

Orlando Sentinel

December 22, 1996

Children Deserve Chance to Live; The System Won't Accept the Uncomfortable Truth: Some Parents Are Beyond the Help of Treatment Programs

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I serve on New York City's Child Fatality Review Panel. In effect, we conduct social autopsies.

We ask the questions: Why did the child die? Could authorities have prevented it? If so, are disciplinary actions or systemic changes needed to save children now in danger?

Unlike many of the 100 cases I have reviewed, the gruesome death of 4-year-old Nadine Lockwood received a saturation of media coverage.

Nadine weighed 15 pounds when the police found her shriveled body in a Manhattan apartment. For months, her drug-addicted mother had kept her in a blanket-covered crib, slowly starving her to death.

Nadine's mother and her six children were reported to the city's child protective agency many times.

A hospital first reported Nadine's mother in 1989, when her newborn tested positive for cocaine. The case was closed after the mother began a drug-treatment program. Nadine was born less than two years later, also with cocaine in her system.

A year later came yet another baby - this one abandoned in the hospital and placed for adoption.

Since then, the agency has received more reports, including several that the older children rarely attended school. Still, it did not take protective action.

Sadly, Nadine's story is not unusual. Nationally, about 1,500 children die each year under circumstances suggestive of abuse and neglect, say authorities.

No matter what we do, some of these deaths cannot be prevented. They happen without warning. But about half the children died after the family was reported to a child protective agency.

Conventional wisdom blames most of these deaths on overworked, poorly funded and trained caseworkers. However, I do not think more money will help much. Problems plagued New York City, for example, even when it had one of the nation's lowest per-worker caseloads. Although most agencies can use more (and better) resources, the real culprit is wishful thinking about parents' drug treatment.

Consider how the case of Nadine's mother, a confirmed drug addict with years of well-documented problems in caring for her children: Once she began a drug-treatment program, the system concluded she could make it on her own. Worse, it continued in that belief despite repeated reports to the contrary.

Since I began in the field almost 30 years ago, child-protective programs have expanded enormously. Thanks to stronger child-abuse reporting laws, the number of children annually reported to the authorities in the United States has increased from only about 150,000 to the more than 3 million today (although many reports turn out to be unfounded).

Most communities now have specialized investigative agencies. Reports that once languished are usually investigated within a day or so.

Moreover, for better or worse, millions of children have been placed in foster care. Between 1982 and 1995 the number of children in care increased from about 262,000 to about 494,000. In the 1960s, child-welfare expenditures were a fraction of the approximately \$5.7 billion spent last year just for investigations, foster care and adoption services.

These expansions have made a dramatic difference. By most estimates, child abuse deaths are half or less of what they were three decades ago, even as social problems such as drug addiction have worsened. And thousands of other children have been saved from serious injuries.

More money surely would improve conditions, but it would do nothing to fix the system's decision-making problems, which have a deeper root: A pervasive unwillingness to acknowledge that some mothers are unable to raise their children and that only adoption or long-term foster care can give their children a chance.

I saw this most dramatically in a case I handled in the early 1980s. I was representing five children, ages 4 through 15, who had been in foster care for three years. Their drug-addicted mother had repeatedly beaten them so badly that they had been hospitalized a number of times. She had incited her 15-year-old daughter to run away from her foster home, and then prostituted her until she got pregnant.

Because the official case record said almost nothing about the mother, I made a home visit to see how she was doing. The hallways in the mother's apartment building had feces smeared on the walls and smelled of stale urine.

Her apartment had broken windows, inoperative plumbing and an unlocked kitchen door that opened to a missing fire escape-three floors off the ground. Without tremendous improvement, this mother was never going to regain custody of her children.

When I returned to my office, I called the family's caseworker, recounted what I had seen and suggested that he consider initiating adoption proceedings for the younger children who were still young enough and emotionally healthy enough to be adopted.

He said he appreciated my report since he had not seen the mother for many months, but that adoption was premature. I shall always remember his reason: "I don't like to give up on a mother."

His actions reflected the prevailing attitude embodied in state and federal law, that the prime objective of child-protective agencies should be family preservation.

Attitudes have changed little since. Each year, about 250,000 children are placed into protective foster care. Fewer than 5 percent of these are freed for adoption each year.

Too many children are returned home, where they often are again abused and again placed in foster care. This revolving door is particularly common in cases of parental crack addiction.

Some blame this failure to take more decisive action on a misplaced commitment to parental rights. That surely contributes. But, as the statistics suggest, the system is unwilling to accept the uncomfortable truth that some parents are beyond the reach of even the best treatment programs. We need to take the necessary steps to help their children grow up safely and reach their full potential. Caseworkers have to be able to say to a severely abusive mother: "You have had two chances (or three or four). Now, we want to give your kids a chance."

My service on the Fatality Review Panel convinces me that making this change won't be easy.

We have gotten nowhere in our efforts to get New York City and state officials to respond more forcefully to cases of severe abuse, including parental drug abuse. In writing this article, I went back and looked at our past reports. We have regularly called for changes in law and policy to make it easier to terminate parental rights, and for an expansion of long-term residential options for children who can't go home and don't have much hope of being adopted.

One obstacle, no doubt, is the fear of the cost of taking responsibility for severely abused and neglected children. But doing the right thing need not cost more than current practices.

Take Washington, D.C., for example. Its child-welfare agency was considered to be in such bad shape that the federal courts placed it under the supervision of a "receiver," Jerome Miller. Miller calculated the agency was spending roughly \$40,000 per year per child. Many of these children could be placed for adoption, which would save money; others could be placed in stable residential settings, which should cost the same or less.

Program advocates are another obstacle. For years, they have made unsupported claims - repeated unquestioningly by some politicians and some in the media - that programs such as family preservation can repair even the most dysfunctional families.

Race aggravates the difficulty. The crack epidemic of the late 1980s hit disadvantaged African-American communities like a sledgehammer. Child welfare caseloads have become progressively more black. Between 1982 and 1990, the last year for which there are data, the proportion of foster children who were black rose from 34 percent to 41 percent, two and one-half times their number in the general population.

The reality that a "get-tough" policy would fall disproportionately on poor, black mothers rightly should make everyone think twice before adopting it. But the present course - ignoring the long-term harm being done to black children - may be an even more insidious form of racial discrimination.

The next time you read about a child's death, don't blame just the caseworker. Until we collectively accept that many severely abused and neglected children need a permanent place to live away from their parents, and until we make such placements a real option, we should expect to read about many more Nadines.