely upon the criminal law alone for help in these cases, since many of these cases do not present specific evidence of crime.

For example, a recent case investigated by our Law Guardian Program involved the emotional abuse of several residents of a State child-care facility. The employee perpetrator forced children to sing a degrading song over and over until they performed it to his satisfaction. Occasionally the staff person employed minor physical contact as a form of coercion. No children were physically injured in any way and the charges could never be substantiated in a criminal court of law. However, this type of action forced on emotionally disturbed children certainly violates civil child abuse statutes.

Unfortunately, the historical record does not show a high level of interest in institutional child abuse by law enforcement officials in most counties. We applaud the growing concern of prosecutors and police, but believe that even in the face of that concern, the civil child protection process must also be employed.

Finally, on the issue of investigation, we urge the Legislature to consider the problem which gave rise to our limited involvement in institutional abuse cases. That is the possibility of a conflict of interest within the Division of Youth and Family Services if it must investigate a facility in its own jurisdiction.

As I previously stated, the Public Advocate has a formal written agreement with DYFS to investigate allegations of abuse within facilities it operates. Prior to that, the Public Advocate was notified of abuse allegations at DYFS facilities after the fact, and after an internal investigation. There were cases where we did not hear of a complaint until six to nine months after the incident. The Public Advocate is now immediately notified of abuse allegations at DYFS-operated institutions. However, DYFS is still charged with investigating abuse allegations at institutions with which it contracts, as well as allegations at other Human Services-run institutions.

We think it is appropriate at this time for the Legislature to consider whether there is an appearance of conflict of interest when the same agency that investigates a complaint from a particular facility is involved with the facility by contract, or is part of the same Department which runs the facility. It may be that the only way to assure complete objectivity is to employ the services of an agency outside of the social service delivery area for all institutional abuse investigations.

Since the Public Advocate is not only responsible for protecting the rights and safety of children, we would like to briefly point out to the Committee that while examining the problem of child abuse in day and residential facilities, it might also be appropriate to consider the needs of the mentally retarded. This group, like children, is incapable of protecting itself.

The Legislature has addressed the issue of abuse and exploitation of elderly persons by establishing the Office of the Ombudsman for the Institutionalized Elderly. It investigates abuse of institutionalized individuals over the age of 60. The eventual enactment of protective mechanisms aimed at children will still leave adults between the ages of 18 and 60, as well as adults over 60 who reside in the community, unprotected. As you devise the means for protecting children from abuse and exploitation, we urge you to also consider establishing protections for adults who, because of mental or physical disabilities, cannot effectively protect themselves.

We pledge to the Committee our continued interest in this important area and we offer our assistance in dealing with these critical concerns.

SENATOR CODEY: Thank you very much, Mr. Smith.

MR. SMITH: Thank you.

SENATOR CODEY: We now stand adjourned.

(HEARING CONCLUDED)

**APPENDIX**

SENATE PRESIDENT CARMEN A. ORECHIO  
REMARKS BEFORE THE SENATE  
INSTITUTIONS, HEALTH & WELFARE COMMITTEE

OCTOBER 3, 1984

I WOULD LIKE TO COMMEND SENATOR CODEY AND HIS COMMITTEE FOR HOLDING A PUBLIC HEARING TODAY ON AN IMPORTANT ISSUE. AS I HAVE SAID BEFORE, THE ALARMING REPORTS OF SEXUAL ABUSE IN CHILD CARE CENTERS HAS SPOTLIGHTED THE NEED FOR CORRECTIVE LEGISLATION. I HAVE INTRODUCED SUCH LEGISLATION AND AM GLAD TO SEE THAT OTHER ELECTED OFFICIALS HAVE ALSO PROPOSED BILLS THAT WOULD HELP TO STOP THESE CRIMES AGAINST YOUNG CHILDREN.

BEFORE DISCUSSING S. 2162, A BILL WHICH REQUIRES EMPLOYEES OF CHILD CARE CENTERS TO UNDERGO CRIMINAL HISTORY CHECKS, I WOULD LIKE TO NOTE THAT TWO YEARS AGO I INTRODUCED LEGISLATION WHICH WOULD REQUIRE THE STATE POLICE TO DO BACKGROUND CHECKS ON PROSPECTIVE FOSTER CARE FAMILIES AND ADOPTIVE FAMILIES. THIS WAS AT THE URGING OF BOTH THE ASSOCIATION FOR CHILDREN OF NEW JERSEY AND THE NEW JERSEY STATE FOSTER PARENT ASSOCIATION. BOTH GROUPS OBJECTED WHEN BUDGET RESTRAINTS PROHIBITED THE POLICE FROM DOING

THESE BACKGROUNDS FOR DYFS. I AM HOPEFUL THAT ANOTHER BILL I SPONSORED, S. 788, CURRENTLY BEFORE THE LEGISLATURE, WILL GIVE THE STATE POLICE THE NECESSARY FUNDS TO RESUME THIS VITAL AND NECESSARY FUNCTION. I BELIEVE THAT SENATE BILL 788 HOLDS ONE OF THE KEYS TO SOLVING THE ISSUES THAT WILL BE DISCUSSED HERE TODAY.

AS SENATE PRESIDENT, I FOCUSED THE "LAME DUCK" SESSION OF THE LEGISLATURE ON CHILDREN'S ISSUES. I HAVE TAKEN THE LEAD IN THIS AREA THROUGH ENACTMENT OF THE CHILD PLACEMENT REVIEW ACT AND THE ADOPTION SUBSIDY LAW. MY CONCERN FOR THE WELFARE OF THE CHILDREN OF THIS STATE IS NOT A RECENT RESPONSE TO THE TRAGIC REPORTS OF YOUNG CHILDREN VICTIMIZED BY A FEW CAREGIVERS.

IT IS CLEARLY THE DUTY OF THE STATE TO PROTECT THOSE CHILDREN WHO ARE UNDER OUR CARE - FROM HARM. IT IS CLEARLY OUR DUTY AS ELECTED OFFICIALS TO PROPOSE LEGISLATION THAT PROTECTS THESE CHILDREN FROM THE FEW WHO WOULD HARM THEM.

I HAVE PROPOSED S. 2162 AS AN AMENDMENT TO THE "CHILD CARE CENTER LICENSING ACT OF 1983". THAT ACT CONTAINS SAFEGUARDS TO PROTECT THE HEALTH, SAFETY AND GENERAL WELL-BEING OF CHILDREN WHO ATTEND CHILD CARE CENTERS.

IN SPITE OF THIS ACT, RECENT INCIDENTS OF SEXUAL ABUSE OF CHILDREN CALL FOR FURTHER ACTION TO PROTECT THE CHILDREN IN OUR CHILD CARE CENTERS.

MY NEW BILL S. 2162 WOULD REQUIRE THAT STAFF MEMBERS IN CHILD CARE CENTERS AND STAFF IN STATE INSTITUTIONS OR FACILITIES WHO ARE RESPONSIBLE FOR THE CARE AND CUSTODY OF MINORS BE INVESTIGATED THROUGH A STATE AND FEDERAL CRIMINAL RECORDS CHECK.

IF THE EVIDENCE SHOWS THAT A PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, A SEXUAL OFFENSE, A CRIME OF MORAL TURPITUDE, OR AN OFFENSE INVOLVING THE ABUSE, NEGLECT OR EXPLOITATION OF A CHILD THAN THE BILL WOULD PROHIBIT THAT PERSON FROM WORKING AS A STAFF MEMBER WITH MINOR CHILDREN.

THE PROPOSED BILL REQUIRES THAT CURRENT CHILD CARE EMPLOYEES ALSO BE SUBJECT TO A RECORDS CHECK BY THE 180TH DAY FOLLOWING ENACTMENT. IF THE RECORDS CHECK INDICATES THAT THE STAFF MEMBER IS UNFIT TO BE RESPONSIBLE FOR THE CARE AND CUSTODY OF MINORS THAN THAT STAFF MEMBER WOULD BE REMOVED FROM THEIR POSITION.

REQUIRING CRIMINAL BACKGROUND CHECKS IS, OF COURSE, ONLY ONE OF THE STEPS NECESSARY TO ASSURE THE PROTECTION OF OUR CHILDREN. BY ITSELF BACKGROUND CHECKS ARE NOT ENOUGH.

WE NEED EXTENSIVE EDUCATION OF THE PUBLIC, PARENTS AND CHILDREN IN THE PROBLEM; PERHAPS WE HAVE ALSO HERE TO LOOK AT HOW WE DEAL WITH SUSPECTED CHILD ABUSERS.

AT THIS HEARING WE WILL HEAR FROM EXPERTS. I'VE OFFERED S. 2162 AS A WORKING DOCUMENT AND WELCOME DISCUSSION ON THE ISSUES RAISED IN THIS BILL. BUT I'M CERTAIN ALL HERE TODAY ARE HERE AS ADVOCATES OF THOSE UNABLE TO SPEAK FOR THEMSELVES - THE YOUNG CHILDREN WHO ARE IN OUR CARE.

THANK YOU SENATOR CODEY FOR GIVING ME THE OPPORTUNITY TO TESTIFY BEFORE YOUR COMMITTEE.





ASSOCIATION FOR CHILDREN OF NEW JERSEY

17 Academy Street, Suite 709  
Newark, New Jersey 07102

October 3, 1984

TO: Senator Richard Codey, Chairman  
Members, Senate Institutions  
Health and Welfare Committee

FROM: Ciro A. Scalera, Executive Director  
Cecilia Zalkind, Staff Associate  
Nancy Fritsche, Special Consultant  
Association for Children of New Jersey

We are here today on behalf of the Association for Children of New Jersey to present testimony on the issue of child abuse and neglect and more particularly, institutional abuse of children. Choosing what we would focus on in our comments to the Committee was a difficult decision. The child welfare system is broad, complex, changing, and in many ways in a crises state at this time in meeting its basic mandates. We decided to focus most of our comments, however, on institutional abuse of children. In part, we do this because it is an issue that has not had a significant amount of broad policy discussion in the legislature and in part because other hearings will be addressing those broader issues. Attached for your review are a series of 10 specific recommendations, we believe warrant legislative scrutiny. We have attached a rationale and supporting comments for each recommendation.

We are aware of time limitations today and I plan to only highlight these recommendations. We wish to make brief comments first of an overall nature.

First, we believe that this Committee and this legislature can find the appropriate balance between the state's important interest in protecting children and in the individual civil rights of our citizens. If in your decision making process, policy must lean toward one side or the other within a balanced policy option, we would favor leaning toward protection of the child as the policy. However, it should be clear that this is within the context of a middle range of options, the extreme options having been excluded and due process procedures and standards having been provided to all parties.

Secondly, you will undoubtedly hear many witnesses and in fact many people have been calling our office cautioning against adoption of single or easy solutions to what are some of the most complex, familial, institutional and societal problems we face today. The reality of assurance that government delivers to children and their parents must equal the promise of assurance that government makes.

So that while we support, for example, the concept of criminal background checks, we also recognize their limitation and recommend other steps to be taken in this area.

Finally, while many of our recommendations could be handled through administrative regulations or policies, we would prefer to see the general directions of these policies set forth in statute where appropriate.

## INSTITUTIONAL ABUSE

RECOMMENDATION: To mandate a formalized, independent process to investigate all allegations of institutional abuse:

- a) To create an autonomous unit at the Commissioner's Office level in the Department of Human Services to investigate allegations of institutional abuse;
- b) To legislatively empower this unit to enforce its recommendations;
- c) To review and consider increasing the size of institutional abuse investigative staff in both the Department of Human Services and the Department of Public Advocate;
- d) To provide specialized training to all such staff.

RATIONALE:

The present system of investigating institutional abuse is in a potential conflict of interest position and has no real power to enforce its recommendations. It should be given authority to act upon or where appropriate, seek enforcement of its recommendations.

COMMENTS:

At the present time, allegations of institutional abuse are investigated by the Division of Youth and Family Services (DYFS) in a range of children's institutions and in the public schools. These institutions are both large and small and are operated under both private and county auspices. Reports of abuse in institutions operated by DYFS itself are handled by the Department of Public Advocate.

Recommendations made by the DYFS institutional abuse unit are made to the institution or child care facility. Recommendations developed by the Department of Public Advocate are presented in report form to the Director of DYFS and also then forwarded to the institution. Neither unit at the present time is empowered to enforce its recommendations.

A new, independent unit is needed and regulations for a more formalized process of investigation of all institutional abuse complaints must be adopted. This unit should be housed in the Commissioner's Office and be independent of any of the Department's or Division's operating entities. Although DYFS does not presently operate these facilities, they do license many of them

or make referrals to them. There is a potential conflict of interest when DYFS is in the position of contracting with, placing in and investigating an individual institution. In a general sense, they have a stake in seeing that these facilities, whether in their system or part of a sister division's system, are available as a resource for children who need placements. The desire to maintain a placement for a child, especially if he or she has had numerous unsuccessful placements, can be an enducement to minimize the abuse complaint or negotiate too easily on recommendations.

The unit must be empowered legislatively with the authority to enforce its recommendations. If the recommendations of its investigation is to fire a staff person or to require an institution to change its restraint practices, then those recommendations must be carried out. This should not be left to the discretion of the institution or subject to negotiations with the institution.

Training for the investigative unit staff is also important. Investigation of institutional abuse is different from complaints of familial abuse. The need for a specialized training curriculum is important.

Finally, although we are not in a position to make a recommendation at this time, we would like to raise the issue of investigation of abuse reports from the schools. Where the report is made by school personnel about an incident that occurs in the child's home, the local DYFS District Office handles the investigation. It is our understanding that in the case where an incident of abuse may involve a teacher or other school personnel, this too is investigated by the local DYFS office and not referred to the institutional abuse unit. We believe this current practice should be examined and the possibility of having the institutional abuse unit conduct these investigations explored.

2. RECOMMENDATION: To promulgate administrative regulations that set forth uniform implementation of the child abuse reporting law.

RATIONALE: Although the law clearly requires an individual to report allegations of abuse directly to the Division of Youth and Family Services, procedures in some institutions require initial reporting internally.

COMMENTS:

Administrative regulations are needed to reiterate the child abuse reporting law and its implementation by institutional staff. Although the law clearly requires direct reporting to DYFS, many institutions including day care centers and schools have formal or informal internal policies that require reporting within the institution first. In addition, state licensing

standards for institutions do not include provisions for procedures in reporting abuse that occurs within the institution. We are aware that some written protocols have been established but that they have not been implemented.

This clearly allows the institution a great deal of discretion in reporting child abuse cases. In some instances a facility may place great emphasis on protecting its reputation rather than on uncovering the abuse. Often the alleged perpetrator is allowed to resign and no formal charges are brought against him. In many cases, the offender then goes on to a new job involving children.

We believe that clear regulations are needed which require reporting of abuse allegations directly to a unit established to investigate institutional abuse. All child care and institutional staff must be trained in these reporting procedures. In addition, we believe that enforcement of penalties is required for those workers or administrators who fail to report.

3. RECOMMENDATION: To develop and implement a thorough reference system for the hiring of state child care and institution employees.

RATIONALE: Criminal history background checks will identify only a small percentage of those involved in abuse.

COMMENTS:

Since October of 1982, when the State Police Criminal Investigations Unit stopped performing background checks on foster parents, both ACNJ and the Foster Parents Association have been working to re-instate these checks. We supported bills sponsored by Senator Orechio and Assemblyman Flynn in this area and are presently supporting S-788, which would authorize the State Police to re-establish its unit.

Criminal history background checks of child care and institutional workers are only a partial solution to the problem. Sex abuse and institutional abuse are crimes that have been underreported and result in a small percentage of convictions. Many child molesters do not have a criminal background and will not be identified through a criminal history check.

A thorough system for obtaining references might be a realistic addition to a criminal background check. Requiring both written and verbal references of a potential employee would provide greater access to information. A verbal reference might allow an individual to discuss orally that which they are reluctant to put in writing.

Our concern in this area, however, is to ensure that there are guidelines for how such information is used. Negative information that is given verbally should not lead to immediate rejection, but should be discussed with the applicant so that he is aware of concerns with his employment and has an opportunity to refute such allegations.

In addition, we support exploration of access to a Central Registry of substantiated abuse cases to check potential employees. We are aware that New Jersey's present Registry includes all complaints whether or not substantiated. Other states, however, expunge the names of those individuals for whom abuse has not been proven and use their registry for substantiated complaints only. Obviously, where future employability is directly at stake, the determination of substantiation should be tied to some established criteria and standards. Right now this is very much a subjective caseworker decision. We would support a registry check approach in New Jersey, again provided that all due process requirements are provided for individuals involved.

We also believe that requiring criminal background checks, verbal and written references, and a registry check should be required of all child workers, including school teachers, employees of detention and shelter facilities as well as foster and adoptive parents.

4. RECOMMENDATION: To provide increased support and training for child care and institutional workers.

RATIONALE: Institutional and child care workers are among the lowest paid, but are expected to provide high quality care to some of our most difficult children.

COMMENTS:

Some attention needs to be given to the salary and working conditions of child care and institutional workers. A day care aide, for example, in the Division of Mental Retardation begins at a salary of \$6,977.77. His or her job duties include responsibility for the physical well-being of mentally retarded children in an assigned room; physical assistance in feeding, bathing, and dressing retarded children and adults' rendering basic first aid and emergency care; and overseeing the indoor and outdoor activities of the retarded client.

Both conditions of work and salary must be examined in addressing institutional abuse. Low pay, hard and demeaning work, and heavy workloads describe work conditions for many child care and institutional workers. Higher pay, a larger workforce, better working conditions and flexible scheduling are all solutions to the stress that often leads to abuse.

Training is also essential - Both institutional and child care workers should receive a thorough training program which includes responsibilities under the child abuse statutes, appropriate child

care techniques, and guidelines for the use of discipline and restraint. Ongoing training should be conducted annually for all workers.

RECOMMENDATION: To establish committees comprised of parents and concerned citizens or other parental participation components for each child care center and institutional facility.

RATIONALE: Parental and concerned citizen involvement in monitoring of child care centers and institutional facilities can improve the quality of care.

COMMENTS:

Administrative regulations are needed to establish a forum for parents and concerned citizens to monitor child care centers and institutions. Citizen review and input can be utilized to ensure high quality standards of care.

A strong parental and/or citizen component is premised on both a child care and institutional care model. Head Start has successfully utilized parent involvement on both the programmatic and policy levels. Parents are encouraged to visit and to observe the child care facility and to become involved in program activities. A Policy Council, comprised primarily of parents, is also utilized to review and to establish policy.

Parent involvement is also a strong component of those states that register their family day care homes. The daily observations of a parent are regarded as more thorough and consistent than periodic agency inspections. In those states, parental involvement is highly publicized and parents are encouraged to participate.

A similar model has been used in the institutional setting. The Massachusetts Institutional Advocacy Project utilized citizen review committees as a prevention strategy. Such committees succeeded in bringing programs and communities in closer touch and in supplementing and enriching professional perspectives and capabilities.

Administrative regulations must mandate a strong parental component for child care centers and institutions. The form of parental involvement need not be mandated, however, allowing the use of advisory boards, parent councils, citizen reviews, etc. based upon the need of the individual facility. We understand that Assemblywoman Walker has introduced a bill in this area which merits quick legislative review.

6. RECOMMENDATION: To provide an advocate for children in institutions.

RATIONALE: Providing an advocate for the institutionalized population will encourage the reporting of abuse and ensure that all such allegations are investigated.

COMMENTS:

The recent publicity about institutional abuse has served to increase reporting of abuse allegations. We are still concerned, however, that not all abuse is reported because the institutionalized child himself has no mechanism to report. Although the child can tell another staff member about an incident, many children are reluctant to do so because of their particularly vulnerable positions.

Other states have begun to address this issue. Project Hands in Washington, DC provides a locked box in each of its institutional facilities in which a child can report a complaint which is then investigated by a designated staffperson who takes on the role of an Ombudsman for the child. The state of Ohio is presently testing similar models using institutional staff as internal advocates for the child.

Both projects, however, have reported some difficulty with the use of internal staff as advocates because of pressures from within the institution. Ohio found that the models that utilized a staff member outside the chain of administrative authority was a more successful than those that used a supervisory staff member. Perhaps most successful is a recent project in Maryland which uses volunteer advocates in each institution. They have found this to be a positive means not only of providing an external advocate for the child, but have also seen the advocates role expand to that of prevention as well.

ACNJ believes that it is necessary to ensure that the child has some means to report instances of abuse. This could be accomplished by the use of a special hotline or the provision of a special advocate for the child. We believe that this is especially an important issue because of the institutionalized child's particularly vulnerable position.



## SEXUAL ABUSE

RECOMMENDATION: To enact pending legislation to protect the child victim of sexual abuse.

RATIONALE: The investigative and legal process itself can be a continuing trauma to the child who has been the victim of sexual abuse.

### COMMENTS:

For the child who has been the victim of sexual abuse, the investigative and legal process can be a traumatic and detrimental experience. During the investigation process, the child victim is usually subjected to repeated interrogation by child welfare, law enforcement, medical, school and other personnel. Such interviewing is often conducted by individuals who are inexperienced in child development and untrained in the special techniques of interviewing the child victim.

The traumatic effects of the investigation process are usually prolonged by delays in getting the case to trial. In addition to extending the traumatic effects on the child, the delay also serves in many cases to render the child's testimony inadequate at trial. Child sexual abuse cases are represented by a large percentage of cases that never get to trial or are dismissed for lack of evidence.

Assembly Bill 1982, recently introduced by Assemblyman Vainieri, seeks to address this problem by limiting the number of people who can interview the child as well using videotaping to minimize the need for repeated interviewing. Such measures, however, must be supplemented with training for judicial, law enforcement, and other personnel in the need for special techniques in protecting the child victim.

Once the case gets to trial, the child victim must then face presenting his testimony in open court in the presence of the offender. Innovative techniques such as the use of videotaped testimony or closed circuit TV can offer protection to the child. ACNJ has been actively supporting Assemblyman Vainieri's Assembly Bill 2454 which proposes the use of such innovative techniques.

Legislative support for these bills will be a first step in protection for the child victim of sexual abuse.

2. RECOMMENDATION: To provide education for children to prevent them from being victims of sexual abuse.

RATIONALE: Education can help children defend themselves and thus avoid situations in which they may become the victims of sexual abuse.

COMMENTS:

Education is essential to helping children learn how to recognize sexual abuse and how to protect themselves from victimization. Family Life Education should be supported and initiated in this area. In addition, the Division of Youth and Family Services should use some of its prevention dollars specifically to contract with a private, non-profit agency to assess resources which presently exist in this area and develop a plan for resources that are needed.

## CHILD WELFARE/PREVENTION

RECOMMENDATION: To provide assistance to strengthen families.

RATIONALE: The pressures of unemployment and poverty combined with reductions in services have overwhelmed families least able to cope.

COMMENTS:

ACNJ's two recent publications, Through the Safety Net and Not Enough to Live On, document the needs and conditions of families living in poverty and demonstrate the link between economics and child abuse. The pressure of unemployment and poverty combined with reductions in programs addressing survival needs have overwhelmed children and families least able to cope.

For some time, ACNJ has publically advocated for comprehensive services that provide assistance to maintain and strengthen families at the point when serious problems are first identified. Community-based, direct services that provide basic needs to vulnerable families and their children have long been supported by ACNJ. The dramatic increase reported in child abuse from 26,000 in 1983 to a projected figure over 40,000 in 1984 illustrates that more is needed.

In its legislative agenda for 1984, ACNJ has continued to advocate for those programs and proposals that increase and support basic needs. Through services such as these, the needs of families and ultimately the prevention of child abuse will be addressed.

2. RECOMMENDATION: To support and strengthen the existing child welfare system.

RATIONALE: The dramatic increase in the number of reported child abuse cases and the increased need for services to families necessitates increased support for the state child welfare system.

COMMENTS:

The increase in the number of child abuse cases reported is staggering. In 1983, 26,000 cases were reported. Mid-year statistics indicate that this figure will exceed 40,000 by the end of 1984. The substantiation rate of 34% has remained the same. The state's child welfare system has been forced to meet this increased need with existing staff levels and funding.

The Division of Youth and Family Services' implementation plan for the delivery of services to the children, families, and communities of NJ stressed goals that ACNJ supports. The initiation of increased preventive and community-based support

services and the expansion of emergency assistance capabilities, as well as a partnership model for comprehensive and unified community services address ACNJ's concern for the needs of families and children.

Both the increase in the number of child abuse cases and the Division's commitment to change necessitate additional appropriations for DYFS. ACNJ supports the Division's present request for more funding for staff positions, community outreach, and preventive and direct services.

Testimony Before  
Senate Institutions, Health and Welfare  
Committee on Child Abuse and Sexual Abuse  
of Children in Daycare and Residential  
Children's Facilities

Betty Wilson  
President, Center for Non-Profit  
Corporations, Inc.

October 3, 1984

Good morning.

I am Betty Wilson, President of the Center for Non-Profit Corporations, a statewide non-profit advocacy group. I am here this morning to present our views on the scope of child abuse and sexual abuse of children in daycare and residential facilities and on the use of criminal history checks, fingerprinting and the like to combat the problem and reduce the incidence of child abuse.

We commend and share your deep concern for children. We commend and share your outrage at the horrible acts that have been committed against innocent children. And we thank you for this opportunity to talk about what we can do here in New Jersey to protect children entrusted to the care of others.

The extent of child abuse in our country is only lately coming to light. The horrifying thought persists that we may still only be seeing the tip of the iceberg of child abuse. What we have learned and continue to find out is that

- child abuse is hidden behind closed doors.
- because it's behind closed doors most sexual offenders have not been discovered.
- as much as 95-98% of reported child abuse occurs within the family or circle of immediate friends of the family.

This problem is deeply entrenched in the most intimate settings of life. Therefore, in addressing the problems of child abuse, we need to be thoughtful and resist kneejerk, quick action responses, especially when those responses will do little or nothing to solve the problem.

Use of criminal history checks, fingerprinting and similar tactics may give the feeling of action, but based on what we know about child abuse, these steps hold very little promise of catching child abusers and molesters. Because child abuse has been behind closed doors for so long, most perpetrators have never been turned in before; they have no criminal records that would disclose their sordid behavior. Most would not be caught.

Even if these laws are put in place, child abusers and molesters will not be stopped from getting employment in daycare centers and other child residential facilities. They will not be uncovered despite the best and most exhaustive investigative work and criminal history checks.

The best protection we can give our children is to teach them how to protect themselves. Parents need to trust their children and believe what their children report to them. Teachers need to be trained to look for and recognize the signs of abuse. Daycare centers, children's residential facilities and schools will become safe if children know how to say "no," and know they can report perpetrators to trusting and knowledgeable parents and teachers.

Passage of legislation of the sort under consideration could give a false sense of security that our children are safe; yet there is no reason to believe that is true.

And while we are examining today the matter of child abuse outside the home, I implore you to keep before you the fact that most child abuse - up to 98% of reported incidents - occurs at home or in the circle of immediate friends. Criminal history checks will do nothing to protect children at home. Teaching children, parents and teachers is the best defense and offers the brightest hope for protecting our children wherever they are.

#### RECOMMENDATION

Rather than direct vast resources to criminal history checks that won't turn in most child victimizers anyway, we recommend putting our resources where they can do the most good. Resources should be directed to protective services of the Division of Youth & Family Services, adding sorely needed caseworkers, and beefing up support for school and community education and training programs for children, parents and teachers.



Join the Family that Cares

SUE DONDIEGO  
President

PETE PARISI  
Vice President

WARD E. DONDIEGO  
Treasurer

MAINE BECHTOLD  
Responding Secretary

LUCK HIDDEMAN  
Recording Secretary

Good morning Senator Codey and members of the committee. I wish to thank you for the opportunity to speak on behalf of New Jersey's children. My name is Sue Dondiego and I am the President of the New Jersey Foster Parents Association. Our organization serves as an advocate and voice for foster children and families across this state.

This committee is to be commended for desiring to hear the community's concern regarding the physical and sexual abuses suffered by children.

Although statistics have, and will continue to be compiled, to indicate the extent of child abuse in facilities, it is our association's contention that actual incidents far outnumber the data collected. The abuse heaped upon New Jersey's children must be addressed.

In terms of specific measures, the New Jersey Foster Parents Association supports the passage of legislation mandating criminal history background checks for all prospective and current employees of day care centers, residential treatment and detention centers. At a minimum, we should assure that this happens.

The New Jersey Foster Parents Association is also advocating for the protection of children through these measures:

- That training requirements be imposed on new employees in residential and detention centers before they begin working with children. These individuals should undergo a detailed pre-service training program that focuses specifically on their role in working with difficult children including examination of attitudes and values.

- That all employees in residential and detention centers attend mandated, practice relevant in-service training during which all related areas of child care management (social, emotional, physical, moral, intellectual) are explored. Some of these sessions should be conducted by professionals who treat the facility's children, essentially those who are proficient at sharing and transmitting information to child care staff.

- That the proposed in-service training be offered to staff on all shifts. It is our belief that traditionally, the after 5:00 p.m. shift who are entrusted with the care and well-being of New Jersey's children are the most poorly trained, the most underpaid, and the most understaffed.

- That additional supervisory staff are needed to provide coverage and on-going support. It is our conjecture that the bulk of facilities have no professional supervisory personnel on the premises after 5:00 p.m. and child care workers are forced to perform their responsibilities with no backup. We are recommending that one more professional supervisor per shift be added to help alleviate the stress experienced by workers.

- That allegations of physical and sexual abuses be conducted by investigators who have received thorough training and that thought be given to the establishment of an independent investigative unit which has no vested interest and will be concerned solely with the best interests of children.

- That a perpetrator file be established and maintained. We are recommending that the file should contain only the names of those who commit abuses against children which have been substantiated and that these individuals should have due process rights.

And lastly, although this is not the immediate focus of this committee, the New Jersey Foster Parents Association must express its extreme concern that in New Jersey, legislation has failed to be enacted which would reinstate the practice of performing criminal history background checks on prospective foster and adoptive applicants. Next month will mark a two year period that we have allowed individuals into the foster care and adoption systems without assuring that their backgrounds are free of the commission of violent acts. I should also state that in New Jersey, foster parents comprise the largest group of service providers in terms of care to children placed out of home and currently number three thousand, five hundred families. These children are already suffering, at a minimum, from separation trauma as a result of removal from their own homes.



We may be subjecting some children to individuals who cause greater damage by our inability to screen out potential perpetrators based on past history. The seriousness can not be minimized. This injustice must be rectified.

In closing, the New Jersey Foster Parents Association pledges its support to this committee to advocate for the measures needed to protect New Jersey's vulnerable children.

TESTIMONY

October 2, 1984

Marylou Foote

Board Member

Parents Anonymous of New Jersey, Inc.

I am pleased to represent Parents Anonymous today. We are a network of volunteers, board members and parents working together to prevent and reduce child abuse in our society. Parents in our program work daily to change their own abusive behavior and following treatment will not tolerate further violence toward their own children or on the part of other parents or caretakers. Parents Anonymous is a free self-help program which creates an environment in which parents can express pent up anger and anxieties and learn to change their abusive behaviors. In Parents Anonymous the need to protect the child is emphasized, but the parent is not punished. More importantly, the abuse and exploitation of children is prevented by restructuring parental attitudes and behaviors and developing parent's strengths and coping abilities.

Two years ago, while preparing for a sexual abuse conference, we made various inquiries of developmental disabilities experts in various state institutions who said that there was no need for a workshop dealing with sexual abuse among the developmentally disabled. The feeling was that sexual abuse in those institutions was practically non-existent. Today, we are cognizant of the activities surrounding the recent revelations of abuse in such facilities, and can only believe these abuses are not new. The problem is one of acknowledgement of the potential and identification of the problem when it arises.

We believe that the use of criminal history checks and lists are a beginning, but do not represent a long term -- or even short term solution. These lists should include only convicted offenders. It must be remembered that many pedophiles and/or sexual abusers never get into the criminal system. These are the molesters that are extremely careful and use coercion and threats to cover their crimes. We believe abuse in institutions and day care centers can best be reduced by an intense program of staff development and training. Child care personnel generally are the lowest paid within the institutions, often lacking education, knowledge about basic child-rearing techniques and possessing no pride in their work. Without training and motivation to attain job satisfaction, children in our institutions are exposed to not only neglect, but emotional, physical and sexual abuse.

Furthermore, children and adults in day care centers and institutions should be taught about all forms of abuse so that they are believed, and empowered to have some control over their lives. However, protection of children must remain the responsibility of society, government administrators and staff. Administrators and supervisors need to know more about abuse, including the right questions to ask.

No one is completely aware of the scope of the problem of abuse in institutions because of the dynamics of abuse. The physical and emotional abuse of children in institutions remains hidden because of the threats and coercion on the part of staff, and unfortunately, the disbelief and lack of knowledge on the part of administrators. However, based primarily on statements of adults who were molested as children, one out of four women were molested and one out of ten men.

There is evidence that certain children are more vulnerable to abuse than others. Certainly, there are no more vulnerable children in existence than those placed there because of severe physical or emotional problems, or because

of previous physical or sexual abuse.

In summary, we believe computer lists of convicted offenders are only a beginning and they must be accessible to all programs which employ individuals to work with our most vulnerable children. More important is training and on-going staff development, which includes increased pay -- child care workers are often paid less than the cleaning staff.

Finally, we at Parents Anonymous believe that child abuse is a family problem, we work with both parents and children in order to treat and prevent further and future abuse of our children. Both abuse in institutions and day care centers represents a compounding of abuse in that the victims are often even more vulnerable. Preventive techniques must not be limited to computer lists which might only result in complacency on the part of administrators who use them.

## Testimony of the Task Force on Child Care

Representative: Dr. Jane Bugnand

The Task Force on Child Care is a group of advocates for children. Some of us have been involved in this work in various capacities for over ten years. Members belong to and represent major groups in New Jersey. Some are professional teachers of young children, directors of child care centers, or professors of early childhood education. Others represent major organizations in the State, Junior League, American Association of University Women, the Association for Children and others. One of our more successful efforts this past year was a cooperation with Senator Lipman in drafting the Child Care Licensing Act (P.L. 1983 C. 492) and working for its passage.

Members of the Task Force have long worked to focus the attention of the community, legislators and agencies on the need for good quality affordable care for children outside of their homes. We are concerned about the quantity of legislation related to child abuse and child care currently being considered. As advocates for children we urge you to look carefully for solutions that offer genuine protection for our children.

We feel that no piece of legislation under present consideration adequately protects children and supports needed standards for their care. For quality care there need to be enough teachers and paraprofessional staff to carefully supervise children and their activities, and to be aware of everything that occurs in a child care facility. Current educational requirements for all those who work with young children should be increased across the board. Salaries that reflect professional responsibility and fair wages for para-

professional and auxiliary personnel are needed if we are to attract capable and talented people to the child care field. All child care employees who come in contact with children should meet minimal requirements such as verified academic credentials, verified health checks, and verified letters of reference. This should be mandated either through legislation or regulation.

Parents should be welcome anytime and anywhere their children are. They can contribute knowledge and skill as well as being involved with the protection of the children.

Some suggestions in proposed legislation, for example, S-2162 proposed by Senator Orechio, and S-2040 proposed by Senator Hagedorn, although well intended, may lull everyone into a false sense of security. Fingerprinting or criminal checks of owners or teachers or staff members in child care facilities offer no guarantees of uncovering a child abuser. The lists of questionable people suggested by Commissioner Albanese, if used in a fashion that did not violate civil liberties, still needs to be used only with caution, intelligence and carefully controlled conditions.

An important consideration in any new legislation is the cost. If child care facilities are required to expend their slim funds to finance expensive criminal-like investigations of their employees, funds sorely needed for direct service to the children will be drained away. Thus, the very condition we seek to prevent will be increased.

Many of our suggestions could be achieved through the Child Care Licensing Act, (P.L. 1983, C.492) effective May 1984. Part of this legislation creates an Advisory Council which has responsibility for reviewing and proposing revisions of the existing statutes and regulations governing licensing of child care facilities. The Council is also mandated to advise the Commissioner of Human Services on priorities and policies relating to child care throughout the State, and to report their findings to the Senate and the Assembly. We feel this Advisory Council will help achieve the goal of quality affordable child care that will offer the needed protection for the children of New Jersey.

The Task Force on Child Care is more than willing to work with you on proposed legislation, or to aid you in your quest to protect children.

Thank you for your attention.



STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION ON WOMEN

360 WEST STATE STREET  
TRENTON, N.J. 08646

Testimony for Public Hearing on Child Abuse in Children's Facilities

The New Jersey Division on Women is an advocate for New Jersey's women. Today we are using this advocacy for the more than 500,000 women with young children who work outside the home. They need to know that they will have child care for those children that is convenient, affordable and safe.

The Division is alarmed and concerned about the reports of abuse in day and residential children's facilities, including public and private child care centers. However, there are 1600-1700 licensed child care centers serving tens of thousands of children where there is no abuse. It is important to recognize the good job these centers do in providing quality care to all those who need it.

We also believe parental involvement in child care centers is important. Whether as volunteers or advocates of the centers' process, parents need to know what happens in their child's care.

Parental involvement is not the only answer, of course. The Division supports the concept of putting more money into existing systems to improve them, such as more inspectors for the Division of Youth and Family Services so that licensing visits can be more frequent. To us, this seems more logical than imposing entirely new systems, such as fingerprinting all those who work with children. Further, it does nothing to solve the problem of child abuse and neglect occurring in the home.



PRESENTMENT

of the

HUDSON COUNTY GRAND JURY, PANEL C  
FIRST STATED SESSION 1984 TERM

Diana R. Femia, Foreperson  
Hudson County Grand Jury  
Panel C. First Session  
1984 Term

BAROLD J. RUYOLDT, JR.  
Hudson County Prosecutor

RICHARD F. DENES  
Assistant Prosecutor

DATED: JANUARY 19, 1984

ARREST RECORDS OF CORRECTIONS OFFICERS

The Prosecutor's Lieutenant in his original evaluation of the Youth House in 1982, ascertained the names of all the corrections officers that were at the facility and had criminal histories, commonly referred to as "rap sheets", run on all the officers. Surprisingly, the results found that ten juvenile corrections officers at the facility had criminal records. The various crimes that showed up as arrests for these officers included assault, public peace offense, forgery, fraudulent activities, stolen vehicles, dangerous drugs, weapon offenses, gambling, sexual assault, tax revenue violation, burglary, obstruction of justice and a military offense.

There were, in fact, convictions of various offenses by these corrections officers. These convictions were for dangerous drugs, weapon offenses, gambling, tax revenue violations, public peace violations, burglary, larceny and stolen property.

Action was taken against those officers who had prior convictions. Where appropriate, they were dismissed from their positions. The County has now started a policy where they run State criminal history checks prior to starting people.

However, even though State criminal histories are run prior to the individual starting his job, F.B.I. rap sheets, which are more inclusive are not. While the County does request F.B.I. rap sheets, which take

three to four weeks to get, corrections officers are allowed to start prior to their receipt. There have been instances when an individual applied and it was found that he had no New Jersey criminal record. As such, he was hired only to find out that the F.B.I. had a record on him in some other State. Therefore, they would have been working at the facility for a couple of weeks before it was found out that they had a criminal record in another state. Although, the employee is then discharged, it is improper to allow an officer to start without having a complete check.

Corrections officers should not be allowed to start until both, a State criminal history and an F.B.I. criminal history, are on file with the County showing that they have no criminal convictions.

CHILD ABUSE STATISTICS

OCTOBER 1, 1983 - OCTOBER 1, 1984

<u>REGION</u>	<u>JUVENILES</u>		<u>ADULTS</u>	
	<u>OPENED</u>	<u>/</u> <u>CLOSED</u>	<u>OPENED</u>	<u>/</u> <u>CLOSED</u>
PLANTIC	24	1	10	1
ERGEN	4	0	0	0
URLINGTON	29	0	18	7
AMDEN	150	0	61	2
APE MAY	30	0	14	4
UMBERLAND	52	0	13	7
SSEX	232	9	101	10
LOUCESTER	29	0	18	4
UDSON	91	0	21	0
UNTERDON	12	0	3	0
IERCER	24	3	15	2
MIDDLESEX	33	2	13	3
MONMOUTH	74	0	14	6
MORRIS	7	0	4	0
OCEAN	53	0	24	0
PASSAIC	47	0	21	1
SALEM	4	0	0	0
SOMERSET	19	0	3	1
SUSSEX	2	0	0	0
UNION	92	0	46	0
WARREN	11	0	7	0

SUBTOTAL:	1019	15	406	50
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TOTAL OPEN CASES REMAINING	1004	356
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NEW JERSEY CATHOLIC CONFERENCE  
211 North Warren Street  
Trenton, New Jersey 08618  
(609) 599-2110

Edward J. Leadem  
Executive Director

Archdiocese of Newark  
Diocese of Camden  
Diocese of Metuchen  
Diocese of Paterson  
Diocese of Trenton  
Eparchy of Passaic

October 3, 1984

To: New Jersey Senate Institutions, Health, and Welfare  
Committee Members

From: Elizabeth A. Holland, Social Concerns Director *E. A. Holland*

Re: Hearings on The Issue of Child Abuse and Sexual  
Abuse of Children in Day and Residential Children's  
Facilities

Attached are Excerpts from Testimony before the US  
House of Representatives Ways and Means Committee  
Select Commission on Children, Youth and Families,  
Washington DC, September 17, 1984.

This testimony is shared with your committee because those  
offering the testimony are responsible for child care services  
provided by the Catholic Diocese of Paterson, New Jersey and  
because the subject of their testimony is the same as that of  
your hearings.

The New Jersey Catholic Conference would appreciate your  
accepting these statements and associating them with other  
testimony you receive at your hearings.

cm/  
enc

**NEW JERSEY CATHOLIC CONFERENCE**

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Trenton, New Jersey 08618  
(609) 599-2110

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Edward J. Leadem  
Executive Director

October 3, 1984

Statement of Mrs. Gail Manning, Director,  
Father English Community Center, 435 Main  
Street, Paterson, New Jersey.

My position is that of director of a multi-purpose community center which oversees social service programs for all family age groups. One of our major thrusts, however, is in the area of child care. We have 80 children in a pre-school day care facility, El Mundo del Nino (A Child's World), with funding provided under the provisions of Title XX of the Social Security Act, which is funded through the Division of Youth and Family Services of the New Jersey State Department of Human Services.

Our Child's World is in the renovated St. Boniface Church, which was made available for our use by Bishop Frank J. Rodimer when the church was phased out for religious purposes.

This facility was very carefully and specifically designed with open classrooms, with the administrative offices in a slightly elevated alcove, which was formerly the altar of the church. Here one has full view of the functions of the day care center at all times. This constant surveillance goes on while children are at play, or napping, or having their lunch.

It is our policy to have two adult teachers with each group of children. Our child care teachers are trained to observe and report any physical or other conditions that are suspicious.

The Father English Multi-Purpose Community Center provides after-school care for children ages 6 to 13 for approximately 170 youngsters, who are in our center daily from 3:00 p.m. to 7:30 p.m., where they are exposed to a schedule of educational, tutorial, recreational, nutritional, and cultural enrichment programs. These children would be Paterson's latch-key children, potential victims in problem neighborhoods.

In addition, it is my duty to oversee Youth Haven, a Crisis Shelter for Homeless and Runaway Youth, which services more than 300 children each year in a six-bed facility, 7 days per week.

There are 38 employees under my jurisdiction in child care and youth programs.

The outrages visited upon children enrolled in funded day care centers which have been exposed recently and which prompted these hearings are indictive of the misplaced values in American society today.

In a country which has spiraling statistics of teen-age pregnancies - children having children - there are few parent preparation programs or early intervention programs.

69% of Paterson's enrolled day care participants are children from single female headed households.

The impact of working mothers is being felt everywhere, in schools, churches, volunteer agencies, day care community, as well as in the private sector.

The vulnerable child, the weakest of our society's members, is at the mercy of economics, politics, and institutional bureaucracy, which appears to have no plans in the day care philosophy for insuring the child's growth, development and safety.

Parents feel powerless as well, as they become involved in the process of providing for the family needs because of the many obstacles in their paths in the area of jobs, housing needs, family problems and the like.

Acting now to carefully plan for America's children should be our nation's priority. Reacting to the abhorrent behavior of a few persons can be the catalyst for setting policy, but this emotional reaction must be tempered in rational, wise and forceful action and process planning.

After the emotionalism of the child sexual abuse scandal subsides, a national policy must be developed, including guidelines which call for the following:

1. Local level monitoring
2. Community control
3. Mandated parent involvement. This is an important feature of the federal Head Start Program.

4. Board accountability by day care center trustees, not only in fiscal and administrative matters, but in personnel, program, and security policies.

5. More prevalent inspection by the State licensing agency. Currently, New Jersey provides one visit per year on licensing standards because of understaffing. Licenses are now provided for a three-year period.

6. Parent education. Parents must understand that they bear responsibility for and of their children which can be shared with day care providers mutually and fairly.

7. Parent effectiveness training programming, in this area must start in the last years of elementary school programs because of the tremendous number of teen-age parents who are bearing children when they are as young as 12 and 13 years of age in almost every county in the State of New Jersey. I am sure this problem exists throughout the nation. If we cannot stop parenting by these children, we have an obligation to start preparing them for parenthood problems.

8. Definite guidelines must be established for para-professional training and certification in our institutions of higher learning. There should be the development of a child development associate position which would be part of the career ladders for child care workers.

9. Adequate salary. Entry level child care workers now earn \$8,000 per year which is woefully inadequate and results in a less qualified individual applying for these positions. In my community, entry level teachers are paid \$14,000 for 181 days a year.

To paraphrase Flip Wilson, - what you pay is what you get.

10. Fiscal adjustment. The low wages paid are because of level of service fiscal requirements affecting per unit costs for each child by the Division of Youth and Family Services. In its budgetary procedures DYFS identifies the children as units in its nomenclature. This appears to be cold and impersonal.

11. Development of parental pride. Additional funding should be provided to develop programs to instill pride, lifeskills and responsibilities in the parents of the children in day care centers. So very often they feel powerless because of their social status, or because of health or educational deficiencies.



12. Licensing. We believe that all child care centers, including those sponsored by religious organizations, be required to comply with local and state regulations pertaining to fire, health, and safety regulations. Some funds should be provided to allow the dedicated organizations to make necessary capital improvements to meet safety requirements.

13. Strict screening of applicants for all career opportunities involving children should be mandated. By this we mean all teachers, recreation workers, counsellors, youth workers, bus drivers, maintenance personnel, administrators, and kitchen workers who work in child care programs, or school districts, public and private recreation and community programs, residential centers, and Crisis Intervention Programs.

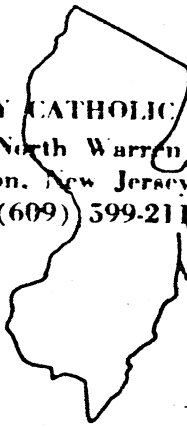
14. There must be constant personnel review. Paterson Director of Human Resources Dr. Mary Garner has asked me to express her view that there be more stringent policies for processing incoming employees as well as a periodic review of the backgrounds of current employees to assure that no problems may have developed since their initial work period.

In the field of horseracing, or the game of golf, handicaps are given. We also believe that in the formula derived for the distribution of federal funds, whether it be by Title XX or Community Block Grant, communities with larger numbers of low-income poor children requiring child care services should be considered as having a handicap and receive additional financial consideration. Mayor Graves of the City of Paterson supports this theory.

In finality, it is my recommendation that states be encouraged to give higher priorities to child care problems. In the Garden State of New Jersey, special funds are raised to protect wild life. There is no special fund for child abuse prevention. There should be one through volunteer state tax donations by citizens. To this date, no such program is in effect for those who would want to give to a program to Protect Child Life - truly America's most valuable resource. New Jersey, I believe supplies more money to prevent tomato blight than state funding for the protection of children. I am told that other states have priorities for the protection of cattle or crops or waterways at higher ratios than are given to our children.

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Eparchy of Passaic

Edward J. Leadem  
Executive Director

October 3, 1984

Statement of Rev. Robert J. Vitillo, a Roman Catholic priest, professional social worker, member of the Academy of Certified Social Workers, Chairperson of the New Jersey Conference of Catholic Charities Directors, and Chief Executive Officer of a large complex of social services which are sponsored by the Roman Catholic Diocese of Paterson, New Jersey.

As a minister of religion, professional social worker, and social work administrator and educator, I am most distressed by the recent discoveries of abuse within the delivery system for day care services in several states. I realize that these concerns are shared equally by the members of your committee; all local, state, and federal legislators; professionals in the field of human services; the families which seek day care services; and the general public. I do believe that such abuses represent the rare exception rather than the norm in delivery of day care services and hope that the entire day care system, which has made untold professional progress during the last twenty years, will not be repudiated or penalized because of such exceptional abuses. In any event, not even one instance of abuse can be condoned or tolerated, and it is incumbent upon us who have dedicated ourselves to serve the common good, to respond appropriately with preventive measures.

It is my firm belief that the most potential for abuse can be found in those day care programs which are not founded upon clearly articulated professional values and exist independently from professionally-organized and structured social service organizations. For this reason, I am convinced that our federal government must enact certain minimum health, safety and programmatic standards for all day care operations. States should then be directed to enforce such standards through mandatory licensing

reviews which are performed at a minimum of once per year. These standards should be drafted through a collaborative effort of federal and state licensing experts; professional day care administrators, supervisors and line staff; and consumers of day care services. The accreditation standards which have been prepared by the Council on Accreditation of Services for Families and Children, Inc. (67 Irving Place, New York, New York) might provide an excellent model for the preparation of such minimum standards. As a peer reviewer for the Council, I have applied their criteria for acceptable day care services during evaluation visits to several agencies and have found these criteria to be fair, objective, yet adequate to insure the delivery of high quality services.

I fully realize that there are substantial numbers of church-based and community-group-sponsored day care operations which could not presently comply with minimum licensing standards. Our goal in this matter should not be to eliminate such services, since we have more than sufficient documentation of additional need for day care slots in this country. Most of the day care programs sponsored by these religious and grass roots organizations are well motivated and disposed toward the provision of quality services, but are limited by lack of resources in their ability to implement such standards. Many parents prefer to place their children in such locally-based day care services because of the strong religious and community-oriented values which these organizations are able to communicate to their children as well as the flexibility with which these programs can respond to the needs of the families.

It is my opinion that the local, state, and federal governments must be prepared to address the above-mentioned situation by further enhancing the public/private partnership in the provision of human services in the United States. Our government must locate and make available the financial means, either through loans or direct grants, to those day care operations which will find it necessary to upgrade facilities and services in order to meet minimum licensing standards. I realize that this request may not fall upon well-disposed ears at a time when our government has sought to limit spending for human services. Such additional budget allocations can be seen, however, as a vital investment in preserving the present health, safety, and welfare of our families, especially our children, and in developing the future potential and contributions which these children will make to our country as they grow to responsible adulthood and citizenship.

In summary, it is my strong conviction that the response of our government, the professional community, and the general public to the present abuses in provision of day care services should focus much more on enactment of general licensing standards and enhancement of the professional base of such services, rather than on restrictive and punitive interventions toward the entire day care service

delivery system. We Americans can be rightfully proud of the complex of human services which we provide to our citizens. Day care is of vital importance, especially to the children of working parents who must struggle in the market place in order to remain financially self-sufficient. The public and private sectors must strengthen their admirable tradition of cooperation in order to insure that the highest quality and maximum benefit will be made available to those children who have been entrusted to our care.

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# NEW JERSEY PTA

900 Berkeley Avenue  
Trenton, New Jersey 08618  
(609) 393-6709, 393-5004

October 3, 1984

TO: Richard J. Codey, Chairman  
Senate Institutions, Health and Welfare Committee

FROM: Mia Andersen, Chairman  
Juvenile Protection

RE: Public Hearing on Child Abuse and Sexual Abuse of Children  
in Day and Residential Children's Facilities

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As Juvenile Protection Chairman for New Jersey PTA, I am here today to represent New Jersey's oldest and largest child advocacy organization with 215,000 members. We appreciate the opportunity to testify on this important issue. I am the mother of two teenagers and also serve on the Governor's Committee on Children's Services Planning and am Vice Chairman of the New Jersey Interagency Youth Development Consortium.

New Jersey PTA supports the enactment of the bills being heard today because they would establish a structure within which agencies could act responsibly to prevent the retention and/or hiring of known child abusers. Recognizing that child abuse and sexual abuse in day and residential facilities is not a new problem, it is suprising that such legislation is not already in place.

We would suggest that bill number S 2162 be modified to include an annual review of all personnel. Such a review would ensure an ongoing mechanism for the protection of children in these facilities and, therefore, we believe would strengthen the bill.

While New Jersey PTA applauds the legislature for its focusing on this important issue, it must be recognized that even if enacted these bills will do very little to protect New Jersey Children from child abuse because:

1. most abuse occurs in the home

2. there hasnot been a meaningful rate of indictment and conviction of child abusers in our court system
3. these bills do not provide resources to reduce the incidence of dysfunctional behavior that results in child abuse and sexual abuse.

Reducing the incidence of abuse in day and residential care facilites and schools is relatively easy compared to the overall and much larger problem of abuse in the home. Child abuse which occurs in institutions is easier to control because it occurs in setting which are accessable and available to regualtion. Further, the incidence of abuse compared to the home is small.

If we are to meaningfully address the issue of child and sexual abuse we must focus on means of reducing the incidence of abuse.

To do this it is necessary to;

1. work with abusive parents and abused children to;
  - a. remediate abusive behavior
  - b. give abused children the skills necessary to overcome the effects of abuse and hopefully break the abusive-abused-abusive cycle
2. establish broad based prevention programs which will;
  - a. develop skills in children to protect them from abuse
  - b. prevent children from becoming abusive parents
  - c. educate the community
3. provide the Division of Youth and Family Services with resources necessary to successfully address their mandate

We are very encouraged by the new more appropriate direction instituted by the new managemen team for DYFS. We advocated for many years for the adoption of such a community based, unified services approach for the Division believing that DYFS must reach out into the community in order to successfully fulfill its mission. N.J. PTA is optimistic that the new philosophy will

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result in positive cooperation between the Division and the community it serves to address the needs of children and families.

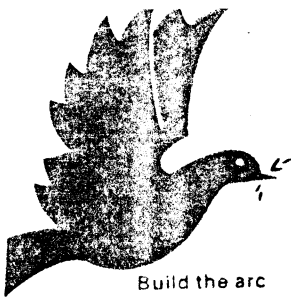
DYFS and N.J. PTA are currently working together to develop materials and programs about child and sexual abuse for distribution and presentation to parents through PTA's. This important cooperative project will reach into the community at large to develop and awareness and better understanding of;

1. child and sexual abuse
2. ways of identifying abused children, abusive families and at risk families
3. how to report suspected child abuse
4. DYFS as the community resource; its purpose and function
5. what happens after an abuse report
6. importance of community in addressing problem of child and sexual abuse
7. current community resources
8. needed community resources

We are convinced that in order to reduce the incidence of abuse it is necessary to work in and with the community as a whole.

Clearly child and sexual abuse is a major problem-an epidemic-in New Jersey communities today. Government alone does not have the resources to remediate this epidemic. Government and its agencies must forge a partnership with the communities it serves in order to successfully address the enormous social problems endemic to <sup>our</sup> society today. This project and projects like it are critically important if the community is to be educated ~~as~~ to its responsibility for and ability to address its problems.

While the bills being considered today are important, the legislature and the public must not think that enactment of these bills will significantly reduce the incidence of child abuse in New Jersey. The issue of child and sexual abuse in institutions must not be taken out of context of the overall problem of abuse. We are hopeful, however, that if the legislature, social service agencies and the community work in partnership we will begin to successfully address the tragedy of abuse.



# Association for Retarded Citizens

SOMERSET COUNTY UNIT

P O BOX 382 • 203 SO MAIN ST. MANVILLE, N J 08835  
201-725-8544

MRS. JOAN SAPIENZA  
Executive Director

My name is Joan Sapienza and I live at 437 Colonia Blvd., Colonia, New Jersey. I am Executive Director of the Association for Retarded Citizens, Somerset County Unit.

I share your concerns on the rash of sexual molestation and abuse on children in day care centers, schools and institutions. I would like you to also consider the vulnerability of defenseless adults including the retarded, aged and infirm. In particular, the retarded adult who is judged to be mentally incompetent has little or no legal protection in this area.

I would favor a law mandating police screening for all potential employees working with children or a vulnerable adult population, I know there is a resistance by some groups to such legislation. While I am concerned over employees' rights, I feel that insuring the rights of those they serve in no way harms employees.

I am aware that police checks will not wipe out this crime against our defenseless population, but it would be a positive step in the right direction.

We, the Somerset ARC, had a staff member, in adult direct care, who seemed to be a good, reliable person but was found fondling a female client. He did not have a previous record. He was out of our agency within the hour, but has since repeatedly sought employment in other Human Service Agencies. He has given us as a reference and we have been able to block his employment in this field. I fear however that it is only a matter of time before another agency fails to check his references and he is again working with handicapped population.

It is our responsibility to protect the defenseless. We are presently treating this serious situation far too lightly. Legislation will be a step in the right direction. We must provide training for staff in recognition of potential victims, and handling of suspicious situations. Failure to report any such situations should be treated as a criminal offense.