

Suffer the Children

How government fails its most vulnerable citizens-- abused and neglected kids

By David Stoesz and Howard Karger

In late 1995 New York Mayor Rudolph Giuliani and the city's commissioner of the Administration of Children's Services held a press conference to announce the suspension, for 30 days without pay, of the caseworker and supervisor who had mishandled the Elisa Izquierdo case. Elisa was the six-year-old Bronx girl whose grotesque life and death prompted outraged headlines in November. She had been forced to eat her own feces; she had been sexually abused with a hairbrush; her mother had used her head as a floor mop.

Most maddening of all, city officials had repeatedly been warned by neighbors and school officials that Elisa was in danger, yet they had allowed monitoring of the household to lapse. "It's about time that people be held accountable for their actions, their negligence, and probably even worse than that," the mayor said. "It's the only way you're going to build accountability into the system."

Giuliani had it right. Despite more than 24 deaths of children whose cases were supposedly being monitored, no child welfare employee had ever been dismissed or even suspended by the city. In the wake of Elisa's death, the Child Welfare Administration (CWA) refused to answer questions about the services it had--or had not--provided the Izquierdo family. When journalists and city officials finally penetrated the wall of confidentiality, they found that the agency mandated to protect children from abuse was incapable of doing so.

On average, two children died from abuse and neglect in New York each week. A review of child fatalities by the city's public advocate concluded that "in one third of the cases CWA's own neglect either allowed or contributed to the tragedy." A subsequent state audit found more bad news: In one of five cases child protection workers failed to interview all children in an allegedly abusive family; in two of five cases, workers didn't examine previous reports of child abuse. Nearly a fifth of cases were closed prematurely despite the of risk of future abuse.

The need for accountability is obvious. But at the same time, in pinning the blame on individual employees, we may be missing the forest for the trees. Yes, caseworkers are often poorly trained or under-qualified; considering the job description--low pay and daily exposure to profound cruelty--that's not surprising. But most child welfare workers aren't uncaring or indifferent, and they aren't

necessarily incompetent. They're simply overwhelmed. The problem is less individual misfeasance than institutional breakdown.

And it's not just the Bronx. In virtually every metropolitan area, services to abused children are in the process of collapse. By early 1996, the public services to care for children had so deteriorated that child welfare agencies in 21 states and the District of Columbia were under court supervision. (Washington, D.C. got its court-appointed receiver when child welfare workers were unable to locate one in four children in foster care.)

In 1995, the U.S. Advisory Commission on Child Abuse and Neglect placed the number of child deaths attributable to abuse and neglect at 2,000 per year; of those, most are under the age of four. Together, battering and neglect by parents are a leading cause of death for young children in this country. The Department of Health and Human Services estimates that the number of children abused or neglected annually has more than doubled in the past decade--from 1.4 million to 2.9 million.

No government function is more crucial than protecting those who cannot protect themselves; no members of our society are more vulnerable than children. Yet few government services are in as much disarray, and as starved for resources, as child welfare services.

Some of the problems, such as archaic and overlapping bureaucracies and a shortage of good applicants, are all too common to city government in the '90s. But piecemeal policymaking at the federal level has also saddled the system with too many cases--and too few funds. Child welfare efforts have been further distorted by political pressures that have elevated preserving the family above protecting the child.

The result is an overloaded system in which too many children are consigned indefinitely to the purgatory of foster care--or are returned to potentially dangerous homes with insufficient supervision. The real outrage is that, as with Elisa Izquierdo, fatal cases of child abuse are rarely isolated incidents. Rather, a series of incidents over time eventually culminate in a casualty. But that's also a cause for hope: If, as a society, we make the effort, at least some of these deaths are preventable.

Cruel Caps

Reports of child neglect and abuse have sky-rocketed since the early '70s, but public funding has stagnated. Therein lies much of the problem. Most federal funding for child protection comes through Title XX, a social services appropriation that was capped in 1974 at \$ 2.5 billion. Today, Title XX is funded at only \$ 4 billion. If it had been indexed for inflation between 1977 and 1992, appropriations would have been \$ 36 billion.

Had funds been calibrated to service demand, they would have increased even more. The same year that Title XX was capped, the Child Abuse Prevention and Treatment Act (CAPTA) was passed. It mandated that a range of children's service providers--teachers, physicians, and counselors, among others--report instances of alleged child maltreatment to public officials. Through CAPTA, child maltreatment was broadly defined to include physical abuse, sexual abuse, and neglect. The result was a dramatic increase in the number of cases reported--but no concurrent increase in funding to process them.

Yet more burdens were piled on child welfare workers in 1980, with the passage of Jimmy Carter's last significant piece of social legislation, the 1980 Adoption Assistance and Child Welfare Act (AACWA). The act had the noblest of intentions: Since the '60s, foster care, designed as a temporary arrangement, had instead become a long-term experience for abused and neglected youngsters, who comprised half of those in foster care. Not only were children left with foster families for years, but many also were bounced willy-nilly from one foster family to another. One study indicated that 34 percent of children in foster care had been there for four years or more. In order to stabilize the lives of foster children, AACWA required "permanency planning" for all children in foster care and, if at all possible, reunification with their biological families.

Title XX funding increased slightly under Carter. But when Ronald Reagan reduced spending by 25 percent and transformed the program into a block grant, AACWA became just one more under-funded mandate for child welfare workers to juggle. By the early '90s, reports of child abuse and neglect had eclipsed 3 million. And by the end of 1992, the number of children in foster care was nearing 500,000. Many children faced a revolving door of foster care, one that in some cases was virtually spinning. A New York boy was placed in 37 different homes during a two-month period; another had lived with 17 different families in 25 days. Compared to children who were never removed from abusive parents, those kids were the lucky ones. In many cases child welfare workers evaded "permanency planning" by avoiding removing children from abusive homes altogether.

Pressed between static revenues and increasing demand for service, child welfare professionals began to ration care, a tactic that was to prove disastrous over time. One of the authors of this piece worked in San Diego in the '80s and saw the results of care rationing firsthand. Caseloads swelled. Callers to child protective services were put on hold for 20 minutes. There were fewer phone calls and visits to families desperately in need of monitoring. Staff turnover exceeded 50 percent; student interns were catapulted into the position of senior worker; and cases slipped into a black hole. A family could have three or four social workers in a year. One memo instructed case workers not to investigate any abuse complaints involving children of 14 years or older; the presumption, apparently, was that they were at least old enough to run away from home.

It's not hard to understand why staff burned out and left so quickly. They knew--and

one suspects were tormented by--what happened to the children in their case files. A case could seem stable enough to set aside for a while. Then suddenly, one day, the child could be hospitalized or dead.

The Child Welfare League of America recommends that a case worker handle a maximum of 15 cases. But in many cities, workers now have 50 to 70 cases apiece. In Milwaukee, when workers leave the agency, their cases are placed in an unstaffed "vacant zone," meaning children are assured of no care whatsoever. Child protection in Illinois has deteriorated to the point that state officials are increasingly the target of legal action. Since 1989, Illinois has paid \$ 7.9 million to a private legal firm to defend state child welfare officials, enough to hire 200 child protection workers each year.

Family Values With child welfare stretched to the breaking point, a new program known as family preservation came on the scene. The family preservation movement aimed to prevent the removal of abused and neglected children from their homes. It began with a model, known as Homebuilders, developed in Tacoma, Washington, in the mid '70s. Rather than remove mistreated children from their homes, Homebuilders proposed to aid troubled families through 24-hour intensive services provided over several weeks by caseworkers who would manage no more than a half-dozen families at one time. When Homebuilders reported keeping more than 90 percent of at-risk families intact, child welfare administrators began to pay close attention, especially since by avoiding more expensive institutional care, Homebuilders claimed savings of \$ 2,331 per case.

Family preservation not only promised to stretch diminishing public funds, it also placated the increasing public outrage at the impunity with which some child welfare workers removed children from their parents. Ire at overzealous child welfare workers culminated in 1989, when an 8-year-old girl named Alicia Wade was raped in San Diego. With her father, a retired Naval officer, suspected--and later implicated by Alicia after months of prompting--Alicia was isolated from her family for three years. Fortunately, at the time of trial, a court officer arranged DNA testing of the semen from Alicia's underclothes. The test exonerated her father and implicated a pedophile who worked as a mechanic in the community. The Wade family eventually won \$ 3.7 million in damages from San Diego County.

Alicia Wade became a symbol for mainly middle-class parents up in arms about what they saw as child welfare workers overstepping their bounds. By the early '90s, VOCAL (Victims Of Child Abuse Laws), an organization dedicated to restraining child welfare officials and reinforcing parental rights, had become a potent force in several states. VOCAL critics of child welfare workers and their invasive practices argued that because all families could be labeled abusive due to vague laws, professionals had free rein to intrude in family life. For beleaguered child welfare professionals, "family preservation" was an increasingly appealing option.

Meanwhile, child welfare officials were also being criticized by African Americans who blasted predominantly white welfare workers for placing black children in white homes. The National Association of Black Social Workers formally charged child welfare officials with "cultural genocide."

Kowtowing to these pressures, child welfare workers ignored data showing that poor black children suffered higher rates of abuse and that African American children were more likely than white or Hispanic children to die of abuse or neglect. Long-term research on black children adopted by white parents indicates that they suffer no harm; indeed, most prosper. Conversely, long-term foster care of children in general has been found to be detrimental. Yet child welfare professionals, fearful of the backlash from transracial adoption, unnecessarily put many black children in foster care. Even worse, despite evidence of abuse, child welfare professionals would sometimes opt for the path of least resistance--keeping a child at home.

Family preservation allowed child welfare professionals to defuse three controversies: diminishing public revenues, VOCAL's vitriolic rhetoric, and an African American community up in arms. But all the while a growing body of research was questioning the value of family preservation. A series of experimental studies found that family preservation was no better than traditional services on a number of counts--including the likelihood of a child being removed from home. Illinois child welfare officials commissioned child welfare researchers from the University of Chicago to do a three-year assessment of its Family First program; they reached similar conclusions. Despite the fact that the "family preservation" families received 10 times the family support service that the control group did, this strategy yielded no significant improvement in family welfare. In fact, it appeared that Illinois was spending \$ 20 million in family preservation to save \$ 2 million in foster care expenses. But Illinois officials insisted on pursuing family preservation, even if it meant that children stayed in dangerous conditions at home.

National child welfare policy demonstrated the same disregard for the evidence. The Family Preservation and Support Program of the Children's Initiative, featured prominently in the 1993 Clinton budget, earmarked \$ 930 million over five years for family preservation, leaving child protection as an inconvenient footnote. As Mayor Giuliani noted after Elisa Izquierdo's death, "The philosophy of child welfare has been too rigidly focused on only holding families together, sometimes at the cost of protecting children."

Neglectful Policies

Cutting back on family preservation is just the beginning. Here is what else must be done to protect vulnerable children:

* Redefine child abuse as a public safety problem. In many American communities, domestic violence has been reclassified as assault. That means the police must press charges even if the victim is reluctant to do so. The message is clear: Beat a woman

and go to jail. Why not institute a similar practice for abused children? "Child abuse is, first and foremost, a criminal act," writes UCLA's Duncan Lindsey, "requiring decisive coercive control, and is therefore a police matter." It is not purely a "treatment" and social service issue. Assigning these investigations to the police would allow child welfare professionals to do what they do best: provide a variety of supportive services to troubled families.

Equally important, it could serve as a powerful deterrent. The threat of stiff criminal penalties might cause a raging parent to think twice. The Washington Post recently reported on the sentencing of a man who had beaten his girl-friend's child to death. The boy's injuries were so severe that they resembled those caused by a fall from a tall building; his chest was so badly crushed that rescue workers were unable to perform CPR. The killer got 5 to 15 years--the maximum--and will be eligible for parole in less than four years. What kind of message does that send?

* Tighten the definition of child abuse and neglect in order to cut down the number of unfounded cases. Estimates place the number of unfounded reports of abuse and neglect at upwards of 65 percent in some communities. The reason is the overly broad definition of abuse passed in 1974. The National Committee for the Prevention of Child Abuse includes the following as possible indicators of child sexual abuse: clinginess, a reversion to bed-wetting or thumb-sucking, a display of sexual knowledge beyond the child's years. Although these could come from sexual abuse, they could come from many other factors as well.

But the media hype on sexual abuse, especially among the middle class, has encouraged parents to imagine the worst. Regrettably, President Clinton has failed to fund a Presidential Commission on Child and Youth Deaths, authorized by former President Reagan, which could clear up much of the confusion surrounding data on child abuse, neglect, and fatalities.

* Encourage adoption over indefinite foster care and family preservation. Last year, LA Weekly reported on the death of a child named "Lance": He had been happily living with his aunt, who was willing to adopt him. Instead, in the name of "family reunification," L.A.'s Dependency Court returned him to his father, despite a history of heroin addiction and abuse in the family. Eleven weeks after his return home, Lance was beaten to death by his father's girl-friend; his body had been used as a virtual punching bag.

The same court had given a pedophile father, who repeatedly raped his retarded daughters, unmonitored reunification visits for 60-day periods. The subsequent abuse was so heinous that the father ended up in prison for six years. Another child, born with fetal alcohol syndrome from her mother's alcoholism, was reunified with her mother--who a short time later killed her daughter by beating her and forcing her to ingest large quantities of rubbing alcohol. If we're going to sanctify the notion of family, we ought to be encouraging safe, stable families--the kind children won't find in foster care or abusive homes. Adoption--by a person of any race or

religion--should be encouraged. To his credit, President Clinton recently proposed loosening restrictions on trans-racial adoption.

* End arbitrary confidentiality rules. Social welfare departments, under assault for poor performance, have developed the organizational equivalent of paranoia, using agency procedures to thwart public scrutiny. Two reporters, Marjie Lundstrom and Rochelle Sharpe, won a Pulitzer Prize in 1990 for their work on the failures of child protection. Notable among their findings: There were no reliable numbers on fatalities nationwide because many states simply didn't keep track. Some social workers were actually forbidden by confidentiality laws to confirm that a child had been killed.

Cases in which children are killed by abuse should be opened to the public, and child death review teams should be established to determine the cause of agency failure. The use of confidentiality to cover lapses in the protection of children is untenable for publicly funded agencies functioning in the public interest.

* Consolidate existing services for children into a local Children's Authority. The elaborate bureaucracies inherited from the industrial era--Departments of Social Services, Public Health, and Juvenile Services coexist in most cities--are unacceptably wasteful. It is one thing when a bad public program means your mail is late. But the need for good government takes on considerably more urgency when children are being beaten or killed.

Fixing the system won't be cheap. But is child protection really where we want to look for budget cuts, as we've done in the past? We need to give child welfare workers enough support to do their job--with the specific goal of reducing the number of cases each worker carries. Then we can truly hold them accountable. This won't be cheap; and increasing funding is no guarantee of efficiency. But in the absence of any real financial support, the child protection system has atrophied. In response, caseworkers stint on care and look for easy solutions.

The easiest solution of all, unfortunately, is to leave a child in a dangerous situation. Just seven months after Elisa Izquierdo's death, a foul odor drew police to a Bronx apartment. Outside, stuffed in a garbage bag, they found the rotting body of two-year old Rayvon Evans. Again, fingers were pointed at child welfare workers: Abandoned by his mother as a newborn at the hospital, he had been returned to his parents from foster care just seven months before his death. Despite the ballyhooed reforms Giuliani announced in the wake of Elisa's death, little seems to have changed in child protection. The agency's record-keeping is still only partially computerized. The Bronx has an estimated 80 unfilled caseworker positions. And an agency official cited state law to avoid discussing details of the case. As Mark Green, the city's Public Advocate, said, "The crisis is accelerating ... faster than the reforms are coming."

Elisa Izquierdo (2/11/89 – 11/22/95) was a six-year-old Cuban American girl who

became a symbol of child abuse in the USA after being beaten to death by her mother Awilda Lopez, a New York City drug addict, in 1995. Her story first made city and then national headlines when it became clear that New York City's Child Welfare System (now the Administration for Children's Services) missed many opportunities to intervene with her family and to save her life.

On February 12, 1996, Governor George E. Pataki signed into legislation Elisa's Law, which is designed to balance the need for increased accountability through public awareness and government oversight, with the privacy interests of individuals involved in child protective services cases. In the summer of 1996, Awilda Lopez was sentenced to 15 years to life in prison for killing her daughter.

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