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**WHEN IT COMES TO PROTECTING CHILDREN, HYPOCRISY IS BIPARTISAN**  
*New report shows "Both Sides" equally guilty of allowing statutory and funding failures to shortchange the country's most vulnerable children*

**SAN DIEGO, CA - October 1, 2018** - In today's hyperpartisan political environment, Democrats and Republicans have actually reached a consensus on what to do about the inane revenue-neutrality parameters governing funding of programs for our nation's abused and neglected children: *Nothing*.

A new report released today by the [Children's Advocacy Institute \(CAI\)](#) - entitled [A WHITE PAPER ON AMERICA'S FAMILY VALUES: The Facts about Child Maltreatment and the Child Welfare Financing System](#) - highlights how Congress is engaged in "bipartisan neglect" when it comes to enforcing and fully funding existing laws that are designed to protect the nation's most vulnerable children.

This neglect carries a heavy human and budgetary cost. A 2012 study from the Centers for Disease Control (CDC) found that the total lifetime estimated costs associated with **one year** of confirmed cases of child abuse and neglect is approximately **\$124 billion**. The 20,000 foster children aging out of care in the U.S. annually suffer seven times the general population's drug addiction rate, have arrest records ten times the rate of other youth, drop out of high school at high rates, disproportionately suffer post-traumatic stress disorder and other mental health problems, and have an unemployment rate of 60%. Even by age 21, 90% are earning less than \$10,000 per year. They deserve better.

"Protecting the nation's children from abuse and neglect should be a no-brainer, regardless of political party," said Robert Fellmeth, Executive Director of CAI and the Price Professor of Public Interest Law at University of San Diego School of Law. "Democrats embrace state assistance for those with diminished opportunity and Republicans espouse basic family values as a core principle. So where's the disconnect? These children are not someone else's children, they are children of the state, they are 'ours' as a nation, beyond metaphor."

The report finds multiple failures across the child welfare system that reflect a lack of understanding of some of the underlying causes of abuse and neglect. The system remains woefully underfunded, worsened by counterproductive flaws in the funding formula and an inability or unwillingness to hold states that violate federal laws accountable. These slights too often keep children endangered while letting abusers off the hook. According to the report, Congress has also found a way to reduce the number of children eligible for Title IV-E foster care funding annually. To make matters worse, the White House budget currently under consideration and being supported by some in Congress and others in the Administration dangles the dangerous prospect of compromising the structural integrity of the foster care entitlement program altogether in favor of a block grant.

“As long as Congress continues to accept these deficiencies and fails to act to correct them, the longer our neglected and abused children and foster children go without adequate, responsible care,” Fellmeth added. “Our nation’s performance to date in protecting them from abuse and neglect and appropriately supporting those in care will determine their legacies - and ours.”

The following<sup>1</sup> is a comprehensive list of critical failures in federal law, enforcement, and budgetary commitment, followed by CAI’s proposed remedies for improvement:

**ISSUE: Little attention is paid to actual prevention and causation of child maltreatment including: (a) little to no education about parenting in American education, (b) the scandalous levels of child poverty, (c) the practical and financial benefits of planned pregnancies, and (d) the failure to quash the single most dangerous affliction behind child abuse -- parental alcohol and drug addiction.**

*ACTION: Acknowledge the need for and subsidize basic parenting education in high schools future parents will understand what children need, how to keep them safe and healthy, and the financial commitment required to provide for them.*

*ACTION: Address child poverty and enact the conservative and prudent recommendations to that end by the Children’s Defense Fund.*

*ACTION: Address the underlying causes of child abuse and neglect, including preventing unplanned pregnancies, and addressing inadequate financial support by some fathers,*

*ACTION: Expend meaningful resources on preventing and treating alcohol and substance abuse, which is closely and increasingly related to serious child abuse.*

**ISSUE: The intellectually dishonest fiction that keeping federal child welfare appropriations for some programs level year-to-year is mandated by "revenue neutrality" rules. Maintaining level funding without adjustment for inflation and triggers for relevant population changes assures the gradual but inexorable strangulation of accounts to support**

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<sup>1</sup> Accompanying the White Paper are 30 pages of exhibits covering in greater detail the major federal child protection and child related existing statutes and current pending legislation.

**these children. Increases in child population, child poverty and mandated reports require an increase in federal expenditures merely to maintain response levels.**

*ACTION: Eliminate loyalty to “revenue-neutral” policies that obstruct the amount of funding needed to appropriately serve the population of children in our care.*

**ISSUE: The continuation of the capricious "look back" provision that restricts federal reimbursement for foster care costs to children from families with incomes below the poverty line as it existed in 1996 (\$12,980 per year for a mother and two children). It's 2018. This has resulted in federal financial abandonment of close to 50% of foster children as more and more families each year become ineligible for foster care benefits. All of this as state budgets continue to contract, making the burden of fully funding rising foster care costs increasingly unrealistic and unjust.**

*ACTION: End the “look back” provision and adjust the income floor to more realistic levels, adjusted to inflation.*

**ISSUE: The nearly universal diversion of Social Security Survivor and SSI Disability benefits by states to reimburse themselves for the cost of providing foster care services. SSA routinely designates state foster care agencies as the representative payee for foster child beneficiaries. These foster care agencies commonly and automatically confiscate the child beneficiaries' funds to repay themselves for expenses that are not the children's obligation to pay. These benefits rightfully belong to the children and could be used to better support children with special needs while in care or be preserved for their own benefit and use later in life..**

*ACTION: Prohibit states or counties from using foster children's Social Security survivor (OASDI) and disability (SSI) benefits to reimburse themselves for the children's cost of foster care.*

**ISSUE: Failure of federal agencies to enforce the minimum federal requirements of the Child Welfare Act, the Child Abuse Prevention and Treatment Act (CAPTA) or other laws mandating statutory compliance as a condition for continued flow of federal funds. [See extensive documentation in *Shame on U.S. Report* at [http://www.caichildlaw.org/Shame\\_on\\_US.htm](http://www.caichildlaw.org/Shame_on_US.htm)]**

*ACTION: Ensure adequate funding for ACYF oversight and enforcement of child welfare law. Pressure Congress to play a more active role in ensuring improved enforcement and oversight of current law. Ensure new laws have strong provisions addressing oversight and enforcement.*

**ISSUE: The continuing failure to provide for all foster children the basic due process right to an attorney in a court proceeding that will determine their parents, where they live, what school they will attend and most facets of their lives while foster children.**

*ACTION: Require the appointment of attorney GALs for every foster child, consistent with the caseload standard set forth in *Kenny A. v. Purdue*, in addition to the appointment of court*

*appointed special advocates and requiring reasonable juvenile court caseloads, given the court's role as the legal parent of these children.*

**ISSUE: The lack of a clear private right of action for children and families wishing to access courts as a means to enforce their rights under federal child welfare laws.**

*ACTION: Explicitly provide a clear private right of action in current and future federal child welfare law to allow the enforcement of all child welfare statutory mandates by the child and family beneficiaries, including Family First.*

**The Children's Advocacy Institute** at the University of San Diego School of Law, works to improve the health, safety, and well-being of children, especially those living in, at risk of entering, or preparing to transition out of foster care. In addition to its academic component, CAI engages in regulatory and legislative advocacy, impact litigation and public education in order to ensure that children's interests are represented effectively whenever and wherever government makes policy and budget decisions that will impact them. Visit <http://www.caichildlaw.org> for more information.

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