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PUBLIC HEARING

before

THE COMMISSION ON MISSING CHILDREN IN NEW JERSEY

(ASSEMBLY CONCURRENT RESOLUTION 115)

Held:

February 27, 1985

Dover Township Municipal Building

Toms River, New Jersey

MEMBERS OF COMMISSION PRESENT:

Assemblywoman Marlene Lynch Ford, Chairperson

Senator Raymond J. Lesniak

Senator John H. Ewing

Barbara Hover

Beth Ingoglia

ALSO PRESENT:

John B. Lee, Senior Research Associate

Sharon Larmore, Research Assistant

Office of Legislative Services

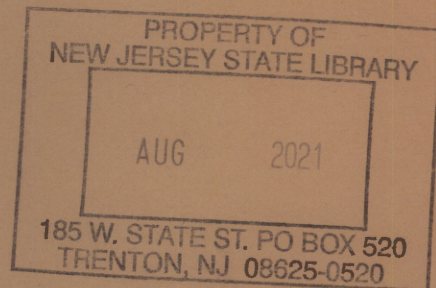


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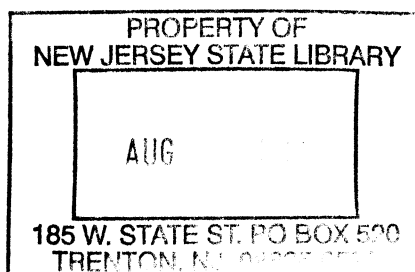


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ASSEMBLYWOMAN MARLENE LYNCH FORD (Chairwoman): Although I am chairperson of this Committee, I wasn't provided with a gavel. For those of you whom I haven't met, I am Marlene Lynch Ford, Assemblywoman from this district and Chairperson of the Legislature's Commission on Missing Children. This Commission was formed by virtue of a resolution directing this Commission to look into the problem of missing children, to hold hearings, to take testimony on a statewide basis regarding the problem, and to take suggestions from the citizens as to what solutions we should implement either legislatively or by providing recommendations to the State.

One of our options, of course, would be a legislative response, or we can just make recommendations to school boards, hospitals, and existing agencies.

We have asked that people provide us with their intent to testify prior to the hearing. We have a very lengthy list of witnesses. In the interest of not paying our staff too much overtime tonight, I'm going to try to end testimony between 10 o'clock and 10:30. That is why I am going to have to ask that you limit your testimony to 10 minutes each.

Let me introduce our staff members to you: On my left is John Lee, who is a nonpartisan staff person with the Office of Legislative Services. He has been assigned to this Committee. His assistant is Sharon Larmore. Our aide to the Committee is Gail Saxer, who is the Director of the Russo, Doyle, Ford legislative office. I have asked Gail to act as timekeeper. She has a stopwatch, and I am going to ask her to strictly enforce the time limit so that we are not here all night.

We will be preparing a written transcript of these hearings, and we will include any prepared statements that you submit. If you have a lengthy prepared statement, I would ask that you try to summarize it and provide us with a copy so that we can include it in the transcript.

For anyone who wants to take a chance that some of the people on our list won't show up, you can sign in to testify. The sheet is on this table. Since these proceedings are being recorded, I would also ask that you speak into the microphone.

I would like to introduce to you the Commissioners who were appointed by the Speaker of the General Assembly and the President of the Senate. To my right is Senator Jack Ewing and to my left is Barbara Hover from Wyckoff, New Jersey. At the end of the table is Beth Ingoglia from Bricktown.

Our first witness this evening will be Dr. Bill Pelaia, Howell Township Superintendent of Schools. It is nice to meet you, Doctor.

WILLIAM A. PELAIA, Ed.D.: Thank you. Good evening, Madam Chairman and members of the Commission.

Approximately six weeks ago, Mr. John Walsh spoke to a very large gathering of parents in Howell Township regarding the problems of missing children. While the parents of Howell, and indeed throughout New Jersey, are very much aware of these problems, John really opened our eyes regarding the magnitude of the problem and the degree to which New Jersey lags behind a number of states with respect to legislation to protect and assist children.

In preparing my remarks for this evening, I came to the conclusion that many speakers would present you with all the statistics regarding missing and abused children. Consequently, I will not address those alarming numbers. Instead, I will address your conscience this evening and speak to you regarding child advocacy.

Legislators are constantly besieged by lobbyists. These are people who represent Unions, farmers, oranges, cattle, wheat, pickles, and everything else. And yet, ladies and gentlemen, who speaks for children? Who are the child lobbyists, and who are the child advocates?

Piaget, who next to Dewey, may be the most influential pioneer in efforts to improve children's lives, as well as their education, felt that children's true interests tend to be lost in adult's preoccupation with their own goals.

Does the role of legislator mesh with the role of child advocate? There are no well-defined rules which make one behave like a child advocate. No specialty exists which trains one to be a child advocate. If child advocacy is thought of as a state of mind which

governs people, then how many legislators can be considered child advocates?

Children have rights and needs which must be actively guaranteed, not passively recognized. You as legislators should be willing to help guarantee those rights and protections.

I ask that you act as policy makers with vision and compassion on behalf of those who cannot protect themselves.

The French scientist, Louis Pasteur, once wrote, "when I approach a child, he inspires me with two sentiments: Tenderness for what he is, and respect for what he may become." Let us take those words to heart and protect that tenderness, and give them the opportunity to become mature and to contribute.

The statistics are abundantly clear: For every day there is delay, hundreds of additional children are abused, abducted, and murdered. However, some of our experience makes me wonder why we constantly depend on crises to power legislative action, or whether we can quietly and quickly buckle down to the job of helping children in our State.

With respect to this topic, there is no place for partisan politics in dealing with the problem of missing children. There is no excuse for continued delay in dealing with the problem of missing children.

Parents will not tolerate business as usual when it comes to the legislation needed to deal with the problems of missing children. If the Legislature can pass laws in a few days to permit a baseball team in New Jersey, why can't we do the same for our children? I challenge you and your colleagues to examine your collective consciences, your priorities, and your calendars and get this done as expeditiously as possible.

For all the complexity that plagues the issues you must consider, what you do and the final judgment on the way you do it will ultimately be determined by the character of the expectations you have for yourselves as policy makers and as advocates for children.

I am sure, from your past actions, that by the time you are given this topic, you will move forward as quickly as possible. Our

children and the future of this State should be reason enough to do this.

I appreciate the opportunity you have afforded me to speak to you regarding this topic. Thank you.

ASSEMBLYWOMAN FORD: Thank you, Doctor. May I call upon your expertise for one question? Several bills are pending in the Legislature which deal with implementing absentee call-back systems. Do you have any thoughts on those types of systems?

DR. PELAIA: If I may back up, Assemblywoman Ford, and indicate that, since I am active on the legislative committee with my Association, I know that the Legislature is considering a number of bills. Most of those bills call upon the schools. You mentioned one aspect. I believe I called your office, the Speaker's office, and a couple of others, to suggest that it might be a good idea to have at least one member of the profession on your Committee so that you could have this kind of dialogue.

In our district, each school is required to contact every parent when a child is absent. That must be done. We communicate to the parents that if a child is going to be absent, then call us. That takes away from some of the workload. When they do not call us, we call the house, so every parent is reached as early in the day as possible regarding absenteeism.

ASSEMBLYWOMAN FORD: Thank you. Is there a representative here from Senator Gagliano's office? (affirmative response) Gail Larkin is here representing Senator Gagliano from Monmouth County.

GAIL LARKIN: Madam Chairman and Commission members, thank you for hearing me. I am here on behalf of Senator Thomas Gagliano to speak about Senate Bill 2300, which creates a Missing Children Information Clearing House.

Senator Gagliano is currently working with the Division of State Police Missing Persons Unit to coordinate efforts regarding our State's missing children. Although the State Police currently address the issue of missing through the Missing Persons' Unit, Senator Gagliano would like to further those efforts by creating a separate and distinct bureau within the Missing Persons' Unit to deal solely with missing children.

He would also like to establish a toll-free, 24-hour WATS line for the immediate reporting of a missing child, and he would like to initiate a massive public awareness campaign through the publication and distribution of emergency fliers containing the physical description of a missing child, publication of an up-dated bulletin on a monthly basis, and child safety guides, made available to public law enforcement agencies, parents, and all concerned citizens.

Senator Gagliano's bill would not provide for the conducting of actual investigations on missing children, but it would monitor all existing systems to assure that all public information is utilized to its fullest extent.

Thank you very much for your time.

ASSEMBLYWOMAN FORD: Thank you. Is Joan Wright, the Director of the Division on Women, here? (not present) Bruce Herbert?

BRUCE HERBERT: Good evening. First of all, I would like to thank you for having me here tonight.

My name is Bruce Herbert, and I would like to tell you about an experience that happened to me and my three-year-old son, Christopher. At the time, we were residing in Westland, Michigan.

In April, 1982, there was a breakdown of my marriage. My wife left the household, took my three-year-old son, Christopher, and moved in with another man. At the time, I was totally unaware that my son was being both physically and emotionally abused by my wife and her boyfriend.

I then sought legal counsel and began proceedings for custody of my child. During the period of April 27 through July 17, I was only permitted to see my son twice. I had weekly visitation rights provided by the court, but my wife would simply not allow me to see my son, even though the court had ordered her to do so. July 17, 1982 was the second and last time I physically saw my son.

I was forced to take a friend with me to pick up my son since my ex-wife's boyfriend had been making threats on my life. After we arrived home, I had a chance to look at my son. I was simply shocked. He was extremely underweight; he had a partially healed laceration on his upper left shoulder; and, he had three deep cuts on his cheek where

he had been slapped in the face and fingernails had punctured his skin. He was dressed very sloppily, and he was also dirty.

I then contacted social services and took him to Wayne County General Hospital. A child abuse report was filed, and an investigation was started.

The results of the investigation showed that my son had been abused, but the bottom line was that no one had actually seen my son being abused, so Chris was forced to return home to his mother.

It wasn't until several months ago that I found out that the lacerations on his shoulder were from being pushed through a front door window.

Then the bottom dropped out. The apartment where they had been living was suddenly empty, and my son was gone. The local authorities were contacted. I was told that I had to wait 72 hours before they would accept a missing persons report.

ASSEMBLYWOMAN FORD: Mr. Herbert, were you living in Michigan at this time?

MR. HERBERT: Yes. The Ann Arbor FBI was contacted. They were very sympathetic to my situation, but as they explained, they just simply could not get involved in matters of this nature.

I had no other alternative but to hire an investigator. After the Missing Children's Act was passed, Chris was entered into the NCIC computer, and since child abuse was found, the FBI officially entered the case.

After several months of returning to court, I was finally awarded custody of my son. It wasn't until the end of January, 1983, that we began to make some progress in locating my child. Chris was finally located in Houston, Texas.

On February 4, 1983, Chris was voluntarily returned to me by my ex-wife. During the past two years, he has made an enormous amount of progress, and he is very happy and content with his present surroundings.

I would like to take time to review some of the problems that occurred during my search for my son. Our judicial system is simply terrible. Judges do not take the time, nor effort, to find out

all the facts involved, nor do they listen when the facts are put directly in front of them.

Too many times because of the poor judgment of judges, the child is never recovered, or still worse, the child is recovered dead. If the judge had not listened in my case, my son would have never been reported missing.

Proper investigation and follow-up should also be instituted in every case of divorce where children are involved.

Mandatory jail terms must be instituted for all parental kidnapers, and they must also be instituted for child abusers.

Stricter enforcement of parental visitation: So many times non-custodial parents have difficulty spending time with their children. Courts may order visitation rights, but these rights are very rarely enforced.

Finally, no parent should be forced to hire a private party to locate his missing child. This matter should be handled through local and Federal authorities. It should be handled in such a way as to achieve results. Not one police officer in the Westland Police Department searched for my child.

Thank you.

ASSEMBLYWOMAN FORD: Thank you, Mr. Herbert. How long was it that you didn't see your son?

MR. HERBERT: I didn't see him for about seven months.

ASSEMBLYWOMAN FORD: There was no contact whatsoever between you and your former spouse?

MR. HERBERT: No.

ASSEMBLYWOMAN FORD: Thank you for taking the time to testify.

Roseann Cialella, Superintendent of the Berkeley Township Board of Education?

ROSEANN CIALELLA: Good evening.

ASSEMBLYWOMAN FORD: Good evening.

MS. CIALELLA: I felt compelled to come here this evening. I would like to illicit the State Legislature's help on two issues.

The first, I believe, has been addressed somewhat. This past December a law was passed that all school boards must institute policy on the early detection of missing children and abused children. I feel that is an excellent beginning; however, I agree with you that legislation should be enacted so that early detection systems are mandated in the school systems.

The second area I feel compelled to speak about involves a situation which occurs much more commonly than the abduction of children going to and coming from school. It sort of touches upon what the gentleman who preceded me recounted to you: Unhappy situations, divorce situations where one parent has no visitation rights and no custodial rights, and that person attempts to come to the school and take his or her child from the school under false pretenses. My suggestion is that it be required, as part of students' records, that parents who are in this situation give us copies of court orders, judges decisions, etc., so that we don't allow a child to be withdrawn from school, unless it is done by the parent who has the right to do so. This is, by far, a common cause of child abduction, because school officials are really powerless to say no, unless we have the legal documents on record.

In Berkeley Township, we have instituted something and kept it up to date; that is, upon registration, the question is asked whether or not the child has a non-custodial parent. On a yearly basis, we send a letter home to the parents, asking them to update us with the legal papers. These papers are then put into the child's cumulative folder, and a list is made of what the situation is. It is a warning to the school secretary, the school nurse, and any other person through which a child can be signed out of school. If the non-custodial parent comes to the school office and attempts to withdraw the child, for whatever reason, he is refused.

We also ask for identification of any parent we do not know. Most of our schools have 600-plus students; however, because there has been stationary personnel -- secretaries, principals, etc. -- we know many of the parents. But, for those we do not know, even if there a divorce situation, we still ask for identification.

I implore you to please, as the legislators who make the law, in order to aid in the early detection of missing children, require parents to furnish the school with proper documentation so that we can help prevent any unfortunate incidences of children being abducted by parents.

Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Ms. Cialella.

SENATOR EWING: What other suggestions do you have? You mentioned that some detection system should be mandated? What type of system are you talking about?

MS. CIALELLA: In the elementary school, I feel it should be personal contact. Many districts have the computer call-a-phone, and I think those are more effective for truancy in the secondary level. When you are talking about kindergardeners and first and second graders, many of whom live in rural Ocean County and wait for buses — some of them have to walk three or four blocks to a bus stop — I think this should be done as early as possible after school starts. We do it within the first half hour. We compare the list of parents who call in with children's absences with those who are officially absent, and the school nurse makes personal contact within the first hour of school. There is early detection, because if we found out at two o'clock in the afternoon, someone could be in Mexico by that time.

SENATOR EWING: But, you do that on your own, just as Dr. Pellaia does in his school?

MS. CIALELLA: Yes. Many schools have done this on a voluntary basis, but I think it should be mandated.

ASSEMBLYWOMAN FORD: The early warning system legislation was sponsored by me, but I am really indebted for the assistance I received from the Dover Township Board of Education. I think that exemplifies the type of input we legislators need from people in—

MS. CIALELLA: (interrupting) The other concern I have is that when a child is reported missing, the local police agencies have a difficult time helping. Many times the police are short-handed. Many times the child is treated as a missing person. I think it is a little bit different for a seven-year-old to be missing than it is for a 35-year-old person to be missing.

I think some type of agency, task force, or hot line, if you will — if we determine that someone is missing — should be set up for us to call, in order to aid the local police department.

ASSEMBLYWOMAN FORD: Thank you very much.

SENATOR EWING: I have another question, Marlene. Has your Association of Superintendents and Principals come up with an overall plan? You might have an idea, but then Mr. Jones or Mrs. Smith might have other ideas.

MS. CIALELLA: I think there is a committee working with the Legislature, and these suggestions have been made. However, I think you will see that they are being manifested in different ways in different districts. Perhaps there should be a more organized approach to this, and perhaps something that is similar from district to district throughout the State would be better and more efficient.

SENATOR EWING: Why don't you get your Association in the business?

MS. CIALELLA: We are.

SENATOR EWING: But, come up with a plan to present to this Commission so we can talk about putting in legislation that would cover a suggestion coming from those people out there. Have a coordinated plan.

MS. CIALELLA: That is a very good suggestion. I will institute that.

SENATOR EWING: Good, thank you.

ASSEMBLYWOMAN FORD: Thank you.

MS. CIALELLA: Thank you.

ASSEMBLYWOMAN FORD: Ed McMullend? (not present) Barbara Pecht? Thank you for coming tonight.

BARBARA PECHT: Thank you. My name is Barbara Pecht. I live in Howell, New Jersey, and I am the parent of a runaway. My daughter ran away at the age of 16. She had been previously classified as emotionally disturbed, and she had a history of social problems.

Upon running away, many times her father and I were barred from information by public authorities, whether they be police, school systems, social workers, or hospitals because she was almost 17

years old and had almost reached the age of maturity. When she did become 18, our problems were compounded. One day, at age 17, she is a runaway; the next day, although she is 18, she is still a runaway.

Her right to privacy -- one that we treasure -- was upheld over what we considered to be her welfare. We were not given information regarding her whereabouts when, in fact, she may have been hospitalized and released with recommendations from her physicians to go to certain clinics and see certain doctors. This information would not be released to us.

I would suggest to the Commission that when a classification has been made or some other criteria has been followed or previously established -- if we show that a party, as was our case, has emotional problems and social problems -- their right to privacy or the other rights that we guard dearly should be overridden by the need to be protected. If, in fact, we had been given certain information without the requirement of her releasing that information, we would have been able to track her down.

She is now 21 years old. For all intents and purposes, she has never returned home, though at times, being backed into the corner by police, we have been alerted to certain situations at her request.

If the Commission could provide some type of provision, in the act that is forthcoming, allowing certain parties who are child advocates -- parents, family members -- to be given information, I would appreciate that consideration. Thank you.

Vladimir Etlin?

VLADIMIR ETLIN: Good evening. I would like to address parental kidnapping, with an emphasis on the existing laws.

I am a custodial parent without a child because my ex-wife kidnapped my son about three years ago. We were in Virginia at that time. It was possible for this to happen because there was no law available which would force the local police to start searching for the kidnapper.

There is no uniform law available to deter parental kidnapping. That is why the number of parental kidnappings grows like a snowball. There are about 600,000 kidnappings every year in this

country, not 100; this is the number usually presented by Child Find, which is supposed to be an authority in the field.

This has become an American tragedy, a social disease which traumatizes at least two million people every year.

According to Dr. Philip Weeks: "Child stealing is one of the most subtle and brutal forms of child abuse." Moreover, there are studies which show a link between children of broken homes and juvenile delinquency. Kidnapped children live in worse conditions than children of broken homes do. They live like fugitives, constantly on the run, lying about their background, changing names, places, and schools. They have no friends nor relatives, and often they do not have food. Each year these children join the potential pool of children who feed juvenile delinquency.

The future of any society, including ours, depends on its children, the way we raise them, and the way we treat them. Judging by the number of children in that pool of juvenile delinquents, we cannot expect much good from them in the future. This is why we urgently need a uniform Federal law to deter parental kidnappings.

Some legislators and organizations, such as Child Find, oppose this idea. Their argument is that laws are available, but we have to make them work. From my own experience, and from the experience of others I am familiar with, the laws that are available do not deter, but rather encourage, parental kidnappings.

Here are some reasons for that: Before the UCCJA and PKPA Acts were enacted, a dissatisfied parent — both custodial and non-custodial — would shop for a better forum by taking a child to another state, hide there for at least six or more months, and then seek a better court order. With the UCCJA and especially PKPA in effect, the kidnapper has very little chance to get a new order because it was the intent of those acts to protect children from being shifted and uprooted by their parents. So, the only option a parent has now is to kidnap and to stay in hiding, and most of them know they have a good chance of succeeding. It is very easy to stay in hiding in this country and there is very little probability that a kidnapper will be penalized if he or she is caught.

By the way, in the beginning, the PKPA — the PKPA is the Parental Kidnapping Prevention Act, which was enacted in January of 1980 — had a provision to make parental kidnapping a Federal offense, which put a lot of teeth in that law. However, that provision was removed from the bill, under pressure from the FBI. The FBI argued that it would be too expensive for them to look for these children. Some politicians went along with this because they did not see that the FBI had exaggerated the numbers. A deterrent factor would drastically reduce the number of parental kidnappings, but they did not see that. At the present time, without the law, the growing number of children involved and the families destroyed cost the taxpayers much more, on a whole, than a possible increase in the FBI budget would.

A second reason for the increase in parental kidnapping is the huge diversity in state law. To deter parental kidnapping, states have begun to enact laws. Some have made it only a misdemeanor, which does not help at all in interstate cases. Many made it a felony, but only if the kidnapper was non-custodial, which shows that the states' main concern was the protection of a custodial parent, not the child. However, it is the child who suffers, regardless of who the kidnapper is.

Very few states had wise legislators who made laws prohibiting any parent from stealing a child. This is the case in Virginia. However, local authorities, prosecutors in many cases, do not want to deal with so-called family quarrels -- like it was in my case -- so no matter what law is available, in each state there are many loopholes which allow them to ignore it.

My example is a very good illustration of that. When we started our custody litigation in Virginia, my ex-wife moved to Maryland and enjoyed both states' laws. In Virginia it was easy for her to get sole custody, fight against joint custody, and against any increase in my visitations to my son. On the other hand, Virginia prohibits any parent from concealing his child from the other parent. But Maryland, to the contrary, protects only the custodial parent. So, when my ex-wife decided to abduct our son, she knew she could use the protection of Maryland law because she had custody at the time.

In most states, victims of parental kidnappings are treated like third- or second-class citizens by courts, law enforcement agencies, FBI, and government agencies, depending upon who the custodial or non-custodial parent is.

When my ex-wife disappeared with my son, neither the police nor the prosecutor wanted to hear about it because I was only a visiting parent, not a custodial parent. After custody was reversed and I became the custodial parent, I was treated a little better. Police accepted my complaint, but found more reasons why to ignore the law than to enforce it.

Another good example that parental kidnapping victims are treated as third-class citizens is the National Center for Missing and Exploited Children which, right now, uses only pictures of children kidnapped by strangers on T.V. and milk cartons. The second priority will be runaways, and then, maybe, parental kidnappings.

In conclusion, to deter parental kidnappings we need a Federal law that will make them a Federal offense, and mandate that the FBI get involved without delay.

In 1983, Congressman Sensenbrenner introduced such a bill, but it is stuck in some subcommittee. If that bill is enacted, divorced parents would spend more time raising their children, instead of fighting and using the children as a weapon.

I thank you for inviting me to this hearing.

ASSEMBLYWOMAN FORD: Thank you.

Jack Brogan?

JACK BROGAN: Madam Chairwoman, Commissioners: I think you have this packet of legislation from John Walsh; it is about missing and exploited children. You can have my copy if you want it.

ASSEMBLYWOMAN FORD: Thank you; it contains one of my bills.

MR. BROGAN: First, I would like to thank you for your cosponsorship of Assemblyman Hendrickson's bill, 2324, which would mandate criminal background checks on school employees. As you know, the bill has been bogged down in the State House for many, many reasons, over the last several months. It is presently in the Assembly Revenue and Finance Committee, which is meeting tomorrow. I implore you to help us by getting it out of there. I am sure you will.

Secondly, I would like to address a problem that occurred here in Ocean County. This is something that our County Commission on Exploited and Missing Children has been discussing for a while; that is, where do our children go when they disappear? My partner and I, who work for the Sheriff's Department and the Missing Persons' Bureau, recently had occasion to speak in Atlantic City, New Jersey. We found, from several detectives we knew there, that many, many of our children are going down there when they run away. I am sure the problems and dangers regarding that are obvious to all of you.

One of the things we would like to see established and mandated in all of the counties is similar to what is mandated for other things, such as The Status of Women Commission, and things such as that which are mandated in all counties. We would like to see a Commission on Missing and Exploited Children established.

ASSEMBLYWOMAN FORD: I wish that Assemblyman Chinnici, from Cape May, were here tonight. He planned to come because he just introduced legislation the other day that would do just that; it would also provide an appropriation for the counties to do that.

MR. BROGAN: I am very happy to hear that; that's excellent.

ASSEMBLYWOMAN FORD: Naturally, I cosponsored it.

MR. BROGAN: Very good. Thank you very much.

I have a detective from Newark, New Jersey, with me. He has worked on several cases with us regarding our children who have disappeared for reasons such as bad grades, fighting with their parents, and any number of other things. One of the things he asked me is, "Don't you have a place for these kids to cool down?" I believe they have three houses in Newark where children can go to cool down.

What we would like to see is another bill mandating that the counties set up places, such as Anchor House in Mercer County, and I believe it is Alpha House in Camden County. Assemblyman Karcher speaks of \$50 to \$70 for a murderer's cell; we should be able to provide that kind of money for a shelter for the children who are disappearing because of problems at home.

Presently, in Ocean County, we have one of the highest divorce rates in the State, and that is certainly going to cause problems for children, especially teen-aged children.

I ask you now — and I don't want to take up too much of your time — to sponsor a bill that will mandate safe houses for children in all of the counties. We all have unique problems. Essex County has one set of unique problems, and Ocean County has another set of unique problems.

I thank you for your time, and I thank you for the information on the bills.

ASSEMBLYWOMAN FORD: I will sponsor that legislation.

MR. BROGAN: Thank you very much.

Marianne Malky?

MARIANNE MALKY: Good evening. My name is Marianne Malky, and I am the mother of a missing child. My son, David Shipenburg, will be missing 11 years in May. He was taken by my ex-husband, from the Wall Street School in West Long Branch, on the day my ex-husband had visitation.

The sources I contacted were: The local police, a New York investigator, a New Jersey investigator, the county, the FBI, an organization called Stop Parental Kidnapping, Child Find, the Salvation Army, Federal Parent Locator System, State Police, the Foundation to Find and Protect New Jersey's Children, the Foundation for Missing Children, Senator Tom Gagliano, and President Reagan.

The first thing I did when my son was taken was to walk the streets of New York with his picture. I then contacted the local police, who tried to help me; however, they are very limited in what they can do.

I found out that my ex-husband was living on Long Island, so I hired a New York investigator to follow him from American Airlines, his place of business in Manhattan, to Long Island, but he lost him on the Long Island Expressway. That cost me \$500.

I then hired a New Jersey investigator. He found out that my son was in a school in Queens, P.S. 221, but we had just missed David and there wasn't any record left behind. This is one of the biggest problems: They let the child go, they let the record go, and there is no way to track him down. Right that is a very big problem.

The investigator found out that my son was taken to Florida by a man named Rubin Kaplin, who lived in a carriage house; so I flew to

Florida. I found out that my son was there, but I was threatened and chased by two men, so I returned home.

Next, I sent my son's picture to the Stop Parental Kidnapping organization and it was sent to every school in the United States and Canada. This cost me \$500. By doing this, I got a lead from a school teacher in Florida, and my son was identified as being in a man/boy love association. So, I then went to the FBI, and they told me that I needed a warrant from Freehold. The reason I gave Freehold to obtain the warrant was because my child was taken out of the county. There was a shooting, involving my ex-husband and a man named Alvan Kaplan, in the apartment my son was living in. My son, after being taken by my ex-husband, was given to a man named Rubin Kaplan to live with. My son was thought to be in a man-love association. They then told me the case was still a civil one, but that there was now a statute of limitations involved.

I then went to Senator Tom Gagliano and I spoke to him about my problem. In 1981 the Senator wrote the first letter for me, and he has been writing letters ever since, trying to help me. In 1983 he put me on his show, About the State.

I then contacted Child Find, to whom I paid \$50 in order to enter my son's picture into the missing children's book. After a while they told me they had a great detective; he turned out to be the first New York detective I hired. He said that since he knew me he would only charge me \$2,000.

One of the investigators from Child Find left because he didn't agree with their methods; he formed his own organization. That organization was called the Foundation for Missing Children. He took my case. He told me to get ready, we were going to Florida because he found my son, but then he had a heart attack. Before he had the heart attack, he told me to put my son into the Florida State Clearing House, and that is what I did. That system works. The reason Senator Tom Gagliano introduced this legislation was because I went to his office and I showed him what it was; he then introduced the legislation.

Besides that, before he had the heart attack, the detective I hired and I made a T.V. show together. I sent both of my T.V. tapes to Washington, to Senator Paula Hawkins' office, to have legislation passed. They asked me to send the tapes to them.

Now my son is in the Florida State Clearing House, and that system does work. I know that the State Police have found a child through this system. I know that; they told me. The State Police are very good and I feel they are very well-trained; they are helping a lot. I think the legislation should be passed for that reason.

I will now be interviewed on Channel 34. The system they have in Florida, besides the State Clearing House, is: They send out a bulletin every month to a thousand organizations and policemen. They then put pictures of the children on television; every week they show the children on the television, on different channels. I will do that on March 6; I will be interviewed on Channel 34, and I am going to show this man's child on television. Thank you.

ASSEMBLYWOMAN FORD: You have not seen your son for 11 years?

MS. MALKY: Right.

ASSEMBLYWOMAN FORD: You have had no telephone contact? How old is he now?

MS. MALKY: He will be 18 in May.

ASSEMBLYWOMAN FORD: So, he was nine years old when he was abducted. Thank you.

Senator Raymond Lesniak just joined us. He is the Senator from Elizabeth, New Jersey, appointed by Senate President Orechio to this Commission, and I would like to introduce him to the Ocean County people.

Charlene Zappa?

CHARLENE ZAPPA: Good evening, and hello again, Senator Ewing. I am Charlene Zappa, and I am here to testify as an individual parent, as well as a legislative agent, registered with the Attorney General to lobby for children's rights.

My personal experience with parental abduction began in 1982.

ASSEMBLYWOMAN FORD: I wish Dr. Palaia was still here. He asked who the lobbyists for the children were, and you are an official lobbyist for the children.

MS. ZAPPA: Very recently registered, as a matter of fact.

My own personal experience began in 1982 when my husband, Curtis McGraw-Webster, deserted our family. Curtis and his parents are the largest stockholders of the McGraw-Hill Publishing Company, and together they arranged to have my three-year-old daughter violently removed from my physical custody.

Specifically, on June 18, 1982, there were paid accomplices on the scene. I was given an injection — this happened in Santa Barbara, California — in my wrist and pushed down a flight of concrete stairs. I know, firsthand, the pain of having your child stolen. (witness begins to cry) Excuse me. The fact that your spouse did the taking is very little consolation. Parental abduction carries its own unique sting, in that your child and yourself consider the abductor a part of your family and a part of you. The feeling of betrayal and the breach of trust is staggering and debilitating.

In order to provide the background and details of my specific case, I am providing correspondence to Chief Justice Wilentz, dated June 19, 1984, and my most recent motion to supplement the record in the Superior Court of New Jersey, the Appellate Division. The courts have been bending over backwards to give custody to Curtis. Some parents assume false identities and move to obscure towns. Curtis McGraw and his parents cannot do that. So, instead, they have kidnapped my daughter and psychologically kidnapped my son and myself. My children and I are now forced, through intimidation and threats, to abide by court orders that are faulty.

The McGraw-Websters would not be able to perpetuate this hideous situation without the cooperation of the two Mercer County judges who have been hearing our case. The Docket numbers are M-23724-81 and A-5550-83T5. I am not a lawyer, but I am now representing myself in court. Based on my current knowledge of the law, the Mercer County judges cannot claim judicial immunity because they lack jurisdiction.

The United States Supreme Court ruled, in Sikes vs. Holmes, that the judge was liable for damages and, I believe, subject to criminal prosecution because he lacked jurisdiction. According to the

Uniform Child Custody Jurisdiction Act, the New Jersey court, in my case, improperly exercised jurisdiction, and even violated New Jersey statutes regarding alleged emergencies.

New Jersey law requires a Best Interest Report to determine the fitness of the parent seeking custody before an ex parte order is granted. This is also case law, *Armstrong vs. Monzo*, in which the United States Supreme Court ruled that ex parte orders that deprive an individual of parental rights are a violation of that party's constitutional right to due process of law.

My daughter is now six years old and she is still missing. Yes, my daughter has visitation with me and her brother, whom I have had sole custody of since the dissolution of my first marriage. Our time together is minimal and we are literally under surveillance by private investigators the entire time we visit. So, really, my daughter, Theo, is still missing; she is missing from our home and missing from our daily lives.

Even though our inalienable rights are being obliterated, the Public Advocate in Trenton, New Jersey told me, "You and your children have no rights unless you have the money to litigate them." Family court seems to have strayed from the language and intent of our most basic laws. It appears that the rights of convicted criminals are more stringently protected than the rights of the typical parent or child involved in custody litigation.

I have spoken with parents, children, lawyers, law professors, judges, and legislators in many different states. The common threads and the frequent complaints are as follows:

A. There is no equal protection under the law for divorcing parents.

B. Either party is often deprived of due process under the law, through such vehicles as ex parte temporary custody orders, which then become permanent.

C. Psychiatric evaluation or treatment is often ordered without sufficient reason or need.

D. State courts often fall into dictating how the parents raise their child, even though the U.S. Supreme Court clearly prohibits

unreasonable interference. The child, after all, is not a mere creature of the state.

E. There is no uniform enforcement of the Uniform Child Custody Jurisdiction Act. Decisions vary tremendously, depending on the states involved and the particular judge who happens to hear the case.

As there is no step-by-step procedure to correct an inappropriate or inconvenient forum, private lawyers and government agencies constantly tell parents, "When you have your child, come and see me." In other words, kidnap your child, then we will proceed in the legal system.

G. There are no penalties enumerated for violations of the Uniform Child Custody Jurisdiction Act.

H. A parent would not need a specific restraining order to prevent the other parent from unilaterally removing a child, if the UCCJA were set up to deter exactly that.

Certainly a child cannot be expected to get an order to prevent either of his or her parents from absconding with him or her. The Fourth Amendment already protects the child's and the parent's right to a feeling of security in one's own home. A shopkeeper or a bank teller does not need a specific restraining order to be protected from a thief. Are our children less important than money or merchandise?

Go into Family Court on motion day and observe the frivolity that many lawyers and judges engage in as they make life-altering decisions about children. I witnessed an episode in Mercer County on February 22, 1985, where the entire lawyer-filled courtroom was laughing and carrying on like adolescents during study hall. One of the issues being raised was the violation of a mother's civil rights when overnight visitation was suspended, based on a non-contested allegation that an unrelated male was in her home. I have been told by persons in authority that such a suspension of visitation is unconstitutional.

Similar breaches of rights have occurred in my case. For instance, the most recent order from the Superior Court of New Jersey,

Mercer County, states that it is "further ordered that the defendant" — me — "shall not tape record or interview the infant child, Theo McGraw-Webster, with respect to the ongoing litigation, particularly with respect to her feelings, nor attempt to obtain any comments from her whatsoever about custody or visitation."

Even though I had given the judge constructive judicial notice in a letter stating my objections to the form of the proposed order, the order was signed. My adversary moved to modify the order on another issue on February 22, 1985. I orally argued that the clause is a violation of my child's and my own freedom of speech, as protected by the First Amendment. I subsequently suggested that the order be amended to restrict, in the same way, the plaintiff-respondent's conversation with our daughter in order to avoid the appearance of discrimination. The order stands, unconstitutional though it may be.

I also pointed out what a can of worms this order is. It is basically unenforceable. How can the plaintiff know what my child and I talk about unless the plaintiff then asks her or, worse yet, plants a listening device in my home?

In a U.S. Supreme Court ruling, Justice Black stated very eloquently that such unbounded authority in any group of politically-appointed or elected judges leaves us with a government of men, not the government of laws, of which we boast. This leaves the litigant to guess what the law is, and what the nine judges will believe to be the law. It throws away any certainty or security regarding what lies in a written Constitution, one that does not alter with a judge's health, belief, or politics.

If I can lend some emotional support to anyone going through such a trauma, or if anyone present is aware of funding available for the purpose of lobbying for children's rights, my mailing address is: Charlene Zappa, The Childrens' Trust Fund-Custody, 1012 Blue Spring Road, Princeton, New Jersey, 08540; my telephone number is area code 609-924-9717.

I am encouraged by the very existence of this Commission and I pray that together we can implement changes that will properly protect all of our children. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Joan Wright? I see Joan has arrived; she is the Director of the Division on Women. Thank you for coming down to Ocean County to testify, Joan.

JOAN M. WRIGHT: Assemblywoman Ford, members of the Commission, Senator Ewing and Senator Lesniak: I don't think I can add anything to the testimony you have already heard. Some of it was very heart-wrenching.

When I was a member of the General Assembly, just two years ago, I introduced legislation forming the New Jersey Missing Persons' Commission, which you have now formed through legislation, Assemblywoman.

I can tell you that two years ago there was no public outcry; there was hardly anyone who would pay attention to the issues, including members of Congress and members of the New Jersey Legislature.

As bad as the situation still remains, I can tell you we have come a long way in two years. I am heartened by that. I think that supports the fact that people can indeed make a difference by speaking out. Barbara Holder and her husband, who have no real reason to be involved other than the fact that they care, are to be commended. It is those kinds of people around the State who are indeed making a difference.

I think that in the State of New Jersey we have all of the programs, the vehicles, and the agencies in place. We need to coordinate them and make them work for the people. You can continue to do that by speaking out, by going to Trenton, by lobbying, or whatever.

I can tell you that the Division on Women, as an advocate for women in New Jersey, has been very involved in children's issues as well. One of our mandates is to be not only an advocate but a lobbyist. We can help by giving technical advice to those agencies that want to learn how to more effectively lobby. We make that offer to anyone who is interested in taking our advice. We can provide seminars -- lobbying seminars -- to let people know how they can make more effective use of their time and limited dollars.

Thank you again for holding this hearing. I also want to commend Ocean County for being one of the first counties to have a commission. I think the bill mandating a commission in every county is a good bill. Whatever the Division on Women can do on your behalf, we make our services available to you.

Again, thank you for being here; thank you to all of you (indicating witnesses) for speaking out. It has been a long time coming, but can you imagine how much better things are going to be two years from now? I can tell you just how far things have come in just two years. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Clara Court?

CLARA COURT: Good evening. I am Clara Court, and I am the State Safety Chairwoman of the VFW Women's Auxiliary, State of New Jersey. One of our new programs this year on safety is called Kid Find. I am very happy to hear all these people speak tonight regarding these programs, and talking about what is happening. I am really proud that we have this as a program this year. So, I am here to inform you that we are helping as much as we can.

The National Work Alliance estimates that there are over one million runaways a year in the United States. They are, proportionately, from every race and social class. The great majority are teen-agers. Many are pre-teens. Some are children. The majority of them return home on their own in a few days. Many are returned after a few weeks, with the help of one of our member runaway centers or the local police, but some of them are never heard of again.

I am not going to take up your time this evening. I just want you to know that I am here. In case you need help, we would be very happy to give you that help. Thank you very much.

ASSEMBLYWOMAN FORD: Clara, Senator Lesniak has a question for you.

SENATOR LESNIAK: Can you just give us a brief explanation as to how your organization operates?

MS. COURT: People from different places call us and ask us to come out and teach them all we know about this subject. For

instance, we go through many things, such as a missing child, or protecting a child against abduction. We tell them how to be nice to their children so nothing will happen.

ASSEMBLYWOMAN FORD: Can we get copies of your suggestions or do you only have that copy?

MS. COURT: You can write to Kids in Danger, Post Office Box 1083, Island Heights, New Jersey. That will go to our head chairman.

SENATOR LESNIAK: Is this a local organization?

MS. COURT: It is nationwide.

SENATOR LESNIAK: We have never heard of this organization.

MS. COURT: No, it is a new program this year, started by the Ladies Auxiliary, nationwide.

SENATOR LESNIAK: For the VFW?

MS. COURT: Yes.

SENATOR LESNIAK: How about Union County? I am interested because we have a very active—

MS. COURT: (interrupting) Yes, they must have it up there. All they have to do is to call me because I am teaching on the State level in the whole State of New Jersey this year. I am Safety Chairperson for this State. Thank you.

ASSEMBLYWOMAN FORD: I would like to call Mickey Nilles from Kids in Danger; perhaps she can tell us about her group while testifying. Is Mickey still here?

MEMBER OF AUDIENCE: Yes. She just stepped out for a moment.

MICKEY NILLES: Thank you for the opportunity to be here this evening and to address some of the problems. My name is Mickey Nilles and I am proud to be part of an organization called Kids in Danger. Clara, I would like to talk to you after the meeting.

MS. COURT: Sure.

MS. NILLES: Thank you.

We are a local organization, concerned with the problems of missing children and child molestation. We deal with prevention, education, and public awareness of the problem, so that people can be made aware of the problems and possibly work toward some solutions.

We firmly believe that we all ought to be working in a proactive manner, as opposed to a reactive manner. Just recently I got some information about the Ocean County Jail, which is an excellent reactive measure, but we spent between \$25 and \$26 million for a jail that has tennis courts and basketball courts, and, if I am not mistaken, a swimming pool. It burns me badly that all the kids—

ASSEMBLYWOMAN FORD: (interrupting) They don't let them take the garbage out anymore though. (laughter)

MS. NILLES: Good. I'm glad to hear that. At least now I know where I can go if I need a court; my courts are booked.

Anyway, I think that is ludicrous. I actually think it is absolutely outrageous. It irritates me to no end to think that the kids who are being victimized -- either abducted or molested -- or the parents of children who have been murdered, have to pay for their own therapy, while these people get to play basketball and tennis.

I also understand that Avenel, which is our diagnostic center for sexual offenders, gets subscriptions to Penthouse and Playboy. I am opposed to that. I am opposed to my tax dollars being spent for these measures. I think it is wrong and I think we who allow it to continue are fools.

ASSEMBLYWOMAN FORD: Mickey, we heard, at our Elizabeth hearing, from someone from Avenel. She testified that apparently that is not the case. That is just for your own information.

MS. NILLES: What did you hear?

ASSEMBLYWOMAN FORD: Apparently some subscriptions got in there, and when they found out about it they stopped it.

MS. NILLES: They have been stopped? Well, I am glad to hear that.

MS. INGOGLIA: State money wasn't used; they did that privately.

ASSEMBLYWOMAN FORD: They were gift subscriptions.

MS. NILLES: I don't think that should be allowed, whether it is a gift or not; I don't think the place for this type of reading material is with people who are recovering from sexual crimes, which are often very violent and very fatal.

One of the things we have to remember is, the runaways, which are the vast majority of missing children— I would remind everyone here this evening that every 10 minutes somebody, under the age of 18, is reported missing. I don't know how long we have been here this evening so far, but that is quite a few children. Some of those children will be returned to their homes, either voluntarily or through the help of law enforcement.

I think one thing we have to remember is that runaways are running from something. They are in a bad environment, or they are with abusive or incestuous parents; they are running from something. They need somewhere to go. Chief Warrant Officer Brogan suggested a safe house. I believe that is a very, very positive step towards the problem of runaways.

I also feel that we ought to do some legislative work for the victims, so that their therapy can be taken care of. I also suggest that we do a little bit of work, as a proactive measure, for schools. We put our kids in schools and we leave them there eight hours a day. I really feel there ought to be background checks on the people in those schools.

I understand there are seven different bills concerning background checks on individuals who work in the public school system, or who work in nursery schools. I believe there are three bills in the Senate and four bills in the Assembly. There is one other one which will provide funding for the State Police to continue to do those checks.

I think children should be a nonpartisan problem; children should be taken care of. Rather than having one bill, such as Assembly Bill 2324 — which is the one I am a little bit familiar with — and holding up that bill in committee by having six other bills under consideration for basically the same problem, why not get all the people who are sponsoring and cosponsoring those bills together, sit them around a table and say, "Okay, let's get one decent bill, and let's go with it." We should stop saying, "Well, I like this one, so I am going to do it this way," or "I want this one." Joe Blow in North Jersey and Susie Smith in South Jersey have opposing bills that are not

actually helping the children; they are hindering the protection we owe our kids.

I also believe that we in New Jersey owe it to our kids to put our priorities into a proper perspective. We can make the wheels of motion move real fast when New Jersey's revenue is going to be increased by a major league baseball team, or by a race track. How quickly we heard that was going to happen. It wasn't just something to be thought about; it was going to be done. And, as I understand it, it has been done. Yet, we are still sitting here trying to get a decent curriculum in our schools; we are trying to get decent coverage; and, we are trying to get organizations that will move forward and not spin the same old wheels.

So, I plead with you: We are all here because we are concerned about the issue. Let's work together. Let's do something positive to pass legislation that will mandate background checks on teachers.

We had the incident in North this summer, an unfortunate incident, where a janitor from East raped two little girls. He had a previous conviction for a sexual offense. If we had that background check, possibly — it is a big "if" and I am sure it is very little consolation to those two little girls or to their families — he would not have been in New Jersey, or in our school system.

So, I implore everyone to work together -- to work together positively, and not just give lip service to this problem. Thank you very much.

Also, my heart goes out to the people who are here testifying about a personal matter.

SENATOR EWING: Mickey, the State has put no money into the stadium, football, baseball, or anything like that. That is a separate Authority; it does not take money from the State Treasury. It doesn't come from taxes. That is a separate group out there. Don't say we are putting money into baseball teams, because we are not.

MS. NILLES: No. I am saying if something could be passed and made law which would improve New Jersey revenue -- not that it would take revenue, but because it would improve it -- and improve our

pocketbooks, we would pass it immediately. I feel that laws for children should be passed just as fast, if not quicker.

I feel, as I think most of the people in this room tonight feel — and I hope that all of you do also — that, really, kids are a higher priority than a ball team.

SENATOR EWING: Mickey, I don't think we would all be sitting here, and I wouldn't have driven down from Bedminster, New Jersey, if we didn't have that interest.

MS. NILLES: Yes. I can appreciate that.

SENATOR EWING: I am sure the members of this Commission feel exactly the same way.

ASSEMBLYWOMAN FORD: You and I have discussed drafts of different legislation. When one deals with invading people's backgrounds, it is difficult to balance out all the interests involved in that.

Ultimately, what has come up is an excellent bill, which, just because of the system, has to go through the process, in terms of going through committees -- the Appropriations Committee, and so forth. The Appropriations Committee is meeting tomorrow and I am a member of that Committee. If that legislation is on the agenda — and I don't establish the agenda; that is established by the chairperson of the Committee — then I don't foresee any problem with it getting out of committee. It is just that all bills have to go through this process.

MS. NILLES: Right. What you just mentioned is also a good point: You are violating people's rights when you delve into their backgrounds. I can appreciate that. Truly, I can appreciate that.

ASSEMBLYWOMAN FORD: Not that we shouldn't do it, but we should do it in the least intrusive manner.

MS. NILLES: Right. Also, I think we should consider the rights of the kids who are possibly being molested by people in the school system. I think that—

SENATOR EWING: (interrupting) Check with the ACLU and see how they feel about things too. We have to beat them down, which we will do eventually, I hope.

ASSEMBLYWOMAN FORD: There is no question but that the bill is going to go through. It is just that everyone has a right to be heard regarding their concerns. Their concerns are significant, but not as significant as our concern with protecting children. They have a right to be heard.

MS. NILLES: Right. I appreciate that. You say you don't know what is going to be on the agenda or if Assembly Bill 2324 will, in fact, be on the agenda tomorrow. Would it help at all if Assemblywoman Barbara Kalik-- She is the Chairman of that Committee, right?

ASSEMBLYWOMAN FORD: She is the Chairperson of the Committee, and you should write to her and encourage her to place that bill on her next available agenda.

MS. NILLES: I just happen to have a stack of letters here, if I may. This letter is to Ms. Barbara Kalik. Is she married? I have Ms. here; I didn't know whether she was married or not.

SENATOR EWING: You shouldn't inquire. (laughter)

MS. NILLES: I'll call her tomorrow. If I may take the time to read this, it says: "I understand Assembly Bill 2324, legislation concerning criminal background checks on public school employees, is now in the Revenue, Finance, and Appropriations Committee.

"As Chairman of this Committee, your support of Assembly Bill 2324 would expedite its passage and provide future safety for the children of New Jersey.

"I urge your support for this very important bill, and I thank you for your consideration."

It is signed: "Sincerely, A Concerned Parent."

If I may ask all of the people here -- the constituents -- to sign one of these, maybe you could take them back with you and hand them to her; you would then let her know how we feel about this.

ASSEMBLYWOMAN FORD: Sure. No problem.

MS. NILLES: Thank you very much for this opportunity to talk.

ASSEMBLYWOMAN FORD: We have representatives from the Toms River Board of Education with us. I don't know if you want to testify separately or as a group.

PAT SCHINSKI: Good evening. I would like to thank you for the opportunity to go first because I don't know how long my voice is going to last. I would just like to say at this time—

ASSEMBLYWOMAN FORD: Let me introduce you first. This is Pat Schinski, from the Toms River Board of Education. I think we have some out of town people here.

MS. SCHINSKI: First, I would like to say that I appreciate your having this meeting tonight. I am very disappointed in the turnout because I think this is such a serious situation.

For several years now our Board has been actively involved, with this particular program. There are many things that we can do, and try to do; this particular Board of Education is doing it. However, there are still many, many more programs we have to address.

I think I should say one important thing which should be said tonight. I believe there should be some kind of a matching fund because every school district seems to be going in different directions. There is no unity across the State. We are trying very hard, through our own school districts, to do the best we can. In the meantime, other school districts may be limited, insofar as money is concerned. They may not have the people who can get as involved as we are through our own community liaison.

Mickey, of course, is one of our members, and you see what a hard-working lady she is. We have many, many more people who fit into the same category. Therefore, the Toms River School District has been able to move forward. Our children have all been fingerprinted and we already have many programs in our curriculum to aid our teachers when they teach our children how to protect themselves.

In the meantime, there are many, many small districts throughout the State of New Jersey that lag far behind us. I know I speak for everyone with me tonight; they have been working very hard on our programs. We feel it is very important to get these programs going throughout the State. That is why I thought it would be important to have some kind of a matching fund that would encourage the smaller districts to raise some funds. They would then get some kind of a grant to balance out their funds in order to help them start their program.

We can't really depend on you, as our representatives, to prepare the programs. It is more important to get some funds together and get a program that we can use throughout the State -- and perhaps even go outside the State with. But, we have to start to build our programs, and not have one in Barnegat and one in South Jersey. They are scattered, and everybody is trying too hard. As was said earlier this evening, there has to be unity.

I have only one other thing I would like to say: In the Toms River School District, with the cooperation of Beachwood, South Toms River, Dover Township, and Pine Beach -- you know, we are four regional school districts -- we have been very fortunate that our law enforcement officials have been working very hard with us. The Sheriff's Department and all the police departments meet with us as a group, and with the Board members, and we have developed programs and things that we can do.

I can't vouch for the rest of the State, but this is happening. So, if Toms River has to be the one to build a program, we will be glad to help. It is the little ones out there that are of more concern to me anyway -- and I think I speak for the others.

I would just like to thank you because you have been working very hard, and I appreciate it. Thank you.

ASSEMBLYWOMAN FORD: Senator Ewing has a question for you.

SENATOR EWING: Are you a member of the Board of Education?

MS. SCHINSKI: Yes, sir. I have been a member for 10 years.

SENATOR EWING: What are you doing in coordination with the New Jersey School Boards Association, in order to get their Delegate Assembly -- or whatever they call their group -- together, sit down, and come up with an overall plan or suggestion that most of your districts would agree to?

MS. SCHINSKI: Mrs. Berman, Vice President of the Toms River Board of Education, is also a member of that particular group. I am sure she is much better equipped to answer that question.

ASSEMBLYWOMAN FORD: We will hold that question. Senator Lesniak, did you have a question for Ms. Schinski?

SENATOR LESNIAK: Are you familiar with the Family Life Curriculum in schools?

MS. SCHINSKI: Yes. I have four children in the school district.

SENATOR LESNIAK: Do you teach the child abuse component of that?

MS. SCHINSKI: I wouldn't vouch for the fact that we always did, but we have it in our program now.

SENATOR LESNIAK: You do now?

MS. SCHINSKI: Yes.

I would like to introduce Mrs. Betty Berman, our Vice President.

BETTY BERMAN: I don't want to take up too much time. I am Betty Berman, Vice President of the Toms River Regional Board of Education. Thank you very much for giving us this opportunity to address you.

The New Jersey School Boards Association, at the last Delegates' Assembly, passed a resolution which included teachers in its request for background checks. The original resolution that was passed did not include professional staff. That resolution was changed on the floor because the members of the Association, present at the Delegates' Assembly, wanted it changed; they felt that we needed a broader based background than just, solely, nonprofessional staff, which the original resolution called for.

Beyond that, we know that because this is now part of the New Jersey School Boards Association's set of resolutions, work in this regard and lobbying in this regard will be continued.

I believe that Ted Reed, who is currently the acting Executive Director of the Association since Dr. Newbaker recently stepped down, is usually responsible for that kind of lobbying, and he is extremely effective as a lobbyist. I am sure you all know him.

ASSEMBLYWOMAN FORD: Very well.

MS. BERMAN: We feel he represents the School Boards Association very well, and very competently.

I don't want to take anymore time, but I do want to introduce our next speaker, Doug Pecina, Principal of South Toms River Elementary School. He has much more to say about this because he has more experience in this area than I do.

DOUG PECINA: My name is Doug Pecina. I am Principal of the South Toms River Elementary School. South Toms River Elementary School is a 550-pupil, kindergarten through grade six, facility. It is one of the sixteen schools that make up the Toms River Regional District. We have roughly 17,000 students in the entire district.

This is my 22nd year in education, 12 as a principal. I have noted quite a bit of change, societal change in the past 20 years. I started out as a young teacher in Mountainside, New Jersey. I am from Union County. I was originally from Roselle, Senator. I then made my way down to the shore.

In particular, in the last 10 years things have changed quite a bit. It has become very obvious to me that the role of child advocacy is much more important now, in terms of the public school teacher and the public school administrator. This is basically because many children find themselves in situations where they are growing up with adults who do not need, want, nor love them.

When this type of situation exists, physical and psychological harm to the child is often the result. Often the school steps in on the part of the child, and this is viewed as a problem by the parents — many times by a single parent, depending upon marital, socio-economic, and many other factors.

One of the ways adults deal with these types of problems is through mobility. This mobility factor basically led me directly to my concern. Several years ago, this mobility factor started me to think about the situation, and that is why I am here this evening.

I am just going to say a couple of things to you to recount some experiences I had. Also, some of the things I will say are somewhat outdated and have been rectified. I think some tribute for having these things rectified goes to people like you. I will thank you formally at the end of my statement, but I want you to know that there has been some progress.

During the fall of 1982, a single parent registered two small children in the school in which I was Principal. She moved in with her sister. We knew that the sister she moved in with had some parenting problems of her own. After a short time, some home situations came to

our attention at the school and, as we always do, we contacted the Division of Youth and Family Services.

The Division of Youth and Family Services indicated to us that this was a known situation to them, and they were monitoring the children in that home.

In early spring of that year, unannounced to us or to anybody in the community, these people disappeared -- the single parent and the two children. As we were looking for them, we again contacted the Division of Youth and Family Services. They indicated to me, the Principal, that, yes, in fact, the children were missing. They had established that already. They were more or less waiting for us to help provide them with further information in terms of the location of the children.

In May of that year, I was contacted by the Ocean County Prosecutor's office. The Prosecutor showed up, looking for the parent of these particular children. She was wanted for a felony offense. After some communication, back and forth, I again found out that the school, of which I was Principal, was being counted on to help track this adult, through the children.

Later in that year the children did not show up at school and we had received no request for records. I really had nowhere to go at that particular time, back in 1982.

As we moved toward the fall of the next year, something-- I don't know whether it just dawned on me, or how it impacted on me, but, whether you are aware of it or not, every year, on the first of October, the school districts of the State must file the number of students within their school district with the State Department of Education. This number of students on a particular date, at a particular time of year, is important to the State aid formula; it has to do with the amount of money they should get. Understand, it must be an accurate account. I can tell you that in our district we literally count the children.

Now, if a child is not registered in school, or if he does not go to school from September 1 -- let's say he leaves the community in July or August and does not attend school up through October 1 -- he

is not counted in that school district. He is just not counted in that school district when the number is reported.

Now, in a small district -- I happen to be in a large district -- or a small school, somebody there knows those children exist, so they more or less keep that file active. But, if you project that in terms of very, very large districts -- perhaps where there is some mobility in the staff, or whatever -- it would be very easy for a child, or children, to simply fall by the wayside because they are just dropped from the rolls. In this day of computers and what have you, being dropped from the rolls can be as devastating as being in one of those computers and trying to get out.

At this point in time, I became quite concerned and I approached the local Superintendent of Schools, Mr. Dietrich, who not only encouraged me, but pushed me pretty hard to continue to look into the situation and see what other types of things fall into the realm of these "no-show" children -- this is the term we use around here, "no-show" children.

We did several things, with a lot of help from some very good people within our school district. At that time, we contacted the late Edwin Forsythe's office in Washington, D.C. Through his office, and with the help of the Department of Education, we did find -- again, we are going back in time -- that there was only one national tracking done on children, and that was one on migrant farm children and fishery children. There is a national data bank for these children. I think it is located in Little Rock, Arkansas. I have more information on that.

But, other than that, attendance records -- and I have a quote here from some of my correspondence, "were basically up to the local school district." Again, this has to do with this overlay of local control, as opposed to state or national control. We contacted the Ocean County Superintendent's office, the New Jersey Department of Education, the Division of Youth and Family Services, and the Ocean County Sheriff's office, and we began to collect data within our own school district, which is one of the 10 largest in the State. I really wanted to know how to manage this type of situation within our own doors.

At that point, my efforts were geared toward getting a national feel for what was going on in the state, and also something from the local level. I could then produce something for my boss, so that he would know I wasn't just wasting my time.

Naturally, each contact yielded some information, some advice, further contacts, or whatever. What I really wanted to do was to close this small gap. I want you to know that when children transfer from a public school in this State, if they do it by getting a transfer card -- or even if they don't -- the vast majority of them, if they go to another school somewhere in the State or somewhere in the 50 states, usually have a follow-up done on them. So, I want you to know that I am talking about a small amount of children. However, when you project them over some of the figures I heard here today, I think this is something that has to be addressed.

The U.S. Department of Education: "Attendance record-keeping remains the exclusive responsibility of the local district and the State." The Ocean County Superintendent's Office was extremely helpful. They helped me to make some contacts with the State Department. The State Department of Education indicated to me that, in fact, striking the number at a particular time of the year for the State aid formula was the correct way to go, and as far as that number is concerned it is a statistic. However, I want you to know that the statistic is a child, or children, as far as we are concerned, and it has to be addressed.

The Division of Youth and Family Services indicated again that they did rely an awful lot on the schools, in terms of tracking their caseload, and unless there was imminent danger -- unless the caseworker felt there was imminent danger -- they didn't issue a protective service alert if children should simply drop out of their particular jurisdiction. That might have changed by now. Please remember, this is dated to some extent.

The Ocean County Sheriff's Department, as Mrs. Berman or Mrs. Schinski indicated, was extremely helpful. They were greatly concerned, and supplied me with not only time, but data, plus a great deal of moral and physical support.

A second thing came up when talking with the Sheriff's Department: Many children are lost; many children, as you heard here tonight, are taken by someone from another part of their family.

There is also another group of people — and I can tell you about this, as I was tracking several of these cases — who literally take their children, even though there might be a mother and a father — there is no custodial problem, or anything else involved -- and they either sell them or they use them for illicit or immoral purposes, and they don't want anybody to know where they are. I can tell you that, given the laws and the way they stand now in terms of educational administrative code, if you can keep your child out of any school site from September 1 through October 1 in this State, you have a pretty good chance of burying that child, in terms of somebody looking for the him.

I understand that legislation and laws would now force us to turn in this type of a situation, but prior to this time that was not the case; I think, again, some of you should get some of the credit for that.

As far as collecting local data is concerned, we do find out about the majority of children who transfer out of districts. Public schools are more responsive than private schools. I will tell you that very often children show up at our schools with their parents and we are told: "We would like to register our child here, but we don't have any records." When we ask them why, they say: "Well, we didn't pay the money at the private school he was in last year; therefore, they won't give us any school records. You are going to have to take our word for it." That is a total sidebar here, but it is an interesting point.

Discrepant attendance laws in other states -- state-to-state -- are definitely a problem. I listened to some of the previous speakers this evening who testified regarding custody matters, and I can tell you that schools have different calendars; they have different laws, or "whatever."

Public schools, at least until now, felt very powerless regarding what what they could do. My question is, is this a school

problem? Can we change it? Based on my research, I made four suggestions to our Superintendent of Schools last February: One was to allow more time for investigation, and I was graciously allowed more time to develop a local policy on no-shows. We have a local policy here, even though our attendance is computerized. Any children who fall into the category I indicated to you before are kept on what we call a "hot sheet;" they are not simply buried in our data banks. We can recall the names of any children who have not been registered at the beginning of the school year if they were in our schools last June and they are now unaccounted for.

I know I am running short of time. I asked the Superintendent of the Board of Education to promote and help with local and statewide legislation. I think we are on record as having done that, and we will continue to do so.

I have also asked to amend our local health and family life curriculum, to work with children by teaching them their rights: "Hey, mom and dad have had us on the road now for six months; we haven't been to school anywhere." I really think we should teach children that they have a right to go to school, and if someone is keeping them out of school, they should talk to someone about it. Even though this is a small town or a mid-sized district, it is something that must be addressed through our curriculum.

There is a secondary consideration. When the children I originally got involved with were found -- and they did turn up in Houston, Texas -- I was contacted by a school down there because they were attempting to register the children. I pulled out the local codes and the administrative code on pupil records, who has access to the those records, or "whatever." Actually I found, and I was advised, that if I simply called the prosecutor's office and said, "Look, I found your youngsters," there is a possibility I would have been in violation of the civil rights of the adult. I am not an attorney; I am a school teacher. I am a principal now, but I found myself in a funny situation.

Those records were ultimately subpoenaed, of course, and we were as helpful as we could be in that situation. But, we are in a

funny situation when we talk about custodial matters. People come to the school; they want to know, or whatever; they don't have clear-cut custody, and it falls on me. If I were an attorney, that would be another story. I am not. As I said, I am a schoolteacher, elevated by one step.

In summary, my position is as an educator, trained primarily in curriculum and curriculum delivery systems. I am a child advocate. I firmly believe in child advocacy. Children are my business. Watching them grow and learn is something I really, truly, love to do.

I am convinced that public education is capable of many things, but we must rely on other agencies to meet basic needs, such as safety from carnivorous adults -- truly. We need to close the information gap, statewide and nationally, where children are involved. We need to clean up our record keeping and pupil information procedures. They have to be more uniform, and they have to be made clearer. We don't want to have to worry about someone showing up with an attorney because we told his wife something.

We need codes that mandate placing-- The codes that place former students in limbo because they did not happen to be present during the first month of the school year, again, have to be looked at; that is a statewide situation.

An agency must be ready to accept reports from schools about no-show children, and uniform procedures should be set up to feed data to this agency.

Last, I want to thank Assemblywoman Marlene Lynch Ford for addressing this need. Personally, I am the father of three. It hurts me to think that government has to get involved in these types of things. That hurts me personally. Professionally, after 22 years in the business, and 12 years as an administrator, I am telling you that kids need you. They are being hurt; they are being hurt, very often, by people whom they love and trust. They don't know that they are being hurt.

So, I really wish you God speed with your work. If there is ever anything I can do, please, you know where I am. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mr. Pecina. Senator Ewing has a question for you.

SENATOR EWING: Do you feel there should be mandatory fingerprinting of all children?

MR. PECINA: Yes, I do.

SENATOR EWING: Do you feel the records should be kept, other than with just the family?

MR. PECINA: Senator, you are walking on some very interesting ground there. In my opinion, children should be fingerprinted, but I think the parents should have them.

SENATOR EWING: What about the authorities having them? What is your opinion on that?

MR. PECINA: In this day and age, I am afraid my answer would have to be yes.

SENATOR EWING: Okay.

MR. PECINA: The liberal in me says no, but the realist in me says I think perhaps it is time.

SENATOR EWING: Right. Thank you.

ASSEMBLYWOMAN FORD: Thank you, Mr. Pecina.

MR. PECINA: Thank you.

ASSEMBLYWOMAN FORD: Pat Hanlon, Community Liaison for the Toms River Board of Education.

PAT HANLON: First, thank you for coming to Ocean County. There are many people in the audience tonight whom we have worked with through the school district. They have brought their concerns to us, as they have brought them to you.

I would also like to personally thank Assemblywoman Ford for her efforts to have me appointed to the State Missing Persons Commission. We have representatives from the State Police unit here, and Sergeant Fitzpatrick from the Ocean County Sheriff's Department, who also serves on that Commission.

I think you will find that in the Ocean County/Monmouth County area there is a great deal of concern. I think you are hearing the same things we hear in the school district from parents, from educators, and from people who are trying to deal with these

situations. There is a lot going on and much of it is happening to our children. All of this is being brought to the forefront so suddenly that we are all grasping to get at the problems.

We are finding it very difficult to put together the right kind of curriculum, one which does not scare our children while at the same time trying to teach them how to protect themselves.

We are in support of some of the legislation that is before the Assembly. Right now, legislation would allocate funds to the State Department of Education that would help to develop a master curriculum. These funds would help to develop an in-service program for our teachers on how to sight sexual abuse in children because these are the children who might run away.

There are also families who need this help because if the child is sexually abused, in most cases the parent was also abused and they were a victim too. We have a repetitive cycle, and there doesn't seem to be a stop to it.

For a school district of our size -- we are the fifth largest school district in this State -- we have 16 school plants. We transport quite a few students. We walk a lot of students to school. We are suburban -- in the country -- but we are urban in terms of what we have experienced here. We have seen our children abducted, and we have seen our children killed. We do not know who did it. We are in the same position here as people are in North Jersey, Atlantic City, or Philadelphia.

We all know what it is. I think some of us are afraid to believe it is really happening. What are we going to do? The Superintendent of the Berkeley School District talked about making the call-back program personal. Sometimes in larger districts you just can't do that.

We are here tonight in support of Assemblyman Adubado's bill -- the call-back system -- and the funding he is proposing in order to set up some pilot projects. We have been working on a call-back system that will utilize computer software. We have experience in that already, in terms of working with truancy and getting our children to come to school.

We have two pilot projects going on right now: One program has parents call absentee children in the morning, and another program has the computer accepting calls from parents. The computer then calls them back. There are problems with that. The more we do ourselves, with our own equipment, by having our people work with it, the more we think we can accomplish in trying to reach 17,000 children each day.

We are trying handle the elementary schools first because those are the kids who are really subjected to this; they don't know what can happen to them.

There is so much to handle. I would like to echo what Ms. Wright, from the Commission on Women, said: A lot has happened in two years, and there is a lot more that still has to go. With you here this evening, we will go a long way toward meeting our goals. But, it takes everybody working together, and I think we have seen that here tonight. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Fran Mahoney?

FRAN MAHONEY: I would like to thank you for the opportunity to come here and talk. Unfortunately, we have had a circumstance, where my babysitter was missing. As a chronic runaway, she wasn't treated as a missing child; her case was pushed to the side. Everywhere we went we heard: "She is a runaway; she will probably show up."

There were no records, even up in Parsippany, where all of New Jersey was supposed to have known about it.

In making calls all over the place, I became unsure of our parents' awareness regarding how strong an influence the Mooney's have over teen-agers. They accepted collect calls from all over the United States when we called to ask about this girl. They were willing to come and get us, bring us to wherever they go during the weekend, and tell us about their organization. They led us to believe that she was with them.

Any child who calls them or is in contact with them is in jeopardy, because they are really very dangerous. This should be investigated more because they are very cunning. A teen-ager is mixed

up when he or she is ready to run away, and he or she will go with anyone who offers them comfort.

Also, I am involved, with 7-Eleven, in a program on missing children. Our project has been held up for a couple of months due to the Child Find directories.

Here, in Family Circle -- I purchased this the other day -- I read that private individuals can obtain the new child find directories for \$10, but 7-Eleven Corporation can't get them on a mass basis. This is holding up a project that the Board of Education has donated quite a bit to. Maybe something can be done; when a publication is promised, it should be delivered.

Also, I am a taxicab driver for Amber Taxi. We have background checks. We pay for them. I am from Dover Township. We are fingerprinted and we have background checks.

In our schools, when our children are little, there are laws: We have to have our children immunized against measles, diphtheria or whatever. What law protects those children after they get these immunizations? It seems like we are handing over healthy children.

We should have more legislation, with laws to protect us and our children. I would like to thank you.

ASSEMBLYWOMAN FORD: Thank you. Senator Ewing?

SENATOR EWING: You said something about 7-Eleven not getting the-- Who did you say could not buy the directories in bulk?

MS. MAHONEY: We have been promised them.

SENATOR EWING: Who are "we?"

MS. MAHONEY: The Southland Corporation. I am working with them on the project. They were promised to us by December 1, and we are still waiting.

SENATOR EWING: They were promised by whom?

MS. MAHONEY: Someone named Judy Green from Child Find.

SENATOR EWING: They are to get them so that you will be able to put them in the different 7-Elevens, is that it?

MS. MAHONEY: They are going to be put in every taxicab in Ocean County, so that people can see the faces of all the missing children. 7-Eleven has put quite a bit into this. I can't say too much, in order not to let the whole thing out; this is their baby.

But, in this book it says: "If you send away, you can get the newly published Child Find Guide of Missing Children. It contains the names and faces of 812 children. Send \$12 to Child Find." 7-Eleven is paying for them; they are not getting them for nothing.

SENATOR EWING: And they can't get them?

MS. MAHONEY: They can't get them. They were promised. They were promised for March 5, but this (indicating magazine) is on the newsstands already.

ASSEMBLYWOMAN FORD: Well, I imagine there is still time for them to be sent; maybe they are having a publication delay.

MS. MAHONEY, you mentioned that your babysitter was missing.

MS. MAHONEY: Yes.

ASSEMBLYWOMAN FORD: Whatever happened to her?

MS. MAHONEY: Unfortunately, she was murdered.

ASSEMBLYWOMAN FORD: How long was it before they found the body.

MS. MAHONEY: It was over a year.

MS. INGOGLIA: Did they find the person who did it? Do they know who did it?

MS. MAHONEY: Yes, they did. I don't think the person is being properly prosecuted.

ASSEMBLYWOMAN FORD: Has he been tried?

MS. MAHONEY: Excuse me?

ASSEMBLYWOMAN FORD: Has he been tried on this particular charge?

MS. MAHONEY: He pleaded guilty, but at that time the death penalty had not been reinstated.

ASSEMBLYWOMAN FORD: Thank you.

Alisha Griffin from the Division of Youth and Family and Services.

ALISHA GRIFFIN: Good evening. I am Alisha Griffin from the Division of Youth and Family Services.

Assemblywoman Ford, members of the Commission: In addition to the array of services the Division provides for children and families in New Jersey, it is currently specifically addressing

programing in the area of runaway and missing children. It supports four of the five current Federal runaway shelters in New Jersey, and is working with Essex County in the development of the sixth one. It also funds 11 of the 25 local and county emergency shelters, which help to assist with the safe housing of youths.

The Division also annually licenses and insures the life safety and programmatic standards of all these shelters, to ensure the provision of quality services to children who are housed there.

The Division is also currently addressing prevention through its support of the Child Assault Prevention Project. The Child Assault Prevention Project teaches the prevention of abduction and abuse to children in grades K through 6. We are currently funding the local programing efforts of the Child Assault Prevention Project in Mercer and Somerset Counties. We have requested an appropriation of \$300 thousand from the State Legislature, in order to implement the CAP Program statewide.

We are also working with the CAP Program on the development of a proposal which address the need to educate children in contract and state-operated day-care centers.

We are also working with the Center to Find and Protect New Jersey's Children on the development of a community team-training project. We are preparing a proposal, to be submitted to the Department of Health and Human Services, that will develop a 17-month project to educate parents, concerned citizens, and professionals throughout the State in prevention, identification, and reporting of child abuse and neglect.

The Division also provides the prompt and safe return of all nondelinquent juveniles and runaways who are identified through the interstate compact. It is currently working with communities, advisory councils, and other divisions, to try and more effectively address the needs of those communities.

In its work with families and the youth of New Jersey, the Division recommends that there has to be additional funding developed for education, prevention of abduction, and abuse of children.

The Division is also recommending that there be expansion of funding in the area of the home and community-based support services, that work to strengthen and stabilize our families.

Through the expansion of these services, we could be instrumental in reducing the number of runaways, since they are the largest group of missing children.

The Division has currently put together a draft booklet, addressing the program expansion needs of community support services and the improvement of out-of-home placement alternatives for youths who are running or missing.

The Division has also recommended that additional funding be considered for the expansion of after-school and extended-day-care hours, in order to address the fact that 41% of child molestations and abductions occur between the hours of 3:00 and 6:00 P.M.

ASSEMBLYWOMAN FORD: Thank you. That last item was particularly interesting. There is legislation pending to establish an after-school day-care program. I believe Assemblyman Walker, from Monmouth County, is the sponsor of that legislation.

MS. GRIFFIN: Yes. I am aware of that. We are hoping it will go through.

ASSEMBLYWOMAN FORD: Thank you.

Mary Inzana?

MARY INZANA: Good evening. My name is Mary Inzana, and I am the Executive Director of the Mercer County Adolescent Coalition. I began the Coalition in 1979. It is basically comprised of approximately nine public and private agencies and individuals in Mercer County that deal with children and their families.

The Coalition has done many things. It serves as a means of communication for all of the people in the County who deal with children. It serves as a means of educating all of those people in new programs and new ideas concerning child care.

The Coalition has also provided a forum for a needs' assessment in the County. One of the things it came up with was the fact that our runaway shelter, as well as our juvenile shelter, agreed that what we need in Mercer County, as well as in probably all the

other counties, is something that is much more long-term for children than a shelter is.

I prepared a text, and probably if I read through it quickly we will get on with this a little more expeditiously.

As I was gathering my thoughts concerning missing children for my discussion with you this evening, I realized that some of these young people are not missing at all. I realized that for some of these young people the word missing implies that someone realizes and cares that they are gone. They are absent from context, be it a family, a home, or a school program.

For the children my agency works with, this is sometimes not the case. Yes, they might not be staying at home with their families, but they are not missed. They are not attending school, so they are quickly dropped from school rolls. When they turn up, often in some kind of trouble, their families or caretakers, instead of being angry at their behavior but relieved that they are okay, don't even bother to step forward to claim them.

These young people are, in a surprising number of instances, the little children warring parents fought over, and even stole from each other during divorce or custody actions, years earlier. In the very worst scenarios, these children wind up not being cared for by either parent, and, ironically, they become the one issue that parents can agree on: "This child is bad."

Some of the negative experiences these young people describe as part of their effort to make it alone include exploitation. Some of these young children are basically servants to people who take them in, and they provide child care and cleaning services. These people don't care if the children are being educated. They don't care if they are going to school, if they are having appropriate social contacts, or if they are medically cared for.

Also, some of the young children we deal with are called drug runners. Some very slick men get hold of them and, because they are young, they need a place to stay, and they need some money, they can run drugs for these men, and they are not suspected.

Next, the issue of abuse comes into the forum. Youngsters, especially teen-agers, who suffer from physical abuse at the hands of their parents or caretakers, are often not taken seriously since many adults feel that either these kids deserved to be beaten or, if it is so bad, the kids can run away, if the situation warrants.

Once the authorities verify such abuse and offer to protect these adolescents, caseworkers have to reckon with the tremendous unmet need for foster homes. Foster homes are scarce, but homes that will take an adolescent are particularly nonexistent, and, added on to this, if an adolescent is white, still fewer homes exist.

Drugs and alcohol: There are many methods of escaping for young people, and when a young person feels that a situation is hopeless, one classic example of abuse is drugs and alcohol. The child not only escapes from his hopeless feelings, but he becomes accepted as part of a particular drug subculture consisting of other kids with the same feelings, fears, unmet needs, and, finally, he begins to feel like someone is his friend.

Prostitution: Of the nine girls that my agency is currently working with, seven of those girls, after a trusting relationship was developed with a staff person, admitted to being victims of sexual abuse and incest at a very young age. In many of the cases it was an on-going situation, and they never trusted anyone enough to tell them. Several of these young girls have since turned to prostitution to enable them to escape an intolerable home situation, where their mother, upon hearing of the abuse from the child, either denied that this could be occurring or insisted that the daughter was "getting what she asked for." Once again, the hopelessness, defenselessness, and ever-present rejection emerges as a control issue for the adolescent, and they may then run and support themselves by using their bodies, which they already feel have been violated.

Recently, in Trenton, the Assistant Commissioner of the Department of Corrections was arrested on 11 counts of sexually exploiting young boys who lived in Mercer County. These youngsters were street kids who reportedly were turning tricks for pot and money. They were also young people whom society had thrown away. Rather than

deal with the magnitude of the problem that faces us as a society, these children are ignored while growing up, disenfranchised in the educational system, virtually impossible for the establishment authorities' needs or the courts to deal with, and they ultimately wind up missing or lost.

When considering the problem this group of young people face, I am frankly embarrassed to tell you how little my program is able to do to help them. I am continually faced with the fact that we have very short funding. I have one full-time social worker and one part-time social worker, as well as myself, dealing with 20 families, with children who have been with every other agency, and who have had magnitudes of difficulties in both public schools and private schools. They have been through DYFS residential treatment centers, and some have been through correctional facilities; we have to try to cope with this since no one else wants these children.

For over one year, I have desperately struggled to establish a group home for these children in their own county. I think one thing that really impresses me the most is that children who are victims have to be punished further and sent away for treatment. The family doesn't get help, in most cases; additionally, if a child has any positive support, being sent out of his own environment further punishes him.

Unfortunately, between the lumbering wheels of State bureaucracy and the little available funding -- which in the past has not been earmarked for new programs -- TRIAD House, which has been identified by family court, Assemblymen, Senators, mayors, the Coalition, private providers to children in the county, police, DYFS, and private citizens in Mercer County, does not yet exist.

Additionally, people who live in areas where we have attempted to locate our group home claim they support the program but they do not want it in their neighborhood. Foundations, corporations, and United Way will only fund programs that are in existence and have a proven track record of performance. Meanwhile, these children who have been rejected by their families have few, if any, advocates. There is no casino revenue; there are no paid lobbyists in Washington.

On the local scene, communities are more comfortable denying the existence of these children, and actually rally to keep them out.

When I began my career in social work over 16 years ago, we did not find the numbers of adolescents who were totally rejected by their families, with no hope of returning home.

Recently, public education, training, and programs on incest and sexual abuse have further heightened public awareness, but there are still few treatment resources offering the complexity and the kind of help these children and their families need. A large number of young people remain homeless or missing. We in the field deal regularly with mothers who choose to let their children go in order to remain with their husbands and retain the security to carry out their life plan.

Since these young people need powerful voices to speak in Washington, Trenton, and in their local communities, I sincerely hope that this Commission, and all present, will give very serious thought to a crying, unmet need that grows daily and ultimately reaps its vengeance on society as a whole.

The young parent who abuses children, or the angry young criminal who our tax dollars must be spent on in order to to incarcerate are graphic examples of young people who are society's tragic mistakes.

I think one other thing has sort of hit me, especially after speaking to a group of people who help parents and siblings of children who were victims of early death. I think the one thing that is missing for parents of missing children is some kind of a united support group. I think this could help them, not only when it comes to legal issues, but I really do feel that they are stuck in a rut. They can't mourn the death of their child, because their child isn't dead. They have to leave the toothbrush in the toothbrush holder, and keep the child's place at the table. Every day they are reminded they don't have their child there, and no united support help is given to them. I really think this is another issue I would like someone to consider. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Our next witness will be Jovita Francis, but before Jovita starts, I just want to introduce you to someone. Randy, are you leaving?

REPLY FROM AUDIENCE: No.

ASSEMBLYWOMAN FORD: Okay. Well, I am going to introduce you anyway. I don't know if we will have time this evening to have you testify. I have other people ahead of you; however, this is Randy Blake from Parents United for Equal Rights. I think he may be able to provide the support group you were referring to, Ms. Inzana.

RANDY BLAKE: Well, somewhat.

ASSEMBLYWOMAN FORD: I am not going to allow you to testify yet because there are other people ahead of you.

MR. BLAKE: Okay. What I would like to say is that I run a nonprofit organization, which I started four years ago, in Howell, New Jersey. It is called Parents United for Equal Rights. I am presently trying to establish a commission, such as this one, in Monmouth County, so that we can get involved and incorporate programs within the school systems for particular needs — such as those talked about tonight.

ASSEMBLYWOMAN FORD: Randy, I would like you to speak with Jack Brogan. Jack, will you speak to him about the Ocean County Commission on Missing and Exploited Children? Maybe you can give him some guidance on how he can prod his Freeholders into starting one in Monmouth County.

MR. BLAKE: Thank you very much, Assemblywoman.

ASSEMBLYWOMAN FORD: Thank you. Jovita?

JOVITA FRANCIS: Good evening. I want to thank you for giving me the opportunity to speak. I represent the New Jersey State Nurses' Association, as a member of the Board of Directors. I am also nurse/coordinator of the Lakewood School District, and I am a clinical specialist on behalf of children and adolescents.

The testimony that has been given so far from all the parents, social agencies, law enforcement officers, and also representatives from other districts, has certainly heightened the awareness of the people here. I wish we could televise everything that is going on, not only at tonight's hearing, but at all the other hearings throughout the State, in order to make sure that people are aware of what the actual, frightening reality is.

I have to tell you that in my own professional career, I interview and counsel children and families on a daily basis. It is in my office -- in the health office, which I oversee -- where I pick up problems that children are manifesting, either because of emotional outbursts, bizarre behavior, difficulties with relating to their peers, difficulties with learning, or all the other problems when dealing with them during their actual school day. This helps to pinpoint the suspected dysfunctional family units in which they reside, and also the suspected child abuse/child molestation that is going on in their lives.

I currently have three children in my school who are being followed by Division of Youth and Family Services. They have been molested. They have been raped. It is a very frightening thing to work with these children -- even though they are being investigated -- in terms of finding the offending person and bringing that person to justice. Counseling also has to be offered, particularly since two of the children who were molested, were molested by adolescents also within our school district. So, it is a very enormous problem.

But, I can tell you that in addition to utilizing school nurses to make the calls, we can also be utilized in other ways because we see the children when they come in and present their frightening problems to us.

I dealt with a child today who was hysterical because of a frightening program she was allowed to watch; it had to do with rape. The program was on T.V. last night. I called the grandmother and said, "I am very concerned. This child has a lot of wide variations and mood swings, and she has difficulty with relating to others. I am very concerned about her withdrawn behavior and possible suicidal tendencies." The grandmother was shocked. She said, "What are you talking about?" I said, "Well, you know, I have made several attempts to talk to the parents and to get them in. I am glad I finally managed to convince you on the phone to come in and speak with me." I said, "There is something going on in this child's life which is obviously very threatening and which may create a problem for the child as she grows into adolescence." Wherein, the grandmother also related the story of the program that was on the night before.

With all the positive things we are trying to do in the schools today in terms of tracking, in terms of counseling, in terms of initiating investigations on the child's behalf, and in terms of promoting positive sexual abuse curriculum into our programs, how then do we overcome the programs the children are allowed to watch at night? These programs cause the children to come to school in the fearful state I found this child in today.

A coordinated effort most certainly is needed. Further documentation of programs that work is definitely needed. We need not reinvent the wheel, but we certainly do need to collaborate with each other, and work hand-in-hand with each other.

I can tell you, on behalf of nursing, that one of our main goals is prevention. Speaking for all school nurses, public health nurses, community health nurses, nurses who work in clinics in hospital settings -- particularly with teenage mothers and families with numerous children, who they bring into the clinics -- I would like to say that what we need is a coordinated composite sketch of the children who are potential victims. We also need composite sketches of the adolescents or adults who are the potential abusers and abductors. If we have this, work with it, coordinate it, and distribute it on a yearly basis -- working together, hand-in-hand -- I think we can help to stem the rising tide of this overwhelming problem. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you.

Nikki Thoman from Hide and Seek.

NIKKI THOMAN: Members of the Commission, Assemblywoman Ford, thank you for your time this evening. Since the inception of our agency, Hide and Seek, Inc., East Coast, in 1982, we have served more than 2,000 people, nationwide. More than 1,200 of these people have been New Jerseyans.

We have provided search assistance and guidance, client support and advocacy, volunteer training, information and referral, and parent education. We teach our parents how to train their kids to avoid being victims because we feel very strongly that to go to a child, on a child's own level, and talk about things that scare him or

her to death -- all this coming from someone who is not a parent -- is not always the best way to deal with children.

We have disseminated photographs of runaway and missing children throughout the country, and we were recently asked to participate exclusively in an international photo distribution project.

We have taken great pride in our manner of direct-service delivery and we have taken great care to develop an ethical base as we plan for future growth in program development.

Our efforts to provide viable, ethical services were rewarded just recently when we received, for the second year, a grant award from the Camden County Board of Chosen Freeholders. This affirmation from a government tells us that we are undoubtedly on the right track. It speaks well not only of our ability to document the services we provide, but it speaks well for our future in this field.

This Commission must realize its responsibility to continually expand the focus of its assigned duties. If you become overly focused on unreliable statistics -- because that is all we have available to us -- or become caught up in the emotionalism of these issues, which is so easy to do, you will do a grave disservice to the target populations you are seeking to serve.

You must always keep in the forefront the true foundation you are dealing with, and the crux of this issue is, of course, children's rights.

Hundreds of years ago in this country, parents had the right to literally choose whether their children lived or died. Quite literally, parents were afforded the right to leave a boy child to starve if they felt they had enough boy children.

Children, over the entire history of this country, have been consistently treated as chattel. Our laws are not designed to protect them. After all, children have no vote; they pay no taxes. Because our laws have molded the mores of our society and the attitudes of our people, and because we as parents, educators, legislators, and professionals have not addressed these issues in a timely manner, our children continue to be treated as chattel.

Has the attitude of society really changed so much from hundreds of years ago? The penalties for murdering your own child, or molesting your own or someone else's child are weak at best. It is mind-shattering when we take into consideration all the aspects of abuse. It is sad and heartbreaking to consider that we do not view parental abduction as abuse.

A mother of two small children testified tonight. She is a woman who was deserted by her husband. She was determined to protect her children and raise them, regardless, but, in an instant, her small daughter was snatched violently from her arms. This mother, injected with a drug, shoved down a flight of stairs by a couple of hired thugs, rendered helpless, laid there listening as her child was carried away, hearing her screams of "Mommy, help me," and she was unable to answer those screams for help or to go to her.

She convinced herself that there had to be justice for the horrible crime that was committed against her child -- not against her, as she says, but against her children, her son and her daughter. To her dismay and disgust, she found that a court in our own State sanctioned this kidnapping -- because that is what it was.

Now, almost three years later, this mother lives day-to-day with the knowledge that her daughter's life is being decided by people who don't know her and who could never know her as her mother does. This little girl, only six years old, has not spent a night in her mother's home in almost three years; she has not been afforded the sweet security of her mother's touch, smell, and voice without interruption.

This little girl is subject to constant interference in her life and in her development, interference in the form of hired nannies, hired servants, security guards, and judges. In speaking with me, this beautiful little child said, "Nikki, do you think they will ever let me live with my mommy? Why do I have to stay where I don't want to be? When I want -- me, Theo -- to live with my mom, why won't they listen to me? I told the judge. Why won't they listen to me?" Why, indeed, Theo; why, indeed.

This, members of the Commission, is the crux of the word abuse. Is there any abuse greater than the abuse that robs a child of equal, unfettered, access to her parents? Is there any violation of an individual's — child or adult — inalienable civil rights as great as the violation of a tiny child's right to have some say in her own life? We think not.

The American Bar Association estimates that parental abduction occurs in 10% of all divorces in our country today. In New Jersey alone, estimates show that more than 7,000 children were abused by parental abduction in 1982. These children, through no fault of their own, are first forced to witness the collapse of their entire world as one parent leaves the home. These children are subjected to the pain of dealing with the breakup of their home, their family, their entire life, and they are seldom, if ever, asked how they would like to have their lives decided.

In hundreds of thousands of cases, children are simply spirited away. Many die. Many are neglected. Many grow up on the street. Many become juvenile delinquents. Many become the children we see in our shelters. Many become abusers when they grow up.

We cannot, in good conscience, deny that as Theo grows she will have emotional difficulties because of what has been happening in her life, things that she has had no control over.

We will do ourselves a grave injustice if we don't allow ourselves to feel just a little bit of the overwhelming pain she must feel as she goes through her life missing and wanting her mommy on a daily basis.

There are people in this room who could impact not only on this particular situation, but who could truly make a long-term difference by helping us as we develop legislation that will change the way the family courts now view and handle custody and divorce situations.

If we are to truly serve children through this Commission, we must take positive action to remand divorce/custody actions to professionals who are trained not in law but in child development and family dynamics. We intend to develop the draft of this legislation

and we intend to lobby for the acceptance of this legislation. We plead for your support as we seek to curb the incidence of parental abduction in New Jersey and throughout our country.

If there is anyone in this room whose child has suffered a parental abduction, or has suffered any missing related crisis, or if there is anyone who is interested in impacting on the development of and lobbying for this piece of legislation, please contact us.

I will be testifying before the Commission again in Camden, in March, regarding some other issues we feel are really relevant to this field. I look forward to that and I thank you for your time this evening.

MS. HOVER: Thank you.

As our next witness we would like to call Richard Osis, President, Jackson Youth Advisory Board.

RICHARD OSIS: Good evening. Thank you for having me here tonight. The Jackson Youth Advisory Board is a newly formed board, appointed by Mayor Pete Carlson, on January 1, 1985. Our purpose is to foster good citizenship in the Township of Jackson, the County of Ocean, and the State of New Jersey, and to take an active interest in the Township of Jackson in all matters which may affect the civic, social, or moral welfare of the youth of our community.

Realizing the seriousness of the issue of missing and exploited children, our very first project will be a seminar on this subject, this Friday, March 1, at 7:30, at Town Hall, Jackson Township. We are going to have Captain Fitzpatrick, Ocean County Sheriff's Department, as our guest speaker. He will proceed with a slide presentation and a lecture, which will be continued with audience discussion. We invite all who are in attendance here tonight to come and join us on Friday night.

Our second project was recently approved by the Board of Education; it is an optional fingerprinting program. This will take place every year for incoming students in the Township. We feel this service will aid families and law enforcement agencies in the task of locating missing children.

On the subject of missing children, a good neighbor of mine told me a story that happened long ago in a town she lived in. This town had heard of kidnapped and exploited children, but felt it could not happen there. Unfortunately, they were wrong and it took the life of a small child to show them that it could happen. A young girl scout was distributing cookies one afternoon, and she went to a house. The gentleman who opened the door asked the child in so he could fill out a check. When he let her in, he proceeded to rape and kill the young girl. She was found in a park the next day.

There was great public outcry in the community for the apprehension of the criminal. The police, out of sheer guess, ordered the arrest of a man they knew did not like children; they suspected him of the crime. Unfortunately, they were wrong. The man who turned out to be the criminal was a schoolteacher from another district. This shocked the community; they never expected such a thing. The man was arrested and brought up on very serious charges, ranging from rape to murder.

After this incident, the town took some very strong measures to make sure it would never happen again. This sad example of the loss of a child must have some impact on the dilemma we are all faced with, and I hope it will never happen again.

We wish to encourage other townships to act as a unified force in combating the most tragic and heinous of crimes. We thank you for inviting us here this evening and any information or suggestions which can assist our Board would be sincerely appreciated. If we can offer assistance to any other community that wishes to form a Board, such as ours, we would be happy to cooperate with them. Thank you.

MS. HOVER: Thank you.

We would now like to call Dolores Dallas, Juvenile Protection Commission, and also Mary Louise Miller, if she is with her.

DOLORES DALLAS: Thank you. I have been actively involved with the missing children issue and the related issues of child abuse and child sexual assault for about three years. I hoped to tell you about these three years and why I now strongly believe in the Child Assault Prevention Project, which Alisha Griffin already mentioned to you.

However, I received a letter from someone who knew I was coming here tonight and who hoped her story would help. It is important for all of us to become sensitized to the survivors of assault. We also need to remember their pain, which can remain for a very long time.

I would like to read this letter now:

"I ran away 11 years ago. As much as I bury it deep in my head, I know I can never forget the mistake I made when I was a child.

"I ran away because I couldn't cope with the marital problems my parents were having. My mother was always having one drink too many, plus the jealous feelings I had about my sister. My mom did everything for her; she came first.

"All my relatives lived in another state. I had no one, besides girlfriends in school, I could talk to. When I left, I didn't know where I was going; I just started hitchhiking.

"After a few different rides, a truckdriver picked me up, and that is when the unspeakable happened. I was told by a middle-aged man to take this medicine, that I had a cold — a whole bottle of Coriciden D pills with beer to make them go down. I was young, but I knew that was too many, but with a handgun beside his leg, I was afraid to argue.

"A lot happened. I believe I was in shock. I had never seen a man exposed. I cannot go into detail now, as I am shaking.

"When I was found by police, they took me to a detention home until my parents could get me. I was to be examined before I was put with the other girls. When my handcuffs were taken off -- runaway is a terrible crime— I knew I did something wrong when the cuffs were on, but I didn't know what.

"Through the exam, the doctor made remarks about internal bleeding, bruises, etc. He kept insisting to know what my boyfriend did. At 13, I had no boyfriend. With all the struggling I had been through, I had no energy to argue with the doctor.

"When I was put with the other girls, I was jumped by one of them. When I fell to the floor, I used what energy I had to fight her off me until the guards came to help.

"I am writing this anonymously. I hope this can help you to understand. Some things could have been avoided if I had someone or someplace I could have gone to. There must be help available for young ones trying to grow up.

"Just how I felt when the guards helped me to my room, shut and locked the door — finally, I was safe — we need something to keep our young ones safe."

I thought it was important that I share my 10 minutes with this person who didn't have the strength to stand here tonight and say this. It makes me shake inside to know that there are people out there — there are people everywhere -- who have been victimized. It is up to us, really, to stop talking so much and to start taking some action. Thank you.

MS. HOVER: Thank you.

Bambi Sommers?

BAMBI SOMMERS: Hello. I am Bambi Sommers, and I am from Lakewood. I am the stepmother of a missing child. I have been told by law enforcement officials and attorneys that stepparents have no rights at all, insofar as the child is concerned.

My husband has had custody of his daughter for eight years. She ran away from our home in June of last year. Her mother got emergency custody within 24 hours in July. She got permanent custody of her in September, from a court in Freehold.

Three weeks after her mother got custody, we got word from my attorney that the child had run away. My husband and I were extremely upset. We called relatives on his ex-wife's side of the family in order to try to get information. We found out she was pregnant for the second time, and that she had taken off with the boyfriend. She hadn't run away; her mother had given her \$100 and asked her to leave.

We went down to the Neptune Township police and tried to file a missing persons report. They told my husband and me that I had no rights at all, and he had very little because he did not have custody. We could not prove that she was, in fact, missing.

We sat there and we literally argued with the Lieutenant. Finally, he called the mother of the child and said, "Is she missing?"

She said, "Yes." He hollered at her a little bit for not filing a report earlier. He, indeed, filed it.

After that for, I would say, two and a half weeks, I called him on a daily basis to see if he checked the schools, to see if he checked with other organizations or places -- hangouts, or anything like that. He would say, "Well, we are getting there." That was his attitude.

The high school is around the corner from the Neptune Township Police Station. It took three days worth of phone calls to get him to check the high school, which would tell us nothing. The high school would tell him nothing. We, in turn, after months, just gave up.

On December 3, the Lieutenant called -- this was since September -- and asked us if we heard anything. We said no. He said he was investigating. He investigated the boy she supposedly took off with. His parents said he had been home for a month -- no problem. They hadn't seen her. He called the girl's mother and the mother said the girl had been home since the weekend. So, he dropped the report.

I asked him-- I said, "Did you go to the house to investigate and make sure the girl is there? He said, "No. I will take her word for it." And, that is what he did.

My mother-in-law called the mother and the mother said, "No, she is not here; we just did that so the police would not hassle us." Until this day she is still missing. The boy turned 18 in February. I heard, through attorneys, etc., that the mother gave the daughter permission to get married.

We had a motion before the judge in Freehold to try to get custody back. It has still not been heard, and we have had nothing but runarounds.

In the meantime, she applied for welfare. The Monmouth County Welfare Board got in touch with my husband and me and told my husband that they will give her support, but we have to pay them. They, in turn, would not tell us where she was because of the Privacy Act. This was before she was married. This was December 14.

I went down to the Monmouth County Welfare Board and talked to the personnel there. They argued with me, and I argued back. I said, "I am not going to pay support for a child who is living God knows where, doing God knows what, pregnant. We don't know if she has had medical care." With the information they could give me, as far as her address was concerned and what her father does for a living, she lied on the application, and they wanted my husband to pay support for her without giving us any information. We received no cooperation at all from the police, and no cooperation at all from the Monmouth County Welfare Board.

I told them that she was reported missing. She was in the FBI computer as missing, and they just acted like, "so what." That was their attitude.

As it stands today -- as I said -- she is now married. She has been married for two weeks. We do not know where she is, and that is where it stands. I ask you, if these 15- and 16-year-old girls run away, or are asked to leave, and they apply for assistance, shouldn't someone check to see if these kids are reported missing first? Isn't there some kind of an emergency hearing we can get in order to try to get her back? We have to put motions before a judge and wait two weeks, where her mother -- the child went to live with her in June -- decided in July that she wanted custody and she got court action within 24 hours.

My husband wasn't even sent a notice of this; he was called at work by a worker in the lawyer's office who said, "Be in court tomorrow at 1:00." We said, "For what?" He said, "Emergency Custody." That is done so the child has a roof over her head.

Here we proved to a judge that there was possibly no roof over her head, and we had to wait for a motion. In the meanwhile, the child got married.

I don't know what the law is in New Jersey regarding parental signatures for marriage, but I called the Lakewood Township Bureau of Vital Statistics and the woman there told me that in New Jersey, unless the court papers say the parent has sole custody, you need two signatures. Our court papers only say custody. So, this child got

married with only one parental signature. I feel that should be changed, or that judges should look into things a lot further than just, "Oh, yes, you can go there because you feel like it."

I don't feel that teenagers are mature enough to decide what is really right or wrong for them. You know, they have age of majority and legal age at 18, but they cannot make these decisions. I really do not believe they can. There is nothing mentally wrong with my daughter. She was a straight A honor roll student in school. I just feel she was more influenced by her friends than she was by her elders. This was the problem. She felt she could get away with more while living with her mother, because she hadn't lived with her for eight years. Her mother did give her up. She wanted nothing to do with her. The only reason she wanted custody was because she could get support, and that only lasted for three weeks.

SENATOR EWING: Is your husband still paying support?

MS. SOMMERS: No, that was stopped the moment the child left home. We got a court order stopping that. But, we still ran into problems with the police; and we ran into problems with the Monmouth County Welfare Board.

MS. INGOGLIA: Are you saying that the child applied for welfare?

MS. SOMMERS: Yes, she did.

MS. INGOGLIA: And she has been granted assistance?

MS. SOMMERS: I don't know. They won't tell me whether they approved her or not.

MS. INGOGLIA: They won't tell you?

MS. SOMMERS: The situation has changed now because since she applied for assistance she got married.

MS. INGOGLIA: Right.

MS. SOMMERS: So, she might have to go in and reapply.

MS. INGOGLIA: Do you think she applied before she was married?

MS. SOMMERS: I know she did. They sent us a letter telling us that we would have to pay support or else. I asked them where she was and--

MS. INGOGLIA: (interrupting) And they wouldn't tell you?

MS. SOMMERS: Nothing. They told me they had their laws and they had their rules.

MS. INGOGLIA: Did you tell them she had been reported as missing?

MS. SOMMERS: Yes.

MS. INGOGLIA: And that did not--

MS. SOMMERS: (interrupting) I gave them the Lieutenant's name.

MS. INGOGLIA: And that did not--

MS. SOMMERS: (interrupting) No, she giggled. She said, "I don't believe what you are telling me."

MS. INGOGLIA: This is the welfare agency?

MS. SOMMERS: Yes, and it was in Monmouth County. I begged the police Lieutenant, when he called me in December, to just keep investigating to make sure the child was living at home, and not just take the mother's word for it. He wouldn't do it, and he dropped the report. We didn't even have that working for us anymore.

We have not seen our daughter since June. I raised her for eight years, and I have four other children at home also. It is driving them crazy because they don't know where their sister is. This is how we live.

So, I feel that there are some laws which should be changed. I don't know what kind of laws Welfare has. The woman I spoke to at Welfare told me that there are laws, but she wouldn't give me any statute numbers. So, I don't know.

MS. INGOGLIA: Thank you very much.

ASSEMBLYWOMAN FORD: Donald Mallon?

DONALD MALLON: Madam Chairwoman, ladies and gentlemen: My name is Don Mallon, I am from the Seaside Heights Police Department. I would like to address the Commission on one vital piece of legislation that I, and a lot of other law enforcement officers, think is missing -- as a matter of fact, we know it is missing from the new Title 2(C) Criminal Code, which went into effect in 1979.

Up until 1979, a two-way criminal code was enforced in the State of New Jersey. There was a statute in the two-way criminal code

that dealt with contributing to the delinquency of a minor. When the Title 2(C) Criminal Code was adopted in September of 1979, that statute was left out of the code. In effect, what that did was, it took some of the teeth out of the law, and it took a tool away from the law enforcement officer.

You have all heard ladies and gentlemen testify about children who are runaways, missing, or otherwise separated from their families and their parents. If these children, whether knowingly or willingly, fall under the influence of an adult, and that adult chooses to corrupt these children, unless the adult corrupts them in a fashion that deals with narcotics, sexual abuse, sexual contact, or sends them down the lane to prostitution, there is really nothing the law enforcement officer can do. We, in effect, have no power to arrest, incarcerate, or see to the prosecution of adults who knowingly and willfully exploit children.

There are adults in this State who use children, as one lady testified, to sell and transport narcotics, because they know the juvenile laws in this State do not deal harshly with juvenile offenders who possess or otherwise distribute narcotic substances.

They furnish them with illegal drugs and alcohol which, in turn, contribute to their delinquency. I know for a fact -- I have dealt with this on a personal basis in Seaside Heights -- there are juveniles who have been led to commit crimes for adults because the adult knows the child is not going to be prosecuted.

I have had many, many parents ask me, "Officer, what is going to be done to the guy my daughter is living with? He is 25 years old; she is 17." Nothing.

Do you ladies and gentlemen have any grasp of what it is like to be told at 2:00 in the morning that there is absolutely nothing that can be done to a 25-year-old man who is living with a 16- or 17-year-old girl? He is feeding her narcotics and alcohol and engaging in sexual acts with her. This is something, ladies and gentlemen, that has to be addressed, and it has to be addressed as soon as is humanly possible.

That statute, or similar legislation, should be introduced. It should not only be introduced, but it should be pushed to the forefront. Give the law enforcement officer the tools he needs to do his job. Thank you very much for your indulgence; I appreciate it.

ASSEMBLYWOMAN FORD: Officer, can I ask you just one thing?

MR. MALLON: Yes.

ASSEMBLYWOMAN FORD: Seaside Heights is a seasonal town. Do you find that you are a haven for runaways?

MR. MALLON: Yes, we are. We are an ideal drawing card, if you will, for runaways because of the resort atmosphere. There are opportunities on the boardwalk for juveniles to not only work, but to live. They set up housekeeping under our boardwalk -- under the amusement piers. They get jobs at substandard wages and oftentimes they cohabit, sometimes in numbers of up to 10 and 12, in a very small apartment or furnished room. We do get our share.

It is not so much the fact that it is not publicized, but we can't tell everybody to keep their kids out of there. I am not going to tell a family not to let their kid go there. There is a certain attraction, granted, and there is a carnival atmosphere in the summertime. These children gravitate to that type of atmosphere.

SENATOR EWING: Does the Department of Labor make spot checks down there as to what they are paying these juveniles?

MR. MALLON: Yes, Senator, they do. There are statutory laws under the New Jersey Criminal Code that require employers to file applications with the police department for each and every employee they have; this comes under the Amusement Games Act. We, in turn, have copies of them.

The Department of Labor does come down and they do check. Unfortunately, the Department of Labor works nine to five, Monday to Friday, and they are, like every other governmental agency, understaffed. They can't control the situation, nor can we.

ASSEMBLYWOMAN FORD: Officer Mallon, is there a minimum standard of payment for children of this age? Do you know what that is? Because it is not the same as the Minimum Wage Law.

MR. MALLON: No. There are standards. I can't qualify myself as an expert on that, but there are standards that are set for wages being paid to full-time students in part-time work. Unfortunately, if a kid is a runaway -- 15- or 16-years-old -- and he comes down, if he is a good worker he can get a job, and the employer is at liberty to pay him whatever he feels like paying him. The employer will pay whatever the traffic will bear.

SENATOR EWING: Doesn't he have to pay a minimum wage?

MR. MALLON: There is no minimum wage for a student, sir.

SENATOR LESNIAK: There is a State minimum wage.

MR. MALLON: Yes, but these kids can work 60 hours a week, sir, and they can get paid \$3.25 an hour for all 60 hours. They get no overtime; they get no minimum; and they have no guarantee.

ASSEMBLYWOMAN FORD: That is done just as a matter of practice?

MR. MALLON: Yes.

ASSEMBLYWOMAN FORD: Thank you, officer.

Mary Louise Miller. Mary Louise is with the Juvenile Protection Commission in Brick. Thank you for coming tonight.

MARY LOUISE MILLER: Yes. I just want to briefly cover the CAP Program that was mentioned earlier. I spoke with Mia Anderson today. She is preparing a report that will be given to you on March 20. She is with the New Jersey PTA, Juvenile Protection. I am her counterpart here in Ocean County.

We feel-- She and I, plus some other committee members feel that this is the best program we have seen so far. There is nothing else that can come near this program.

We need a coordinated, well-developed approach to the entire issue of child abuse -- not just missing children, not sexual abuse, but the entire issue. State resources must be used to facilitate the training of our children, and also their parents. The State doesn't maximize its resources. We have to network together.

I want to know what Mercer County and Union County are doing. They want to know what I am doing. If we can network together and get more commissions going, we can then find out what each of us is

doing. If we can network all this information, together we can put it in the sheriffs' departments and the police departments around the State of New Jersey. We then have a chance of helping our children.

ASSEMBLYWOMAN FORD: Thank you.

We have a statement here from Parents United for Equal Rights and we will be making that part of our record.

Is there anyone who is not on our list who would like to testify? (affirmative answer)

Will you please come forward and state your name for the record?

DONALD DeGROOT: My name is Donald DeGroot. I live in Dover Township. I just wanted to bring up an incident which happened about four weeks ago, to us and to our 10-year-old son. It was about 5:00 in the evening and he was coming home for dinner from a friend's house. A car came into the neighborhood, cruising the neighborhood, and as my son went to cross the street -- this is only about five doors down from our house -- the man in the car saw him, picked up speed, and stopped him from crossing the street.

When my son saw the car coming, he turned the corner and the man on the driver's side got out of the car and said to him, "Are you going home? Get in the car and we will take you home." This was five doors down from our house.

My son said no, and he started to walk a little faster, and the man said, "Get in the car." He said, "No," and he started to run. The man went after him, and my son ran into a neighbor's house. When he got to the neighbor's house he called us and asked us to pick him up, which we didn't do because we figured he was just looking for a ride.

Later on, we found out that these two men tried to get him into the car. We called the police department, and the police would not come to the house until they spoke with my son on the telephone, to verify what we were saying. He told them the same story. About an hour later a patrolman came and took his statement. He didn't have any idea of what to ask my son. He asked him repetitive questions. My son kept saying they were "older adults," not teenagers -- not 18- or

19-years-old. They were older men. One man had long hair. He gave them a complete description. He gave them a description of the car.

The officer kept insisting they were 18-year-olds or 19-year-olds. He said that maybe he even knew who they were. He took the report, and later on I went out and talked to him in the car and told him that my son was talking about people in their late 20s or early 30s -- men.

This was on a Monday. We didn't hear anything, so I waited a week and then decided to call the police station to find out if anything was being done. They gave me a detective's name. I called the detective; he hadn't even read the case. He said, "We did everything that step seven says to do here in your pamphlet."

He asked me to explain to him what happened. I went through the whole thing again. He was insinuating that these were Good Samaritans looking to give my son a ride home, five doors from his house. He even went so far as to ask me what the weather was like: "Was it raining? Would they give him a ride?" It was a sunny evening, 5:00 P.M.

At that point, we didn't hear anything again and the following week we got a call from a woman detective, asking me to bring my son down to the police station. They questioned him as if he was lying. For two weeks he had not gone out of the house, but "he was lying." He doesn't normally lie about these things.

Again, she insinuated, in front of my son, that maybe they were really Good Samaritans and they wanted to give him a ride. I asked her, please, not to do that because I thought he did the right thing by running to a neighbor's house and calling us. She then backed off and said, "Oh, yes; I'm sorry. You did the right thing. You shouldn't get into a car with anyone."

The point I am trying to make is, it seems that the police department really doesn't know how to question children. They came in, and in the half-hour or 45-minute second session we had with the detectives, the questions were again repetitive. They asked, "What color car was it?" We had given them a complete description of the car.

They said the only thing they could do, or would do -- and this, again, was two weeks later -- was to turn the car description over to their traffic department and keep an eye out for it. Nothing happened.

I think there should be some sort of training for the police department in how to question a 10-year-old. Find out if he is lying. If he is lying, at least get the true story; don't scare the kid with repetitive questions, bring him down to the police station, and do absolutely nothing. We got no satisfaction from the police department. The only satisfaction we got from the police department was when they said to us, "If those guys were really looking to abduct a child, they will be back." That is what they told me.

ASSEMBLYWOMAN FORD: The State Police recently implemented a training program, making this training available to the departments that could send a representative. This program deals specifically with the handling of missing persons complaints, missing children, and attempted abductions. It may just be a matter of time before each department has someone who is a specialist in that area.

I think the first training program was held in May or June of 1984. So, obviously, it hasn't filtered down yet.

SENATOR EWING: Did you go to the Mayor?

MR. DeGROOT: No.

SENATOR EWING: Why not?

MR. DeGROOT: I work for the Jackson Board of Education and I was talking to another Vice Principal there; he said he was going to call the Mayor.

SENATOR EWING: Yes, but the Jackson Board of Education doesn't run the police.

MR. DeGROOT: I don't know if the Vice Principal did or did not call the Mayor, but it was right after this that we got the second second time to go down to the police station and talk to the second juvenile detective.

SENATOR EWING: Yes, but are you a taxpayer?

MR. DeGROOT: Oh, yes.

SENATOR EWING: Well, you are paying for their services. Why didn't you go to the Mayor? I think you were wrong not to go to the Mayor when you felt you received lousy treatment from a very inept police department. It would be interesting to see if those policemen even graduated from high school. I mean that. I think it is unconscionable, and I think you were wrong because you were not helping the rest of the citizens in the community. This happened here in Dover?

MR. DeGROOT: But, they downplayed it. The police department really downplayed it so much—

SENATOR EWING: (interrupting) Well, you should have gone to the Mayor and raised hell with him.

MR. DeGROOT: (continuing) —that we thought, "Well maybe this is just..." Do you know what else they told me? The policewoman told me that this was the first case she heard of in Dover Township, other than a spouse trying to abduct his own child.

SENATOR EWING: Why don't you come to the next public meeting and bring this up, right to the Mayor?

MR. DeGROOT: I would be more than happy to do that.

SENATOR EWING: I should think you would; that is the only way you are going to expose the ineptness of the police department.

ASSEMBLYWOMAN FORD: Thank you, Mr. DeGroot.

MR. DeGROOT: I think the reason why my son is still here today is because we pumped into his head that he should never go with anyone; he should go to the nearest home. He told us that after this episode.

ASSEMBLYWOMAN FORD: How old is your son, I'm sorry.

MR. DeGROOT: He is 10

ASSEMBLYWOMAN FORD: He is 10?

MR. DeGROOT: I think it should be mandated that K through 6 is taught this in school. I keep hearing there is no room in the curriculum. I work for a school district and they told me the same thing: "There is no room in the curriculum." I am sure that somewhere along the line they could squeeze in an hour a day to train our children not to go with strangers. I think that is what kept my son out of the car.

The other thing I wanted to mention is that Jackson Township has, for K through 6, the telephone calls when kids do not show up in the morning. My son goes to an elementary school and he has been out a number of times; we have never received a phone call asking where our son was. We never called the school either; we never thought of it. We just kept him home because he was sick. We never got a phone call.

There was a lady here earlier this evening who said she wished more of the public would have turned out for this hearing.

I am here because of the incident that happened to my son. I was like everyone else. We read about missing kids in the newspaper and say, "It is not my kid, so who cares?" -- until it came this close to home.

One of the things I made it a point to do was to look into some of this, such as getting the John Walsh tape. I have the John Walsh tape; I mentioned it to your secretary. I watched him and I am sharing him with people. I am going to call John Walsh to find out if we can use his tape for PTO meetings, and things like that.

Why can't this type of thing be put in libraries in areas where he can't go out and visit, so the public will have access to what he has to say? I am going to tell you, it makes the public very angry. Because of some of the stories he tells, you would have a full room here. You would not have enough room for the people, if you would just show the tape. Until they know about these things, I don't think you are going to get the turnout you want. Thank you.

ASSEMBLYWOMAN FORD: Thank you. Senator Ewing?

SENATOR EWING: Will you promise to go to the Mayor?

MR. DeGROOT: Yes. (laughter)

ASSEMBLYWOMAN FORD: I would now like to call the next witness. Will you please tell us your name for the record, sir?

NICK NICKENS: Detective Nickens. I am with the Juvenile Bureau of the Lakewood Police Department. I sympathize with the gentleman here, insofar as the problems he has had with the police department are concerned.

Ours is a little different. I have been with the Juvenile Bureau for six years. That is all we do. We are trained to deal with

everything. We only handle things that come in, from birth to 18 years of age. So, if he had come to us, we would have handled it and he would not have had to go through the mill.

I find the problem in Lakewood is that I have a lot of children come in and, as Mr. Brogan stated, there is no place for them to go. The children are not only running away from home; I think we also have to deal with the problem of keeping them from running away from their towns. You see, they are leaving home, but they are only leaving the town because there is no place else to go, except Seaside, Atlantic City, or wherever. They have to have a place to go.

An adult, when he or she gets mad at either husband or wife, leaves for a couple of days to cool off. The kids have no place to go. You can call up a brother or a sister and say, "Hey, can I come and stay there for a couple of days; I am upset." Try, as a juvenile officer, to get a relative to take in somebody's kid. Forget it, they don't want the headaches; they have their own. They say, "No way."

As far as the Host Home Program in Ocean County is concerned, they only want to deal with a child if he or she has a perfect record. And, in order to get him into a shelter -- GINS or detention -- you have to sign a complaint. Now here is a kid who has a family problem, but we have to sign a complaint to get him into a shelter.

In my position, I have to tell the children who come to me and say, "I have a problem at home," that I can't do anything for them. I have to tell them that they have to go back home with their parents. There is nothing I can do. There is no place I can turn to. So, that is a problem I am running into, and I see it every day. They come in every day. I do this seven days a week, 24 hours a day -- because we are on call 24 hours a day.

We in the Juvenile Bureau -- there are three of us -- only handle juvenile cases. There is no one else who will touch them; they are not allowed in our department.

We are definitely in need of a place where, if we can't stop them from running away from home, we can at least try to keep them from running away from their town, and help them to work out their problems. Maybe we can then turn them around and put them back into

society. Most of the children don't want to leave town, but they have no choice because there is no place else to go. There is no place down here, or around here; I hear there are some in North Jersey.

Mr. Brogan asked me to come and speak about Lakewood. I called him because I saw the notice of your meeting in the newspaper, but it didn't say it was open to the public. I had to track it down in order to ascertain whether or not the public could attend. That was not in the paper.

Thank you for letting me speak.

SENATOR EWING: You ought to remember that the State operates under glass in Trenton -- everything is open. The State operates under glass, so all of our meetings are open.

DETECTIVE NICKENS: Well, it didn't say that in the paper. It was not announced that it was open to the public, so I had to double check.

ASSEMBLYWOMAN FORD: Detective, has anybody in your department participated in the Missing Persons training course the State Police is giving?

DETECTIVE NICKENS: Not that I know of. We have been to Juvenile Justice School. This is the first time I heard of the Missing Persons course. We have someone in our department who receives all the notices regarding schools, but -- you know -- sometimes notices don't get around to the people who attend the schools.

There is a Juvenile Justice course that they give. It is a 2B course at the State Police Academy. We have all been to that course. It deals with everything--

ASSEMBLYWOMAN FORD: (interrupting) Including runaways?

DETECTIVE NICKENS: (continuing) --pertaining to juveniles. We are trained in every part of that.

ASSEMBLYWOMAN FORD: Thank you, Detective.

Sergeant Fitzpatrick?

KEVIN FITZPATRICK: Good evening, Madam Chairwoman, ladies and gentlemen: I am Detective Fitzpartick, from the Ocean County Sheriff's Department. I am not a Sergeant -- that's good. I am just a nuts and bolts guy trying to effect some positive change.

ASSEMBLYWOMAN FORD: Somebody else called you Sergeant, I'm sorry.

DETECTIVE NICKENS: Call me anything, it doesn't matter.

We would like to believe that we have done some really positive things in Ocean County. My partner, Jack Brogan, the supporting members of my staff, my Captain, Sadowski, my Sheriff, Sheriff Arthur Brown, Ocean County Sheriff's Department, feel proud that we have tried to do some positive things for Ocean County. We have probably been very instrumental in making some positive changes, we hope possibly even for the State of New Jersey.

I hear a lot of good, positive feedback and good rhetoric here, addressing some of these problems. However, I hope when we leave these halls that we don't leave these problems here. I hope we take them to where they need to be addressed -- and that is from the State House right up to the United States Congress.

My partner and I have taken on this issue in vain. We have probably done 100 speaking engagements in the last nine months throughout the county, and in different parts of the State of New Jersey. We are trying to do some networking.

I am presently a member of the Ocean County Commission on Exploited and Missing Children. I sit on the Governor's Commission for Missing Persons. I am also the President of the Eastern Regional Missing Persons Association for the Northeast Region, encompassing Massachusetts, Baltimore, and New York City's runaways. The Newark Police Department was here tonight, as were many other agencies.

We are finding this problem does not know territorial boundaries. We are governed by certain things that are usually called home rule. We are trying to address this. We know that law enforcement is trying to cope with and deal with these problems, but as you have heard, it is imperative that we have laws which deal with this matter. We have to make our juveniles responsible and hold them accountable. We have to make the parents accountable. We have to make the family unit whole again.

We are losing some of our inherent traits in this country, one of which is the family, due to our mobility and high-tech

technology. We are making some strides, but I think we are losing our human capabilities somewhere along the line. We are placing our values and priorities into different aspects of our lives. We are not addressing the most important thing in this country, and that is our children.

I would never believe it would be so hard to address children's rights. If anyone told me it would take me, my partner, members of our community, and our support groups some eight months to try to pass a piece of legislation that would protect our children, I would not believe it. I would not believe that it would encompass so many personalities, so many egos, and so many factions in the bureaucratic triangles that run this country.

Maybe this is a great country; however, we are on the threshold of doing one of the most important things that has ever been done in law enforcement — maybe we should have done this 20 years ago — and that is to deal with our children. This may be the most effective crime prevention we have ever pursued in this State, and maybe in the nation.

We are addressing problems now that were kept in drawers by psychologists, probably for the last 100 years. We are beginning to talk about sex in our schools. We are saying it is not something to be kept secret. We are identifying it. We are talking.

There is a lot of rhetoric, but we have to address these issues, we have to change the laws, and we have to deal with these problems.

We can talk about crime prevention, we can talk about alarms, we can talk about the locks, but I have seen every lock bypassed by the "best." This is what we really need to address.

If our children, in today's society, have to take the drastic means of teenage suicide as a way to escape, then that is a sad commentary for the children not only of the State of New Jersey, but for the children of the nation. This is a national problem. I have heard, many times, that this is media hype. We are pushing knowledge of narcotics and some of the other hot issues of the moment. This is probably one of today's most important issues. It should never be

tabled until the last child in this country is found and brought home, or accounted for.

When that last child enters the door of his residence, I feel our job will be done. I just hope that guys like me, our departments, our community groups, and our supporting leaders will never have to deal with this situation again, so that my child will have a safe place on the streets of America.

I did my time and I served this country. I did what I had to do. I left a lot of my political beliefs behind, and I feel that maybe God gave me one reason to be here today after going through a lot of anguish, and that is to testify before you, as I have.

I did not want to come up front again. I say to myself, "Kevin, you are doing it again; you are grandstanding," but it is most imperative; somebody has to take the shots. My people are here to take the shots. We are going to be in Trenton tomorrow. If anyone would like to come along with us, they are welcome. We have to move this one piece of legislation out of committee tomorrow.

ASSEMBLYWOMAN FORD: Is it listed on the agenda?

DETECTIVE FITZPATRICK: I personally don't know.

ASSEMBLYWOMAN FORD: Under the rules, it has to be listed on the agenda beforehand.

DETECTIVE FITZPATRICK: Okay. But, when it is, we will appreciate it, and we will be there.

ASSEMBLYWOMAN FORD: It can be moved at the next session of the Revenue, Finance, and Appropriations Committee. But it has to be listed and published -- I think it is five days ahead of time.

DETECTIVE FITZPATRICK: We would like to be notified of that.

ASSEMBLYWOMAN FORD: Okay.

DETECTIVE FITZPATRICK: We would like to follow this up. We would also encourage our community leaders to please stay on top of the children's issues. We have elected people and we would like to work with them.

ASSEMBLYWOMAN FORD: Kevin, you know that that bill has only been in the Revenue, Finance, and Appropriations Committee since the end of January, about one month, don't you? During that time there has

only been one meeting of the Revenue, Finance, and Appropriations Committee. It was voted out of the Assembly Education Committee, I believe at the end of January, and it was then sent to the RF&A Committee. So, it has only been there for one hearing.

DETECTIVE FITZPATRICK: We will be there when you want us.

SENATOR EWING: Then it has to go to the Senate. It goes through the same system.

ASSEMBLYWOMAN FORD: Right.

DETECTIVE FITZPATRICK: No problem. We will be there too; that's how much we believe in what we are doing.

SENATOR EWING: Yes. I agree with you.

ASSEMBLYWOMAN FORD: Senator Ewing is on the Education Committee in the Senate.

DETECTIVE FITZPATRICK: We would be glad to come down and discuss it, lobby, or whatever we can do.

SENATOR EWING: We might have to do battle with the ACLU and all the bleeding hearts.

DETECTIVE FITZPATRICK: I don't care. I have no problem with that.

SENATOR EWING: Good.

DETECTIVE FITZPATRICK: You should be on my side and see the trail of tears I have had to deal with.

SENATOR EWING: Oh, listen, I'll mow them down anytime I can.

ASSEMBLYWOMAN FORD: Thank you.

I think that is it. Thank you for coming out this evening. I thought it was a good turnout. The room was full earlier. I think it is a lot to expect people to sit through a three-hour hearing, but many of you have and I thank you for that. I hope you got as much out of this evening as I did. Good night.

(HEARING CONCLUDED)

APPENDIX



CAP

Child Assault Prevention of Somerset County

BASIC CONCEPT

To instill in children the concept of their right to be safe, strong and free.

To help children identify and defuse potentially dangerous situations.
To eliminate verbal, physical and sexual assault against children.

DESCRIPTION

The CAP program consists of parent workshops, teacher inservice training, and children's workshops. Children in grades K-6 take part in one-hour individual classroom sessions where they learn CAP's concepts and role-play situations in which they can apply these concepts.

A COMMUNITY PROJECT

CAP involves social service professionals, school authorities, community leaders, parents and, of course, children.

For children - it is fun and exciting, not frightening or confusing. Children learn they have the right to be safe, strong and free, and are given the tools to make that a reality.

For parents - it reassures and offers hope. CAP provides a structure - a language - for parents to talk with their children about assault.

For teachers and administrators - it offers vital information and gives them tools to work with, such as legal protection and recognition skills.

For the abused child - CAP means that someone understands, is willing to help, and is within reach.

CAP IN SOMERSET COUNTY

On July 16th, the Hillsborough Board of Education approved the implementation of the CAP program for all children in grades K-6. In so doing, they have taken the first step in instituting a model program for the entire state. As public awareness of the problem of child abuse grows, other townships will doubtless follow Hillsborough's lead in helping its children to be safe, strong and free.

FOR INFORMATION

Write Pat Stanislaski, 1216 Orchard Drive, Somerville, N.J. 08876.

201-369-8972

Students' comments on CAPP May 7 - 11, 1984
Home St. and Elm St. Schools

provided by:

The Child Assault Prevention Project
Bishop Union Elementary Schools PTA
Toiyabe Indian Health Center
P.O. Box 1296
Bishop, CA 93514

SIXTH GRADE

I thought the saying "no" technique is the best. I feel confident that I could say "NO".

I especially liked the little skits that were put on. I think that the whole program was very good and I hope that you will come back.

I liked the little scenes where someone was taking away their rights because it showed what can really happen, and what you can do.

The best thing you did was the roll playing because it helped us say no, and to learn how to scream for help.

I thought the best part was when you showed us how to react when a stranger approaches. This was very interesting to know what to do. I have never been sure what to do if a stranger asks me to get in the car with them.

The role playing was very good. You put the idea over with a slight bit of humor. You did a very good job.

I liked the plays a lot. I think they taught me the most. I liked the first one the best. If you didn't give me this program I wouldn't have known what to do in the situations.

FIFTH GRADE

I liked the whole thing. It was fun. We learned alot of stuff. We got to see plays and talk with them. I liked the whole thing the best.

I liked everything you did because you showed what to do and what not to do. I know myself I learned a lot on what to say to somebody and, I hope everybody keeps Safe - Strong - Free for the rest of there lives. I enjoyed it.

I liked everything because it has answered some of my questions like: What do you do when you are all alone? or What do you do if one of your relatives is forcing you to do something?

I liked the yell the most of all. I could help save a life one day and if everybody was yelling that person would run like crazy.

I liked the best the second uncle Henry play write. Because she said no and stepped away from Uncle Henry.

FOURTH GRADE

The best part was I learned my rights. I learned that I can tell anyone that something bad happened.

I liked the part best when the kid stuck up for himself. I got alot about it. Mostly about the embarrassing.

I liked all of the program. I liked it because it taught me alot and showed me what to do when I'm in trouble.

THIRD GRADE

I liked the plays and the yells. I liked learning to stay away from strangers.

Best things about CAPP. I liked every play you did and also I liked the yell best and I like the pins.

COME AGAIN!

We are

THE CHILD ASSAULT PREVENTION PROJECT



The Child Assault Prevention Project of Columbus, Ohio was the collective brainchild of a small group of Women Against Rape members who met in January of 1978 to respond to a Catholic elementary school's request for a speaker. One of the second grade students had been raped, and the child's classroom teacher sought to offer both emotional support and prevention information to her class.

This group of women — all trained in rape crisis and prevention — brought a variety of backgrounds, experiences and educational disciplines to the development of the program. Approximately twelve in number, our backgrounds included experience in teaching, creative arts, social work, psychology, child development and parenting.

After months of an intensive research and development process, we piloted the program in the small parochial school in Columbus. The program was so well received that we began to investigate the possibility of funding an on-going project to continue the development and piloting of the program.

We received grants from the Ms. Foundation of New York and the Columbus Foundation of Columbus, Ohio in May of 1979 to pilot the program in six elementary schools during the 1979-1980 school year. To date we have trained over 50,000 elementary school-aged children in the greater Columbus area.

During the 1982-1983 year, CAP received grant monies to create a leader's guide to the project workshops. **Strategies For Free Children: A Leader's Guide to Child Assault Prevention** is currently available through our office.

In July 1984, CAP hosted the First National CAP Training Conference in Columbus, Ohio, which was attended by persons representing 30 states and 14 countries.

Currently, there are approximately 100 CAP Projects in 18 states along with projects in Canada and London, England. We anticipate more projects will be implemented this year.

Dolores Dallas
406 18th. Ave.
Brick Twp. N.J. 08724

strategies for free children

THE PROBLEM OF CHILD SEXUAL ASSAULT AND INCEST

1 OUT OF EVERY 4 GIRLS AND 1 OUT OF EVERY 7-11 BOYS ARE SEXUALLY ASSAULTED AT LEAST ONCE BEFORE THE AGE OF 18.

Children need to have prevention information to prepare them to recognize a potentially dangerous situation. Teaching children about prevention in order to reduce their vulnerability to assault is as important as teaching children how to cross the street safely.

OVER 80% OF CHILD SEXUAL ASSAULT VICTIMS ARE ATTACKED BY SOMEONE THEY KNOW AND TRUST.

Parents want their children to have more information about how to handle all forms of assault. Prevention programs which focus on the dangerous stranger fail to prepare children for assault by someone they know, a father, uncle, friend of the family, or babysitter.

THE AVERAGE NUMBER OF YEARS A CHILD REMAINS THE VICTIM OF INCEST IS 7 YEARS.

The secrecy surrounding the sexual abuse of children must and can be broken. Teaching children that secrets which hurt or frighten them need not be kept is important in preventing assault.

COMMON PREVENTION STRATEGIES LIMIT CHILDREN'S ACTIVITIES. PARENTS CAN'T ALWAYS BE WITH AND WATCH CHILDREN.

The well-being of all people within a community depends on the concern and commitment of the community itself. Prevention strategies must build on children's abilities, not limit them.

Most services responding to (child) sexual assault offer crisis oriented care. Communities need effective prevention services to make our neighborhoods safer for children. After the fact services simply aren't good enough.

SAFE, STRONG and FREE

Three components of the CAP Project:

- Teacher In-Service
- Parent Program
- Children's Workshop

TEACHER/STAFF IN-SERVICE TRAINING: The teacher in-service training requires approximately two hours of staff time and is held within one month prior to classroom workshops. All school staff are encouraged to attend this training, since anyone in a school community might be approached by a child for help. The training includes an overview of child sexual assault, a detailed explanation of the children's workshop, information on the identification of sexually abused children, crisis intervention guidelines, community resources and referrals for reporting abuse, legal rights and responsibilities of reporting, and an evaluation component.

An important part of the in-service training is providing teachers with information they should consider when they suspect a child of being abused. Physical, emotional, psychological and social characteristics of child victims help school personnel identify a sexually abused child. For example, we inform adults of characteristics of family members, and patterns of interaction within incest families, as well as, indicators of stress upon children. For many teachers, this information is common sense, reinforcing their own questions and observations of children experiencing stress.

Learning how to talk with a child in crisis is another concern of school staff. Teachers frequently voice fears and confusion about responding to a child who has been sexually assaulted. While the workshop does not allow time for an in-depth review of crisis intervention counseling skills, we do offer basic suggestions and discuss issues to be considered, including common reactions on the part of a child and her/his family. These counseling techniques are not designed as long-range counseling, but are meant to meet the needs of a crisis situation, to be used in conjunction with a professional referral.

Another major concern is the identification and reporting of child abuse cases. Many teachers express ignorance of their legal role in reporting

Sometimes teachers express reluctance to report, often referring to past cases which yielded unsatisfactory results. While we appreciate their frustration, we encourage teachers to continue the struggle for adequate services by assuming more responsibility in holding agencies accountable for their investigation and treatment efforts.

PARENT PROGRAM: The parent workshop of the project developed as an extension of the teacher/staff in-service. While much of the material presented is similar to the in-service, the emphasis is prevention and communication with children, rather than reporting procedures, identification and crisis skills.

The program begins with an acknowledgement of parents' fears about the subject, and how these fears impact on the messages passed on to children. We discuss CAP's prevention approach, and then provide a detailed account of the classroom workshop. The highlight of the account is an actual demonstration of the third roleplay, the most threatening aspect of the children's workshop. Parents appreciate the opportunity to witness first-hand what their children will be exposed to. We also use

anecdotes and language from the classroom to give parents a sense of the children's workshop.

Discussion in the parent workshop includes the role of parents in the prevention of child sexual abuse, emphasizing the need for communication between parents and children about sexual assault. Finally, the workshop focuses on the information parents need to effectively respond to a child in crisis.

While attendance at parent workshops varies, we have found participating parents to be overwhelmingly enthusiastic about the program. In many cases parental support is instrumental in bringing the program into the classrooms. An integral part of the project, the parent program demonstrates a commitment on the part of the larger community to build a working network for children.

CLASSROOM WORKSHOP: One hour classroom workshops are facilitated by three CAP leaders. All leaders are trained as facilitators, as well as crisis intervention counselors for survivors of sexual assault. Using role-plays and guided group discussion the classroom workshop trains children to recognize potentially dangerous situations, and to make effective use of the options available to them when dealing with the situation. CAP emphasizes self assertion, peer support, communication and reporting skills as potential prevention strategies.

CAP approaches the question of assault within the framework of basic human rights. An assault is defined as a violation of one or more of our rights (for instance, our right to be safe, or "not to be touched in a way you don't like"). Children frequently have difficulty in differentiating between affectionate touching and sexual or exploitive touching. Adults who molest children frequently rely on children's passivity and obedience to adult authority. We teach children they have a right to say no to an adult. Invariably, this raises some questions for parents and teachers who fear losing their authority if children gain these rights. We encourage adults to examine their attitudes and fears about the issue of children's rights, and explore the ramifications with their children.

The opening discussion of "rights" is followed by three role plays. Each role play is performed twice, each time followed by discussion. These role plays represent the most common assault experiences a child might encounter: child against child (the playground bully), adult stranger against child, and assault involving an adult the child knows. The role plays are used to provide situations from which children can brainstorm successful strategies. Each role play is enacted twice: the first time, the CAP leader playing the role of the child, acts confused, frightened and passive

Group discussion focuses on the options available to the potential victim. These strategies include self assertion, self defense, peer support, adult support, and reporting to an authority. Role plays are then re-done as "success stories", incorporating positive prevention techniques. Children are given an opportunity to participate in supportive roles to practice new behavior.

A final role play employs the classroom teacher to play her/himself as a supportive adult responding to a child's request for help. This role play gives children an opportunity to visualize what would happen if they needed to talk to someone about a similar problem.

Following a summary discussion, children are told that CAP leaders will be available for individual conversations. We have found that many children seek out workshop leaders to discuss a variety of problems,



ranging from sibling arguments to neighborhood bullies to incest. Listening to the child's concern, workshop leaders help her/him strategies options based on workshop concepts, to ensure the child's safety and well-being. For those children who are identified as victims of abuse, CAP works with the child in conjunction with the school to get the child some help.

Special Features of the CAP Program:

The program doesn't scare children with stories. CAP takes children step by step from fear to confidence using non-threatening language children understand.

CAP provides children with practical skills, while building confidence in their own abilities to solve problems, even in crisis situations.

CAP is easy to replicate and can be quickly adapted to the specific needs of any community.

- Training and working with bi-lingual communities.
- Training and working with children with hearing impairments.
- Training and working with handicapped children.
- Training and working with pre-school children.

ABOUT CAP:

"The Child Assault Prevention Project provides parents and all concerned people in the community with a welcome sense of hope. It helps us feel, not more afraid, but more confident. I thank them for their very special work."

Sandra Butler, author
Conspiracy of Silence, The Trauma of Incest

"The major problem involved in the sexual abuse of children is that the abuser feels he has the right and power to gratify his peculiar need while the child victim feels helpless. This is the only program which offers children the strength and independence necessary to stand up to, resist and discourage the child molester."

Florence Rush, author
The Best Kept Secret

"This is the most innovative, effective and comprehensive prevention program in the country. It takes the best of what we know about prevention of child sexual abuse and puts it to practical use."

Linda Tschirhart Sanford, author
The Silent Children

"An outstanding educational experience which utilizes a realistic approach."

Child Advocacy Team
Columbus Children's Hospital
Columbus, Ohio

Child Assault Prevention Project

An Overview

Basic Concept

To empower children with a sense of self-assertiveness, peer support, and a network of adults to rely upon.

CAP Is a Community Project:

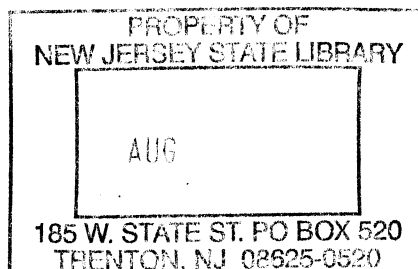
It involves social service professionals, school authorities, community leaders, parents and, of course, children.

To children - it is fun and exciting, not frightening or confusing. They learn they have the right to be safe, strong and free, and they are given the tools to make that a reality.

To parents - it's reassuring and offers hope. It provides a structure, a language, for parents to talk with their children about assault.

To teachers and administrators - it offers vital information and tools with which to work - tools they have been heretofore unaware of (legal protection, recognition skills).

To the abused child - CAP means that someone understands, is willing to help and is within reach.



Child Assault Prevention Project

Goals and Objectives

1. To eliminate verbal, physical and sexual assault against children.
2. To instill in children the concept of their right to be safe, strong and free.
3. To help children identify and diffuse potentially dangerous situations.
4. To involve parents, teachers and community members in a child assault prevention program.
5. To teach parents, teachers and community members to respond effectively to children in crisis.
6. To establish intervention procedures for suspected child abuse cases.
7. To provide trained personnel for facilitation of the CAP program.
8. To provide the Matawan-Aberdeen School District with the CAP program under the direction of a certified CAP coordinator.
1. To educate elementary children and adults in the community about child assault.
2. To involve children in role-playing and guided group discussion.
3. a) To develop the problem-solving abilities of children
b) To teach children peer support, assertiveness and communication skills.
4. To implement adult workshops as a pre-requisite to children's workshops.
5. To provide a structure, language and strategy for parer and children to discuss child assault.
6. To utilize followup procedures involving community resources.
7. To conduct seminars in the components of the CAP program.
8. To seek funding for the CAP program through the parent-teacher organizations and/or community resources.

Ms. Shirley Orlans
297 Main Street
Matawan, N.J. 07747

Children's Success Stories

California is a national leader in child abuse prevention training, as measured both by the number and quality of its in-school programs. Our efforts here have shown that the three best things about prevention training are:

CHILDREN LOVE IT!

PARENTS LOVE IT!

IT REALLY WORKS!

The following stories represent a sampling of the follow-up data collected by the Child Assault Prevention Training Center. Names have been changed to respect the privacy of children and their families.

PREVENTING ASSAULT BY STRANGERS AND KIDNAPPERS

Assault in the Girls Room at School (Alameda County, 1982)

A 10-year-old girl named Ginny had just finished going to the bathroom, when a man who was a stranger pushed open the door to the stall she was in and tried to grab her. She immediately started her special self-defense yell and kicked him very hard in the shins. This stunned him long enough for her to be able to get past him and out into the hallway where she called for help. The man fled the school with teachers in pursuit, but got away. Ginny, however, was safe.

8 $\frac{1}{2}$ -year-old Escapes Molester (Sutter County, 1983)

Michael's mom is a volunteer for a brand-new prevention program in a rural county. Michael had gone to several staff meetings to help with rehearsing the role plays. Then one afternoon after school, while he was playing in the vacant lot across from his backyard, a man who was drinking beer approached him with candy and a BB gun. He said, "Do you want to have some candy?" Michael said, "I don't talk to strangers," and backed away. The man said, "Do you want to look at my BB gun?" Michael again said "no" very assertively.

Suddenly he saw a second man, also drinking beer, behind him. At that moment the first man grabbed him, dragged him between two parked cars on the street, and started to molest him. Michael planted his feet to get his balance, then kicked the man in the shin, scraped down his shin with his foot, stomped on his instep, did his yell, broke free, and ran to a neighbor's for help. The two men ran off in the other direction.

Though this was a traumatic experience for Michael, he felt very proud of himself and he was safe. When the director of the program went over to see him at his home the next day, the first thing he said to her was, "I did good, Marsha!"

8-year-old Escapes Kidnapper (Contra Costa County, 1984)

Brent was on his way to school when a woman drove up in a sports car and asked if he wanted a ride to the the school. He told her "No!", but she followed him in her car, and asked him two more times to get inside. Brent became frightened, took off running to the school and reported what had happened to his teacher. Afterwards his mother said, "I'm just so grateful he reacted the way he did. It looks like all the training has paid off."

A Sister & Brother Team (Columbus, Ohio, 1980)

12-year-old Tanya and her 8-year-old brother, Marcus, were walking home from school when two teenage boys, 15 and 16, grabbed Tanya and tried to drag her off the sidewalk into a yard. In telling about this, Tanya said in a matter-of-fact manner, "So we just started

doing what you taught us. I hit the first one in the stomach with my elbow and stomped on his instep. My brother hit the second one from behind. Both of us did our yells." This was not at all what the attackers expected and they ran off. This was indeed an upsetting experience for Tanya and Marcus, but at the same time they felt proud of what they had done, and more confident that they would know what to do if anything like that ever happened again.

Two Girls Surprise a Potential Offender (Contra Costa County, 1983)

Michelle and Erica were in the neighborhood park playing with Erica's dog. A man came over to them and started saying suggestive things that they didn't like. Together they did their self-defense yell as loud as they could. The man was startled and ran off.

A Close Call for a Preschooler (San Mateo County, 1983)

Janet took her 3-year-old daughter Jean shopping with her at a local department store. Jean always stays very close to her mom when they are out anywhere, so Janet didn't think twice about taking two minutes to talk with the salesperson at the cosmetics counter. When she turned around again, her child was gone. The salesperson called the manager and immediately store personnel were stationed at the doors to check everyone leaving the building. Jean was found in a far corner of the store wandering on her own - but dressed in a wig and in coveralls that were not hers. The kidnapper, seeing that a search was being made, had fled, leaving her behind.

Prevention programs in preschools have been very popular and successful. They have shown that children even as young as 2½ to 3 years old can learn that they have the right to ask for help anytime they are scared or confused. They learn and remember the basic self-defense yell. If Jean had been through such a program, she would have been able to yell out for help the instant the kidnapper approached her and started leading her away, instead of thinking she had to be a "good girl" and obey every adult no matter who they are. If she had learned the special yell, not only would she have been safe, but the man who wanted to hurt her might have been caught as well.

Offenders are Bullies, and Bullies are Cowards

"It's so easy to assault a child, so very easy. There's nothing in the world easier." This is what men who have been convicted for kidnapping or molesting children say over and over again when they are interviewed. They say they targeted children for many reasons, but the key reason was: "I knew I could get away with it. Children are vulnerable. They can't fight back as well as an adult woman. They are more trusting. It's easier to trick them. And I'm bigger than they are, so I can control them." What this says is that the majority of men who assault children are, in addition to being dangerous, big bullies. And that means they are also cowards. They are not looking for a fair fight.

That's why determined resistance on the part of a child who has learned basic self-defense skills and thinking, is so effective in so many situations. The last thing the man wants is for a child to be fighting back and drawing attention to what's happening and bringing help. Prevention programs can give children the understanding, techniques, self-confidence, and the advantage of surprise that they need to be very effective at defending themselves when faced with danger or abuse.

CHILDREN WORKING TOGETHER

From out of Nowhere - A Group Effort (Columbus, Ohio, 1980)

Trina was playing out at the end of her front yard when a man drove up, parked across the street, got out and came over to her. He smiled and was friendly until he grabbed her, then he started dragging her toward the car. Trina immediately did her yell while she tried to break free. Five other children appeared seemingly out of nowhere, ran toward the scene, but not near enough to put themselves in danger, and they were all doing their yells loud and clear. The man could not believe what was happening, let go of Trina, jumped back in his car and sped off.

A Friend Helps Make a Report (Columbus, Ohio, 1983)

During the crisis counseling period that follows each prevention workshop for children, Jennifer came to get help because her father had been sexually abusing her for years. With her came her best friend Luisa who knew all about the abuse. As Jennifer told her story to the staff member, there were times when she cried so hard she couldn't go on talking. Each time Luisa picked up the story, explaining what had happened and encouraging Jennifer to go on. With the help of her friend, Jennifer was able to do something she might not have been able to do alone.

Children Learn What to do to Help Each Other (Contra Costa County, 1983)

At a school where a program had taken place a few weeks before, Patricia arrived one morning with a black-eye. Her friends asked her what happened, and when she was evasive, they now added another question: "Is someone abusing you?" When she nodded yes, they went with her to their teacher and asked what could be done to help her. The teacher made the report, then held a discussion group with all Patricia's friends to give them a chance to talk about their feelings and ask more questions about abuse, as well as to thank them for their caring and concern.

CHILDREN HELPING ADULTS

Children Help Make the Community Safer for Adults (Columbus, Ohio, 1983)

Very late in the afternoon, Mrs. Green, an elementary school teacher, was walking to her car when a man came up from behind and tried to steal her purse: "The first thing I did was the yell that I had learned along with the children in the workshop. I didn't even think about it, it just came automatically. As I struggled hold on to my purse, four children who had been playing four-square at the far side of the playground, came running in my direction all doing their yells together. You can imagine how surprised the thief was, and he got out of there as fast as he could. So, here I was down on my knees with tears in my eyes hugging these children, and realizing that because they knew what to do, I was safer. It was a very special feeling of community." And think how proud the children must have been to have saved their teacher from harm.

It's a Small World (Contra Costa County, 1983)

A grade-school girl came home after her prevention workshop and taught her mother the yell. A few weeks later her mother was walking up the sidewalk to the grocery store when a man grabbed her purse from her and took off. Instantly she did the yell she had learned. A man walking on the same block, who had been taught the yell by his nephew, knew what the yell meant, saw what was happening, ran after the thief and caught him.

PREVENTING AGGRESSION

A Bully Speaks (Alameda County, 1982)

In a sixth grade class, Mark, who the teacher warned was the class bully, was the first to speak during the discussion. He began by giving the other children expert, detailed instructions about how to deal with bullies, and he gave his advice freely, in the spirit of wanting to help, not holding anything back. At the end, he simply said, "Bullies are cowards. They are not looking for a fair fight. They just want to hurt someone or use someone or make someone feel as bad as they feel." Afterwards, during crisis counseling, he talked with the staff about the abusive neglect he suffered at home. It was clear that at school he was turning his pain into aggressive displays and actions. This was the first time he had ever been able to ask for help. It was the first time he had felt he really deserved it.

A Chance to Start Over (Contra Costa County, 1983)

Jack was the bully of both the fifth and sixth grades in his school. He had a way of scaring other children, intimidating them, and making their lives miserable. During crisis counseling, he told how lonely he felt. Lots of peers did what he told them to do, but he felt like he had no friends. The school arranged for him to start seeing a counselor, and not long after his teacher reported that she no longer had a difficult and troublesome bully in her class, but instead, a boy who was making lots of new friends.

Prevention has a Life of its Own (Columbus, Ohio, 1983)

One teacher during a six-week follow-up report, said that she had seen children using the "safe, strong, and free" language from the prevention workshop in their interactions out on the playground. Several times she had seen a child being treated unfairly, telling the bully to leave her alone. Meanwhile other children gathered to back her up, telling the bully, "She's right. Leave her alone. Don't be mean. Be a friend instead." Incidents that otherwise would have required intervention on the part of the teacher, were now things that the children were able to settle in effective, constructive ways on their own. This was conflict resolution at its best and made for a happier school environment.

A Letter From a Kindergartner (Alameda County, 1983)

"I used one of the Safe Strong and free rules Today. this boy he said are you in kindergarten or are you a baby. I said, Im a human being, arnt I? He said yes, you're a human being. I said, I have rights, don't I? He said, Yes. He said, I beter not mess with you again.

I like you, CAP (the name of the prevention program).

Love Becky R.

Kindergarten
Human Being

Stopping the Cycle of Abuse (Contra Costa County, 1983)

After the prevention workshop in his class, Daniel went to the library to talk with Karen, the director of the prevention program. He began by saying, "My Dad hits me every night and it scares me. I heard on TV that hitting gets passed from one family to the next. I'm scared that when I grow up, I'm going to hit my children." Then he began crying and saying, "I don't want to hurt them...Please help me...Is there a counselor I can talk to once a week?" Daniel was seven years old. With the help of a counselor things

changed very much for the better in his family, and Daniel is no longer afraid of growing up and becoming an abuser.

"I'm Uncle Harry." (Shasta County, 1984)

In the Child Assault Prevention Project workshop, there is a role play about an "Uncle Harry" who bribes his niece and makes her give him a kiss she doesn't want to give him. After a CAP workshop, a sixth-grade girl came to the crisis counseling session and said to one of the staff, "I'm Uncle Harry." She was very upset and ashamed because she had been molesting her younger sister. The staff knew immediately that no child commits such abuse without learning it somewhere, without being a victim first. After a short discussion about getting help, this girl started crying and said that she had been molested by her uncle, and that she was doing to her sister what had been done to her.

Peer Discussions to Stop Peer Abuse

In junior high schools, and in some 5th & 6th grade classes, discussions between the girls and boys have been especially helpful in reducing peer abuse. For example, at one school where the 7th & 8th grade classes joined in a discussion, the girls said to the boys, "All through elementary school you were our friends. Now you're acting like you are our enemies - flipping our skirts, making nasty comments to us, grabbing our bodies. That's a violation of our privacy. It's not fair. Why are you doing that?" The boys had a variety of responses: "I thought you liked that...I don't know how else to get a girl's attention...Somebody dared me to do it..." One of the boys said, "I used to flip the girls' skirts. Then a couple friends came to me and said it wasn't cool, so I stopped." Another boy said, "Okay, we'll change - but the girls have to acknowledge us when we change." It was clear that communication had broken down between the boys and girls, as it so often does during the early teen years. One boy said, "I'm afraid to go talk to a girl just as a friend, because then everyone is going to think there's something going on between us, and start teasing me, and I hate that."

At the end of the hour of conversation, the girls and boys together drew up a list of ten things they could do to improve communication and cut down on both abusive remarks and actions. They had worked very hard and had been very honest with each other, and had every reason to feel proud of the excellent problem-solving they had begun doing.

Intervention to Stop Peer Abuse (Alameda County, 1983)

In one junior high, a number of girls reported that one of the boys was exposing himself to them on the playground, and also calling them in the evening, telling them that he was playing with himself while talking to them on the phone. After a meeting with the boy, a three-hour meeting was held with his parents to help them understand what was going on, think through why it might be happening, and make a plan to get some help. They were very thankful to be able to intervene before their son moved on to doing worse things, and were concerned that someone might be abusing him.

ASSAULT BY A FAMILIAR PERSON

Most abused children are assaulted by someone they know, and often trust and depend on. For example, 80-85% of sexual assaults against children are committed by familiar people. These are often the most difficult forms of abuse for children to recognize, talk about, and get help for.

The Questions Children Ask

During crisis counseling sessions, children ask staff about anything and everything that

scared them or upsets them with regard to violence. They talk about scary TV shows, especially shows that feature rape and killing and leave children feeling helpless and afraid. They talk about nightmares that have upset them. They also talk about present and past abuse. Some children realize quite clearly that they are being abused and ask directly for help. Others are not sure and ask indirectly:

"Is it abuse if my Dad keeps me locked in the closet all evening?"

"Is it abuse if my mom hits me with electrical cords when she's mad at me?"

"Is it abuse if my Uncle sticks his tongue in my mouth when he kisses me goodbye?"

"My Dad makes me milk his penis. Is that okay?"

"My Dad's friend takes pictures of me all the time when I don't have anything on. Do I have to keep that a secret?"

A Little Help Can go a Long Way. (Contra Costa County, 1983)

Jimmy reported that his father hit him with his belt for discipline. When the Child Protective Service staff met with the father, it became very clear that he had no idea how much he was hurting and frightening his son, and was upset to find this out. He had been using his belt only because that was the way he had been disciplined himself when he was a child. He had never given it any thought on his own. He was very receptive to counseling and began making significant changes in his ideas about fathering. During the six-week follow-up visit, Jimmy came up to the prevention program staff and said, "Things are wonderful at home. My Dad and I are friends now. Thank you so much for helping us."

Getting Help from a Trusted Adult (Contra Costa County, 1983)

Betsy reported that her grandfather was pressuring her to do things she didn't want to do, and was attempting to bribe her to get her to give him kisses and hugs. She was frightened by the way he was acting, and was afraid he might start making her do some of the things he was telling her he wanted. At the same time she said she loved her grandfather, and that she was scared to tell anyone at home what was happening, because they all loved him, too. The staff asked Betsy if it would be okay to call her mother so the three of them could talk about it together. Betsy's mother was very supportive. She believed Betsy, listened closely to everything she said, and then told her she was very glad Betsy had told her secret. She said she would talk with the Grandfather and tell him he couldn't do those things anymore, and further, she said she wouldn't leave Betsy alone with him anymore.

Law Enforcement Intervention (Shasta County, 1984)

In one school, nine children, who were part of a group of related families all living together on a large piece of land, reported being physically and sexually abused relentlessly from birth on, by all of the men on the property. They said that their mothers were also being abused. One of the men had been arrested previously for an unrelated offense, and the arresting officers found a large store of rifles, guns, and knives. The children said that the men were once again heavily armed. The children were taken into custody. The CPS worker and the Sherriff's Department SWAT team, wearing bullet-proof vests, went out to arrest the men.

AB 2443, the Child Abuse Prevention Training Act, is designed to promote children's safety and to promote healthy family environments. Abuse destroys childhood, and no family, where any member of that family is being abused, can be healthy or happy. Working together, parents, teachers, administrators, professionals, CPS workers, police, and community people can be very effective at stopping abuse before it starts.

1634 Old Freehold Road
Toms River, New Jersey 08753

Assemblywoman Marlene Lynch Ford
2611 Spruce Street
Point Pleasant, New Jersey 08742

Dear Mrs. Ford:

I have been seeing articles in the newspaper regarding missing children. I turn to you because I have as of yet found help elsewhere.

I have a 15 year old son who is becoming a chronic runaway. Last January 1984 he ran away for three days, since then many times, including most recently a couple of weeks ago for an entire week. It seems that it is not against the law for a child to be a runaway. Most of the time I figure out where he goes, I file a missing persons report and almost nothing happens. I have gotten an address where my son was the last time and yet the police never even bothered to go there to see if he was there. I find this outrageous. After an entire week he just walked back in the house and announced where he was.

My son is currently on probation for theft from our home on two occasions. When his probation officer calls the juvenile judge to report him runaway, it takes a week to get a reply, and even at that it is not even a reply. We live in Ocean County currently but when Rob was put on Probation, we resided in Monmouth County. Therefore, Monmouth County still has jurisdiction. In October or November my son went on a three day drunk. I reported the details to the juvenile judge, Judge Coleman, and never even received a reply.

My biggest concern at this time is that a child can walk in and out of a home for days at a time and there is nothing to stop him, even though he may be on probation. It seems that under the new juvenile law, a parent has absolutely no rights.

With all the agencies including Youth and Family Services, what exactly can a parent do to help a child before he becomes a serious juvenile delinquent. I feel if the agencies will refuse to help, they should be disbanded and save the taxpayers money.

Sincerely,



LAURA J. ROKOSNY



Township of Jackson

MUNICIPAL BUILDING
R. D. 4, BOX 52
JACKSON, NEW JERSEY 08527
(201) 928-1200

To: The Commission on Missing Children in New Jersey

From: The Jackson Youth Advisory Board

RE: The testimony of the Jackson Youth Advisory Board on the Problem of Missing Children.

The Jackson Youth Advisory Board is a newly formed board appointed by Mayor Pete Carlson on January 1, 1985. Our purpose is to foster good citizenship in the Township of Jackson, County of Ocean, State of New Jersey and to take an active interest in the Township of Jackson in all matters which may affect the civic, social, or moral welfare of the youth of the community.

Realizing the seriousness of the issue of missing and exploited children, our very first project is a seminar on this subject. This Friday March 1, at 7:30 p.m. at Town Hall in Jackson, Kevin Fitzpatrick from the Ocean County Sheriffs' Department will be a guest speaker on the subject of Missing and Exploited Children. He will begin with a slide presentation and continue with a lecture and audience discussion. We wish to invite all those here to attend.

Our second project, just recently approved by the Board of Education is an Optional Fingerprinting Program which will take place every school year for all incoming students in our Township. We feel that this service will aid families and Law Enforcement Agencies in the task of locating missing children.

On the subject of missing children a good neighbor of mine told me of an incident which happened in a town she lived in many years ago. This town could be any town in the state or in the country. They had heard of kidnapping and the exploitation of children, but they felt that it could and would never happen in their town. Unfortunately they would turn out to be wrong at the dreadful cost of the life of a small child. The incident which I am about to tell you is true and saddening

5x



Township of Jackson

MUNICIPAL BUILDING
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JACKSON, NEW JERSEY 08527
(201) 928-1200

-2-

as to the problem which exists today. A young girl scout was distributing cookies one afternoon and at one of the houses the man who answered the door asked the child to enter the house so that he could write out a check for the items purchased by his mother who was sleeping upstairs. Once she entered the house he closed the door and proceeded to rape the young girl. She died at the hands of this terrible fiend while his mother slept upstairs. When he was finished he took the body of the young girl and dumped it in a county park where it was found the next morning by the park officials. There was great public outcry for the apprehension of this criminal. Unfortunately the police out of sheer guess ordered the arrest of a gentleman who was known not to like children and many suspected it to be him, they were wrong the culprit soon gave himself up and to the shock of the community and his parents it turned out to be a school teacher who lived in the town, but taught in another district. The gentleman thought to be the criminal was released and the criminal was brought up on very serious charges ranging from rape to murder and other various offenses. After this incident the town took very strong measures to make sure that it would never happen again. This sad example of the loss of a child must have some impact on the dilemma to which we are all faced with and I hope that it will never happen to your children.

We wish to encourage other townships to act as a unified force in combating this most tragic and heinous of crimes. We thank you for inviting us here this evening and any information or suggestions that can assist our board will be sincerely appreciated and any assistance we can offer to other communities, we would be more than happy to cooperate.

Richard P. Opie
Margaret M. Corbe

REGIONAL CHILD STUDY TEAM

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SCHOOL SOCIAL WORKER

FEB 19 1985

BEVERLY SCHNURMAN
LEARNING CONSULTANT

February 13, 1985

FREDA MOTTRAM
LEARNING CONSULTANT

Mrs. Marlene Lynch Ford
917 North Main Street
Toms River, N. J. 08753

Dear Mrs. Ford:

I am in receipt of your notification regarding public hearings on the issue of investigating the problem of missing children. I hope you will accept this note as input into the issue. My points follow.

We recently dealt with the case where a flyer on a youngster matched up with one of our students. In dealing with this case we found several problems:

1. We had six agencies to select from as possibly being the one to call for assistance or advise. There should be one agency clearly designated.
2. State laws allow us to share data from a child's file on a child welfare matter with DYFS. DYFS refused to accept responsibility for the case and referred us to the State Police. It should be clarified what information we can share on such matters with what agencies.
3. The State Police, based on this one situation, may benefit from an inservice effort to educate them concerning restrictions schools have on releasing information. Certainly, the use of tricks and mis-statements to elicit further information doesn't leave one open to approaching them on future cases.
4. With all the flyers going around, it is likely we are going to have a number of false identifications. There should be a procedure whereby a school can secure additional information to either rule a child in or out as a suspected missing child.

In our case, we felt constrained from contacting the family of our resident child fearing we might have the child disappear. At the same time, we felt uncomfortable with the prospect of upsetting an honest citizen over a case of mistaken identity.

Once a school has identified a possible missing child, then there should be provisions to secure additional information that would allow us to rule a child out before calling in the police. It would be more likely

TO: Mrs. Marlene Lynch Ford

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February 13, 1985

that with such a provision a school district would be willing to risk being wrong and check into the matter.

5. I understand elaborate checking procedures have been legislated onto schools in regard monitoring students transferring in and out of schools. I can imagine that in the urban areas, such monitoring can be quite a burden where large numbers of students simply disappear. This new set of procedures should be reviewed at a future point to see if the effort involved is yielding any measurable results and, if those children being reported as not having had requests made for their files are actually being followed up on by the police or other agency.

It is far too common for families to move out of state or to private schools where past records are not requested to expect much if any effort spent on investigating these cases.

In any event, I wish you well on your task and hope these thoughts are helpful.

Sincerely,


Thomas P. Podgurski
Psychologist/Coordinator

TPP:seg

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PUBLIC HEARING

before

THE COMMISSION ON MISSING CHILDREN IN NEW JERSEY

(ASSEMBLY CONCURRENT RESOLUTION 115)

Held:
March 20, 1985
Hall of Justice Building
Camden, New Jersey

MEMBERS OF COMMISSION PRESENT:

Assemblywoman Marlene Lynch Ford, Chairwoman
Assemblyman Joseph W. Chinnici
Senator Catherine A. Costa
Senator John H. Ewing
Ms. Barbara Hover
Ms. Beth Ingoglia
Mr. Robert Jackson
Dr. Rose Prystowsky

ALSO PRESENT:

Mr. John B. Lee
Office of Legislative Services
Commission Staff

Ms. Gail M. Saxer, Aide
Assemblywoman Ford's Legislative Office

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[OFFICIAL COPY REPRINT]

ASSEMBLY CONCURRENT RESOLUTION No. 115

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Assemblywoman FORD, Assemblymen DOYLE, S. ADUBATO, Assemblywoman WALKER, Assemblyman BAER, Assemblywomen PERUN, KALIK, GARVIN, Assemblymen KARCHER and BROWN

A CONCURRENT RESOLUTION creating a commission to study the problem of missing children in New Jersey.

1 WHEREAS, There is a growing recognition that the phenomenon of
2 missing children constitutes a substantial and often tragic prob-
3 lem in our society; and

4 WHEREAS, More than 1.8 million children throughout the United
5 States are missing for a period of at least 24 hours during each
6 year, and some 50,000 children are still missing at the end of
7 each year; and

8 WHEREAS, These children, often invisible to the institutions that
9 might protect them, are at grave risk, and experts believe that
10 most of the children missing from their homes and not living in
11 a family environment are victims of sexual or physical abuse;
12 and

13 WHEREAS, Because the missing child problem is multifaceted and
14 multidimensional, an effective response will require coordinated
15 efforts by a broad array of governmental and ungovernmental
16 entities at the local, State and national levels; and

17 WHEREAS, The formulation of an effective response strategy neces-
18 sitates the gathering of substantial data and the utilization of
19 the knowledge and experience of many individuals and institu-
20 tions; now, therefore,

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

**—Senate committee amendments adopted July 30, 1984.*

1 BE IT RESOLVED *by the General Assembly of the State of New*
 2 *Jersey (the Senate concurring):*

1 1. There is created a commission to consist of 10 members, three
 2 to be members of the General Assembly, no more than two of whom
 3 shall be of the same political party, and two public members to be
 4 appointed by the Speaker of the General Assembly and three to
 5 be members of the Senate, no more than two of whom shall be of
 6 the same political party, and two public members to be appointed
 7 by the President of the Senate.

8 The members of the commission shall serve without compensa-
 9 tion. Vacancies in the membership of the commission shall be
 10 filled in the same manner as the original appointments are made.

1 2. The commission shall organize as soon as may be after the
 2 appointment of its members and shall select a chairman from
 3 among its members and a secretary who need not be a member of
 4 the commission.

1 3. It shall be the duty of the commission to investigate the na-
 2 ture and scope of the missing children problem in New Jersey,
 3 to examine means of improving the response to this problem by
 4 governmental entities at all levels, and to consider any and all
 5 other measures which might be taken to prevent or remedy the
 6 problem.

1 4. The commission shall be entitled to the assistance and ser-
 2 vices of the employees of any federal, State, county or municipal
 3 department, board, bureau, commission or agency as it may re-
 4 quire and as may be available to it for these purposes, and to em-
 5 ploy technical, stenographic and clerical assistants and incur
 6 traveling and other miscellaneous expenses as necessary to per-
 7 form its duties, within the limits of funds appropriated or other-
 8 wise made available to it for these purposes.

1 5. The commission may meet and hold hearings at the place or
 2 places it designates during the sessions or recesses of the Legis-
 3 lature and shall report its findings and recommendations to the
 4 Legislature no later than one year following the organization of
 5 the commission, with any legislative bills which it desires to rec-
 6 ommend for adoption. **The commission shall also forward a copy*
 7 *of its findings and recommendations to the Missing Persons Unit*
 8 *of the Division of State Police in the Department of Law and Public*
 9 *Safety.**

1 **6. The commission shall expire one year following its organiza-*
 2 *tion.**

ASSEMBLYWOMAN MARLENE LYNCH FORD (Chairwoman): My name is Assemblywoman Marlene Lynch Ford; I am from Ocean County. I chair the Legislature's Commission on Missing Children.

First of all, I would like to welcome all of you here and thank you for coming out and showing your interest by appearing to testify. Let me first introduce some of the members of our Commission who are here this evening. The Commission is comprised of legislators, as well as members of the public. To my right is Barbara Hover, who is one of the founders of the Foundation to Find and Protect America's Missing Children. To her right is Dr. Rose Prystowsky of Nutley; to my left is Gail Saxer, my Legislative Aide; to her left is Beth Ingoglia from Brick Township; and, on the end is Bob Jackson, Councilman from Montclair. The Commission Aide from the Office of Legislative Services is John Lee. He has helped us in terms of coordinating these hearings.

Tonight I am asking that you limit your comments to 10 minutes in the interest of allowing as many people to testify as possible. We have a very long witness list. If anyone has a written statement that is longer than 10 minutes, we will be including statements in the written report we will be producing and distributing at the conclusion of these hearings.

For those of you who have not been able to attend any of our prior hearings, the Commission was established by a piece of legislation which I sponsored. Its purpose is to investigate, on a rather short-term basis, the problem of missing children within the State and to report back to the Legislature with specific recommendations and comments as to the breadth and scope of the problem, as well as to make specific recommendations for either legislation or regulatory action.

We also have the hometown Senator in our midst, Senator Walter Rand. Senator, will you please stand up and be acknowledged? (applause) Senator Rand represents Camden, and I'm very happy that he came down here to observe the proceedings.

This is the third public hearing we have conducted in an effort to address the situation involving missing children in New Jersey. The people who spoke to us at the two previous hearings

touched upon many of the problems inherent in this issue and offered many suggestions as to how those problems could best be resolved. In addition to those people and those of you testifying tonight, we have also had discussions with several individuals who are unable to be with us this evening, but who through their experiences have gained unusual insights into the problem.

I would like to briefly mention some of the people we have contacted and summarize some of the suggestions they have provided to us for your information. Patricia Hoff of Virginia is a nationally recognized expert on parental kidnapping. She is currently writing a book on the subject which will be published by the National Center for Missing and Exploited Children. She suggested that we review the California statutes to compare them with the New Jersey law which, in her opinion, is too broad. She suggested that we introduce legislation to create a course of action and that we encourage and expand the use of the parental location system.

Dr. Peter Liebert of Westchester, New York, founded the Medical Network. He wants us to establish a computer base of information containing children's medical and dental records which would be available to hospitals, clinics, physicians, dentists, and social workers. He is also sending the Commission additional information on this.

John Walsh of the National Center for Missing and Exploited Children has been unable to be with us because of prior speaking engagements in other parts of the country. We have worked closely with his staff, however, and staff members at the Center are currently reviewing bills pending in New Jersey that deal with this issue. This Commission will continue to work closely with Mr. Walsh to develop our recommendations, especially those concerning the problems that demand immediate attention.

There have been other organizations and individuals from different parts of the country who have heard about this Commission's work and are sending us information on their ideas and their programs. As you can see, we have a broad range of input, and we are looking forward to hearing all of your experiences and suggestions this evening.

Before we begin tonight's hearing, I would like to mention another issue which is of interest to several of you. Many people have spoken before this Commission, and their one overriding concern has been the tragic situation faced by children and their grieving families. We are all in agreement that developing a coordinated system to find children who are missing and preventing the disappearance of others are our two goals. However, it has become clear that many of the individual nonprofit child-find organizations, which will be expected to work within any coordinated system, are sorely in need of funds to both continue their current efforts and to undertake any additional responsibilities in the future. I have discussed this topic with Assemblyman Tom Foy of Burlington County, and he has asked that I mention that later this week he will be announcing the introduction of a bill which will allocate \$1 million of State money for a competitive grant program so that these organizations can get the funds they need to carry on their work. The Department of Community Affairs will set the requirements for these grants so that these organizations can efficiently supplement statewide efforts to find and protect children.

Thank you for allowing me to have my 10 minutes. I am asking Gail Saxer to keep an eye on the clock so we can move this proceeding along. I will now call the first witness, Sergeant Ulysses Baker, Missing Persons Bureau, Camden County Sheriff's Department.

SGT. ULYSSES BAKER: Assemblywoman Ford, members of the Commission: My name, as forestated, is Sgt. Ulysses Baker. I am employed with the Camden County Sheriff's Department, and am assigned to the Missing Persons Bureau. I have been in this position since June, 1982; however, my prior experience in the investigative field entails some 11 years.

Since the formation of the Missing Persons Bureau in the Sheriff's Department, I have handled some 100 missing person cases, juveniles as well as adults. I presently have five unsolved cases on record. The Camden County Sheriff's Department, under the capable and commendable administration of Sheriff William J. Simon, instituted a fingerprinting program for the students of Camden County, from preschool age to junior high. This program is called the Child

Identification Program. To date, this program has fingerprinted over 7,000 children in the County of Camden. This program, by the way, is still ongoing and active.

In the investigation of missing children cases, many problems are encountered -- as you know -- such as incomplete information from parents and lackadaisical attitudes from school officials or administrators, as well as other police agencies. Since the missing child is not a criminal act, some police agencies do not treat the missing child as a priority. Some even say, "Oh, this is just another runaway." But, it is a well-known fact, ladies and gentlemen, that a runaway from New Jersey might well be an unidentified body in New York, or elsewhere.

So many times in my investigations I have been told by children, as well as adults, "I didn't know where to turn for help." We now have at our disposal the national crime computer which lists missing children; we have the State of New Jersey Missing Persons Commission; and, we have a State Police investigative unit. We have untold numbers of volunteer agencies, paid agencies, and community groups, all in a concerted effort to find our missing children.

Statistics exhibit that with all of these agencies and organizations, the number of missing children has not declined. I would venture to guess that the number may have increased. This being the case, we must go a step further to decrease, and possibly eliminate, our children from the rolls of the missing. What is that step? That step, ladies and gentlemen, is communication. Ways must be developed and instituted whereby we can attack this problem at its source -- the child. We must work diligently to prepare our children, and to educate them in preventive measures, telltale signs, and the modus operandi of child molesters and child kidnappers. We must warn our children, and we must keep these warnings ever present in their minds until such time as the warnings become second nature to them.

At this point one might ask, "Just what is Sgt. Baker referring to?" Members of the Commission, Sgt. Baker is referring to the use of visual aids, posters, brochures, films, radio and T.V. announcements, church bulletins, and business establishments. A

constant and effective flow of precautions and warnings to our children will keep them on their guard. Certainly you have seen posters in our schools, churches, and fraternal organizations reminding us that, "Schools are open; drive carefully," "Don't drive and drink," "Lock your doors," "Install security systems," "Walk on the green light," "Ride your bike on the right side of the street," and numerous other warnings to our children. But, can you recall seeing signs around which relate to precautionary measures or preventive measures our children should be taking? Any signs that will give our children the necessary information to prevent them from being kidnapped, from running away, or otherwise becoming missing are, of course, of assistance.

I suggest, members of the Commission, that the Legislature of the State of New Jersey appropriately fund a proper authority for the acquisition and distribution of audio-visual aids to be distributed throughout the State's school systems, libraries, youth organizations, day camps, and other such facilities where our children visit and congregate.

Thank you very much for your time.

ASSEMBLYWOMAN FORD: Thank you, Sgt. Baker. Mr. Richard Ruffino, Executive Secretary, New Jersey Commission on Missing Persons.

RICHARD RUFFINO: Good evening, Madam Chairman and members of the Commission. On behalf of the New Jersey Missing Persons Commission, I would first like to thank you for permitting me to attend your hearing this evening. Secondly, I think you and the Commission should be commended for your efforts. This is certainly long overdue and we look forward to a good working relationship between your Commission and ours. I would suggest and recommend that the testimony you have received, and the information you have gotten over the last couple of hearings you have had, be shared with our Commission so that we can work jointly.

ASSEMBLYWOMAN FORD: We intend to forward it, Mr. Ruffino.

MR. RUFFINO: Fine. As you know, Governor Kean signed the Missing Persons Act in January, 1984. This relates to missing persons; it just doesn't deal with the issue of missing children. Certainly,

missing children are our priority, but we cannot overlook the fact that adults are also missing. We can't simply cast them aside. In the packet of information I gave you, you will see a directive from the Attorney General. He has abolished the waiting period on both juveniles and adults. There is no longer a waiting period in this State when someone wishes to report a person missing.

I would like to point out that I am a member of the FBI Task Force which set up the national system. I am reluctant to say this, but I am also Vice Chairman of the Board of Directors down at the National Center for Missing and Exploited Children in Washington. We have a packet of information to be used when a person is missing. We have not established a time frame, but I think the Commission will probably go along with the recommendation of approximately 15 days. This packet of information is designed so that when a person or a child is missing, law enforcement fills out the first page of this form. They then take the first page off and enter the child or the missing person into the FBI's MCIC computer. We also ask them to send out a State alarm to notify the State Police unit that, in fact, we do have a missing person.

The packet is then presented to the parents, who, in turn, take it to their doctor, their ophthalmologist, and their dentist for a complete check and more identifiers of the missing person. Unfortunately -- and this is based on January 1, 1985 -- 1,195 children are not at home tonight in this State. Sixteen hundred and thirty-four people in this State cannot answer the simple question you hear on television, "It is now ten o'clock, do you know where your children are?"

I seriously believe that we have a problem in this State. The legislators and the Governor have addressed the issue that we do have a problem. The Commission will be working in close conjunction with parents because the key to the success of this project not only lies with law enforcement, but also with parents. They have to share in the responsibility. I gave you a copy of the prevention guide we use when we go out to lecture. I believe I have enough copies for those present here tonight, and I would be glad to pass them out.

This is something which has to be shared by all of us, from law enforcement to parents. I implore the people who have come before you-- I know the system; I have been working in the system for nine years. A lot of their complaints are valid, but I implore them to take the necessary steps for prevention. The key issue here is the prevention of the exploitation of our children, the prevention of kidnappings, and the prevention of sexual abuse.

ASSEMBLYWOMAN FORD: Thank you, Mr. Ruffino. Oh, I'm sorry. Are you finished?

MR. RUFFINO: I just want to say that this is the only bill of its type in the entire country; that is, a bill dealing with persons, not simply children. However, as I said before, the emphasis is on the children. We are mandated to train law enforcement officers in the area on how to conduct a missing persons investigation. We have four-day seminars once a month down in Sea Girt. We train medical examiners how to use the new Federal system. We are getting out to talk to parents at night. So, I think that with all of us pulling together we can cut very, very deeply into this problem. We will never be able to correct it, but we can cut very deeply into it and cut the odds of a child being abducted, molested, or what have you.

ASSEMBLYWOMAN FORD: I have a question for you on the missing persons packet. Is this something that parents should perhaps fill out, at least the medical information and all of that, ahead of time?

MR. RUFFINO: I wouldn't recommend that because if you are dealing with dental records and then a child or an adult goes to the dentist and another filling is put in or a tooth is extracted, you have to take the packet back to them anyway.

ASSEMBLYWOMAN FORD: So, the purpose of it is that once a child is missing, this packet is then taken around to the professionals, who fill it out and put all of the identifying information in it, and then the State Police have everything in one place.

MR. RUFFINO: No, it is returned to the authority which took the original missing persons report. This would go as an add-to to the original, along with more identifiers.

I might add -- I don't know whether I said this or not -- that out of the 1,639 people who are missing in this State, there is only one of these filled out in its entirety.

ASSEMBLYWOMAN FORD: Why is it that only one packet has been filled out, out of the 1,639?

MR. RUFFINO: Well, Madam Chairman, I believe, understanding the system, that the FBI printing office is trying to get these out as fast as they can. They haven't really been available to law enforcement agencies. They have asked us to take them back to our own states and copy them, which I am doing. I am making up as many as I possibly can and they will be disseminated to law enforcement agencies for their use.

ASSEMBLYWOMAN FORD: Thank you very much for providing us with your testimony.

MR. RUFFINO: Thank you, Madam Chairman.

ASSEMBLYWOMAN FORD: May we have Sue Garris?

SUZANNE GARRIS: My name is Suzanne Garris, and I have a missing daughter. On Wednesday night, January 25, 1984, my daughter, Lisa, disappeared while walking to an arcade to meet her boyfriend. She has not been seen or heard from since that time.

I first reported her missing to the police on Thursday night, January 26, after I had called all of her friends, talked to her boyfriend, and found that no one had seen her the night before. The police told me to give it another day and, if she still hadn't come home, to come in to file a report.

I filed on Friday, January 27. They entered her name on the MCIC. The first week, I called Child Find and had her registered with them. Publicity-wise I felt that if people could see her picture in the newspapers or on T.V., maybe someone would have seen her and would call us. The police felt she was a runaway and it was a struggle to get them to release it to the news media.

When they finally agreed to release it, a week had passed and I was almost hysterical. The investigation consisted of the police asking some of the kids some questions, following leads via phone, and a half-hearted search of a small wooded area. I had to prod them for

every piece of information I got. Most of the time I felt they were doing nothing because they did not keep me informed.

In April, the interest in our case picked up police-wise because a torso was found in Maryland and they thought it might be Lisa. This is still inconclusive. We followed up many of the leads that came in from our area because the police did not have a lot of time or manpower to put on our case. Through the help of a volunteer private investigator, a search of our wooded areas was finally done on September 29, eight months later. This covered a two-mile radius around the arcade.

Lisa has been registered with as many organizations as possible. Since she was 18, many organizations would not help. They only deal with younger children. We are still seeking people who can help to distribute flyers and be our eyes in other parts of the United States. We are very grateful to those who have helped us. We who have older children missing are made to feel that they don't matter, that they don't count, and we are refused help because of their age. Do people think we love them less, or that we hurt less because our children are older? My daughter was walking along the road at night. Now she is missing. I can't prove she was abducted, and the police can't prove she ran away. If she was abducted, then I say her civil rights have been violated. It makes me furious, and I want action taken. I need help in finding her.

The police say it is a violation of her civil rights to look for her, that she has the right to be missing if she wants to. But what if she doesn't want to? How are we going to know unless we find her? Do we have to wait until a body turns up? If a body turns up, it won't matter anymore whether she ran away or not. It will be too late. Why must we wait until it is too late? Why can't we put forth the effort right away? Suppose she is a runaway, can I assume she is okay? Do we stop looking or trying to find her? Can anyone say a runaway, no matter what age, is safe? I think everyone is aware of the dangers in store for these children nowadays, except maybe the children. I don't really think it matters whether they are 11, 14, or 18. If there is a chance they might be victimized, they are in danger and need all the help available to find them.

I love my daughter with all my heart, and I must know what has happened to her. I need help; I can't find her alone.

In conclusion, I would like to see the police take action on missing children and adults immediately, not assuming they are runaways when they really do not know. Immediate news coverage would make people aware and would encourage them to take notice. The police should keep parents informed. Parents should know what is going on. If the police are not doing anything, at least the parents will know they need outside help. I sincerely believe that parents of missing children need all the help they can get, and the concern and help of these outside organizations, such as Hide and Seek, have been a blessing to me. I believe the need for them is great. Thank you.

ASSEMBLYWOMAN FORD: Thank you, Mrs. Garris.

FROM AUDIENCE: I have some posters here if you would like to take them with you. If you have anyplace you would like to distribute them, you may have these; I have dozens more at home. The Garris family also has dozens more. We would appreciate your help in circulating them. Thank you.

ASSEMBLYWOMAN FORD: Our next witness will be Valerie Seufert. Before we take your testimony, Valerie, I just want to introduce to the audience Senator Catherine Costa from Burlington County. Senator Costa is a member of this Commission, and she is joining us at this time.

VALERIE SEUFERT: My name is Valerie Seufert. I have two children, ages four and six. In November, 1983, I was given full custody of both of my children.

ASSEMBLYWOMAN FORD: Valerie, may I ask you to speak up a little bit so the people in the back can hear you? These microphones are not for projection.

Joining us at this time also is Assemblyman Joseph Chinnici, who I hope did not get lost trying to find this place. Assemblyman Chinnici is from Cape May. Please continue, Valerie.

MS. SEUFERT: On August 8, my ex-husband picked up both of the children for a week's visitation. He did not return as we expected him to on the fifteenth. The next day I received a letter

from him, and he said that he was not going to return with the children. I contacted my lawyer immediately, and the police in his area. I had heard about the Missing Children's Network. I called them and was referred to a local organization which suggested that I contact the State Police to see if they had a missing persons unit.

I contacted the State Police and was put in touch with Detective Price in the Missing Persons Unit. He has been helping me in my search for the children since then. In the meantime, my lawyer deposed my ex-husband's parents and a woman he had been dating at the time. He found out that his parents had received a phone call from him. Their phone records were subpoenaed and we found there were calls to the Nicaragua Airlines in Miami and collect calls from Florida on those records.

I checked with the Passport Division and they told me that no passports had been issued for my children or my ex-husband. At that point I ruled out the possibility that he had gone out of the country. I then concentrated all of my efforts on looking in the United States. I contacted schools, all of the children's doctors, and anyone who might have any kind of records on them. I asked them if anyone requested records for the children, that they please contact me and not give out any records. I also contacted Social Security; my daughter receives Social Security checks because she is handicapped. They informed me that my ex-husband could, at any time, have those checks issued in his name and to his current address. I would have 10 days during which to appeal that. If I decided to allow the checks to go to him, they would not be able to tell me where he was under the Privacy Act, even though I am the custodial parent of the children.

Information on my ex-husband and the children was entered into the MCIC. The police were given a complete description of the car, the tag numbers, serial numbers, driver's license number, Social Security number, and other detailed information. We were still unable to locate him. I was finally put in touch with the FBI and was told that in order for the FBI to conduct an investigation, they would need proof that he was out of the State. If I got a phone call from him and he said he was no longer in New Jersey, then the FBI could get involved in the case.

In conducting my own investigation, I found information which led me to strongly suspect that his parents had been in continued contact with him and knew where he was. I called and visited some mutual friends of ours who I used to associate with in the church he and I went to. I was given hints by some of those people that there were members of that church who were actively supporting him in his decision to leave. They also knew where he was and where the children were.

I believe it was in October that I received a letter from him which was postmarked Seattle, Washington. He just said briefly that the children were fine and that the only kind of contact I would be having from him would be occasional letters. I gave the FBI the letter and they said that now they could investigate. The letter was proof enough that he was out of State.

ASSEMBLYWOMAN FORD: If you don't mind my interrupting you, how long was that from the time the children were first abducted?

MS. SEUFERT: They left in August, and I received the letter in early November.

ASSEMBLYWOMAN FORD: So, from August to November the FBI would not get involved?

MS. SEUFERT: Right. In December, I was contacted by a person who wishes to remain anonymous, and was told that Ken had taken the children to Nicaragua. He was not working there, but he was getting money from his family and other people who were supportive of him. He was planning on possibly coming back to Florida to work for a while, leaving the children in Nicaragua as leverage while he did that, so if the authorities caught up with him he would not have the children with him.

The FBI said they were very unsure about whether they could go into Nicaragua to get the children out because of the strange relationship between our two countries. I wrote to William Webster, Director of the FBI, and to Senator Bradley, to see if they could give me any assistance, but I have received no reply from either of them. I wrote to them in December. I called the State Department, and they suggested that they might be able to have the passports revoked. They had finally checked and found that passports had been issued.

ASSEMBLYWOMAN FORD: Was that a mistake? What did they say initially?

MS. SEUFERT: Initially they said no, there were no passports.

ASSEMBLYWOMAN FORD: The passports were one of the first leads you followed up?

MS. SEUFERT: Yes, exactly, but the answer was false. Then they checked into it further and found out that passports had been issued. They were going to see about having them revoked and about having the children deported to the United States. A relative of mine contacted Interpol in Washington, and both Interpol and the State Department said that before either of them could help in any way, they would need a copy of the Federal warrant, "Unlawful flight to avoid prosecution." The FBI agent who was working on the case assured me that he would get that warrant mailed out to them immediately. A couple of weeks went by and the FBI agent who was working on my case was arrested. You probably know about that. A new agent took over and discovered that there was no warrant in existence, that in the State of New Jersey this is a Class Four misdemeanor. Even if the abducting parent leaves the State of New Jersey, it cannot be considered a felony and the FBI cannot conduct an investigation.

At this point, I know where my children are, but I can't go there to get them because I don't have their passports. If I got new passports for them and I went down to resnatch them, I would not have entry stamps on the passports, and I would not be permitted to take the children out of the country. I do not have a Federal warrant, so the State Department can't have the children's passports revoked in order to have them sent back to the United States. And, I cannot get a warrant until parental abduction in New Jersey is considered more than a Class Four misdemeanor.

Thank you for listening to my testimony.

ASSEMBLYWOMAN FORD: Parental abduction in New Jersey is considered an indictable offense, so I don't know what the FBI is talking about in that regard. It is a fourth degree crime, "Interference with custody," and it is an indictable offense. The

reason why it is an indictable offense is so that they can extradite from other states.

MS. SEUFERT: The FBI told me they contacted the Attorney General. They had a Federal warrant drawn up, but it had not been signed, and it would not be signed because of that one problem -- it is considered a Class Four misdemeanor. It is not considered a felony.

ASSEMBLYWOMAN FORD: Maybe it is not in their interpretation of it. We don't have felonies under New Jersey criminal law right now. We have crimes and nonindictables.

STEVEN G. RAYMOND (from audience): Madam Chairman, maybe I can clear this up. My name is S. G. Raymond; I am the Prosecutor from Burlington County.

ASSEMBLYWOMAN FORD: Why don't we bring you forward so you can explain?

MR. RAYMOND: I have a letter here from the FBI which will basically confirm what she is saying. The FBI will not back up a fourth degree crime. Even though it is a crime of the fourth degree, they will not--

ASSEMBLYWOMAN FORD: (interrupting) Even though it is indictable under New Jersey law?

MR. RAYMOND: Even though it is an indictable offense, they will not act on it.

ASSEMBLYWOMAN FORD: So, it should be elevated to a more serious crime in order to get the FBI involved?

MR. RAYMOND: That is correct.

ASSEMBLYWOMAN FORD: Okay. Thank you very much. Let me take this opportunity to introduce another member of our Commission who has just arrived, Senator Jack Ewing, from Bedminster Township. He is sitting down on the end there.

SENATOR EWING: I am from Somerset County.

ASSEMBLYWOMAN FORD: I'm sorry.

SENATOR EWING: They wouldn't know where Bedminster is.
(laughter)

ASSEMBLYWOMAN FORD: Is Marie Mazakas here? (negative response) We have representatives from the New Jersey Prosecutors'

Association, Prosecutor Raymond, and the Camden Prosecutor, Samuel Asbell. Will you be testifying together? (negative response)

MR. RAYMOND: Thank you, Madam Chairman and members of the Commission. I would certainly appreciate any questions and answers. I was under the impression that this would be in a question and answer format. However, I would like to say one thing. I would like to commend all of you for the work you are currently doing. As well as being the Prosecutor in Burlington County, I am also Chairman of the Missing Persons Commission. I certainly join in what Dick Ruffino said, that in any efforts either Commission undertakes, we join those efforts because the problem is really the missing children. I know we would like to share all of our information because I think it is very important.

I think one of the toughest things from a prosecutor's standpoint is dealing with any case where a child is the victim, whether it be parent abduction, child abuse, or a child homicide. They are absolutely the toughest cases to deal with. I think we ought to keep one thing in mind. I think, particularly in the State of New Jersey, that we have made efforts and we have come a long way. I was an assistant prosecutor in an office with Senator Costa's son in 1977, and I can recall several instances where parents came in, particularly in the parental abduction type of case, interference with custody. At that time there was absolutely nothing we could do. It didn't fall under any criminal offense. It wasn't kidnapping; it wasn't criminal restraint; and, there was no interference with custody statute.

There are still problems -- and I will limit my comments, for tonight at least -- as far as interference with custody is concerned. There are several problems in the statute. The first problem, and probably the most glaring one, is the subjective rather than objective standard. If I may, I will give you an example. If a husband takes the children out of State, in order for the prosecution to prove a case, they must show that the person believed-- There are two defenses within the statute. One of them says that if a person believes there is going to be harm caused to the child -- and, that is a subjective standard -- that is an affirmative defense to the crime of interference

with custody. I think that is one portion of the statute that needs revision which would make it a reasonable or objective standard, rather than a subjective standard.

There is also a second affirmative defense in the statute which deals with-- If a child over the age of 14 voluntarily leaves, that is an affirmative defense. So, there are problems within the statute itself.

There are also problems, and a woman testified to this before, because it is a crime of the fourth degree, and the FBI will not become involved in trying to locate the child. There is another problem as far as it being a fourth degree crime. Since it is a crime of the fourth degree, there is a presumption of nonincarceration. So, the State may go through time and money trying to locate the child and trying to bring back the defendant, but when the defendant is brought back, there is a presumption of nonincarceration. That is certainly a problem.

Also, I think what we have to look at is the fact that we are really concerned, oftentimes, with the safety of the child. There is nothing within the criminal statutes which makes being a missing person a crime. So, if we're talking about a parental abduction, if we're talking about interference with custody from a prosecution standpoint, oftentimes if we can bring back the defendant but we can't bring back the child, if there are criminal charges signed, that will heighten the defendant's intensity for avoiding all enforcement. So, we are not really helping the child at times because we have no means of bringing the child back. If we sign criminal charges, the defendant, the father, will then try to avoid prosecution, and this may even heighten the danger to the children involved.

So, I think there are some real legislative problems we should look at and try to improve in order to help us from a prosecutor's standpoint, and to help us as far as the safety of the children is concerned. It is very difficult for us to do anything to help the children. We can attempt to punish the defendants, the parents who have taken the children, but there isn't much within the statute whereby we can really punish them. What I am saying is,

basically it is a noncustodial situation. It can be very expensive, and if we are trying to locate a child through the FBI, since it is a crime of the fourth degree, they will not hunt for the child.

I would like to open it up for any questions.

SENATOR EWING: What would you recommend?

MR. RAYMOND: Well, I think legislative action is needed, at least regarding focusing. Perhaps through our Commission and your Commission, we could take a look at what could be done from a legislative standpoint as far as making it a crime of the third degree. It is my understanding that if interference with custody was a crime of the third degree, the FBI would then get involved in helping us to locate the defendants. I think we have to take a look at the problem of getting the child back to the State because that is often the focus. As I said, these are the most difficult cases. Just because we can bring a defendant back doesn't necessarily mean we can bring his child back. Bringing the child back is a civil matter right now. However, I think that perhaps, by way of suggestion, if the defendant is extradited back to the State of New Jersey but takes any action to avoid bringing the child back-- If a defendant is living with a live-in girlfriend, has grandparents, has relatives out of State, and he avoids bringing the child back, perhaps we could even make the crime more serious.

These suggestions are just right off the top of my head, but they could be done as far as legislation is concerned. I think the main thing that could be done regarding the interference with custody statute, would be to make it an objective rather than a subjective standard because, proof-wise, it is very difficult to prove these cases. If I felt I was justified in taking my child, if I felt that my spouse was going to cause harm -- even if none of you would agree with me -- if I could show that I really thought there was going to be danger, then basically that would be an affirmative defense and I would be found not guilty. I feel that would be essential.

SENATOR COSTA: Madam Chairman?

ASSEMBLYWOMAN FORD: Senator Costa.

SENATOR COSTA: Let me run through this with you. It seems we are tackling it from the wrong end. The first thing I would do if a child was missing would be to make sure that we found that child, looked out for his or her welfare, and got him or her into a situation where they would be safe, regardless of whether it involved a parent or a stranger. The first thing to do would be to get that child. The way I hear it, we are looking at getting the person who is taking the child away, or the children away. We are going into whether we can indict them, whether we can bring them back for court, or whether we are going on fourth class, or third, or whatever. Aren't we tackling this the wrong way?

MR. RAYMOND: Senator Costa, I couldn't agree with you more. I think you are absolutely right. When you are dealing with these types of cases, the child is of paramount importance. If we could get some type of a guarantee that we could get the child safely back to the custodial parent -- that is the main thing we are concerned about. However, strictly from a prosecutor's standpoint, we have no mechanism to do that.

SENATOR COSTA: That kind of a mechanism is what we have to work on to protect the child.

MR. RAYMOND: I couldn't agree with you more.

SENATOR COSTA: I was also distressed when I heard the lady who testified just before you. She spoke of Social Security, where she could have found her children, and yet because of the Privacy Act, she was deterred from doing so. There is something wrong there, too. That would be another level. I see a great big gapping hole that has to be covered. Thank you.

ASSEMBLYWOMAN FORD: Assemblyman Chinnici?

ASSEMBLYMAN CHINNICI: Well Steve, the most important thing here is to get the child back.

MR. RAYMOND: Absolutely.

ASSEMBLYMAN CHINNICI: Why can't the law get the child and bring him under safe custody, and then fight out the differences about who the child belongs to and where he should go? I agree with Senator Costa; let's get the child in custody, and then find out what we are going to do. At least we would know that the child was safe.

MR. RAYMOND: I think you are absolutely right. I think we all agree that getting the child back safely is the most important thing. The mechanism--

ASSEMBLYMAN CHINNICI: (interrupting) Then why don't we take that avenue?

MR. RAYMOND: Of course, there are procedures through the family court. Through the Uniform Child Custody Act, these measures are available to a certain and limited degree. However, I certainly think there are areas that could be looked at to improve or enhance our efforts of getting the child back safely.

ASSEMBLYWOMAN FORD: I think the solution in that regard is going to require -- especially when you have interstate flight with children -- some type of interstate agreement as to how you are going to handle these particular cases. Of necessity, it is going to require other states to take legislative action to enter into these agreements, similar to what happened with the Uniform Child Custody Act. I think there are about 30--some odd states--

MR. RAYMOND: (interrupting) They police 38 states now.

SENATOR COSTA: Madam Chairman, may I ask another question please?

ASSEMBLYWOMAN FORD: Sure.

SENATOR COSTA: Regarding going outside of the country, and there seems to be a lot of that going on, do we have any mechanism for getting a child or children back? Once they are out of the country, do the other countries recognize our laws or our asking for this child when he has been found?

MR. RAYMOND: Well again, Senator Costa, it would be strictly through a civil mechanism, and would depend on what type of agreements we had with the other countries. From a criminal standpoint, we can get the defendant back, but it is the same thing. From a prosecutor's standpoint, we cannot get the child back. It is strictly a civil procedure.

SENATOR COSTA: A woman came to me and said that her husband was being granted the right to take their children out of the country. Why would a judge allow that to happen, knowing that we do not have

a mechanism to get those children back into this country, if the husband should decide to keep them there?

MR. RAYMOND: That is a very difficult question to answer because these cases really have to be looked at on a case-by-case basis. You can see the hardship it would cause the husband, for example, who is going to a foreign country, not to be able to take his children. I think if there was some showing in front of a judge that there was a danger — a danger of the children not being brought back — the judge would certainly look at it in a different light. To say to a spouse, "You can't take the children to a foreign country," would cause just as many inequities as we currently have.

SENATOR COSTA: I can see that, but shouldn't there be a mechanism prior to allowing that individual to take the child out of the country that warrants— If that should happen, if a husband should decide to keep a child out of the country, or if a wife decided to keep a child out of the country, shouldn't there be some way we could get the child back as a prerequisite of taking him or her?

MR. RAYMOND: I think that would be an excellent idea, but it would take the cooperation of the other countries. Again, just as before the Uniform Acts, if you took a child into the State of Delaware, if there wasn't any kind of a reciprocal act to bring him back, a person could agree to do this in New Jersey, but once he got outside of the jurisdiction of New Jersey, there would be no way of bringing him back to New Jersey because the laws of Delaware would control that. The same would be true of a foreign country; we would have to have some sort of an agreement with the foreign country.

ASSEMBLYWOMAN FORD: Do any other members of the Commission have any questions for the prosecutor? (negative response) I certainly thank you for coming down, Mr. Raymond. I am not an expert in criminal law, and I think we needed this type of input.

One of the things that has come up, and I'm sure your department is not at all insensitive in this regard— We have had testimony from people at other hearings we have held throughout the State, indicating that they had a lot of difficulty dealing with their county prosecutor's office in terms of bringing actions against parents

who were violating custody orders, and in terms of trying to track children down. Are you at all familiar with what activities the State Prosecutors' Association is involved with in this regard? If they are not doing anything, do you see any need for them to implement some type of education program among the various prosecutors' offices dealing with these types of cases?

MR. RAYMOND: Chairman Ford, that is a very difficult question to answer. I know that Jim Mulvihill, of the Prosecutors Supervisory Section, has recently done a survey asking questions of the various prosecutors. I believe that was in response to some of the questions you had at your first hearing. I know that Jim Mulvihill did this survey to see what problems the various prosecutors were having. I think the prosecutors, by and large, are very sensitive to this issue. I think some of the practical problems they face are financial or budget problems, and I feel that that is a disgrace. But, there are often times when that type of thing can come into play because, again, what you are talking about is not being able to get the child back and not being able to locate the defendant who is out of State. If and when he is brought back, after locating him through a costly extradition proceeding, after going to court, after perhaps putting the child -- if he is brought back -- through the trauma of testifying in court, and then having a fourth degree offense and the presumption of nonincarceration-- I think the day-to-day practical problems, more than a lack of sensitivity, if these complaints are valid, would be the major considerations. I certainly do not think training could hurt. Training, not only from a prosecutor's standpoint but on the local law enforcement level, would be helpful not only in the criminal statutes, but in the whole area of missing persons.

ASSEMBLYWOMAN FORD: Thank you very much.

MR. RAYMOND: Thank you.

ASSEMBLYWOMAN FORD: May we have Samuel Asbell, Camden Prosecutor. Are you the Camden County Prosecutor, or the Prosecutor for the City of Camden?

SAMUEL ASBELL: I am the Camden County Prosecutor. Madam Chairman and members of the Commission: I concur wholeheartedly and vigorously with

Prosecutor Raymond's remarks. However, while listening I did notice one or two items I thought I should bring to your attention.

One is a feeling I probably developed before I took the job as prosecutor. I did a certain amount of matrimonial type work. I noticed a laissez-faire attitude regarding the situation of the children. That laissez-faire attitude was throughout the State, not only in Camden County, but in other southern counties. The problem I see arising as far as a missing child in an interference with custody case situation is the time and situation as to who has custody. The problem arises, for example, when husband and wife separate. The husband leaves and goes somewhere else to live. He comes back one night, takes all his stuff and the children, and goes. Who has made the determination about who the custodial parent is? They haven't been to court yet; there is no showing that the children did not want to go with the father, nor that the father had a right to have the children with him, as much right as the mother. So, there is a lapse period that no doubt can be corrected.

Sure, the prosecutor's office will, should, and must act if a complaint is signed by a parent as to interference with custody. Yet, you may go through a period of months where no determination is made by a court as to who the custodial parent is. So, in that one-day, one-week, one-month, two-month period, the parent who actually interfered can be long gone. All that time is lost; all that time is wasted. The resident may have some idea where the husband is and where the child is, but by that time the job of the law enforcement agency has become so much greater that we cannot really locate or actually take steps to bring him back.

So, something has to be done about the initial period when the interference with custody occurs, as well as the situation of bringing the child back. I agree with Senator Costa that consideration for the welfare of the child is paramount, and steps should be taken immediately to make some changes in the law to allow the child to be dealt with first, and the interfering parent to be dealt with from a legal standpoint second.

If anyone has any questions, I will be happy to answer them.

SENATOR COSTA: Do you have any suggestions at this point, having dealt with it?

MR. ASBELL: I found that the problem arose basically in the initial matrimonial situation. It didn't make any difference whether the parties were poor or wealthy. A parent just wants to have his children. I had one situation where there were five children. The father took them and went to Texas. There was absolutely no way-- Now, I could have had the father brought into court under, you know, a Uniform Act with Texas, but he wouldn't have to bring his children with him. There was absolutely no way for me to force the father to bring the children back. I could make the motion and go into court. I could make a representation, and if the court saw fit to declare the mother the custodial parent and say that the father had no rights, then a contempt warrant could be issued. That contempt warrant would not be enough to bring the father back. At that point, if, in fact, the mother signed the criminal complaint for interference with custody, we would be confronted with a situation where the FBI would not extradite on a fourth degree offense.

So, something has to be done to upgrade that particular offense, whether you call it interference or whether you call it a missing child. I know for a fact that Attorney General Kimmelman has taken steps, just within the last week, to put out a directive relating to missing children and missing adults, where the time lapse is done away with. As a matter of fact, I put it into effect in all of the municipalities in Camden County, along with the forms which are to be used. The initial complaint of a missing person or a missing child is to be acted upon immediately. This is by direct order of the Attorney General.

ASSEMBLYWOMAN FORD: Are there any other questions from the Commission? Assemblyman Chinnici?

ASSEMBLYMAN CHINNICI: Just as a matter of clarification, a mysterious disappearance of a child is one category completely?

MR. ASBELL: Yes.

ASSEMBLYMAN CHINNICI: Now, a father has an argument with his wife, takes the five children, and goes to Texas. They are not really

missing children. This is a custodial problem; it is a matter of the mother really knowing where the children are. They are with their father in Texas.

MR. ASBELL: In many instances, the mother or father does not know where the children are for some period of time. I have had situations personally as a practicing attorney, where months went by before any indication was given to the resident parent as to the location or welfare of the children. There is no obligation for the interfering parent to advise where he or she is, where the children are, or what the condition of the children is.

ASSEMBLYMAN CHINNICI: But, isn't it a custodial problem rather than a missing child problem?

MR. ASBELL: It could possibly be both. There is no guarantee that the interfering parent, no matter how much he cares for his children, is capable of actually caring for the children, especially small children.

ASSEMBLYMAN CHINNICI: Thank you.

SENATOR COSTA: There is certainly a lack of action in doing steps one, two, three, and four. There is nothing there, no mechanism.

MR. ASBELL: Senator, you have hit it right on the head.

SENATOR COSTA: So, this is where we come in, as legislators, to try to put in the right mechanism.

MR. ASBELL: There is too much paperwork.

SENATOR COSTA: I beg your pardon?

MR. ASBELL: There is too much paperwork.

SENATOR COSTA: We should get rid of the paperwork and get right to the bottom line.

MR. ASBELL: The questions presented to Prosecutor Raymond actually went to the statute. We cannot act as law enforcement officials until the complaint is signed. It could be months until that person has the right to sign a complaint. We'll act; that's our job. But, it is just getting it to us quickly enough to act, or to the local police, or to the FBI.

SENATOR COSTA: Are law enforcement people afraid to act because of the lack there? Is it because they do not have the jurisdiction and they feel they cannot act at that point?

MR. ASBELL: They do not have the jurisdiction. They are not afraid to act.

SENATOR COSTA: That's what I mean. They feel they are not going along according to what they are allowed to do.

MR. ASBELL: Many prosecutors' offices deal with that type of a situation on a case-by-case basis. Some cases are much more egregious than others. Some cases are just little spats, and one or the other takes the children. We don't want to specifically classify, you know, A, B, and C all as one, so we deal with them on a case-by-case basis as far as disposition is concerned. But, each one is dealt with the same way as it comes in.

SENATOR COSTA: Now, may I ask another question regarding the New Jersey Legislature acting? If the New Jersey Legislature acts, will it have any weight if the other states do not do likewise?

MR. ASBELL: Well, I have always been of the opinion that New Jersey is in the forefront in the making of laws within the United States. I am satisfied that if our Legislature acts, most of the other states will fall into line. So, if we don't get all 50, if we get 45, we're 45 ahead of the game.

SENATOR COSTA: We will lead the way.

MR. ASBELL: Okay.

ASSEMBLYWOMAN FORD: Even if we just get Pennsylvania, New York, Delaware, and Maryland.

MR. ASBELL: Sure. Even the contiguous states would make a difference.

ASSEMBLYWOMAN FORD: It would go a long way. Senator Ewing?

SENATOR EWING: As an Association, have you been drafting any ideas to present to the legislators you know?

MR. ASBELL: Well, the situation was just presented to us, Senator. We have done a canvas of the 21 counties. We now know basically how each county deals with "interference with custody." Missing persons is another situation. We have been under a directive by the Attorney General for that. It would probably be an excellent idea if we all took those statistics, tried to get a general consensus of opinion, and came up with a policy to be followed by all 21

counties. As you well know, North Jersey and South Jersey are sometimes different worlds. Things are done differently.

SENATOR EWING: I was scared to come south. (laughter)

MR. ASBELL: Please, you're in Camden County.

ASSEMBLYWOMAN FORD: Are there any other questions from the members of the Commission? (negative response) Thank you very much, Mr. Asbell.

We have representatives here from the Department of Education, Dennis Crowley and Jackie Cusak.

DENNIS CROWLEY: I am not going to say anything, but I thank you for giving us the opportunity to speak to you folks tonight. I would like to introduce our representative for this evening, Jackie Cusack, who is the manager of one of the units in the Division of General Academic Education. She will explain to you what the Department has been doing in the area of missing children, abused children, and other related issues.

ASSEMBLYWOMAN FORD: Thank you very much, Mr. Crowley. I think it is important that in working with law enforcement, we also -- and this is evident from our hearings, as well as common sense -- look to the school districts and what they can do through the educators. After all, they have actual custody of the children for such a long length of time during the day. Ms. Cusack, thank you for coming down to testify. We are looking forward to your comments.

JACQUELINE CUSACK: Thank you. Good evening, Madam Chairman and members of the Commission. I am Jacqueline Cusack, Manager of the Bureau of Student Behavior and Development in the Division of General Academic Education. I am representing Commissioner Cooperman of the New Jersey State Department of Education at this hearing.

I would like to thank the Commission for holding these public hearings. I commend you for the timely efforts that have been exerted in fulfilling your duty to investigate the nature and scope of the missing children problem in New Jersey.

In reporting to you on the Department's activities in this area, I would like to address first of all what the Department already has in place to respond to the problem. On November 16, 1983, Governor

Kean took a significant step forward in dealing with missing children when he established the Governor's Task Force on Child Abuse and Neglect, charging it to study the problem of child abuse in New Jersey and make recommendations for corrective action; to mobilize citizens and community agencies in a strong prevention-oriented, proactive effort to address child abuse; to develop mechanisms to facilitate early detection and appropriate services to the victims of child abuse and their families; and, to foster cooperative working relationships between responsible agencies. I represent Commissioner Cooperman on this Task Force.

On November 7, 1984, upon the recommendation of the Protection Subcommittee of the Governor's Task Force on Child Abuse and Neglect, the State Board of Education adopted a resolution to call attention to the responsibilities of the educational community regarding cases of child abuse and neglect. The Department then revised child abuse reporting procedures to assure that local districts would be in compliance with the State statute. Under the revised procedures, anyone suspecting child abuse must report it directly to the Division of Youth and Family Services, rather than reporting it to the building administrator or his or her designee.

The implementation of the new resolution required the 21 county school superintendents to submit to the Department of Education's Office of County and Regional Services an action plan on child abuse describing what kinds of awareness or training activities are already taking place or are being planned in their respective counties.

The issue of missing children fits appropriately within the Department of Education mandate, Family Life Education. Through this mandate, school districts are able to provide instruction on child abuse and abduction, dealing specifically with such topics as interpersonal relationships, personal decision-making, and sexual assault and molestation.

It is reported that 41% of the incidents of child abduction occur between the hours of 3:00 p.m. and 6:00 p.m. We believe that interagency cooperation with social institutions such as the

Departments of Human Services and Community Affairs are crucial if we are to meet the challenge of dealing with this problem. Efforts need to go beyond teaching children how to protect themselves. Adults and communities need to be mobilized to prevent such tragedies and to protect children.

While we have no legal jurisdiction over child care programs for children of any age, we are concerned about the overall welfare of children and youth, and we recognize the implications of out-of-school circumstances for their learning. We encourage local districts to respond to the needs and interests of communities and students' families. Some school districts have cooperated with parent and community groups to offer before- and after-school care, often in school facilities. In many cases, those are districts which have adopted the philosophy of community education, that is, that school and community work together to meet shared needs.

The Department cooperates with the Ad Hoc Coalition for School-age Child Care and we provide particular kinds of assistance to directors of community education in public school districts. Our Adult Education Division helps by providing workshops and doing some brokering for schools that are either offering school-age child care or are considering doing so.

At this time I'd like to share with you how the Department is planning to further address the missing children problem. The Division of General Academic Education is compiling and studying the county action plans to determine what kinds of awareness and training activities are already taking place, what the needs for improvement are, and what kinds of technical assistance are needed from this Department to address those needs.

The Division is also identifying exemplary Family Life Education Programs which feature, among other topics, child abuse issues, specifically missing children. These programs will be packaged and disseminated to other school districts in the State that are seeking guidance in this area.

Based upon feedback from the county superintendents and the three regional curriculum service unit directors, a training conference

will be planned for the 1986 school year to further sensitize school personnel to the issues of child abuse and reporting procedures.

Finally, in compliance with A-2024, which was passed in December, 1984, the Department, through the Office of County and Regional Services, has required school districts to submit copies of their approved school board policies on the early detection of missing and abused children to their local county superintendents. By the end of the 1984-1985 school year, the Department will be able to report on the status of the policy implementation of A-2024.

I would like to thank you for the opportunity to highlight the Department's involvement in the missing children problem.

ASSEMBLYWOMAN FORD: Thank you very much. As the sponsor of A-2024, I am looking forward to seeing what the policies are throughout the State. Are there any questions from the members of the Commission? (negative response) Okay. Thank you very much.

MS. CUSAK: Thank you. I have copies of my statement. To whom should I submit these?

MS. SAXER: I'll take them.

ASSEMBLYWOMAN FORD: Our next speaker will be Mr. Thomas Bonner.

THOMAS BONNER: Good evening, Chairwoman Ford and members of the Commission. My name is Tom Bonner. I spoke in Elizabeth before this Commission, just a few short weeks ago. I also sat through your last meeting in Toms River. After that night, I felt compelled to address you once again.

This Commission is seeking public testimony to develop an understanding regarding the scope and magnitude of the problem of missing persons. To that I can add nothing. I come before you with a plea, a plea for action. I had a sense -- and I hope to God I was wrong -- of pervading apathy from some members of this Commission.

Tonight I am seeking reassurance from each member, individually, that you will do everything in your power to right the wrong, as if life itself depended on it, because it does.

At the hearing in Toms River, a father came before this Commission. He was dissatisfied with the efforts of the local police

and their investigation of the possible abduction attempt of his 10-year-old son. At that time, Senator Ewing criticized the father for not going directly to the Mayor with his complaints.

Well, when I had complaints, I started at the local level, writing dozens of letters. I wrote my way to the top, namely Ronald Reagan. As one would expect, those pleas for help fell on deaf ears. He can preach about prayer in the schools and call for legislation to protect the unborn, but does he utter a single word for the living child?

Furthermore, when I spoke to Senator Ewing after the last hearing, he emphasized to me that the ball is rolling, but I can't expect miracles overnight. Miracles — I don't want miracles, just decency and justice.

Senator Ewing also explained that every Tom, Dick, Harry, and their uncle has a bill before the Legislature for a bridge traffic light, or whatever, and that I have to understand things take time.

I say to this Committee now that I don't understand, and I won't understand. A child is not a "whatever."

I look around and I see Pentagon spending that boggles the imagination; star wars; bombs; missiles; overkill; and the cry that we must defend the nation. My answer is, before we defend a nation, we better be damn well sure we have a nation that is worth defending.

Let us do our part in this State to defend our children. They depend on you. It has been said before, during the past two hearings, that children cannot speak for themselves; but they do scream. They scream in terror and agony every day. Hear their screams. Feel their terror. Stop their agony. Let whatever course of action you take be in good conscience and to the very best of your capabilities. Let not one obstacle deter you, for your task is great but the thought of failure is incomprehensible.

I am but one person and I wish there was something I could do to stop these tragedies from occurring, but I am without any power. You, however, have the power. Use that power to save not one but many children. I am here doing the only thing I can do, I am begging you to make the difference.

Let me leave you pondering the thoughts of Stephen Goulet: "I shall pass through this world but once. Any good therefore I can do, let me do it now for I shall not pass this way again." Thank you for your time.

ASSEMBLYWOMAN FORD: Thank you, Mr. Bonner.

SENATOR EWING: I would just like to make a comment. The gentleman you spoke of was very dissatisfied with the police action and I said I thought he should bring that to the mayor's attention.

MR. BONNER: Oh, yes.

SENATOR EWING: I was speaking about the police action, or I should say their lack of action.

MR. BONNER: I understand what you are saying. All I am saying is, I went the route and in most cases I never even got a response.

Since the last meeting I have written dozens of letters and I have only received a couple of responses.

ASSEMBLYWOMAN FORD: I recall Senator Ewing's comments, and I don't know that he was criticizing the gentleman. I think he was appalled -- correct me if I am wrong, Senator -- by the inaction of the police in that regard; he suggested that it be brought to the mayor's attention and to the attention of the governing body. He really suggested that just as a way of exerting pressure in that particular situation.

MR. BONNER: My main concern, after sitting through the hearings, is that the ball is not just kicked around and then dropped.

Also, it was said before that the problem is not just with locating the child; the problem is with being able to extradite the child. I have gone through this. I think any parent in his or her right mind who has gone through what it takes to find a child would not hesitate for a moment, once he or she knew the location of the child, to go and pick up the child himself. I think it is unfortunate that it has to be that way, but as of right now I would tell anyone, if they knew the location of the child, "Forget the law. Go outside the law, because it doesn't work, and be your own best judge."

ASSEMBLYWOMAN FORD: That was the situation in your own particular case?

MR. BONNER: Right. Again, location is the big thing; it took 18 months to find him. But try and go through legal procedure after that when there is a chance that-- In my case, to serve a person who has already fled with papers to appear in court is just insane.

MS. HOVER: Mr. Bonner, I accepted an appointment on this Commission because I am concerned. It so happens that on this Commission I see three members of the Joint Appropriations Committee who have been in Trenton since 8:30 this morning, listening to public testimony from people who are from all walks of educational life. I can tell you that the three people who are on the Appropriations Committee and who also serve on this Commission have some impact. If it requires funds in order to get the job done, I will assure you of one thing, we are going to fight for funds.

I am sure that Marlene and Jack Ewing will back me up 100% on that. Knowing the concern of Marlene Ford regarding missing children, I know this is going to happen.

I just take offense at how you treated Jack Ewing. I know Jack Ewing as a personal friend, and I know how he thinks.

I just want you to know that I am here because I am concerned, not because I have a lot of time to waste.

MR. BONNER: Let me apologize at this time, Senator Ewing. I am only going by the impression I received. I don't know the man personally. I am just concerned that the job won't get done. If there is anything I can do that would help to push it--

ASSEMBLYWOMAN FORD: Of the three hearings that have already been held, no matter where they were held, Senator Ewing has attended every single hearing, and none of them were geographically close to his home in Somerset. I just want the public to know that. I know that type of dedication is really appreciated by the Chairwoman of this Commission, and by the other members also. Thank you.

MR. BONNER: You are welcome.

Nikki Thoman?

JAMES THOMAN: Madam Chairman, I would like to speak before Nikki Thoman.

ASSEMBLYWOMAN FORD: Okay, I will let it go, but I want to handle the agenda here.

MR. THOMAN: We asked specifically to be presented this way.

ASSEMBLYWOMAN FORD: Okay. What is your name?

MR. THOMAN: My name is James Thoman. I am a professional computer programmer, analyst. I am also Cochairman of the Board of Hide and Seek, Incorporated.

First, allow me to state that this testimony expresses my personal observations and not necessarily the views of any of the organizations I am involved with or affiliated with.

The problems surrounding the field of missing persons are varied and multi-faceted; it is difficult to focus one's attention on any specific aspect. There is a problem with runaways, disenfranchised youths who are forced to face the realities of living on the street, or who are on the run. Or, perhaps there is the problem of parental abductions, and the children who are made victims of their parents' broken relationships. Or, to a lesser degree but still very important, is the problem of children stolen by strangers, abused, and often discarded.

These are important problems and they are problems that are very deserving of our attention. However, this evening I would like to speak about another problem that is less talked about, but which is still just as important: The problem of the lack of quality control and standardization that allows some people in this industry to take advantage of Families in Crises and others whose intentions are to help those in crises. Allow me to illustrate my point.

I am sure everyone is aware of the name Child Find. It has become a name that is synonymous with missing children. When this agency began, some four years ago, it presented unfounded and over-blown statistics that served to frighten parents and elicit support for their organization.

On the sensationalism of statistics and some questionable fund-raising tactics, this group went from a grass roots organization to a \$400 thousand a year organization in a few short years. Everyone had the opinion that these people were golden and they could do no wrong. After all, they said they found missing children, didn't they?

Then, in 1984, after investigation by the Attorney General of New York, Child Find agreed to enter into a consent judgment that states, "Child Find, Inc. is engaged in deceptive and misleading practices with the conduct of its activities. It has misrepresented the services it performs. It has made misleading claims in both its printed material and oral representations to the public."

Although Child Find denied these allegations, it consented to the entry of this judgment to, "Avoid the expense and uncertainty of further contested litigation." One would think that Child Find would become an example of how not to do business. It appears as though this is not the case.

A Florida based group is also being investigated for its less than ethical fund-raising techniques. During the period from mid-July to early-October of last year, this group raised more than \$15 thousand through street corner solicitation. Investigation also uncovered that the president and an ex-member of this agency had criminal records, including charges involving sex related crimes against children.

Yet another Florida based group collected more than \$100 thousand on the promise that donations were tax exempt when, in fact, they had not been granted such status. Their claim that their agency had also located 31 missing children could not be substantiated due to lack of documentation. At least six Florida legislators who were listed as advisory board members have since requested that they be removed from this board. When one of the legislators was asked why she agreed to serve on the board, she said: "They asked me if I would serve on it and I thought, 'Gee, missing children; that is the thing of the day.'" It amazes me how gullible some people can be.

An Oregon based organization has been less successful financially, but at least as successful in misrepresenting its ability to provide valid services. This agency claims to have 19 state offices and to quote one disappointed state director, "There seems to be more state directors than there are states."

New Jersey is beginning to have its share of problems. A former private detective agency, termed not-for-profit, has been engaged in fund-raising efforts in Connecticut. The question I ask is,

if this group is registered as a non-profit agency in New Jersey, why is it raising funds in Connecticut?

Another New Jersey group claims if they could get money, they would like to help find children. I applaud their concern, but not their methods for obtaining funds. However, their pleas so captured the hearts of several legislators, that they sponsored legislation to provide this organization with a no-questions-asked gift of \$50 thousand of the taxpayers' money.

Although these incidents look bad on the surface, the problem does not necessarily lie with these groups, nor even with the individual legislators. Mistakes will be made; we are a new field. But fewer mistakes will be made when we have established a firm foundation for service delivery and funding. It is time to take the initiative to set standards and guidelines, making all agencies in the field accountable. Only in this way will the missing be best served. New Jersey can and should be an example for other states to follow. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mr. Thoman.

SENATOR EWING: What group are you with?

MR. THOMAN: I am Cochairman of the Board of Directors of Hide and Seek, Inc.

SENATOR EWING: Where do they operate from?

MR. THOMAN: They operate out of Gibbsboro.

SENATOR EWING: Excuse me, out of where?

MR. THOMAN: Gibbsboro, New Jersey.

SENATOR EWING: Where is that?

MR. THOMAN: Outside of Camden.

SENATOR EWING: How do you operate?

MR. THOMAN: We operate totally from monies that are proposed for our use. This year we proposed a budget to Camden County. We were partially funded for prevention service. We have not solicited any funds, nor have we used any fund-raising techniques as of this date; we are run strictly through the Human Services Department trying to dovetail under Human Services to acquire funds.

SENATOR EWING: Do you get your money from Human Services, through the county, and back to you, is that it?

MR. THOMAN: Not necessarily. There are programs available for money, RFP procedures that are followed, proposals to be drafted -- grand proposals that have to be drafted -- and we present these; they then go through Human Services, or through whatever group we are presenting them to. We then go through the procedures for validation of services to determine whether or not we can provide the services we claim to provide, and that we will be able to provide the services we are requesting the money for.

SENATOR EWING: Does Human Services have money in their budget for you people and others like you?

MR. THOMAN: Not necessarily. Part of the thrust of the organization is to convince legislators that money needs to be appropriated specifically for missing children, but the money needs to be governed by a specific body. DYFS and the Human Services Department oversee the responsibilities and the programs of runaway shelters.

We feel that we fit very well into those guidelines, and that we already have a structure set up which is doing well governing the missing children agencies in the State of New Jersey.

SENATOR EWING: Do you have other branches in other states?

MR. THOMAN: No, sir.

SENATOR EWING: What does your budget run per year?

MR. THOMAN: At this point we have operated for the past two years on a budget of less than \$8 thousand.

SENATOR EWING: Do you work at this full time, or do you have another job?

MR. THOMAN: No, I do not work at it full time, but our executive director has been totally without salary and working full time since last October.

We do have money that was appropriated in June; it is a partial funding of a program we submitted a proposal for.

SENATOR EWING: I just got a letter from someone in my district. He says, "Dear Senator Ewing: I am writing to make you aware of my strong support for A-3297, which was introduced by Assemblywoman Marlene Ford and passed the State Assembly overwhelmingly last week.

"The bill would provide \$50 thousand to the Foundation to Find and Protect New Jersey Children. As Cochairman of the Foundation, I want to make you aware of the importance of this legislation."

MR. THOMAN: This legislation doesn't do anything for the other agencies in the field.

SENATOR EWING: I don't know that it was necessarily meant to.

ASSEMBLYWOMAN FORD: Senator, you weren't here when I announced earlier that I asked Assemblyman Foy to consider sponsoring legislation, which he says he will sponsor. He will be announcing it this week; it will appropriate \$1 million for a competitive grant program. Various organizations will be able to apply for this grant money.

I think I was in error earlier. I said this was being administered by the Department of Community Affairs; it will be administered by the Department of Human Services.

MR. THOMAN: That is exactly the type of legislation we are seeking. We need more of it, but \$1 million is a nice start. Now we need regulations and guidelines to govern how that money will be spent.

SENATOR EWING: Those would come through Human Services.

MR. THOMAN: I would hope so.

ASSEMBLYWOMAN FORD: Thank you, Mr. Thoman.

Charles Robinson from the New Jersey School Boards Association.

CHARLES ROBINSON: Good evening. I am Charles Robinson. I am the Vice President for Legislation for the New Jersey School Boards Association.

On behalf of New Jersey's 611 Boards of Education, I thank you for the opportunity to be here tonight to share with you some of the ways by which school districts throughout our State are working to help the tragedy of missing children.

Boards of Education recognize that the public schools are in a position to play a uniquely valuable role in such prevention, both in terms of keeping track of children and in terms of increasing their and their parents' awareness.

First, simply because most children ordinarily report to school at the same time every day and have their attendance promptly recorded, the schools can be a focal point for early detection of children who are unaccountably absent, children who may have been abducted on the way to school or during a break in the school day, such as going home for lunch.

Several districts have attempted to get a jump on these potential abductions through the establishment of some type of call-back system, where the school phones a child's home when the child is absent and the parents have not so notified the school.

Many others are following suit as a result of a recently enacted law requiring every school district in the State to develop policies and procedures to facilitate early detection of missing and abused children.

The NJSBA strongly supported this legislation and has sought to expedite its implementation through development of the following sample policy: Parents and/or guardians are responsible for notifying the school on the first day of a student's absence. In the event this procedure is not followed by a parent or guardian, assigned school personnel or volunteer members of a parent organization, if available, shall contact the parent or guardian by phone. The attendance officer shall be sent to the home if telephone contact cannot be made and if the absence continues unexplained for a number of days, to be determined by the district, according to local preference.

The appropriate administrator shall notify the appropriate agency if the student is present in the morning and absent in the afternoon without official excuse. The parents or guardian shall then be contacted immediately.

This sample is being distributed to Boards of Education throughout the State and was developed with an eye to an appropriate balance between parental responsibility, administrative feasibility, and local flexibility.

Needless to say, special consideration in a particular district may dictate a variation or even an entirely different alternative to a program of this type. However, the important point is

that the school districts throughout the State are now focusing on the problem of missing children and taking positive steps to combat it.

The role of the public schools does not have to be limited to after-the-fact detection programs. School districts can also play a vital part in preventive measures. Such measures can and do take many forms. First, the children themselves can be made more aware of identifiable methods of abduction and how to protect themselves against it. This can be accomplished through a variety of means:

Integration of anti-abduction materials into the family life curriculum; social studies courses or other appropriate settings; adoption of a full-scale program, such as the one the Legislature has proposed for development by the State Department of Education; or by conducting special plays, role-playing exercises, demonstrations by local, social and safety agencies, and so forth. Several districts have already introduced such methods with notable success, and many more are now following their lead.

Second, the public school can take unique advantage of its seven-hour physical jurisdiction over its pupils by adopting policies that will thwart abduction attempts in several readily identifiable and common situations. These include work/study arrangements; early dismissal; and release to non-custodial parents. For each, the NJSBA has developed sample policies to assist individual districts in establishing realistic guidelines for student safety.

In the area of work/study programs, the sample reads: No student, with the exception of work/study students, shall be permitted to leave the school before the end of the school day unless met in the school office and signed out by a parent or guardian, or a person authorized to act in his or her behalf.

Employers of work/study students are required to report to an appropriate official if a student has not reported for work within one hour of the expected arrival time. For early dismissal, we have recommended that each school shall set up procedures to validate requests for early dismissal to ensure that children are released only for proper reasons, and into proper hands.

No student may be released on the basis of an unvalidated telephone call. No teacher shall send any pupil on a private errand. To ward off the potentially explosive problem of custody-related snatchings, we suggest children of estranged parents be released only upon the request of the parent whom the court holds directly responsible for the child, and who is the parent/guardian registered on the school record. The school shall not be party to other arrangements with estranged parents.

We have also recommended policies requiring teachers to watch for signs of possible trouble and contact a designated official if their suspicions are aroused. These policies are designed to be general samples, meant to be flexible and of wide applicability. Districts can and do develop them in more detail, often with our assistance.

The public schools can also capitalize on their role as the primary child-centered institution in the community. Here the press, the general public, teachers and students alike are joining forces to operate, sponsor, and publicize any number of efforts aimed at the three-par goal of anti-abduction programs, awareness, prevention, and detection.

Community awareness is being enhanced by sponsorship of public forums, hosting of meetings where visiting officials, such as State and Federal legislators, draw significant media attention to the problems and the various means to combat them; distribution of educational materials; and publicizing statewide and national efforts, such as toll-free information hotlines, clearing houses, directories of missing children, and "have you seen?" photos used widely on products.

In addition to education for awareness, school districts can also contribute to prevention by recognizing the times when and the places where children are most vulnerable, and developing appropriate programs to cover these situations. One of the most conspicuous examples is the need for protection when a child is in route to or from school, particularly in cases where the child is unsupervised — a so-called latchkey child.

Many districts have chosen to operate or coordinate arrangements for on-premises child care during the hours immediately before and after the regular school day. Others have established Community Haven Programs where children can seek refuge in especially marked houses, whose owners have been screened by local police, should they encounter trouble on the way to or from school.

In addition to their vital role in tracking children through various attendance procedures, school districts are also seeking to deter potential abductors through promotion of improved detection methods. These include voluntary fingerprinting, identification tag programs, and provision of information on available resources to help locate a child in the event of a suspected abduction.

Finally, the State School Boards Association, which I represent here today, also has a role to play in these efforts. As the legislative voice for all 611 Boards of Education in this State, we have actively supported a number of child safety initiatives at the behest of our membership. These include the legislation I mentioned earlier -- which is now law -- requiring district policy on detection of abduction and abuse; legislation authorizing the formation of this Commission; legislation now on the Governor's desk, authorizing voluntary fingerprinting programs; legislation now on the floor of the second House, requiring the Department of Education to develop a model curriculum for the teaching of preventive measures against abduction; and legislation recently released from Committee authorizing and providing funding for before- and after-school child care programs.

The only initiatives we did not support are those which would impose a single program or procedure on every district in the State, with no regard for the varying needs and attitudes of the communities they serve. However, we are the central link in a statewide network which can be used to disseminate valuable information. Examples of this are the sample policies I quoted earlier tonight and the pamphlet for parents, recently prepared by the Attorney General, providing several practical anti-abduction tips, both of which we have made available to every district in the State.

Our various publications and informational resources, including a circulating topical library and a policy clearing house, also serve to keep school districts informed about statewide programs and about local success stories which other districts may want to adopt for themselves.

All in all, the NJSBA as an organization and the Boards of Education it represents welcome an active role in helping to combat the problem of missing children. We are here at your disposal to share our ideas and hear your reactions, as well as those of other organizations and interested members of the public, and to consider any suggestions this Commission may generate on how we may best utilize the unique resources of New Jersey's public schools system in order to put an end to the senseless and tragic victimization of our young people.

Thank you for your attention. I will answer any questions you may have.

ASSEMBLYWOMAN FORD: Thank you, Mr. Robinson.

Mr. Jackson?

MR. JACKSON: I have a question about the State standards. I am thinking in particular about the issue of notification after a series of absences. It would seem to me that we have heard previous testimony which says that the first day or two are the most important; so if a school district receives notification four or five days after a series of absences, it would seem to me that this might be an area where a standard might be appropriate. I am concerned about the standards. We have to have a central standard which says that after two days, or something like that, some authority will be notified.

MR. ROBINSON: I think it is important to have some flexibility according to the community which is being served by the school district. Perhaps what would be practical in one school district would not be practical in another.

All of these things, by the way, may perhaps be in use in some districts; some things are in use in others. I think the idea is that school districts must be responsible for developing some sort of system. The flexibility is there for them to utilize any particular program, or perhaps several of them at once.

ASSEMBLYWOMAN FORD: Senator Costa?

SENATOR COSTA: Your School Boards Association is to be commended for its role in setting up this criteria for all schools, but something you said spotlighted what the prosecutor said before. You said that a child would be released only to the one who has custodial care of that child. He spoke of the one most important factor involved: It takes a while before a custodian is designated, and in-between that period is when the problem arises. So, you just spotlighted the fact that we are lacking in that direction.

The question I wanted to ask you involved your reference to the early release of school students. Children who are released early by the school and whose parents do not know they have been released by the school and so have not made preparations for their care, have always been a concerns of mine. What do you do at that point?

MR. ROBINSON: Well, first of all, schools ought to notify parents of any early dismissal. But, going back to something said earlier, when you spoke of custodial care, who is in charge of the child? School districts must identify, upon enrollment, where the child comes from, who is responsible for the child, and who is the guardian of the child. That has to be done before the child is enrolled as a student in the school. So, through that process there is no gap because that has to be substantiated before the child is placed on the rolls of the school.

However, there are cases when there are separations within family units, where one person is granted care as opposed to another. It is up to the school district to determine who that person is and to establish a policy which only releases the child to that particular person. If the school district is aware of the fact that the child has two parents in the area — if that is the case — it must only release the child to one of the parents.

SENATOR COSTA: Going back to early release, you said they should notify, but--

MR. ROBINSON: (interrupting) They should notify the parents.

SENATOR COSTA: (continuing) —in case of inclement weather, such as a snowstorm, sometimes students are let out of school. How

does the school district then notify the parents of this early release, or what preparations are you working on to see that the parents know the children will be home?

MR. ROBINSON: Well, proper advice to any school district would be that in a case where there was an emergency, the child would not be released unless there was some contact made with his home. This may sound like a tremendous job; however, the best way to do it is to simply telephone the parents of the children and notify them that the children are being sent home, or to have public announcements made, over the media, for example. All of these things have to be taken advantage of.

No responsible person should release a student unless he or she knows there is a place for that student to go.

SENATOR EWING: How many phones does a school have?

MR. ROBINSON: Well, it depends on the school district. Most schools have quite a few telephones. In my own school district — Edgewater Park Township — in the lower school alone there has to be at least seven phones available in various parts of the building, and four office telephones.

In a situation such as that, not only school administration but teachers and other staff members would certainly assist in making the calls.

In many cases one can ascertain, without a phone call, whether or not the students' parents are at home. In some cases, for example, the students will remain at school because they are part of an after-school-care program. In many cases there are parents who are at home, so it is not as difficult as it sounds. Even if it were difficult, I would recommend that it be done because it is worth it.

MR. JACKSON: I have just one more question. Is there a policy in case of inclement weather or an emergency? Are parents required to give a telephone number or an address where they can be located?

MR. ROBINSON: Yes. Every school district ought to have a policy regarding inclement weather and parents should be aware of the policy. They should be made aware of the policy.

SENATOR EWING: Yes, but there are some areas where the parents don't have phones, aren't there?

MR. ROBINSON: There are areas where parents do not have phones, and I think that in those cases it is very possible to reach out, or to go out, and investigate. Not having a telephone is not as common as my comment might suggest. Nearly every school district in New Jersey, for example, transports its pupils one way or another, particularly by school bus, so they possess many vehicles and many persons to go out and run that errand.

A lot of these things might sound like they are very tedious but, putting it in a different kind of perspective, I think if you were a parent and you were not home, you would like the phone call to be made and you would like the trip to be made. I don't think it would be important whether or not it caused an employee of the school district some extra work. It doesn't snow every day; we don't have hurricanes that often either. So, we are not talking about a common occurrence; we are talking about something that is rare. Their only dismissal from school would be in an emergency. Certainly, the daily welfare of a child is also an emergency.

SENATOR EWING: Oh, yes. I am just thinking there are a lot of parents out there who do not have phones, and I can't see having a bus load of 30 or 40 children going out if— I don't know.

MR. ROBINSON: Their neighbors have telephones and there is usually an emergency contact listed with the school as well. So, the school has more than one number. It has the phone number of the parent, if there is one; it has the phone number of a neighbor and/or emergency contact; and it has an employment number as well.

SENATOR EWING: Is that a requirement of the State?

MR. ROBINSON: These things have been very, very carefully thought out and done. It is very much the standard operating procedure in school districts throughout the State.

ASSEMBLYWOMAN FORD: Ms. Ingoglia?

MS. INGOGLIA: To help clarify this point a little bit, the State Parent Teachers Association has set up some guidelines, to act in an advisory capacity, for local PTAs to assist school districts in

notifying parents on an emergency basis. Most schools have room representatives or class mothers -- whatever they call them in their own districts -- and they have a class list, with names and phone numbers. On an emergency basis these people make phone calls to parents. They can only request a phone number; the parent doesn't have to give it to them. However, 99% of the time these people have a number where either the mother can be reached at work, or a neighbor, or someone the parent has designated to take this information, can be reached; in that way the parent is informed that there is going to be an emergency situation. So, I know that in schools with PTAs -- not PTOs but PTAs -- this is done on a regular basis. It is done in a voluntary capacity.

SENATOR EWING: Is it a State requirement?

MS. INGOGLIA: No, it is not a State requirement; it is just something that is common in schools with PTAs. There is a large Parent Teacher Association in the State, and this is done.

ASSEMBLYWOMAN FORD: Are there any other questions? (no response) Thank you, Mr. Robinson.

Steve Rosen, Director of the Department of Children's Services.

STEVE ROSEN: I would just like to state that while I am the director of a local child advocacy agency, I am here tonight as a parent of two small children; one is 14 months old and the other one is three and one-half years old.

First of all, I would like to thank Assemblywoman Ford for holding these hearings. I think they are terribly important and I am glad to have an opportunity to speak on this issue.

I think this issue really tugs at the heartstrings of everybody in our society. It basically calls into question our ability to provide a safe environment for our children to grow up in.

I think we have heard a lot of suggestions tonight about ways to deal with this problem. Fingerprinting, parent training, something that deals with enabling children to deal with strangers, issues dealing with law enforcement, I think, are all very appropriate. But, tonight I would like to talk to you about a solution I think might impact on this situation too, and that is school-age child care.

I can remember that when I was growing up the after-school hours were probably the most fun hours I had during the day -- from about 3:00 to 6:00. This time was always filled with excitement; it was a chance to wander around the neighborhood, meet new people, and have new experiences. It was really a positive time for all of us. It was a time to socialize and it was free from fear, except for the fear of coming home late and getting into trouble because you got home late.

I don't sense that this is the situation at all these days. I think the after-school hours are filled with fear and trepidation for both parents and children. We have some information in Camden County which shows that 41% of the abuse, molestation, and abductions that take place, take place between the hours of 3:00 and 6:00 P.M. I think we would go a long way towards dealing with that situation if we developed some legislation, or if we passed the present legislation before the Legislature, dealing with school-age child care.

I think by passing such legislation we could certainly help parents, who spend a lot of time worrying about their children after school. We could help children who spend a lot of time after school worrying about what is going to happen to them.

I think school-age child care programs can bring the community together and focus attention on local community people and the skills they have. School-age child care programs provide services to single parent families, to working parents, and to the whole range of families we work with. They are developed by the community, for the community and, as a consequence, they can be tailored to meet the individual needs of parents and children.

There is legislation presently before the Legislature which deals with school-age child care: Assembly Bill 2541. I think this legislation can go a long way towards providing school-age child care in our public schools. I think this kind of supervised child care after school can also go a long way towards safeguarding our children from a very small segment of the population who might want to do them harm.

Our children represent about 25% of the population, but they represent 100% of our future. I think as a consequence, we ought to do

something to protect them, and one way we can do that is by funding school-age child care programs. Thank you.

SENATOR COSTA: does any member of the Commission have any questions?

SENATOR EWING: What will this call for in money?

MR. ROSEN: I think the original bill called for \$10 million. That has now been reduced to \$5 million.

I think the money is very important because if there is no money made available for start-up and for administration, what happens is, school districts that can afford it will have it and those that can't afford it will not have it. We then have an unequal ability on the part of some school districts to deal with the situation, and school districts that can't afford it are probably in the areas which need it the most.

SENATOR COSTA: Is this program for after-school care sponsored by the school districts?

MR. ROSEN: Yes. I think the way the legislation is set up, school districts can either run it themselves or they can contract out to a nonprofit agency to run it. But, I think it has to be run by the schools because the children are there—

SENATOR COSTA: (interrupting) On a school day.

MR. ROSEN: (continuing) —at 3:00, and once they leave, you then lose control of them. Once you start transporting them it becomes very expensive. Therefore, whatever has to be done has to be done in the schools.

SENATOR COSTA: Thank you very much.

MR. ROSEN: Thank you.

SENATOR COSTA: Our next witness will be **Ciro Scalera**, Executive Director of the Association for Children.

CIRO SCALERA: My name is **Ciro Scalera** and I am Executive Director of the Association for Children of New Jersey. I am here speaking on behalf of that organization tonight. I am also, however, a member of the Commission on Missing Persons and I am Vice Chairman of Governor Kean's Governor's Committee on Children Services Planning.

Before I get into the text of our remarks tonight -- and I do plan to summarize them because I distributed them to the Committee, they will be part of the record, and I know there are other witnesses here -- I want to first address the issue that was raised by the prosecutor from Camden. I know this issue has presented somewhat of a dilemma to the Committee in terms of the lapse of time when there has been no clear decision made regarding custody of the child.

Part of the dilemma is that our law tends to look at a negative act, or a mission that takes place; we can only get the sanction of the law when there has been an abduction, or some act of that nature. If we were to view the problem more in terms of parental responsibility and define the legal intervention strategy based on parental responsibility, perhaps we would not need to have formal adjudication of custody before responsibility could be imposed upon a parent -- perhaps in a situation where there has not yet been a formal adjudication of his or her plight. The basis for that would be in the best interest of and the protection of the child; it could form the basis of a sanction in the law to prevent harm, say during the period when there is no clear authority.

SENATOR COSTA: Could you expound upon that a little bit more because I am not entirely following what you are saying?

MR. SCALERA: Well, maybe there is a way to draft a statute that would put an affirmative duty upon a parent not to do certain things until there has been a formal adjudication by a court in a custody matter. Say there has been a separation, but no formal custody; there would be a legal requirement that parents and the State, in their interest to protect the children-- Children do not have a voice in this. Most of the laws tend to view, and are written from, the parental-right perspective; they do not view the child's-right perspective. However, to review it from a child's-right perspective, there would be an affirmative responsibility on the part of a parent not to do certain things. This would have to be very clearly drafted and studied. However, I think there would then be a way to deal with the kind of Catch-22 situation the prosecutor referred to. I think it certainly warrants more study.

We too wish to commend the Commission, Assemblywoman Ford, and all of our legislators for convening this important process. In attempting to analyze and offer recommendations on the problem of missing children, we have identified four major areas that need attention: Runaway/homeless youths, children abducted by strangers, and children abducted by non-custodial parents. Finally, we also believe that law enforcement response is a fourth area that needs to be looked at and addressed.

In exploring any of the various approaches we have outlined in our testimony, or that have been presented previously to the Commission, we would urge that there be a Commission analysis of already existing programs or plans used by the public and private agencies in the State; to the greatest degree possible, these efforts should be built upon and/or networked together. For example, if the Department of Education or the Department of Human Services can, without legislation, take needed action or expand upon present initiatives, they should be formally requested, or in other ways encouraged, to do so.

I think the challenge to this Commission is going to be to view a myriad of very positive ideas and a wide range of policy options for the State. It is going to be your challenge to look at those and to try and craft a comprehensive set of recommendations that are going to promote a lot of positive ideas, but to do so in a manner that is going to serve the best interests of the child by forcing all of the interests out there -- all of the interests and energy -- to work together, not on a separate-interest or competing kind of interest basis. I think that is a challenge, and it is one that this Commission is up to meeting.

On the issue of runaway and homeless youths, we have highlighted that in our testimony for one primary reason: They tend to have the least effective voice of any of the children we are talking about. We have attached to our testimony an article which appeared in The Star Ledger dealing with a recent national study on the tragedy of throwaway children. These are children who, in many cases, do not have parents who are there as advocates for them, nor to express concern for

them. We feel that this is an important issue, a growing problem nationally and in our State, and it needs to be addressed.

There are a number of ways to address this problem, and we have listed the various ideas we have: For example, prevention services that deal with the family problems before the child runs away. This is very important.

The whole issue of runaway/homeless youth shelters; looking at the number of shelters we have in our State at the present time; the support they are currently getting from DYFS; and whether or not the shelters and the programs they offer could be expanded to deal more with the growing problem of runaway/homeless youths is an issue that needs to be addressed.

There is also the question of sexual exploitation of children, in terms of its inclusion in our present definition of child abuse. Some states are beginning to move toward incorporating sexual exploitation within the definition of the Child Abuse laws; that would then kick in the Child Abuse supporting laws. This is an option which should be explored.

Finally, there should be a civil action enacted for child pornography. There is legislation pending in the Assembly on that issue.

A second broad area covers children who are abducted by strangers. Many of these ideas we are presenting are not new ideas; you have heard them in prior testimony. Education should be provided to prevent abduction and sexual abuse; it must be offered through the schools. Again, we call for looking at the family life education curriculum, the mandate related to it, and the possible inclusion of this curriculum as a tool towards promoting the idea of prevention.

School-age child care must be offered in the public schools and in the communities. We are presently supporting those proposals before the Legislature.

Additionally, the schools should assume an increased role in response to child abduction. Certainly, Assemblywoman Ford has taken the lead in this area and this is an important measure that can be supported.

In the area of children being abducted by non-custodial parents, we are recommending exploration and development of a civil action against abducting parents. In addition to the question of their being subject to criminal sanction, we should look at possibly developing some type of civil action against parents who engage in this activity.

We should also look at the question of criminal penalties being enacted, or given a boost, in terms of enforcement against those who assist an abducting parent. Often this is not an act that is done alone or in isolation.

Finally, in terms of the law enforcement response, we support the idea that police response to a missing child report must be immediate and we would recommend that Attorney General Kimmelman's directive be embodied in statutory law; it has a 24-hour requirement. I would imagine that response has been sketchy, in terms of how that response has been working. There are places it is being adhered to very strongly, but in other places perhaps it is not. There really isn't any reason why it couldn't be incorporated into statutory law.

I know at a prior meeting there was a suggestion regarding having a State Missing Persons Unit that has a 24-hour, on-call capability, or response capability. We feel that is an important option that ought to be explored. It would then not just be available to local law enforcement or parents, but since we are seeing a growing trend towards this in county missing persons units, it would be another available resource.

Finally, we would recommend the establishment of county missing persons units. Several counties have already established these units. They have done so through designation of existing personnel and sheriffs' departments. We feel this is something that could be encouraged and developed statewide, and it would provide yet another tool.

I know we heard earlier about the frustration of not being able to get a response on the municipal level. Having that designation in a county sheriff's office may provide another tool to assist parents in this difficult area.

So, we stand ready as an Association to assist the Commission in any way we can, in terms of support for the range of policy options that you now face. We are excited that we will soon see in New Jersey comprehensive recommendations which look at the entire picture and come up with a package that I know will be in the best interest of children and our State. Thank you.

ASSEMBLYWOMAN FORD: Thank you. In your testimony, you referred to the use of photographs on milk cartons. Just for the benefit of those in the audience, that program was instituted by Assemblyman Ed Gill. He went to the Tuscan Dairies and a couple of other dairies, and he was able to come to our first hearing, held on January 30, with the first milk cartons, hot off the press, with the pictures on them. I guess everyone sees them all the time now.

Ed Gill died about 10 days after that hearing, and I like to think that his legacy to the children of this State is the pictures on the milk cartons. I know when I saw him come to our hearing, ill, he was an inspiration to me; I am sure he was an inspiration to everyone. I just feel that the record ought to reflect our appreciation on his behalf. Your testimony gave me the opportunity to do that.

Are there any questions for Mr. Scalera from the members of the Commission?

MR. JACKSON: Yes.

ASSEMBLYWOMAN FORD: Mr. Jackson?

MR. JACKSON: I just want to comment that I really appreciated your testimony for two reasons. One is that Cecilia Zalkind, who is on your staff, is from my town of Montclair. I can see her involvement by her sitting back there (indicating rear of room).

The other thing I want to say is that I am happy you brought up the whole issue of sexual abuse and child pornography. I mentioned this at the first hearing. I read a report which suggested that 30% of the children who eventually run away have been abused in some way, shape, or form. I think that fully half of these children, after having run away, have some exposure to this. So, I think if we attack that problem it will have a major impact on reducing the runaway problem we have. I am happy to hear you raise those issues.

MR. SCALERA: Thank you.

SENATOR COSTA: Runaway children usually find themselves in a JINS shelter. Of course you know we have no control over keeping them there. I came across a very big problem, I think. We heard DYFS mentioned here and that we should report to DYFS. Perhaps everyone thinks that once we say these things something is being done about them. However, DYFS seems to be shorthanded, and somehow these kids fall through the cracks.

I had occasion to know about a youngster who had been in a JINS shelter and who ran away from it. There was no report on this and no mechanism through which one could know he was out on the streets. The school never found out until about 6 to 10 weeks later. They just happened to find out about it.

MR. SCALERA: There is no doubt that children can fall through the cracks in that sense. If there is no parent there, in many situations they will fall into a lapse, a lapse between the court, DYFS, and the new Juvenile Crisis Family Intervention Units — those entities. Before anyone can actually determine or figure out who is going to assume some responsibility for the child, and before the system can respond quickly, very often the child will either leave one of the programs or encounter difficulties in other ways. This presents a problem.

SENATOR COSTA: I found there is no continuity. There are social workers who keep leaving. The turnover is great and these kids are always left with a new social worker.

What we need are a Boys Town and a Girls Town, and I keep hoping I'll win the Lottery so I can start one.

ASSEMBLYWOMAN FORD: One of the suggestions at our Toms River hearing was the establishment in each county of a safe house for runaway youths, and I am working on legislation to either appropriate money for it, or to provide a requirement within the counties that they establish some type of a safe house.

The point was brought up by a juvenile detective, I think from Lakewood, that the only place to put these children, if one wanted to, would be in a JINS shelter, which is really not appropriate because you have to charge them with a crime in order to put them there.

MR. SCALERA: I would like to comment on this because I think this will be very important to this Committee and its work: There is, in the new Juvenile Code, a thrust towards every county establishing a new Juvenile Family Crisis Intervention Unit. Additionally, DYFS has announced -- and it is getting new workers, that is one positive thing -- that they plan to have a greater community involvement. I think it is going to be important to make sure that those entities -- many of them are public entities, getting public dollars -- continue to maintain and expand the commitment they have under the law.

So, I think it is important that there be new initiatives to develop some of these needed resources, and that those resources be on a continuum basis, from actual brick and mortar shelters to program dollars to develop programs for existing shelters or other places. I also think it is important to make sure that the entities that should be doing what they are doing -- DYFS and the new Juvenile Crisis Family Intervention Units -- have a responsibility; they must see that those children are not left out in limbo and that there is some accountability for them. I think it will be important, when you release your recommendations, that this commitment be acknowledged and reemphasized: They have a responsibility. That is very critical as we begin to see a lot of new ideas, initiatives, and perhaps new funding dollars in this whole area of missing, exploited, and abused children.

We have to remember that we presently allocate a lot of money to those agencies; they have a very important mandate, and they ought to meet that mandate.

SENATOR COSTA: Do you see any way whereby our institutions and organizations that deal with these problems can also work with volunteer groups? I don't believe there is enough money for us to take care of all the problems that have come up. I feel we have to utilize the volunteer efforts of our society.

MR. SCALERA: We are a volunteer organization and we certainly have encouraged development of volunteer input in all the processes. We strongly supported the Child Placement Review Act, which has volunteers in the court system now, reviewing the cases of children in foster care.

We are probably going to be proposing, at the State level, development of what is called a CASA Program, or a Court Appointed Special Advocate, where an individual citizen/volunteer can be assigned by a judge to be an advocate for a child.

Certainly, the Division and the court have both acknowledged the need for volunteers. Are they doing enough in that area? Probably not. There are probably more things that could be done to enlist this help.

Another area is the network of hybrid agencies that are out there. There now exists in every county a Human Services Advisory Council. They are clearly going to have some role in this whole process, whether that role will be in terms of potentially supporting the development of latchkey programs, or funding particular kinds of prevention programs within a community.

So, there is the role of the State Human Services Advisory Councils and the private agencies that have purchased service contracts; and that is another voluntary area. The use of these volunteers could be promoted and expanded. That is certainly something which is going to be needed in order to combat the problem.

ASSEMBLYWOMAN FORD: Senator Ewing?

SENATOR EWING: How do you feel about mandatory fingerprinting? I noticed you talked about a voluntary fingerprinting program.

MR. SCALERA: I think the problem encountered would be— I think it would probably run into a lot of stiff opposition from various areas.

SENATOR EWING: I didn't ask what was going to happen. I asked what your feeling was about it.

MR. SCALERA: I would support a voluntary approach in this area.

SENATOR EWING: You don't think a mandatory program would work?

MR. SCALERA: No, I don't.

SENATOR EWING: It wouldn't prove anything?

MR. SCALERA: I don't think it would get the kinds of results we would expect from it. Our agency hasn't really looked at this as a voluntary/mandatory issue. I think they would probably raise some concerns about making this a mandatory approach.

SENATOR EWING: Yes, but do you think it would prove anything? That is what I am asking you. I am not asking you what the philosophical part of it is, nor what the ACLU is going to scream about; I am asking will it prove something to help find children?

MR. SCALERA: In that sense, it might.

SENATOR EWING: That is all we are trying to get at, isn't it?

MR. SCALERA: Yes.

SENATOR EWING: So, you feel it would help if we had a mandatory program?

MR. SCALERA: It might.

SENATOR EWING: Also, do you think it is really sensible to have the parents retain the fingerprints? Here again, there are many families, unfortunately, who live under conditions that would make them almost valueless. You know, if you went two weeks later to try and find them, you would have to ask, "Where are they?"

MR. SCALERA: I think one of the things to look at there is, we may have to initiate a handy way of enabling parents to be able to do that.

For example, we look at a whole range of issues. We are involved in health advocacy for children also. One of the things we look at is a simple way to enable parents to maintain adequate health records for their kids. The AMA has come out with something. I think the Pediatric Association has come out with this. It is like a bank passbook that has their shots and their relevant history in it. I think if that kind of thing were explored with the fingerprinting issue, it would probably help with the problem you have cited.

However, I think the parents should have those records and they should retain those records.

SENATOR COSTA: But, we are speaking of parents abusing and stealing their children -- kidnapping them.

MR. SCALERA: I know, but that--

SENATOR COSTA: (interrupting) What happens then?

MR. SCALERA: Because they have the records, if they engage in that conduct, we have clear laws in that area and the laws will have to—

SENATOR COSTA: I think if you are fingerprinting children you should do it in two ways: The parents should have a set, but there should also be a set of those prints elsewhere in order for them to be effective. Otherwise, it would be an exercise in futility.

ASSEMBLYWOMAN FORD: Assemblyman Chinnici?

ASSEMBLYMAN CHINNICI: I think it should be a voluntary program, number one, because otherwise you would run into so many problems it would be unbelievable. However, I think the only time you are ever going to need those fingerprints is if there is a problem and the police department has to be involved in that problem; for instance, if one is looking for somebody.

So, I think, really and truly, they should be with the police department. These prints would not be kept in the files with the criminals' fingerprints; they would be in a file containing the fingerprints of children. Then if and when the need arises and we need little "Johnny Brown's" fingerprints, we can go to the police department and say, "Where are Johnny Brown's fingerprints? He or she took them."

I think this is one of the finest things we can do for children. My four grandchildren are going to get fingerprinted at once. There is no question about that because I think it is a safeguard.

I think the police department ought to have them. If you want to give the parents a copy of the prints, fine; however, the police department ought to have a master print.

ASSEMBLYWOMAN FORD: Thank you, Mr. Scalera.

MR. SCALERA: Thank you.

ASSEMBLYWOMAN FORD: May we have Ms. Nikki Thoman?

NIKKI THOMAN: Good evening. To bring the point back to the need for standardization in our field is the issue I would like to speak to. I think it is important to realize that if we take an attitude of "hear no evil, see no evil, do no evil," we are going to end up doing a great

deal of evil to the families who are in crises because of missing children or missing adults in those families.

We feel that New Jersey could take a place in this country as a leader in the real protection of families of missing children, and thereby the children we are all here to serve. As the previous speaker from our agency highlighted, the poison in our industry has spread far and wide, and has even begun to encroach on our own State. But, this does not have to continue. We cannot in good conscience continue in this field, claiming to be dedicated to studying the nature and scope of the missing children issue, unless we recognize and answer the vital need for standardization in our industry.

Imagine, if you will, the frustration of a parent in a missing-child-related crisis being referred to an organization and being told that the organization can help him find his child, the words these parents want to hear, and need to hear, and then finding upon calling that organization only a sympathetic ear, or worse, an organization with its hand out. By the time those parents in crisis reach a nonprofit organization, they have reached the ends of their emotional ropes as well. They are frightened, outraged, frustrated, bewildered, and hurt. They vitally need to reach an agency that will provide valid effective services in a compassionate, comprehensive manner.

Presently there exists no law, no regulation, and no standards for the protection of these parents in this overwhelming crisis. The distraught parent reaches someone who sympathizes, but who cannot help, cannot offer one concrete piece of advice, or guide him through a very complicated cold system. The parent, frustrated yet again in a situation where he or she was sure someone was going to help, many, many times simply gives up.

I cannot ask you to imagine the heartache of a parent who gives up on his or her missing child, because I cannot imagine it myself. This lack of serviceability is equally as cruel as the organizations which exist to make money. Both unscrupulous detectives and organizations have become nonprofit to raise funds to -- as I was told once by a woman who heads such an organization -- march on Trenton, to raise funds, and to perpetuate offices in every county in this State.

All of these people are exploiting missing children, whether through the affirmation of their egos, their bank accounts, or both, and no matter how you dress it up, play it up, or talk it up, it still amounts to the same thing -- it amounts to exploitation. There are individuals in our own State who are helping their egos, their bank accounts, and their careers, quite literally, on the bodies of missing children. I, for one, am tired of it; I, for one, have decided that our agency will speak out until it stops. Nowhere in this country does there exist a law, a regulation, or a rule that sets guidelines for providing services to this target population. Nowhere in this country are people in this overwhelming crisis protected.

New Jersey must adequately protect the missing kids in this State. The only way to do that is to adequately protect and serve their families. We must work to locate these kids, to bring them home, and to help them when they get home. But, we cannot do that, we absolutely cannot do that, as long as there exists organizations that are not in this industry to do those things. We ask you to help us to make the industry safe for families in crises and valid for those seeking information and education for their children.

This agency, Hide and Seek, Inc., does not stand in judgment of other organizations. We stand in judgment of the reason that the unscrupulous organizations are allowed to develop and gain momentum. The problem at its root is the lack of standards and criteria in the industry that serves missing children. We must protect and, also, develop the ethical fiber of our industry. It is vital to establish a firm basis for service provision in order to develop, implement, and enforce standards.

In conjunction with the Garden State Coalition for Youth and Family Concerns, we have developed an overview for a plan to begin this trek toward standardization. There is already a system in place that is designed for the protection of families and youth in crisis. This system is administered through the Department of Human Services. The Attorney General's office has jurisdiction in the missing persons' services field in this State, specifically by way of the Commission on Missing Persons. These two agencies, the Department of Human Services and the Attorney General of New Jersey, will share responsibility in

our plan for the funding and overseeing of the development and implementation of the standards, as well as the follow-up or enforcement phase.

The Division of Youth and Family Services, the Commission on Missing Persons, and the Garden State Coalition for Youth and Family Concerns would be jointly responsible for the actual development of the content of the standards. These three entities, in a cooperative effort, offer a sound basis for standard development: DYFS, through its experience in the development of standards for similar industries; the Commission on Missing Persons, with its experienced compassionate and professional members and the input of a selected advisory council; and, the Garden State Coalition, as a member of the National Network for Runaway and Youth Services. The Garden State Coalition is directed by the Network, by way of a resolution passed during its Eleventh Annual Symposium in Washington this year, to impact on standardization development in our State. The Garden State Coalition is made up of several children, youth, and family-serving agencies. It was originally formed to target solutions for the field that serves runaway and homeless children when their field was in its infancy, as our field is now. The contents of the standards are intended to be developed as a cooperative effort in a manner intended to protect families in missing-related crises, as well as the public at large. The standards are to be designed with a large amount of input from the agencies and individuals already providing valid, effective services, and are to be implemented in a way designed to allow adequate time for compliance, while striving to maintain protection of the target population.

The plan we have briefly outlined requires the aid of our legislators by way of bipartisan objective input, as well as the cooperation of the agencies we have targeted. We know that New Jersey can be a leader, can be the first to truly serve missing persons, including children, youths, and adults, by adequately protecting the families at the inception of the crisis. This plan will require much cooperation, as well as the inception of new policies up and down the social service ladder. The plan will require new policy development by charities registration, and within the family court system to begin the battle against the abuse of parental abduction.

Again, let me reiterate that my agency does not wish to arbitrarily close down unscrupulous organizations. We intend only to advocate for adequate protection for the people our industry serves. If, by way of this plan for standardization, organizations are unable to continue operations, then the fault lies with the organizations and their policies, not with the advocates. The answers, it appears, are clear. The question remains, "Will New Jersey accept the challenge that is presented by this problem?"

I will be happy to answer any questions for you.

ASSEMBLYWOMAN FORD: Senator Ewing?

SENATOR EWING: Who is in the Garden State Coalition?

MS. THOMAN: The list is quite lengthy.

SENATOR EWING: Do you have it there?

MS. THOMAN: No, I do not have it with me, but I could give you the phone number of the office of the Coalition if you would like to reach our project director.

SENATOR EWING: I suggest that you send the list to the Chair so it can be distributed to this Commission.

MS. THOMAN: All right, I will do that.

SENATOR EWING: Also, has your Coalition come up with some standards?

MS. THOMAN: On a couple of different notes, we have developed some things we would like to see in front of the Legislature.

SENATOR EWING: Why don't you send those to the Chair also, so they can be distributed to us.

MS. THOMAN: Oh, great; thank you, Bob. One of my co-workers has just supplied me with a list of the members of the Garden State Coalition. It is quite a lengthy list. Anchor House, Inc. in Trenton--

SENATOR EWING: (interrupting) No, please send the list to the Chair.

MS. THOMAN: Okay. I can also send you several brochures.

SENATOR EWING: Also, please send the Chair your recommendations or suggestions for standardization so we can review all of that.

SENATOR COSTA: Madam Chairman?

ASSEMBLYWOMAN FORD: Senator Costa.

SENATOR COSTA: I would like to ask a question. You keep referring to our industry, our field, and Mr. Thoman also referred to the same thing. Just exactly what is your industry?

MS. THOMAN: We consider our industry to be all of the organizations, agencies, and individuals who seek to serve missing persons, including children, youths, and adults.

SENATOR COSTA: And, that has become an industry?

MS. THOMAN: Yes, it has. At last count, I believe there were 72 agencies countrywide, and there are others popping up on a day-to-day basis. Some of these are grass roots in scope, and are not known from state to state, or sometimes even from city to city. So, there are countless of us out there, and no one is saying to us, "You are not allowed to do thus and so. You have to have a professional background, and you have to fit certain criteria." Nobody is telling us that. That leaves the people I serve, and the people that this industry serves, at total risk of exploitation.

SENATOR COSTA: Thank you.

ASSEMBLYWOMAN FORD: Thank you, Ms. Thoman. Earlier I called Joan McKenna from Women Against Rape. Is there a representative here for her? (affirmative response) Is your name Joan Carney?

JOAN CARNEY: Yes, my name is Joan Carney. As you said, Joan McKenna is our Director. Unfortunately, she is unable to be here tonight; she had a family emergency. I am going to read a statement from her.

"Each year, as you know, over a million children disappear from their homes. Many of the children are returned safely, but thousands are exposed to serious dangers, such as sexual exploitation and even death. Hundreds of unidentified murdered children are buried each year in John or Jane Doe graves. Experts estimate that one in four girls and one in seven boys will be sexually molested by the time they are 16.

"We are attempting to cope with this problem locally, and we feel that prevention through education is the key to combat this problem. The Child Watch Program represented by Women Against Rape teaches children how to protect themselves from abduction and from sexual assault. Child Watch Programs for adults educate the parents in ways to protect and teach their children about abduction and sexual assault.

"We feel that the government can help in several areas. We feel it is vital that New Jersey allot funding for such educational programs so that all of the children can be reached throughout the State in order to learn how to protect themselves, or just to learn how to say no. It's hard to believe, but children don't know to say no to adults when it comes to sexual matters because parents don't know how to approach their children to teach them this. A lot of the parents don't know that it exists out there.

"We feel that stronger laws are needed to aid in apprehending, convicting, and sentencing child sex offenders. We feel that reform is needed to help the child victims of sexual and physical assault to report and to testify about what has happened to them. It is very difficult for children to testify in court. We feel that our judges and the legal and social service agents dealing with child victims need to be sensitized to the needs of the children and to the needs of their families."

In closing I would like to say, you mentioned John Walsh, Adam's father. He spoke a couple of months ago here in New Jersey. One of the things he mentioned was that you are all familiar with the casinos, and I'm sure you also know that in order to work in the casinos, no matter at what level you are working, you are investigated from A to Z. What are you dealing with? You're dealing with people's money when it comes to the casinos. But, when you are talking about the children of the State, the people who teach them, mind them, deal with them, there is hardly any investigation of these people. I am sure you all agree that our children are much more valuable than our money.

ASSEMBLYWOMAN FORD: Thank you. There is a criminal background check on schoolteachers and school employees bill which was voted out of the Revenue, Finance, and Appropriations Committee. I have a bill in which would allow that background system to be available for private organizations. There is a bill in to deal with foster care situations, and there is a bill in to deal with day care, because apparently that is different.

SENATOR EWING: Group homes?

ASSEMBLYWOMAN FORD: And group homes. So, there are bills pending regarding background checks, and I think they cover all bases. I think we have thought of all of them.

SENATOR EWING: So, if we can beat the ACLU, we'll get them through.

MS. THOMAN: Thank you.

ASSEMBLYWOMAN FORD: May we have Sandy Clark, New Jersey Coalition for Battered Women?

SANDY CLARK: Good evening. This is certainly a very complex problem. I am learning a lot about missing children myself tonight, and I don't envy you the work you have to undertake here. However, I am going to add another little complexity to it.

First I would like to mention one thing. We have been hearing a lot about child abuse, child neglect, sexual abuse of children, and what not, and a point I would like to make is that oftentimes, probably more often than not, this abuse is caused by a family member or a parent. In preparation for testifying this evening, I read most of a book which you may or may not be familiar with called, "Children in the Cross Fire - The Tragedy of Parental Kidnapping," which is what I would like to address tonight. The interesting thing I learned was that the majority of parents who abduct their children have prior histories -- at least this is the preliminary data -- of abusing either the children or the spouse of the family. The myth about parents who abduct their children -- according to this book -- is that they are good parents, concerned parents, and that they are going to provide a good life for their children. But apparently exactly the opposite is the case. First of all, just trying to hide, you really run away and disappear, and that is very difficult on the children. Also, apparently there is a lot of abuse that occurs in these situations. So, I would just like to preface my remarks in this way.

As you know, I am with the New Jersey Coalition for Battered Women, which is a network of domestic violence programs and other concerned individuals throughout the State of New Jersey. I would like to read a little bit to you now, and I would like to address the immediate concerns the Coalition has with regard to the work of this Commission. It is probably obvious by now that more stringent laws and

the enforcement of these laws are needed to alleviate parental kidnapping; likewise, a more effective means of locating missing children is essential. Of course, the Coalition wholeheartedly supports these measures and is confident they will benefit many battered women, along with those who are victims of parental kidnapping.

On the other hand, we must also request that due consideration be given to women who fully abuse a situation with their children in order to escape physical violence and sometimes even the death of either themselves or their children, or both. A woman who seeks refuge at a battered women's shelter, or even at a friend or relative's home should not be considered a criminal or be further victimized because she left with the children, which she may have done for their own protection directly. From my six years' experience at a battered women's shelter, I can state that the majority of women who come to a shelter have no intention of denying the father access to the children. In fact, many of them make arrangements while they are at the shelter, before legal custody arrangements are made, to provide visitation for the father. However, what we need to request is that any new mechanisms that are implemented to find missing children include provisions to safeguard the protection of the family in a situation, and the confidentiality of their temporary residence, until such time as the court can attend to the parental rights of the batterer.

Again, if a woman picks up and leaves her home due to abuse, we're talking about the in-between stage more often than not, when no legal custody has been determined. In a case like that, whatever parent happens to have custody of the children seems to be okay. There are some regulations regarding shelters which say that if a woman comes to a shelter to seek protection and she comes with her children, the shelter is not to give up the children to any other individual until the court can attend to the case. However, our concern is that if there are better mechanisms for finding missing children and missing persons, these mechanisms might be used to possibly compromise the safety of women in such situations.

We think that special consideration should also be afforded to women who are unable to make themselves safe from their abuser to relocate to another area or another state in order to escape further abuse. I don't have statistics, but I know it must run through the head of every battered woman at one point or another who cannot seem to find adequate practical or legal mechanisms to protect herself, to just pick up and leave with the children. I'm sure that battered women are not the only exception to the rule the way I am looking at it, but the prevalence of spouse abuse in our society is very great, as I am sure you know. Probably one in every two married women are, at some point or another, victims of physical violence from their mates. Because of that, there are probably a lot of women who are picking up and leaving with their children. Technically they would be considered parental kidnappers. The point is simply that we must have some provisions to recognize that this is the situation, and not to penalize a person who has been unable to find mechanisms to protect herself and her children, and to deal with that in a special way.

I am sorry that I have no recommendations. I am not familiar with the laws in this area, so I cannot make any suggestions to you. I would appreciate it if you would just keep the situation in mind.

ASSEMBLYWOMAN FORD: Thank you. You have provided us with some insights that we otherwise would not have had. Ms. Ingoglia?

MS. INGOGLIA: In most instances, have the women who seek shelter at your centers made complaints to police departments in their areas regarding the problem within the home? My question is, has the abuse been documented?

MS. CLARK: Probably more often than not a woman has called the police for help at least once. So, to some degree there might be some type of documentation. On the other hand, it often happens that when a woman's situation comes to someone's attention, there is not a stitch of documentation. That is kind of common too, because of the fact that battered women are sometimes reluctant to take any steps at all. Sometimes they are in a state of complete desperation when the situation comes to someone's attention.

From my experience, however, most of the women who come to a shelter have called the police at least once.

ASSEMBLYWOMAN FORD: Thank you very much. Ms. Barbara Clauser. (Ms. Clauser starts to speak from her seat in the audience.) Will you please come forward so that the microphone can pick up your identification and so forth?

BARBARA CLAUSER: Okay. I am the President of the Delran Elementary PTA. I was just interested in coming to hear what is being said tonight. I have been to a lot of workshops on missing children through the PTA. On Monday I went to a training session with DYFS. They have asked the PTA to help make parents aware of the prevention of child abuse. They have done three different workshops with the PTA now, and they are asking us to go out to train in different areas to make the parents aware, because the children are being taught about child abuse in the schools, but the parents are not.

One thing they did -- I could have raised my hand many times back there, not knowing I was going to get to speak -- bring up at the meeting on Monday was that people feel that posters would really help, that children respond to seeing pictures, and that even if they could not describe the picture, it is kind of there in their minds. The first gentleman mentioned posters for this, and I certainly agree that they would help.

ASSEMBLYWOMAN FORD: Thank you, Mrs. Clauser.

MRS. CLAUSER: Thank you.

ASSEMBLYWOMAN FORD: May we have Mr. Charles Southerland?

CHARLES SOUTHERLAND: Madam Chairman, Commissioners: Thank you for having me. My name is Charles Southerland; I am one of five trustees for Search Reports, Inc., a private, nonprofit New Jersey corporation. Search is a member of the Garden State Coalition for Youth and Family Concerns.

I would like to address myself tonight to a few of the problems we see here in what has been called the "missing children industry." Search has been around for about five years now, publishing and distributing our missing persons' reports to law enforcement, medical facilities, and social services all across the country. As you see it here, the report reflects the format that its recipients have requested, and contains the kind of information on missing people, regardless of age, that they have specified as most helpful. I am glad

to say that Search enjoys a good reputation with, and has excellent cooperation from, law enforcement nationwide.

Back in August, 1982, with the country being deluged with wild claims and total misinformation, we published something that was totally out of character for a missing persons report. We asked, "Do strangers really kidnap 50,000 children per year?" Fifty thousand has been a very popular number and people tend to believe it; they have heard it often enough. So, we analyzed the number to show what it would mean. For example, 2.2 children are kidnapped or abducted by strangers for every 10,000 people. Try that on your area and see how silly it is. Here in New Jersey that would mean no less than 1,600 stranger kidnappings or abductions per year — stranger abductions. Obviously, that doesn't happen.

This item did not win us any friends in the missing children industry because it exposed the absurdity of the claims that were being made, but it surely did not stop them. Here we have a little gem (witness holds up article he is talking about) called, "For Safekeeping," a publication now being sold to parents. I'll read the preface:

"Every aspect of 'For Safekeeping' has been carefully researched and prepared to assure you," etc., etc.

SENATOR EWING: By the Moonies?

MR. SOUTHERLAND: No, it isn't even that, sir. Now I quote on Page 6: "The startling statistics: As a realistic and loving parent, you must have already acknowledged the fact that an approximate 1.8 million children disappear each year in our country. While some are runaways, statistics indicate that more than 400,000 a year are victims of parental kidnapping, and more than 50,000 are abducted by strangers." The copyright on this is 1984.

ASSEMBLYWOMAN FORD: Did they cite a reference for that?

MR. SOUTHERLAND: No, they never did.

ASSEMBLYWOMAN FORD: The First Amendment.

MR. SOUTHERLAND: Now we have another little gem, a typical four-page direct mail solicitation from Child Savers, Washington, D.C. They sent out a survey on missing children. The letter from Child Savers, which is undated, with a postmark which is undated, says, "Did

you know that experts estimate that a child in the United States is stolen by a stranger every 60 seconds? That is about 500,000 innocent children each year. Tragically, many are murdered, others are sexually abused, and, alarmingly, almost 50,000 cases go unsolved annually." There is a posted reply envelope to Sterling, Virginia. There are more, but this deluge of misinformation continues, and a lot of people are cashing in on fear. Missing children has spawned an industry that is peddling fingerprinting kits, coloring books, I.D. bracelets, and precautionary games. We have register-your-children-in-case schemes, harnesses, electronic beeper systems, and fund raisers. Boy, do we have fund raisers -- circuses, rock concerts, direct mail solicitations -- all in the name of collecting money to find kids or educate the public. But, that brings up a point. It is always staggering numbers of children. What do we visualize when we hear the word "children?" Little guys, small children. No one ever tells you that the overwhelming number of missing children are runaway teens. No, we hear children, not that teens are not children, or that runaways are not at risk, no matter how brief the episode may be. They are.

But, I am concerned about the way we get our alleged facts and the distinct inclination to avoid the whole truth, even if we have to get anywhere close to the truth. Stranger abductions are kidnappings. That is the biggy. Scare everyone with the old trench coat flapper routine. Well, we now have good data from all over the country, and we know that we have stranger abductions in the magnitude of approximately 6,000 minors per year, individuals under 18, 17, or 16, depending upon the state's age of emancipation. We have other abductions too, but that would be another commission.

We also know that we have at least 15,000 other cases each year involving minors who are picked up, pawed or possibly raped, and dropped off after a very brief episode. Close to 90% of all these victims will not involve strangers, or at least they will not be strangers to the victims. A classic example is, every night on my way home I stop at a small plaza in my hometown -- there is a big market there -- and I also stop at a dry-cleaning shop owned by friends. I ask them if they want cookies, milk, coldcuts, or whatever before I go to the market. They also have two video games in that shop, and I know

every kid in town who plays the video games. So, when I am driving to the market, if I see one of the kids, I stop the car, beep the horn, and say, "Come on, get in, and I'll take you."

As soon as the kid is in the car I start screaming, "What are you doing in a car with a stranger?" The kid says, "You're no stranger, you're nuts. I see you everyday." "Okay, what is my last name?" "I don't know." "Where do I live?" "I don't know." "Then you are in a car with a stranger." Then again I get, "You're nuts." But think, I'm dealing with teen-agers. Think of the mind of a five-, six-, or seven-year old given the same situation. Who is to tell this kind of a story to the people who should be hearing it? Not many of those who profess to be interested in protecting children. You can't sell goodies or promote bucks from this kind of a thing. Who is honestly telling the story that 90% of all the child murders in this country are committed by parents, relatives, baby-sitters, neighbors, family friends, and other individuals the victim knows or trusts?

Did you know that 12% of all the homicide victims in the United States are infants under the age of one year? Strangers? Here is part of an antique -- perhaps four years old -- FBI course on sexual offenses. In part, the Bureau said, speaking of child molestation, "Less than 10% of the cases involve violence. In most cases" -- 70%, according to the FBI -- "victim and offender know each other at least casually. Victim and offender are often related" -- 25% of the time. "Molestation often occurs in the victim's home" -- 33-1/3% of the time.

ASSEMBLYWOMAN FORD: Mr. Southerland, I don't mean to cut you short, but we have several other people. As a matter of fact, the rest of our speakers are from your Coalition.

MR. SOUTHERLAND: All right.

ASSEMBLYWOMAN FORD: My policy in the past has always been to stop testimony at ten o'clock, but I would like to have the rest of your Coalition perhaps summarize their testimony. I would like to allow them the opportunity to testify.

MR. SOUTHERLAND: All right. Would this be of interest to the Commission? (witness holds up material he had been quoting from)

ASSEMBLYWOMAN FORD: Sure.

MR. SOUTHERLAND: I can't pass over the direct mail piece; that is under investigation.

SENATOR EWING: Who publishes the book?

MR. SOUTHERLAND: This little booklet?

SENATOR EWING: Yes. Who is getting the dough for that?

MR. SOUTHERLAND: This was published down in Texas, copyright Robert Atkins, published by Mann-Lowe Publishing, Dallas. I think they were selling this for \$2.95.

Thank you for hearing me as far as you did.

ASSEMBLYWOMAN FORD: Thank you, Mr. Southerland. May we have a copy of your publication for our records? You referred to it earlier in your testimony. (witness complies) Thank you.

SENATOR EWING: Where is the Search headquarters?

MR. SOUTHERLAND: Englewood Cliffs.

SENATOR EWING: Is it nationwide?

MR. SOUTHERLAND: The distribution of the publication? Yes.

ASSEMBLYWOMAN FORD: May we please have Mr. Everett Bickford? Again, without compromising your right to testify, we would appreciate it if you could be brief.

EVERETT BICKFORD: Fine, I will keep it brief.

ASSEMBLYWOMAN FORD: Thank you.

MR. BICKFORD: There are about 60,000 runaways in New Jersey. I am with the Applecorps Family Foundation; I am its Executive Director. We started to work with runaways about four years ago. Much like Bruce Ritter of the Covenant House, there were four youngsters sleeping on my floor. The process of the four years has been a growing and hurting process. I have dealt with throwaways. We talk about children's rights, children's safety. Runaways have no rights in the State of New Jersey. I would just like, for a brief moment, to share the "Runaway's Rights to Safety," which I wrote in 1983 and which will be presented to the State Senate by Senator Chris Jackman from Hudson County.

At present there is no law on the books governing or protecting runaways and those who offer help and refuge. It has been generally accepted that the 1974 Child Abuse and Neglect Law, P.L. 1974, C. 119, amended by P.L. 1977, C. 209, is used in all cases regarding child abuse and neglect. However, after carefully studying P.L. 1977, C. 209, and contacting the local agency responsible for the

enforcement of this statute, that being the Division of Youth and Family Services, it is clear that P.L. 1977, C. 209, precludes runaways. Only in proven cases of child abuse will DYFS intervene, and seemingly on the side of the parent or guardian, betraying their own oath of confidentiality, regardless of the endangerment to the child at case. Said child is returned to the original place of domicile, with little or no intervention on the part of DYFS or the welfare agencies designed to protect all children.

P.L. 1977, C. 209, has no legal definition or response to runaways. Therefore, it is clear that unless there is a clean-cut case of gross neglect or endangerment, no protection under P.L. 1977, C. 209, is guaranteed for runaways. No legal help or assistance is made available, only further endangerment on the street or, worse yet, in the home. P.L. 1977, C. 209, reads on Page 1, Paragraph 1: "The Child Abuse and Neglect Law of 1974 is designed to ensure immediate and effective protection for children endangered by abusive or neglectful home environments and, at the same time, to permit a more positive and therapeutic approach to treating the total family, so that the stability and integrity of the family unit can be restored wherever possible."

Being on the run, or booking it, is an endangerment unto itself, subjugating the child to prostitution, sexual abuse, molestation, murder, and lack of proper food, clothing, housing, supervision, and education. According to a recent study by the National Committee for the Prevention of Child Abuse, 50% of all runaway cases are a result of some form of child abuse in the home. If P.L. 1977, C.209, reads as written above and child abuse is considered to be the biggest reason for running away, isn't the runaway covered by law? The sad answer is evident. No.

Why do children run? They run because of peer pressure, for kicks, and some for a sense of adventure. The question shouldn't just be, "why did the child run?" What corrective measures did the parents take, if any, to prevent the child from running? If the parents didn't take corrective measures, why didn't they try to stop the child from running?

It was the intent of the law to ensure immediate and effective protection for children endangered by abusive and neglectful home environments. When a parent has caused the running, or does nothing to prevent the running, doesn't this then qualify the runaway child as being abused and neglected? Furthermore, if a parent does nothing to find or locate a child other than file an initial missing person report, and does no follow-up with local authorities and child interest groups — such as Child Find, DYFS, runaway hot lines, etc. — isn't this neglect?

A runaway is defined as one who runs away, an act of running away, or, informal, an easy victory; as an adjective it means, one, escaping or having escaped from captivity or control, or, two, of or done by running away; easily won, as a race. This is The American Heritage Dictionary definition of runaway. However, as it applies to the actual situation, all terms can be applied. A child is one who runs away, which is an act of running away. Rather than suffer the consequences of living at home, one runs, which to the child is an easy victory. Since a child is no longer in a domicile, it is escaping or having escaped from captivity or control, parental or otherwise. The dictionary cannot define the individual person, merely the term. A runaway is a neglected and sometimes abused child, whether it be physical or psychological, denied the rights guaranteed by P.L. 1977, C. 209, to all abused and neglected children. What makes them any different? Do they feel the hurt any less? No, they feel it more, because they feel they have no one to turn to, not even the law that was meant to protect all.

Custody is another word which must be defined. A parent may have legal custody, but if the child is on the run, does the parent have physical custody? If so, how? If someone is present, as a child in the home, then he is physically, bodily there. A simple law of science: no two things can occupy the same place at the same time. So true, a person cannot be in two places at once, or can they? According to State laws, a parent can file for interference of custody, even if the child has been on the run. A person or institution working with runaways can be charged with interfering with the custody of a minor, aiding and abetting a minor, statutory rape, and countless other

charges. With this in mind, a definition of legal and physical custody must be defined: One, physical custody, maintaining of a child or person in the domicile of a parent or guardian who has birthright or legal jurisdiction of the child. If a child is on the run and it can be proven that he was not kidnapped, coerced, or enticed out of habitation or domicile, then physical custody is negated. Legal custody, birthright, is not interfered with, merely abrogated by the child. Two, legal custody, having birthright or being appointed by a court law or court order. The definition of physical custody in a statement that follows would protect the individual who offers non-binding assistance to young people to get them off the streets and back with their families where feasible. The following would not be a chargeable offense without strong, unquestionable proof. New Jersey Statute 2C:13-4(a): "Within jurisdiction of this court, knowingly take or entice Jane Doe, age 14, from the custody of her parents where he or she had no privilege." If a parent does not have physical custody, then the above statute would be null and void as read.

Recently, in the Town of Secaucus, a case involving that statute was processed. Had it not been for a receipt from a State trooper, a concerned and caring citizen might be spending six months in jail and paying a \$1,000 fine, the price of being a good Samaritan. Here is a case which involved Mrs. D, Miss 14, which is the age of the minor, and a good Samaritan, Mr. B. Forthwith the chronology, and I will make this fast. In 1982, May through June--

ASSEMBLYWOMAN FORD: (interrupting) You are taking away from your colleagues' time.

MR. BICKFORD: I am just trying to get something across to you, okay?

ASSEMBLYWOMAN FORD: I know.

MR. BICKFORD: Mrs. D filed a missing person report on Miss 14. On August 3, Miss 14 met Mr. B. It goes on to tell the chronology of the child and the fact that the child may still be on the run. When the child was returned to the mother, the child, two minutes later, took off and ran, and the mother did not offer any assistance in helping to find that child.

To end the chronology-- Unfortunately, Mr. B was unable to end this chronology and the well-being of Miss 14 has yet to be determined. During the time Miss 14 was with Mr. B there was no trouble with the law. She observed a curfew, did her share of chores, and expressed a deep desire to return to school and keep an open line of communication with her family. As can be seen, the only trouble for Miss 14 was when she was returned home.

If Miss 14 had the rights offered to neglected and abused children, she would be able to receive legal representation, as stated on Page 2, Section 2, which says: "Free legal representation on behalf of children in abuse and neglect matters before the courts is mandatory." Miss 14 was never appointed legal counsel, only the biased counsel of her mother, who fought for Mrs. D's rights, not Miss 14's. Miss 14 was openly denied the right guaranteed her as a neglected child, the right to free legal counsel.

It is these rights that runaways, as well as those who work with them, need. Following is a list of proposed legislation for either an addendum to the current bill or for a new bill: One, a runaway is a child not in the physical custody of a parent or guardian, who has not been kidnapped, enticed, or coerced by someone else. Two, the parent or guardian is responsible to report the runaway to local authorities within 24 hours and to follow up on the missing child on a regular basis. Three, the local authorities should immediately notify DYFS, which, in turn, should open and maintain the case until such time as the family situation is stable. Four, upon apprehension of a runaway, DYFS and the family should be notified within 24 hours by the person or peace officer as to the whereabouts of the parent's child. Five, DYFS should intervene on the child's behalf and investigate the family situation, as well as the current living situation, where applicable, to decide what is best for the child's well-being within 48 to 72 hours. If the runaway states that he feels endangered in any way and it can be proven, and he is willing to live in a safe house, as Senator Costa has mentioned, or where he seeks domicile, either DYFS- or clergy-approved, and it keeps him off the street and offers him safe refuge, he should be allowed to stay. Six, DYFS and parent or legal guardian agree to placement in this safe house, and a letter of legal

guardianship should be given to the safe house or person giving refuge. Legal guardianship does not negate parental responsibility, i.e., clothing, medical costs, etc., but gives the safe house maneuverability to better serve the child's needs, medical and educational. Seven, every effort should be made by DYFS, the safe house, and/or the person helping the child, to maintain family contact, reenforce the family nucleus, and attempt to reunite the child with his family.

SENATOR EWING: Madam Chairman?

ASSEMBLYWOMAN FORD: Yes, Senator Ewing.

SENATOR EWING: Why can't this information just be given to us so we can have it printed up, and look at it later?

MR. BICKFORD: Because it is to be submitted by Senator Jackman at a later date.

SENATOR EWING: Well, we would like it to be given to us so it can be distributed.

MR. BICKFORD: Fine.

SENATOR EWING: I mean, with you reading it, and no one taking notes-- You are reading very fast. It is very interesting, but we ought to be able to study it so we can see what parts we want to include.

ASSEMBLYWOMAN FORD: Apparently Senator Jackman is going to draft legislation and the legislation will be-- We will just make note of that and review the legislation, although it is not--

MR. BICKFORD: (interrupting) I feel there is definitely a need for legislation guaranteeing their rights. Their confidentiality is even broken by DYFS at times. We had a poignant case where a youngster was told he couldn't come back to the house for help. He couldn't go home. When we went to DYFS and told them this, they went back and told the parents. So, the child's system of confidentiality, which is very important in working with these youngsters, was broken.

SENATOR EWING: Marlene, can't we get a copy of that? (Senator indicates material Mr. Bickford was reading from.)

MR. BICKFORD: Sure.

ASSEMBLYWOMAN FORD: Thank you, Mr. Bickford. We will distribute this to the members of the Commission and, of course, it will become part of our complete record.

MR. BICKFORD: Thank you.

ASSEMBLYWOMAN FORD: Now, I have a problem. It is 10:15 p.m. I have about four more people who are all associated with Hide and Seek or the Garden State Coalition for Youth and Family Concerns. I honestly don't see how I can continue with any further testimony due to the lateness of the hour. I don't know if you want to choose one representative among you to kind of summarize what is left over, or, you know—

SENATOR EWING: (interrupting) Madam Chairman, if they have statements, why don't they give them to us? They can be read into the record later on, and we'll have all the information.

ASSEMBLYWOMAN FORD: I cannot subject this Commission— I know there are three members of this Commission who have been at public hearings, as Assemblyman Chinnici said, since 8:30 this morning, continuously, nonstop. Also due to the lateness of the hour, I can't keep the staff members here any later either. But, if you have statements, I would like to be able to make them part of the record and just note that you were here. (a gentleman approaches the witness table) You are?

ROBERT P. MALONEY: My name is Robert Maloney; I am the President of the Garden State Coalition for Youth and Family Concerns. I am also the Director of Together, a youth services program in Glassboro, New Jersey.

Fortunately, I do have written testimony I can leave with the Commission. I appreciate your having the courtesy to allow me to speak last. I called your office this morning to indicate that my son and I were going to Indian Guys tonight to a banquet. My seven-year-old just decided that it was more important for me to come to testify. So, I appreciate the fact that you allowed me to come this late.

I have written testimony, but I think that due to the lateness of the hour, again, I will just say that the Garden State Coalition has worked directly with these folks for four years, these runaway, homeless, and missing children. The members of my Coalition, which include about 60 agencies, have worked directly with these children and youths from the middle 1970s on. The agency has now been working with DYFS almost arm-in-arm in looking at the problem to see

what, indeed, we can do by way of direct services to these children, what they need within their family settings, and how many children we have within the State of New Jersey who are in need of these kinds of services. We have computerized a lot of our programs, and we have worked rather closely with a lot of parent organizations to get them to see some of the things they need to do to help the children in the State of New Jersey.

I have an awful lot of facts and figures written out for you. I have some testimony which has been given by one of our Congressmen speaking in terms of this. I wish we had more time. However, I would like to say this. As I was sitting at the banquet this evening, there were about 300 children with their fathers, children between the ages of six and ten, boys and girls. It seemed somewhat sad to me as I was thinking about coming here later in the evening, to think that one out of every ten of those youngsters would be, at some time in their lives, either homeless or missing.

I have a child who is seven years old. Dan is critically important to me, as I am sure your children are if you have children yourselves. What the members of the Garden State Coalition actively do is work on behalf of these children. I can say categorically that the reason we do this is because we love them. Children in New Jersey, and children across the country, are in need of adults who will pay attention to the problem, not put it under the rug, as we have done so many times before. Member agencies of the Garden State Coalition worked on this problem long before we saw John Walsh go through what he went through and what we saw on T.V. I will say this: As we continue to fight, work, and help the children and families in the State of New Jersey, we hope we can be an equal part in helping to make sure that these children get what they need.

We have taken certain stances as to what we think needs to happen with missing children in the State of New Jersey. This is in my written testimony, and I pray that you take the time to read it. Please consult with us if, indeed, there is anything at all we might possibly be able to do to help.

ASSEMBLYWOMAN FORD: Thank you very much.

MR. MALONEY: I know it's late. Thank you very much for your attention. I have left written testimony and, also, some brochures.

ASSEMBLYWOMAN FORD: I apologize to the people who were not reached this evening, but I know that some of my Commissioners have a two-hour drive home tonight. I just can't continue the hearing. However, I think that maybe to a certain extent, some of the additional testimony would have been duplicative of what had been spoken of earlier. So, thank you very much, Mr. Maloney.

MR. MALONEY: On behalf of the children of New Jersey, we appreciate all that you have done. I do appreciate your two-hour drive home. Thank you so much.

ASSEMBLYWOMAN FORD: Thank you. The hearing before the Commission on Missing Children is now concluded for this evening, March 20, 1985.

(HEARING CONCLUDED)

APPENDIX



ASSOCIATION FOR CHILDREN OF NEW JERSEY

17 Academy Street, Suite 709
Newark, New Jersey 07102

March 20, 1985

O: Assemblywoman Marlene Lynch Ford, Chairperson
Commission on Missing Children in New Jersey

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

TESTIMONY ON THE PROBLEM OF MISSING CHILDREN

We are here today on behalf of the Association for Children of New Jersey (ACNJ) to present testimony on the issue of missing children. ACNJ is a statewide citizen-based child advocacy organization dedicated to bettering the lives of New Jersey's children through the improvement of policies and programs that affect them. We appreciate the opportunity to address this most serious issue presently receiving considerable attention on the national and state level. We wish to commend Assemblywoman Ford and all of our legislators for convening this important process.

In attempting to analyze and to offer recommendations on the problem of missing children, we have identified three major areas in need of attention: runaway/homeless youths, children abducted by strangers and children abducted by a non-custodial parent. In each of these three areas, we have attempted to address both the prevention and response perspectives. We conclude with an issue common to all three areas: the law enforcement response. Each area also touches upon the issue of the public awareness that is necessary to assist in this serious problem.

In exploring any of the various approaches outlined below or presented previously to the Commission, we would urge that there be Commission analysis of already existing programs or plans of the public and private agencies in our state, and that to the greatest degree possible, these efforts be built upon and/or networked together. So, for example, if the Department of Education or Human Services can, without legislation, take needed action, or expand present initiatives, they should be formally requested to do so.

Attached for your review are the following recommendations which we believe warrant legislative scrutiny. ACNJ is willing to work on further Commission action that might be needed on these issues.

1.) RUNAWAY/HOMELESS YOUTHS

The problem of runaway/homeless youths is perhaps the most difficult issue in addressing the problem of missing children. Runaways often have no real effective advocate. They leave home due to familial problems that are difficult and sometimes serious, such as those involving physical or sexual abuse. In those instances, there may not be a parent who is seeking his child's return or a home situation to

which the child can return. As a result, runaways are thus more vulnerable to the problems of sexual exploitation and child pornography.

a) PREVENTION SERVICES TO DEAL WITH FAMILY PROBLEMS BEFORE THE CHILD RUNS AWAY ARE NECESSARY

More intensive community supports must be developed to help address the child's problems at home with the focus on keeping the family together if at all possible. Children must also know how to contact and utilize such resources. Programs run in the schools in conjunction with local mental health organizations could be highly effective in training school personnel to recognize problems and in running discussion programs for youths. A resource card of frequently used hot line phone numbers, such as one recently developed by David Chioda of the Jersey City Board of Education, might also be effective.

b) MORE RUNAWAY/HOMELESS YOUTH SHELTERS MUST BE DEVELOPED

Children must have a place to go when family problems become insurmountable. Runaway shelters can provide a short-term cooling-off period for children and families in crisis while providing counseling services to re-unite the family or to plan alternative placement for the child. To be effective, such programs must be community-based. Successful programs could provide not only short-term care, counseling and referral but could also offer prevention services to the community.

There are presently six federally-funded shelters in the state for runaway and homeless youths. With increased state support, these shelters could take on a strong prevention role. The Division of Youth and Family Services (D.Y.F.S.) currently provides some support for these programs. They should consider expansion of programs at these shelters through purchase of services contracts to provide prevention, crisis stabilization and re-unification services. Services provided by the runaway shelters, D.Y.F.S., community mental health programs and the juvenile family crisis intervention units could and should be linked to provide a comprehensive network of services in each county for these troubled youths.

c) SEXUAL EXPLOITATION SHOULD BE INCLUDED IN THE DEFINITION OF CHILD ABUSE

Several states have recently amended their child abuse laws to include provisions that prohibit sexually exploiting a child in order to address the problem of the production and distribution of child pornography. Both Florida and Hawaii have recently enacted such statutes. Hawaii's statute goes beyond the traditional notion that child abuse only applies to the parents of the child and describes the distribution of child pornography as promoting child abuse. The advantages of such legislation are that it includes sexual exploitation under mandatory reporting laws and it also makes it possible for such children to receive attention from a child welfare agency. This should be explored in New Jersey.

d) A CIVIL ACTION FOR CHILD PORNOGRAPHY SHOULD BE ENACTED

The present criminal statutes are an ineffective deterrent for those who produce and/or distribute child pornography. A small fine is an insufficient deterrent to someone who is earning money through child pornography. Under recent legislation introduced by Assemblyman SCHUBER (A-2954), the victims of child pornography are given a civil action against those who sexually exploit them for

profit. The action can be brought through a parent, guardian, advocacy organization or the child himself upon reaching majority. Injunctive relief and treble punitive damages are also included. Taking the profit out of child pornography might be a highly effective deterrent.

2) CHILDREN ABDUCTED BY STRANGERS

Although children abducted by strangers represent the smallest percentage of missing children, the national figure reported each year is alarming. Several initiatives can be undertaken legislatively to address both prevention and response. Schools can provide a unique and appropriate forum in which such initiatives may be undertaken.

a) EDUCATION TO PREVENT ABDUCTION AND SEXUAL ABUSE MUST BE OFFERED THROUGH THE SCHOOLS

Several recent programs, such as the CAP program in Ohio, demonstrate that children can be taught to protect themselves from abduction and sexual abuse. Local communities in New Jersey have successfully run similar programs in the public schools. A statewide initiative utilizing the public schools is needed. One option is to include self-protection training as part of the Family Life Education curriculum, an option that has already been implemented in some school districts. Co-ordination of programs is also an important issue. Many individual communities have successfully designed and implemented programs and what is now needed is designation of a statewide co-ordinating center for information and referral.

b) SCHOOL-AGE CHILD CARE MUST BE OFFERED IN THE PUBLIC SCHOOLS AND OTHER COMMUNITY CENTERS TO PROVIDE SUPERVISION TO CHILDREN WHO WOULD OTHERWISE BE LEFT ALONE BEFORE AND AFTER SCHOOL HOURS

No reliable figures presently exist as to the number of latchkey children in New Jersey. Estimates suggest that many children are alone before and after school while their parents work. These children are vulnerable to abduction. Utilizing the public schools or other local community centers can be a safe, cost-effective and practical way to deal with this problem. ACNJ is presently supporting legislation by Senator Gormley (S-2418) and Assemblywoman Walker (A-2541) that provide funding through the Department of Human Services and the Department of Education respectively to initiate such programs in the schools. A recent survey of twenty school-aged child care programs throughout the state indicates that they are effective, inexpensive to run and provide reasonably-priced child care for working parents.

c) THE SCHOOLS SHOULD ASSUME AN INCREASED ROLE IN THE RESPONSE TO CHILD ABDUCTION

Schools can have a unique role in the response to and reporting of child abduction. Absentee callback systems, such as the one proposed by Assemblywoman Ford in A-2453 enable the parent to be notified that a child has not arrived at school before the entire school day elapses. Prompt notification to local law enforcement can result.

School records can also provide a method to identify and to locate missing children. In addition to reporting when a child is removed from school and no records are requested, as proposed in Assemblywoman Ford's recently enacted A-2024, schools can also be effective by reporting to the police those children who

are enrolled without records and for whom records cannot be obtained. In addition, some states such as Florida, circulate a monthly list of missing children compiled through the state's **Missing Children's Information Clearinghouse**, to the public schools to match against children recently enrolled in school.

d) IDENTIFICATION PROGRAMS SUCH AS FINGERPRINTING AND PHOTOGRAPHS SHOULD BE EXPANDED AND ENCOURAGED

Voluntary fingerprinting programs for children should be promoted throughout the state. Such fingerprints, kept in the possession of parents, are effective for identification. Publication of photographs of missing children such as those recently published on milk cartons should be expanded. A recent proposal in New Jersey would include photographs on posters on public transportation and in bus terminals. A nationwide theatre chain has agreed to show slides of missing children before each screening. Perhaps newspapers can be encouraged to undertake a similar feature project on a weekly basis as a public service.

3) CHILDREN ABDUCTED BY A NON-CUSTODIAL PARENT

In some ways, the issue of children abducted by a non-custodial parent is similar to the issue of children abducted by strangers. Some of the same recommendations would also be appropriate here as well. Use of school records to report missing children or to identify those enrolled without prior records would be equally effective in this area as would the publication of photographs of missing children. Some other elements, however, are unique to this issue and merit further attention.

a) A CIVIL ACTION SHOULD BE ALLOWED AGAINST ABDUCTING PARENTS

Several recent cases have allowed either the parent or the child victim of parental abduction to sue the abducting parent. Damages have been awarded to compensate victims for the mental anguish they suffer and the expenses they incur in searching for and recovering the child. Punitive damages have also been awarded in some courts. The action has also been upheld against not only the abducting parent but also against others who participate in the abduction.

b) CRIMINAL PENALTIES SHOULD BE ENACTED AND/OR ENFORCED AGAINST THOSE WHO ASSIST THE ABDUCTING PARENT

Parents of children abducted by the non-custodial parent often discover that relatives or friends of the abducting parent have assisted in the abduction of the child. Criminal penalties for such assistance could help to locate the missing child and might deter participation by the friend or relative before the child is abducted.

4) THE LAW ENFORCEMENT RESPONSE

The response of law enforcement to the report of a missing child is critical. Although New Jersey has instituted a **Missing Persons Unit** in the State Police and is mandating certain police response, two elements remain critical.

a) POLICE RESPONSE TO A MISSING CHILD REPORT MUST BE IMMEDIATE

Police must take action immediately on the report of a missing child and not wait

a period of time to investigate. Such action must be taken not only for children abducted by strangers but also for runaways and those abducted by a non-custodial parent. Although a recent directive from the Attorney General mandates such response, it is not clear that all police departments are following this directive. Attorney General Irwin Kimmelman's directive requiring such immediate reporting should be embodied in statutory law.

The **State Missing Persons Unit** should also have its own 24 hour, 7 days per week, emergency phone number to ensure immediate response to reports of missing children. Although their participation in an investigation may not be necessary, and they should be available for access by local law enforcement, parents, and county missing persons units.

b) ESTABLISHMENT OF COUNTY MISSING PERSONS UNITS

Presently, Bergen, Camden, Essex, Morris, Ocean, Passaic and Union Counties have a Missing Persons Unit or are establishing one in their respective County Sheriff's Office. Most were able to designate an existing staff person and have not incurred large expense in establishing these offices. We support the establishment of such a unit in every county. They would provide a focal point at the local level for coordinating dissemination of information on this issue and for working on the development of municipal response on this issue. This would also provide a more manageable framework to work with for the State Missing Persons Unit and Commission on Missing Persons.



THE GARDEN STATE COALITION FOR YOUTH & FAMILY CONCERNS, INC.

COMMISSION ON MISSING CHILDREN IN NEW JERSEY

PUBLIC HEARINGS

MARCH 20, 1985

In a recent New York Times article entitled Homeless Children Need Help dated March 25, 1984, the author, Congressman Robert G. Torricelli, stated "In every year in New Jersey, thousands of children find themselves homeless. They run away to escape physical violence or incest, they are purposely left behind when their families move, they are kicked out by families who are under the strain of unemployment or they are asked to leave by parents who cannot afford to feed and care for them anymore." The Congressman goes on to say that the plight and numbers of runaways and throwaways are continuing "to grow with their problems becoming more complex." Everyone seems to agree whether it be Congressman, social workers, police officers, parents, etc, that the problem is growing and getting worse. These same people agree that the problems associated with missing children also continue to grow with the situations becoming more complex.

The 1980 New Jersey Census Data does reveal some interesting statistics concerning the state's children, youth and families. There are over half a million (554,112) children in the state that are under the age of six. There is close to one and half million children (1,438,187) between the age of 6 to 17. In total there are close to two million children and youth under the age of 18 (1,992,299) in the state. The amount of families with children with a married couple totals almost three quarters of a million (774,778). There are over twenty-two thousand male head of the household families (22,492) that has children in the family setting as compared with close to one hundred and seventy thousand (168,576) female head of household families. The state has

Page Two

almost two million families with children and youth with only one natural parent in attendance.

It is hard to determine exactly how many children and youth are either homeless or missing in New Jersey. However, if we look at the national average of children and youth that are missing or homeless with respect to the amount of youth in our state, it can be stated that over 200,000 children and youth are either homeless or missing in New Jersey each year. The Garden State Coalition has also determined that approximately 70% of all persons missing in New Jersey per year are juveniles. The Coalition agrees with the National Network of Runaway and Youth Services in its recently passed resolution that there is a need for a statewide data base drawing on agreed definitions of these missing children populations. Only then will we be truly able to learn the full scope of the problem and be assured that the policies and programs needed by the residents of our state are truly effective.

The office of the Inspector General of DHHS in the federal government extrapolated the number of counted contacts of runaway/homeless youth from all shelters, police, courts, welfare agencies, etc. This amounted to about 1,015,000 contacts in 1983. From this they estimated an unduplicated count to be about 560,000 individuals who have some contact with any service or agency. They further estimate that assuming only one (1) in four to six (4-6) actual homeless and runaway youth has contact with any agency, the total number exceeds 2 million.

There are many assumptions within the New Jersey police system that homeless and missing children will return home within 12 hours. In fact many jurisdictions in NJ, police do not accept reports of missing youth until they've been gone from two days to one week. It is obvious from these national figures that the estimates are far from accurate but indicate a population of significant numbers, a large proportion of whom have little or no contact with any helping or public agency or program. It is also obvious that there has been no significant study on a state-wide basis to obtain meaningful data concerning this population.

The Garden State Coalition of Youth and Family Concerns has more than 60 member agencies that work directly with this unique population. The Coalition is working this year in cooperation with Division of Youth and Family Services (DYFS) in gathering a data base that can be used for effective planning for this population.

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We hope to have a preliminary report ready by December 1985.

The Garden State Coalition feels that there needs to be a coordinated policy and program development within the missing children service system. Some of our member agencies have worked for years with families of missing children and has assisted literally hundreds of families in New Jersey. All of this had been done long before media and public interest in this social problem. Coalition members were helping New Jersey families long before the story of Adam Walsh was seen on TV, and helping those families successfully. Given all of the media attention and given all of the new agencies that have developed in the last few years, our membership feels that there is a need to develop standards and models to be employed in establishing missing children programs and seeking appropriate staff training and professional requirements. Our children deserve that much. To that end members of our Coalition are now working with responsible state agencies in developing these standards.

The occurrence of children and youth living in poverty has increased in recent years in New Jersey. The 1980 Census Data indicates that the number of children under the age of five totals almost one hundred thousand (91,654). Between the ages of 6 and 17 New Jersey has close to two hundred thousand (186,218) children dealing with poverty in their family setting. It has been well documented by social scientists and other researchers, that as unemployment and poverty rise so does the amount of child abuse and neglect. Often times abused and neglected children end up missing. New Jersey has more than it's share of these children. The Division of Youth and Family Services (DYFS) workers in almost every county in NJ reported that there has been a marked increase in reports of abuse and neglect in the fall and winter of 1982. In that year DYFS reported 20,193 cases of child abuse. In 1983 there were 26,398 reported cases. Through the first 10 months of 1984 there were 31,094 with DYFS projecting over 45,000 reported child abuse cases in 1985. As sad as these statistics are it is even sadder that these are only the reported cases. Sexual abuse also seems to on the rise in New Jersey. In 1982 there were 1,764 reported cases. In 1983 there were 2,069 reported cases. This amount escalated in the first 10 months of 1983 to 2,962 reported cases of sexual abuse to our children. DYFS is now projecting that there will be about 3,800 cases that they will investigate in 1985. With this many reported abused children in our state is it no wonder that so many of our children end up missing and homeless.

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We must begin to systematically deal with the problem. It is interesting to note that the highest number of referrals that came to DYFS about abused children wanted to remain anonymous. We cannot be anonymous anymore. These children and youth deserve more from all of us.

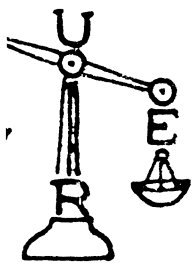
The Garden State Coalition members believe in giving the best possible services to this unique population of children and youth and the Coalition's members have a long and impressive history of service dating back to the middle 1970's. The Coalition membership also prescribes to the premise that when any public support is offered to agencies who work with these children, it should be done in a manner that would suggest to the taxpayers of our state that the best agency possible received the funds. That cannot be assured unless there is open competition for those funds. Often our membership is in competition with each other for the same tax dollar, but always there is the spirit of giving the best service to our children and with open competition to agencies providing some of the same services to homeless/missing children, the public can be assured that the most worthy agency was indeed selected to provide those needed services. We have for years operated under this system and it has worked well. We believe this system should continue and not have one agency singled out with the pending legislation.

The Garden State Coalition has worked for years in the field of providing direct services to runaway/homeless/and missing children and their families, and continues to stand ready to help in any way to help to bring significant change for these needy children.

Thank-you.

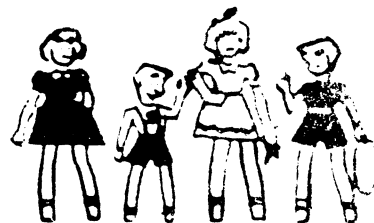
Respectfully submitted,

Robert P. Maloney
President, Garden State Coalition



Parents United for Equal Rights, Inc.

Seeking a better way



TO: Assembly Woman Marlene Lynch Ford
FROM: Parents United For Equal Rights, Inc.
SUBJ: Public Hearing On The Problem of Missing Children

We appreciate this opportunity to share with the commission, our view-points and our members feelings.

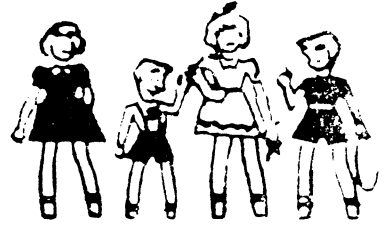
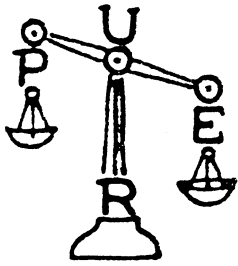
Miss Ford, as you well know, this organization has been long standing for the "Best Interest of our Children". We support these efforts in every way. We stand ready and willing to assist in any way.

Our view points on this subject are as follows:

- 1) Provide state and federal mandated legislation for Equal Right of each parent in providing the moral, health and well being of each child.
 - a) Equal penalties to custodial or non-custodial parents disobeying court order or mandated legislation, that is proven to have interfered with the well being of their children.
- 2) School absentee check calling should be state mandated legislation for all schools.
- 3) Changing families (supervised rap sessions supervised by adults and professionals) for children in schools.
 - a) This would provide a common atmosphere for children to relieve themselves of pressures inflicted upon them by their peers.
 - b) This will provide opportunity to relate to family problems.
 - c) Help to eliminate runaways by providing an outlet of feelings and a path for communication.
- 4) Provide records and discussions to PTA's and organizations on ways of knowing where your children are at all times.
- 5) Provide mandate finger printing for records to be used only if children are missing.
- 6) Provide interstate federal legislation with a missing children data bank.

Parents United for Equal Rights, Inc.

Seeking a better way



SUBJECT: Public Hearing On The Problems of Missing Children - Cont

7) Run missing children ads on TV-news.

8) Toll free hot line number providing and gathering information on missing children.

We hope the afore mentioned statements may give the commission a few ideas of ways to help missing children.

We have many other ideas we wish to share with the commission. We're looking forward to the meeting on Wednesday night. We'll try to speak with you then.

Sincerely,

RANDY BLAKE

Director

Parents United for Equal ~~Rights~~ ^{Rights}, Inc.

cc: Kathy Collins
Mr. William Pelaia
Mr. Picogna
John Walsh
Gail Saker

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