



JOEL KLEEFISCH

STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

Assembly Bill 667: Investigations of Alleged Abuse involving a Child with a Disability *Assembly Committee on Criminal Justice and Public Safety*

Thank you committee members for allowing me to testify today on Assembly Bill 66y. This legislation is supported by the Department of Children and Families and Disability Rights Wisconsin.

Investigating claims of abuse and neglect of children with disabilities can present challenges for CPS authorities if the child is non-verbal or communicates in an unfamiliar way, such as using symbols or signs to express themselves. However, these challenges are not insurmountable with proper training and support, and all children, regardless of ability, deserve equal protection under the law and under our child welfare system.

Other states are already taking steps to ensure that CPS professionals are given the information that they need to effectively investigate these cases. New York's Office of Children and Family Services recently created a website and online training materials that are supporting their state protective services teams to work more effectively with child abuse cases that involve children with disabilities and their families.

This bill would implement a similar program here in Wisconsin by instructing the Department of Children and Families to develop a model set of procedures to be followed by child protective services workers when investigating cases where the subject of the child abuse and neglect investigation is a child with a disability. County child welfare departments would then be required to either adopt DCF's model policy or create one of their own that meets the goal of enhancing CPS workers' training and knowledge of best practices in investigating claims of child abuse and neglect for children with disabilities.

STANDING COMMITTEES:
Natural Resources & Energy, Chair
Transportation & Veterans Affairs



JOINT COMMITTEES
Audit Committee, Co-Chair
Information Policy and Technology

January 13, 2016

**Testimony on Assembly Bill 667
Senator Robert Cowles**

Thank you, Mr. Chairman and Committee members for holding a hearing on this important legislation, AB 667, relating to developing better procedures for children with disabilities who are subject of suspected abuse and neglect. I know you have heard these concerns before when they brought forward by Disability Rights Wisconsin during their testimony on the "Justice for Children" package.

I am very pleased to have collaborated with the Chair of this committee, Rep. Kleefisch (R- Germantown) and Disability Rights Wisconsin, to bring concerns raised in a hearing to action and bring forth legislation.

Through meeting with disability advocacy groups and research on other legislation, it was clear that the current practices how Child Protective Service workers interact with children with disabilities, were not adequately addressing the needs of this population.

When a child with a disability is involved in an abuse or neglect case, worker many times the interviewer do not have the skills/understanding to adequately interview that child. They are not required to access an IEP, which could lend important insight, or call a specialist who can help them. Instead, they may attempt to talk to the child, give up when they get no information and sadly, call the case unsubstantiated.

This bill requires DCF to gather best practices and develop a model policy defining who they will handle these cases. We think this will increase awareness, will impact training, make workers aware of available resources and should improve the situations for some children.

I urge swift action on this legislation to help these kids communicate their experiences and bring those who have wronged them to justice.

January 13, 2015

To: Representative Kleefisch (Chair)
Representative Kremer (Vice-Chair)
Members, Assembly Committee on Criminal Justice and Public Safety

From: Lisa Pugh, Public Policy Director

RE: **AB 667: Investigations of abuse or neglect involving children with disabilities**

Thank you for holding this hearing today and thank you especially to Representatives Kleefisch and Johnson and Senator Cowles for listening to us and working with us so closely on the issue of improving investigations of abuse or neglect involving children with disabilities. We would also like to thank the Department of Children and Families for meeting with us last week and acknowledging areas in which we can work together to improve these processes. We are very glad to see so many bi-partisan co-sponsors listed on this bill.

We are very supportive of this bill and the issues it seeks to address. Specifically, we know that children with disabilities are at a greater risk of being victimized. They are 3 times more likely to be sexually abused and nearly two times as likely to experience physical abuse or neglect as their peers without disabilities.

In Wisconsin, recent child protective services report data indicates that:

- Since February 2010, 12 children with special needs of some kind have died due to abuse or neglect in Wisconsin. An additional 8 suffered an egregious injury.
- Some cases document the inability of the child to provide information or a case involving a non-verbal child. Several children were identified as having Down syndrome or autism.
- Children experiencing abuse ranged from 3 months to 17 years old. Many children in these serious cases were over age 5 and several over age 10, indicating they should have been able to clearly communicate and substantiate what had occurred, but perhaps due to their disability, they were unable to do so. However this conclusion is only an inference.
- There is little specificity on referrals to community supports, and none indicating specific supports for children with disabilities.

This bill will improve the investigation process and we believe, protect more children with disabilities.

Our agency has taken calls from people concerned about the response of Child Protective Services (CPS) when a child with a disability is involved. In one recent case a CPS worker indicated to us they did not think it was worth conducting a forensic interview of a child with communication difficulties because they did not believe they could get enough information. The model plan proposed through this legislation

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would provide the necessary information and support to a worker to help them work more effectively on cases that involve children with disabilities and ensure these children have equal protection under the law.

Children with disabilities may have hearing loss, mental health issues or have experienced trauma, social delays due to autism, delayed processing or expression of information; some may not speak, but instead use communication systems, symbols or technology like an iPad to communicate. In each of these cases a child would be entitled to an accommodation that may allow them to better explain what happened to them.

Abuse and neglect investigation protocols that specifically call on the investigatory team to determine whether the child has a disability that would impact their ability to participate in the investigatory process can lead to better results, both in substantiating cases where abuse or neglect is occurring and connecting to services where necessary.

Other states are also working on this issue and Wisconsin has several models and experts to look to. Specifically, Pennsylvania's model set of standards includes guidelines for what they call "special investigations" involving child victims with disabilities. Their protocols include identifying specialized resources and supports such as communication specialists and sign language interpreters and ensuring that child protective services team members know how a child's specific disability (not just their developmental stage) may impact their receptive and expressive communication, behavior, movement and perception and to understand how to make appropriate accommodations. They also discuss the importance of access to resources for additional information about the child's disability diagnosis and their unique needs, which may include the parent, child's teacher, therapists and other school personnel. All of these elements can and should be discussed in detail as Wisconsin develops its model plan.

New York State Office of Children and Family Services has also funded development of model resources which emphasize steps to be taken in the pre-interview timeframe. They emphasize how mistakes can occur in interviews of children with disabilities when assumptions are made rather than accessing real evidence regarding the type of disability and the child's level of functioning. The resource provides lists of pre-interview questions, ideas for adaptations for specific disabilities, background on specific disabilities and outlines points to remember in the interview process itself.

The New York resource concludes in one section by saying "Always remember, you may be the first person who can help stop the victimization for an individual with a disability. Don't give up! Your patience, time and sensitivity in working with this group of individuals are critical and can make the difference!"

The national Vera Institute of Justice Center on Victimization and Safety helped to identify the key elements for consideration for Wisconsin's plan that you see in the bill. These items incorporate best practices from across the country.

We look forward to working alongside the Department of Children and Families as a stakeholder as they develop and implement this model plan. Again, we thank you for supporting this bill and protecting children with disabilities.

Testimony for Public Hearing
Committee on Criminal Justice and Public Safety
January 13, 2016

Wisconsin Association of the Deaf
P.O Box 256
Menomonie Falls, WI 53051

A.B. No. 667 (Committee) - Relating to: model procedures for investigating reports of abuse or neglect involving children with disabilities.

Good Afternoon Committee Members.

My name is Karen Dishno and I am one of Wisconsin Association of the Deaf (WAD) current board members and also was one of the past presidents. I am also the Director of the Kids of Deaf Adults (KODA) Camp Midwest based in Wisconsin.

WAD's mission is to promote, protect, preserve, and advocate for civil, human, cultural and linguistic rights of deaf individuals in Wisconsin. This is a volunteer based statewide advocacy organization that offers education and technical assistance for persons who are deaf and hard of hearing.

WAD represents several hundreds of Wisconsin residents with hearing loss who have been impacted by the linguistic barriers, This unique population rely on the system to support us in our ability to engage in the process- requiring auxiliary services (sign language interpreter, assistive listening devices, direct service providers fluent in ASL, and so forth) especially in an investigation involving deaf children.

Approximately two to three out of every 1,000 children are born deaf or hard of hearing. (National Institute on Deafness and Other Communication Disorders, 2005). According to the Department of Health and Services (DHS), the Wisconsin Sound Beginnings (WSB), it is estimated about 200 babies are born every year with some type of hearing loss.

Many of our deaf children have additional disabilities which compounds their ability to participate in the process. The demographic reports (Gallaudet University Center for Assessment and Demographic Studies, 1998; Schildroth & Hotto, 1993) have revealed that perhaps as many as four out of 10 children with permanent hearing loss have additional disabilities that may have concomitant effects on their communication and related areas of development (Joint Committee on Infant Hearing, 2000).

I am here today to ask you to support the bill, mandating the Department of Children and Families (DCF) to establish a model procedure that would enable our population to be engaged in the investigatory process in a fair and impartial way from the beginning when a situation is identified.

WAD has a special interest in this bill because a study that was presented in 2010 from the Rochester Institute of Technology (RIT) indicates that the incidence of maltreatment, including neglect and physical and sexual abuse, is more than 25 percent higher among deaf and hard-of-hearing children than among hearing youths. In that study, it was found that seventy-seven percent of deaf and hard-of-hearing respondents indicated experiencing some form of child maltreatment, compared with 49 percent among hearing respondents. In addition, respondents with more severe hearing loss indicated an increased rate and severity of maltreatment.

I am speaking as an advocate for all those I know and have spoken to who have experienced some form of abuse and neglect. I also have personal experience of working with children who have been failed to be protected by the system. Many WAD members including myself have heard stories where a sign language interpreter was not provided at the investigatory interview, in a direct violation of the ADA, or, even using a family member (may be a perpetrator) to interpret for the child. There are stories that an investigation was never initiated, perhaps because an agency does not want to deal with our population that requires specific communication access, until the abuse became so bad that the child could no longer be ignored. By then it is too late for any action to be taken.

I tell you our stories, not to win your sympathy, your vote of support will ensure that our population, the people with disabilities, will not have to experience struggle in the system that is supposed and is designed to protect our most vulnerable population, the disabled children, especially the children with hearing loss.

Thank you for your time and consideration.

Sincerely,

Karen Dishno,
on behalf of the Wisconsin Association of the Deaf

Reference

<https://www.rit.edu/news/story.php?id=48054>



January 13, 2016

Assembly Committee on Criminal Justice and Public Safety
Representative Joel Kleefisch, Chair
State Capitol, Room 216 North
Madison, WI 53708

Dear Representative Kleefisch and members of the committee:

Thank you for the opportunity to provide comment on AB 667. BPDD supports this bill and believes that it will help ensure equal protections for Wisconsin children with disabilities in the child welfare system. Child Protective Services professionals must be equipped to effectively investigate cases in which a child's disability may require specialized communication or interviewing techniques to assess abuse and/or neglect.

Children with disabilities are nearly two times more likely to be abused or neglected. Children with intellectual or developmental disabilities are almost five times more likely to be sexually abused compared to their peers without disabilities¹.

Children with disabilities are often targeted for sexual and other abuse because:

- Victims are more likely to be segregated and socially isolated with few opportunities to report abuse to persons outside their immediate family and caregivers (who may be the abusers).
- Fears by victims or their families that needed services—such as housing, personal care—will be jeopardized or taken away if abuse is reported.
- Perpetrators are often connected to victims through their victim's disability, and have learned they can target children with disabilities with relative impunity because their crimes are rarely made known to authorities.
- Changes in behavior—an indicator of abuse—often go unnoticed, especially if the behavior change can be attributed to the victim's disability.
- Children with intellectual or developmental disabilities may be perceived as suggestible or untrustworthy making it easier for reporters to dismiss reports of abuse
- Victims have been conditioned into a "culture of compliance" which leaves many unequipped to say no, recognize abuse or neglect, or report abuse.
- Victims are more likely to lack of basic information about sexual health and relationships.
- Children with significant disabilities often have added communication challenges that make it harder for professionals to interview, assess, and understand what may have happened.

¹ <http://www.vera.org/sites/default/files/resources/downloads/sexual-abuse-of-children-with-disabilities-national-snapshot.pdf>

In Wisconsin at least 15 children with disabilities have died and 9 others have been seriously injured as a direct result of abuse and neglect since 2010. Hundreds more cases have been reported. Of the people with disabilities that have been abused, 50% will be re-abused 10 or more times in their lifetime.

Often law enforcement and Child Protective Services (CPS) staff do not feel qualified to assess whether abuse has occurred, especially when the person has significant disabilities or communication challenges. This can lead to deferring judgement on whether abuse has or has not occurred to a person perceived as credible. It also means that one officer or CPS worker has the power to decide whether reported abuse moves beyond the entry level of reporting or is dismissed. When the response of the system is dismissal of abuse, it enables continued abuse and new abuse.

By putting a model policy in place all people within the CPS system will have a better understanding of what is necessary to support a child with a disability and, ultimately, to prevent future abuse

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities.

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

Beth Swedeen, Executive Director
Wisconsin Board for People with Developmental Disabilities