

Nevada Legislature - Assembly Bill 147

CHILDREN SWEEPED UNDER THE CARPET

In Pending Child Welfare Legislation

AB147 would ban children under 6 from Child Haven. Where are they going to go instead? Nobody knows! That's the magic of Bad Law.

BY GLENN CAMPBELL

Clark County is trying to escape a foster care crisis. There aren't enough foster homes for abused children, which sometimes results in severe overcrowding at Child Haven, the county's emergency shelter.

There is also a crisis of quality. Due to previous underfunding, foster homes are poorly supervised. Recruiting is unselective, and given the shortage, every licensed foster home must be used, regardless of whether the case-workers have confidence in the parents.

From time to time, all this systemic

stress results in the death of a child in foster care. A kid gets scalded to death or beaten to death or mysteriously vanishes, and we usually find out in the end that Family Services didn't adequately monitor this family or gave them a child they couldn't handle.

All this is appalling, of course, and when legislators read about dead children or see those heartbreaking news photos of babies piling up like cordwood in Child Haven, they feel that they must do something.

So here is what they are planning to do: pass a law banning all children under 6 from Child Haven or any other group shelter.

That's right, legislators in the Assembly Health and Human Services Committee are proposing to address the current foster care crisis by dumping more children into it.

Assembly Bill 147 is a textbook



Committee Chairwoman Sheila Leslie

example of Bad Law in the making. It is an emotionally driven bill that is seeking to treat the most visible symptoms of a disease rather than the disease itself. It is an unconscionable sweeping under the carpet of the abused

and neglected children of Clark County.

The committee has failed to ask the most obvious question raised by this bill: If young children can't be taken to Child Haven when there is no better placement available, where are they going to go?

The answer is simple: They are going to be forced into substandard foster care.

Instead of children stacking up visibly in Child Haven, this bill would scatter them around the city in still more hastily recruited and poorly monitored foster homes that could, in some cases, be far worse than group care. There will be no more distressing photos from Child Haven, because we have "cured" that symptom, but there could be more child deaths and poorer care overall.

The most disturbing thing about this bill is that it seems to have almost unanimous support. It is supported by the governor, the Assembly Speaker, the ACLU, the Youth Law Center, state child welfare officials, even the new director of Clark County Department of Family Services (DFS), which runs Child Haven.

At a public hearing on Mar. 12 (last week), a steady stream of high-powered witnesses spoke in praise of the bill, starting with the governor himself. Only a single witness spoke against it: our humble webmaster.

He was cut off after two minutes.

You can listen to the audio of his testimony and its suppression on our website. He was allowed to speak only until he started making some of the points above. Then he was quickly cut off by chairwoman Sheila Leslie.

With so many important people having already committed themselves to this bill, a dissenting voice at a public hearing is terribly inconvenient.

The assumption behind AB147 is the simplistic claim that all group care is bad for kids under six and that foster care is always better. The committee is so absolutely sure of this, without exception, that it is willing to pass a law about it and take all discretion away from local officials and caseworkers.

It is curious that some of the same Assembly members who are against institutional care in this circumstance

are also fighting for another legislative proposal: all-day kindergarten. Isn't kindergarten essentially institutional care for children under six? The only practical difference between it and a well-run group shelter is that at the shelter kids get to spend the night.

At the hearing, a slick slide presentation was given by the Youth Law Center of San Francisco. It featured photos of crying babies interspersed with bold, simple sentences flashed on the screen. It was classic manipulative propaganda by a partisan group using faulty logic and pseudoscience.

The committee lapped it up.

The scientific evidence is indeed unequivocal that institutional care is bad for children IN THE LONG TERM. The leap of faith by YLC and bill supporters is that group care is permanently damaging to kids even for short stays of a couple of days. THERE IS ABSOLUTELY NO SCIENTIFIC EVIDENCE TO SUPPORT THIS, and we challenge the committee to produce any.

Imagine that you are a five-year-old from a troubled family who has been temporarily taken into custody because of your parents' drug use. Which is going to be more traumatic to you: (a) staying for three days in a daycare-like setting with other children, or (b) moving in for three days with a whole new family MUCH BETTER THAN YOURS, bonding with them, then being forced to move out immediately, going back to your own crappy family and never seeing that better family again?

Think about it. Aren't their situations where we DON'T WANT children bonding with a new family? The vast majority of the kids in the child welfare system will be going back to their own relatives, usually in only a couple of days. In this case, NOT giving them the best of all possible care might be the most humane thing, because it is the bond with their own parents that needs to be protected.

Las Vegas isn't the same as other cities. Our transient population will probably always produce more child abuse cases and fewer high-quality foster families than other cities of the same size. Las Vegas needs to be free to craft its own pragmatic solutions from ALL the available placement options.

The near-unanimous support for this bill can only be described as "groupthink." Legislators look around them and see all their colleagues supporting the bill. They see the governor supporting it along with the ACLU (which rarely supports anything). If even the DFS director is supporting it on behalf of Child Haven itself, then it must be right. Right?

The fact is, these are all just sheep following each other. No one has thought this bill through.

We all know why the governor was at the hearing. Under investigation by the Feds, his popularity in free-fall and his agenda in disarray, Jim Gibbons needs any boost he can get. "Defending children" seemed like an easy fix. "If any issue should be nonpartisan, it's the welfare of children," said the governor.

Sure, but the wisdom and real effects of this law should still be subject to rational inquiry. (Right, Gov?)

The ACLU distrusts institutions of any kind, so it is natural for them to support the bill. The ACLU is concerned only with children's "rights," as though they were grown-ups who could take care of themselves.

DFS Director Tom Morton is simply out to lunch. His 8-minute testimony (also on our website) wasn't coherent even in support of the bill. Morton has never lead an agency before. He knows nothing of the political process or how much damage it can cause. He seems out of touch with his own organization and appears to be following the pack like everyone else.

Which leaves only us. We have no slide presentation or celebrity endorsement. All we can offer is the logic stated above.

But we do have the internet. Having been suppressed at the hearing, our job now is to assure that every committee member and other politician who supports this bill is permanently and personally held responsible for it, in a way that can be viewed by their voters.

Committee members should Google themselves see what turns up. (Try "Assemblywoman Susan Gerhardt.")

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