

**NATIONAL COALITION FOR
CHILD PROTECTION REFORM**

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**FEDERAL COMMISSION RECOMMENDATIONS ON CHILD ABUSE WOULD
MAKE BAD SYSTEM MUCH WORSE, CHILD ADVOCACY GROUP SAYS**

*NCCPR says recommendations add up to “a regime of domestic spying
that would make the NSA blush.”*

*The full report discussed in this release [is available here](#).
For UPDATES to the report and more information see the [NCCPR Child Welfare Blog here](#)*

ALEXANDRIA, VA, March 17, 2016 – Recommendations from a federal commission would leave America with “the same lousy child welfare system only bigger – and that means an already bad system would get much worse,” according to a national child advocacy organization.

“The members of the ‘Commission to Eliminate Child Abuse and Neglect Fatalities’ have the best of intentions,” according to [an updated report released today](#) by the National Coalition for Child Protection Reform. “But strip away the rhetoric and the jargon and all that the Commission really is recommending is more of the same: a vast expansion of the current failed child protective services bureaucracy that already wreaks havoc in the lives of millions of innocent families even as it overlooks children in real danger.

“Over and over the Commission says its recommendations will create a 21st century child welfare system,” said NCCPR Executive Director Richard Wexler. “But the Commission’s mindset, and its recommendations, are straight out of the 19th century, focusing largely on investigating more families and taking away more children.

“The real reason children ‘known-to-the-system’ sometimes die almost always is because frontline caseworkers are undertrained, underprepared and, most of all, overwhelmed,” Wexler said. “These recommendations would overwhelm them far more.

“We know this because we’ve seen it happen over and over,” Wexler said. “All over the country, high-profile child abuse deaths have set up demands to investigate more cases and take away more children. That’s led to [foster-care panics](#) – sharp sudden spikes in removals of children from their homes. Over and over, in the few places large enough to detect a pattern, these panics have been followed by increases in child abuse deaths.

“The Commission recommendations are a formula for a nationwide foster-care panic, on a massive scale.”

THE KEYSTONE KOPS OF COMMISSIONS

Wexler said the process used by the commission to reach its conclusions is as disturbing as the recommendations. “This was truly the Keystone Kops of Commissions,” Wexler said.

“After spending \$4 million, hiring 20 staff and traipsing all over the country holding hearings, they still had to cobble together a report at the last minute, during marathon conference calls at which Commissioners sometimes had to vote on recommendations they’d seen only minutes before.

“After an earlier version of NCCPR’s report exposed the shoddy work in earlier drafts, the Commission responded immediately – it started hiding the drafts. Then the Commission chair reportedly rewrote parts of the final report after the final vote, and allegedly threatened to censor a dissent written by one Commissioner, Judge Patricia Martin – [so she wound up publishing it herself](#).

“The Commission was disorganized. The Commission was dysfunctional. The Commission was highly secretive. The Commission engaged in policy-by-horror story. The Commission didn’t study the child welfare system - the Commission *re-created* the child welfare system,” Wexler said.

Concerning the recommendations:

“Already, 83 percent of cases investigated by Child Protective Services turn out to be false reports. The Commission has a proposal to add 700,000 more investigations – involving cases even more likely to be false,” Wexler said. “That’s a 39 percent increase in the CPS caseload. In addition to inundating the system, the Commission itself at one point estimated this recommendation would cost more than \$1 billion (it now seems to have transferred this estimate to another recommendation) – and the total cost of all its recommendations, in federal money alone, could be \$4 billion -- funds that would have to be taken from far better approaches to reducing child abuse.”

Another recommendation under consideration would require every child protective services agency to examine every child abuse fatality for the past five years looking for common “risk factors.” Then each agency would have to go back and reconsider every open case in which the same alleged “risk factor” exists and in which they decided to leave a child in her or his own home.

“Some commissioners called the recommendation a ‘surge’ while others used a term unintentionally appropriate for something so destructive: An ‘accelerant.’ Eventually they realized either term made for bad p.r. and they tasked their large staff with coming up with something else,” Wexler said.

“Whatever you call it, this recommendation appears to be based on the false assumption that at least if the child is in foster care, that child is safe. The [high rates of abuse in foster care](#) indicate otherwise,” Wexler said. “This recommendation gives no weight to the enormous emotional trauma of foster care, trauma so great that [two huge studies](#) found that children left in their own homes fare better even than comparably-maltreated children placed in foster care.

“And once again it would divert time, energy and resources from far better options. We know this because one state engaged in this kind of ‘surge’ (or ‘accelerant’) after a high-profile fatality in 1995. The foster care population soared, and child abuse deaths increased.

“Indeed, if the Commission’s top priority is child safety, it should be calling first and foremost for a review of every child in foster care to see if the child really needs to be there.

RACIAL AND CLASS BIAS

“The Commission deliberations also reveal that it suffered from the same sorts of [racial and class biases](#) as permeate the child welfare system itself,” Wexler said. “Draft chapters of the report dealing with racial discrimination and Native American child welfare appear to have been largely eviscerated. Judge Martin, who led the effort to include these recommendations, was treated with disrespect as one recommendation after another was voted down, often while she was in transit and unable to defend them during a last-minute conference call.

“The Commissioner whose lobbying led to the creation of the Commission, Michael Petit, has a particularly disturbing record on issues of race in child welfare,” Wexler said. “He once [told a Congressional committee](#) that, when it comes to preventing child abuse ‘the states that do the best overall are the ones that have smaller, *whiter* populations’” [emphasis added].

Though the recommendations are nothing new, Wexler says “the Commission added a dystopian, 21st century twist. They appear to justify the recommendations based on the notion that science has advanced to the point where the same sorts of algorithms that Netflix uses to predict which movies you want to see also can tell us where child protective services workers should barge into a home and, often, take away the children.

“It is much like the model depicted in the science fiction film *Minority Report*, in which people are arrested and jailed based on the predictions of three psychics in a bathtub. But instead of seeing that film as a warning, the Commission seems to view it as a blueprint. That’s why we’re using the movie title for our own report.

“But what the Commission does is even worse,” Wexler said. “At least the algorithms are, in theory, tailored to individual circumstances (though anyone looking at their suggestions list from Netflix may question that). The Commission is proposing wholesale changes that would apply to millions of Americans, based on wild extrapolations from studies of individual risk factors.

“In other words, the Commission takes the concept of “predictive analytics,” a fad that is questionable in itself – and perverts it. The result is recommendations that add up to a regime of domestic spying that would make the NSA blush.

“The rationale behind these recommendations echoes the worst excesses of the so-called war on terror,” Wexler said. “Terrorists kill innocent men, women – and children. So demagogues like Donald Trump propose that we prevent all Muslims from entering America. Most of the members of the Commission probably found Trump’s proposal appalling. But it is remarkable how often otherwise sensible people [resort to Trump’s kind of fear-mongering and extremism](#) when the topic is child abuse.

“The recommendations use the same justification as Trump – the killing of innocent children - to justify allowing CPS workers to barge into hundreds of thousands of homes where the evidence of maltreatment is so weak that child abuse hotlines did not even accept the call for investigation. They use Trump’s logic to try to justify their proposed ‘surge/accelerant’ – with Trump-style disregard for the massive collateral damage it would cause.

Wexler noted that ChildTrends, a group that specializes in analyzing data, lists the notion that “we can predict which children will be maltreated based on risk factors” [as its number one myth](#) about child maltreatment.

“The reason for that is one for which we all should be grateful,” Wexler said “Though a child abuse death is among the worst imaginable tragedies, the number of such deaths is so small that trying to use risk factors to predict them is absurd. You can take the official figure for such deaths and double it, and still, in any given year 99.9958 percent of American children were not killed by a parent or other caretaker in 2014. In other words, the chances of a parent killing her or his child in any given year are far lower than the chances of finding an impurity in a bar of Ivory Soap.

“The odds of any parent, or other caretaker, killing a child are infinitesimal,” Wexler said. “The odds of a parent with a given ‘risk factor’ killing a child are very slightly less infinitesimal.

“For every murderous parent whose case has one or more of the “risk factors” there are thousands upon thousands of homes where the same risk factor is present and the parent does not kill the child – or, for that matter, harm the child in any way,” Wexler said.

The National Coalition for Child Protection Reform is a volunteer child advocacy organization made up of people who encountered the child welfare system in their professional capacities. Though NCCPR we work to make that system better serve America’s most vulnerable children by trying to change policies concerning child abuse, foster care and family preservation. A complete list of NCCPR’s Board and Staff is available [on our website here](#).