

INNOCENTS LOST TO SHODDY JOURNALISM
A Response to the *Miami Herald* from
the National Coalition for Child Protection Reform
June, 2014

INTRODUCTION: WHY THE *HERALD* STORIES HARM CHILDREN

In March, 2014, the *Miami Herald* published a series of articles called “Innocents Lost.” The central claim of the stories is this:

The children were not just casualties of bad parenting, but of a deliberate shift in Florida child welfare policy. DCF leaders made a decision, nearly 10 years ago, to reduce by as much as half the number of children taken into state care, adopting a philosophy known as family preservation. They also, simultaneously, slashed services, monitoring and protections for the increased number of children left with their violent, neglectful, mentally ill or drug-addicted parents.

The result: Many more children died.

This claim is almost entirely false. Indeed, it is a repeat of The Big Lie of child welfare -- that family preservation and child safety are at odds and doing more to keep families together makes children less safe.

To bolster this error, the lead reporter for the series, Carol Marbin Miller, and her colleagues have distorted data, taken information out of context, gotten time frames wrong, and systematically left out facts that contradict their point of view. We document all of this, in detail, in the critique that follows.

Miller didn't do this out of a desire to sensationalize. She didn't do it to “sell newspapers” (or generate pageviews). We know Miller well and we know she sincerely wants to make children safer. But that does not make her failings any less serious.

If Miller's claims were true the series would have been a huge success. In the first full month since the series appeared the number of children torn from their families in Florida skyrocketed by 40 percent.¹ No doubt the *Herald* will claim this makes children safer.

But it does nothing of the kind.

THE *HERALD* STORIES HAVE MADE CHILDREN LESS SAFE

The problem with a rush to needless foster care is not that it hurts parents, though of course it does. The problem is that it hurts children.

¹ To view the most recent entry into care data, click on this link on the Website of *Florida's Center for Child Welfare*: <http://centerforchildwelfare.fmhi.usf.edu/Datareports/TrendReports.shtml> Then click on *Child Welfare Services Trend Report*.

It hurts children because removal from their homes is so inherently traumatic that two major studies of 15,000 *typical* cases found that 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.

The *Herald*, and some readers of this rebuttal, might respond: That's too bad, but what else can we do to save children from the kinds of horrors described in the *Herald* stories? But the horrors described in the *Herald* stories involve only a tiny fraction of the cases seen by workers for agencies like the Florida Department of Children and Families (DCF) and its counterparts across the country. No one disputes that children in these situations should be removed from their homes.

Where the *Herald* errs grievously is in claiming the reason these children were not removed was because of some overarching philosophy of family preservation. The real reason, discussed below, is very different.

Typical cases are nothing like the horror stories described in the *Herald* series. Far more often, they involve workers confusing poverty with neglect. (See these NCCPR Issue Papers for details: <http://bit.ly/1nwOFn8>; <http://bit.ly/1tjMDqg>.) That very fact helps explain those study findings – the ones that conclude that, in typical cases, family preservation is a far better option for children.

All that harm of foster care can occur even when the foster home is a good one, as a majority are. But [study after study has found abuse in one-quarter to one-third of foster homes](#), and the record of group homes and institutions is worse.

Most of all, the massive needless removal of children to foster care hurts children by so overloading caseworkers that they have less time to find children in real danger. That is the actual reason for the failures documented in the *Herald* stories.

All over the country, these kinds of [foster-care panics](#) – huge surges in child removals in the wake of reporting like that of the *Herald* – have been followed by increases in child abuse deaths. **And contrary to the *Herald*'s claim, [that also has been the case in Florida](#).**

Indeed, what is happening now is tragedy repeating itself; a replay of events that took place in 1999 – and an undermining of what had been one of the nation's most successful efforts to reform child welfare and make children safer.

THE CONTEXT: KATHLEEN KEARNEY AND THE FOSTER-CARE PANIC OF 1999

A decade ago, the state of Florida was the prime national example of failure in child welfare. News organizations across the state flocked to Florida after it was revealed that a foster child had been missing for 14 months – and was presumed dead – before DCF even noticed.

In fact, NCCPR had predicted the collapse of the Florida system in 1999, shortly after Kathleen Kearney, a former Broward County judge, was named to run DCF.

Kearney's approach to child welfare could be boiled down to a single sentence: Take the child

and run. During her first year as DCF Secretary, the number of children torn from their homes soared by 50 percent, the worst statewide foster-care panic we've ever seen – though the one underway now comes close. And entries into foster care stayed at this obscenely high level for seven years.

When the data are examined in full, not selectively as the *Herald* has done, it is clear that as entries into foster care soared, child abuse deaths increased – as we noted above, this is a pattern seen across the country. This should come as no surprise. The real reason workers sometimes leave children in dangerous homes is that those workers are too overloaded to investigate any case properly. A foster-care panic only overloads them some more.

NCCPR [issued report after report](#) on Florida's failure. And ultimately those reports, and other factors had an impact.

A new governor, Charlie Crist, brought in new leadership. First Bob Butterworth and then George Sheldon reversed course and embraced safe, proven approaches to keeping families together. [Independent outside evaluations](#) found that the reforms improved child safety. *The New York Times* [did an in-depth story on the state's remarkable turnaround](#).

Child safety improved and, again, contrary to recent claims by the *Herald*, child abuse deaths decreased.

If anything, there is a need for more such reform. Even in 2009 and 2010, when entries into care were at their lowest, Florida's statewide rate of removal still was 10 percent above the national average, and significantly above the rate in states that take, proportionately, far fewer children – including the very state that the *Herald* now singles out as a model. So the notion that some kind of pendulum swung too far toward preserving families is a myth.

But ever since Butterworth and Sheldon changed course, opponents wedded to Kearney's discredited approach have tried to undermine the reforms. They've found an eager ally in Miller, the longtime reporter on the child welfare beat for *The Miami Herald*. Miller is a skilled and tenacious journalist. But somewhere along the line Miller went from reporter to advocate. She decided that she knows so much about Florida child welfare that she has the right to draw the conclusions herself, instead of giving readers all the information they need to draw their own conclusions.

That's why in 2011 we created a website, www.heraldvfacts.blogspot.com in an effort to set the record straight.

“Innocents Lost” repeats the same failings of Miller's earlier reporting:

- Data are taken out of context. Data that would contradict Miller's thesis are omitted by choosing only start and end points that support Miller's claims.
- Similarly, Miller misstates the time frames concerning when Florida DCF embraced a take-the-child-and-run approach to child welfare, and when it was doing more to keep

families together. She draws conclusions based on what DCF officials said, rather than the data that reveal what they actually *did*.

- Miller and her colleagues did their own examination of deaths during the years that, she claims, DCF was emphasizing family preservation. They conclude there are more deaths than shown in official statistics. But they do no such analysis for the years in which the take-the-child-and-run approach dominated the system, making an apples-to-apples comparison impossible.

- Miller attributes a drop in deaths of children “known to the system” (an inconvenient fact that contradicts her entire thesis) to a narrowing of the definition of “neglect” – but never mentions that, earlier, the definition had been vastly broadened. The change Miller cites simply returned the definition to a middle ground.

- The stories rightly point to Alabama as a model of doing child welfare right – but chose not to mention that Alabama’s success is a result of doing far more, not less, to keep families together. Indeed, Alabama takes away children at one of the lowest rates in the nation, a rate 20 to 40 percent lower than Florida, depending on how the data are calculated. (NCCPR can provide full details on rates of removal in different states to anyone interested.)

- Florida has a commendably broad open records law. But instead of using this law to examine a statistically-valid random sample of cases, in order to see how and how often the system errs – in all directions – the *Herald* looked only at deaths of children previously known to DCF. In story after story, the *Herald* isolates a few such cases and generalizes, with no evidence that the problem cited permeates the system. No one would laud an article on air travel safety that looked only at crashes, and failed to gauge the overall record of safe flights. Just as air travel is the safest form of transportation, family preservation is the safest intervention for the overwhelming majority of children, the overwhelming majority of the time.

WRONGFUL REMOVAL DRIVES EVERYTHING ELSE

Child welfare systems do have serious failings. They err in all directions. They do leave some children in dangerous homes – even as they take many more from homes that are safe or could be made safe with the right kinds of help.

But these two problems are directly related. Wrongful removal drives everything else. The only way to give workers the time and the skills needed to find more children in real danger is to stop overloading them with families that don’t need to be investigated and children who don’t need to be torn from everyone loving and familiar.

And that’s why the *Miami Herald*, in “Innocents Lost” and some of its other reporting in recent years, has made the Florida child welfare system worse than it was just a few years ago.

A child’s death at the hands of someone who is supposed to love and protect him or her is the

worst conceivable tragedy. The only acceptable goal for child abuse deaths is zero. But nearly as tragic is that the *Miami Herald's* reporting actually has moved Florida farther from that goal.

In the analysis that follows, we examine several of the major stories that were a part of "Innocents Lost." We go through them point-by-point examining false premises and factual errors. And we try to set the record straight.

THE MAIN STORY “PRESERVING FAMILIES BUT LOSING CHILDREN”

From the story: The children were not just casualties of bad parenting, but of a deliberate shift in Florida child welfare policy. DCF leaders made a decision, nearly 10 years ago, to reduce by as much as half the number of children taken into state care, adopting a philosophy known as family preservation. They also, simultaneously, slashed services, monitoring and protections for the increased number of children left with their violent, neglectful, mentally ill or drug-addicted parents.

The result: Many more children died.

Response: This is the “nutgraf” the paragraph that sets forth the thesis of the entire series. It is almost entirely false. Indeed, it is a repeat of The Big Lie of child welfare, the false claim that family preservation and child safety are at odds and doing more to keep families together makes children less safe.

Study after study has shown precisely the opposite. Safe, proven programs to keep families together are not only more humane and, yes, less expensive than foster care, they also are *safer* than foster care. Full details and citations are in [NCCPR Issue Paper #1](#).

But there also are lies of omission in the nutgraf that are specific to this series – and we call them lies because the lead author, Carol Marbin Miller, is fully aware of the data she chose to omit. There are three such omissions:

The first is the failure to look at data prior to 1999. That was a crucial year in Florida. Responding to a high-profile child abuse tragedy, then Gov. Jeb Bush named Kathleen Kearney to run the Florida Department of Children and Families (DCF). Kearney’s approach to child welfare boiled down to take-the-child-and-run. In 1999 alone, the number of children taken from their homes over the course of a year skyrocketed by 50 percent – the largest statewide single year increase we’ve ever seen anywhere in America. Entries stayed at that high level throughout Kearney’s tenure and beyond.

So if the *Herald* thesis is right, child abuse deaths should have plummeted. In fact they increased. But Miller denied this information to *Herald* readers by simply omitting the figures prior to 1999. We have provided those figures [on this page](#) of our website, *The Herald vs The Facts*.

But there is an equally glaring distortion in the *Herald* stories. According to the stories, Florida embarked on a policy of family preservation in 2005 – and deaths then went up. In fact, the number of children taken from their parents over the course of that year hit an all-time record high. It was almost exactly as high in 2006. There was no real decline until 2007. So even the increase in child abuse deaths the *Herald* cites occurred while the operating philosophy of Florida DCF was take-the-child-and-run. [Again, the data are available in full here.](#)

The third crucial omission is discussed below, in the section on definitions of maltreatment.

It also is worth noting that, while there were - budget cuts, cuts that should not have happened, those cuts would have been worse had Florida not applied for and received a waiver from federal funding restrictions. The waiver allowed Florida to use funds normally restricted to foster care on safe, proven alternatives. The waiver included a requirement that total federal funding not be cut. **The waiver also included a requirement for independent evaluations. Those evaluations found that Florida's reduction in entries into foster care did not compromise safety. [There is strong evidence that safety improved.](#)**

From the story: Prompted by a series of high-profile deaths — cases that have brought scorn and periodic leadership changes to DCF — a Miami Herald investigative team dug through six years of DCF deaths “verified” by the state as abuse or neglect, starting with Jan. 1, 2008. The Herald focused on those deaths in which the family had at least one encounter with child welfare over the previous five years.

Response: There are two crucial problems with this approach. First, by reviewing cases only since 2008, the *Herald* does not review cases when the take-the-child-and-run mentality dominated the state (from 1999 through 2006). So there is no way of seeing how many additional deaths went unreported in those years.

But there also is much more fundamental problem

The *Herald* demanded files only on fatalities, and in particular deaths of children known to the system. In a state with more than *four million children* and more than 205,000 child abuse investigations every year (by the *Herald's* own count), they looked at the 477 worst horrors imaginable, and then claimed that these failings - and only failings in this direction- pervade the system.

Story after story follows the same pattern:

- Horrific story of how repeated abuse was ignored and a child died due to factor X (presence of a boyfriend, ignoring teachers' warnings etc.)
- A statistic stating this failing was at the root of dozens of other cases.
- A carefully-worded statement implying that this failing pervades the entire system.
- An unsubstantiated claim that this is due to a policy of emphasizing family preservation.

This is like assessing the overall safety of air travel by looking only at crash investigations. If we did that, no one would ever fly. But we know that air travel is the safest mode of transportation. We also know that family preservation is the safest option for the overwhelming majority of children.

The only way to know how a system *typically* fails is to look at the *typical* cases. In other words, a statistically-valid random sample or some equivalent.

Given the commendable breadth of Florida's open records law, the *Herald* might well have been able to do this. But the *Herald* chose not to try. Rather it chose a sample that would provide evidence to bolster the reporter's pre-conceived notion; one she has expressed repeatedly in earlier news stories. (See our website, [The Herald vs. The Facts](#), for examples.)

In contrast, research that actually uses random samples or equivalent [consistently finds that family preservation is the safer option](#).

An open records law is only as good as the records you ask for.

From the story: *“I don’t think we are broken; I think we are challenged,” interim DCF Secretary Esther Jacobo said in a two-hour interview. “If what exists in our community is not adequate to keep a child safe in the home, the only answer is to remove that child from the home. Maybe we got it backwards, in that we tried to reduce out-of-home care before having those safety services that are needed. But I firmly believe if you have those safety services, you should be striving to fix a family. That is our mandate.”*

Response: This illustrates another classic failing in this kind of stacked-desk journalism: Only people working for the agency itself, inherently the least credible source, are allowed to defend family preservation. None of the experts, whether researchers or practitioners, who have shown the safety of family preservation -- is allowed to speak.

The even greater error of omission, of course, is the failure to examine how the system errs in all directions – leaving some children in dangerous homes even as many others are taken from homes that are safe, or could be made safe, with the right kinds of help. And it is precisely the overload of the system with children who don’t need to be there – *not* some overemphasis on family preservation that leads to the tragedies described in the series.

From the story: *Two weeks after Jacobo spelled out her reforms in an interview, the latest DCF scandal erupted: It involved Tariji Gordon, Death No. 477.*

Response: Another classic cheap shot. We have no idea if Jacobo’s “reforms” have any merit. But if reforms are judged by whether any child known-to-the-system ever is going to die, then all reform is a failure – because no system can prevent the death of every child. And how does the fact that this death occurred two weeks after reforms were announced (as opposed to, say, two months or three months – or one week) tell us anything about the efficacy of the reforms? It doesn’t. It’s just intended to make readers roll their eyes at the notion that anything said by someone with whom the *Herald* disagrees could possibly be true.

From the story: *Those records, collectively, show that child welfare administrators consistently under-reported the number of verified deaths by abuse and neglect. ... “Under-reporting and under-verification compromise the validity of the statistics [and] make it more difficult to ascertain true progress in combating these problems and, most importantly, defeat efforts to identify causes of preventable death,” Bruce McIntosh, a pediatrician who heads the state’s Child Protection Team in Jacksonville, said in a March 2011 memo to DCF’s top death coordinator.*

Response: It may well be that Florida undercounts child maltreatment deaths – though there also is reason to suspect that in some years they were *overcounted* for reasons discussed below. But this tells us nothing about the role of family preservation – because the *Herald* made no attempt

to estimate undercounts when the Florida approach boiled down to “take the child and run.”

From the story: *Florida’s death totals per 100,000 kids are generally among the highest in the nation, although such comparisons are difficult.*

The U.S. Department of Health and Human Services keeps a yearly tally, but the numbers are self-reported. Some states don’t report their “with priors” totals. Additionally, different states follow different standards for what is considered a prior.

Response: It’s not difficult – it is *impossible*, and grossly irresponsible for any news organization to suggest otherwise. The reasons go far beyond those mentioned, and then effectively ignored, by the *Herald*. (Indeed, what the *Herald* really is saying is: “We know this comparison means nothing, and it’s irresponsible to make it, but it supports our thesis, so we’ll do it anyway.”)

For starters, states and counties vary enormously in the competency of investigators, coroners and medical examiners. And, though one might think nothing should be easier to define than a child abuse death, often it’s a highly-subjective decision.

For example: Early one morning, a toddler gets out of bed, unlatches the back door, wanders into a body of water and drowns. Is that an accident or neglect? That answer will vary enormously from state to state, county to county and caseworker to caseworker. (Given the biases that permeate child welfare systems, it’s more likely to be labeled an accident if the body of water was a swimming pool behind a McMansion and more likely to be labeled “neglect” if it was a pond behind a trailer park.)

This makes even year-to-year comparisons within a jurisdiction difficult – and Florida is a classic example. Florida vastly broadened, then narrowed the circumstances under which a drowning would be considered neglect – but, in another example of the bias that permeates the series, the *Herald* mentions the narrowing without noting the earlier broadening – something discussed later in this critique.

The one thing such comparisons accomplish is to punish states that are aggressive in trying to uncover child abuse deaths. There is much more on why valid comparisons are impossible [in our response](#) to an organization which regularly tries to make them and engages in the same sorts of distortions as the *Herald*.

From the story: *The best gauge of states’ records of protecting children might be reporting by news organizations. In 2013, the Denver Post looked at six years of child deaths. The Post found 72 in Colorado; the Herald found 477 in Florida. Florida had three times as many children but six times as many deaths.*

Response: So one group of journalists, working within the severe limits of any effort to count child abuse deaths, reaches a figure different from another. Even were this a perfect comparison, it would show only that Florida has a higher child abuse death rate than Colorado. That leaves 48 states to go. More likely it shows nothing. In Colorado, individual counties run child welfare,

making it that much harder to get a reliable count of fatalities.

From the story: *“There are people at DCF who believe it is riskier to remove a child and place him in foster care than to leave him in even the most dangerous environment,” said Circuit Judge Daniel Dawson, who has presided over child welfare cases in Orange and Osceola counties for three decades.*

Response: And who are these people? How many of them are there? How high up are they in DCF? None of us at NCCPR has ever found such a person in any child welfare agency, anywhere. What we have found, over and over again, is adherents of a take-the-child-and-run approach distorting the position of those who want to do more to keep families together in precisely that way. Did Ms. Miller ask for any names – or even any direct quotes? Almost certainly not, since it’s hard to imagine she would not have used them if she had them. No, the judge said what Miller wanted to hear, so she included the smear, and the *Herald* published it without a shred of evidence.

From the story: *It wasn’t always that way. From 1999 to 2003, the number of deaths with priors never exceeded 35. After the state outlined its goal of reduced out-of-home care, child deaths spiked, peaking at 107 in 2009, by the Herald’s count.*

Now we get to the Big Lie of the series. It entirely ignores that *before* 1999 – before the huge spike in removals -- the number of deaths never exceeded 25. (See [this page on our Florida website](#) for full details).² And it ignores that Florida continued taking away children at record high numbers until 2007.

From the story: *The official numbers have receded since then,*

Response: In other words, the data contradict the *Herald*’s thesis, so they have to come up with another distortion to explain it, and here it is:

From the story: *but there were a number of factors at work, including a delay in “verifying” neglect and abuse deaths, and a deliberate shift away from classifying drownings and accidental suffocations as due to neglect.*

Response: As noted before, here we have a huge lie by omission. For starters, there has never been a move to stop classifying *all* drownings and accidental suffocations as neglect. Rather, after several years in which agencies gave in to enormous pressure to classify all such deaths *as* neglect, the state moved back toward a middle ground. [Full details are here.](#)

From the stories: *Under state and federal law, removing children from their parents is always a last resort and must be ordered by a judge; indeed, the permanent loss of custody is called “the*

² The only place in the entire *Herald* series in which there are any data before 1999 is a graph in one story. That graph gives slightly different figures for 1996, 1997 and 1998 than NCCPR, but the graph appears to be in error. The figures for 1996, 1997 and 1998 are repeated, identically, for 1999, 2000 and 2001 respectively. But even if this is accurate, and is a bizarre coincidence, the overall picture remains the same. During the years that Florida used a take-the-child-and-run approach, child abuse deaths of children “known to the system” increased.

parental death penalty.”

Response: Again, not true. The *Herald* conflates two actions – taking a child away from her or his parents, and taking that action *forever*. Agencies like Florida DCF have almost unbridled power to take children from their parents entirely on their own authority. Judges often don't enter the picture until a few days later at which point they almost always rubber-stamp the removal. For full details and data see NCCPR's [Due Process Agenda](#).

From the stories: *“We saw the increase in infant deaths, but we attributed it to the economic downturn, rather than to family preservation,” said George Sheldon, who was DCF secretary from 2008 through 2010 and was assistant secretary under Butterworth.*

Response: Note that this sentence implies that Sheldon now might think otherwise – but that's never stated. Indeed, such an increase, if there was one, almost certainly *was* a function of the economic downturn combined with the pressure to treat every drowning as “neglect.” More to the point, during the entire series, this is the only quote from Sheldon – one of the nation's most respected child welfare leaders, whose record of reducing entries into care without compromising safety is borne out by the independent evaluations of the Florida waiver.

Odds are he spoke to Carol Marbin Miller for a long, long time – but Miller simply chose to use only the one sentence that could leave the impression he supported her point of view.

From the story: *“Money,” said Dawson, the Orlando judge, “has frequently driven the bus.” ... Foster care agencies were “financially punished,” a Dade City judge wrote, if they did not reduce their caseloads.*

Response: This reflects another of Miller's unfortunate habits: If you say what Miller wants to hear, you don't have to prove it, or even provide a shred of evidence. In the case of these two quotes – one of them anonymous – Miller offers no supporting evidence whatsoever. And if the Dade City judge made the comment in an email why is s/he granted anonymity in the *Herald*? Here's another example:

From the story: *“Children under 5 years of age are at special risk of death,” the health department's child abuse expert, McIntosh, wrote in 2008, because they were often being forced to remain with parents who could not cope with fussy, crying and hard-to-handle youngsters. McIntosh said DCF justified its policy by giving him academic studies that pertained to much older children than those who were being killed.*

Response: Which studies are these? Who showed them to McIntosh? What do the authors of the studies say about their applicability? Miller never tells us. I doubt she asked McIntosh any of these questions. In fact, the trauma of needless foster care tends to be greater with younger children. And why does McIntosh seem to think the only way to deal with “parents who could not cope with fussy, crying and hard-to-handle youngsters” is to remove the children as opposed to helping those parents?

From the story: *The death of Triumph did not spark town hall meetings or task force reports.*

Other cases did — followed by great public promises, monies to match and then a trailing-off. Poster children over the past two decades included Bradley McGee, plunged head-first into a toilet for a potty-training accident; Lucas Ciambrone, beaten, starved and tortured by his adoptive parents; Rilya Wilson, vanished from the home of an approved caregiver who sometimes caged her; and Kayla McKean, beaten to death by her father and buried in a national forest.

In February 2011, the death of 10-year-old twin Nubia Barahona prompted the creation of another task force. Nubia, police say, was tortured by her DCF-approved adoptive parents, Jorge and Carmen, beaten to death and stuffed into a trash bag.

Response: In this paragraph, Miller distorts the time frame to leave the impression that all of these high-profile cases somehow had something to do with family preservation. In fact, the Bradley McGee case goes all the way back to 1989. In addition, in two of the cases, Lucas Ciambrone and Nubia Barahona the killers were adoptive parents. How can that be blamed on family preservation? And the death of Rilya Wilson occurred during the Kathleen Kearney take-the-child-and-run years.

STORY: FLORIDA'S UNDERCOUNT OF CHILD ABUSE DEATHS

Overview: Before beginning the discussion of this story, some context is useful. Throughout this story, there is debate over what constitutes a fatality due to neglect as opposed to an accident. The dispute is between the Florida Department of Children and Families on one side and on the other, the Florida Child Abuse Death Review Committee – and the *Miami Herald*. [We first wrote about this on the NCCPR Child Welfare Blog in 2008](#), when the Review Committee was pressuring officials across the state to accept their definitions.

So as you read the *Herald* story, in particular the case example involving drowning, consider what we wrote then:

You're late for work one morning. Before you get to work you need to get your two-year-old daughter to day care. You've just buckled her into her car seat – or did you? - when you remember some extremely important document you left in the house.

You know what you're supposed to do – unbuckle your daughter and walk her or carry her back in with you; but you're running late, it'll only take a second and, what could possibly happen?

999 times (or more) out of 1000: Nothing. But there's always that one time that can lead to catastrophe – especially if you hadn't quite buckled the child in.

That's just one scenario.

Are you sure you childproofed every electrical outlet? What about the one behind the sofa – until you rearranged the furniture last month? Now that your child is three, are you certain she can't unlatch the back door? Are there any heavy items of furniture, even big books on high shelves, that can come loose while your back is turned or you've just run into another room to answer the phone? And, are you absolutely certain you locked the sliding door that leads to the swimming pool?

The number of such scenarios is endless; I suspect any parent could come up with a dozen variations off the top of her or his head. And, according to the Florida Child Abuse Death Review Team, unless you can honestly say none of them has ever applied to you, you are guilty of child neglect.

It's also worth considering the words of one outside authority on children:

“If a child is so carefully watched that she never has an accident, she is being fussed over too much. Bones may be saved, but her character will be ruined.”

Who would say something like that? A DCF official who just wants to save money, perhaps? Some right-winger who wants to be sure the government stays out of our lives? At a minimum, the Florida Child Death Review Committee – and *Miami Herald* reporter Carol Marbin Miller, almost certainly would accuse the writer of condoning child neglect.

In fact, the person who would appall the Review Committee and the *Herald* is Doctor Spock. (Benjamin Spock, M.D., *Baby and Child Care* (New York: Pocket Books, 1985) p.640.

And finally, the debate in Florida has to be understood in the context of a quirk in Florida law concerning which deaths the Review Committee is allowed to review. Unless the cause of death is classified as “abuse” or “neglect” the Review Committee is not allowed to review it. The Review Committee repeatedly has called for changing the law to allow it to review all child deaths in Florida, regardless of the cause. In the absence of that change, the Team has been pushing to have as many deaths as possible labeled “abuse” or “neglect” to they can review them.

Now, on to the specifics of the story. We respond here only to items not already covered in our response to the main story.

Headline from the story: *Florida’s undercount of child abuse deaths*

Response: The headline itself is misleading. There may, in fact, be an undercount of child abuse deaths in Florida. There also may be an overcount, for reasons discussed below. To mention one without the other is, itself a gross distortion, but a necessary distortion if, like the *Herald*, you want to scapegoat efforts to keep families together.

From the story: *Nubia Barahona was found on Valentine’s Day in the flatbed of a pest-control truck. She had been imprisoned and starved, beaten and tortured, then doused in toxic chemicals before her corpse was disposed of in a black garbage bag.*

Response: The story leads with this case because the state has failed to refer the case to the Florida Child Abuse Death Review Committee. But any use of this horrible tragedy as part of a series scapegoating family preservation carries its own tragic irony. Nubia was killed by her adoptive parents. Strangers were chosen over fit relatives to care for Nubia and her brother.

From the story: *Administrators at [The Broward County Sheriff’s Office, which investigates child maltreatment allegations in that county] reported 23 abuse or neglect deaths to the statewide Child Abuse Death Review Committee in 2012. DCF leaders in Miami reported three that year. Miami’s three deaths verified as abuse or neglect emerged from a pool of 285 overall child fatalities; Broward investigated 181 that year.*

About nine other 2012 Miami-Dade deaths remained “open,” or pending, by the fall of 2013, meaning they aren’t accounted for in the yearly tally.

Response: The *Herald* uses this comparison to imply that somehow Miami DCF is covering something up. In fact, for reasons discussed below, it is equally likely that in Broward, accidents are being mischaracterized as “neglect.”

But this comparison raises another vital point: There is so much subjectivity in determining whether a death is neglect or an accident that there are wide variations even from region to region, let alone state to state. So what the *Herald* really does here is call into question all of its

own claims about the rise or fall of child abuse deaths in Florida and its attempt to compare Florida to other states.

This also illustrates why there are far better measures of child safety – the kind used by the independent evaluators of Florida’s child welfare waiver (discussed in our analysis of the previous story) which found that Florida’s efforts to reduce entries into care had, in fact, improved child safety.

From the story: Another reason to question DCF’s oft-stated assertion that child deaths are declining: In September 2010, DCF’s top death review coordinator, Keith Perlman, wrote new guidelines for investigating child deaths that redefined neglect.

The new protocol states that DCF should only verify drowning and accidental suffocation deaths if a parent deliberately placed his or her child in danger. A child’s drowning is considered the result of neglect if the caregiver understood the child was “at risk, and, with intent, allowed the child to be placed at risk,” Perlman wrote.

Perlman also said that a child smothered by his or her parents while “co-sleeping” in an adult bed did not necessarily die of neglect if the parents’ behavior met a “socially acceptable threshold.” If other parents sleep with their small children in an adult bed, he wrote in the September 2010 memo, then such behavior — while dangerous — is not neglectful.

Response: These paragraphs cut to the heart of the *Herald*’s failure in this story and this series. First, of course, there’s the grossly misleading claim that DCF simply decided one day in 2010 to narrow the definition of a neglect fatality. This omits the fact that, starting in 2006, the Review Committee began exerting enormous pressure across the state to label every drowning and many other accidental deaths as “neglect.” It was that lobbying campaign that led to the statistical spike in deaths cited by the *Herald*.

In spite of that lobbying campaign, according to the *Herald*’s own data, deaths declined in 2009 – well before the changes the *Herald* condemns, which took place in September 2010. Those changes, simply restored balance to a definition that had been perverted to include virtually any momentary lapse on the part of a parent as neglect – as can be seen later in the story.

From the story: During Memorial Day weekend in 2011, the mother of a 1-year-old boy was texting at poolside during a holiday cookout at a community pool. Her toddler went under the surface and didn’t come up. A 10-year-old boy discovered him at the bottom of the pool, jumped in and retrieved him.

“Law enforcement officials indicated that there were approximately 20 adults present at the party, including [the boy’s] mother, who was reportedly sitting in a chair away from the pool texting on her cell phone,” DCF reports on the incident stated.

Medical personnel told DCF the boy had been in the pool “for quite some time” before his limp body was found, judging from his body temperature. DCF declined to verify the boy’s death as stemming from neglect, reasoning that the behavior of

his 24-year-old mother was no more neglectful than other parents visiting the public pool. "Along with [the boy]," a report said, "there were several other children in attendance that were likely not supervised properly."

McIntosh, the medical director from Jacksonville, believes the agency's reasoning is flawed. "Just because a lot of people leave children unattended by swimming pools does not make it right," he wrote in a memo to child death reviewers.

Response: So apparently, Dr. McIntosh would say that any parent who ever was distracted while her or his child was in the pool is guilty of neglect. So why not charge all of them? After all, the fact that all the other children didn't drown is happenstance, right? They *could* have drowned, right?

So we return to the question at the beginning of this section: How many parents could say they've never done anything that, by this definition, constitutes neglect? And one can only imagine how desperately overwhelmed child protective services agencies would become if they had to investigate every such case – it would guarantee that far more children in real danger would be missed while workers were drowning in allegations against everyone who ever looked away when they should have been looking at their child.

There's also the enormous trauma inflicted on the children when such cases are needlessly investigated. As is discussed in detail here, a child abuse investigation is not a benign act for a child, [something discussed in detail here](#).

And finally, we wonder how Dr. McIntosh would respond to Dr. Spock?

From the story: *Shingledecker, the sheriff's major who supervises child protection in Manatee, [and also chairs the Review Committee] openly criticized DCF's then-top child welfare administrator, Alan Abramowitz, in a death review committee meeting around the fall of 2010 when he allowed his agency to remove one drowning death from the list of cases her committee had already analyzed. "We reviewed it. We agreed it met our criteria," Shingledecker said. Discarding the case "didn't seem appropriate at the time."*

Abramowitz, who is now the statewide director of the Guardian-ad-Litem Program, which provides lay advocates for children in court, remembers the dustup. "It was the only case ever where I said this does not make sense," Abramowitz said. "It was the only case I ever made a big deal about."

This illustrates another classic Carol Marbin Miller technique – the token out-of-context quote from someone who disagrees with her thesis. How can one judge who was right in this situation without knowing the circumstances of the case? The *Herald* brags about all the documents it obtained about child abuse fatalities; surely it could have gotten the documents on this one and shared them with readers. That Miller did not, suggests that the facts would support Abramowitz.

And Shingledecker is hardly an unbiased source. She has been leading the campaign to label all child drowning deaths as "neglect."

Furthermore, as with the interview with George Sheldon discussed in our analysis of the previous story, the interview with Abramowitz probably went on at some length and some detail. Yet Miller chooses to share only the two sentences noted above.

***From the story:** The result [of not counting more drownings as “neglect”], Burgess said, is that health and child welfare administrators in many parts of the state have done little to sound the alarm about the potential dangers of unsupervised children around pools and canals.*

Response: This claim is bizarre, but it reveals a lot about the mindset of too many people in child welfare. Why does it require labeling a parent neglectful in order to issue warnings and start safety campaigns to reduce drownings?

***From the story:** “Every child death, especially drowning, needs to be investigated,” Burgess said. “A child has died. We need to know how that happened, why that happened, and whether it was preventable.”*

Response: That’s an entirely reasonable point. But the way to accomplish this is to change the law to allow such investigation regardless of whether the death is deemed an accident or a result of neglect, rather than slapping the “neglect” label onto vastly more cases, and causing vastly more trauma to children, just so the Committee is allowed to investigate.

STORY: HOW FLORIDA CAN LEARN LESSONS FROM ALABAMA

Overview: Florida can indeed learn lessons from Alabama – but the *Miami Herald* did not. Indeed, this story is almost Orwellian in the way in which it distorts the Alabama reforms to suit the purposes of Carol Marbin Miller and her coauthors.

The Alabama reforms are the result of a pioneering class-action lawsuit. The lawsuit rebuilt the system to do far more, not less to keep families together. **Indeed, year after year, Alabama takes away children at one of the lowest rates in the nation – a rate far lower than Florida. The rate of removal in Alabama is more than 20 percent lower when entries into care are compared to the total population of each state. When entries are compared to the impoverished child population of each state, the rate of removal in Alabama is 40 percent lower.**

NCCPR is especially familiar with this suit since co-counsel for the plaintiffs, Ira Burnim, Legal Director of the Bazelon Center for Mental Health Law is a member of the NCCPR Board of Directors. Yet he is not quoted. Neither is the Alabama co-counsel, James Tucker of the Alabama Disabilities Advocacy Program. And while the current director of the Alabama child welfare agency is quoted – briefly and selectively in the classic Carol Marbin Miller style – the director who led the reform effort, Paul Vincent, is not.

The New York Times, [which examined the Alabama reforms](#) without any preconceived notions called it “a wholesale overhaul of the child protection system to make it more pro-family,”

From the story: A quarter-century after a federal class-action lawsuit, Alabama’s child welfare system is among the national models, a new and improved system built on a cultural shift and a focus on the parent’s protective capacity — that is, can the caregiver keep the child safe?

Response: This leaves out the most important part. The system doesn’t just focus on the parent’s ability to keep the child safe the moment the state intervenes, rather the system is built on providing whatever help the family needs if, in fact, the caregiver can’t keep the family safe.

From the story: “Child safety trumps everything,” said Carolyn Lapsley, deputy commissioner for Children & Family Services for the Alabama Department of Human Resources. “We don’t have a separate family preservation policy — that is woven throughout our approach.”

Response: This is the classic Carol Marbin Miller approach: Do what was almost certainly a long interview and try to find one quote somewhere that will support her viewpoint. Thus, Miller manages to find something that implies, falsely, that child safety and family preservation are at odds. And she never explores the second part of the quote – that family preservation is woven into everything Alabama does. Miller never tells us that Alabama takes away children at a far lower rate than Florida.

Only at the very end of the story does Miller reveal that much of the Alabama reform consisted of bolstering services to keep families together – and tailoring those services to the needs of each

individual family.

Yet in between, in a rundown of possible “solutions,” Miller emphasizes only those that make it easier – and far more likely – that children will be taken from their homes.

Case in point:

From the story: *Enshrine in state law that when rights of parents clash with efforts to safeguard their children, the child’s safety is paramount.*

Although no longer etched in law, the presumption that parents’ rights to their children trump children’s rights to safety and welfare persists, said Daniel Armstrong, vice chairman of the University of Miami’s Pediatrics Department. “It’s an implicit belief that comes through in practice,” he said. “We have to correct that practice.”

Response: This is The Big Lie of American child welfare – the false claim that keeping families together and keeping children safe are opposites that need to be balanced. On the contrary, as noted in our overview of the series, family preservation is the best – and the safest – option for the overwhelming majority of children.

And it is a very dangerous lie. The lie encourages [foster care panics](#) – huge sudden surges in the number of children torn needlessly from everyone loving and familiar. Details here: The harm to children is enormous – and not just the emotional harm of separation. The rate of abuse in foster care itself is [far higher than indicated by official statistics and far higher than the rate in the general population](#).

Indeed, the *Herald* story itself cites some of the horrors of Florida foster care in this paragraph:

...[A] 2004 report [laid] bare the state’s reliance on mind-altering psychiatric drugs as so-called chemical restraints for unruly foster children. The report said DCF had allowed infants and toddlers to be administered drugs that had never been proven safe or effective for use among children, let alone babies.

Yet the rest of the series pushes an agenda almost guaranteed to consign more children to that very system – even as the stories stifle all dissenting views.

There is another lie within this part of the story: The claim that parents’ rights trumps child safety was “etched in law.” Note that no such law is ever cited. That’s because no such presumption ever was etched into any law.

From the story: *“Children are not the property of parents or other adults. They are our cherished responsibility,” said Armstrong, also director of the Mailman Center for Child Development.*

Response: No series that demands the mass confiscation of children, as the *Herald* series implicitly does, is complete without the canard that anyone who disagrees thinks children are “property.”

The problem with this framework is that, by the nature of childhood, someone must take care of a child. Those who trot out this rhetoric use it to tear children away from one set of adults – their parents – and hand them over to strangers, either foster parents or institution staff. Thus, it is they who are truly treating children as property. They use noble rhetoric to disguise the fact that they simply propose to “transfer title.”

From the story: Last week, after reading part one of the *Herald's* investigative series on 477 child deaths, “*Innocents Lost*,” state Sen. Eleanor Sobel vowed to rewrite proposed legislation before the Children, Families and Elder Affairs Committee she chairs. Where the current wording mentions preserving the family, she said she wants it to read “the best interest of the child shall be the first priority, and then keeping the family intact.”

Response: This already has been tried, at the federal level, in the so-called Adoption and Safe Families Act of 1997. The result was a disaster. The foster care population skyrocketed, with more and more children bounced from home to home, emerging years later unable to love or trust anyone. Many never found a permanent home with anyone. Rather, we created a generation of legal orphans.

States like Alabama bucked the trend. They understood that you can't have child safety without family preservation. They understand that the only way to truly put the best interests of the child first was to do far more to keep families together. That's the lesson from Alabama that the *Herald* doesn't want you to know.

STORY: THE “HUGE RED FLAG” THAT FREQUENTLY GETS IGNORED

Overview: This story reflects a huge problem in child welfare – but not the problem identified by the *Herald*. Rather it reflects the extent to which reporters covering child abuse, and many in the field, fall victim to the adage that “a little knowledge is a dangerous thing.”

It works this way. Researchers publish a study or some committee issues a report which determines that x is a “risk factor” for child abuse. In other words, if someone who is an x or has x or does x is in the home, that person is more likely to abuse a child.

Having been officially deemed a “risk factor,” x then makes it onto various “checklists” and “risk assessment” forms that child protective services workers take with them when they investigate an allegation of child maltreatment.

If a parent has too many risk factors, the CPS worker may well walk out with the child – not because the child has been abused but because the “risk factors” supposedly tell us the child might be abused sometime in the future. It’s a bit like the science fiction movie *Minority Report* in which people are arrested for crimes they haven’t yet committed based on predictions of three psychics in an oversize bathtub – only the psychics in the movie were more accurate.

The “problem” with all of this is actually the best news in all of child welfare: The overwhelming majority of human beings do not abuse children. Period. And almost none will ever kill a child. The failure to take that into account can result in “risk assessment” that’s likely to do more harm to a child than any parent, by making it far too easy to consign the child to the chaos of foster care.

But the *Herald*’s complaint is that Florida child welfare workers aren’t doing enough of this. And they offer up the classic example:

From the story: Aaden became part of the yearly count of children killed at the hands of paramours — child welfare’s oddly genteel term to describe boyfriends or girlfriends of custodial parents. Protecting children from abusive paramours is one of the great challenges facing the Department of Children & Families.

“Paramours are a huge red flag,” said Richard Gelles, dean of the School of Social Policy and Practice at the University of Pennsylvania, as well as chairman of child welfare at the school. “They are enormously over-represented as the slayers of young children.”

Response: According to the Florida Child Abuse Death Review Committee, in 2012, the total number of child abuse deaths, with or without “priors” was 122. That figure should shock the conscience of all of us for the simple reason that one child abuse death is one too many. Now, just for the sake of argument, to account for any alleged “undercounting,” let’s double the figure to 244. There are more than four million children in Florida. So even if one doubles the official fatality figure, in any given year, 99.994 percent of Florida children do not die of child abuse.

The chances that *any* Florida child will die of child abuse are infinitesimal. The chances that a Florida child will be killed by a paramour – even though they are “enormously overrepresented” among the killers – is infinitesimally less infinitesimal.

Yet the *Herald* tells us to treat all paramours, including the 99.99 percent who will never kill a child,³ as suspect. Indeed, they are so inherently suspect, and so likely to kill that the very term is, according to the *Herald*, “oddly genteel.”

But there is another paradox to the story:

From the story: The potential danger posed by men sharing homes with children having no blood ties to them has long been known by Florida’s child welfare system.

Response: So the reason paramours are such an enormous risk is the fact that they have no blood ties to the children. Yet the entire *Herald* series is a clarion call to take vastly more children away from their parents and place them with foster parents or in group homes in institutions. And what do these caregivers have in common? No blood ties to the children.

And indeed, it may be the fact that no one in a foster home or an institution has a blood tie to the children that helps explain the [far more than infinitesimal rate of abuse in foster care](#).

From the story: In the pre-dawn hours of May 5, 2009, Jasmine Bedwell had to make a decision: Take more blows or more chokes — but try to rescue her son from the clutches of her enraged boyfriend — or go find help. She left and borrowed a cellphone to call 911.

By the time Bedwell, 17, returned to her apartment, Richard McTear was gone with the baby, Emanuel Murray, Jr. Emanuel’s body was found on the shoulder of Interstate 275. He was wearing a blue onesie. ...

“Despite knowledge of Ms. Bedwell’s prior and current victimization and initial resistance to terminate her relationship with Mr. McTear, domestic violence services were not initiated with Ms. Bedwell prior to Emanuel’s death,” a DCF report concluded.

There were indeed serious failures in this case. McTear had a long criminal record, but DCF didn’t do a background check until months after the couple was living together. As to why DCF would know at all – it’s because Bedwell was herself a “graduate” – to use the *Herald*’s oddly genteel term – of the Florida foster care system, and still reported to a DCF caseworker.

But none of the failings reflects an overemphasis on family preservation. Rather they reflect the fact that the harm of foster care itself, with its constant moving of children from home to home, can make it much harder for “graduates” to have good judgment in relationships, and they reflect the fact that, just as the *Herald* story says, DCF failed to provide enough help to the mother. Child abuse deaths are the worst possible tragedy. The only acceptable goal for the number of such deaths is zero. But they also are needles in a very large haystack. You won’t find the needles by trying to vacuum up the haystack.

STORY: INVESTIGATORS STYMIED BY THEIR OWN LAWYERS

³ We do not know the total number of “paramours” in Florida families with children, so the 99.99 percent figure is an inference based on the proportion of children who do not die of child abuse.

Overview: In the American legal system there is very little that is easier than taking a child from his or her parents. They can search homes – and stripsearch children – without warrants. (Indeed, in one Florida case, police looking for marijuana actually [pretended to be child welfare workers](#) in order to avoid the warrant requirement.)

Child welfare workers can remove children entirely on their own authority, either doing it themselves or asking the police to do it for them. The parent must go to court after the fact to try to get the child back. The parent, if she has a lawyer at all, usually will have a public defender with an impossible caseload who just met her in the hallway five minutes before the case. And the burden of proof for holding the child indefinitely is not “beyond a reasonable doubt” as in a criminal case or even “clear and convincing” but merely “preponderance of the evidence” – the same standard used to determine which insurance company pays for a fender bender. For more on how the deck is stacked, see our [Due Process Agenda](#).

And, of course, every judge knows that if they send the child home and something goes wrong, they might well be the subject of the next story in a series like “Innocents Lost.”

So when a lawyer for a child welfare agency says there is not enough evidence to proceed, 99 percent of the time it’s because there is virtually no evidence at all.

But in a system like Florida’s which deals with 205,000 investigations every year, sometimes the lawyers will screw up.

And in the course of looking at records over six years – a time when there were more than one million child abuse investigations in Florida, the *Herald* found some. But as noted above, the *Herald* reporters didn’t take a random sample of cases. Rather, they looked only at the tiny percentage involving fatalities among children known to the system. Based on that, the *Herald* concludes that

when investigators or doctors paid to recognize abuse want a child to be removed, or for a judge to order other forms of protection, agency lawyers often stand in the way. They cite a lack of “legal sufficiency.”

In fact, they almost never stand in the way. But the *Herald* didn’t look at those other one million investigations. There are other errors and distortions as well.

From the story: *Under federal laws that govern most of Florida’s child welfare dollars, investigators and their attorneys must make “reasonable efforts” — such as parenting classes or drug treatment — to keep children with their families when the youngsters are at risk of harm.*

Response: That “requirement” exists only on paper. It became a part of federal law in 1980, and there are multiple loopholes and exceptions. No child welfare agency in America ever has lost its federal child welfare funding for [failing to make reasonable efforts](#).

From the story: *“Reasonable efforts should never mean that you leave a child in a dangerous situation and cross your fingers,” said Jess McDonald, who led the Illinois Department of Children and Family Services from 1994 to 2003 and is now helping oversee reforms in*

Washington state.

Response: Once again, we see the classic Carol Marbin Miller technique: Do a long interview, tease out the one short quote that bolsters her pre-conceived notion.

How do we know? Because we know Jess McDonald and his work. He took over an agency that had 50,000 children in foster care on any given day. By the time he left the figure was 21,000, and today it is about 16,000. As in Alabama, McDonald was guided by a class action lawsuit settlement that emphasized doing more to keep families together. And, as in Alabama, independent court-appointed monitors have found that the changes were made with no compromise in child safety. Today, Illinois takes away children at one of the lowest rates in America, a rate even lower than Alabama and less than half the rate of Florida.

STORY: WHEN EVERYONE SEES THE HURT EXCEPT DCF

Overview: This story follows the same pattern as the others. In a state with more than 200,000 child abuse investigations every year, the Herald, by reaching back to 1997 finds a handful in which clear, repeated warnings from school officials were correct. The warnings were ignored and children died.

The *Herald* leaps from this to endorsing an approach which already was tried – and failed miserably.

From the story: A 1998 grand jury investigating [the death of Kayla McKean in 1997] ... recommended that “all reports of suspected abuse emanating from a school employee be given a presumption of validity” since, in such cases, parents have an obvious incentive to lie while educators don’t.

Response: It is not clear from this paragraph whether it was the grand jury that concluded educators have no incentive to lie or if that’s the opinion of the Herald reporters. Either way it’s wrong.

In fact, the Florida legislature acted on this recommendation – and that’s one of the reasons the system was plunged into chaos in 1999 – and one of the reasons deaths of children known to the system increased. (Again, the full figures on child abuse fatalities in Florida, including the data the Herald left out, [are available here.](#)) NCCPR wrote about it in [the first of our many reports on Florida child welfare](#), released in 2000:

Eight years after workers complained that they were forced to spend too much time on frivolous cases, the Kayla McKean law actually prohibits hotline workers from screening out any reports that come from judges, doctors, teachers and other school personnel.

But these same professionals also face legal penalties if they don’t report even the slightest suspicion of maltreatment. Thus, they have enormous incentives to report trivial cases or cases in which there is no real evidence of maltreatment. Until last year, the hotline had at least the potential to act as a line of defense. It could have been used to prevent children from being subjected to the trauma of a needless investigation and to keep workers from drowning in false and trivial reports, thereby stealing attention from children in real need. But the Kayla McKean law makes that much harder.

Perhaps even worse is a provision requiring a so-called “medical evaluation” of the child for almost every category of maltreatment. “Medical evaluation” is a euphemism for a stripsearch. The stripsearches are required not only in cases in which a DCF worker, after investigating, believes there is genuine cause to suspect physical or sexual abuse. It also is required for physical and even emotional neglect.

And it doesn’t matter if the DCF worker herself finds no evidence of maltreatment and believes the allegation to be patently false. The stripsearch must be performed anyway.

The child may not even get the comfort of having this traumatic examination performed by the

family doctor. In many cases only members of specified child protection teams can conduct the stripsearch.

All over the United States, child protection agencies send workers into schools to teach children, correctly, that “your body is your own.” But if you’re a child in Florida, it’s not. In Florida, thanks to the Kayla McKean law, all it takes is for a malicious or otherwise unfounded report to be called into a hotline and passed on to an investigator for a child to be subject to a mandatory stripsearch.

And because child protection teams are now overwhelmed by the demands of the new law, children have actually been taken from their parents and thrown into foster care just to wait for an appointment for their state-mandated stripsearches.

Having seen the chaos unleashed by this law, including the increase in deaths of children “known to the system” the Florida Legislature subsequently modified it. Now, the *Herald* apparently wants to bring it back.

For full details on all of this, see [NCCPR’s reports on Florida child welfare](#).

Our report in 2000 also addresses the false premises behind the claim that “parents have an obvious incentive to lie while educators don’t.”

In fact, the incentives are a lot more complicated. Educators face no penalty for falsely claiming that a child has been abused – indeed, laws in all 50 states give them immunity. But they face the risk of dismissal, lawsuits, even criminal penalties for failing to report even the slightest suspicion of maltreatment. And, of course, they face the risk of becoming the next target for the *Herald*.

So we wind up with a case – from Florida – of an assistant principal calling in a report of a “possible sex crime” because two 12-year-olds kissed. And the local sheriff’s office investigated. A link to more about this case is in this post to the NCCPR Child Welfare Blog: ([Links to a news account about the cases are on the NCCPR Child Welfare Blog here.](#))

And sometimes there are, in fact, incentives to lie. Calling in a child abuse report is a great way to shut up a pesky parent who is complaining about any number of failures on the part of a school.

As the *New York Daily News* put it [in this story](#): “Complain at school and get a knock at the door.” The story documents case after case of retaliation against families. And then there’s [this story](#). [And this one](#).

Were we to apply the *Herald*’s standards of journalism, we would leap from these stories to the conclusion that there is rampant persecution of families by school systems drumming up false allegations. We make no such claim. We provide these examples only to show that the *Herald* is wrong to suggest that all reports from school officials should be presumed to be true because “parents have an obvious incentive to lie while educators don’t.”