

SAVE OUR CHILDREN!

A Look Into the Headlines Generated by Our Children, and the System that Awaits Them

Every day I'm challenged with reading, listening to, or watching the headlines of any local or national media, as inevitably one of our kids has shot and killed someone, been detained for an aggravated offense or drug charge, or has been charged with some other delinquent offense. Right here in our own back yard, we've had a recent school shooting and killing of an assistant principal. Last spring, a kid got on a school bus and shot and killed the bus driver. Then, we had an incident this summer where a kid shot and killed an employee at a local Shoe Carnival. The list just goes on and on. I dare not speak of national headlines. These are just a sampling of the stories that make our local headlines. But thousands more (and I mean thousands) didn't make the front page or paper at all.

Every week I'll usually have a call from the Juvenile Court telling me that one of my kids (an appointed juvenile) has been detained for some new charges. Or I'll have appointment orders in my box for charges of a new kid or one of my current kids who is alleged to have committed yet another delinquent act, ranging from violation of probation to some aggravated offense that can lead to the child being tried as an adult. And it just doesn't stop. It is a never-ending cycle.

What's even more troubling is that regardless of guilt or innocence, usually they were just in the wrong place, around the wrong people, with the wrong items in their possession (either actual or constructively) at the wrong time. They weren't at school, work, practice for their sport or activity of choice, with their parents. Or even at home reading a book or studying. No, they were in the streets with friends and unsupervised.

Worse, usually they are only really concerned with when they can get out of detention, or how long they'll be on probation, or how much public service work they will have to do. And when it gets really serious, they're trying to scatter and figure out how they can beat the prosecutors disposition for "state custody" or adult prosecution. Most of the time, a deal can be worked and they're not sent off to state custody or serving any detention time, but they've entered the system. In 2004, 22,516 juvenile cases were adjudicated in Davidson County, Tennessee affecting 9,562 children, with 53.33% of the children being African-American.

THE JUVENILE COURT SYSTEM

Children enter the Juvenile Court system in one of four ways: as delinquent, dependent and neglected, unruly or in some form of a parentage proceeding or a combination of any of the foregoing. I often say that the Juvenile Court system, regardless of the "category" the child is deemed to be in the system, deals with our most disadvantaged and at-risk youth. Why? Well, let's analyze it.

In a proceeding against a child that is alleged to be delinquent, the child has committed some type of criminal offense (i.e. assault, drug possession, vandalism, etc.). These charges could lead to probation with some public service work, classes, and maybe some detention time; however,

depending on the severity of the charge, the juvenile could be set for a transfer hearing to determine if the juvenile should be tried as an adult, or may find themselves placed in the custody of the Department of Children's Services.

In a proceeding concerning an alleged dependent and neglected child, the child has been placed in a position that is detrimental to the child's safety, well-being, health or morals by a parent, guardian or other legal custodian. This could stem from a range of things: educational neglect (child not attending school), physical or verbal abuse or inadequate supervision. A child alleged or found to be unruly denotes a disobedient child who may have continuing behavior problems at school, with parents and/or runs away from home. Again, these type of proceedings could lead to the child being placed in the custody of the Department of Children's Services (DCS).

Lastly, a child entailed in a parentage proceeding is one that is the subject of a proceeding concerning the determination of a father, custody, child support, and/or visitation. In a parentage proceeding taking place in the juvenile system, the child is often times, a product of wedlock and lacks a home that contains both parents.

Understanding the various categories of children in the Juvenile Court system, is it not too hard to see why these children are our most disadvantaged and at-risk kids. They all are both subjects and victims of some dysfunction(s), either within themselves or their immediate surroundings, including parents, family members, friends and other influences.

Entering the system almost always proves to be a beginning to the end for most children. I see parents who depend on the system to "teach the child a lesson" and who do not feel that they need to do much else in terms of disciplining the child because they feel that probation, detention time or whatever the disposition may be, is enough to keep the child from committing future acts or violations. Then it gets to a point when the child is so entangled in the system and just can't seem to stay out of the courtroom, that they get faced with commitment to DCS.

THE DEPARTMENT OF CHILDREN'S SERVICES (DCS)

The Department of Children's Services (DCS) was created in 1996 to house and care for all children in state custody. According to our lawmakers, the department was created to provide services to those children who are unruly, delinquent, dependent and neglected, and their respective families, as well as for children who are at imminent risk and in need of services to prevent entry into state custody, who are in state custody pending family reunification or other permanent placement, or as otherwise may be required for such children and their families pursuant to state law. If they are placed with the Department, it has been determined that the placement with the Department is the least restrictive alternative (better stated, no other options are available that are fit or appropriate for the rehabilitation of the child or to address the child's needs and/or prevent the child from presenting a danger to themselves or others).

Once committed to the Department or at risk at being committed to the Department, DCS is to provide timely, appropriate and cost-effective services for children so that these children can reach their full potential as productive, competent and healthy adults. The focus of the services is to preserve the relationship between the child and the family by providing, whenever possible, services in the community where the child lives and by providing the services in a setting which is the least restrictive and, yet, the most beneficial. For the children it serves, the department is

to:

- Protect children from abuse, mistreatment or neglect;
- Provide prevention, early intervention, rehabilitative and educational services;
- Pursue appropriate and effective behavioral and mental health treatment; and
- Ensure that health care needs, both preventive and practical, are met.

STATISTICS OF CHILDREN COMMITTED TO THE DEPARTMENT

A study completed by the Justice for Juveniles Task Force, dated November 30, 2004, stated that regardless of the “classification” of a child within the Department, the children and families have similar issues and needs. The vast majority of children in state’s custody are those adjudicated to be Dependent or Neglected, with the second highest number being delinquent juvenile offenders. According to the study, there are a higher percentage of males than females, and over 50% of the children in state’s custody are Caucasian (for ages 13+). The numbers also show that over 60% of the children come from homes:

- Where there is little or no relationship with the Father
- More than three siblings are present in the home
- Has at least one parent with Substance Abuse Issues
- At least one parent has been incarcerated or is currently incarcerated
- Has a mental health diagnosis
- Has substance abuse issues

HOW EFFECTIVE IS THE DEPARTMENT

In 2004 study by the Tennessee Commission on Children & Youth it was found that as it related children under the custody and/or control of Department of Children’s Services:

- The assessment of needs identified for children/families was often inadequate.
- Many Permanency Plans were inadequate, not addressing current issues/service needs of the child and family, and lacking strategies to achieve the permanent goal.
- Service coordination and communication between various system components were often inadequate.
- Many children experienced more than two out-of-home placements, ranging from 3 to 28 with an average of five and a median of four for those who had two or more placements. The average total number of placements for all children in custody was four.
- Many children had experienced a change in case managers within the past 12 months because many case managers had been reassigned, and other case managers possessed 12 or fewer months experience.
- Many children stayed in custody too long.
- Truancy or other school problems were major factors contributing to custody for

a number of school-age children.

- A number of children did not receive adequate independent living/transition services.
- A number of children experienced lengthy stays (30 days or more) in detention/emergency shelter/diagnostic shelter awaiting a placement.
- A number of children (19 percent) experienced multiple custodies: 77 percent, 4 times; 9 percent, 3 times; 8 percent, 6 times; 3 percent, 5 times; 3 percent, 2 times.
- A number of children received in-home services/crisis intervention but still entered custody.
- A number of children did not receive timely subsequent dental screenings every six months, and hearing and vision screenings were not always adequately documented.
- TennCare sometimes delayed service implementation or provided inadequate services due to insufficient provider network, especially for mental health services, refusal to pay for specialized services, extended waiting periods at the Health Department, difficulty scheduling appointments, and confusion related to TennCare eligibility.

Obviously, while arguably good intent is there, the Department just isn't working like it should to help and save our children. In my opinion, DCS is not an option for children that are in need of some protective services and/or children who are proven to be a serious danger to our community or themselves. But I fail to see it as a feasible alternative to children in real need of help, treatment and/or rehabilitation.

OTHER SOURCES FOR HELP

Traditionally, parents have looked to schools, teachers and school systems to assist in the growth, development and guidance for our children. However, we've just been slammed with the news that the budget for the Davidson County School system has been cut by \$25 million for the 2006-07 school year. This means cuts in some after-school and extracurricular programs and activities, as well as loss of teachers and fine arts programs, and the closing of some schools. Moreover, recent headlines tell us that middle school athletic programs are in danger of being cut.

The net affect is that the kids will get dumped in already overcrowded schools and classrooms that will be unable to provide the students with some specialized attention that may be necessary, the kids will not have access to music, art and physical education programs that provide them with an interest and talent to grow and develop in their spare time. And they won't have a reason to stay after school and participate in an adequately supervised athletic or extracurricular program that keeps them off the streets, away from drugs and out of trouble.

Instead they'll be down there at the detention facility located on 100 Woodland Street, waiting for me, or some other attorney to come and "get them out" or present yet another argument as to why they shouldn't go into state custody or why they are not guilty as charged.

THE SILVER LINING

A writer for the Tennessean wrote of a recent occurrence where a man greeted him in his driveway one afternoon upon returning home from work. He didn't recognize the man, but the man knew him. According to the article, the man came to apologize of an act he did as a teenager or early adult. It seems that the man stole a canoe from the writer for the purpose of buying drugs. While the canoe was worth a great deal more than \$50.00 that's about how much the man remembered selling it for to fund his drug habit. But, something change the man's heart, it may have been 10 plus years later, but he recognized his wrong and wanted to both apologize and compensate the writer for the loss.

In Oklahoma, a mother of a 14year old girl who has been making poor grades in school, attending class late and talking back to teachers, decided to teach her daughter a lesson. Se made the 14 year old make a sign that said, "I don't do my homework & I act up in school, so my parents are preparing me for my future. Will Work for Food." The 14 year old stood on a busy Oklahoma City intersection with the sign for a day, and has since straightened up.

The moral of the stories is, we can't give up on our kids and we certainly can't depend on DCS or the school system to give them what they need. They're our children and we have to take responsibility for them and never stop trying to help them get where they need to be. Often times, while they may make conscious decisions that amount to some level of wrong doing, they aren't "bad," just mislead or misguided. And more times than we think, some things are out of their control. Additionally, we can't be afraid to admit our own short comings and how that may affect our children. They're not out here shooting each other, selling drugs, using drugs, fighting, being disrespectful to authoritative figures, not attending class or school and taking the lives of innocent victims because it is innate within them. They got it from somewhere. Genetics, surroundings, influences, television, music, it all comes from somewhere. It is up to us as responsible parents, adults, and role models to find the source, even if we find it in the mirror and begin the healing and rehabilitation process for and with our kids. They can't do it alone and outside sources are becoming scarcer, as evident by school program cuts, DCS, and now talk of cutting middle school athletics.

These are all things that presumably help kids stay off the streets and out of trouble. These are things and programs that keep them focused, busy and get the kids the help they need. But they are slowly diminishing. Our kids depend on us, because they have nobody else. They don't know how we do or can do what that ask and need of us, they just expect that it will happen. And as children (and they are all children until they fully grown, responsible adults, regardless of age) they wouldn't. So we have to step up to the plate and just do it. And even if they can't see now what that means, it may be 10 years in the making, but they will figure it out sooner or later.

So it's worth the undying effort and commitment to not give up on our kids and to keep trying. We can't let them down by falling prey to the same challenges in which they are faced. We can't condone or make light of any unacceptable behavior or acts that they may commit and we must be firm and stand strong on our word to them.

THE BEGINNING OF A NEW ERA

It seems as though the journey in *Saving Our Children*, has only just begun. As stated above, it's on us. Not the state, not the school system, but each and every adult, with or without children. We have to *Save Our Children* using our own resources and efforts. Make homeless signs and put them on the corner, embarrass them, harass them, help them and join them in their efforts and support them. But most importantly, NEVER give up on them.