

BETTER LAWYERING

Why Gather Data on Parent Representation? The Pros, Cons, Promise and Pitfalls

by Andrew Davies and Angela Olivia Burton

Parent representation providers can benefit from data collection and analysis. What kinds of data should be collected, and how might you use them? What benefits and pitfalls does data collection have?

At the New York State Office of Indigent Legal Services, we are mandated to “monitor, study, and make efforts to improve” parent representation in each of the state’s family courts, so we have been thinking about meaningful data collection carefully.¹ In this article we take a broad view of data collection and discuss why you should collect data, how to do it, and what to be wary of along the way.

Federal Government Context

New federal rules create opportunities for parent representation providers to have input into state data collection and analysis.² In 2012, the Administration for Children and Families (ACF) said it would only continue to offer Court Improvement Program (CIP) funding to states that implemented something called “continuous quality improvement” (CQI). CQI involves tracking and regularly reporting data “to identify, inform, monitor and improve progress toward outcomes in an ongoing fashion.”³ State courts must identify intended outcomes and measureable objectives for child welfare cases, describe what

data will be collected, how it will be obtained, and who will measure and

Data can help you test whether changes you make have the desired effect, and can show you areas that you could examine in your practice to serve clients better.

present it.⁴ The data are then used to identify needs and develop interventions and activities to meet the stated outcomes and monitor how well the interventions and activities are working.⁵

A key component of CQI is ongoing collection and analysis of data about the quality of legal representation for parents, children, and child welfare agencies. State courts receiving Court Improvement Program funds must collect data “to measure and track the progress of interventions and activities, including . . . quality indicators of hearings and legal representation.”⁶ A feedback process involving relevant stakeholders must be in place

to use data “to identify, inform, and implement midcourse adjustments and modifications to improve CIP interventions and activities.”⁷ Beyond that, the details are left to states. This means that states should be talking about measuring parent representation quality, which may open up opportunities that did not previously exist for providers to contribute information about the importance of their work on child welfare processes and outcomes.

Why Data?

There can be advantages to tracking data on your work beyond simple compliance with federal mandates. At their best, data offer credibility.

(Cont’d p. 54)

What’s Inside:

- 50 CASE LAW UPDATE
- 58 IN PRACTICE
Representing Child Abuse Victims: Forensic Interviewing Tips
- 60 SPOTLIGHT: IMMIGRATION
When an Immigrant Parent is Detained or Deported: Child Welfare Best Practices
- 61 CULTURAL EXCHANGE
Role of Family Court Increases in Child Protection Cases in South Korea
- 62 RESEARCH IN BRIEF

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CASE LAW UPDATE

Perjury Prosecution Not Prohibited by Mother's Lack of Counsel at Hearing

State v. Churchill, 2015 WL 500890 (Mo.).

Where mother lied about having a child in an initial protective hearing, and sought to have the hearing delayed until she got an attorney, trial court did not err in proceeding or allowing her false testimony to later be used in perjury prosecution. Though mother had a right to counsel, initial hearing had to be held within three days and protection from false testimony was not among the rights to be protected in these hearings.

Mother appeared for an initial protective custody hearing after allegations were made to child protective services regarding her five-year-old child. She said she wanted an attorney before she proceeded. The court, indicating it was just a preliminary matter, proceeded. She then testified that the child did not exist. The court heard from her relatives and the court continued to believe the child did exist. The court ordered her to produce the child in a few days.

The mother produced the child two weeks later after obtaining an attorney. She was charged with perjury for the prior false testimony. She moved to suppress the prior testimony, arguing it was given in violation of her statutory and constitutional right to counsel. The trial court denied her motion and she was convicted of perjury and sentenced to four years. She appealed.

The Missouri Supreme Court found the trial court did not err in proceeding with the hearing or denying her motion to suppress the false testimony.

The supreme court first considered potential constitutional rights. The court held the mother did not have a Sixth or Fourteenth Amendment right to counsel at the protective custody

hearing because the proceeding was not criminal in nature. Her risk of perjury was no greater than any other witness in a civil trial.

Next the court examined whether the mother had a statutory right to counsel. State statute 211.091.1 provides that in child protection cases, a "party is entitled to be represented by counsel in all proceedings." However, the court concluded, it was not clear the mother was a 'party.' At this point in the case, only the child and the state were named as parties. Court rule 115.03 however indicates that the court will appoint counsel for indigent parents when necessary for a fair and full hearing.

Thus, the court assumed that mother was entitled to counsel.

Next the court examined whether it was error to deny the motion to suppress.

The court was under an obligation to conduct the protection hearing within three days of the petition. As the trial court explained to the mother, the hearing was not to determine the mother's rights, but to decide whether the child needed to be taken into protective custody until a fuller disposition. Thus, the court was not unreasonable to seek to avoid delaying the hearing.

Finally, the mother asserted that she should not have been prosecuted for perjury because she retracted the false claim two weeks later. However, she did not retract the claim in a timely manner. Retraction must be done before the false statement is exposed. The testimony of her relatives exposed the falsity before she presented the child to the court and acknowledged he was hers.

Officer Lacked Probable Cause for Arrest Warrant Based on Child's Inconsistent and Uncorroborated Statement

Wesley v. Campbell, 2015 WL 859457 (6th Cir.).

Child alleged abuse at a time and place which would have likely had many witnesses, there was no medical evidence, and other alleged child victims denied abuse. Further, officer acted recklessly in omitting facts from the affidavit requesting an arrest warrant and was not clearly entitled to qualified immunity.

A seven-year-old child was found by a school counselor harming himself outside of class. The counselor brought him into his office, which was located in the 'administrative hub,' in the midst of many staff offices. The staff later stated there were two other students in the office and another counselor remained with the three students when the counselor left to call the seven-year-old's mother. The counselor recommended the mother take the child to a mental health center. The counselor followed the family there because the child had a long history of behavioral problems. He had previously recommended the child be evaluated and believed the mother had not done so.

The child told his mother on the car ride that the counselor had touched his private area over his clothes when they were alone in the office. The mother contacted child protective services (CPS). The CPS investigator and a police officer interviewed the child at the child advocacy center a few days later and his report of abuse was more severe. He said the counselor had raped him and that this abuse had been going on for a year and the counselor had abused two other students at the school.

A team of social workers interviewed all the children who had records of appointments with the counselor. All the children interviewed, over 30 children, reported no inappropriate behavior by the counselor.

A medical exam of the child revealed no signs of abuse. CPS

substantiated the report of abuse against the counselor and the school terminated his employment. The officer filed an affidavit for an arrest warrant and the counselor was arrested. The case quickly unraveled in court when the child and his mother refused to cooperate with the prosecutor.

The counselor then filed a civil rights suit under § 1983 for false arrest and negligent investigation. The district court granted motions to dismiss by the officer finding she had probable cause to arrest and had qualified immunity. The counselor appealed.

The United States Court of Appeals for the Sixth Circuit reversed.

The Sixth Circuit examined the wrongful arrest claim, which was dismissed on a 12(b)(6) motion. It observed that the district court had wrongly held the counselor's claim needed to make a 'substantial' showing rather than the correct 'plausibility' showing.

The Sixth Circuit noted that for qualified immunity, an officer violates well-established case law if they

make known material omissions or show reckless disregard for the truth. A probable cause determination analyzes the totality of the circumstances known to the officer including inculpatory and exculpatory information.

Case law is divided on whether firsthand statements, without more, are sufficient for probable cause. However, even those cases that hold that they are sufficient require the statements be 'reasonably trustworthy.' Under these circumstances, the officer should have had doubts about: the trustworthiness including the child's young age, the alleged assaults were in a location visible to many other staff, the child's statements were inconsistent, there was no medical evidence of abuse, and the child had a history of psychological issues.

Because the officer failed to disclose some of these pertinent facts in the affidavit, her actions showed a reckless disregard for the truth. Thus, the district court erred in granting the dismissal based on qualified immunity.

Case Update: Mother Reunited with Baby

In the March 2015 *CLP*, Robyn Powell, attorney advisor at the National Council on Disability, described the case of Ms. Gordon, a 21-year-old mother in Massachusetts whose baby was removed at birth because of the mother's developmental delay. On March 9, 2015 a family court judge awarded custody of the baby to Ms. Gordon's parents, with whom she lived. The decision reunites the baby, now two years old, with Ms. Gordon.

The underlying case resulted in an investigation finding the child welfare agency involved in the case discriminated against the mother based on her disability. The case drew federal attention as the Departments of Justice and Health and Human Services issued a joint letter prohibiting discrimination against parents with disabilities in child welfare cases. The Departments also instructed the Massachusetts agency in the case to withdraw its termination of parental rights petition against the mother and provide appropriate supports and services, pay damages to the mother, and develop procedures for agency handling of disability related issues.

STATE CASES**Alabama**

Marshall County Dep't of Human Res. v. M.B., 2015 WL 836707 (Ala. Civ. App.). TERMINATION OF PARENTAL RIGHTS, RELATIVES

Juvenile court erred when it failed to award permanent custody to child welfare agency as part of judgment terminating parents' rights to their four children and closing the cases. As a result, court could not properly adjudicate paternal grandfather's custody request until permanent custody was determined.

Alaska

Sylvia L. v. State, Dep't of Health & Soc. Servs., 2015 WL 720524 (Alaska). TERMINATION OF PARENTAL RIGHTS, ICWA

In proceeding to terminate mother's rights to two non-Indian and one Indian child, ICWA-qualified expert's testimony was sufficiently grounded in facts and issues of case to be admissible, regardless of expert's status as employee of child welfare agency. Expert's testimony considered mother's history of trauma, substance abuse, underlying mental health issues, and likelihood that mental health issues would not resolve without professional intervention.

California

In re Jesus M., 2015 WL 1208624 (Cal. Ct. App.). DEPENDENCY, EMOTIONAL ABUSE

Child dependency statute does not provide for jurisdiction based on emotional harm and requires proof of physical harm or substantial risk of such harm. Court's finding that father's harassment of children's mother in violation of restraining order and denigrating mother to the children placed children at risk of emotional but not physical injury was insufficient to assert jurisdiction.

Connecticut

Gagliardi v. Comm'r Children & Fam., 2015 WL 754472 (Conn. App. Ct.). CHILD ABUSE REGISTRIES, EVIDENCE

Teacher was listed on child abuse registry after high school student's mother obtained transcripts of sexually explicit text messages exchanged between her daughter and the teacher. Teacher's appeal of listing was insufficient because he only broadly claimed procedural due process

violation based on insufficient opportunity to challenge foundation and origin of text messages.

Florida

C.D. v. Dep't of Children & Fam., 2015 WL 848157 (Fla. Dist. Ct. App.). TERMINATION OF PARENTAL RIGHTS, RELATIVES

To terminate parental rights, state must show reunification poses substantial risk of significant harm to child and termination is least restrictive means of protecting child. Evidence was insufficient to support second finding that termination of mother's rights to allow children's adoption by maternal aunt was least restrictive means of protecting children from harm. Incompatible findings that children did not have relationship with mother but had bond with her weighed against termination.

M.P. v. Dep't of Children & Fam., 2015 WL 1044156 (Fla. Dist. Ct. App.). DEPENDENCY, CASE PLANS

Mother consented to adjudication of dependency of four children but father appealed order and contested finding that random drug testing was indicated as part of his case plan. Although there was evidence that father failed to protect children from mother's drug use and neglect, evidence was insufficient to show dependency resulted from substance abuse by father. His case plan could not merely mirror mother's case plan without considering his individual circumstances.

Georgia

Floyd v. Gibson, 2015 WL 1243990 (Ga. Ct. App.). CUSTODY, THIRD PARTIES
Children were removed from mother after her drug overdose, and maternal grandmother filed for custody. Unwed father filed counterclaim for custody, and court improperly sided with grandmother without considering father's rights. Court did not make requisite determination that children would suffer physical harm or significant, long-term emotional harm in his custody, not merely social or economic disadvantages.

Leggett v. State, 2015 WL 1243701 (Ga. Ct. App.). ABUSE, HEARSAY

Defendant in sexual abuse prosecution challenged witness's testimony about victim's outcry statement as hearsay. Statement was admissible under child hearsay statute because victim was under 14 years

old and had already testified that she told witness about incident. Defendant's challenge to forensic interviewer's testimony that she improperly bolstered credibility of victim also failed because interviewer did not state that she believed victim was truthful.

In re T.A., 2015 WL 1057888 (Ga. Ct. App.). TERMINATION OF PARENTAL RIGHTS, INCAPACITY

Evidence was sufficient to support termination of mother's parental rights due to parental misconduct or inability. While mother completed case plan goals, she had significant cognitive deficits with no change in parenting abilities after basic parenting classes. Child had developmental issues, and expert testified that mother would be unable to care for child without constant in-home support. Mother had also previously lost custody of older child.

Illinois

In re Scarlett Z.-D., 2015 WL 1255024 (Ill.). CUSTODY, THIRD PARTIES

Adoptive mother, who adopted child while in relationship with boyfriend, was not equitably estopped from challenging former boyfriend's standing to seek custody, visitation, and child support. Mother did not misrepresent that he was child's biological or adoptive father, mother's adoption of child did not pertain to boyfriend, and boyfriend's relationship with child was contingent on his relationship with mother, who was child's only legal parent.

Indiana

In re E.W., 2015 WL 793168 (Ind. Ct. App.). DEPENDENCY, VISITATION
Evidence supported trial court's decision to cease visitation and phone contact between mother and 16-year-old child. Trial court also denied change of permanency goal to adoption and instead entered goal of another planned permanent living arrangement (APPLA). Child suffered multiple traumas while placed in mother's care, and mother behaved inappropriately during supervised visits. Mother refused to participate in services designed to help her become a better parent, and further contact would be detrimental.

Louisiana

State in re J.C.R., 2015 WL 898577 (La. Ct. App.). DELINQUENCY, EVIDENCE
Trial court's failure to enter video and audio exhibits into evidence, which were

played during juvenile's adjudication hearing for communicating false information about a planned bombing on school property, made the record on appeal incomplete and prevented sufficiency review. Juvenile's adjudication was vacated because recordings, which included witnesses identifying his voice on 911 audio recording and his parents testifying voice was not his, were important to adjudication determination.

Maine

In re D.C., 2015 WL 1018841 (Maine).

TERMINATION OF PARENTAL RIGHTS, SUBSTANCE ABUSE

Evidence was sufficient to support termination of parental rights determination that father was unfit and termination was in children's best interests. Father failed to refrain from abusing illegal substances, failed to appear for scheduled drug screenings, tested positive for illegal substances, and failed to attend substance abuse treatment. He failed to maintain consistent, positive visitation with children, develop parenting skills, or obtain and maintain appropriate housing.

Mississippi

Farthing v. McGee, 2015 WL 652945

(Miss. Ct. App.). TERMINATION OF PARENTAL RIGHTS, LEGAL REPRESENTATION

Mother sought termination of divorced father's rights to son. When deciding if termination of parental rights is proper, court must include findings of fact and summary of guardian ad litem's (GAL) recommendations. Court ruled contrary to GAL's recommendation that father's rights be terminated but record showed no evidence court considered GAL's findings and order did not address those recommendations.

Montana

In re J.D., 2015 WL 786887 (Mont.).

TERMINATION OF PARENTAL RIGHTS, CASE PLANS

Trial court did not abuse its discretion in terminating father's parental rights after he failed to comply with fifth treatment plan that included "be nice" clause requiring father to behave in reasonable manner to ensure children's special needs were met. Conduct rendering father unfit, including criminal and substance abuse histories, was unlikely to change within reasonable time.

In re M.V., 2015 WL 786893 (Mont.).

TERMINATION OF PARENTAL RIGHTS, AGGRAVATED CIRCUMSTANCES

Evidence warranted termination of mother's parental rights based on failure to complete treatment plan and fact she subjected children to aggravated circumstances. Mother repeatedly failed to address serious health needs of children or take action to prevent future physical abuse of children. She failed to complete mental health therapy addressing her trauma and domestic violence history, and drugs were found in her home.

New Jersey

N.J. Div. of Child Prot. & Perm. v. K.T.D.,

2015 WL 720564 (N.J. Super. Ct. App. Div.). TERMINATION OF PARENTAL RIGHTS, ICWA

Trial court in proceeding to terminate parental rights of mother with Native American ancestors was required to notify Indian tribes and Bureau of Indian Affairs (BIA) of guardianship proceeding and right to intervene, even though mother failed to supply information required by BIA regulation about child's genealogy and was not enrolled or registered member of any Cherokee tribe. Mother's actions or inactions did not affect protections afforded to child under Indian Child Welfare Act (ICWA) since it presumes that not separating child from family and tribal heritage was in her best interests, and identity of tribe to which paternal ancestors belonged was unknown.

New York

In re Nialani T., 125 A.D.3d 672 (N.Y.

App. Div. 2015). DEPENDENCY, MENTAL ILLNESS

Proof of mental illness alone will not support finding of neglect. There was no causal connection between mother's mental illness and actual or potential harm to child. No evidence established mother ever failed to properly care for child or provide child with adequate food, clothing, or shelter. Evidence indicated child was healthy, active, and intelligent two year old.

North Carolina

In re H.D., 2015 WL 659736

(N.C. Ct. App.). DEPENDENCY, REUNIFICATION

Trial court's order changing permanent plan for children to adoption adequately indicated that further reunification efforts

would be futile, although findings of fact did not quote precise language of statute regarding ceasing reunification efforts. Order indicated that mother failed to attend visits or complete case plan, had pending criminal charges, and had not been participating in drug screens so that children would be unable to go home within six months.

In re V.B., 2015 WL 659739 (N.C. Ct.

App.). DEPENDENCY, GROUNDS

Findings of fact in court order were insufficient to sustain child's adjudication of dependency as to father. Both mother and father were minors, and mother was in custody of child welfare agency. Agency made no allegations and presented no evidence that father was unable to provide or arrange for care and supervision of child, and trial court made no findings to that effect.

Pennsylvania

In re C.R., 2015 WL 691274 (Pa. Super.

Ct.). DEPENDENCY, FOSTER PARENTS

Former foster mother, from whose care two minor children were removed due to safety concerns related to foster father, was not denied due process right to notice and opportunity to be heard in dependency proceedings. Former foster mother knew about removal of children and could have filed motion to participate in proceedings, but instead waited six months following removal of children to file motion for permanency review.

Utah

In re A.K., 2015 WL 737051

(Utah Ct. App.). DEPENDENCY, REUNIFICATION

Following mother's incarceration, juvenile court adjudicated child neglected, determined reunification services were not appropriate and not in child's best interests, adopted permanency goal of adoption, and terminated parental rights. Clear weight of evidence supported court's findings that mother failed to respond to previous reunification services and had history of violent behavior toward child. Court's decision to deny reunification services can be overturned only if it failed to consider all facts or considered all facts and decision was nonetheless against clear weight of evidence.

Figure 1:

Indicators of Quality Legal Representation

from the Administration for Children and Families

Several indicators provide evidence that parties are receiving quality, effective representation that meets the requirements of law in accordance with professional standards of ethics. Examples of indicators include:

- timing of appointment of counsel;
- presence of the attorney in court;
- active attorney participation in hearings (e.g., advocating for necessary services for his or her client, including language assistance services [interpreters] for parties with limited English proficiency, formal and informal discovery requests made);
- timeliness of pleadings;
- the frequency and nature of out-of-court meetings the attorney has with client prior to and between hearings;
- attorney participation in out-of-court meetings (e.g., multidisciplinary case reviews or Family Group Decision Making);
- the frequency and nature of the attorney's communication with collateral contacts (e.g., foster parents, service providers, case workers, school system, etc.);
- attorney caseload information (e.g., whether the size of the caseload is manageable, current child welfare caseload and diversity of those cases, i.e., does the attorney represent children, parents or both; percentage of child welfare cases that comprise the attorney's practice);
- attorney participation in all placement decisions;
- attorney monitoring of the implementation of court orders and related follow-up and advocacy;
- any specialized child welfare training, accreditation or access to mentoring the attorney may have;
- nature of the supervision/management structure for the attorney's practice;
- continuity of counsel throughout life of the case;
- access to other multidisciplinary professionals as partners, team members, or employees such as social workers, investigators, Court Appointed Special Advocates (CASAs) etc.

(Cont'd from front page.)

Data can help you convince a funder or budgeting agency that you are effective. Equally, data might be useful to show how overwhelmed you are. Data can help you test whether changes you make have the desired effect, and can show you areas that you could examine in your practice to serve clients better. Data can also, of course, be used by your enemies to allege you are doing a poor job. Either way, the one thing you can be

sure of is that the more sound data used to support an argument the more credible it will appear.

The data that work best are those that represent pieces of sound, objective information—defined and collected by you—about what you do. They should provide evidence that will help you to explain what you do and why it's important. While the data you gather might not always tell you what you want to hear, or everything you want to know, if you collect it carefully you should at least be sure it won't lie

to you.

What Data?

What data should you collect? The more you think about the kinds of data you'd like to have, the longer the list will get. The truth is some data are more useful than others. First, ACF provides a long list to get you started (see Figure 1).⁸ Second, research on *performance measurement* can help guide your thinking.⁹

Think about the kinds of questions your data will have to answer—questions like:

- What resources do you need?
- What do you do for your clients?
- Are your clients better off after you help them?¹⁰

These are the kinds of questions parent representatives face often from funders, the media, and others who want to know more about the work. Addressing them gives you a chance to think about this as a marketing exercise. What information would you like to have to answer these questions that helps persuade people your program is worthwhile?

Try using those three questions as a brainstorming exercise:

- **What resources do you need?** People need to understand the situation you face when you try and do your job, so think about data that reflect that.
 - What are your caseloads?
 - What resources or funding do you have?
 - What kind of attorney and/or support staff do you have?

These kinds of data can show the constraints that define what you are able to do for each client.

- **What do you do for your clients?** People want to know what services you provide, how often, and to how many people—and they want to know whether you're doing a good job. Think about counting how often you contact clients or

meet with them, by phone and in person. Alternatively, or in addition, you could count the other work you do—time spent in court, preparing for court, or conferencing with other key players in the case. These kinds of data tell people how you spend your time, and show the types and quality of services you offer

- **Are your clients better off?** You might not always be able to help every client, but you certainly want to be tracking what happens to them in order to respond to questions like this. Think about recording simple things that you are in a position to observe:
 - Is your client separated from his or her children?
 - Are parental rights terminated?
 - If families are reunified, can you tell how many and how quickly?

When it comes to showing people what is going on in your program, remember that a single well-chosen sta-

tistic can save you a thousand words. More importantly, some statistics speak louder than others. Being able to show that “On average our clients have their families reunified within five months” is profoundly important and can be used to answer many questions. A statement like “We conflicted out of 15% of our cases last year” may be important for you to know, but it doesn’t speak to what people want to know about your program in the same way. Think about the kinds of questions you are often asked, starting with the three mentioned above. Consider what you would most like to track and report on a regular basis, and focus your data collection activities accordingly.

How Do You Get Data?

Actually recording the data you need is a technical problem and there are multiple solutions. At its most basic, you need some system to record systematically information about every case you work on, and it must be computerized. Your case files are valuable information repositories, but that information is trapped and useless for systematic analysis until it is in

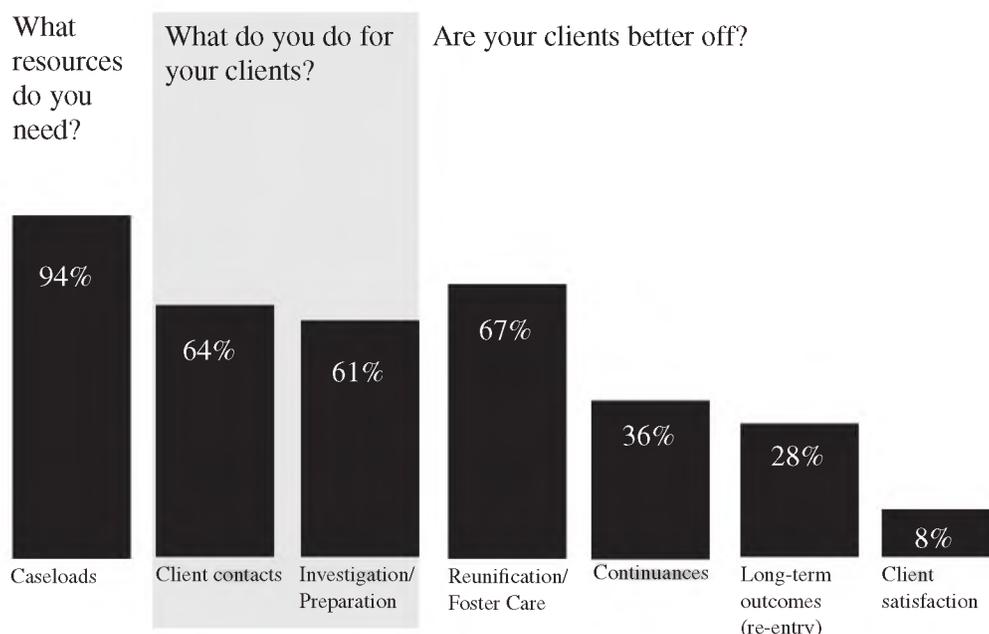
electronic form. You could invest in a case management system produced by a commercial company, but you could also start with something as simple as a spreadsheet.

Next, think about how the data get into the system. A lot of case management products today have multiple methods for data entry that extend far beyond sitting at your computer punching in numbers. Some are accessible via mobile devices, allowing you to record data as you talk to your client, uploading it to the system immediately, saving you the inconvenience of copying it out again later.¹¹ Some integrate the tasks you need to perform (such as note taking on a computer during a client meeting) with the data collection process (creating a record in the system that you met the client, and took notes). Recording data is rarely painless, but it can be simplified through clever labor-saving devices that complement the record-keeping you already do in your case files.

Last, start monitoring and reporting what your data say. Some case management systems will produce dashboard type readouts showing ba-

Figure 2:

How capable are parent representation providers of assessing their own performance?



sic information you select, such as the time your cases are taking to dispose, or how many are disposing favorably to your clients. Others are not so sophisticated, leaving you to generate charts and tables on your own. Your decisions earlier in the process about what you want to track will constrain what you can report on, but with wise choices you should be looking at a range of indicators that give you a clear idea of how things are going.

Where Are We With Data?

Recently, we conducted a national survey of parent representation providers about what data they collect. We received 51 responses from providers ranging from single attorneys to offices with staffs of over 200. We followed up with four in-depth interviews of providers that were collecting a lot of data.¹² We wanted to know where the parent representation bar was with data collection, and the approach of successful programs.

What we found was that providers tend to have data that are much more suited to answering questions about what resources they need than anything else (see Figure 2). 94% of respondents said they collected data on their caseloads, for example. When it came to tracking “What do you do for your clients?” the numbers recording client contacts or work done investigating or preparing a case were only in the low sixties. When it came to data that might show “Are your clients better off?” the picture varied: 67% recorded whether a client’s children had been removed, while many fewer were collecting data on longer-term issues such as re-entry to the system (28%) or client satisfaction (8%).

We also learned, however, that most managers of parent representation organizations are seriously interested in improving their data collection. The main obstacles to improving data collection, of course, were the time and resource constraints parent representation providers already face, and also the fear that data could be

used for good as well as ill against the provider.

In our follow-up interviews with providers that have successfully improved data collection we learned several strategies for expanding data collection. In the words of one interviewee, the key is to “keep it simple, non-redundant, and doable.” More specifically, we learned:

- **Focus on a small number of highly important measures** rather than a large number of peripheral ones. Consult staff on what these should be. This reduces the inconvenience to staff, increases their buy-in, and improves the quality of data you collect.
- **Try to find low-hanging fruit.** Figuring out if abuse allegations ever recur in a family where you’re representing a parent may be hard. But recording whether a child is sent to foster care is less so, especially if the attorney is there to see it happen.
- **Do you have any incentives you can offer?** Some programs have gotten data collection off the ground by offering cash to lawyers to fill out data sheets, or finding ways to offer or supplement any additional support staff required.
- **What leverage do you have?** It’s rare that forcing people to enter data has good results in terms of data quality. If compliance is important, some people may need extra encouragement. Assigned counsel systems frequently make mandatory certain data fields as a condition for payment; government contracts often require the same. When people don’t submit needed data, have in place a series of escalating responses beginning with a frank conversation about how important this information is. Punitive measures such as cutting payments should be an absolute last resort as use of them ordinarily represents a failure for all

concerned.

- **Is someone else already collecting the data?** Most states have administrative data systems in their courts or child protective services offices that already record basic information about dates, times, and cases. Think about whether you have the IT capability to interface with that system so you don’t have to enter all the information yourself.
- **Share the results.** Most importantly, once you’ve collected and analyzed your data, be sure to show the value of the data to those who enter it. This can really help people to understand how valuable their work entering data really is. One interviewee put it this way: “The data said, ‘Look what an amazing job you’ve done!’ It was a big morale booster and it allowed us to work with staff to tighten things on the margins. They aren’t just plugging along without understanding the outcomes any more. They aren’t working in a vacuum.”

Final Thoughts

Let’s be clear about what data offer, and what they don’t. At their best, data can help you grow, reform practices, and show others what a good job you are doing. But they take time to gather, and you might find they don’t answer your every need. There will never be any substitute for you making critical decisions case by case on how to represent your client. In these cases, data will seem irrelevant, or even misleading. And your enemies might try to use your data against you –just like they try to use any other fact that seems solid enough to hang an implication upon.

Ultimately, knowledge and data empower you by giving you information you can control, on issues that you care about, and which you can use however you wish. We need to think about ways to show our value to others whether we like it or not if we

intend to keep competing for funding. Apart from that, we should think about how data can help us learn more about what we do, and start to collect it.

Andrew Davies is director of research at the New York State Office of Indigent Legal Services.

Angela Olivia Burton is director of quality enhancement for parent representation at the New York State Office of Indigent Legal Services.

Endnotes

1. See New York Executive Law §832.
2. U.S. Department of Health and Human Services, Administration for Children and Families, Program Instruction, ACYF-CB-PI-12-02 (01/11/2012), 6-8. <<http://www.acf.hhs.gov/programs/cb/resource/pi1202>>
3. *Ibid.*, 6, note 3. ACF subsequently issued an Information Memorandum on August 27, 2012 providing guidance to State child welfare agencies about how to establish and maintain CQI systems.
4. *Ibid.*, 7.
5. *Ibid.*, 7-8.
6. *Ibid.*, 7.
7. *Ibid.*, 7 & 8.
8. *Ibid.*, Attachment B, "Indicators of Quality Legal Representation."
9. We turned in particular to Mark Friedman's book *Trying Hard is Not Good Enough*, 2009, for inspiration. For more on Friedman's book, see <http://resultsleadership.org/product/trying-hard-is-not-good-enough-by-mark-friedman/>. We are thankful to Trine Bech for this recommendation.
10. These questions are adapted directly from Friedman, Mark, 2009.
11. See, e.g., 'Defender Data mobile,' http://www.justiceworks.com/defenderData_Platforms.html (accessed 1/12/15).
12. For more details, see [www.ils.ny.gov/files/Parent Attorney Data Utilization Project - Why Collect data.docx](http://www.ils.ny.gov/files/Parent%20Attorney%20Data%20Utilization%20Project%20-%20Why%20Collect%20data.docx). You can find the survey at <https://www.surveymonkey.com/s/ParentCounselDataUtilizationSurvey>. It will take about 10 minutes.

ABA Releases New Measures for Representing Indigent Parents

The ABA Center on Children and the Law has released **Indicators of Success for Parent Representation**, new national measures to help states ensure that all indigent parents involved in the child welfare system receive high-quality legal representation. States and courts will use this tool to measure the impact of rule, policy or practice changes on parent representation.

Developed with the Court Improvement Leaders from the Administration for Children Youth and Families' Federal Region VI and Casey Family Programs, the indicators represent a continuum from quantitative to more qualitative measures to provide jurisdictions with options for continuous quality improvement.

Ensuring due process and giving clients a voice in the court system are the ultimate goals for all stakeholders working to improve the quality of representation for parents involved in the child welfare system. This tool will assist states in achieving these goals.

The tool includes the Indicators for Success for Parent Representation, a paper describing the Region VI Leadership Forum focused on Parent Representation and the ABA Standards of Practice for Attorneys Representing Parents, on which the indicators were based. The document therefore describes what high-quality representation for parents includes, suggested strategies for achieving this level of representation and a method for measuring the impact of the reform. The indicators provide many measures which a jurisdiction could choose to use as well as suggestions on sources of data already available in most states.

While the indicators cover 14 categories of attorney practice, the drafting committee urges jurisdictions to pay particular attention to four indicators that are most closely aligned with achieving positive outcomes for children and families:

- Reasonable caseloads
- Access to multidisciplinary staff, including social workers and parent mentors
- Representation out of court, including presence at mediation and family team meetings and communicating with the child welfare agency
- Measuring the time that children spend in out-of-home care, as quality parent representation decreases the time to safe permanency

Attorneys at the Center on Children and the Law are available to provide technical assistance to jurisdictions seeking to implement the indicators and improve representation for parents and children. For more information contact Mimi Laver at mimi.laver@americanbar.org.

Access the Indicators online:

www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf

Attend the ABA 4th National Parent Attorney Conference

July 22-23, 2015, Washington, DC
www.ambar.org/cclconf2015

IN PRACTICE

In Part 1 of this article, Joanne Solchany, PhD, ARNP, looked at child development stages for children from infancy through adolescence and highlighted how trauma interplays with these stages. In Part 2, Julie Kenniston, MSW, LISW offers guidance on forensic interviews with child victims in court. In Part 3, Steven Kelly, JD, will share tips on developing a litigation strategy in criminal court. The articles are based on a webinar developed for Navy Special Victims Counsel and co-hosted by the ABA Center on Children and the Law and the Center for Professional Development on October 16, 2014.

Representing Child Abuse Victims: Forensic Interviewing Tips (Part 2)

by Claire Chiamulera

The secret to successful forensic interviews with child abuse victims? *Developmental sensitivity.*

“I’m going to tell you how to take information about development and put it into your language so you can maximize the amount and accuracy of information you get from children and minimize potential trauma,” said Julie Kenniston, MSW, LISW. As Kenniston framed her presentation for attorneys who represent child sexual assault victims she boiled down her approach to three key elements:

1. Give three interview instructions.

After introducing herself and asking something about the child to establish rapport, Kenniston lays out three basic instructions before starting a forensic interview. The instructions empower children during the interview process.

- **Correct me if I make a mistake.** With younger children, it may help to give an example (e.g.,

Question: “If I said you were 30, what would you think?” Answer: “I’m NOT 30! I’m 6.” Let them know that’s what you want them to do—tell you when you’re

Be clear that it’s ok for the child to speak up and say he doesn’t understand something.

wrong and correct you.

- **Say “I don’t know.”** Don’t guess. Use this question to illustrate: “If I asked you what I had for breakfast this morning, what would you say?” The child should say “I don’t know.” Follow up by saying that’s what you want them to say

when they don’t know the answer.

- **Say “I don’t understand.”** Be clear that it’s ok for the child to speak up and say he doesn’t understand something. It is especially important in the court process where words are often long and have different meanings (court = place to decide legal issues AND place to play basketball).

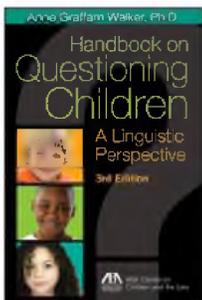
2. Use Narrative Event Practice (NEP)

At the core of a successful forensic interview is Narrative Event Practice. “NEP will make the biggest difference in determining if a child is competent,” said Kenniston. She explained that it demonstrates three elements of competency (see box). NEP also teaches kids how to communicate and makes them the expert in telling their own situations, she said. NEP is an interviewing tool that allows the interviewer to practice asking questions with the child before an actual forensic interview.

How does NEP work? Kenniston outlined the steps:

- Pick a neutral topic (e.g., something the child told you she was interested in, but avoid questions relating to the abuse or trauma).
- Ask the child to tell you everything about the topic.
- Don’t interrupt and allow pauses.
- Follow up with “narrative inviting” questions to elongate the conversation and teach the child how to talk with you (e.g., “So

For Your Library



The *Handbook on Questioning Children 3rd Edition*, co-authored by Anne Graffam Walker and Julie Kenniston, is a good resource for practitioners on forensic interviewing. It offers in-depth guidance on the NEP approach and developmentally sensitive forensic interviews. It explains the importance of language and how to ensure interviewer questions maximize the accuracy and quality of children’s responses and minimizes potential further trauma.

Order the *Handbook* online:
<http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=213559>

John, I heard you say that you got ready for soccer. Tell me all about that.” versus “What color is your uniform?” that invites a one-word response.)

- Focus on actions – what the child did (e.g., getting ready for soccer versus description of field). Research shows much richer information is obtained by focusing on what the child did.
- Listen to the child’s ability to describe activities in logical sequence.

In addition to helping determine a child’s competency, the approach offers benefits to the child. It helps engage the child and prepare him for the courtroom experience. Kenniston noted how NEP allows the interviewer to explain and practice with the child how information will be shared. Through NEP, the interviewer shows the child she will listen and pay attention, that she is interested in what the child has to say and won’t interrupt, and that the child is the expert in his own life details and will have the chance to share them.

NEP also benefits the interviewer by providing a baseline of the child’s ability and willingness to communicate. Through narrative inviting and posing open-ended questions, it provides data that is unsolicited or suggested by the interviewer. The interviewer is able to get a sense of the child’s perception of events and ability to observe. Information shared through NEP can be corroborated by a multidisciplinary team in investigative activities after the interview. The interviewer can also refer back to NEP if the child is having trouble communicating or using fewer words during a forensic interview (“Remember when we talked about how you got ready for soccer...”)

3. Focus on Who, What, Where Questions

When questioning children, questions tend to fall into seven types:

NEP and Child Competency

What makes a competent witness? Kenniston outlined these elements:

- Ability to recollect and recall information—demonstrate there is a memory you are accessing and verbally sharing it.
- Ability to perceive information accurately.
- Ability to differentiate truth from lies—demonstrate this knowledge and know what will happen if a lie is told. (For many years, competency determinations focused considerably on this element and demonstrations of the child’s understanding of truth and lies. More recent research finds just saying “Do you promise to tell the truth?” is the critical piece. Demonstrations of understanding of truth and lies do not provide information on whether the child will actually tell the truth.)
- Ability to speak from personal knowledge of the facts.
- Interviewers can use NEP to establish these competency elements.

- Who
- What
- Where
- When
- How long
- How many times
- Why

All children should be able to answer the first three questions: *who*, *what*, *where*. Kenniston cautioned against venturing into *when*, *how long*, *how many times*, and *why* questions, all of which can create problems. *When* questions create issues because it’s often hard for kids to recall time. Similarly, *how long* questions are time-based. It is unrealistic to expect kids to give a number in response to *How many* questions. *Why* questions often make a child feel blamed and create confusion because they ask for someone else’s motivation for doing something.

Who, *what*, and *where* ask for concrete information that most children can handle. Younger children, especially, are concrete and literal in their thinking. Questions seeking more abstract information may cause a child

to shut down or guess.

Kenniston’s three elements—clear interview instructions; Narrative Event Practice; and *who*, *what*, *where* questions—will kick start a successful forensic interview with a child victim. Try them out in your next child interview to see if they help focus interviews and bring positive results.

Stay tuned: In Part 3, Steven Kelly, JD, offers guidance on representing child victims in criminal court.

Claire Chiamulera is CLP’s editor.

Listen to the Webinar

To listen to Julie Kenniston’s forensic interviewing presentation, visit www.americanbar.org/groups/child_law/tools_to_use/videos.html

When an Immigrant Parent is Detained or Deported: *Child Welfare Best Practices*

by Claire Chiamulera

Child welfare professionals have new guidance on best practices to safeguard children when a parent is detained or deported. The U.S. Department of Health and Human Services, Administration for Children and Families (ACF) released an Information Memorandum (IM), February 20, 2015.

Key practices include:

- Ensure the child is in a child welfare placement for appropriate reasons and parental rights are not wrongly disrupted or terminated.
 - Help the child's parent(s) participate in family meetings, case planning, and court proceedings, even when the parent or legal guardian is detained. Involvement strategies include:
 - Coordinate with the local ICE field office to protect parents' interests in child welfare proceedings by:
 - ✓ Placing parents as close as possible to their children
 - ✓ Arranging for parents' transportation to court hearings
 - ✓ Arranging alternative ways for parents to participate in court hearings
 - ✓ Facilitating visits with children
 - Provide language assistance and interpretation services to children and family members with limited English proficiency to ensure clear communication and avoid discrimination.
 - Educate courts and providers about the unique needs of immigrant families. Explain the child's circumstances, including that a parent is detained or removed to avoid assumptions about parental abandonment or lack of interest.
- Consider "compelling reasons" to extend termination of parental rights filing timelines. These include the impact of detention or removal on parents' ability to maintain connections with their children.
 - Ensure child welfare agency decisions and permanency goals are in the child's best interests by communicating regularly with ICE field staff, foreign consulates, courts, providers, and families. Communications should address child welfare requirements, parent circumstances, and options for relief.
 - Train caseworkers on immigration issues in child welfare cases, culturally sensitive services, access to services and benefits, and challenges of immigration enforcement.
 - Partner with immigrant advocacy groups, faith and community-based groups, and state and federal government agencies that serve immigrants. Work together to share services and supports to meet the needs of immigrant children and families.
 - Tap immigrant networks to share information and resources, and coordinate efforts to recruit foster and kinship caregivers, remove barriers preventing immigrant relatives from becoming kinship guardians, and promote foster family resources.
 - Place immigrant families in leadership roles in the child welfare system, such as "parent partner programs" that give them opportunities to influence child welfare policy and practice.

Claire Chiamulera is CLP's editor.

Federal Guidance

Access the Information

Memorandum: www.acf.hhs.gov/sites/default/files/cb/im1502.pdf

More Resources:

The IM also encourages following these two sources of guidance:

- *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities*, an August 2013 directive by the U.S. Immigration and Customs Enforcement (ICE) office. The directive outlines duties of ICE staff to ensure immigration enforcement efforts do not wrongly infringe on parental rights of immigrant parents or legal guardians.

Access it online: www.ice.gov/doclib/detention-reform/pdf/parental_interest_directive_signed.pdf

- *Emerging Child Welfare Practice Regarding Immigrant Children in Foster Care: Collaborations with Foreign Consulates*, a December 2013 Issue Brief by the Office of the Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services. The issue brief describes how child welfare agencies can work with foreign consulates.

Access it online: http://aspe.hhs.gov/hsp/14/MOUsWithConsulates/ib_MOUsWithConsulates.pdf

Former Center public interest fellow and consultant, Ann Park, received a Fulbright Scholarship to study child welfare law in South Korea. In this column, she shares highlights of what's she's learning with a focus on aspects of interest to practitioners. See last month's column, *New Law Protects Child Victims in South Korea* for background on South Korea's new child protection law.

Role of Family Court Increases in Child Protection Cases in South Korea

by Ann Park

Limited Court Involvement before New Law

Before South Korea passed the Act on Special Cases Concerning the Punishment, etc., of Crimes of Child Abuse in 2014, government intervention in the early stages of child abuse cases was rare. While the child protection agency (CPA), a civil organization without authority to challenge parental rights of perpetrators, was almost solely responsible for the initial investigation, no government authority was actively working with the CPA to protect children from further abuse. The court usually intervened in only a few heightened cases to order final measures, such as termination of parental rights. As a result, many children were returned home under danger of abuse

In comparison, in the United States the juvenile court is the principal legal authority, making decisions at all stages of a case, from a petition to removal of a child to permanency plans. Experts began to express the need for a specialized court in South Korea to handle child abuse cases, like juvenile courts in the United States.

Increased Family Court Power and Involvement

The new law expanded the role of the family court in all stages of child abuse cases. It granted family courts authority to order and enforce measures to rehabilitate the parent while protecting the child from further abuse. Eleven specialized child abuse departments within the five family courts in South Korea were newly established. The main elements of

the new courts' involvement in child protection matters are:

■ Greater Protective Measures for the Child and Perpetrator

Family court judges now impose diverse measures on perpetrators, whose parental rights were rarely restricted in many cases under the old law. Family court judges may suspend or limit perpetrators' parental rights, limit access to their children, mandate counseling or treatment classes, and place them on probation. They may also protect children through the protection order system, limit perpetrators' access to children, place children in medical or foster care, limit or suspend parental rights of perpetrators, and select guardians.

■ Early Collaboration with the Child Protection Agency

The court was largely disconnected from the child protection agency (CPA) in the initial stages of child abuse cases. The CPA did not have a way to petition the court for measures to restrict parental rights of perpetrators even when it determined removal of a child or limiting parental rights was necessary. However, the CPA can now directly request a protection order for an abused child from the family court based on its first-hand investigation of the reported abuse. This allows the court to intervene in the early stage of the case by promptly issuing protection orders.

■ Increased Partnering with Organizations

In addition to the CPA, family courts have entered and are pursuing memorandums of understanding (MOUs) with diverse organizations, including medical and foster care institutions, counseling offices, art/culture related organizations, among others. These partnerships focus on meeting different needs of children in the child protection system.

Impact of the Court's Greater Involvement

Since the new law, data on the new court's performance for the last seven months is not yet available, so it is premature to assess concrete accomplishments of the expanded court. However, so far family courts have granted approximately 90-100 protection orders for an abused child. Considering the total number of 6,796 actual child abuse cases in 2013, this number is insignificant, yet it still proves increased court's involvement and collaboration with the CPA compared to the previous years. Family court judges have been eagerly participating in the changes within the court and collaborating with child-related experts to make decisions that prioritize family preservation and promote children's well-being. Experts agree that it is just the beginning of the long journey for further development and improvement of the family court involvement.

Stay tuned. Next month's column will highlight child representation.

Early Childhood Programs Reduce Likelihood of Special Education Placements

Access to state-supported early childhood programs significantly reduces the likelihood that children will be placed in special education in the third grade, academically benefiting students and resulting in considerable cost savings to school districts, according to new research published in *Educational Evaluation and Policy Analysis*, a peer-reviewed journal of the American Educational Research Association.

The findings suggest that the programs provide direct benefits not only to participating students but also to other third graders through positive spillover effects.

The study, by Clara G. Muschkin, Helen F. Ladd, and Kenneth A. Dodge at Duke University's Sanford School of Public Policy, examined how investments in two high-quality early childhood initiatives in North Carolina—a preschool program for four-year-olds from at-risk families and a program that provides child, family, and health services for children from birth through age five—affected the likelihood that children would be placed in special education by the end of third grade from 1995 to 2010.

The authors found that an investment of \$1,110 per child in the More at Four preschool program (now called NC Pre-K)—the funding level in 2009—reduced the likelihood of third-grade special education placements by 32 percent. An investment of the same amount in the Smart Start early childhood initiative reduced the likelihood by 10 percent. Both programs together reduced third grade students' odds of special education placement by 39 percent, resulting in significant cost savings for the state. Nationwide, special education costs nearly twice as much as regular classroom education.

"These major investments in childhood programs have been important not only to the future of students

but to the state's financial bottom line," said Muschkin, who serves as associate director for Duke's Center for Child and Family Policy. "Our research finds that the effects of these initiatives for students are quite large and still paying off after students have completed almost four years of elementary school."

The More at Four program, introduced in 2001, targets four-year-olds whose families have an annual income at or below 75 percent of the state median income or who are limited English proficient, disabled, chronically ill, or have a developmental need.

The authors found that an investment of \$1,110 per child in the More at Four preschool program . . . reduced the likelihood of third-grade special education placements by 32 percent.

Smart Start, which is available to all North Carolina children, has been in place since the early 1990s. The programs are recognized as national models for early childhood initiatives to address early academic disadvantage.

In addition to cost implications, the findings have implications for children's educational careers and for their future lives. Previous research cited in the study suggests that children placed in special education are at higher risk for dropping out of school and for committing crimes as adults. Yet some special education placements may be preventable with early intervention.

"Significant cognitive and social disadvantages often emerge before children enter kindergarten," said Muschkin. "Our findings provide further evidence that high-quality early

childhood intervention provides the best opportunity to reduce preventable cognitive and social disabilities. Access to early education may allow some children to transition early from special education placements. For some children, early intervention and treatment may help them to avoid special education in school altogether."

The More at Four preschool program helped to reduce the numbers of children classified with several types of preventable disabilities, including mild mental handicaps, attention disorders, and learning disabilities. The Smart Start initiative contributed to reducing the numbers of students being identified as having a learning disability, which is the largest category of special education in North Carolina, accounting for almost 40 percent of placements. Neither program had a measurable impact on behavioral-emotional disabilities or the less malleable categories of physical disability and speech-language impairment.

The study findings imply that children who did not participate in the state-supported programs still benefited from them. For instance, some children not funded by More at Four were enrolled in the same preschool classrooms as those who were, and apparently benefited from the high-quality standards required for state funding.

Once children enter elementary school, they "can still benefit from being in classes with more students who have had access to high-quality early childhood initiatives," said Muschkin. "Access to high-quality early education contributes to more positive elementary school classroom environments, as well as to fewer subsequent placements in special education."

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Kids Five Years After the Recession: Smart Policies, Better Lives

A new analysis shows that, five years after its technical end, the recession of the mid-2000s continues to impact America's children. *The Effect of the Great Recession on Child Well-Being*, examines four aspects of children's lives: health, hunger, housing, and abuse and neglect, updating research conducted in 2010. It finds lingering effects in every aspect, but it underscores the effectiveness of federal investments in mitigating harm to children. The analysis was done by the bipartisan children's advocacy organization First Focus and PolicyLab at The Children's Hospital of Philadelphia

"Economists say the recession is over, but five years later, it's still impacting millions of children," said First Focus president Bruce Lesley. "Where national leaders made smart policy choices, kids fared better—where they didn't, kids are still struggling."

"Our research shows that investing in social safety net programs when times are good can have payoffs for 'rainy days,'" said PolicyLab Co-Director Dr. David Rubin. "We also know that millions of children are still struggling, and so we risk stalling or even reversing recovery by making budget and program cuts too soon."

The analysis finds health to be a bright spot for children, while observing that future policy choices could put progress at risk. It assesses changes to federal children's health policy since 2010 and examines their effects on children's health. Key findings include:

- The Children's Health Insurance Program (CHIP), backed by stimulus funds allocated to bolster state Medicaid programs, largely protected children from losing their health care during the recession;
- The number of uninsured children dropped by 600,000 during the recession's first two years, while more than 6.3 million adults

became uninsured during the same period;

- The uninsured rate among children dropped to 7.3 percent in 2013, its lowest point in decades;
- The Affordable Care Act (ACA) has reduced uninsurance among adults but has had little effect on children;
- Congressional failure to maintain federal CHIP funding would, as the report observes "mean the child health safety net available through CHIP ... could no longer be counted on;"
- High out-of-pocket costs have proven a barrier to care, even when children are insured; and
- Families with CHIP coverage face substantially lower out-of-pocket costs than comparable families with ACA "exchange" marketplace coverage

"CHIP's track record is clear—while the recession cost millions of parents their health care, uninsurance among kids is at record lows," said Lesley. "But the analysis also shows the risk to kids if Congress delays or fails to extend CHIP funding."

"While preserving CHIP is an essential priority, there are also several Affordable Care Act (ACA) provisions in need of federal attention, including uneven state pediatric benefit standards, gaps in subsidies for purchasing marketplace plans and the magnitude of deductibles and other out of pocket expenses for children's health care for low-income families in marketplace plans," said PolicyLab Co-Director Kathleen Noonan.

The analysis also examines hunger, again finding that federal investments have blunted the recession's effects, but concluding that they did not reach many children affected by increased food insecurity. Key findings include:

- Research has documented gains for children's health and nutrition from federal initiatives like the

Supplemental Nutrition Assistance Program (SNAP) and the National School Lunch Program;

- In July 2014, one-third of children in America received nutrition assistance through SNAP;
- Despite participation increases, the share of children living in homes affected by hunger ("food insecure" homes) increased during the recession and remains high, rising from just under 17 percent in 2007 to 21.4 percent in 2013;
- Administrative barriers to the enrollment of eligible children and families have expanded in states since 2012;
- By February 2014, 47 states had reported lower SNAP participation rates than in 2013; and
- Billions in SNAP cuts passed by Congress in recent years must be offset by increased future investments if we are to continue progress on child hunger and nutrition

"Federal nutrition initiatives are a shield against childhood hunger—during the recession, they grew to protect more kids, and now that the economy's improving, they're contracting again," said Lesley. "But with childhood hunger still a growing concern, Congress should be looking for ways to tear down the barriers that keep hungry kids from the food they need."

The report found that children face real housing stability threats in the recession's wake, owing largely to federal failures to effectively mitigate the recession's housing crisis for families with children. Findings include:

- Nearly four in ten children (38 percent) live in families where housing costs consume at least half of monthly income—a substantially greater share than homeowners overall (one-tenth) or renters overall (one-fourth);
- The recession's foreclosure crisis cost 2.3 million children their single-family homes;

(Cont'd next page.)

(Cont'd from previous page)

- Federal policies have largely failed to blunt the housing crisis' impact on children;
 - Federal rental assistance vouchers reach just one-fourth of eligible Americans;
 - Homelessness among children reached a record high of 1.3 million, according U.S. Education Department data for the 2012-2013 school year;
 - Homeless children face learning disabilities at double the rate of children with stable homes, emotional or behavioral problems at triple the rate, and severe health problems at triple the rate; and
 - Six million additional children are at risk of foreclosure in an economy where the supply of affordable housing has declined and the demand has increased
- Federal data collection systems suggest that overall child maltreatment rates declined during and after the recession, while;
 - Hospital-sourced data indicates "an increased incidence of the most serious types of child maltreatment;"
 - Federal investments in child abuse prevention and response was relatively flat during the recession;
 - Temporary Assistance for Needy Families, the second-largest source of federal funding for child abuse and neglect prevention and response, reached just 27 percent of eligible families in 2010;
 - 27 states increased investments in abuse and neglect prevention and response, while 22 made cuts;
 - Neglect, broadly defined as a parent's inability to meet his or her child's basic needs, increased as a share of total child maltreatment from below 60 percent of cases in 2007 to nearly 80 percent in 2012.

The analysis also considered child abuse and neglect, revealing a disconnect between official national data sources and the reports of hospital physicians typically required to report abuse or neglect. Key findings include:

The analysis should draw policymakers' attention to the inconsistency between federal data sources and the experiences of health care profession-

als on the ground. In a letter sent today to key congressional committee leadership, First Focus urged lawmakers to take a close look at how the federal government collects child abuse and neglect data, in light of the conflicting picture painted by hospital data.

"Solving problems for kids begins with understanding the problems kids face, so it's critical that federal agencies are collecting complete and accurate data," said Lesley.

PolicyLab authored two other recent publications for First Focus, both examining the connections between the economic downturn and children's lives. In addition to the 2010 report mentioned above, PolicyLab also produced a 2012 analysis showing the connection between mortgage delinquency and child abuse.

"If you look across the different aspects of a child's life, this report makes one thing clear: whether it's health, hunger, housing or abuse and neglect, there are more kids in harm's way today than before the recession," said Lesley. "The question for Congress is: *What are you going to do about it?*"

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