

A large, abstract blue geometric pattern composed of many overlapping triangles and polygons, creating a faceted, crystalline effect. It covers the entire background of the slide.A solid blue horizontal bar located in the top left corner of the slide.

Concurrent Session B-4  
*Supporting Sexual Health  
and Safety for Children and  
Youth: Is There a Role for  
Child Protection Services?*

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Janet Rosenzweig, BS, MS, PhD, MPA

# Our goals

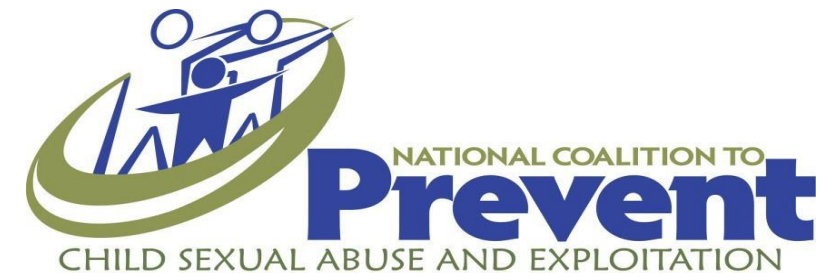
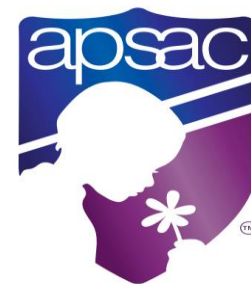
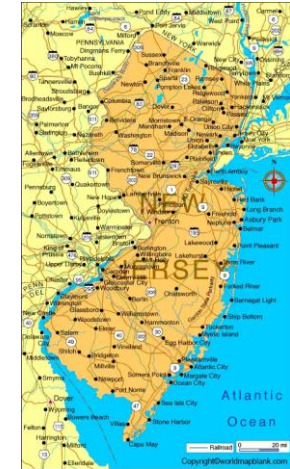
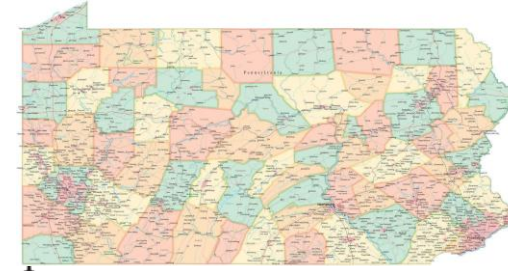
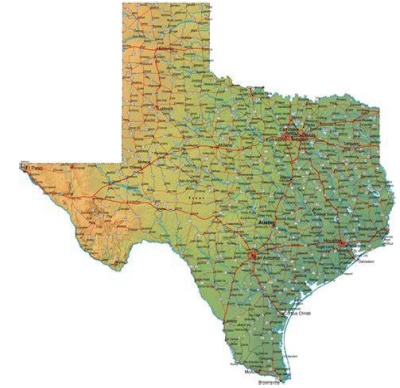
1. Articulate the legislative history of the Child Abuse Prevention and Treatment Act (CAPTA) and explain how it impacts organizational and operational priorities
2. Explain how problematic sexual behaviors can disrupt foster placement
3. Explain the importance of using accurate age-appropriate information about human sexuality as a key component in promotion of sexual health and safety of children and youth

# Perspective

- Developmental perspective on individuals and families ( BS in Human Development, Phd, Social Work)
- Health and sex educator (MS in Health Education)
- Sex abuse help-line counselor, therapist and staff trainer
- Public official working in child welfare (Phd minor in public administration Plus mid-career MPA)
- Prevention specialist – former VP of Prevent Child Abuse America
- Follow the Evidence: Former Executive Director of APSAC
  - Member of several research teams
  - Instructor at The Fels Institute of Government, University of PA

My perspective: From hyper local to national, from 1978 to 2023

- Have been working on this field since 1978, starting on one of the first CAPTA funded projects in the country
- Practiced in the public sector for 15 years
- Ran a statewide NGO for 8 years
- Earned an MPA from Harvard, then worked as VP of PCA America, then Executive Director of APSAC



# Outline

- 1. Historical perspective on CAPTA – focus prevention as an aside
- 2. Sexuality issues within/for CPS
  - You can't fight addiction without discussion drugs and you can't fight sex abuse without talking about sex.
- 3. Protective factors which can promote prevention
  - Registries – NO
  - Accurate information about sexuality - YES
- 4. Call to Action
  - Engage in community planning processes with local and state CPS officials
    - Include parent serving organization, faith-based organizations,
  - Learn if juveniles are being routinely waived up to adult court for PSB/Illegal SB in your state; *please share any findings with [DrRosenzweig@sexwiseparent.com](mailto:DrRosenzweig@sexwiseparent.com) or [Jrosenzweig@IHS-Trainet.com](mailto:Jrosenzweig@IHS-Trainet.com)*

# Historical perspective on CAPTA and prevention

## Part 1

# Historical perspective of CAPTA and prevention

## Conclusion:

- The Child Abuse Prevention and Treatment Act (CAPTA) of 1974, the federal legislation that created the modern child protective services system, was designed to offer a public response serving maltreated children with secondary prevention and intervention. **From its inception, CAPTA anticipated that community partnerships with the private and non-profit sectors would be key to primary prevention, and that is still the case in the United States.** Over the decades, Child Protective Services (CPS) agencies initiated secondary prevention services in response to external pressure from legislatures responding to ‘moral outrage’ at crimes against children, and powerful advocates promoting promising service models with varying degrees of success.
- **The most critical role for CPS professionals in prevention is strong community involvement, both to ensure that the needs of CPS clients are well-known and understood, and that CPS staff are aware of all resources in the community to serve their clients.**

# The Foundations of CAPTA and Prevention

## History:

- CAPTA – 1974
- 1974 included provisions to make grants “...for demonstration programs and projects designed to prevent, identify and treat child abuse and neglect”
- By specifically differentiating prevention from identification and treatment, the intention to do more than tertiary prevention seems clear.
- However, CAPTA earmarked little money for primary and secondary prevention, and prevention funding was generally disbursed by grants or contracts with the non-profit and voluntary sector
- A text search of the transcripts of the 1983 CAPTA reauthorization hearings shows the word ‘prevention’ primarily when repeating the name of the Act
- Certain CAPTA funds were allocated to states as discretionary funds, which some states used for prevention, but primary prevention never enjoyed the general support or uncapped entitlement to funds earmarked in other CAPTA titles for investigation and intervention.

# CAPTA Reauthorization, 1984

- Testimony regarding prevention indicated that that NCCAN was supporting an “array of ongoing projects, several which are actively working to improve hospital practices and community education to support young parents facing particular difficulties with their parental responsibilities” (6).
- (Secretary) Hodges discussed community-based prevention projects including “[sex abuse prevention] materials (curricula and a film) to be used with school students from preschool through high school, to make children aware of sexual abuse, to provide them with help in preventing the problem and to let them know how to go about seeking assistance if abuse is happening to them, a sibling, or a friend” (6).
- **“The programs where we use discretionary funds include a number of volunteer agencies and non-profit agencies. They work with those persons who might very well be suspected of child abuse”** (7). The prevention projects highlighted by NCCAN in these hearings did not involve CPS at all. National non-profit organizations that were mentioned included The National Committee to Prevent Child Abuse and Neglect (now known as Prevent Child Abuse America), Covenant House, Parents Anonymous, Parents United and The American Humane Association.

# No earmarks for prevention!

- In the House hearing **HEW Secretary Dorcas Hardy actually objected to funding earmarked for prevention.** He said, “We are spending a great deal already on prevention activities” (6). “The state grant proportion of the Act provides eligible states... funds to develop, strengthen and carry out prevention and treatment programs...” (6). He went on to express concerns “about your proposals to add a requirement in Section 4 of the act that the Secretary shall establish percentages of funding to be earmarked for prevention. We believe this could create an unnecessarily rigid requirement...” (6).

# 1996 CBCAP

- Grants to states were established under Title II of CAPTA to provide grants to states for prevention (8). In order for a state to receive these funds, a governor must designate a lead agency to receive them; in most states, the lead agency is in the same cabinet-level department as CPS, but is not the CPS operating entity. **There is a continuing emphasis on partnering with the non-profit sector.** The CBCAP Program Instruction (PI) (9) states, "Given the limited funding available for prevention services, lead agencies are strongly encouraged to find ways to partner with other public and private organizations serving the same populations and sharing the same goals and objectives."
- National non-profit organizations like **Parents Anonymous** and **The National Committee to Prevent Child Abuse and Neglect** were founded in 1969 and 1972, respectively. The early initiatives of The National Committee focused on public information and education, including collaborating with the Ad Council to develop a campaign based on the slogan, "*It shouldn't hurt to be a child,*" and a campaign to prevent psychological abuse featuring the slogan, "*Words can hit as hard as a fist. Listen to what you are saying; you might not believe your ears*" (10). Early initiatives of Parents Anonymous focused on strengthening and empowering parents. Both organizations continue to operate and maintain a focus in these areas,

# CPS Prevention Initiatives

## From a theoretical framework

- Family Preservation
- Differential Response
- Families First

## Developed as a reactionary response to a high profile case

- Baby Doe Rules
- Safe Haven Laws
- Central Registries



# Theoretical initiatives

Weakness: These initiatives often have a specific client profile where they've shown to be most effective, but CPS is a public service and often can't triage appropriately

Advocates have high hopes that Families First may be different. We'll see.

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# Reactionary initiatives

Baby Doe Laws: requires CPS to be notified when an infant is going to be denied medical care

Safe Haven Laws:  
Designated place for parents to 'abandon' an infant without consequences

Central Registries: Lists of all families reported to CPS

*Baby Doe and Safe Haven have not shown a substantial return on the investment*

# Barriers to Prevention in CPS

- Perception of seriousness impacts decisions made by CPS professionals about child protective services cases. CPS staff prioritize more serious situations when allocating limited resource like time, funds, and slots in intervention programs. Wolock (32) reports that “staff of offices in the more socially and economically disadvantaged catchment areas who handle more severe caseloads viewed the {same} situations as less serious than staff in offices in more advantaged areas who supervise a less serious caseload.
- This concept is perfectly illustrated by this description of the efforts of pediatrician and child-abuse prevention pioneer Dr Ray Helfer (1929-1992) as presented in the history of the development of State Children Trust Funds:
  - “Dr Ray E Helfer began using his influence to create a protected source of funding for prevention by persuading the state legislature in Michigan to increase funding to add 50 full-time “prevention workers” to the protective services budget. After the “prevention worker” positions had been created and filled, all 50 had full-time protective service caseloads and none of them was doing any prevention work. The needs and demands of children in crisis had compelled the decision makers to divert the money to treatment. This event helped shape the law that created Michigan’s Children’s Trust Fund and served as a model for all states.” (37)

# Barriers



- **Incompatible intervention models – multiple staff from investigation to outcome does not support relationship development, known to be a factor in successful parent engagement and outcomes**
- **Client perception of CPS as a sanction, rather than a service**

# Community Collaboration is Key: CPS as convener and possibly funder

- There is a clear and important relationship between CPS and community-based prevention programs. The early framers of CAPTA sought to develop community partnerships for prevention and separate it from investigation and intervention. It is not surprising then that Maguire-Jack and Byers (43) found that the availability of prevention “programs had a direct impact on screening and case opening/closing decisions but not substantiation decisions. Substantiation decisions, rather, were impacted indirectly, as CPS staff members were able to justify a substantiation or court referral decision if families did not comply with the prevention program” (43)
- Public System partners: Maternal and Child Health, RPE (State Health Departments) Early Care and Education, mental health, public education, juvenile justice, family courts and other public systems,
- NGO’s: (Sex Abuse Prevention) CAC’s. PICA America State Chapters , CTF grantees, D2L/Enough Abuse program operators; Youth Serving Agencies

Sexuality issues within/for CPS:

*“You can't fight addiction without discussing drugs, and you can't fight sex abuse without talking about sex.”*

BE A VOICE, NOT AN ECHO!

## Part 2

# Burden of sex abuse on CPS

“For FFY 2021, 76.0 percent of victims are neglected, 16.0 percent are physically abused, 10.1 percent are sexually abused, and 0.2 percent are sex trafficked.”

more than 60,000 sex abuse victims in the CPS system. 2021i

<https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf#page=33alrt4eeatment> 2021, ACTF

Of the 400,000 children in foster care in 2019, @ 40% report abuse within the system (160,000)

Sex abuse accounts for 10% of abuse experienced in foster care

16,000 cases of kids sexually abused in foster care

Abigail Hessing. “Sexual Abuse of Children in the United States Foster Care System” Ballard Brief. February 2022.  
[www.ballardbrief.org](http://www.ballardbrief.org).

[Sexual Abuse of Children in the United States Foster Care System - Ballard Brief \(byu.edu\)](http://www.ballardbrief.org)

# Placement Disruptions and Sexual Abuse

- A content review of 22 major foster parent training programs found only 2 programs with content specific to sexual abuse

Foster Parent College (FPC) and Take 5

*source: Foster parent training programmes for foster youth: a content review Andrew S. Benesh and Ming Cui Child and Family Social Work 2017, 22, pp 548–559*

- *They found that the curricula in general were values based ( what authours thought foster parents should know) rather than skills based, e.g teaching skills to manage common and difficult behaviors*
- *Of course, the authors note that much pre-service and in-service training is developed and delivered locally, but not everyone uses these national curricula*

# Sexuality is a hot button issue in Public Policy

- Jocelyn Elders
- California SB 384

# Political Environment: Jocelyn Elders

- 1994 Dr. Joycelyn Elders, U.S. Surgeon General, was forced to resign
- “With regard to masturbation, I think that is something that is part of human sexuality and a part of something that perhaps should be taught.”



# CA SB 384

In 2018 California passed SB 384, which, effective January 1, 2021, replaced California's lifetime sex offender registration schema with a multi-tier schema. Specifically, SB 384 established three tiers of registration (10 years, 20 years, and life) for adults and two tiers of registration (5 years and 10 years) for juvenile registrants.

This sounds good, until you and that after spending years researching the clinical data on all aspects of youth with PSB's clinical data, recidivism data, and secured backing from law enforcement, prosecutors, and even victim's advocacy groups.... The bill that he wrote was decimated when a lone legislator designator herself a 'mama bear' who had to protect children and refused to let the bill as written pass.

# Sexuality Issues in CPS



## New Jersey's GOP Governor Puts Sexxxpert in Charge of Little Boys and Girls



John Cook

EW25113 12:48PM Filed to: SCOTUS

7 09K

Gov. **Chris Christie**, whose red-candidate-in-a-blue-state election as governor of **New Jersey** was a victory for Teabagging culture warriors everywhere, named sex doctor to head the state's Department of Children and Family Services. And her sex toys are illegal in Mexico.

Earlier this month, Christie **nominated Janet Rosenzweig to head up New Jersey's DCPS**. Rosenzweig has an extensive and distinguished career in human and mental health services. She's also the acting executive director of the **Society for the Scientific Study of Sexuality**. Oh, stop giggling! The SSSS is a legitimate scholarly organization that seeks a more deep and rigorous understanding of our sexual lives. Just because the group tried, and failed, to smuggle a dazzling array of sex toys into Mexico to hand out at its 2009 board meeting in Puerto Vallarta is no reason to snicker. This page from the group's January 2010 newsletter gets some laughs out of the fact that its party favors were "too hot for Mexico":

You hot for Mexico?

# Funding Restrictions: Limited Sex Information

Abstinence only  
education:

- limited finding 1982
- massive infusion, 1996

Funded both schools and  
youth serving agencies

## One Result??



Adults, even well-intentioned ones  
STOPPED TALKING TO KIDS ABOUT SEX!

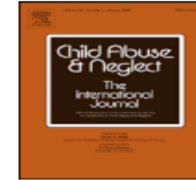
- This left an opening for not-so-well intentioned adults

# Political Theater and CPS



Contents lists available at [ScienceDirect](#)

## Child Abuse & Neglect



### Safe haven laws as *crime control theater*

Michelle Hammond, Monica K. Miller\*, Timothy Griffin

University of Nevada, Reno, Reno, NV, USA

#### ARTICLE INFO

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Baby Moses laws

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Infanticide

Infant abandonment

Child protection laws

#### ABSTRACT

**Objectives:** This article examines safe haven laws, which allow parents to legally abandon their infants. The main objective is to determine whether safe haven laws fit the criteria of *crime control theater*, a term used to describe public policies that produce the appearance, but not the effect, of crime control, and as such are essentially socially constructed “solutions” to socially constructed crime “problems.”

**Methods:** The analysis will apply the principles of *crime control theater* to safe haven laws. Specifically, the term *crime control theater* applies to laws that are reactionary responses to perceived criminal threats and are often widely supported as a way to address the crime in question. Such laws are attractive because they appeal to mythic narratives (i.e., saving an innocent child from a predator); however they are likely ineffective due to the complexity of the crime. These laws can have deleterious effects when policymakers make false claims of success and stunt public discourse (e.g., drawing attention away from more frequent and preventable crimes). This analysis applies these criteria to safe haven laws to determine whether such laws can be classified as *crime control theater*.

**Results:** Many qualities inherent to *crime control theater* are present in safe haven laws. For example, the laws are highly publicized, their intentions lack moral ambiguity, rare cases of success legitimize law enforcement and other agencies, and they appeal to the public sense of responsibility in preventing crime. Yet the goal of saving infant lives may be unattainable. These qualities make the effectiveness of the laws questionable and suggest they may be counterproductive. This analysis determined that safe haven laws are socially constructed solutions to the socially constructed problem of child abandonment.

**Conclusions:** Safe haven laws are appropriately classified as *crime control theater*. It is imperative that further research be conducted to examine the effectiveness and collateral effects of safe haven laws.

# Crime Control Theater

- “Laws that are reactionary responses to a perceived criminal threat, and are often widely supported to address the crime in question. Such laws are appealing because they appeal to mythic narratives however they are likely ineffective due to the complexity of the crime”
- These laws can have a deleterious effect when policy makers make false claims of success and stunt public discourse
- Jocelyn Elders and CA SB 384 were clearly examples of crime control theater

Protective factors

Registries – NO (*more crime control theater*)

Accurate information about sexuality - YES

Part 3

# Sex offender registries: A policy with no effect on rates of abuse

Psychology, Public Policy, and Law  
2008, Vol. 14, No. 4, 284–302

Copyright 2008 by the American Psychological Association  
1076-8971/08/\$12.00 DOI: 10.1037/a0013881

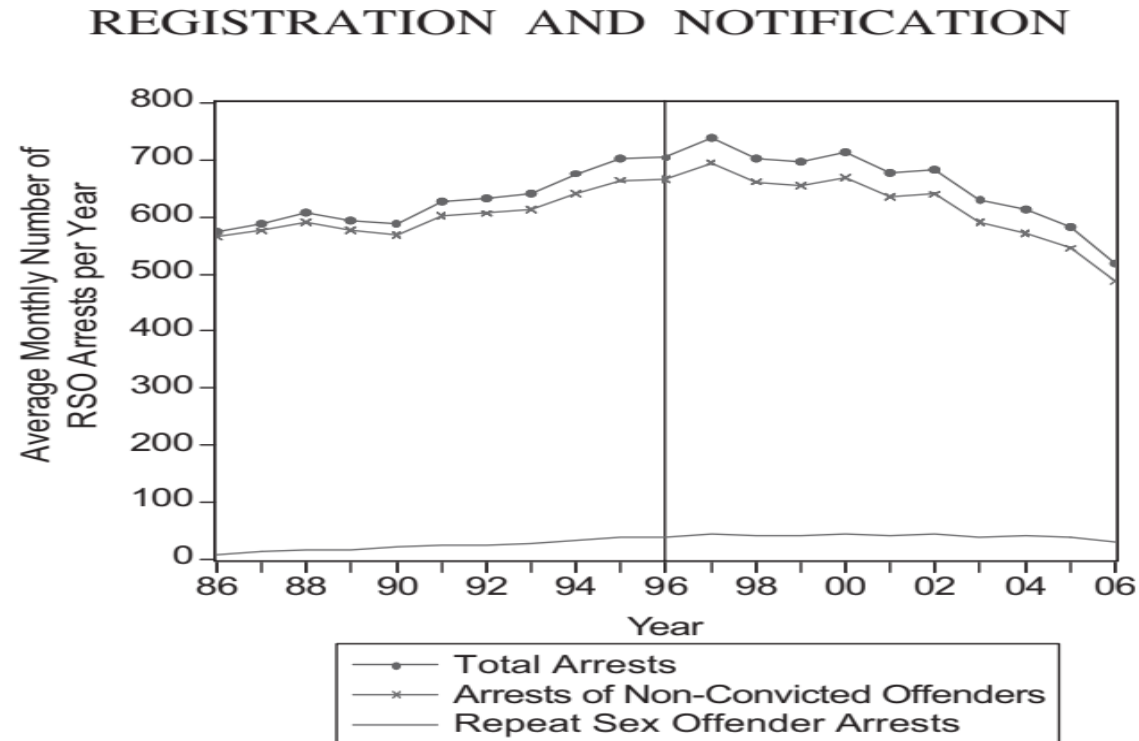
*“Results provide no support for the effectiveness of registration and community notification laws...”*

## DOES A WATCHED POT BOIL? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law

Jeffrey C. Sandler, Naomi J. Freeman, and Kelly M. Socia  
University at Albany

Despite the fact that the federal and many state governments have enacted registration and community notification laws as a means to better protect communities from sexual offending, limited empirical research has been conducted to examine the impact of such legislation on public safety. Therefore, utilizing time-series analyses, this study examined differences in sexual offense arrest rates before and after the enactment of New York State’s Sex Offender Registration Act. Results provide no support for the effectiveness of registration and community notification laws in reducing sexual offending by: (a) rapists, (b) child molesters, (c) sexual recidivists, or (d) first-time sex offenders. Analyses also showed that over 95% of all sexual offense arrests were committed by first-time sex offenders, casting doubt on the ability of laws that target repeat offenders to meaningfully reduce sexual offending.

# Registries: Not a Protective FACTOR

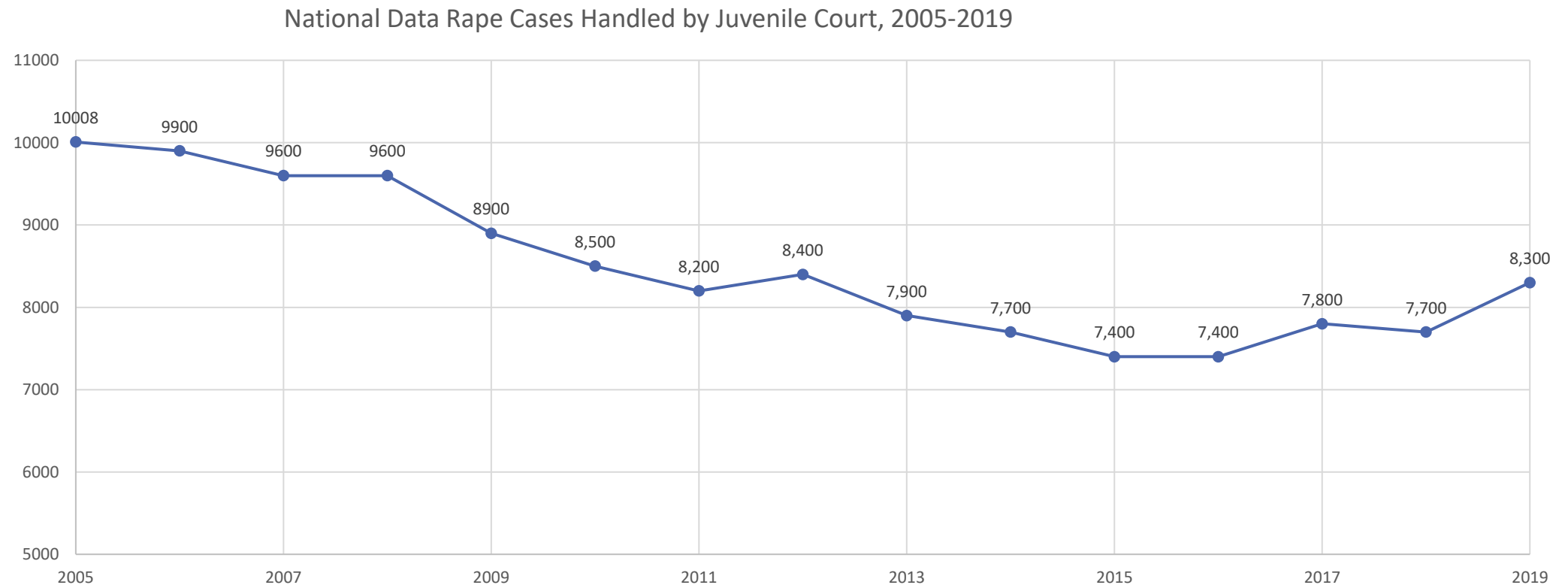


*Figure 1.* Average monthly registerable sex offense (RSO) arrests per year 1 and after the enactment of State's Sex Offender Registration Act (SORA).

# The bottom line: No impact on rates

- “results of the analyses indicate that the 1996 enactment of SORA (and thus the beginning of the registry) **had no significant impact on rates of total sexual offending, rape, or child molestation, whether viewed as a whole or in terms of offenses committed by first-time sex offenders or those committed by previously convicted sex offenders** (i.e., repeat offenders).”

# Institute for Human Services, Centre for Child Policy: Current Research



Data Source: [EZAICS: Detailed Offenses \(ojjdp.gov\)](https://www.ojjdp.gov/ezaics/asp/detail.asp) accessed at <https://www.ojjdp.gov/ojstatbb/ezaics/asp/detail.asp>

Sidebar!!!

Confounding  
factor in this  
research:

- “ We no longer put anyone convicted in juvenile court on a registry”
- How many youth are now tried as adults?
  - All states have provisions to try youth as adults
    - Some are automatic based on charge
    - Some allow either prosecutorial or judicial discretion
  - Call to action for advocates:
  - Learn how many juveniles are being tried as adults in your state?

# Sex Information as a Protective Factor: PLISSIT

PLISSIT model: (Annon, 1976)

- \* **Permission**
- \* **Limited Information**
- \* Specific Suggestions
- \* Intensive therapy

# For people working directly with families

With the proper training and preparation, they can be on the front lines of promoting sexual health and safety by offering 'permission' to be sexual, and 'limited information' to understand human sexuality

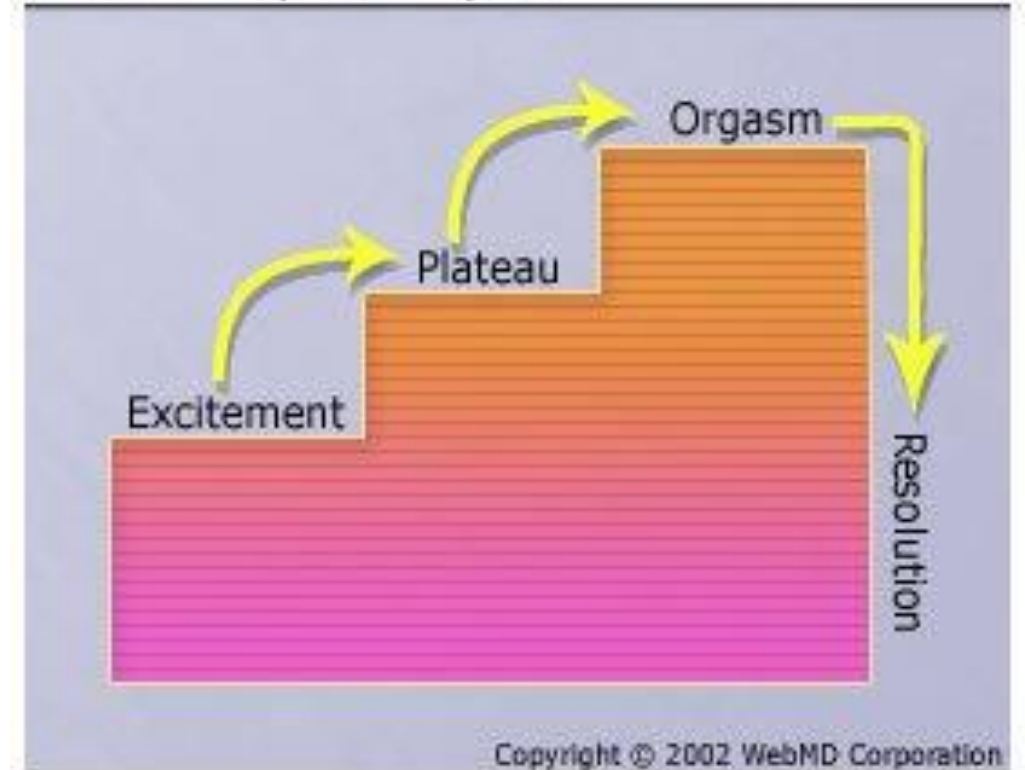
CPS staff – MEICHV funded home visitors – others who have the trust and ears of parent

# Physical Facts with Emotional Impact

## Fact 1:

- The human body will react to various kinds of stimulation with very specific physical manifestations*

Sexual Response Cycle



Key words!

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*not consciously directed*, such as breathing, the heartbeat, and digestive processes.

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Physical sexual arousal is an autonomic response

Key reasons why kids need to know this

- Victims may experience a physical, sexual/genital response while being victimized
  - Predators may use the response against them, convincing the child they are a willing participant because they 'enjoyed' the act.



# Account from a victim

“Pull your pants down,” he said.

I didn’t want to lose everything he had given me. And so I did.

He put his mouth on me. I got hard. I didn’t know where to look or how to feel. I squirmed against the back of the seat. He kept on going, getting into it.

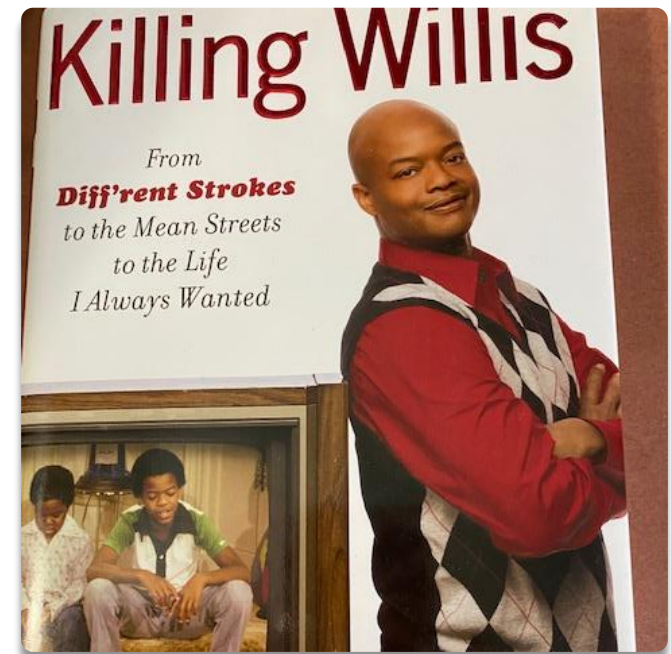
I hoped it would be over fast.

Then it happened. I came.

As confused and upset as I was, I liked the feeling.

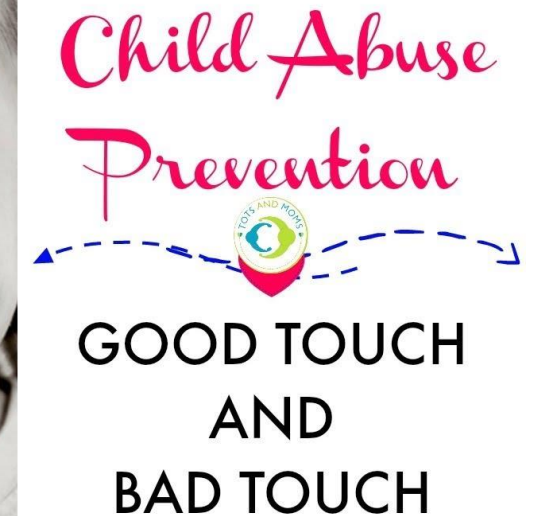
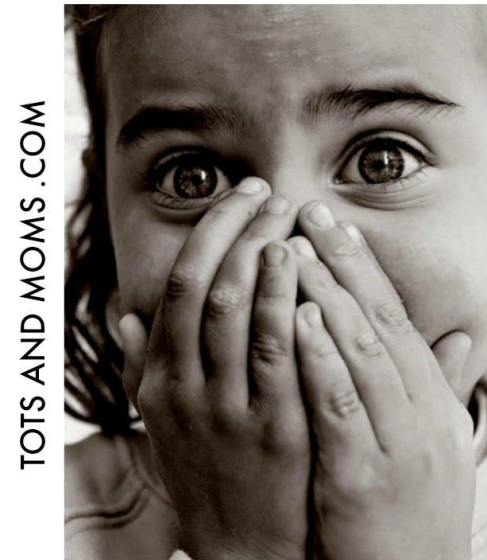
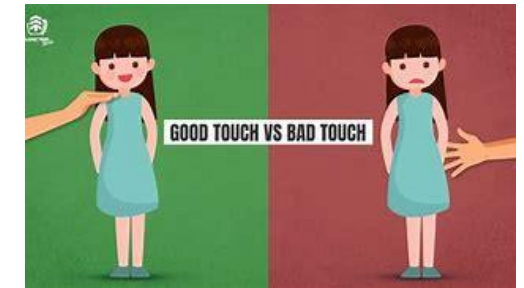
“No one had ever talked to me about sex before, but somehow I knew it was wrong for a man to do that to a boy. I was really confused because having an orgasm had felt good.”

Bridges, Todd with Sarah Tomlinson. *Killing Willis*. New York: Simon and Schuster, 2010. Page 68



# Key reason why kids need to know this


- Victims may experience a physical, sexual/genital response while being victimized
  - This is wildly confusing for children who have experienced sexual abuse prevention education as only 'good touch/bad touch'



# Key reasons why kids need to know this

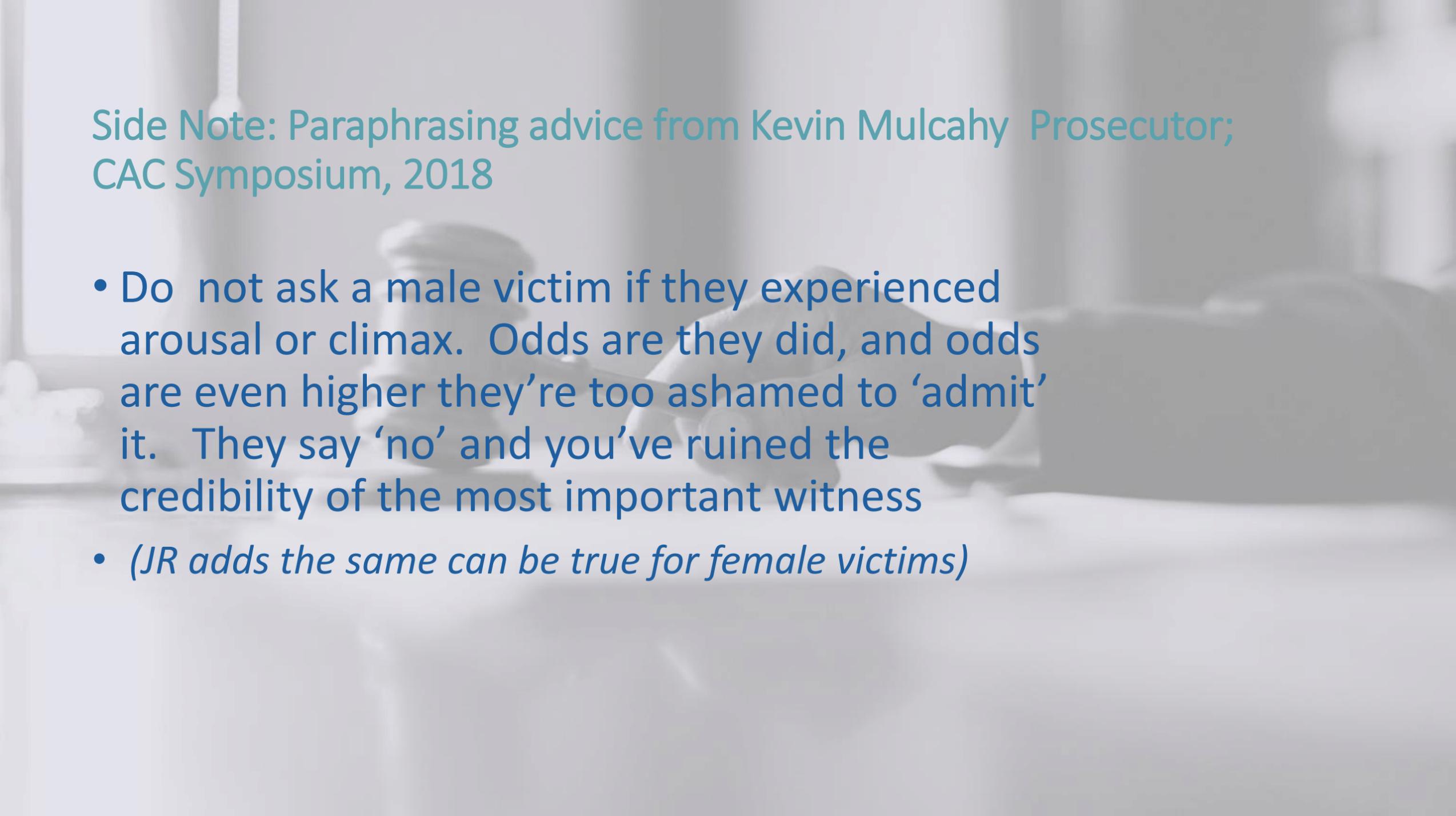
- Kids may confuse a physical/genital sexual response for an emotional attachment, making them vulnerable to predators.
- Adolescents and teens are particularly vulnerable.
- Physical sexual arousal decreases sexual self restraint.
- Physical sexual arousal may lead a victim to believe they participated in a sinful/forbidden act, unnecessarily adding to guilt and confusion.





## Key reason why parents need to know this

- It is unhealthy to raise children who learn to associate negative emotions with their sexual/genital arousal
- Fear, guilt and shame have no place in sexual health and safety
  - At best, these negative emotions interfere with healthy age-appropriate sexual relationships
  - At worst, a child can grow into someone who needs these negative emotions to experience sexual arousal



Side Note: Paraphrasing advice from Kevin Mulcahy Prosecutor;  
CAC Symposium, 2018

- Do not ask a male victim if they experienced arousal or climax. Odds are they did, and odds are even higher they're too ashamed to 'admit' it. They say 'no' and you've ruined the credibility of the most important witness
- *(JR adds the same can be true for female victims)*

## Full Circle: back to CPS

- As an advocate, support policies in your CPS agencies that will include pre-service and in-service training includes modules on human sexuality
  - CPS has a strong role in secondary prevention; working one-on-one with families, they can use the PLISSIT model to promote sexual health and safety in families, organizations and the community
  - Foster parents need support processing both the cognitive and affective issues of psychosexual development

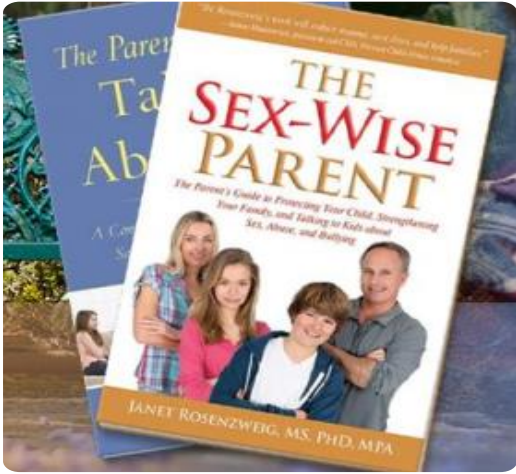
# Call(s) to action

To support prevention:

- Identify venues to promote information about healthy sexual development within your communities
- Find resources for download at [www.sexwiseparent.com/resources](http://www.sexwiseparent.com/resources)
- Engage in community planning processes with local and state CPS officials
  - Include parent serving organization, faith based organization.

To support appropriate intervention for youth:

- Learn if juveniles are being routinely waived up to adult court for PSB/Illegal SB in your state *please share any findings with [DrRosenzweig@sexwiseparent.com](mailto:DrRosenzweig@sexwiseparent.com) or [Jrosenzweig@IHS-Trainet.com](mailto:Jrosenzweig@IHS-Trainet.com)*



# Thank you!!

- For today's slides, and copies of the chapter researching the history of CAPTA:
  - [www.SexWiseParent.com/resources](http://www.SexWiseParent.com/resources)
- To follow our research on removing juveniles from registries
  - <https://www.centerforchildpolicy.org/youth-on-sex-offender-registries>