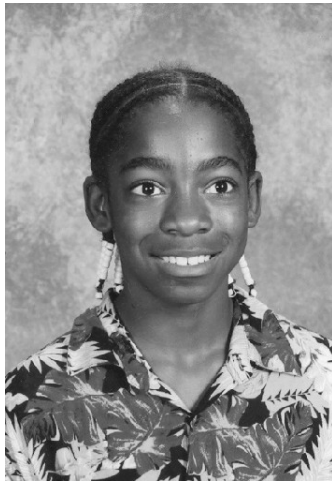


Children's Healthcare Is a Legal Duty, Inc.

Box 2604, Sioux City IA 51106
Phone 712-948-3500, FAX 712-948-3704
Web page: www.childrenshealthcare.org

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E-mail: childinc@netins.net
Written by Rita Swan

Equal rights for children under the law



Martin Lee Anderson

Behavior modification programs: A year of deaths and lawsuits

Over the last four decades a multibillion-dollar industry of residential programs has arisen that promises to change behavior and attitudes of rebellious adolescents. Facilities are variously called specialty boarding schools, therapeutic residential care facilities, boot camps, emotional-growth camps, and wilderness therapy camps.

CHILD originally became concerned about this industry because some states allow religious groups to operate residential care for children without state licensure. Inadequate regulation is, however, a far broader problem. In our view the entire industry needs more state or federal monitoring.

Thirteen deaths of minor children in behavior modification residential care came to our attention in 2006:

Martin Anderson, 14, by suffocation and forced inhalation of ammonia, Florida
Anderson Maxey, 17, drowning, Florida
Alex Cullinane, 13, heatstroke, Florida
Dillon Peak, 14, hypoxic encephalopathy, Florida

Lenny Ortega, 12, drowning, Texas
Chris Hill, 17, suicide, Texas
Harry Rutledge, 15, suicide, Texas
Natalyndria Slim, 16, suicide, New Mexico
Elisa Santry, 16, probable heatstroke, Utah
Rocco Magliozzi, 12, Rocky Mountain tick fever and West Nile virus, Idaho
Giovanni Alteriz, 16, suffocation in prone restraint, Pennsylvania
Darryl Thompson, 15, cardiac arrhythmia exacerbated by stress and prone restraint, New York

Criminal charges were filed in one of the deaths during 2006. A civil lawsuit was settled in 2006 and some new ones were filed.

This newsletter discusses some of these cases for what they illustrate about inadequate state regulation.

Martin Lee Anderson

The most publicized case was that of Martin Lee Anderson, 14, who died on January 6, 2006, within hours after entering the Bay County Sheriff's Boot Camp in Panama City, Florida.

Martin was on his school basketball team and had made the honor roll. He had not been in serious

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trouble with the law before he and others took his grandmother's car on a joy ride and crashed it. Martin, a passenger, was charged with grand theft. Later he violated his probation by trespassing at school and was sent to the boot camp.

According to Aaron Schwarz, another juvenile offender at the boot camp, all the kids were addressed as "Offender" plus last name. He saw Martin's braids shaved off aggressively by a mocking drill instructor (DI).

Boy beaten for faking exhaustion

After Martin was checked in, the drill instructors ordered him and other boys to run sixteen laps and do push-ups and sit-ups. Martin was doing well, but then he staggered and fell.

Drill instructors began slamming Martin against a wall and hitting him. They should have known he was not faking exhaustion because he didn't fall until the last lap, Aaron pointed out.

After the others finished their laps, a guard ordered the boys to sit on the ground and look straight ahead. "Offender Anderson's going to have a long day," he laughed.

The camp's videotape shows guards holding Martin on the ground and then the boy getting up and trying to finish the last lap. He stumbles and falls again. The guards hold him up three times or more. The boy looks limp and unable to stand.

Nurse watches boy collapse after beatings

Throughout the assault, the camp nurse, Kristin Schmidt, watches passively.

Though Martin offers no resistance, the guards continue to hit him. Then they push an "ammonia stick" up his nose in an attempt to revive him.

But the ammonia did not revive Martin. Soon the boys heard sirens and were led inside. Martin was taken away only hours after arriving at the camp and died the next day.

That evening a camp counselor told the boys Martin had died of natural causes, Aaron said. The next evening a mental health counselor told them that "it was completely medical. . . . Athletes die every day, all the time, for medical reasons."

Aaron said camp life was repeated forced exercise, thumbs jammed into pressure points behind their ears, knee takedowns, hammer-fist punches, and being slammed into concrete walls by DIs who

videotaped it all. From their beds the boys could hear the DIs watching the tapes in a nearby room, cheering on their best hits.

Aaron said he was once dosed with ammonia capsules when he nearly passed out from exercise.

"The stuff they did to [Martin] they did to everybody every day," Aaron said.

Kids accused of faking illness

Ms. Schmidt often accused the kids of faking it when they said they were hurt or sick, Aaron said. She refused to give him anything but Sudafed for more than a month when he was suffering from asthma and a chest infection, he charged. After Martin's death, a doctor finally saw him and put him on antibiotics, he said.

Controversial autopsy

The Bay County medical examiner, Dr. Charles Siebert, reported that Martin died from complications of sickle cell trait. Many were outraged by the autopsy findings, but the National Association of Medical Examiners defended Siebert, saying that sickle cell trait raises the risk of sudden death.

Public demands boot camps, Bush says

Governor Jeb Bush at first defended the examiner and the boot camps, which he said the public had demanded in order to reduce crime. He would not meet with Martin's family.

Public outrage built. A second autopsy was ordered from which Dr. Vernard Adams concluded as follows: "Martin Anderson's death was caused by suffocation due to actions of the guards at the boot camp. The suffocation was caused by manual occlusion of the mouth, in concert with the forced inhalation of ammonia fumes that caused spasms of the vocal cords, resulting in internal blockage of the upper airway."

In April about 1,500 demonstrators marched on the Capitol accusing the state of a cover-up. Many crowded into Bush's public sitting room and refused to leave. The next day Bush met with the family.

Boot camps closed

He later signed into law the Martin Lee Anderson Act, which closed Florida's five boot camps that had held around 130 youngsters. It required the sheriffs to replace them with the highly regarded

Sheriffs' Training And Respect program (STAR), which had a recidivism rate in Florida of about 20% compared to a rate of 62% for the boot camps.

The act prohibited use of "harmful psychological intimidation techniques," pepper spray, and tasers. It gives children the right to report abuse and call 911. It also repealed a law that exempted police, sheriffs, and employees of government detention facilities or Department of Corrections from reporting child abuse and neglect to the Department of Children and Families (DCF) or from being investigated by the DCF for abuse or neglect when "acting in an official capacity."

But no money for new programs

However, the legislature did not appropriate any funding for the increased costs of the STAR program. Consequently, only the Polk County sheriff has converted his boot camp to a STAR program. The other sheriffs have closed their boot camps, but not replaced them. The average salary for employees at Florida detention facilities is \$20,223 with annual turnover rates as high as 55%.

Compensation from the state is so poor that there have been no qualified bidders for eight programs requested by the state, twelve current providers are in the process of closing their programs, and three will close when their contracts expire.

Criminal charges and civil suit

In November charges of aggravated manslaughter were filed against seven drill instructors and the nurse in Martin Anderson's death.

His parents have filed a wrongful death civil suit against state and county officials.

Taken in part from the *Miami Herald*, Feb. 26, 2006; *New York Times*, May 6, 2006; and *St. Petersburg Times*, Nov. 28, 2006.

Oversight lacking on public money for religious military academy

Alex Cullinane, 13, died at Back to Basics Christian Military Academy start-of-school retreat in Oleta River State Park near Plantation, Florida, on August 12, 2006.

Water rejected after strenuous exercise

Alex died of heatstroke after days of strenuous outdoor training during which he often rejected food and water.

Fellow students and other witnesses told the press shortly after the death that Cullinane had appeared weak, sluggish, tired, and "unwell" the day before he died when students were put through running drills. They said he had no appetite and was unwilling to drink water even when it was offered by adults. He complained of dizziness and pain in his back, knees, and stomach.

The students wore fatigues, marched, and exercised. Their last activity on August 11 was running relays on the beach around 11 p.m. Four hours later Alex told a "drill sergeant" he was sick. He became incoherent, and then collapsed while being escorted to the bathroom by the man. Some press accounts call the escort a teenaged "squad leader."

One parent said his sons were dehydrated, sunburned, and had insect bites when he picked them up from the camp.

Causes of heatstroke

In healthy children, heatstroke generally happens after heavy exercise at extreme temperatures, according to the U.S. Centers for Disease Control and Prevention (CDC). By August 12, students at the camp had undergone four days of intensive outdoor training during near-record temperatures in the mid-90s with high humidity.

Dr. Peter Antevy, a pediatric emergency room physician at DiMaggio Children's Hospital in Hollywood, Florida, said heatstroke occurs when someone exercises in the heat for hours without drinking enough fluids or is not wearing light, airy clothes. Antevy also pointed out that some of the children might not have played sports for months.

Symptoms of heatstroke include hot dry skin, stomach ache, headache, nausea, dizziness, fainting, erratic behavior, and convulsions as the body loses its ability to control overheating.

During heavy exercise in hot weather, people should drink two to four glasses of cool fluids an hour, the CDC recommends.

Reginald and Lynda Browne, who own Back to Basics Christian Military Academy, said students at the camp have canteens of water with them and

drink every 20 minutes. When it got too hot, the exercise stopped and the children sat in the shade, they said.

Owners unconcerned about refusal of water

Mrs. Browne defended their letting Alex refuse food and water. “You can’t force anyone to do anything,” she said. “All the children were given an opportunity to drink plenty of water, take plenty of food. Many of the children said he was throwing his away.”

The school’s answering machine described the camp as a “military juvenile boot camp,” but the Brownes denied they ran a boot camp. They have policies against hitting kids or verbally abusing them. “We are Christians,” Mrs. Browne said.

Alex had gone to another Christian school, but it closed in 2006. His mother, Dena Cullinane, enrolled him in Back to Basics for the fall even though she did not like the military framework. She felt the physical activity at the school would be a good complement to his intellectual and spiritual development.

Boy did not like athletics

She apparently, however, raised a concern to the staff about the weekend, pointing out that her son did not enjoy athletics and was not in condition. Later she said the staff had told her “they would start at his level and build” and that the camp’s program was “leadership training” rather than “intense military training exercises.”

She and Alex had a close, loving relationship, and she did not have discipline problems with him. He made top grades and always won the award for Christian character at his previous school, she said.

Many of the academy students, however, have discipline problems and medically-diagnosed disabilities, including behavioral disorders. The school opened in 2005 with nineteen students in seven grades. Fourteen of the nineteen were disabled students who received \$86,760 in state-funded vouchers.

The school’s stated mission is to teach Christian values and military-style discipline. Physical exercise is ordered by drill sergeants to maintain order and respect and to punish. Students must shave their heads and wear uniforms.

Brownes accused of misusing money and licensure

In 1991, the state ordered Reginald Browne to stop referring to himself as a psychologist because he was not licensed as such in Florida.

In 1995, he was fired amid allegations of financial mismanagement from his job as CEO of Family Life Institute for Counseling, Education and Research, an agency that counseled at-risk youths. His wife and son also worked at the institute, which ran a group home in Lauderhill.

Broward County and the Florida Department of Juvenile Justice revoked grants to the institute after investigations concluded that money had been misused.

After Alex’s death, Browne tried to distance the academy from a “subcontractor,” Juvenile Military Training and Leadership Corporation, which, he said, ran the outdoor camp.

State records, however, showed the subcontractor had the same address as the Brownes’ home. In other words, the Brownes were subcontracting to themselves.

After media coverage of Alex’s death, the city of Lauderhill found that the academy had never applied for an occupational license to operate a school and shut it down.

It reopened in another town, and parents loyal to the school would not tell the press its new location. Eventually, the Brownes got the required permit to operate their business in Hallandale.

School: not responsible for accident

Mrs. Cullinane called Alex’s death “God’s will,” and the Brownes said they bore no responsibility for it. The *Florida Sun-Sentinel* reported that their claims were “validated” by the medical examiner and police, who ruled the death an accident.

Cullinane’s effort to accept the loss of her only child did not obviate her grief. “He was my life,” the widow said.

CHILD’s view: camp was negligent

The Back to Basics owners’ claim of exoneration because Alex Cullinane’s death was ruled an accident is myopic and ominous. His heatstroke could have been prevented if they had placed a higher priority on the health and safety of children. A responsible caretaker does not allow children to

suffer the fatal consequences of refusing to drink water. When Alex refused water, he could have already had an altered state of consciousness from exercising in the extreme heat and humidity.

Nearly all students disabled & get vouchers

Florida gives McKay scholarships for disabled students to attend private and parochial schools. Public money is given as vouchers for parents to use to pay the tuition at these schools.

After Alex's death enrollment at Back to Basics Christian Military Academy grew to 26 students in six grades in the 2006-07 school year. Twenty-four of the students are classified as disabled. The academy has received \$204,493.50 so far this school year from public money for their education with approximately another \$70,000 still coming for the school year. The other two students receive corporate tax credit scholarships, also essentially using public money. The academy has five teachers, but no guidance counselors. The state does not require the teachers to be full-time.

No services for disabled kids

So, nearly all the students are disabled, and the school is paid hundreds of thousands of taxpayer dollars to educate them, yet the school offers no services for disabled children. Back to Basics Principal Lynda Browne was asked on a form she had to file with the state, "Does this school have classes exclusively for children with exceptionalities?" and "Does this school offer exceptional student education services and other related services?" She wrote "no" to both questions.

She also wrote "no" to the question, "Is this school a nonprofit organization?"

Few quality controls, no testing required

The state has woefully few quality controls on the education there. One is that the private schools students attend on a McKay scholarship must hire teachers with at least a bachelor's degree, three years' teaching experience, or special skills. Another is that the students must first be enrolled in a public school and have an individual education plan (IEP) drawn up by the school district.

After the student leaves the public school and enrolls in the private school, however, the state will give him McKay scholarship money with no docu-

mentation of his progress required. The money keeps flowing until the student graduates from high school or leaves school. The state requires no testing or other evidence that the private school is following the IEP or that the student is learning anything.

Parents can decide

An employee of the Florida Department of Education told us the state lets parents decide if a school is a good place for their child.

The state government webpage says that "Florida continues to lead the nation" in school choice. That may well be true both in terms of the amount of public money going to private schools and the lack of oversight. Florida law states, "It is the intent of the legislature not to regulate, control, approve or accredit private educational institutions."

Taken in part from *South Florida Sun-Sentinel*, Oct. 14, and information provided by the Florida Department of Education.

Voluntary program not regulated



Elisa Santry, 16 (above), died July 16, 2006, of heatstroke after going on a mid-day hike in a Utah desert when the temperature was 110 degrees. She became separated from the other girls she was hiking with, and by 6 p.m. they knew she was lost. Youths and camp staff trained in search and rescue looked for her and found her body at 11 p.m.

An outstanding student, Elisa won a scholarship for the Outward Bound Wilderness program.

Her mother first opposed her daughter's going, fearful that something tragic would happen. The mother changed her mind at the last minute, after a mentor assigned to Santry convinced her that the trip was safe and a good opportunity. The teenager received a mentor as a part of the scholarship.

Hiking alone teaches self-reliance

Unfortunately, the mentor was not with Elisa when she got lost. Though the program says it assigns buddies for each participant, Elisa did not have one. For large chunks of time that day—Elisa's sixteenth in the program—youth were allowed to hike without adult supervision and sometimes alone, said Outward Bound Wilderness President Mickey Freeman. It's not uncommon for teenagers to hike by themselves, he said, noting that the program is designed to teach responsibility, confidence, and self-reliance.

The camp has been criticized for scheduling a hike at mid-day in extreme heat and for not notifying law enforcement until they found her body.

Utah doesn't regulate camps if kids freely choose to attend them

Hiking in temperatures above 90 degrees and allowing youth to travel alone violates Utah state regulations for wilderness programs that troubled youth are mandated to attend. But those regulations don't apply to Outward Bound Wilderness because it is a voluntary program open to all youth, said Ken Stettler, director of the Office of Licensing for the Utah Department of Human Services.

"All we can do is regulate the youth treatment programs, not the recreation programs. Otherwise, we would have been on those guys before," Stettler said, referring to Outward Bound Wilderness.

Elisa's mother, Elisa Woods, has filed a wrongful death suit against Outward Bound.

Sources include *The Boston Globe*, July 20 and 23, 2006.

Pennsylvania moves toward banning prone restraints



Joey and Mom

Giovanni "Joey" Alteriz, 16, died February 4, 2006 at SummitQuest Academy in Ephrata, Pennsylvania, after restraint in face-down position.

The family's attorney, Peter Karoly of Allentown, said the autopsy showed evidence of a traumatic injury to the left side of Joey's head, chest compression, lesions inside his shoulders, bite marks on his lips and tongue, stomach material in his nose, and bleeding near his shoulder blade, ribs, and spine. Karoly said those were indications that Joey had suffocated while being held face-down.

Pennsylvania Protection and Advocacy, Inc. (PP&A) investigated SummitQuest after Joey's death and reported, "It appears that SummitQuest inappropriately restrains the youth in its care in lieu of appropriate behavioral interventions, resulting in both abuse and neglect."

PP&A recommended that the Department of Public Welfare require SummitQuest to "move to a restraint-free environment," and the facility has done that.

Regulations to ban prone restraints proposed

Child advocates had been trying to ban prone restraints in the state before Joey's death and gained more traction after it. The state Office of Mental Health and Board of Education have each issued proposed regulations banning prone restraints. The Office of Mental Retardation and Department of Public Welfare have strongly advised against such restraints.

Joey's mom, Cynthia Alteriz, has filed a civil suit against SummitQuest.

Sources include *Lancaster New Era*, Feb. 9 and March 31, 2006, and conversations with Pennsylvania officials.

Montana's unregulated residential programs—money talks

In September Montana Public Broadcasting System aired a documentary about the state's unregulated therapeutic residential programs entitled *Who's Watching the Kids?*

Montana has about thirty private programs for troubled youth. About 1200 youths are in them annually with 90 to 95% of them coming from other states. The programs employ 600 people, gross \$40 million annually, and pay \$4 million in state income taxes each year.

Montana does not regulate the programs unless they receive public funding.

The largest program is Spring Creek Lodge near Thompson Falls in Sanders County. It came into Montana in 1997 when the local economy was very depressed. Now it is the largest employer in the city and the region. It makes large campaign contributions to the sheriff and other local officials. It requires its students to do free manual labor for local businesses and individuals.

Sex abuse conviction trivialized

It was affiliated with the controversial World Wide Association of Specialty Programs and Schools (WWASPS). Many of its first students came from a WWASPS program in Costa Rica that was closed after students revolted and public officials discovered its cruelty to students.

In 2003 a Spring Creek Lodge staffer was charged with rape and sexual assault of two boys at the school. He later pled guilty to felony endangerment and was sentenced to three years probation.

WWASPS President Ken Kay said the staffer's guilty plea did not mean "anything inappropriate happened." It might just mean, he said, that the staffer had the child in "a situation where there was the possibility that something could have happened."

Kay: dysfunctional kids fabricate stories

"There have not been any substantiated allegations that I am aware of, ever," Kay said. "These kids have a long history of fabricating the truth and not functioning well in mainstream society."

Kay may well be unaware of "substantiated allegations." He later told the media that WWASPS was a membership organization that collects dues from its member programs, but does not monitor their activities.

Sheriff refused to execute court order

The PBS documentary told of a Michigan girl called "Jenny," who was severely abused by her father and very depressed. In 2004 Social Services intervened and was on the verge of removing Jenny from her home when her best friend learned that an escort service had taken her to Spring Creek Lodge in the middle of the night.

The Oakland County District Attorney got a court order for her return. He was astonished when the Sanders County Sheriff told him that Jenny was fine and refused to execute the court order. Later the Montana Attorney General's office got involved, and the sheriff did return Jenny to Michigan.

Did directors ignore suicide warnings?

A month later Karlye Newman, age 16, committed suicide at Spring Creek Lodge. Montana Public Health and Human Services (PHHS) investigated the school. They substantiated neglect charges against twins Chaffin and Cameron Pullan, the school's director and assistant director, for ignoring warning signs that Newman was suicidal.

An appeals court, however, overturned the neglect finding because PHHS had no authority to write rules or regulations applying to the school and therefore no authority to find school officials negligent. The Pullans then told the press that the ruling proved they had done nothing wrong.

Three suits filed against school in 2006

In 2006 Karlye's mother Judith Newman filed suit against the school alleging wrongful death, fraud, and negligence. Her complaint charges that Spring Creek put Karlye in isolation for hours and even days at a time, which damaged her mental health. She charges that Karlye exhibited self-loathing and despair at the school and had told

several people there she wanted to commit suicide, but the school never informed Mrs. Newman of her problems.

Another suit filed against Spring Creek Lodge in 2006 was by former student Jonathan Herrick, who alleged negligence and breach of contract. Herrick claims Spring Creek's inadequate staffing and oversight policies led to repeated physical and psychological assaults, which caused him to suffer "serious physical, mental and emotional injuries."

Also in 2006 Spring Creek was named as a defendant in a federal lawsuit against WWASPS and its schools by dozens of plaintiffs alleging negligence, fraud, breach of contract, battery, assault, false imprisonment, and racketeering.

Former Spring Creek student Jordan Hopp says students punched him in the face and beat him with a shower curtain rod after he tried to run away in 2006. His parents removed him from the school and were so upset by the school's and local law enforcement's unresponsiveness that they offered a \$5,000 reward for information about the attack.

Programs move to Montana to avoid regulations

Spring Creek Lodge is not the only program to move to Montana after getting in trouble with official regulations and laws elsewhere.

In 2002 Montana Child Protective Services took eleven teens into protective custody after social workers found them tent camping in cold, rainy weather with limited food, some of which had spoiled, and inadequate clothing. The teens were enrolled in High Peaks Wilderness Program in Utah. The program was closed down by a Utah court order because of alleged violations of licensing and safety requirements. The same week that the facility was closed, one director moved with the youth to property that High Peaks had purchased in Montana. The other director signed an agreement with the state of Utah never to operate a youth treatment facility in Utah again.

Boy expelled and left at airport

In 2001 the House of Barnabas, a Christian residential program for troubled boys that was illegally operating without licensure in Wyoming, moved its program to Montana where it was exempt from licensure requirements.

Two months later the program director drove a resident to an airport in Wyoming and left him there without money or a ticket to go home to the East Coast. Wyoming Child and Family Services was called; the youth reported that he had been involved in a sexual encounter and was expelled "because he would not repent." Today this program that did not meet Wyoming's basic safety and health standards still operates in Montana.

A Christian ministry for troubled teenaged girls called Hope Ranch moved to Whitefish, Montana, in 1995 from Washington because it did not have enough money to meet that state's rules and regulations.

Danger signs in contracts

There are many danger signs in the contracts parents sign when placing their children in these programs. The contract for Spring Creek Lodge (SCL) disclaims responsibility for all possible harms to the student. Parents must authorize the school to apply any "behavior modification techniques. . . deemed by the School to be necessary."

On health care, the contract says the staff "try to make decisions taking into consideration a balance between added costs to the parent for medical care, and true medical need of the Student." These "judgment calls," says the contract "are subject to human error, especially since many . . . have to be made by non-medical staff." An untrained staff weighs cost and the truthfulness of the student to decide whether medical care is really needed.

"Only minimal records"

Parents must agree that "staff are hired not necessarily by credentials but to carry out the outlined programs specifically designed to benefit students. . . ." SCL "cannot assure" that any academic credits they award "will be accepted by any specific school district." Parents have to "understand that the School wishes to utilize its resources in working closely with the students, rather than spending a lot of time and resources in Administrative and Bureaucratic duties [*sic*]. Therefore, the School keeps, maintains, and retains only minimal records and paperwork." The parents "understand and agree to accept whatever records" SCL, "in its sole discretion, deems necessary to keep. . . ."

Expulsion for unannounced visit, no refund

Communication between parents and child is strictly controlled. Until the child reaches “Level 3” in attitude and behavior and has been at SCL for at least two months, the family can communicate only by letters and the enrollment contract specifies that SCL staff has the right to monitor all mail. After that, children can have one phone call per month. After the child attains Level 4, parents may come for a brief visit to be with him on the campus only, per arrangement with SCL.

The contract implies that more liberal visits may be allowed later, but also makes a severe threat:

[Parents] further agree that if they violate the Schools [*sic*] communication and visit policies the School may at their option discharge the student, and yet still hold the [parents] financially accountable and responsible for the tuition on the remainder of the contract period.

If parents become alarmed at what they see in their child’s censored mail or if they come to the school unannounced, SCL may expel their child and demand the rest of the year’s tuition.

The contract also includes a curious clause titled “Protection of Community Image” in which the parents have to agree that after leaving SCL, their child will not go to school or live within 100 miles of SCL unless he is 18 years old or living with his parents.

Since SCL is “not a treatment facility,” parents should not expect its program to be covered by insurance. The parents “understand” that SCL’s “paperwork and documentation do not meet the criteria that most insurance companies require for funding.”

Growth through confession and fear

Like many other programs SCL tries to break down the defenses of new students. Former employee Mark Runkle said SCL takes students out at night, blindfolds them, and pushes them into a river. “They claim it’s a mind-increaser,” Runkle said. “I think it breaks the kids down—breaks their will down. Mentally, they do damage. Emotionally, too.”

The “emotional growth seminars” make students confess intimate secrets before the group in order to reach the next level. Parents have to attend

retreats that include painful self-disclosures, individual and group feedback, and verbal assaults by the facilitator.

Kids seen as manipulative and dishonest

The SCL director’s form letter to parents goes into great detail about the “manipulations” that their students use on parents to get out of the program—anger, bargaining, giving parents a guilt trip, etc. He orders parents to write a letter to their child immediately telling the child he must finish the whole program so that the child will give up his manipulation.

The enrollment contract requires parents to answer three questions about how honest the child is and how “accurate” the information he gives is.

Many parents who decide to send an adolescent away for a year of behavior modification likely believe he is not being honest and open with them and therefore write that he could be dishonest or inaccurate.

Later, their answers may be used to discredit what the child reports about the program.

Battle over regulation policy

State Senator Trudi Schmidt, D-Great Falls, has fought for state licensure of these programs.

Representative Paul Clark, who runs a residential facility for troubled teens, introduced a bill that set up a board to propose regulations instead. There was enormous pressure on legislators to vote for Clark’s bill and against Schmidt’s; Spring Creek Lodge spent \$56,000 lobbying on the bills. Clark’s bill was enacted. It provided for a board consisting of three people who manage therapeutic residential facilities and two members of the public. Clark was appointed to the board and has since left the legislature. One member of the public is a Sanders County commissioner, where Spring Creek Lodge is the largest employer. The other is a Bozeman lawyer.

Under Labor and Industry not Human Services

Schmidt’s bill would have had PHHS regulate the programs as health-care providers as are programs to which Montana youth are sent by court order.

Clark’s bill, however, put the Montana Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP) under the Department

of Labor and Industry and exempted faith-based behavioral therapy programs from regulation. It also provided that the board's expenses for inspecting and regulating would be paid by fees assessed upon the programs while PHHS regulation would have required hiring more state employees.

The board's 66-page report to the Economic Affairs Interim Committee is at http://www.mt.gov/dli/bsd/license/bsd_boards/pap_board/board_page.asp. It describes its main purpose as determining the best interests of the young people in these programs and their families. The report contains much relevant information about the 29 known private adolescent residential behavior-modification programs.

Economic focus

In CHILD's view, however, there are also self-promotional aspects to the report from a board dominated by directors of the programs. Two pages describe all the financial benefits to Montana from the programs.

There is a disconnect between best interests of minor children and the industry's insistence on reporting to the economic affairs committee and the Department of Labor and Industry, which has never regulated facilities, rather than the Department of Public Health and Human Services, which does.

One component of the board's information gathering was two town hall meetings near several programs. Not surprisingly, there were 85 comments that the programs were a benefit to the community and that an industry-dominated board should draw up standards for licensure or regulation and only one person who questioned whether the programs could police themselves.

The rest of their information gathering was from thirteen on-site visits and the programs' written responses to their survey questions. The report does not mention talking to any professionals who have concerns about the programs, reading the Education Department's white paper, which raised many concerns, or reading any research about the effectiveness of behavior modification residential programs.

Do parents know what child experiences?

The PAARP board emphasized that in all the programs parents were "actively engaged" in their

child's "goal formation" and progress, which is, they claimed, "a significant difference" from "some public services."

This is hard to believe considering that some children are kidnapped from their beds by "escort services" and taken thousands of miles away to these boarding schools and that direct contact between parent and child is severely restricted and controlled. We have read that some youths are even brought to programs in leg shackles.

The 29 Montana programs have 53 certified teachers, administrators, and guidance counselors; 14 programs did not claim to have any licensed or certificated staff. This does not sound adequate for providing a quality "emotional growth" and academic program for 1200 adolescents, all of whom have problems so serious that their parents have given up resolving them at home. The PAARP board, however, presents the data as a positive feature. It gives no information on graduation rates, on how many of the programs' credits could be transferred to public schools, or on how participants fared academically and emotionally after leaving the programs.

Board says it can regulate better than state

The board concludes that "the way state regulations are designed may not fit" situations in private programs, that "the programs have a better sense [than the state] of what is needed for their industry," and that the program personnel "are capable of creating a structure of guidelines" to serve youth and the public good effectively.

The board acknowledged that "in a limited number of instances improvements could be made to a program," but found no "systemic" problems and does not explain what improvements might be needed.

Education Dept.: kids need more protection

The Education Department suggested several options for protecting children in the programs, such as legislation requiring that programs allow parents to visit the child at any time, including without prior notification, and that the child's "placement in the program would not be at risk if the parent visits the program."

Other suggestions included the following:

- Add legislation to require the programs to report all allegations of child abuse, including abuses by staff and other youth
- Request legislation to allow state employees to conduct a site inspection without requiring an abuse referral
- Request legislation that all youth escort services meet basic safety and transportation requirements
- Require all programs with wilderness and adventure experiences that take youths more than two hours away from a hospital to employ personnel who are minimally certified in Advanced First Aid, Wilderness First Aid, or ideally as Wilderness First Responders

Another alternative, the department pointed out, would be to require that all the programs “show in their contracts and marketing material that Montana has no regulations that cover these programs in any areas, including health and safety, nutrition, and education requirements.”

PAARP’s report does not mention any of those suggestions nor the problems that led to their being offered.

The report said that the board needed more than its allotted year to finish its assignment, but after the PBS documentary aired there was a strong interest in giving the specialty boarding schools some form of licensure or regulation. The media called from thousands of miles away, and some boarding schools themselves complained that lack of licensure put them at a “competitive disadvantage.”

State enacts licensure by industry-dominated board

In 2007 Schmidt introduced another bill to require state licensure of all therapeutic residential programs by a nine-person board with six members from the public including a physician, licensed mental health professional, and representatives from the state Education and Human Services Departments.

It passed the Senate, but was tabled in the House. Representative Bob Lake, R-Hamilton, sponsored a bill to give the five-person PAARP board full authority to develop licensure standards. It required the programs to obtain licenses. It requires the board to develop rules that “reasonably” provide for the health, safety, and welfare of the

participants, but leaves much to the industry-dominated board’s discretion and says that the standards are “best developed and monitored” by “the professionals” involved in these programs.

Church-related programs exempt

Also, Lake’s bill exempts from licensure and oversight the residential programs that are adjunct ministries of churches incorporated in Montana.

It passed the House. Schmidt learned that some legislators fronting for the industry were opposed to any licensure and had a killer amendment prepared on the assumption that Schmidt would amend the bill in the Senate and then the House would have another chance to defeat the licensing requirement.

Schmidt said the industry lobbyists were angry in the hearing room when the bill instead passed out of her committee unchanged. It passed the Senate unchanged two days later and was signed into law.

Will Montana solution become national model?

Schmidt and other state officials say the bill is at least a step in the right direction. There is a possible downside, though. WWASPS President Ken Kay said Montana’s licensing board could become a model for the nation and was much better than “one size fits all” federal regulation. The board may be used by the industry as evidence that federal laws are not needed to protect the young people in specialty boarding schools.

Ironically, Kay had a brief falling out with WWASPS in the 1990s and told the press then that the staffs of their programs were “untrained” without “credentials of any kind. . . . We could be leading these kids to long-term problems that we don’t have a clue about.”

Wilderness settings have drawbacks

Montana’s beautiful scenery as well as its lack of regulation has spurred many teen-help facilities to locate there. Hope Ranch’s webpage says their “remote location provides a perfect setting for high-risk runaways.” But remoteness also has its drawbacks. One boy ran from Spring Creek Lodge for 36 miles without shoes or a coat before going to a highway and getting a ride from a passing motorist.

Indeed, the enrollment contracts and the programs’ own promotional literature contain many warnings by their omissions and statements. But



*Along Montana's Beartooth Highway
Credit: Travel Montana*

they also offer what many parents think is their child's last chance to turn his life around.

Sources include phone conversations with Montana public officials, DOE white paper, Spring Creek Lodge enrollment contract, PAARP board report, *The Missoulian*, June 3, 2003; *Missoula Independent*, June 22, 2006; Montana PBS, *Who's Watching the Kids?*; *Rocky Mountain News*, July 18-20, 1999; *New York Times*, Sept. 6, 2003.

Lawsuit settled in boot camp death

In March, 2006, Victor and Gracia Reyes of Santa Rosa, California, settled a wrongful-death lawsuit against Thayer Learning Center in Kidder, Missouri, and its owners, John and Willa Bundy, for \$1,050,000. The suit alleged that their son Roberto, age 15, was dragged, hit, placed in solitary confinement, forced to lie in his own excrement for extended periods of time, and denied necessary medical care.

Roberto died November 3, 2004, after ten days at Thayer. His parents sent him to the military-style boot camp because he had twice run away from home for short periods of time, stolen a CD player, and used profanity.

They considered therapeutic boarding schools around the country and chose Thayer on the recommendation of Parent Help, a referral agency purporting to offer objective advice, but actually affiliated with Thayer.

An autopsy report identified "complications of rhabdomyolysis" as the cause of death. It says the

disease, which is a breakdown of muscle fibers, was probably due to a spider or insect bite. The autopsy also found several abrasions and bruises on Roberto's body.

Causes of rhabdomyolysis

Physicians experienced in spider-bite care questioned the findings, saying they had never seen a spider bite induce rhabdomyolysis. The National Institutes of Health's Medline names the cause of rhabdomyolysis as "damage to the skeletal muscle" and the risk factors as "severe exertion such as marathon running or calisthenics," trauma, crush injuries, seizures, ischemia, heat intolerance, heat-stroke, and others, but not insect or spider bites.

Medline also states that hydration is very important in rhabdomyolysis to prevent kidney failure. In 2004 Thayer employees reported to the local sheriff that students were suffering bladder and kidney infections and constipation because they were allowed very limited use of the restrooms.

Some students were interviewed by a sheriff's investigator in the presence of a Thayer attorney. One student saw Roberto falling down after drill "sergeants" pulled him up on October 25. He also recalled seeing Roberto holding a bowl of cereal on October 27. Roberto dropped the bowl and just stood staring at the wall. To get Roberto's attention, the student had to call Roberto's name and wave his hand in Roberto's face. Roberto followed the movement of his hand and then fell to the floor.

Exhausted boy dragged around track

Former students said Roberto would fall down and then drill sergeants and students would pick him up by all fours or drag him on the ground to get him around the exercise track. One day the boy was made to wear a 20-pound bag of sand around his neck as punishment for not doing the exercises. (One employee said the bag was only five pounds.)

Some observers believed Roberto was falling down on purpose because he didn't even try to catch himself when he fell.

Several people told investigators that Roberto defecated and urinated on himself. Junior staff students had to clean his messes; the boy was too weak to do it himself.

Collective punishment

Thayer has a policy of collective punishment. When Roberto refused or was unable to run his assigned laps, his platoon got “smoked.” They were gotten out of bed, sometimes at 1 a.m., and made to run extra laps to bring peer pressure on the slacker, a former employee said.

The school also has a policy of preventing the boys from seeing abuse. When a student was “taken down,” that is, thrown to the ground by staff and held there, the other boys were ordered to lie face down and cover their heads. The day of Roberto’s death the boys were confined to one room and ordered to sing loudly while the hospital helicopter landed and took off.

Notes: boy very sick, but punished anyway

Former employee Sarah Mackey told investigators that after Roberto’s death she read all the shift notes on him. The notes indicated that Roberto was forcibly taken down several times on October 26 for non-compliance. They showed that he complained of being sick by October 28 and was put in bed the next day. The notes indicated, she said, that Roberto was getting “worse and worse and worse” every day and that he had to be cleaned up several times a day for several days because of urinating and defecating on himself.

“Medical officer” says boy is faking

Sergeant Craig Vaughn wrote notes on October 30 and 31 that Roberto was “very, very sick and somebody needs to take him to the doctor,” Mackey said. Vaughn also wrote, she said, that Dorothy Steele [who makes all medical decisions for the students] “refuses, saying Roberto’s vital signs are fine and he is faking it because he doesn’t want to work out.”

There were no shift notes on November 2 and 3 likely because Roberto was in solitary confinement and guards were not required to keep shift notes.

After Roberto’s death Willa Bundy took the shift note files from Mackey’s office and asked for ten copies of blank shift note forms.

Were shift notes rewritten?

After several requests by law enforcement, the Bundys turned over in January what they said were the shift notes on Roberto. An investigator showed

them to Sarah Mackey that same day. Mackey said they were inaccurate and incomplete compared to the shift notes she read in November. They were seven pages shorter than the first notes she read.

Vaughn denied to investigators that he had ever believed or written that Roberto was sick. The boy was a big, lazy, unmotivated kid with a bad attitude or maybe coming off drugs, Vaughn claimed.

Vaughn did admit to knowing that Roberto had “messed” on himself and was helped to the bathroom by others, but he said some cadets would “try anything to get out of exercises.”

A guard reported seeing Roberto “one or two days before his death” crawling from his sleeping bag to his canteen of water. The guard sat outside the sick bay room keeping watch while Roberto lay there alone and unable to get up for eight hours and then quit breathing.

The guard said he never saw anyone mistreat Roberto or any other cadet at Thayer.

According to Mr. and Mrs. Reyes, Thayer never gave them any indication that Roberto was seriously ill. Thayer’s family representative did say on October 29 that the boy was not eating. Mr. Reyes then asked if medical staff were at the facility; the representative said they had a full-time nurse. In reality, the closest person to a nurse was Dorothy Steele, who had no nursing accreditation, but had once been licensed as an EMT. She held the title of Medical Officer and made the decision on sending a child to a doctor.

Motivational tapes and peer pressure

The representative told them that Roberto was uncooperative, so the school was working with him “one on one.” In reality that meant sending students to badger him. It also meant he was put in solitary confinement for two days and made to listen to motivational tapes about the 100 greatest people.

Steele checked Roberto’s pulse and temperature several times during his stay. They were normal, and Steele did not approve taking Roberto to a doctor. On the day he died, she repeatedly checked his blood sugar, which was normal. Steele claimed that Roberto had eaten normally until November 3, but testimony of other staff and students disputes that.

Steele told the boy’s family that he told her he wanted to change his life for the better within hours



Roberto with his Dad and Sister

of his arrival at Thayer. She said to investigators that the day Roberto died, he told her he wasn't going to "fake it" anymore.

When a guard found Roberto not breathing, Steele had left the campus. The guard reached her by cell phone and, after returning and checking the boy, she called 911.

Pattern of medical neglect alleged

Mr. and Mrs. Reyes charged that Thayer had a "historical denial of appropriate medical care and treatment to students." They filed an allegation in their suit that one student was put in isolation with a sandbag tied or taped to each hand for about eleven hours. He got no medical care despite deep gouges in his flesh. They also alleged that a boy drank a gallon of bleach in a suicide attempt, but was not allowed medical care, and that another student had a fever of 104.7 degrees, but was not taken to a doctor.

Former Thayer Director Gail Ledesma said she got into trouble with John Bundy when she got medical care for a student with an infected knee. Another time Bundy prohibited her from taking three girls to the doctor because, he said, the students would try to run away.

In May, 2004, three other Thayer employees reported abuse of more than a dozen students to the sheriff's office. They reported that a student's head was bouncing off the concrete when the drill sergeant was "helping" the student do push-ups. A student was tied up and dragged around a sand track behind an all-terrain vehicle, they said. They described students being stripped to their underwear,

tied up, and ice water being poured on them every hour. They also said a girl had been forced to sit in a tub of urine for more than two hours.

Employees fired after reporting

When Sarah Mackey gave two weeks notice in her resignation, Mrs. Bundy told her to leave immediately. Several Thayer employees who reported abuse and neglect were fired shortly afterwards.

Complaints are then dismissed by the Bundys as coming from disgruntled former employees. Furthermore, all TLC employees must sign a contract not to associate with any competitor, contact students or clients, slander the school, or "divert, take away, or interfere with any present or future customer" for two years after they leave.

Fired employee sued for telling customers about abuses

Timothy Rocha worked as a TLC drill sergeant for about two weeks at \$9/hour. He was then fired for talking to the cadets. TLC prohibits cadets from talking to the residents above them in rank.

Rocha reported abuses of TLC youths to the local sheriff, gave a statement to investigators, and also responded to media questions. Then he began getting calls from concerned parents.

In 2005 TLC filed suit against Rocha and asked for \$75,000 in damages. TLC claimed their revenues were declining because Rocha had "successfully diverted away many potential customers." The suit was later settled without monetary damages when Rocha agreed not to speak to anyone about TLC for the two-year period specified in his contract.

Bundy writes to parents

In CHILD's view, parents did not need to talk to Rocha to be concerned about TLC. Here is what Willa Bundy wrote to parents on February 8, 2005, the first time she informed them of Roberto's death:

One of our students who had been here just one week, passed away from an apparent venomous spider or flying insect bite that may or may not have originated in Missouri. The Medical Examiner's report ruled the death accidental and the State of Missouri child welfare offices have since that date been investigating any and all allegations regarding this unfortunate accident. . . .

Since the first day TLC opened, we have had our critics. One of the most important doctrines we teach at Thayer is that everyone is entitled to their own opinion. At no time have we even attempted to defend the absurd and ridiculous claims made by a few. That being said, we were not prepared for the utter disregard for honesty and truth in those making accusations or, the motives behind them.

Missouri State Law allows *faceless, nameless* individuals to call a hotline and report incidents of abuse. By law, the office of OHI (Out of Home Investigations) is then mandated to launch an investigation into that allegation—**irregardless of the ridiculous, absurd nature of any such claim.** They, as are we, are powerless to stop such calls unless and until an identifiable pattern is established wherein we can gather enough evidence to press charges against those making such erroneous claims for personal gain or revenge. This hotline has made it easy for disgruntled employees, fanatic activist groups as well as competitors in our industry to stage investigations that have nothing to do with reality or truth.

To date, and over the past 2 ½ years, we have had 14 such 'hotline' investigations, which coincidentally coincides with the number of threats we have had from former employees attempting to hold us hostage for gain, and/or a very few clients who after leaving their children here to complete the majority of the program—pulled them—were happy with the results, but then wanted their money back. When demands were not met, threats were made and, usually the hotline was called. And, in each and every instance, we have been able to contact the state agencies involved and alert them to the threat, including in some cases giving them actual taped conversations or proof of the attempt at extortion. These false allegations have done nothing but bolster our facility and made us better and stronger. . .

That being said, making false accusations is a repulsive ongoing practice that we consider nothing short of criminal. We also know that there IS NO DEFENSE AGAINST LIARS. It has and will continue to be our policy to just keep doing what we are doing despite ridiculous and unfair media characterizations or unsubstantiated lies told by a few on the internet. Again, the only thing that matters to us is you, your student and your family.

Because the State of Missouri does not license facilities such as ours, we have been under tighter scrutiny than any other licensed facility in the state. We are proud of who we are and how we deal with your previously unmanageable teenager. And, we are

appreciative of the extensive - neutral help we receive from local officials during investigations. They are *always* present and *always* seeking only truth! Sometimes it has been difficult, but, we have never feared investigations for truth.

[Bundy then quotes Missouri Revised Statutes 210.125 allowing law enforcement and physicians who believe a child is being abused or neglected to request that the child be taken into protective custody.]

I include this excerpt of law for one reason: as the investigation continues, and, with all previous investigations heretofore found unsubstantiated or unfounded, and at any time, State officials do and have always had the power to remove *any* child from TLC they suspect was being treated in an inappropriate or abusive manner. ***That has never happened!*** Nor has there been *reasonable* suspicion.

Bundy's extreme, savage, self-justifying rhetoric should set off alarm bells for parents, but they may accept her judgment that their teen was "previously unmanageable" and think of Thayer as their only hope.

Not mentioned in the discussion of unsubstantiated investigations is that Missouri Social Services is allowed to interview Thayer children only in certain rooms and with a Thayer attorney present.

Sources include: *The Kansas City Star*, April 21, Oct. 2 and Dec. 28, 2005, and March 10, 2006, *Santa Rosa Chronicle*, Feb. 8, 2005, and documents filed in *Reyes v. Thayer*, case # 05BU-CV00544, at Buchanan County Circuit Court, St. Joseph, Mo.

Allegations of Abuse and Neglect at Thayer Learning Center

In addition to the abuses alleged in the preceding article, here are situations reported by Thayer students and staff, both current and former:

Students lost consciousness from pressure put on their necks.

A student was tied up and dragged through the yard with a four-wheeler.

A student was choked, punched, and slammed to the concrete.

Thayer director Willa Bundy hit a girl in the face and her son Jake roughed the girl up and threw her to the ground.

A girl had her eyebrows and head shaved and then was hit and dragged around the track.

A teacher reported that she saw a girl at TLC with severely swollen ankles. The girl was forced to complete all exercises and was denied medical attention. The teacher was told that she could not help the girl walk.

A student had swollen feet and ankles, athlete's foot, and joint pain. He also thought he had a bladder infection, but TLC would not allow him to see a doctor.

A teacher said she had seen, on several occasions, TLC's "Medical Officer," Dorothy Steele, dispose of medications prescribed for students.

A boy asked his teacher to get permission from the TLC director to go to a doctor. Instead, the director yelled at him that he wasn't sick. The boy had pink eye.

Students are allowed to use the restroom only once every three hours even though they are required to drink three quarts of water a day. A girl came to her teacher in tears and asked to use the restroom; the teacher had to refuse permission based on the owners' orders.

Several students had urinary and bladder infections, but when they asked to be taken to a doctor, they were instead told, "Suck up your drama."

Anthony Nations, 13, had an ear infection and bloody drainage from his ear that soaked his pillow, but was still made to do all the exercises. The school did not inform his mother of the serious symptoms, and he never got a moment to rest, she said. Mrs. Nations removed Anthony from Thayer and wrote a book describing abuses at the school.

One punishment during the summer is to place children in the "hot box," a rubber-sealed tent outdoors.

A boy was thrown into a barbed-wire bundle and told to get himself out.

Children have been restrained with zip ties around their ankles and wrists. They have been tied to furniture. Children have been duct-taped and/or belted together for an entire day and sometimes overnight.

A girl was awakened at 2 a.m. and forced to run being chased by Jake Bundy in a golf cart. She was told she would get run over if she didn't run fast enough.

Some students had to exercise in a mud pit at night and were not allowed to shower before going back to bed.

A girl said she was dragged by her pony tail and her face shoved in the mud. She also had her head shaved and was hit. Bruises were still visible two months later.

A vegetarian was forced to eat meatballs. She got sick and vomited in her hands. Jake Bundy and Dorothy Steele then made her eat her own vomit.

A girl was taken down to the ground with her hand behind her back. She yelled that she couldn't breathe. Her face turned red and then purple.

Girls were forced to eat. One girl threw up seven times before she could keep the food down.

If a cadet throws up within an hour of eating, the other cadets have to exercise until the cadet holds down the food.

During hunting season the students often heard shots. The staff told them they had to run at top speed from the track back to the chow hall or they might get shot. The staff said the girls were in special danger because they all had to wear brown shirts and could look like deer to the hunters.

Some students said they were sexually molested.

One girl was forced to brush her teeth for four hours for saying the "f" word. Her lips and gums bled.

Another girl was forced to brush her teeth for two hours for saying, "I can't get this soap thing open." Thayer staff say that "can't" is a bad word.

Some students have spent more than thirty days in solitary confinement where they must listen to "motivational" tapes over and over.

Thayer's defenders and enablers

Like many behavior-modification residential facilities, Thayer Learning Center (TLC) is located in a low-income rural area. Like many others, it brings money into the area. Like others, it requires its students to do unpaid labor for the local community. Like others, it makes donations to elected officials. And like other specialty boarding schools, it has local officials who defend it or will not take action against its interests.

Thayer paid more than \$10,000 in tax revenues to Caldwell County in the first two years of its operation. It has also brought in new residents to the tiny town of Kidder, population 270.

Teachers report abuses to sheriff

About twenty of the abuses described in preceding articles were reported by three Thayer teachers who walked into the Caldwell County Sheriff's office in May, 2004, nearly six months before Roberto Reyes arrived at the school. All three were fired shortly after they reported.

Deputy Sheriff Donald Fuller who took down their statements signed an affidavit stating that he had reason "to believe the crime of Abuse of a Child has been committed at the Thayer Learning Center."

But none of the reported abuses was substantiated, and Sheriff Brelsford has publicly supported Thayer, which donated uniform pants to his office. Two months after Roberto Reyes's death, he told a newspaper, "Our department hasn't had any major problems with them at all through the past couple of years. It seems everybody's head-hunting this place. The public's trying to eat them alive before the facts are all in, and I don't think that's fair."

Some months later *The Kansas City Star* questioned Brelsford about his support for the school. He told *The Star* that he "should have stayed more neutral" and would not accept another donation from the school.

The Kidder city clerk praised the school for having its students fix up the city park and man the color guard in the town parade.

"In the end, it was all worth it."

As is common with behavior-modification schools, Thayer has testimonials on its webpage

both from parents and former students. Bess Burnett of Maryland told *The Star* she was using drugs and failing classes when her parents sent her to Thayer. She hated the school at the time. She was once forced to eat her own vomit and thought too much force was used in twisting girls' arms behind their backs. But now she is living on her own and attending a vocational college. "In the end, it was all worth it," she said.

Caldwell County Prosecuting Attorney Jason Kanoy did not file charges against school staff because, he said, some allegations didn't rise to abuse, some couldn't be proved, and others were not credible. He complained that he could not get the names of the victims.

Kanoy could, however, have learned the names of several victims by interviewing Thayer employees who gave their statements to investigators. Hundreds of pages of documents in the suit filed by Roberto's parents are public records.

What is cruel and inhuman punishment?

Missouri law on the crime of child abuse is rather simple and straightforward. One who "knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old" has committed child abuse, a class C felony. Mo. R.S. 568.060

Kanoy, however, said he was not "sure" that forcing a child to sit in a tub of urine was abuse and did not think pushing and dragging kids was abuse "when you're trying to motivate somebody who's very obstinate, very anti-establishment."

Prosecutor is like a kid with a new toy

In December, 2005, more than thirteen months after Roberto's death, Kanoy was asked by the press why he had not filed charges or responded to an offer of the Attorney General's help. Kanoy said the boy's death was still a "pending investigation," but he had been busy working on more recent cases.

"Like when a kid gets a new toy at Christmas, you play with the new toy," he said.

On August 17, 2006, CHILD spoke with Kanoy by phone. Nearly two years after Roberto's death, Kanoy told us he was still investigating the case, and the Attorney General's office was working with him on it.

The Attorney General's office, however, told us that Kanoy was not investigating the case with them

in 2006, and by law it could not do so on its own initiative, but had to wait for Kanoy's direction.

Now a judge

Two months later the public elected Kanoy to be the Associate Circuit Judge for Caldwell County, who handles all child abuse and neglect cases.

Sources include *The Kansas City Star*, Oct. 2 and Dec. 28, 2005.

Is Thayer a religious school?

Thayer Learning Center's boot camp and military school in Kidder, Missouri, provide residential care and instruction to young people at a cost of close to \$50,000 a year. They are not state-licensed; Missouri does not even require them to meet fire, safety, or sanitation codes.

If you believe you're exempt, you are

Missouri exempts from licensure residential care facilities that are "operated by any well-known religious order or church." Missouri Revised Statutes 210.516.1(5).

Thayer is privately owned and operated by John and Willa Bundy, but Missouri offers the exemption to everyone who "believes" he should have one. State law provides that the state "shall not require any foster home, residential care facility, or child placing agency which **believes itself exempt from licensure**. . . to submit any documentation in support of the claimed exemption." Mo. R.S. 210.516(2) (*emphasis added*)

New webpage posted after boy's death

With a civil suit looming for the death of Roberto Reyes, Thayer posted a new webpage emphasizing the school's religious heritage and character. Thayer, it says, was founded and financed by Congregationalists. It uses future tense for the present owners' plans to reopen and carry on the school's religious heritage as if written in 2002 when they bought the school, but the webpage was actually not posted until 2005. See www.kiddermissouri.com.

However, Missouri also exempts certain boarding schools from licensure, so Thayer may claim it has exemption on that basis.

Whistleblower told "this is a business"

Some observers think Thayer shows more influence from the Mormon church than the Congregational church. After Thayer employee Linda Raichel called the state's child abuse hotline and spoke to the Caldwell County sheriff about how some children were being treated, members of the local Church of Jesus Christ of Latter-day Saints came to her home. The Bundys and several other Thayer employees belong to that Mormon church.

"They told me that I was costing Thayer money and that I needed to apologize and drop it," Raichel said.

The church president denied that they had threatened Raichel, but said, "I tried to help her understand that this is a business."

Mormon influence alleged

Former Thayer employee Timothy Rocha told investigators he felt some staff were "brainwashing" the students by trying to convert them all to Mormonism. He said some "good long-time Catholics" were converted to Mormonism at Thayer.

These incidents are in line with some observations about the Worldwide Association of Specialty Programs and Schools (WWASPS). WWASPS literature does not describe any denominational association, and none of the WWASPS facilities are owned or operated by churches. But Utah businessmen control them, and a source told us that children advance to a higher level of approval at some WWASPS schools if they attend the Mormon church. Also, the schools' obsession with "positive thinking"—insisting that "can't" is a dirty word and punishing children for saying it, making students listen to "motivational" tapes about the 100 greatest people for days on end, and surrounding a resistant student with people yelling at him, "You have to respect yourself"—reminds us of the optimistic humanism in Mormon theology.

While Thayer is not listed as a member of WWASPS, it has many ties to the controversial umbrella group. John and Willa Bundy, who own and operate Thayer, are Mormons from St. George, Utah, home of WWASPS-owner Robert Lichfield. Willa was once owner and director of Linden House, a WWASPS-affiliated boarding school. John is believed to be a former employee of Teen

Help, which referred distraught parents to WWASPS facilities for their children.

Parent Help, another referral service for parents, is owned by John Bundy. It was located in St. George, Utah, but later moved to Missouri near Thayer. It describes itself as an objective source of information for parents, but a former employee gave sworn testimony that he was paid a bonus for referring parents to Thayer which was double what he got when parents chose other schools.

Sources include *The Kansas City Star*, Oct. 2, 2005.

Iowa, hang your head in shame—again

As CHILD readers know, Iowa has many religious exemptions from health care of children. We've worked for years to repeal them, but have not succeeded. Indeed, the legislature continues to add more over our protest.

We were proud of Iowa on one point, however: Iowa is one of only two states in the nation that bans corporal punishment in both public and private schools.

To our surprise, we recently heard about teenagers being hit with paddles at Cono Christian Boarding School near Walker, Iowa. Its webpage states that parents must sign a form agreeing that the school has the "right" to spank their children.

Corporal punishment allowed in "large home schools"

We soon learned, however, that the ban applies only to "accredited" private schools. Cono is not accredited by the state. The Iowa Department of Education classifies it as "a large home school."

As such, Cono has the legal right to use corporal punishment on minors. It may not, though, have the right to hit with wooden paddles that reportedly leave welts, bruises, and broken vessels in eyes. A source told us of one 14-year-old boy who has been paddled scores of times over several months and was once struck so hard that the paddle broke.

At this point we do not know whether the state will investigate or will be able to stop the paddlings.

Few kinds of inspection, no taxes

Cono is located outside city limits and in a rural county. It does not have to get building permits or obtain a business license. The county has no codes for fire safety. It is not inspected for food safety because it does not use U.S. Dept. of Agriculture commodities.

Cono pays no property tax or income tax because the school is classified as a ministry of the Bible Presbyterian Church.

According to a source, 65% of Cono's students come from foreign countries. It has approximately 75 boarding students and 30 day and staff students. Tuition and board are \$15,674 a year.

It is mind-boggling to us that Iowa considers this facility "a large home school."

Resources on Specialty Boarding Schools

Four organizations with good resources on child abuse and neglect at specialty boarding schools are International Survivors Action Committee (www.isaccorp.org), Coalition Against Institutional Child Abuse (www.caica.org), Community Alliance for the Fair and Ethical Treatment of Youth (www.cafety.org), and Parents and Teachers Against Violence in Education (www.nospank.net).

In 2005 a group of mental health providers, attorneys, and professors formed the Alliance for Safe, Therapeutic and Appropriate Use of Residential Treatment (A START) to encourage more evidence-based research on specialty residential programs, educate the public and policymakers, and advocate for more regulation. Their webpage is at [www.cfs.fmhi.usf.edu/projects/A START](http://www.cfs.fmhi.usf.edu/projects/A%20START).

Maia Szalavitz's book, *Help at Any Cost: How the Troubled-Teen Industry Cons Parents and Hurts Kids* (New York: Riverhead Books, 2006), is a powerful expose of this very profitable industry, its misleading advertising, abuses and neglect in its facilities, the lack of regulation, and lack of evidence for the value of its methods.

Szalavitz is a senior fellow at stats.org, a media watchdog group that monitors coverage of science and statistics. As such, she is especially strong in exposing the flimsiness of some industry claims.

Survivors share online

Several young people have spoken out about their experiences and gathered online communities of fellow survivors. Their webpages include www.westhillscommunications.com (go to Reform at Victory), www.mountainparksurvivors.com, and www.heal-online.org. Julia Scheeres' book *Jesus Land* (NY: Counterpoint Press, 2006) details her experiences in a Caribbean boot camp. Joanie Skelton Nations wrote the book, *For the Love of Anthony* (Frederick MD: PublishAmerica, 2005), which tells about her son's experience at Thayer Learning Center.

What can be done to protect youth in residential care?

In 1979 the U.S. Supreme Court ruled in *Parham v. J.R.*, 442 U.S. 584, that a child does not have the same due process right as an adult to a hearing before being committed to a mental institution. The Court held that parents, having reached the likely painful decision that their child needed institutional care, should not have to be put through the further trauma of an adversarial court hearing.

“Independent medical judgment” is child’s constitutional right

The Supreme Court further held that an “independent medical judgment” that the child needed the services available through care at the mental institution was sufficient protection for the child’s constitutional rights when children were admitted for care. The Court said a staff physician could make the decision to admit the child, but there must be ongoing review by others while the child is getting in-patient care.

In the case at bar, the “others” the Court mentioned did not include a second physician, and the decision has been criticized for not mandating a truly independent medical diagnosis, since the staff physician might benefit from admitting a child to a for-profit facility. At least, though, the Court did hold that a child had the due process right to an independent medical judgment before being committed to an institution and ongoing review.

Child’s needs and school’s services should be evaluated by licensed mental health provider

The specialty boarding schools and camps claim to change behavior, attitudes, and feelings of young people. If their methods have the power to do that, they also have the power to harm. There should, in our view, be laws requiring that parents obtain an evaluation of their child by a licensed mental health care provider verifying that the child needs a particular specialty school’s methods and before parents can place the child in that school.



The provider should not, of course, be affiliated with the program under consideration nor obtain fees for referrals. Our recommendation is drawn from Maia Szalavitz’s groundbreaking book, *Help at any Cost: How the Troubled Teen Industry Cons Parents and Hurts Kids*. Her photo was taken by her sister Sarah Szalavitz.

At present many young people are in therapeutic residential facilities because of problems that do not require out-of-home care, such as using profanity, letting grades slide, finding acceptance in a sexualized culture, or a parent’s divorce.

Adolescence is usually a time of big attitudinal changes. Many teens who say their lives were turned around by the programs could have made the same changes staying with their families. Those in religious programs may be induced to magnify the seriousness of their past “sins” and make their “salvation” sound dramatic.

On the other hand, these facilities also have young people with serious mental health problems and no licensed mental health professionals to care for them or guide treatment.

Today this industry has only testimonials (often paid for) rather than data to support the effectiveness of its methods. It often prohibits direct contact between parents and children for a substantial period of time.

Children do not have all the same constitutional rights as adults, but surely they have a right not to be kidnapped in the middle of the night, moved thousands of miles from home, subjected to unpro-

ven methods, endangered by abuse and neglect, and prohibited from contacting authorities or parents about what they are experiencing.

CHILD has a database of 105 U.S. children who have died in “therapeutic” residential care facilities, including emotional-growth wilderness camps, since 1990. The information is not unique to CHILD. Other organizations such as International Survivors Action Coalition and Coalition Against Institutional Child Abuse maintain similar compilations available online.

Prone restraints dangerous

The majority of these deaths (56) are because of physical restraint. Particularly dangerous is the face-down prone restraint. Some children have been held for hours in such restraints.

Adding tremendously to the danger is that employees think these young people are manipulative and dishonest. They simply do not believe their teenaged charges who say, “I can’t breathe” or “I need medical care.”

The states we have focused on in this issue have a glaring lack of regulation and oversight of residential care facilities for children. Montana has had no requirements for specialty boarding schools that do not receive public money. Often located outside of city limits, the schools do not even have to meet health and safety standards let alone hire credentialed staff.

Outfitters and guides licensed to protect public

By contrast, Montana requires all hunting/fishing guides and outfitters to be licensed, pass a written examination, and demonstrate ability to render first-aid and other useful skills for safeguarding customers, wildlife, and the environment. The Board of Outfitters webpage states: “Licensing is for the protection of the public. The licensing process is to ensure that [users of these] services have a safe and enjoyable . . . experience in Montana.”

“It is ironic,” said a Dept. of Education report in 2003, “that Montana requires outfitters and guides to be licensed to serve a mostly wealthy out-of-state adult clientele, and, yet, Montana has no licensing regulations that protect the minor youth (mostly out-of-state residents) that are enrolled in private behavioral healthcare organizations.”

Missouri doesn’t care

As CHILD has repeatedly said over the years, Missouri’s indifference to youths in residential care is shocking. Missouri exempts facilities from all regulation if they are owned and operated by a “well-known religious order or church” or if their owners “believe” they are entitled to the exemption. Missouri does not know the names of the facilities, where they are located, how many students they have, whether they have smoke detectors, etc. It does not require them to have business licenses because they “don’t have inventory.”

Like Montana, Missouri has more concern for adults than children. Missouri does not exempt church-owned nursing homes from state regulation. Even Christian Science nursing homes, where all residents rely solely on spiritual means for healing, have to obey the rules and regulations of Missouri’s Division of Aging except those pertaining to medical supervision and treatment.

Unlike Montana, Missouri is not bothered by bad publicity. State Representative Barbara Fraser’s bill to require licensure was not even scheduled for a hearing. Fraser is an honorary member of CHILD.

Child abuse reports not sufficient protection

Many operators of specialty boarding schools argue that no more regulation is needed because states can currently come into their facilities to investigate reports of abuse and neglect. In our view, that is not good enough protection. In many of these schools children are not allowed unmonitored use of the telephone and a lot of pressure is put on the employees to subscribe to the governing philosophy and the methods used. If the facility does not employ state-licensed staff, state law may not require them to report abuse and neglect.

Flying under the radar with different names

Regulations and classification of residential facilities for minors vary widely from state to state. Some states do not regulate “camps,” whether they are Girl Scout camps or “boot camps.” Some states do not regulate programs that youths choose of their own volition. Some fly under the radar by calling themselves boarding schools, which are unregulated in many states.

The Interstate Compact on the Placement of Children has been adopted by all fifty states. It has

a good list of characteristics for distinguishing a boarding school primarily for educational purposes and a boarding school for behavior modification. The academic boarding school does not schedule classes the year around. It does not “provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control” or provide services besides those of a public school and services necessary to maintain “children on a residential basis.”

There is no excuse for governments to confuse the two types of schools.

State should have some interest in welfare of privately-placed children

The Interstate Compact is designed to make sure “the child is placed in a suitable environment” when moved from one state to another for adoption, foster care, or institutional care, that the receiving state can assess whether the proposed placement serves the best interests of the child and its applicable laws and policies have been followed, and that the sending state obtains enough information to evaluate the proposed placement and guarantees the child legal and financial protection.

Unfortunately, the Interstate Compact does not apply when parents transfer care of their children to a “non-agency guardian.” The state may not have as great an interest in the child’s welfare when she is privately placed, but surely some scrutiny of the arrangement is appropriate. Several of the specialty boarding schools indicate that the average stay is a year or more and prohibit direct contact between children and parents for months.

Federal action is, in our view, greatly needed to protect minors in residential care. Congressman George Miller, D-California, introduced the End Institutionalized Abuse Against Children Act in 2005, but Congress did not consider it. Now that Miller chairs the House Education and Labor Committee we hope he will re-introduce the bill and hold a hearing on it.

A change of our social attitudes is also needed. In 2006 ABC television aired *Brat Camp*, a seven-part series on teenagers at an Oregon wilderness therapy camp. The title dripped with blood whenever the episodes went on or off, and the narrator seemed almost to have a sadistic delight in the ordeals the “spoiled kids” were put through.

We heard that hundreds of parents called and wanted to send their kids to the Oregon camp after seeing the series.

ABA calls for regulation of facilities

In February, 2007, the American Bar Association (ABA) passed a resolution urging “state, territorial, and tribal legislatures to enact laws that require the licensing, regulating, and monitoring of residential treatment facilities that are not funded by public or government systems, but are privately-operated overnight facilities that offer treatment to at-risk children and youth under age 18 for emotional, behavioral, educational, substance abuse, and social issues and problems. . . .”

The ABA also urged Congress to enact legislation to “assure the safety of American children and youth placed in U.S.-owned, but foreign-based unregulated private residential treatment facilities by requiring U.S. federal agencies to work with foreign governments to monitor such facilities. . . .”

Such legislation is needed because, in the past, the U.S. Attorney General has declined to investigate allegations of child abuse and human rights violations at those facilities. Attorney General John Ashcroft said his office had no authority to investigate abuses of American citizens in other countries when alleged abusers are not acting on behalf of a government.

About CHILD, Inc.

CHILD is a national membership organization dedicated to the welfare of children, particularly when religious beliefs, cultural traditions, or quackery lead to child abuse or neglect. CHILD provides research, public education, amicus briefs, and a support group for ex-Christian Scientists. CHILD lobbies for equal protection of children within its tax-exempt limits. CHILD is a member of the National Child Abuse Coalition.

For more information on CHILD and a membership application form, visit our web page at www.childrenshealthcare.org. Contact information for CHILD is on page 1 of this newsletter.