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February 22, 2017

Senator Elizabeth Steiner Hayward, Co-chair
Representative Dan Rayfield, Co-Chair
Joint Committee on Ways and Means Sub-Committee on Human Services
Oregon Legislative Assembly
900 Court Street NE
Salem, OR 97301

RE: HB 5026, Introduced

Dear Co-Chair Sen. Steiner Hayward and Co-Chair Rep. Rayfield and Members of the Sub-Committee:

Child abuse is the most critical and deadly public health emergency facing the State of Oregon.

On behalf of the children of Oregon I respectfully request your favorable consideration of HB 5026.

As the CEO of Liberty House and the Board Chair of the Oregon Network of Child Abuse Intervention Centers (ONCAIC), I can attest to the destructive, indeed, catastrophic effects of child neglect, physical abuse, and sexual abuse on children in Oregon. Child abuse assessment and intervention centers, defined in ORS 418.782(3), play a critical role in the multidisciplinary team response (ORS 418.747) by providing medical assessments, Karly's law assessments (ORS 419B.022-024), forensic interviews, and trauma-informed mental health services.

A **child abuse medical assessment** is one of the key components of an effective, multidisciplinary response to allegations of abuse or neglect. Defined in ORS 418.782¹, the medical assessment includes the taking of a "thorough medical history," which is commonly called a forensic interview. That interview must be conducted by a professional who has had special training in the Oregon Forensic Interviewing Guidelines² and who regularly participates in professional peer review in order to ensure fidelity to best practices.

The forensic interview is essentially an **extended social history of the medical condition** or allegation which led to the referral. It is critical to the diagnosis that the medical provider makes, because child abuse medicine is the only medical discipline that I can think of that has **causation** as a key component of the medical diagnosis.

¹ORS 418.782(2) "Child abuse medical assessment" means an assessment by or under the direction of a licensed physician or other licensed health care professional trained in the evaluation, diagnosis and treatment of child abuse. "Child abuse medical assessment" includes the taking of a thorough medical history, a complete physical examination and an interview for the purpose of making a medical diagnosis, determining whether or not the child has been abused and identifying the appropriate treatment or referral for follow-up for the child.

(3) "Community assessment center" means a neutral, child-sensitive community-based facility or service provider to which a child from the community may be referred to receive a thorough child abuse medical assessment for the purpose of determining whether the child has been abused or neglected.

² http://www.doj.state.or.us/victims/pdf/oregon_interviewing_guidelines.pdf

In a child-friendly environment ideally embedded in the community assessment center and part of the medical appointment, the forensic interviewer offers an opportunity for the child to engage in a dialogue about the child's experience with respect to the condition that was the subject of the referral. The model is designed to be objective and neutral and involves only open-ended, non-leading questions when questions are asked. The interview, however, is not an interrogation. During the interview, the interviewer will invite the child to "tell me about . . ." and follow the child's lead. The most seasoned forensic interviewers will honor the child's emotional process. This is especially effective for deeply traumatized children.

For children who have been subjected to abuse, neglect, or trauma, there can be many barriers to describing abuse that may be occurring, including guilt, shame, and fear of negative consequences such as retaliation, getting kicked out, seeing Mom cry, or getting raped yet again. The professionals involved in the medical assessment must have the skills, training, experience and temperament to be present to the child in the right way if those types of feelings are part of the child's emotional fabric.

Part of working with the child's emotional fabric, and that of the family or non-offending caregivers, is to allow sufficient time for an assessment so that the child does not feel rushed. In contrast to a regular pediatric visit, the medical assessment can take two to four hours or longer if a set of siblings is involved.

It is critically important to understand the difficulty in diagnosing child abuse. The model is, and should be, neutral and objective; team of medical provider and forensic interviewer have professional and ethical responsibilities to make a diagnosis of abuse only when the findings and statements support that diagnosis. When those findings do not support a diagnosis of abuse but there are other things going on with the child, it is every bit as important to develop the appropriate diagnosis and recommendations, particularly if there are other psychosocial stressors in the family that are affecting the child. That is why child abuse medicine is a subspecialty in pediatric medicine and why only trained forensic interviewers should be the ones to conduct the interviews.

The model I am describing is based on national best practices informed by decades of research on the topic. Oregon follows the best practices as outlined by the National Children's Alliance, the national accrediting body.³

While the model is based on best practices, the problem is that traditional medical billing formulas don't begin to cover the costs of providing these highly specialized, life-saving services. HB 2234 (2015) opened the door to allow for forensic interviews to be reimbursed in Oregon, and we are grateful for the CCOs and insurers who have responded. The intent behind HB 2221 (2017) is to achieve consistency across the state and to move closer to covering the costs so that we don't have to resort to unsustainable – and inconsistent – fundraising mechanisms that are better suited to community projects that don't have such life or death implications.

If you are wondering how much abuse is really out there, I can tell you that **at Liberty House we are currently receiving between 5 and 10 calls for Karly's Law consultations and exams every day.** That is in **addition** to the full assessments – nearly 600 last year – for chronic physical and sex abuse. We can't keep up due to lack of funding.

Most of the 21 assessment centers in Oregon are non-profit organizations. All nonprofits struggle to raise funds, but for centers like ours it is exceptionally difficult. Many of my CEO colleagues and I struggle to communicate the critical nature of our services because discussing rape, beatings, child pornography, commercial sexual exploitation and torture is terribly difficult and some cases are so extreme they border on the unbelievable.

³ <http://www.nationalchildrensalliance.org/ncas-standards-accredited-members>

I am asking you to believe it. All of those things are happening to children in our state every day of every year.

If you are wondering what are the outcomes of such highly specialized services, let me share with you some real-life accounts, with the identifying information changed to comply with HIPAA and other confidentiality requirements.

1. An elementary school aged child had injuries and was referred to Liberty House pursuant to Karly's Law. The medical assessment included a forensic interview, during which the child spoke of the incident that caused those injuries. One of the injuries diagnosed was a serious concussion, and subsequently a parent was arrested. The interview allowed the child an opportunity to make additional statements which ultimately exposed a pattern of physical abuse that had been ongoing. Subsequently, additional charges were filed.
2. One elementary school aged child told the forensic interviewer that prior to coming to Liberty House, she thought no one would ever believe her. She said she had been trying to tell people since she was 3. Her mother was doing what she could but she was bound by a court-ordered visitation agreement and had to send her daughter to visits (where, it was ultimately determined, the abuse was occurring). This child made other statements that the mother reported but investigating agencies interpreted them as related to a custody dispute and did not take them seriously. Eventually the child was referred to Liberty House where she made very clear statements about years of ongoing touching. The Liberty House interview allowed her to provide the kind of information needed for law enforcement to make an arrest.
3. Some people believe that a young child can't possibly remember the horror he has experienced. Nothing contradicts that more clearly than a barely verbal toddler who showed on a drawing every place he was ever hurt by his abuser. As one therapist described, "When I met this little person, the question that everyone had, from DHS to the detective who watched the horrific videos, was "what does this child remember?" Sometimes in counseling, I ask children to draw. One day, I drew a portrait of this little person and asked him to mark every place he ever had owies from the abuser. He scribbled out his hair where he had been dangled from. He scribbled out his nose and mouth where he was suffocated. He scribbled out his neck where he was choked. He scribbled out his privates where he was harmed. Without saying words, he remembered. Over the course of therapy, he grew from this little person that remembered and buried people in the sand so they too suffocated to a hero who saved people from burial. He no longer feared police and doctors, those that first saw his trauma, and considered them among his safe people. He no longer hits his parent as he sleeps, terrified of an unknown tormentor. He sleeps safely, knowing his parent will protect him. In the course of six months, his eyes are no longer filled with fear. He laughs and runs like a healthy little preschooler, with a hint of mischief in his eyes. Through therapy, his parent knows how to recognize trauma triggers and respond to them and has given him a stable, safe home. Although he remembers what happened to him, he no longer fears the future."

From my long experience as a lawyer working on public policy issues in Oregon, it is my belief that the public policy in Oregon around responding effectively to allegations of child abuse or neglect is very strong; it essentially says, "Responding to these allegations is complicated; District Attorneys, law enforcement, DHS and child abuse centers should work together in order to get better outcomes for the children, for the dependency proceedings and for the criminal case."

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However, the sheer volume of child abuse and neglect cases have overwhelmed the system. Having a robust, fully funded system of medical and forensic assessment in conjunction with our other DHS and law enforcement partners is crucial to putting a stop to this terrible societal reality. Without sufficient funding for child abuse assessment and forensic interviews, these services will not be available for children who need them and as a result, more children will be at higher risk of dying from abuse in Oregon.

Child abuse is the most critical and deadly public health emergency facing the State of Oregon.

Stopping the abuse and providing the right follow up services are critical to reducing the long-term and very expensive sequelae of abuse, including heart disease, cancer, diabetes, obesity, and behavioral/mental health issues. Because of the widespread scale of childhood neglect, physical and sexual abuse, a fully funded, effective intervention system is critical to ensure the success of Oregon's children and all of Oregon's other educational and economic objectives.

Thank you for your thoughtful consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink that reads "Alison S. Kelley". The signature is written in a cursive style with a large, stylized initial 'A'.

Alison S. Kelley, JD