

# **HR 3060: Stop Child Abuse in Residential Programs for Teens Act of 2015**

## **Child Advocates Recommend Review and Revision of HR 3060**

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## I. Introduction

Human Earth Animal Liberation (HEAL) is a network of concerned citizens working primarily on exposing and closing illegal, unethical, and torturous residential and wilderness programs for teens. We work secondarily on other issues including a variety of human rights, environmental, and animal welfare issues. For more information on our organization, see the Contributing Parties section of this statement.

As survivors, activists, and educated professionals we have a clear understanding of what steps are needed to protect American children from this illegal and torturous pseudo-scientific industry. We ask that you take our experience and recommendations into consideration.

## II. Omissions from HR 3060 Placing Children in Imminent Danger

### a. Regulation of Referral and Transport Industry

It is imperative that support industries of the behavior modification racket be regulated. These support industries include referral services such as Parent Universal Resource Experts (PURE) (1), Educational Consultants(2), and transport (professional kidnapping) services such as Teen Escort Services (3), and should be regulated as part of any legislation enacted on this unconscionable industry.

Greg Kutz, of the Government Accountability Office, in the hearings(4) held in October of 2007 and April of 2008, spoke in-depth on the deceptive marketing practices used by referral services. Sue Scheff, PURE founder, has repeatedly deceived parents and placed children in harm's way.(5) Sue Scheff is also an "educational consultant" who claims to not receive any fees from programs. However, this has been found to be untrue and many so-called "independent educational consultants" make similar false claims regarding their financial benefit from abusive programs.(2)

Shannan Wilber, staff attorney with the Youth Law Center, has worked to put in place regulations to protect children from extra-legal kidnapping and the practices of the escort/transport industry in California.(6) Prosecutors have repeatedly stated that these escorts are guilty of kidnapping. However, children are unaware or unwilling to prosecute their parents in conjunction with the services and parents are too embarrassed, ashamed, or unwilling to be inconvenienced, to take legal action for themselves and their children when victimized by this industry.

RECOMMENDATION:

We recommend that educational consultants and referral services be required to publicize or make available to the public upon request their complete financial records including any and all donations, fees, or other compensation received from “covered programs”. In addition, we recommend that all escort/transport/kidnapping-for-hire services be banned as inherently immoral, illegal, and psychologically traumatizing to children.

Citations (sect. a)

1. Parent Universal Resource Experts (PURE)  
<http://www.sueschefftruth.com/?p=28> , <http://www.careybock.com/?p=17>
2. [http://www.huffingtonpost.com/maia-szalavitz/tough-talk-on-tough-love\\_b\\_15023.html](http://www.huffingtonpost.com/maia-szalavitz/tough-talk-on-tough-love_b_15023.html)
3. Teen Escort Services, see: <http://www.heal-online.org/wwaspscases.htm>
4. <http://edlabor.house.gov/hearings/fc-2008-04-24.shtml> and [http://www.teenadvocatesusa.org/GAO\\_Report\\_On\\_Residential\\_Treatment\\_Abuse.html](http://www.teenadvocatesusa.org/GAO_Report_On_Residential_Treatment_Abuse.html)
5. <http://www.ripoffreport.com/reports/0/267/RipOff0267011.htm>
6. Kilzer, Lou. Desperate Measures. July 18<sup>th</sup>, 1999. News Staff Writer.

**b. Regulation of “faith-based” Programs, Foster Care Group Homes, and "Hospitals" Licensed by State Agencies (i.e. Hephzibah House/Bethel)**

Gross abuses including beatings, torture, and wrongful death have been repeatedly reported at “faith-based” programs, in foster care group homes, and in state licensed "hospitals" such as Hephzibah House(9), Teen Challenge (10) Bethel Baptist Boys Home (infra), foster care group homes(11), and licensed "hospitals" such as Provo Canyon School/Provo Canyon Behavioral Hospital (12), Benchmark(13), and other notoriously abusive facilities/"hospitals".

Faith-based programs offering behavior modification for teens are currently exempt from regulation in many states. Unless H.R. 3060 specifically lists faith-based programs in Section 2, (4), they will continue to operate without state oversight.

In addition, many faith-based "therapeutic foster care group homes" are abusive and engage in the practices this Act claims to address. This is true of secular "therapeutic foster care group home" providers as well. The standards set by DHHS in regards to safe-guarding youth in out-of-home placements must cover all such services and not only those currently covered in HR 3060.

"Group homes provide the most restrictive out-of-home placement option for children in foster care. They provide a placement option for children with

significant emotional or behavioral problems who require more restrictive environments. The licensed group home is defined as a facility of any capacity which provide 24-hour nonmedical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee. Group homes run the gamut from large institutional type environments which provide an intense therapeutic setting, often called "residential treatment centers," to small home environments which incorporate a "house parent" model. As a result, group home placements provide various levels of structure, supervision and services." Source:

<http://www.childsworld.ca.gov/pg1349.htm>

Numerous faith-based residential programs offer drug-abuse treatment, treatment for depression, post-traumatic stress disorder, suicidal tendencies, and teen defiance<sup>1</sup> - the same services as the programs covered by H.R. 3060.

Because of the Faith-Based Initiative<sup>2</sup> enacted in 2001, some faith-based behavior modification programs receive tens of thousands of dollars in federal funds each year.<sup>3</sup>

Allowing individual states to continue deciding whether to regulate faith-based programs for teens undermines the purpose of H.R. 3060. Several states, including Florida<sup>4</sup>, have become havens for faith-based programs that want to avoid regulation.

In October 1990, following the death of a 15 year-old girl, investigators with the California Department of Social Services attempted to enter Victory Christian Academy. The owner of the facility, Reverend Michael Palmer, refused to allow investigators onto the property.<sup>5</sup>

On February 14, 1991, investigators returned to Victory Christian Academy with an inspection warrant. An inspection of "student" records showed that girls were enrolled at the Christian boarding school for treatment of substance abuse, suicidal tendencies, depression, criminal activity and violence. The investigation also found abuse and neglect including long periods of solitary confinement in a room that measured 4 feet x 4 feet and doors secured with key-operated deadbolts. A 12-foot electric fence surrounded the entire facility.<sup>6</sup>

On January 24, 1992, Judge Judith McConnell banned Reverend Michael Palmer, his wife Patty, and their employees, from owning, operating, or being employed by any unlicensed facility in the state of California.<sup>7</sup>

Later in the year, Victory Christian Academy, along with its owners Michael and Patty Palmer, relocated to Jay, Florida where it continues to operate.<sup>8</sup>

Because Florida does not regulate faith-based programs for teens, child abuse investigators are not allowed to enter the property unless they have the consent of Reverend Michael Palmer or a warrant.

RECOMMENDATION:

It is imperative that “faith-based” programs, foster care group homes, and any providers offering out-of-home care to youth be covered under any legislation to regulate this industry. We recommend any legislation include “faith-based” programs, foster care group homes, and any providers offering out-of-home care to youth in the “covered programs” definition for the safety of our children. Faith-based programs that offer any type of treatment or behavior modification for teens must lose their exemptions and be included in the programs covered by H.R. 3060.

#### Citations:

1. <http://www.isaccorp.org/faccca.asp>
2. <http://www.whitehouse.gov/government/fbci/executive-orders.html>
3. [www.fedspending.org](http://www.fedspending.org)
4. Florida Statute [402.316](#)
5. California Department of Social Services v. Michael Palmer, Patty Lou Palmer
6. <http://www.isaccorp.org/gallery/injunctionsupport/page1.html>
7. <http://www.isaccorp.org/gallery/palmerban/page1.html>
8. <http://www.isaccorp.org/vca/victory-christian-academy.02.23.97.html>
9. <http://www.hephzibahhouse.com/>,  
<http://www.fox28.com/News/index.php?ID=38561>, and  
<http://www.fox28.com/global/story.asp?s=8695749>
10. <http://www.heal-online.org/childtortureusa.htm#teenchallenge> and  
<http://newsgroups.derkeiler.com/Archive/Alt/alt.politics/2008-05/msg00403.html>
11. <http://www.childsworld.ca.gov/pg1349.htm>
12. <http://www.heal-online.org/healsuit.htm> (and all documents linked on that page), and <http://health.utah.gov/hflcra/facinfo/alpha.php?FACTYPE=012>
13. <http://www.heal-online.org/aspenbehave.htm> (and all documents and info on linked through that page),  
<http://www.fornits.com/phpbb/index.php?board=56.0>,  
[http://www.secretprisonsforteens.dk/fornitswiki/index.php?title=Benchmark\\_Young\\_Adult\\_School](http://www.secretprisonsforteens.dk/fornitswiki/index.php?title=Benchmark_Young_Adult_School) (and links on that page/documents), and  
<http://health.utah.gov/hflcra/facinfo/alpha.php?FACTYPE=012>.

### c. Federal Ban of Off-Shore Programs

Off-shore programs such as Tranquility Bay (1) create too grave a risk for American children locked in third-world conditions with no access to the outside world, let alone, the nearest embassy.

America’s permitting our children to be shipped to Western Samoa, Jamaica, and other off-shore, under-developed countries for behavior

modification is becoming an international scandal(1) and human rights nightmare.(2)

World-renowned experts in adolescent and family therapies have repeatedly stated that keeping a child home and in their community is the most humane and successful method of treating behavioral problems and resolving family conflicts. Dr. Margaret Thaler-Singer has stated that these programs make a child's worst fear of abandonment come true and create long-lasting psychological damage in the child and permanently damage family relationships.(3) Dr. Peter Breggin, stated:

“...[But] for older children, including many preadolescents and all teenagers, respect for their autonomy and decision-making is an extremely important component of any proposed psychological or psychiatric help...To [sic] force thousands and even millions of teenagers into...treatment against their will would not only be unethical, wrong-headed, and useless, it would further humiliate and alienate them”

#### RECOMMENDATION:

We recommend that a federal ban be placed on any child being sent outside the United States without their parent's permanent, on-site participation and/or supervision. Meaning, no child shall be placed in any off-shore treatment program without live-in parental/legal guardian(meaning relative or court-ordered, not signed waivers granting guardianship to programs or their staff) on-site supervision. It is a parent's responsibility to insure the health and well-being of his/her child. Because these off-shore programs create definite and imminent risks to the health and welfare of the children so placed, the only reasonable action is a full ban on said programs or on-site parental supervision and participation throughout the entire process.

#### Citations

1. Verbound, Matthew and Viallet, Jean-Robert. Tranquility Bay (documentary film). 2005. France.
2. [http://findarticles.com/p/articles/mi\\_qa3892/is\\_200001/ai\\_n8883493](http://findarticles.com/p/articles/mi_qa3892/is_200001/ai_n8883493) and <http://query.nytimes.com/gst/fullpage.html?res=9D07E2D81331F934A15756C0A9659C8B63>
3. <http://store.aetv.com/html/product/index.jhtml?id=73528&name=Teen+Wilderness+Camps%3A+Therapy+Or+Punishment+DVD#details>

#### d. Psychological Torture and Unethical, Experimental Behavior Modification Methods in Residential Teen Programs

From 1951<sup>1</sup> to 1972<sup>1</sup> the C.I.A. conducted a variety of mind control experiments on their own agents, military personnel, psychiatric patients, prisoners, and the general public. These experimental projects were entitled MKULTRA, and MKSEARCH. The C.I.A. uses the term behavior modification interchangeably with mind control and brainwashing.

In the 1970's, following the Senate Hearings condemning these experiments, behavior modification programs for "troubled teens" began propping up around the country. Programs such as Provo Canyon School in Provo, UT began torturing and brainwashing children in 1974, but, it filed for its license and zoning shortly after MKSEARCH was supposedly discontinued.

It is our contention that the Central Intelligence Agency (C.I.A.) has continued their behavior modification/mind control research through the teen program industry. The evidence of this is difficult to acquire as the specific details are classified. However, we do have evidence that former C.I.A. agent, Dr. Richard Y. Moody (recently employed by Eagle Ranch Academy in St. George, UT)(9) bases his expertise on his experience in the C.I.A.'s Youth Development Program. (See Exhibit C) We have also included in our attached evidence forms requiring studies and outcomes at SeaMar Residential Treatment Center be shared with foreign and domestic military personnel and government security and intelligence agencies. (See Exhibit A)

These programs use extremely similar and seemingly refined methods of human mind control experiments as described in the Nuremberg trials after the Second World War. The treatment models used in these programs use a basic structure also used on American POW's in North Korea during the Korean War. Robert Lifton(6) conducted research into the tactics imposed on our soldiers in these camps and wrote a description of brainwashing and the steps taken in order to successfully brainwash POW's. These steps are used and have been used for decades within residential programs for teens without regard or concern for the psychological damage they inflict. To better understand this issue and the popular treatment model used by residential youth programs, read "Institutionalized Persuasion" by Marcus Chatfield.

This treatment methodology is also synonymous with those used in dangerous mind control cults. Margaret Thaler Singer(7), Steve Hassan (8) and many other experts have written about these dangerous methods and the process of breaking down the self that is ever-present in these programs. Bill H.R. 3060 makes no mention of these atrocities, which lie at the heart of this issue.

Due to the lack of investigation or mention of this aspect specifically, this bill will not be effective in putting an end to the most heinous tortures and abuses for which this bill was originally intended. The main goal of all abuses in these programs, whether they be physical or psychological, are intentionally implemented to accomplish a nervous breakdown.

This breakdown allows those who are in charge at these programs to essentially "program" a child, not in the sense of normally altering behavior, but by damaging the mind of the child so that persuasion, coercion and manipulation is easily applied to derive the desired appearance or result. The sole purpose for

every punishment, torture, abuse or bizarre method utilized by these programs is intentionally provided to break down the individual's identity thus creating a nervous breakdown, which will leave the young person mentally defenseless and damaged.

Based on information gathered by HEAL (See: Exhibit A, attached), behavior modification programs are sharing their data with the N.S.A., C.I.A., Foreign and Domestic Military Personnel, and other government and scientific research operations. This suggests that the brainwashing experiments continue in the form of teen "help". We invite you to compare the brainwashing methods described by Dr. William Sargant in his research into the techniques of brainwashing used in Communist China and Stalinist Russia to the phase/level system(s) used at programs such as Provo Canyon School and Kids Helping Kids/Pathway Family Centers.

According to Dr. William Sargant's<sup>2</sup> research into brainwashing, there are four primary phases:

**"The first phase...**is called "the phase of physical control and lasts about two months. Novices are allotted all sorts of...physical tasks, often of a demeaning nature...During this period of physical exhaustion...themes are designed to instill a maximum of disillusionment in the mind...After two months of "physical control" a **second phase** of more intense indoctrination begins. Physical work is now reduced, and the number of small and large group meetings greatly increased. Care is taken that for six and sometimes seven nights a week the trainee shall go to bed mentally and physically completely exhausted...Finally, the remainder reach a **third stage [phase]** of "crisis" and breakdown. This occurs after about six month's training [brainwashing]...With this [third phase] total disruption of old behavior patterns, the new ones **[fourth phase]** become much more firmly implanted...In place of his [the trainee or brainwashed person] feeling of guilt he is now fired with the conviction that he must publicize his newly found security and help others find peace of mind through service to the Organization [Cult]. It takes at least another four months of intense work to consolidate the hold on the now willing mind. Some rewards are given for enthusiasm and in appreciation of the conversion of the trainee."

The residential "treatment"/boot camp/wilderness therapy/behavior modification program industry uses a similar level/phase system in their "conversion" of normal kids to "Stepford" children. Here's an example of the phases in a modern day behavior modification program (programs often split the 4 phases into even more levels):

Phase 1. Deny all contact with outside world. Deny interaction between "students". Deny basic needs as punishment (food, sleep, clothing, heat, water, etc.). Create confusion and use physical and mental exhaustion as a tool to



breakdown “old behaviors”. This causes a complete mental breakdown in the child. (Forced betrayal of one’s self.)

Phase 2. Once a child becomes “agreeable” to submission, small “rewards” are given for obedience and the risk of being returned to the earlier phase is held out as the worst punishment one can receive. Children are persuaded to make up stories (false confessions) about themselves and others in the program in order to get rewarded for their “honesty”. (Forced betrayal of one’s peers.)

Phase 3. The child has no more opinion of him/herself based on own self-image or the reflection of his/her peers. The child completely loses and disassociates between “old life/old behavior” and “new life/new behavior”. (Complete mental/emotional breakdown and intentional creation of disassociative disorder.)

Phase 4. The child is completely submissive and brainwashed. The child hates everything they once were or knew. The child only feels safe in the program and only credits the program with his/her success. Child is given “responsibility” to “lead” other children. (Child is now brainwashed and actively aiding his captors in brainwashing others.)

These methods are destructive and violate every sacred human right. And, according to world-renowned psychiatrist, Dr. Peter Breggin<sup>3</sup>, “To [sic] force thousands and even millions of teenagers into...treatment against their will would not only be unethical, wrong-headed, and useless, it would further humiliate and alienate them.” Our children deserve better.

#### RECOMMENDATION:

We recommend that programs using these methods be immediately shutdown for violating the Nuremberg Code, human rights, and human decency. These programs are not being held to professional standards, not to mention standards of basic human rights. In addition, we recommend a ban on all such practices in treatment programs for children and teens. Some states are already introducing legislation to remove exemptions for faith-based programs and to ban the use of Aversive Therapies on minors.(10) Please amend this bill so that it may provide protection to the youth in our country.

1 <http://www.rossinst.com/blue.htm>, &  
<http://www.wanttoknow.info/bluebird10pg>

2. Sargant, Dr. William. “Battle for the Mind”. Malor Books. Cambridge, MA. 1997 (pp. 181-184)

3 Breggin, Dr. Peter R., “Reclaiming Our Children”. Perseus Publishing, New York, NY. 2000. (p. 26)

4. [http://en.wikipedia.org/wiki/Kids\\_Helping\\_Kids#Length\\_of\\_stay\\_.2F\\_Level\\_system](http://en.wikipedia.org/wiki/Kids_Helping_Kids#Length_of_stay_.2F_Level_system)
5. <http://www.heal-online.org/teen.htm>
6. <http://www.ex-cult.org/General/lifton-criteria>
7. <http://ex-cult.org/General/singer-conditions>
8. <http://www.ex-cult.org/bite.html>
9. <http://www.eagleranchacademy.com/bios.html>
10. [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB524](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB524)

<https://malegislature.gov/Bills/189/Senate/S80>

<https://malegislature.gov/Bills/189/House/H89>

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5870&year=2015>

<http://www.nmlegis.gov/lcs/legislation.aspx?chamber=S&legtype=B&legno=140&year=15>

#### e. Additional Criminal and Civil Remedies for Victims (Statute of Limitations Extension, Suing at Federal Level)

We ask that you amend the Private Rights of Action (H.R. 5876, Sec.5/HR 3060, Page 15, line 15, Section (3)).

Maintenance of Action—Any person suffering an injury-in-fact traceable to a violation of a regulation promulgated pursuant to section 3(a) may bring suit or a claim demanding relief.

Relief—A court hearing a claim or suit under subsection (a) may order any appropriate equitable remedy and award damages including punitive damages, costs, reasonable attorney’s fees, for a violation of a regulated promulgated pursuant to section 3(a).

We ask that you also allow for victims bring suit in federal court when interstate commerce is involved to insure a fair and impartial hearing.

We also ask that you create a federally imposed statute of limitations of no less than thirty years so victims of the industry have time to recover from the trauma, find their voice, and seek relief.

### III. Problems with the Legislation as Written

#### a. Systemic Constitutional, Civil, and Human Rights Violations in “Covered Programs” (as defined in HR 3060, Sec. 2, (4))

The behavior modification industry, which comprises in minority those operations listed in the “Covered Program” section of HR 3060, violates the constitutional, civil, and human rights of American citizens, including children and teens. Below, you will find a list of violations, applicable federal law and court rulings, and cause for taking immediate and deliberate action to regulate and/or close down this un-American industry.

1. The Fourteenth Amendment: Equal Protection of the Laws  
According to U.S. Supreme Court rulings a teenager is protected under the 14<sup>th</sup> amendment(1) and due process is necessary before extreme punishments and removal of liberties is imposed(2).

“Covered Programs” under HR 3060 currently operate 24/7 secured lockdown facilities that bar a child’s communication with his/her family, with the outside world, and use brutal methods to change behavior and personality in a completely isolated environment.

The results of the Milgram Experiment(3) and Stanford Prison Experiment(4) exemplify the absolute danger children and teens are in when put in absolute captivity under the control of unqualified staff under illegal and immoral conditions.

Placing children and teens in a lockdown facility without benefit of due process is a violation of the 14<sup>th</sup> Amendment

RECOMMENDATION: Amend the bill to include that no child shall be placed in a secured lockdown facility without due process.

2. The First Amendment: Freedom of Expression

According to U.S. Supreme Court rulings, a teenager is protected under the 14<sup>th</sup> amendment. The court stated that school officials must have “more than a mere desire to avoid discomfort and unpleasantness that always accompany an unpopular viewpoint...Undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.”(5)

Since the First Amendment applies to children and teens, programs that deny self-expression, freedom of association (i.e. talking with other students), or freedom of religion ought to be immediately closed down for constitutional violations. Many “Covered Programs” have received and continue to receive state and federal funds to operate. Some school children are shipped out of state or even abroad under an Independent Education Plan through their school district. Washington State took action to stop this abuse of public funds by putting an end to the "Kids for Cash" schemes of public school officials who received kickbacks for their placement of Washington school children and made it clear that youth have the right to due process before being stripped of their liberty and placed in private prisons masquerading as treatment programs. See: <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/Senate%20Passed%20Legislature/5946-S.PL.pdf> , <http://leg.wa.gov/Senate/Committees/EDU/Documents/Student%20Discipline%20Interim%20Project.pdf>, and <http://www.k12.wa.us/studentdiscipline/pubdocs/ConciseExplanatoryStatement392-400.pdf>.

Children and teens need additional safeguards to protect them from the tortious and criminal conduct prevalent in this industry.

**RECOMMENDATION:** All programs found to be violating the Constitution that have previously received or currently are receiving state or federal funding, tax benefits, or other subsidies shall be immediately closed for violating the Constitutional Rights of children.

3. The Eighth Amendment: Cruel and Unusual Punishment

It is understood that the bar of cruel and unusual punishment applies strictly to government acts. However, as stated above, these programs do receive federal assistance in many cases. And, acting under the color of authority for school districts, juvenile courts, and family courts throughout the nation these

programs are torturing and killing Americans never found guilty of any crime. These programs violate Habeas Corpus.

The average age for legal consent to sexual intercourse within the United States is 16. The average age for legal right to file for emancipation from parents is 16. Teenagers are afforded more control over their bodies and futures from the age of 16 throughout the United States. A person who is fit to drive, have sexual intercourse, have an abortion, and become emancipated by law is certainly protected by Habeas Corpus and Due Process (*supra*).

The U.S. District Court, District of Utah, in *Milonas v. Williams* (Nos. 80-1569, 81-1407., 1982) found Provo Canyon School guilty of cruel and inhumane treatment of children at a time when Provo Canyon School was receiving state and federal money and the program is still in operation abusing children and defrauding families today.

**RECOMMENDATION:** All programs found to be violating the Constitution that have previously received or currently are receiving state or federal funding, tax benefits, or other subsidies shall be immediately closed for violating the Constitutional Rights of children.

4. The Ninth Amendment: Unenumerated Rights

It was certainly not the intention of the founders of the United States to allow for the systematic torture, brainwashing, and other gross civil and human rights violations to be allowed against the young citizens of our great nation. Children are denied their privacy, being forced to urinate, defecate, bathe, change menstrual pads, and more in front of peers and staff. This is done purely to humiliate, psychologically torture and break the child.

In addition, the incoming and outgoing mail is censored and/or monitored/read by staff and children are forced to re-write letters that do not conform to the rules, mainly, letters that expose abuse and wrongdoing by the program and its staff. This is a 14<sup>th</sup> amendment violation according to the Federal District Court findings in *Milonas v. Williams* (Nos. 80-1569, 81-1407., 1982): "In former students' action against private school for youths with behavioral problems for its use of "behavioral-modification" program allegedly violating section 1983, record supported finding that the school's use of polygraph machine, its monitoring and censoring of student mail, its use of isolation

rooms, and its use of excessive physical force violated students' First and Fourteenth Amendment rights. U.S.C.A. Const.Amends. 1, 14; 42 U.S.C.A. § 1983.”

Certainly our Constitution can and should be read as to demand the protection of our most vulnerable, our children, from such atrocious crimes as torture and death under the guise of treatment.

RECOMMENDATION: We recommend the entire industry be placed on moratorium and cease to operate until effective regulations are in place and children are not at risk of placement in unregulated, torturous, and deadly facilities.

5. The Thirteenth Amendment: Abolishing Slavery  
Slavery is illegal in the United States except for those convicted of a crime and considered a part of their repayment to society. Many children are being used as slave labor in out-of-home programs.

Children are being forced to labor without compensation and under duress for the financial benefit of these programs.(6)

These programs violate the Thirteenth Amendment and Federal Child Labor laws.

RECOMMENDATION: Any program that uses a level system that includes serving as “staff” or being “farmed out” to area businesses in which the teen works and the program confiscates the earnings of the teen to “pay for costs attributed to program” shall be immediately closed down pending investigation and those found to be violating the Thirteenth Amendment will be prosecuted to the fullest extent of the law.

#### Citations

1. Bellotti v. Baird (1979) U.S. Supreme Court
2. Ingraham v. Wright (1977) U.S. Supreme Court
3. [http://en.wikipedia.org/wiki/Milgram\\_experiment](http://en.wikipedia.org/wiki/Milgram_experiment)
4. [http://en.wikipedia.org/wiki/Stanford\\_Prison\\_Experiment](http://en.wikipedia.org/wiki/Stanford_Prison_Experiment)
5. Tinker v. Des Moines Independent School District (1969) U.S. Supreme Court
6. <http://www.heal-online.org/bethelsuits.htm>

## b. Specific Concerns Regarding HR 3060

1. Specific Concern--Sec. 3, Part O

Staff members found guilty of assault/battery/violence will not be automatically barred from working with children. If a person has difficulty controlling his/her behavior, he/she should not be working with children, especially not those with emotional/behavioral problems.

2. Specific Concern--Sec. 3, Part (2)(A)

There should be a larger cap or no cap on the amount of the fines that can be attributed to a program in violation of the law.

3. Specific Concern--Sec. 3, part (P)

Programs in violation of the laws should not just be placed on a government website to show that they have a list of violations nor limited to self-reporting in regards to their practices and/or complaints involving their program. For the protection of youth, violating programs need to be immediately closed with a federal injunction against their ever opening another such program in the US, working with kids in the US, or advertising an off-shore program they own/operate within the US.

4. Specific Concern--Sec. 3, part (J)

When a report of abuse or violation of this law is made by a child/staff/or anyone in a program, the investigators should respond within 24 or 48 hours at the very latest. There is no mandate to report abuse immediately written into HR 3060 and no timeframe provided for initiating an investigation. The only reference is to the need for notification of any investigation of child abuse to parents with children enrolled at the facility. DHHS currently requires that staff and victims of abuse simply report it to the program director/CEO and there is no mandate to report to regulatory and law enforcement authorities. Without changes to this standard, abuse and fraud will continue unabated. See: <https://www.childwelfare.gov/pubPDFs/manda.pdf>

5. Specific Concern--Sec. 6

This bill requires more funding. We recommend that states receive revenue from the fines levied against programs. If not, it will do nothing but give the appearance of regulation and strengthen rather than weaken this fraudulent, torturous, and deadly industry.

6. Specific Concern—Sec. 114

States should not be given the option of whether or not to implement the regulatory standards required by this bill. These programs operate and

market beyond their own states and therefore are in the practice of interstate commerce. The federal government should create a regulatory agency similar to the USDA or FDA to inspect, monitor, and hold accountable these programs.

7. Specific Concern--Sec. 114, 2, part B (i, ii)

Provo Canyon School and a few other programs are listed in the state of Utah as hospitals and owned by Universal Health Services. Places like Provo Canyon School will not be covered. Many programs are licensed as foster care group homes and the exclusion of such is a concern as well.

8. Specific Concern--Sec. 114, 3. (B) (Page 19 of Bill, lines 24 and 25)

Unannounced on-site inspections should be no less than 1-2 times per year. A mandate should be made for how often unannounced on-site inspections must occur.

9. Specific Concern--Sec. 114 (b)(3)

Same problem as above. Abuses and violations reported by someone within the facility should be acted on and investigated within 24 hours, not 30 days.

10. Specific Concern--Sec. 114 (d)(2)(A)

Any and all abuses should result in all applicable criminal and civil penalties. Reducing it to civil penalties for behavior that would place anyone else in jail, is not good enough.

11. Specific Concern--Sec 3(a)(1)(D)

This section refers to acts of physical and mental abuse but it is not specific enough that it is defined properly. It should include a ban on Aversive Therapies.

12. Specific Concern--Sec 3(a)(1)(A):

This section does not define child abuse and neglect in depth enough. Programs are deceptive and will manipulate any statement not specified properly.

13. Specific Concern--Sec 3(a)(1)(B)



The statement talks about "withholding" of essential things (ex: food, water, etc...) but it is not specified as to what constitutes this. Guidelines need to be set as this is easily manipulated. The Department of Health and Human Services has failed to set and properly enforce minimum standards at facilities it currently "regulates". This is discussed above as well.

14. Specific Concern-- Sec. 3 (a)(1)(C) & (D): Regardless of whether a program claims an abuse is designed to humiliate, degrade, or undermine a child's self-respect or not, any use of "aversive therapies" on minors should be permanently banned. This includes punitive use of psychiatric drugs and the use of chemical restraints. The use of chemical restraints should be included in the restrictions placed on other forms of restraint (i.e. mechanical, physical, etc.).

# Specific Concern--Sec 3(a)(1)(E): This section refers to "reasonable" access to phones however this is not defined and is rather crucial. Also "privately as possible" is stated but possibilities could be anything from every student having a mobile phone to having a phone in the middle of a staff meeting room.

#### 15. Overall Issue of Concern

A major flaw is the access issue over who exactly will be doing the oversight of the facilities at each program. DHHS simply mandates or allows for mandated reporting to go to facility management and not any third-party or public regulatory agency. And, DHHS relies on third-party accrediting agencies such as the Joint Commission for the majority of regulatory responsibilities and the Joint Commission fails to protect patient safety and rights standards.

Financial statements for these programs are not posted or being reviewed in-depth. As a requirement to operate these should be disclosed in full, allowing further analysis of their costs and profits.

Also having so few regulators hurts the ability of kids to be able to call out to a hotline and ability to report abuse. Check ups need to be done on a very regular basis.

## IV. Conclusion

Teen Liberty is our top priority at HEAL. All of our chapter coordinators are victims of behavior modification/residential programs.(supra) Our ages range from 17 to 45. Our experiences whether decades past or months ago echo the torture and suffering of each other and thousands of other American teens who are presently being subjected to these abuses. It is too late to protect us, please protect the children of today and tomorrow by revising and amending this legislation.

## V. Contributing Parties

HEAL  
126 SW 148<sup>th</sup> St.  
Suite C100-422  
Seattle, WA 98166-1984  
Phone: (877)845-3232  
e-mail: [heal@heal-online.org](mailto:heal@heal-online.org)  
Web: [www.heal-online.org](http://www.heal-online.org)

HEAL has chapters in six states from coast to coast. Our Seattle Chapter was founded as a registered student organization at the University of Washington in 2002. Each of our chapters are coordinated by victims of the industry referenced as “covered programs” (and excluded programs) in HR 3060 (as defined in HR 3060, Sec. 2, (4)).

The HEAL Team

Angela Smith  
HEAL National Coordinator  
A.A. Degree from Highline Community College—2000  
B.A. Degree from University of Washington—2005  
Law Student

Ms. Smith was tortured at Provo Canyon School(1) in 1989.

Richard Meehan  
HEAL New York Coordinator  
Student

Mr. Meehan is a survivor of Adirondack Leadership Expeditions(3) and Academy at Swift River(4) (both Aspen Education Group programs). Mr. Meehan is also a survivor of Discovery Academy in Utah.

Patrick Liberg  
HEAL Illinois Coordinator  
General Manager

Mr. Liberg is a survivor of Turning Winds in Idaho.

Tim Brown

HEAL Kentucky Coordinator

Mr. Brown was tortured at Children's Psychiatric Hospital in Northern Kentucky in the 1980s.

Emily Adams  
HEAL Colorado Coordinator  
Student

Ms. Adams is a survivor of the Bethesda Home for Girls in Mississippi.

Ivey Meyers  
HEAL New England Coordinator  
Student

Ms. Meyers is our youngest coordinator and is a survivor of Chamberlain International School aka FL Chamberlain in Massachusetts.

#### Citations

1. [www.heal-online.org/sign.htm](http://www.heal-online.org/sign.htm), [www.beyondbusiness.net/provotruth.htm](http://www.beyondbusiness.net/provotruth.htm), (sites include links to more information on abuses at Provo Canyon School including lawsuits and current violations.)
2. [www.heal-online.org/bethel.htm](http://www.heal-online.org/bethel.htm) and [www.heal-online.org/bethelsuits.htm](http://www.heal-online.org/bethelsuits.htm)
3. <http://www.heal-online.org/swiftriver.htm>
4. <http://www.heal-online.org/adirondack.htm>
5. <http://www.heal-online.org/kentucky.htm> (site includes links to articles in the Cincinnati Beacon and other resources on this issue.) Also see [www.heal-online.org/kids.htm](http://www.heal-online.org/kids.htm) for more information on abuses at Kids Helping Kids.
6. <http://www.heal-online.org/cedu.htm> (site includes links to lawsuits and articles)

## VI. Additional Resources

### a. Cooperating Organizations

International Survivors Action Committee (ISAC)  
[www.isaccorp.org](http://www.isaccorp.org) (No longer active.)

Teen Advocates USA  
[www.teenadvocatesusa.org](http://www.teenadvocatesusa.org)

Michelle Sutton Memorial Fund  
[www.michellesuttonmemorial.com](http://www.michellesuttonmemorial.com)

### b. Evidence and Testimony on Illegal Programs

Please review the following statements and evidence regarding gross human rights and civil rights violations at illegal programs deceptively marketed as treatment for children and teens.

The materials we've provided are not even the tip of the iceberg that is the fraudulent and abusive residential treatment industry. See Sections V and VI for additional information and resources.

## EXHIBIT A

### Sea Mar Youth Treatment

#### Notification of Family and Others:

Unless you object, we may release health information about you to a friend or family member who is involved in your medical care. We may also give information to someone who helps pay for your care. We may tell your family or friends your condition and that you are in a hospital. In addition, we may disclose health information about you to assist in disaster relief efforts.

#### We may use and disclose your protected health information without your authorization as follows:

- ❑ **With Medical Researchers**—if the research has been approved and has policies to protect the privacy of your health information. We may also share information with medical researchers preparing to conduct a research project.
- ❑ **To Funeral Directors/Coroners** consistent with applicable law to allow them to carry out their duties.
- ❑ **To Organ Procurement Organizations (tissue donation and transplant)** or persons who obtain, store, or transplant organs.
- ❑ **To the Food and Drug Administration (FDA)** relating to problems with food, supplements, and products.
- ❑ **To Comply With Workers' Compensation Laws**—if you make a workers' compensation claim.
- ❑ **For Public Health and Safety Purposes as Allowed or Required by Law:**
  - to prevent or reduce a serious, immediate threat to the health or safety of a person or the public;
  - to public health or legal authorities; to protect public health and safety; to prevent or control disease, injury, or disability; to report vital statistics such as births or deaths.
- ❑ **To Report Suspected Abuse or Neglect** to public authorities.
- ❑ **To Correctional Institutions** if you are in jail or prison, as necessary for your health and the health and safety of others.
- ❑ **For Law Enforcement Purposes** such as when we receive a subpoena, court order, or other legal process, or you are the victim of a crime.
- ❑ **For Health and Safety Oversight Activities.** For example, we may share health information with the Department of Health.
- ❑ **For Disaster Relief Purposes.** For example, we may share health information with disaster relief agencies to assist in notification of your condition to family or others.
- ❑ **For Work-Related Conditions That Could Affect Employee Health.** For example, an employer may ask us to assess health risks on a job site.
- ❑ **To the Military Authorities of U.S. and Foreign Military Personnel.** For example, the law may require us to provide information necessary to a military mission.
- ❑ **In the Course of Judicial/Administrative Proceedings** at your request, or as directed by a subpoena or court order.
- ❑ **For Specialized Government Functions.** For example, we may share information for national security purposes.

#### Other Uses and Disclosures of Protected Health Information:

Uses and disclosures not in this Notice will be made only as allowed or required by law or with your written authorization.

## EXHIBIT B

### Federal Declarations and Letters Submitted by Injured Children and Families

#### **DECLARATION UNDER PENALTY OF PERJURY** **PURSUANT TO 28 USCA 1746**

We, \_\_Lisa and Jeremiah Anger\_\_\_\_\_, declare and state as follows:

1. ..My niece was abducted by and taken to Turn About Ranch in Escalante, UT on November 1, 2006. She was mentally, physically, and emotionally tortured and abused for 6 weeks with no outside contact with loved ones. She was a good kid, but her mother was crazy, the new step dad didn't like her, and her father was recently deceased.

2. ..We (aunt and uncle) infiltrated the camp (at a church close by that the kids were forced to go to) and offered her emancipation papers, which she immediately signed. She had just turned 16 a few days prior her incarceration.

3. ..With the help of an amazing lawyer, Randy Ludlow, the Provo Juvenile Court allowed us to take her out of the camp with a Writ of Assistance so she could have her due process. The story made front page of the Salt Lake Tribune and was the first time a minor has been released to a non-custodial parent from one of these behavior modification camps in the state of Utah.

4. ..Her mother gave guardianship to an aunt in Seattle during this process and she has been living with her for 1 ½ years and has been doing fabulous. My niece is a beautiful girl and is a 3.2 student, first chair second violin in orchestra, has many friends and a boy friend, will be senior editor of school year book this coming year, has a part

time job as a nanny, and has saved over \$7500 for college. Please close these camps. They are cruel and extremely abusive on so many different levels.

I give HEAL permission to use this statement. I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2008.

\_\_\_\_\_(electronic submission)\_\_\_\_\_  
Lisa and Jeremiah Anger  
5345 w Stony Brook Circle  
801-840-2442  
[angers@thebluezone.net](mailto:angers@thebluezone.net)  
SPECIAL NOTE: STATUTE DOES  
NOT REQUIRE NOTARY]

Since the death of my daughter Michelle Sutton in the now defunct Utah based Summit Quest Program, I have worked tirelessly to right a terrible wrong. The hands on learning experience sold to Michelle and her family turned out to be a do or die forced march in the desert. The counselors thought Michelle was faking her flu like symptoms. One counselor told Michelle her symptoms were all in her head. When Michelle died the owner of the program and the counselors blamed Michelle for dying of dehydration due to exposure of the elements. The program owner claimed that Michelle had a death wish. The owner went as far as to say that Michelle lacked the will to live and was not a survivor. She then spread a rumor that Michelle smuggled cocaine into the program and died of an overdose. We put out these rumors by visiting local newspapers and ordering an extensive drug screen on Michelle's body. It was after Michelle's death that I learned of the long talked about controversy about these programs. I also learned of the window of loss that says of each child who dies, "we lost ONE, but we are saving many." I have often said, "I could not have DONE TO Michelle what was DONE TO her and walked away a free person. My daughter was labeled a "throw away kid" and no one was held accountable.

I began by investigating accounts of neglect, abuse, and deaths of children. I found there to be LITTLE or NO accountability for what happened to children while in the so-called care of various programs within the industry. Instead, I found the outcome to be, blame the so-called troubled child, take a low profile, then "business as usual."

As the Mother of Michelle and advocate for children who have suffered or died while in the so-called care of the "troubled teen industry," I would like to address vital components that I feel are missing from HR 911.

I feel the bill in its current form will NOT send a strong enough message to the industry and will NOT protect future children from the same outcome of those who have suffered and OR died over the past two decades.

I feel that the out-of-control "troubled teen industry" has earned the right to receive a little "tough love" themselves." I feel it is time for the tables to turn.

First, I would like to address the mind-set in the industry called the "window of loss" that says of each child who has died while in the so-called care of the industry, "we lost ONE, but we are saving many." This mentality goes back as far as 1990. The troubled teen industry does not fear negative publicity and believes negative publicity to be good for business.

I have interviewed Governors, Licensors, Judges, and found that they too possess the "window of loss" mentality. Some have said to me that they believe these children need a swift kick in the rear.

The "window of loss" mentality should be top priority with the bill. Zero tolerance for a child dying. There should be no excuse for a preventable death.

If a child dies, close the program pending a thorough investigation.

Second, and just as important is the "Children's VS Parent's Right's Issue."

The program sells their so-called escort service to parents as a means to get their child safely in the program. We did not use the so-called escort service in Michelle's case. We talked about the program as a family and Michelle was happy and eager to go. She looked forward to the program sold to us. School credits, hands on learning experience, etc. Michelle was also looking for a safe haven while she recovered from a date rape. We believed what the program sold to us and thought it would help Michelle.

I have investigated incidents of neglect, abuse and death of children transported into a program. I also interviewed a man who has escorted children into various programs for the past 15 years. Children are often a product of their environment. The whole family may be in need of help. Every case is different. Every child is different. I found that many children were not individualized. The troubled teen industry has proven to be a "one size fits all," quick fix.

I think the bill in its current form has overlooked this very important component. Does a parent have the right to send a child away without due process? Where are the Childs rights? Children are being escorted (kidnapped) and taken away by force at the hands of strangers to an unknown place in another state or country. This by and of itself is devastating to a child. Add to this devastation the fact that your parents lied to you. I am not a rocket scientist, but it should not take one to figure out that lying to a troubled child to get him or she into a program is wrong. The child is hurt and angry. Their parents lied to them! Now add to this an abusive program and imagine what the outcome will be. I see children needing extensive therapy. Who will pay for this?

Third, I must mention what happened after Michelle died and what the owner is up to now.

After Michelle died, we kept after Licensing. Licensing shut the program down after learning of violations with out help. A licensing official promised our family that the owner would never operate a program involving children in Utah again. The owner



moved her operation to Nevada where there were no laws to govern the industry. We received a call asking us to testify. The former owner of the program my daughter died in had influenced legislation. The legislation would not protect children. We did testify and the legislation did not pass. She operated several programs under the radar, returned to Utah. Licensing allowed her to operate programs once again. Another girl died. She is currently working as a Referral Person. The very person who lied to Michelle and her parents and others to follow is now selling programs to parents.

The Referral Industry is what we refer to as the "Gateway to the Industry."

Without the so-called escort service (kidnapping) and the Referral Industry (gateway to the industry), I believe the industry would not flourish the way it is.

Fourth, I feel that giving the industry three years to comply would be like a police officer pulling someone over for reckless or drunk driving and saying slow down and be careful.

I would like to urge you to take a closer look at HR 911 in its current form and the components I mentioned in the above statement. Would HR 911 put an end to the long talked about controversy about this industry? Have enough children suffered and or died to prove this industry to be out-of-control and fatally flawed? Would HR 911 close the "window of loss" forever? Does a child have the right to due process? Should the referral industry continue to capitalize on the pain and suffering of children as they escape regulations?

Sincerely,

Michelle Sutton Memorial Fund, Inc.  
Catherine Sutton

<http://www.michellesuttonmemorial.com>

## Catherine Sutton Supplemental E-Mail Message

**From:** [Catherine Sutton](#)

**To:** [isaccorp@yahoo.com](mailto:isaccorp@yahoo.com) ; [teenadvocatesusa@hotmail.com](mailto:teenadvocatesusa@hotmail.com) ; [kentucky@heal-online.org](mailto:kentucky@heal-online.org) ; [heal@heal-online.org](mailto:heal@heal-online.org)

**Sent:** Tuesday, July 22, 2008 2:34 PM

**Subject:** controversy VS common sense and human rights

Hi ALL,

I don't understand how are still fighting the controversy.

My husband came home yesterday with flu symptoms. He told me that he was throwing up all

the way home as he drove his car. He must have been having a hard time driving because a police officer pulled him over and asked if he needed to be taken to the hospital. Somehow he made it home ok. I was in town 30 minutes away when I received his text stating he was home. I called and asked my husband what happened and if he would like me to bring home some 7-UP? He said yes. My husband also mentioned that he had severe leg cramps in his right calf and could barely walk. While in town, I spoke with two pharmacists, Sam's Club and Walmart, and asked what I could do for him. I mentioned how my husband had recently gone from an office job out into the field. Both pharmacists said his leg cramps could be caused by low potassium. One pharmacist mentioned that I should have his liver checked because he is on lipitor for high cholesterol.

SOOOOO, I bought 7-UP, Tiger Balm for his leg cramps, Potassium and Multi-Vitamins and headed home to care for my husband. I also called our family doctor and set up an appointment for today in case he didn't get better.

I don't understand how these stupid people can get away with neglect, abuse, molestation and manslaughter and here we are two decades later fighting the controversy.

The children who become victims to this industry are under house arrest and in my opinion disabled. They can't drive or walk away from the program. They can't call for help. They are basically under house arrest.

What would happen if my husband were disabled and I chose not to believe he was sick even though he was throwing up in my presence? What if I told my husband his symptoms were all in his head? What if I scolded my husband for stumbling and falling due to his bad leg as he attempted to go to the bathroom? What if I mocked my husband as he stumbled and fell and called him names? What if my husband died of dehydration because he could not care for himself and I was too cruel and inhumane to care for him?

No one would have sympathy for me had I allowed my disabled husband to die of dehydration while I had the means, but chose not to help him because of my own mind-set.

Would people have listen to me as I said, "he lacked the will to live and was not a survivor?"

I don't understand how the controversy continues to take part in deciding what is right when it comes to this industry!

I do understand how the mind-set continues to live on! It is a "hitlerian" mentality. Society has accepted this mentality while children are being treated as throw away kids. Not worth saving. Not worth missing.

Sometimes I wish I could wake up to find this is all a bad dream.....

Missing My Michelle,  
Catherine

## EXHIBIT C



**Dr. Richard Y. Moody - Clinical Consultant, Eagle Ranch Academy**

- Education - Doctorate in Clinical Psychology, Utah State University.
- Related Experience - After working for the Central Intelligence Agency (CIA) for 7 ½ years, Dr. Moody started what has become a very successful and

rewarding private practice in Youth Development Programs. He has served as Millard County Team Leader for Central Utah Mental Health, Clinical Director for SunHawk Academy Youth Program, Clinical Psychologist for the Department of Corrections, and is Co-founder of the TurningLeaf Wellness Center of St. George, Utah. Dean Nixon and many other associates call Dr. Moody the number 1 Clinical Director in the world.

**Dr. Moody says** - *"I have been with Eagle Ranch Academy from the beginning, and although I look forward to playing more golf, I am pleased to be able to continue to contribute as a Consultant."*

**Message from Paul Arslanian** - *"Doc was our first Clinical Director, and we appreciate his efforts in the development of our Program. We hope he enjoys his extra time on the Golf Course!"*

This employee biography was located at <http://www.eagleranchacademy.com/bios.html> on February 19<sup>th</sup>, 2009.