

NATIONAL COALITION FOR CHILD PROTECTION REFORM

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EVERY FACT MATTERS:

Evidence-based solutions, not hype and hysteria, will save children's lives

**Submission for the record of Richard Wexler, Executive Director,
National Coalition for Child Protection Reform
for the Hearing of the Subcommittee on Human Resources
of the Committee on Ways and Means,
U.S. House of Representatives, July 12, 2011.**

Reducing the time child protective services workers spend on false allegations, trivial cases, and needless removal of children is the best way to help overloaded child welfare agencies find and protect children in real danger.

The worst thing Congress could do would be to take \$3 billion to \$5 billion in scarce funds and redirect that money toward hiring more child abuse investigators to intrude on more families and take away more children needlessly. Inevitably, that money will reduce the amount available for safe, proven programs to keep families together. It also will further overload child protective services agencies, making it even harder for them to find children in real danger.

Yet that is the proposal from the group calling itself Every Child Matters (ECM) and its allies. Michael Petit and his colleagues at ECM mean well; they really want to protect vulnerable children. But those good intentions appear to have bred an ends-justify-the-means mentality. **In the name of advancing a noble goal that we all share, ending child abuse deaths, the group has exploited tragedy and misused data.** When real horror stories aren't enough, Petit offers up a hypothetical horror story in his written testimony on page 5 which also serves to discredit efforts to keep families together. The token rhetoric about prevention thinly disguises a take-the-child-and-run agenda that will only make all children less safe.

Though ECM offers up some token rhetoric about the need for "prevention," they favor only primary prevention that expands the net of intervention into families, and "soft" services like "counseling" and "parent education" that often do more for the "helpers" than the families. They are silent about *family preservation* which provides real services, often concrete help to ameliorate the worst effects of poverty, to families on the verge of losing their children to foster care.

And even primary prevention is not where ECM is talking about pouring more money. According to ECM's website, the group wants to spend \$3 billion to \$5 billion not on prevention of any kind but on child protective services investigations - more investigators and more removal of children. (Petit's written testimony rewrites this recommendation a bit to imply that they might favor using the money for other services as well, but the version on the

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ECM website indicates that the money is meant for hiring more investigators, training them, and paying them more – not for concrete help to impoverished families.)

Even without the money, the scare rhetoric, hype and hysteria fueled by ECM leaves the false impression that every parent reported to child welfare agencies is a brute and a sadist about to beat, maim or kill their children. Nothing could be further from the truth.

Who could walk out of the June 12th hearing, after listening to two hours about the worst (and least representative) cases, without wanting to demand that workers rush to tear apart families at the slightest suspicion that anything is wrong. Nothing could be more harmful to children.

This kind of rhetoric ratchets up the pressure on frontline workers to tear apart families needlessly, rather than be scapegoated for leaving a child at home and having something go wrong. Such “foster care panics” have wrought havoc all across the country – and led to increases in child abuse deaths. (For details see our Issue Paper on foster-care panic, available here: <http://bit.ly/afoIfN>).

Even one child abuse death is one too many. The only acceptable goal for such deaths, and for all child abuse, is zero. But even if one took the official estimate of child abuse deaths and tripled it, that still would mean that in any given year, 99.99 percent of American children do not die of child abuse at the hands of a parent - or anyone else. Every such case is a needle in a haystack. And there is no hope of finding the needles by trying to vacuum up the haystack, which is what ECM proposes to do.

In contrast, the overwhelming majority of cases alleging child maltreatment allege neglect. Sometimes such allegations can involve very serious, malicious behavior. But more often it means only that a family is poor.

A TRULY TYPICAL CASE

To see a truly typical case, just consider the case of the Leonard family in Houston Texas, a married couple raising six happy, healthy children. Unable to find a good paying job, the only safe housing Mr. Leonard has been able to afford is a storage shed. He built shelves and a loft area, and even heating, electricity and air conditioning.

No one has ever alleged that any of Mr. Leonard’s children has been beaten, tortured, or starved. On the contrary, everyone who knows the family says the children are happy and healthy – or at least they were until someone did exactly what ECM encourages everyone to do – phone in their slightest suspicion of maltreatment to child protective services.

Instead of helping the family find housing, or simply moving them all to a motel, CPS took away the children on the spot. Though grandparents took them in, being uprooted from their parents by force of law still is a trauma severe enough to risk leaving lifelong scars, especially for a young child. To do this to children when it is not absolutely essential for their safety is, in itself, an act of emotional abuse. (For details on this case, and links to news coverage, see this post to the NCCPR Child Welfare Blog at <http://bit.ly/oAKBEo>).

Unlike fatalities, cases like this are *not* extreme aberrations. Three major studies have found that 30 percent of America's foster children could be home right now if their parents simply had decent housing.

It's easy for this to happen since typical state neglect statutes commonly define neglect as lack of adequate food, clothing, shelter and supervision – a perfect definition of poverty. That made it all the more alarming to hear one of the witnesses at today's hearing suggest that poor people get too much "leeway" and the harm to their children actually should be labeled neglect even more often.

But it's not only these children who suffer. Think of all the time, money and effort that Texas CPS has wasted investigating, traumatizing and tearing apart this family. All of that time money and effort could have been used to find those needles in a haystack – children in real danger who really should be taken from their homes. Now multiply this case by the hundreds of thousands of other false allegations, trivial cases and cases of poverty-confused-with-neglect. Think of how many more children in real danger we could find if CPS agencies stopped harassing families like these.

Yet ECM has not uttered a word about this recent case in Texas, or the hundreds of thousands of others in which family poverty is confused with neglect. These are the children who don't matter to "Every Child Matters." But they should matter to the rest of us.

Jane Burstain offered far wiser solutions in her prepared testimony and at the hearing. Particularly encouraging was her support for restoring the authority of the Department of Health and Human Services to issue waivers allowing states to use federal funds now limited to foster care for better alternatives as well. The House of Representatives passed such legislation in May and Chairman Davis was right when he urged the Senate to act quickly to do the same. (There is more about waivers in this post to our Blog: <http://bit.ly/qdHp3G>)

In contrast, we are not aware of Every Child Matters taking a position on waivers, and in past years, the group has opposed similar approaches to flexible funding.

THE BETTER SYSTEMS EMPHASIZE FAMILY PRESERVATION

Perhaps it is precisely because real solutions differ so starkly from the phony solutions proposed by ECM that Petit ducked a question at the hearing. He was asked which states had relatively successful child welfare systems. He avoided a direct answer.

In fact, no state is good enough. But a few states are notably better than most of the rest, and NCCPR would be pleased to discuss these success stories with the committee in detail and provide contacts in these states. These states have one thing in common: They did more to keep families together and reduced the misuse and overuse of foster care.

Illinois and Alabama, for example, transformed their systems as a result of class-action lawsuit settlements. But unlike most such settlements, the settlements in these states emphasized rebuilding the systems to do more to keep families together. Today, these states tear apart families at rates well below the national average – and independent court appointed

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monitors say child safety has improved. *The New York Times* examined Alabama's reforms in a front-page story available here: <http://bit.ly/5ydDoW>

Michael Petit's own state of Maine is now a national model – something it could not claim while its child welfare system was run by Michael Petit. On the contrary, by 2001, Petit and his successors left Maine with a system that held proportionately more children in foster care than almost any other. Only after a little girl named Logan Marr was taken from her mother because of the mother's poverty and placed in the foster home a former child welfare caseworker who killed her, did Maine face up to the fact that the heart of the problem was taking away too many children.

A new governor brought in new leadership that cut the rate of removal, significantly increased the use of kinship care, and sharply reduced the use of the worst form of placement, institutionalization. There was no compromise of safety, so it's no wonder Harvard's Kennedy School of Government made the transformation of child welfare in Maine a finalist for its innovations in American Government awards.

One final, sad irony: Remember the publication Michael Petit held up at the hearing? The one from ECM featuring pictures of dead children. One of those pictures is of Logan Marr. It profanes the memory of Logan Marr to have her picture used in a publication designed to stampede the American public into supporting the very take-the-child-and-run approach to child welfare that contributed to her death.

Still another state that has made enormous progress is Florida. Not long ago the state was *the* national example of child welfare failure. Today it's a national leader. Gov. Jeb Bush made Florida the only state in the nation to accept a waiver like the ones I described above, before HHS' authority to issue those waivers expired. Then Gov. Charlie Crist brought in reform-minded leaders who knew how to make the best use of the funds – rebuilding the system to emphasize safe, proven programs to keep families together. The result: significant reductions in entries into foster care and improvements in child safety – according to the independent monitors evaluating the waiver, as required by federal law. Once again, *The New York Times* was sufficiently impressed to do a story on the turnaround. That story is available online here: <http://nyti.ms/f3L9Mh>

But ECM's behavior has been particularly shameful when it comes to Florida. During a telephone news conference last year, Michael Petit and his allies spent much of the time trashing the Florida system – because it appeared that Florida had a high child abuse death rate, based on the phony scorecard ECM issued that year. In fact, this was due to the fact that Florida dramatically expanded the definition of child maltreatment deaths – exactly the kind of change ECM claims to favor. Further details are available on our website here: <http://bit.ly/fgrbel>

For two years in a row, ECM has issued these grisly scorecards, even as the organization admits the comparisons are invalid because, in the absence of national standards, it is impossible to compare rates of child abuse deaths. The result: **Any state that does what ECM claims to want and investigates child abuse deaths thoroughly and comprehensively is penalized by false claims that they rank high in such deaths. States that do a sloppy job of investigating benefit by appearing to rank low.**

ECM simply cannot be relied upon for information that is accurate and in context. In 2009, the group had to retract an entire section of its report on child abuse fatalities after NCCPR pointed out that the data on child welfare spending were incomplete and out of date.

I am a tax-and-spend liberal and proud of it. There is nothing at which I'd rather "throw money" than keeping vulnerable children safe. But it is a crime against children to take scarce funds and waste them on approaches which only make things worse. Texas actually tried a massive caseworker hiring binge in 2005 – the result was exactly as we predicted in a report we issued at the time (available on our website here (<http://bit.ly/aViRUZ>): the same lousy system only bigger – and cases like the case of the Leonard family in Houston.

But, of course, Every Child Matters makes no mention of such cases. On the contrary, in his written testimony Petit implies that all parents caught up in the system are "abusive parents [who] are much more likely to learn how to care for their children safely" if ECM's recommendations are followed. The Leonards already know how to care for their children safely – and they were doing just that until Texas child protective services tore the family apart.

INFERENCE PEDDLING

Petit further stacks the deck by claiming that a caseworker's choice boils down to "leave a child in harm's way ... or exercise powerful state authority that can result in termination of parental rights."

He wants readers to infer that any move to leave a child in her or his own home puts the child at risk, while if a child is removed only the parents rights are at stake. That kind of "inference peddling" distorts the child welfare debate.

In the overwhelming majority of cases, leaving the child in her or his home is the safer alternative – it is foster care that gambles with children's futures.

- When a child is needlessly thrown into foster care, he loses not only mom and dad but often brothers, sisters, aunts, uncles, grandparents, teachers, friends and classmates. For a young enough child it can be an experience akin to a kidnapping. Other children feel they must have done something terribly wrong and now they are being punished. A major study of foster care "alumni" found they had twice the rate of post-traumatic stress disorder of Gulf War veterans and only 20 percent could be said to be "doing well."¹

- Two more studies, of 15,000 typical cases, are even more devastating. Those studies found that in these typical cases even maltreated children left in their own homes with little or no help fared better, on average, than *comparably-maltreated* children placed in foster care.²

- All that harm can occur even when the foster home is a good one. The majority are. But the rate of abuse in foster care is far higher than generally realized, far higher than in the general population, and vastly higher than the official figures, which involve agencies investigating themselves. For example, that same alumni study found that one-third of foster children said they'd been abused by a foster parent or another adult in a foster home. (The

study didn't even ask about one of the most common forms of abuse in foster care, foster children abusing each other). Switching to orphanages won't help -- the record of institutions is even worse.

Furthermore, the more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents. And that is exactly what happens when the public confuses the horror stories peddled by groups like Every Child Matters with the norm.

- But even that isn't the worst of it. The more that workers are overwhelmed with children who don't need to be in foster care, the less time they have to find children in real danger. So they make even more mistakes in both directions. That is almost always the real explanation for the horror-story cases that make headlines.

None of this means no child ever should be taken from her or his parents. Rather, it means that foster care is an extremely toxic intervention that must be used sparingly and in small doses. But for decades, America's child welfare systems have prescribed mega-doses of foster care. ECM's scare tactics threaten to up the dose still further.

So if by some chance Congress has an extra \$3 billion to \$5 billion lying around, spend it on rent subsidies for poor families like the Leonards, spend it on low income child care, so single parents don't have to choose between getting fired or leaving their children home alone and having them taken away. But don't spend it on repeating the same mistakes the child welfare system has made ever since 19th century "child savers" used horror stories to gain unprecedented power over impoverished families.

The definition of insanity, it is said, is doing the same thing over and over and expecting a different result. By that standard, at a minimum, the proposals from Every Child Matters could use a "psychiatric evaluation."

Below, we present a more detailed examination of the misleading statements, misuse of data and factual errors by Every Child Matters concerning these issues. Unfortunately, many of these same errors are included in Michael Petit's prepared testimony for today's hearing.

EVERY FACT MATTERS: How children are harmed by ECM's Reign of Error

An analysis from the National Coalition for Child Protection Reform

In the 19th Century, Societies for the Prevention of Cruelty to Children would raise funds by taking the very few extreme cases of maltreatment they encountered and exploiting them, sometimes complete with "before" and "after" pictures. Those rare cases hid an agenda that consisted largely of confiscating the children of the immigrant poor, an agenda fueled by racial, religious and class prejudice. Proudly calling themselves "child savers," their theory was that it was permissible to distort facts in order to build support for the noble goal of "saving" children.

In some quarters, things have not changed all that much. Though the group means well and is pursuing a goal that all of us share, ending child abuse deaths, the group calling itself Every Child Matters (ECM) repeatedly has misused data and sometimes gotten facts flat wrong. Just as the ends-justify-the-means mentality of 19th Century child savers did enormous harm to children then, that same mentality on the part of the latter-day child savers at ECM does enormous harm to children now.

ECM gets the facts wrong about fatalities

In 2009 and 2010 ECM published reports containing what amount to scorecards, purporting to compare child abuse fatality rates among the states.³ Then the group set up the states it claimed were worst for what amounted to rhetorical public floggings at news conferences and in press releases. So in 2010, an ECM press release declared that: “The child abuse/child neglect crisis is one of national concern, but it also is of particular significance in the top 12 states that are above the national average for child abuse/neglect deaths.”⁴

In fact, there is no way to know which state is worst, or best, because there is no valid way to compare. There is no valid “national average.” And ECM actually admits this when pressed. On December 14, 2010, ECM held a telephone news conference during which its director, Michael Petit, and others spent 45 minutes blasting the states that supposedly rank high. Only at the end, when pressed by NCCPR, did Petit admit the very comparison they’d been making is impossible:

“We emphasize all over the place that it is impossible to compare states because of the different definitions, and we’ve been encouraging Congress and HHS to establish measurable and comparable standards between the states.”

In fact, ECM doesn’t emphasize this at all; at best they bury it in the fine print. ECM knows full well that reporters love scorecards, and any state they label as worst or among the worst will be tarred by that false claim in story after story. ECM also knows that local “child savers” opposed to reform plans that involve safe, proven alternatives to foster care will use the phony rankings in an effort to undermine those reforms.

It also undermines one of ECM’s own stated goals: rigorous investigation of child deaths. Any state that makes its reporting more rigorous risks being attacked by ECM for supposedly having an above-average rate of child abuse deaths, while states that are sloppy about reporting such deaths are rewarded by being portrayed as safer for children.

ECM gets the facts wrong on child welfare spending

In 2009, ECM’s report also purported to compare the amount states spend on child welfare. ECM criticized states that supposedly spent less. But the data were two years older than the most recent available. Worse, the data for several states were incomplete. This was clearly stated in the source material used by ECM (a report from the Urban Institute), but ECM ignored it – as well as overlooking the more recent data, prepared by some of the same researchers, though these data were readily available online.

Under pressure from NCCPR, which pointed out these facts on our Child Welfare Blog in these posts: <http://bit.ly/liSq8y>, ECM retracted the section of its report purporting to compare spending – but not before it did real damage.

The *Kennebec Journal* in Augusta Maine was badly burned when the newspaper ran a huge story based on ECM's inaccurate numbers – requiring them to run another huge story setting the record straight after ECM's error became apparent.⁵

ECM gets the facts wrong on false allegations of maltreatment.

Every year, Child Protective Services agencies investigate allegations of child maltreatment involving about 3.6 million children.⁶ About 77 percent of those allegations, involving 2.77 million children, turn out to be false allegations.⁷ Not only does this do enormous harm to the children traumatized by needless investigation, it also means that **CPS workers spent more than three-quarters of their time spinning their wheels – no wonder they don't have time to find all of the children in real danger.**

ECM uses a series of evasions to try to get around these 2.77 million inconvenient facts. In its 2009 report, ECM claimed that "many" reports initially labeled false will turn out to be true when the same family is reported again. But "many" can mean anything – or nothing. And ECM offers no support for that claim – an endnote leads only to a government statistics home page, with no indication of how ECM came up with this claim, or even where to look. Furthermore, when multiple reports do lead to substantiation, that may be only because there were multiple reports - so CPS workers may assume they must be true.

In contrast, the one serious study we know of to examine this issue found that caseworkers are two to six times more likely to wrongly substantiate a case than to wrongly declare one to be unfounded. So if anything, the official number of false reports understates the problem.⁸

ECM's statistics abuse doesn't stop there.

- Their 2009 report claimed that 30 percent of allegations of child maltreatment were substantiated in 2007. In fact it was 23 percent that year, just as it was in 2009, the most recent year for which data are available.

- In addition to overstating the percentage of cases that workers substantiate, ECM calls these cases "confirmed." That is not true. No judge or jury reviews such decisions; it's just a caseworker checking a box on a form. So it is no wonder we are aware of no state that actually uses the term. In many states the worker is supposed to "substantiate" the case even when there is more evidence of innocence.

- But ECM's mastery of evasion is most apparent when the group says, in that same 2009 report, that "there is no evidence which suggests that intentionally false reports alleging maltreatment are a serious issue." The weasel word is "intentionally." Whether a child is subjected to a traumatic investigation, a stripsearch and separation from everyone she knows and loves because of a malicious report or because of a well-meaning error by someone who

listened to one of those endless exhortations to report anything and everything isn't likely to matter much to that child.

Bottom line: No matter how much ECM tries to obscure the issue, the fact remains that, malicious or not, at least 77 percent of reports are false.

Furthermore, of the "substantiated" reports, the overwhelming majority are neglect – which often means poverty, since typical state laws define neglect as lack of adequate food, clothing shelter and supervision – a perfect definition of poverty. (For details and full citations, see NCCPR Issue Papers 5, 6 and 7 at www.nccpr.org.)

Indeed, out of every 100 children investigated as possible victims of abuse, at least 79 simply weren't - the report was false. Fourteen were "substantiated" victims of neglect, and 7 were victims of either sexual abuse or any form of physical abuse, from the most minor to the most severe. (Three of those eight may have been victims of both and/or other forms of maltreatment as well.) One was a victim of psychological maltreatment. One more falls into a category listed as "other."⁹

ECM's "Bait and switch"

Here are some facts you won't find in any of ECM's material:

- ECM says the "real" number of child abuse deaths may be 50 percent higher than the official figure. That may be true, though a recent series of reports by NPR, ProPublica and the PBS series *Frontline* also provide ample evidence that the official figure may be overstated. In fact, there likely are serious errors in both directions.

But even if you go much further and triple the official estimate, in any given year, 99.99 percent of American children will not die of child abuse.¹⁰

- In any given year, 98.9 percent of American children will not be abused or neglected in any way – and that's true even when one counts all those cases in which what child protective services agencies call "neglect" really is poverty.¹¹

The reason you almost never see those numbers is because groups like ECM have successfully intimidated critics away from mentioning them, using a kind of "bait and switch" technique. The bait: First they use inflated, phony numbers to lure us into their tent to sell us snake oil solutions. Then, if anyone tries to put the numbers into context, comes the switch: They say, in effect, "How dare you quibble about numbers when children are dying? If even one child dies of abuse it's one too many."

In one sense they are right, in another, tragically wrong. They are right in the sense that the problem of child abuse is not minor. The United States is a very big place, even a small percentage is a big number. And yes, even one child's life lost to the sadism or brutality of a parent is one too many – so is one child whose life is ruined by needless placement in the chaos of foster care.

But it is wrong to dismiss the importance of getting the numbers right. The numbers are significant not for what they say about the importance of the problem, but for what they say about how to solve it. The problem of child abuse is serious and real. It's ECM's solutions that are phony. Using bad numbers to promote phony solutions only makes it more likely that the real numbers, whatever they are, will get worse.

The fact that the percentage of children who face child maltreatment is, in fact, quite low, and the horror story cases that make headlines – or are ripped from the headlines for *Law & Order* scripts - is tinier still, has profound implications for how we try to reduce the number still further.

The horror story cases are needles in a haystack. Real solutions require finding more precise ways to detect the needless. Instead, we keep trying to vacuum up the entire haystack. The net of coercive intervention is made ever wider, with resources diverted into hiring more caseworkers to investigate more families, new categories of mandated reporters, broader definitions of maltreatment and constant exhortations to turn in our neighbors at the slightest suspicion of maltreatment.

All of that only compounds the real problems in American child welfare – and makes all children less safe.

¹ Peter Pecora, et al., *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study*, (Seattle: Casey Family Programs, 2005).

² Joseph J. Doyle, Jr., "Child Protection and Child Outcomes: Measuring the Effects of Foster Care," *American Economic Review*, 97(5), December 2007: 1583-1610; Joseph J. Doyle, Jr., "Child Protection And Adult Crime: Using Investigator Assignment To Estimate Causal Effects Of Foster Care," *Journal of Political Economy* 116(4), August 2008: 746-770.

³ *We Can Do Better: Child Abuse and Neglect Deaths in America* (Washington DC: Every Child Matters Education Fund). First Edition, October, 2009, Second Edition, September 2010. All references to ECM's "2009 report" are to this document.

⁴ News Advisory: "Child abuse deaths: The most ignored major social problem in America?" Dec. 14, 2010.

⁵ Scott Monroe, "Official criticizes Child poverty study," *Kennebec Journal*, October 24, 2009.

⁶ U.S. Department of Health and Human Services, Child Maltreatment, 2009, p.ix, available online at <http://www.acf.hhs.gov/programs/cb/pubs/cm09/cm09.pdf>

⁷ *Ibid.*, p.viii, reporting that only 23 percent of allegations are either "substantiated" or "indicated."

⁸ Study Findings: Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988 (Washington: U.S. Dept. of Health and Human Services, National Center on Child Abuse and Neglect, 1988), Chapter 6, Page 5.) Although this is an old study, nothing has changed in the way CPS workers investigate cases to suggest that the findings would be any different today.

⁹ The figure is based on the breakdown of types of reports and the rate of substantiation in the federal government's annual *Child Maltreatment* reports. For full details on how this figure was estimated, see NCCPR's Issue Paper, *Understanding Child Abuse Numbers* available online at <http://www.nccpr.org/reports/OTHER2.pdf>

¹⁰ This figure is calculated by taking ECM's figure for child abuse fatalities in 2007, tripling it, and then dividing it by a Census Bureau estimate of the total population of Americans under age 18.

¹¹ This figure is calculated by taking the total estimated number of children for whom allegations of maltreatment were "substantiated" and dividing that figure by the total population of Americans under age 18.

ABOUT NCCPR

The National Coalition for Child Protection Reform is a non-profit organization whose members have encountered the child protection system in their professional capacities and work to make it better serve America's most vulnerable children. A complete list of our Board of Directors, some of the nation's leading experts in the field of child welfare, is available at www.nccpr.org. Comments about the value of our work, from journalists and child welfare leaders, are available on the website at <http://nccpr.info/what-others-say-about-nccpr/>