

“Assess the role of CAPTA and its amendments in reducing child abuse in the United States”

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ABSTRACT:

This paper explains the child abuse issues with the hope of improving the current solutions to childhood violence. Recent data shows the magnitude of the violation that is facing children, taking place in many forms: emotional, physical, and sexual abuse. All of these can lead to long-term consequences. The severity of the issue will be highlighted in the case study involving Mary Ellen Wilson. Her case prompted the enactment of the Child Abuse Prevention and Treatment Act (CAPTA).

Over the past 29 years, CAPTA has been implemented in various stages as the definition and response to child abuse has changed. However, CAPTA is encounters a wide range of criticism and calls for improvement. Among them are the formation of collaborations and partnerships with other agencies and organizations focused on protecting children at different ages or status. These criticisms have helped to improve CAPTA. For instance, the revised law provides training for attorneys and caseworkers in the appropriate sharing of knowledge and data between agencies. Ultimately, the rate of child abuse cases decreased in 2012 (686,000) compared with 2008 (716,000) as a result of the improvements in children protection programs under the Child Abuse Prevention and Treatment Act (CAPTA).

Keywords : CAPTA – Child Abuse Act – USA.

Problem Definition:

The purpose of this paper is to identify the issues associated with child abuse in order to discover solutions that will help in overcoming the issue. Child abuse exists in many forms, including physical, emotional, verbal, and sexual violence. While statistics are staggering, the issue of child abuse is complex and often goes unreported until the damage is done. For children, the long-term impact of abuse can lead to psychological issues, failures to achieve self-actualization, or continuing the cycle of violence, as when the abused becomes the abuser.

One abuse case in particular, Mary Ellen Wilson, will be analyzed as the issues of the case were the impetus of a public mandate to pass strong child protection laws. In 1974, Congress enacted the Child Abuse Prevention and Treatment Act (CAPTA). It provides many services such as the implementation of a technology-based information system for preventing future abuse and limiting the spread of this problem. As societal views and opinions have changed regarding what constitutes abuse, CAPTA was revised to meet growing expectations for child protection.

Some of these recent changes include the training of prosecutors and case managers to recognize the signs of child abuse, ways to protect the children, and help the family engage in treatment. Policy provisions include the implementation of a three-tiered prevention and awareness programs: primary, secondary, and tertiary. These programs will be explained further in the paper.

The main argument of this paper is despite recent revisions to CAPTA there is still much room for improvement in the development of public policy and programming. Policy recommendations will include legal and non-legal alternatives, such as the expansion of prevention and treatment programs for the children, families, and offenders.

Child abuse is an issue that is considered a social phenomenon that has caught the attention of researchers, who aim for a deeper understanding in order to develop effective solutions and policies to protect children who face abuse from many people whether or not they are blood relatives. The Center for Disease Control and Prevention (CDC) (2012) defined child abuse as “child maltreatment as any act or series of acts of commission or omission by a parent or other caregiver that results in harm, potential for harm, or threat of harm to a child” (para. 1). Almost all organizations and experts agree on this definition of child abuse.

According to (The National Child Abuse and Neglect Data System (NCANDS), during Federal Fiscal Year (FFY) 2011, 51 states reported 676,569 cases of children who faced abuse and neglect (2012). This amounts to a rate of 9.1 victims for each 1,000 children in the United States. Based on this rate, the national estimate of victims for FFY 2011 was 681,000. There are also demographic factors such as age, gender, and race at play. These include children less than one year old are more likely to be exposed to abuse by a rate of 12.2 per 1,000 children. Girls have a higher abuse rate than boys, 51.1 percent versus 48.6, respectively. Matching the diversity of the population, white children represent 43.9 percent of abuse victims, followed by African Americans (21.5%) and Hispanics (22.1%).

Moreover, child abuse takes on many forms. According to a 2010 fact sheet produced by The World Health Organization (WHO), child maltreatment includes sexual, physical, or emotional violence against a child by a parent, sibling, extended family member, caretaker, or strangers. Approximately 20 percent of females and 5-10 percent of males have been sexually abused as children. It is unfortunate that 25-50 percent of all children have encountered physical abuse during their young lives. Childhood maltreatment has long-term consequences for victims. Many suffer from weakened bodies, mental and health issues. This can lead to issues with academic performance, ability to find and sustain employment, and the inability to develop healthy relationships. Such issues can have negative impacts on the social and economic development of a community as such issues inhibit a person's ability to be a productive citizen.

- **Forms of child abuse**

There are many forms of child abuse such as sexual, physical, and emotional abuse:

Sexual abuse – Sexual violence is the use of force or threat in order to obtain the participation in sexual activities that is not consensual. Sexual abuse is considered an act of aggression and violence. According to The New York Times, girls and boys of children have the same risk of exposure to sexual abuse. However, girls face a greater risk as they age. Women represent 90 percent of sexual abuse victims (Brody, 2011). When it comes to prosecuting childhood sexual abuse, it is difficult to prove. According to Adams (2009), the primary reason is there are no witness except the victim and the perpetrator.

Physical abuse - Physical violence is contact between two or more people that leads to a feeling of fear, pain, and injury. It includes beating, strangulation, burning, fractures, and other injuries that happen in moments of outrage by another person. The New York Times published that there are many factors that contribute to higher risks of physical abuse for children, including drug and/or alcohol abuse, poverty, lack of education, the stress of being a single parent, and exposure to a generational cycle of violence. According to the same article, physical abuse is easier to detect as there are clear signs of violence. The examples they gave include, "black eyes, human bite marks, choke marks around the neck, lash marks, and unexplained unconsciousness in an infant" (Brody, 2011, para. 1, 5).

Emotional abuse - Emotional or mental violence is a form of abuse which causes mental anguish and anxiety for the victim. Emotional or mental abuse can come from verbal aggression, such as bullying and put-downs, dominating behaviors, such as restricting contact with other people, or jealous behaviors, like accusing the child of favoring the other parent (Thompson & Kaplan. 1996). In 2009, Gabalda, Broth, Thompson and Kaslow's study posited, emotional abuse can lead to numerous of negative effects which include: mistrust of others, passive thinking, and feeling unloved. In addition, emotional abuse may result in biological reactions, such as high blood pressure, sadness, behavioral and social problems, decreased self-esteem, and academic difficulties.

- **Impact of child abuse**

According to Al-Qaisy's study of the physical and psychological impact of abuse, any type of child abuse can have long-term effects of victims, including learning difficulties, depression, blindness, and cerebral palsy. This study showed a positive correlation between forms of household dysfunction and various health problems, such as heart disease. In addition, many victims suffer from psychological trauma, which will have an impact on how they function in the community. Society must pay heed to the victims of domestic violence, especially children, who will make up the infrastructure of the community in the future. Furthermore, children do not have sufficient capacity to defend themselves and stand up against the aggressor (2007).

Social attitude

The fundamental reason for this increased attention to the issue is greater exposure from mainstream media. For example, the Mary Ellen Wilson case is considered a famous child abuse situation in New York. The child faced many instances of abuse in her life. The last situation she faced was physical abuse from foster parents. Fortunately, one of the neighbors, Etta Angell Wheeler, saw tangible evidence of physical abuse inflicted upon Mary Ellen, such as malnourishment and neglect. Wheeler began the process to find a legal solution to protect the girl from abuse. Ms. Wheeler's intervention led to the removal of Mary from her foster parents and criminal charges were filed against them (Shelman & Lazowitz, 2005). The media spotlight on this case led to increase attention from society and officials, and a call to reform and amend laws to protect children.

Costin, Karger, and Stoesz (1996) mentioned this trend and how media has had a positive role in bringing child abuse to the forefront in the minds of the community. However, the media's focus has been on the sensationalized cases

found in the middle and upper classes. What media has failed to spotlight is the abuse and neglect suffered by poor children. Many organizations have called for more attention to this societal problem from the perspective of all classes of American society.

Large numbers of innocent children have experienced abuse by perpetrators, as well as children have faced many forms of violence in United States. Media exposure and the lessening of victim shame surrounding child abuse has led to an increase in the number of child abuse reports. At the same time, there has been greater pressure placed on the children welfare system to find ways to protect children and stop the violence. However, for all the progress made in reporting abuse, there are still tens of thousands of abused and neglected children's cases that go unreported. With the overwhelming caseloads and cases that fall through the cracks, the children's welfare system has lost people's trust that they can accomplish desirable goals to protect children and develop resources to prevent abuse (Costin, Karger & Stoesz, 1996).

While progress has been made, it is important that the U.S. Department of Health & Human Services continue to work toward providing more protections and attempt to reduce the rate of abuse for children by strengthening The Child Abuse Prevention and Treatment Act (CAPTA).

Legislation

The Child Abuse Prevention and Treatment Act (CAPTA) is a key legislation in the fight against child abuse and neglect in the United States. Its purpose is to provide the standard that enables states to define child abuse. In addition, the act grants Federal funding to states, federal agencies and non-profit organizations to aid in the investigation, assessment, prevention, and treatment of child abuse. CAPTA also provides funding for research, program evaluation, and data collection.

Since enacted in 1974, there have been several revisions over the past four decades. There are two reasons for the number of revisions to CAPTA: first, the definition of child abuse has changed over the last 40 years. As research has been able to better define the nature and scope of the issue, the legislation has been adapted to meet those changes. The second reason has been the addition of federal funding for both programs and research (The National Association of School Resource Officers, 2012)

According to Adams (2009), CAPTA is responsible for several actions to prevent child abuse such as establishing the Office of Child Abuse and Neglect, allocating of federal resources to protect children from abuse and neglect, providing guidelines to establish programs to prevent child abuse and neglect prevention as well as treatment programs, providing funding to investigate and prosecute child abuse cases, and the development of a database to obtain precise information about this problem.

Criticism of current law

Since CAPTA was enacted in 1974 through 2014, there have been many amendments for the improvement and development in order to commensurate with the needs of children and protect them from exposure to abuse. One criticism directed at CAPTA is it needs more funding to implement programs for protection of infants and toddlers. In doing so, policymakers, researchers, and providers would be able to create optimal programs and promote collaboration between CAPTA and Individual with Disabilities Education Act (IDEA) service providers, especially those focused on part C. Such collaboration could work together to protect infants and toddlers by providing greater oversight (Stahmer, Sutton, Fox & Leslie, 2008).

Moreover, Nunno (2009) suggested additional standards to reduce the risk that face children. These are:

- 1) clarify duties and responsibilities for all staff who have direct connect with children and empower staff to file reports when there is suspicion of abuse, neglect, or other violations witnessed.
- 2) a concentration on long-term learning which encourages a victim to defend her/himself in abuse cases.
- 3) developing an array of plans to be utilized by staff dealing with victims of child abuse, for instance, individual and group safety plans and individual crisis management plans.
- 4) publicize suspected abuse and neglect reporting and protection systems in various community venues to provide greater opportunity for parents and children to access the system.

5) issue annual reports about cases of violations against children along with the persons or entities that are violated those rights.

The essential goal of the criticisms and suggestions from researchers is to increase the effectiveness of CAPTA. Therefore, it is preferable to amend some of the regulations and guidelines in the ACT to bring it up-to-date and to help improve its effectiveness and efficiency.

Improvement, changes, needs in the law based on criticism

While Davidson (2011) indicated that CAPTA is one of the most important laws that provide funding for child welfare agencies across the United States, one of the chief criticisms is the lack of funding to fully implement the programs. Although President Obama re-authorized a five-year extension of the Federal Child Abuse Prevention and Treatment Act, in 2010, funding for human services is a primary target for a Congress focused on cutting government expenses. In spite of this problem, CAPTA and IDEA agencies continue to work hard to find ways to implement mandated programs, including the new amendments signed into law.

Included in the renewed act were several new amendments meant to strengthen the protection of children and further reduce the incidence of child abuse. As this law only took effect two years ago, agencies are still in the process of putting the law into practice. The new elements in the reauthorization of the CAPTA enable the child welfare system to move from treatment to prevention. Among the key features are:

- training for attorneys and caseworkers, who work with child victim, on child development to help them deal more effectively with their clients.
- new protections for children born with Fetal Alcohol Spectrum Disorder.
- CAPTA no longer requires agencies to reunite children with families whose parent(s) commit sex offenses against their children. Children have a say in deciding if they want to be reconciled with the parent(s).
- every person wishing to adopt a child, whether or not they are related to that child, is now subject to a criminal background and child/abuse neglect registry checks to help protect all children from potential abuse.
- among the amendments is the implementation of knowledge management, or sharing knowledge, not just data, between agencies, which deal with human services, such as mental health, health care, and disability support.
- another amendment is the mandate for Child Protection Service agencies in each state to implement a technology-based information system, which can track cases from report to conclusion to reduce the risk of children “falling through the cracks” (Davison, 2011, p. 1).

Moreover, according to Davidson (2011), CAPTA also requires the U.S Department of Health & Human Services (DHHS) to publish yearly reports regarding children who face abuse through the National Child Abuse and Neglect Data System (NCANDS). Included in 2010 revisions, CAPTA added the reporting of the number of newborns born with Fetal Alcohol Spectrum Disorder (FASD) as this is an indicator of future childhood violence and abuse (Ibid.).

DHHS (2012) reported to Congress that they had found a steady decline in child abuse cases from 2008 to 2012: “From 2008 to 2012, overall rates of victimization declined by 3.3 percent, from 9.5 to 9.2 per 1,000 children in the population. This results in an estimated 30,000 fewer victims in 2012 (686,000) compared with 2008 (716,000)” (para. 2). This statement coincides with the downward trend that began in the 1990’s; CAPTA began implementing more aggressive policies and there was greater public awareness of the issues surrounding child abuse. The largest declines have been seen in sexual and physical abuse, with neglect following close behind (Child Welfare Information Gateway, 2010).

Goals of amendments

Below are several goals that I ascertained from the amendments to the 2010 CAPTA law. Among them are:

- a move from a treatment-based system to a prevention-based system. This goal will allow agencies to be initiative-taking instead of reactive to their responses to issues and trends. It enables service providers to be a part of the process of the design and implementation of programs and policies.
- develop a system of knowledge management allowing agencies to share information and develop joint policies to better protect children and close the gaps in which children are lost in human services agencies.

Advancing the implementation of a standard reporting system that will not only track cases from report to closure but allow the sharing of this data among agencies across the country, means children are further protected should they be moved across state lines.

Alternative non-legal solutions

To move toward a preventative-based system, one possible solution would be to develop treatment programs for children subjected to domestic violence to help break the cycle of abuse. According to Fang and Corso (2007), there is a strong correlation between children who were abused and who are perpetrators of child abuse and other violent acts. The rates of victimization increase among those living at or below the poverty line. By developing programs that work with the victims, it can help change behaviors while they are young, before these children can become perpetrators, thus preventing future abuse.

The current trend is developing prevention activities based on the type of program level needed:

At the primary level, this includes prevention activities directed to the whole population that aims to raise public awareness in the community, service providers, and decision-makers in order to protect children from abuse before it occurs. For instance, publicizing awareness among citizens through campaigns, which direct them in how and where to report suspicious situations of child abuse and neglect. Such campaigns could include public service announcements on radio and television stations that teach parents nonviolent communication skills when disciplining their children (Goldman, Salus, Wolcott & Kennedy, 2003).

The secondary, or selective, level includes prevention activities that concentrate on families who exhibit a high risk of maltreatment in order to resolve problems that lead to child abuse. These issues include “substance abuse, young maternal age, developmental disabilities” (Goldman et al., 2003, para. 8). However, there are continuous efforts to achieve desired goals of prevention activities through:

- parent education programs located in high schools for teen mothers.
- substance abuse treatment programs for parents with young children.
- respite care for families who have children with special needs. (Goldman et al., 2003, para. 8)

The last level is tertiary, and activities at this level are geared toward known cases of familial maltreatment. These activities are aimed at preventing or reducing further abuse. In addition, programs at this level seek to decrease the problems associated with maltreatment such as “social-emotional problems in children, lower academic achievement, decreased family functioning” (Goldman et al., 2003, para. 10).

Tertiary programs involve the following components:

- communication with mental health counselors to provide consulting services for the family for 24 hours per day.
- providing mental health services for children and families who have been exposed to violence to help them disposal negative impacts of maltreatment. (Goldman et al., 2003)

In order to be truly effective, there needs to be an effort to continuously evaluate and improve current programs. This can be accomplished through a collaboration of state agencies working with the Children’s Bureau, a department of the DHHS, to help develop and implement prevention programs in each of the states. While CAPTA leaves the execution of services to the individual states, by working together the agencies can provide a standard guideline and model for states to follow. With the sharing of information, new insights can be gained in which best practices work and are practical to implement.

The implications for public administration:

The U.S constitution argued at the beginning “We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America” (U.S. Constitution, Article 1, section 1).

While child abuse is a complex issue, affecting a wide array of public sectors, beyond the abused child. Social issues, like child abuse, have a ripple effect. Imagine a stone dropped into a still pond; after the initial impact, the ripple effect grows larger as the stone's impact is truly felt. Therefore, the main focus for public administrators is not only the protection of the child but putting systems into place to prevent the abuse. Outreach programs established in communities to deal with child abuse or help report cases to the correct authorities will better protect children and provide them with healthier environments.

While public administration is only one of numerous sectors that influence child abuse, public policy can set the tone for intolerance for the community. However, there are a lot of cases that appear to need more precise policy in order to be resolved. This brings to light a difficult truth, policy making alone cannot resolve specific cases.

What policymaking can do is offer a set of guidelines and regulations to enable agencies to enable develop effective and efficient programs on all three levels of prevention. One policy issue would be to advocate for the money to pay for such programs, to send a signal that children are our country's most valuable assets. As for public administration, developing a collaborative environment among state and federal agencies would go a long way toward developing consistent policies, regulations, and guidelines which would translate to all 50 states. In doing so, it would create a safety net which would protect our children, deal with the systemic issues often found in maltreatment cases and provide hope to end the cycle of abuse.

Conclusion:

Based on statistics in recent years, posted by NCANDS in 2011 and WHO in 2010, there is a dire need to concentrate on the issue of child abuse. Many perpetrators commit this abuse, including parents, caregivers, or siblings. Also, forms of abuse include different types, such as sexual, physical, or emotional abuse. However, whatever the particular type of abuse, the victim suffers long-term effects, like learning difficulties and depression, and ultimately can affect the entire community.

Since CAPTA was enacted in 1974, it has undergone many changes and amendments. These changes were to improve program services and better protect children. The focus on the Mary Ellen Wilson case helped bring child abuse cases to the forefront and led to CAPTA. Coverage of Wilson was the turning point that made officials and community members keen to protect children from any kind of serious jeopardy facing them. During this period, CAPTA faced many criticisms and had to overcome weaknesses or gaps.

Further changes to the current policy should only help to strengthen the safety net CAPTA is supposed to provide. The sharing of knowledge and information across state lines or between investigating agencies, will help to close the gap in which some children and adults are lost until further harm is done. By moving to a prevention-based model, the rate of child abuse will continue to fall, and lessens the likelihood that the abused will later become the abuser. Although the issue of child abuse is complex, sometimes it is just simple information and compassion that are the keys to put an end to this problem.

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"تقييم دور قانون CAPTA وتعديلاته في الحد من ظاهرة إساءة معاملة الأطفال في الولايات المتحدة الأمريكية"

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الملخص:

تشرح هذه الورقة قضايا إساءة معاملة الأطفال على أمل تحسين الحلول الحالية لعنف الأطفال. تظهر البيانات الحديثة حجم الانتهاك الذي يواجهه الأطفال، والذي يحدث في أشكال عديدة: الاعتداء العاطفي والجسدي والجنسي. كل هذه يمكن أن تؤدي إلى عواقب طويلة الأجل. سيتم تسليط الضوء على خطورة المشكلة في دراسة الحالة التي شملت ماري إيلين ويلسون. ودفعت قضيتها إلى سن قانون منع إساءة معاملة الأطفال وعلاجهم.

وعلى مدى السنوات الـ 29 الماضية، تم تنفيذ قانون منع إساءة معاملة الأطفال على مراحل مختلفة مع تغير التعريف والاستجابة لإساءة معاملة الأطفال. ومع ذلك، يواجه CAPTA مجموعة واسعة من الانتقادات ويدعو إلى التحسين. ومن بينها إقامة علاقات تعاون وشراكات مع وكالات ومنظمات أخرى تركز على حماية الأطفال في مختلف الأعمار أو الأوضاع. وقد ساعدت هذه الانتقادات على تحسين كابتا. فعلى سبيل المثال، يوفر القانون المنقح التدريب للمحامين والعاملين في القضايا على التقاسم المناسب للمعارف والبيانات بين الوكالات. وفي نهاية المطاف، انخفض معدل حالات إساءة معاملة الأطفال في عام 2012 (686,000) مقارنة بعام 2008 (716,000) نتيجة للتحسينات التي طرأت على برامج حماية الأطفال بموجب قانون منع إساءة معاملة الأطفال وعلاجهم (CAPTA).

الكلمات المفتاحية: قانون CAPTA - إساءة معاملة الاطفال - الولايات المتحدة الأمريكية