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The Child Abuse Laws Which Could Destroy Your Reputation

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By Dr. Mercola

Child abuse is a horrific act, no matter how you define it.

That's why we have so many laws, and public and private agencies, set up specifically with the charge to protect children and maintain their safety. It's exactly why so much funding is directed toward this goal.

But did you know that the money funneled to states and child protective services actually encourages them to accuse you of child abuse and even murder, and to take your children, *even if you're not guilty, and even though they have absolutely no proof that you harmed your child?*

The Legal Abduction of Children

Horrendous as it sounds, it's true: child abuse has become a business – an industry of sorts – that actually pays states to legally abduct your children and put them up for adoption!

Even more unbelievable is that, instead of pumping the money back into child protective service programs, some states actually are putting it into their general funds to help balance their budgets.

A number of groups have tried to reform this shady practice, but it was a California politician who caught media attention this past summer, when he said that, if elected, he would expose how local governments were amassing billions of dollars in annual reimbursements, in exchange for what amounted to legal abduction of children.

"Most people are not aware of how much profit many of these services provide the county," John Van Doorn told a San Diego newspaper. "These profits are hard to ignore and even more difficult to pass up.

Counties can bring in thousands of dollars in excess revenue for each child in foster care, Van Doorn said – which means they have more incentive to remove children from their families than to keep families intact. "As such ... our county government is a major factor in the dismantling of families and/or destruction of children's lives," he said.

He then cited San Diego CPS for "egregious behaviors" that included accusing parents of child abuse without any evidence.

The ugly truth is that San Diego isn't the only community where false accusations of child abuse occur. Across the nation, the practice has become so blatant that some of the leading experts on child abuse and foster care have started to cry "foul."

About the Child Abuse Prevention and Treatment Act (CAPTA)

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The Child Abuse Prevention and Treatment Act (CAPTA) is the federal law on which almost all state and local legislation and funding for child protective services are based. Enacted in 1988, CAPTA directs the U.S. Health and Human Services' Administration for Children & Families to provide grants to communities for child abuse prevention programs.

As a federal mandate, CAPTA mandates states to implement child abuse laws on their own, so they can align themselves for the massive funding and grants that go along with the law.

In theory as the years went by, if the goal for this law – to reduce child abuse in this country – had been successful, then today we should need less funding for these programs, not more. Success also should have resulted in fewer children in foster care and even fewer being put up for adoption.

But in reality, the opposite happened. Instead of less children in foster care, the numbers went up for nine years after CAPTA was passed. And, layers and layers of state and federal government programs and agencies whose funding depends solely on child abuse occurring were created.

In 1999 foster care numbers started dropping – but only because of new laws that encouraged states to move children out of foster care and into adoptive homes.

Of course, that legislation came with funding too, giving CPS a new avenue for making more money and creating more jobs and more programs. The tragedy is what Van Doorn pointed out in his campaign: the financial incentives for rooting out child abuse actually encourage agencies to make false accusations against parents, and to tear families apart for something that did not occur.

How this Law Actually has Increased Child Abuse Reports

What happened in San Diego is not an anomaly, nor is it new. In 1991, the bi-partisan National Commission on Children had already figured out that children were being taken from their families "prematurely or unnecessarily" because federal formulas give states "a strong financial incentive" to do so rather than provide services to keep families together."¹

As a result, the federal government and a number of states created legislation that was supposed to keep more families together. But as the National Coalition for Child Protection Reform (NCCPR) reports, those efforts only disrupted more families, and encouraged **more** adoptions.

Again, the reason is financial: the new laws give "bounties to states of up to \$8,000 or more per child for every adoption they finalize over a baseline number," NCCPR reports. And again, all the help goes to foster and adoptive parents. "About the only parents the federal government won't help indefinitely are birth parents," NCCPR found.

But the injustices don't stop there, because in order to get that money, states have to have children to take away and place – and therein lies the incentive to falsely accuse parents of harming their children and to forcibly remove children even when there is no evidence to do so.

"CPS nationally are doing a job they've never been trained to do," says Kim Hart, a trial strategist and facilitator who has been assisting attorneys in defending persons accused of child abuse for more than 18 years. They're investigating people who have never been charged, and calling them child abusers, and taking kids away, and they get paid to do it.

This mechanism is bigger than what most people know. It goes all the way back to the 1980s with legislation that told states they had to develop registries with mandatory child abuse reporting."

The money that follows a child abuse accusation and subsequent placement of the so-called endangered children into foster care or adoption is the real catalyst for the epidemic of child abuse accusations, Hart said.

"And there is no incentive for any physician or anybody involved to be intellectually honest about this because the law also gives them immunity if they're wrong," she said.

"So what happens is that the minute CPS is involved – or the second the EMTs are called (for example, in sudden infant death or alleged shaken baby cases), parents are already labeled as child abusers."

How are States Spending this Extra Money?

According to NCCPR, in FY 2010 the federal government is expected to spend at least \$7 more on foster care and \$4 more on adoption *for every dollar spent to prevent foster care or speed reunification*. This is based on President Obama's \$4.681 billion foster care budget for FY2010 – an increase of \$21 million over FY2009. The number represents a *decrease* of 4,300

children a month in foster care.

But this decrease is based on "placement of children in more permanent settings." In other words, states are getting **more** money to take care of **fewer** children *by placing more of them* in adoptive homes.

The law also increases incentives for adoption by paying out \$1,000 to \$8,000 extra for certain types of children who are placed for adoption.

The twist is that states are not required to put this money back in to keeping families intact or even for preventing child abuse. Instead, by law, they can use it for non-child-related things, such as delivering meals to senior citizens or for transportation services, or a range of other home-based services!

In San Diego, Van Doorn couldn't get a direct answer when he demanded that city officials tell him where their \$4,000 per adopted child was going. But a look at any state's budget – from Minnesota to Florida to Connecticut and back to California – can tell you that local governments and states are cutting back or flat-lining children's services and using these extra federal dollars to balance their budgets .

Not Enough Abused Children? Change the Definition of Child Abuse

This certainly is a convoluted way to stop child abuse, if for no other reason than it's a form of child abuse to tear families apart and take children away from parents who are accused of doing something they didn't do. It also doesn't explain one of the newer definitions of child abuse that came along after CAPTA was enacted, *Shaken Baby Syndrome (SBS)*.

Reliable statistics on SBS do not exist, but according to the National Shaken Baby Coalition (NSBC), as many as 1,500 babies a year are shaken by their parents, and either severely injured or killed.

While the numbers may not seem exceedingly large, they still add another arena in which CPS can seize children from their parents, and place them in adoptive homes – and claim the booty that the federal government gives them for doing this.

On the Backs of Children, an Industry Based on Child Abuse has Arisen

In San Diego, CPS proudly announced that due to their efforts, child abuse reports had gone down. But again, Van Doorn busted them – the numbers went down, he said, because the public had begun to catch on to the county's recent court cases they'd lost in conjunction with false child abuse allegations.

When you apply this same thinking to the national statistics, it makes you wonder how many other states and local municipalities are dealing with false allegations.

The truth is staggering, according to Hart, and is so prevalent that countless blogs have popped up addressing the problem, as well as entire websites devoted to helping people who've been falsely accused of child abuse.

Shaken Baby Syndrome – A Convenient Catch-All to Steal Babies Away?

Shaken Baby Syndrome has become an industry in itself, according to Dr. Edward Yazbak, a physician who has devoted the past 10 years to studying the issue and testifying as an expert witness on behalf of parents he believes are innocent of this crime.

"This is an inverted pyramid," Yazbak says. "It's an idea that has been added to and added to, but does not stand to science.

This shaken baby business has come out of nowhere and become an epidemic, and it's the other side that's making money – the child protective services, the funding, the grants that all these people get.

It's obviously a very popular and passionate thing with them. But they're literally convicting people before they're even accused. It's the only crime in the world like this, and many of these parents are perfectly innocent."

A short Internet search can show you what Dr. Yazbak is talking about. Hundreds of private adoption agencies around the nation are totally dependent on public welfare services supplying them with children – and funds – to keep their "businesses" going.

Likewise, hundreds of state, county and community agencies and governmental jobs are dependent on the same thing –

legally abducting children to pay for the programs that have sprung up in the name of protecting children.

Again, the numbers tell the story:

In 1990, two years after CAPTA was created, nearly 2.6 million children nationwide were reported as abused and/or neglected, and referred for investigation. Despite the law, six years later, in 1996, 3 million children were reportedly abused, and under CPS "investigations." Today the number varies, depending on how federal authorities define child abuse. Under one definition, statistics show that the numbers have dropped by nearly a third.

But with a "more inclusive" definition, the numbers have stayed the same at about 3 million – or about 1 in every 25 children. In a 2010 report to Congress, the Administration on Children & Families explained how the numbers figure in the face of other data showing a decline in child abuse.

But no matter how you interpret them, or whether the numbers have the stayed the same or dropped, the Congressional report doesn't explain why the President and Congress have continued to inflate budgets with more money to take children away from their families.

So what can you or I do about it?

According to Hart, this is an issue that can't be fixed with a single article or a few phone calls. It's a national problem that's gone on for decades, that needs local and federal pushes to change the laws that made these injustices possible.

Coincidentally, CAPTA is up for renewal in 2011, with billions more of your money proposed for the kinds of child abuse "prevention" that I've talked about here.

In an effort to change this, I encourage you to study the links I've included in this article, and then contact your legislators and ask them to take a closer look at the monster that CAPTA has created.

While sunseting the law or stopping its funding is probably only a dream, Hart believes it's possible that with enough pressure, you can lobby to have the "immunity" clause removed from this, so that at the very least, agencies who falsely accuse parents of child abuse can't do so without being held responsible.

References:

1 National Commission on Children, *Beyond Rhetoric: A New American Agenda for Children and Families*, (Washington, DC: May, 1991) p.290.

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