

Congratulations, Mama.

FOSTER CHILDREN

Mr. DEWINE. Mr. President, I rise today to talk about an American tragedy. First, Mr. President, too many children in this country are spending the most important formative years in a legal limbo, a legal limbo that denies them their chance to be adopted, that denies them what all children should have: the chance to be loved and cared for by parents.

Second, we are sending many children in this country back to dangerous and abusive homes. We send them back to live with parents who are parents in name only, and to homes that are homes in name only. We send these children back to the custody of people who have already abused and tortured them. We send these children back to be abused, beaten, and, many times, killed.

Mr. President, we are all too familiar with the statistics that demonstrate the tragedy that befalls these children. Every day in America—every day—three children actually die because of abuse and negligent at the hands of their parents or caregivers, over 1,200 children per year.

Mr. President, almost half of these children, almost half of them, are killed after their tragic circumstances have already come to the attention of the local authorities. Tonight, Mr. President, almost 421,000 children will sleep in foster homes. Over a year's time, 659,000 will be in a foster home for at least part of the year.

Shockingly, roughly 43 percent of the children in the foster care system at any one time will languish in foster care longer than 2 years. Mr. President, 10 percent will be in foster care longer than 5 years.

Mr. President, the number of these foster children is rising. From 1986 to 1990, it rose almost 50 percent.

In summary, Mr. President, too many of our children are not finding permanent homes. Too many of them are being hurt, and too many of them are dying.

Mr. President, most Americans have probably heard of the tragedy that befell Elisa Izquierdo in New York City. Her mother used crack when she was pregnant with Elisa. A month before she was born, her half brother, Ruben, and her half sister, Cassie, had been removed from her mother's custody and placed into foster care. They had been neglected, unsupervised, and unfed for long periods of time. In other words, Mr. President, this woman left her children alone and simply did not feed them.

But then, Mr. President, amazingly, the children were sent back to the same woman, and then Elisa was born. When Elisa was born, she tested positive for crack. She was taken from her mother and transferred to her father's custody. Tragically, in 1994, Elisa's father died. Elisa was then 5 years old.

The director of Elisa's preschool warned officials about the mother's history of child abuse and drug abuse. Without any further investigation and without ordering any further monitoring of Elisa's home situation, a family court judge transferred Elisa back to her mother.

In March 1995, when Elisa was 6 years old, she was admitted to the hospital with a shoulder fracture—a shoulder fracture, Mr. President. This is a little girl from a household with a history of child abuse, and she shows up at the hospital with a shoulder fracture. What did the hospital do? The hospital sent her back to her mother.

Eight months later, in November 1995, she was battered to death by that same mother. You see, Elisa's mother was convinced that Elisa was possessed by the devil. She wanted to drive out the evil, so she forced Elisa to eat her own feces, mopped the floor with her head, and finally bashed her head against a concrete wall. On November 2, 1995, Elisa was found dead.

Mr. President, this story then was on the front page of the New York Times, and for days after that the story was covered. Millions of Americans were, understandably, shocked. But you know, Mr. President, what shocked me when I read the story, when I heard about it, was that anyone would be shocked at all, because the horrible truth is that while this horrible tragedy captured the attention of the country, the sad fact is that atrocities such as this are happening against children every single day in this country. Children are being reunited with brutal abusers. They are abused again and again, and, yes, sometimes they are killed.

Here is another story. A Chicago woman had a lengthy history of mental illness. She ate batteries, she ate coat hangers, and she drank Drano. She stuck pop cans and light bulbs into herself. Twice she had to have surgery to have foreign objects removed from her body. Then when she was pregnant, she denied that the baby was hers. While pregnant, she set herself on fire. That is her idea of what being a parent is all about. On three occasions, her children were taken away from her by the department of children and family services, known as DCFS.

One of her children was named Joseph. Joseph's second foster mother—keep in mind that this was a child that was being pushed back and forth between foster homes, back and forth with his mother. Joseph's second foster mother reported to the DCFS officials that every time Joseph came back from visiting his mother, he had bruises. Yet, in 1993, all the children were returned to this mother—one last time.

A month later, in April 1993, this mother hanged Joseph; she hanged her little boy. She hanged her 3-year-old son. Her comment to the police was, "I just killed my child. I hung him." She stood him up on a chair and said,

"bye." He said, "bye." Then he waved. And she pushed the chair away. She hanged this little boy.

Mr. President, what kind of a person does something like that to a child? She told a policeman, "DCFS was" blankety-blank "with me."

Mr. President, why on Earth would anyone think we should keep trying to reunite that family?

Another example. Last year in Brooklyn, NY, there were allegations that baby Cecilia Williams and her three older siblings had been abandoned by their mother. As a result, they were temporarily removed from their mother's custody. It turned out they had not been abandoned by the mother. She had actually placed them in the care of an uncle, and he had abandoned the children.

Later, Cecilia and the other children were sent back home. Last month, after they were sent back home in New York, Cecilia Williams died after being battered, bruised, and, possibly, sexually abused. Her mother and her boyfriend have been charged with the crime.

Cecilia was 9 months old. Cecilia is dead today—a victim of blunt blows to her torso, and lacerations to her liver and small intestinal area.

Another example. A young boy in New Jersey named Quintin McKenzie was admitted to a Newark hospital after a severe beating, for which his father was arrested. Quintin was placed in foster care. But when the charges were dropped, he was sent back to that family. In 1988, Quintin was 3½ years old when his mother killed him. She plunged him into scalding water because he had soiled his diapers.

In Franklin County, OH, the local children services agency, in another case, was trying to help Kim Chandler deal with her children—7-year-old Quiana, 4-year-old Quincy, and 1-month-old Erica. In July 1992, they closed the case on her. On September 24, 1992, all three children were shot dead, and Kim Chandler was charged with the crime.

In Rushville, OH, in March 1989, 4-year-old Christopher Engle died when his father dumped scalding water on him.

Mr. President, we could go on and on and on. Tragically, there is not a Member of the Senate who could not cite examples from his or her own State of these tragedies. I could multiply example after example of households like these—households that look like families but are not, Mr. President; people who look like parents, but who are not; people who never, never should be allowed to be alone with any child. I do intend, in the months ahead, to discuss many of these stories on this floor, Mr. President.

Why are atrocities like this happening? There are many factors contributing to this problem. In many cases, the abuse is caused by parents who were themselves abused as children. In other cases, the parent is deeply disturbed or

mentally ill. Often, the parent is a teenager, who is emotionally unprepared for the responsibility of raising a child.

All of these factors were present in earlier generations. What is different today is that too many of the young parents have no role models of good parenting. They did not have good parents themselves, so they have no idea how to be parents for their own children.

Another major problem, Mr. President, is the decline of the extended family, the support system that used to do so much to make sure children were taken care of. In many cases, it just does not exist today.

Add to all of this the relatively new phenomenon of crack. Since the late 1980's, we have seen an explosion of this new form of cocaine that is readily available, is cheap, and explosively addictive. Crack is so addictive that mothers have sold their children so they can get more of it. Someone said, when talking about crack, that crack is the only thing that has ever been invented by man that will cause a mother to behave not like a mother and abandon all the natural instincts that she might have—to leave that child, sell that child, to abuse that child.

Mr. President, put all these factors together and we have a major social problem on our hands. Now, we ask social workers to try to patch up the wounded. But the social workers are underpaid and overworked. When I was an assistant county prosecutor over 20 years ago, and then when I was the county prosecutor in Greene County, OH, I worked closely with these dedicated, hard-working social welfare professionals. I have great respect and admiration for them. They are literally at the front line of our efforts to save children. We expect the impossible from them and, frankly, do not give them all the tools and resources they need to do their jobs. Often, the only options they have, and the only choices they have for these children, are all bad—no good options, no good choices.

Many times, our social welfare agencies are simply overwhelmed. Some experts say that the social worker handling children ought to handle no more than 15 or 20 cases at a time. But the truth is that we have social workers today handling 50, 60, 70 cases. They do not have enough time or enough resources to solve the problems these kids have.

In summary, Mr. President, there are many causes for the tragedies I have discussed. Further, there are many things that must change, many things that we can do to help these children.

There are many things we can do, Mr. President, to lessen the time it takes for children to be adopted, and to lessen the time these poor kids have to spend in the legal limbo of the system. Further, there are many things we can do to lessen the odds of tragedies like the cases of Elisa Izquierdo and Joseph Wallace.

Mr. President, I intend to keep working to find solutions to these problems, recognizing that their causes are multiple—and that to solve them, we must do many things.

But today, I would like to focus on one of the causes of these tragedies, one that most people have not heard about. It is the unintended consequence of a small part of a law passed by the U.S. Congress.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act—known as CWA. The Child Welfare Act has done a great deal of good. It increased the resources available to struggling families. It increased the supervision of children in the foster care system. And it gave financial support to people to encourage them to adopt children with special needs.

But while the law has done a great deal of good, many experts are coming to believe that this law has actually had some bad unintended consequences.

Under the CWA, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide:

... that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be—the State must make reasonable efforts to keep it together, and to put it back together if it falls apart.

What constitutes "reasonable efforts"? Here is where maybe we have part of the problem.

This has not been defined by Congress. Nor has it been defined by HHS.

This failure to define what constitutes "reasonable efforts" has had a very important—and very damaging—practical result. There is strong evidence to suggest that in the absence of a definition, reasonable efforts have become—in some cases—extraordinary efforts. Efforts to keep families together at all costs.

Mr. President, much of the national attention on the case of Elisa Izquierdo has focused on the many ways the social welfare agencies dropped the ball. It has been said that there were numerous points in the story when some agency could have and should have intervened to remove Elisa and her siblings from her mother's custody.

I am not going to revisit that ground. Rather, my point is a broader one: Should our Federal law really push the envelope, so that extraordinary efforts are made to keep that family together—efforts that any of us in this Chamber or anyone listening would not consider reasonable?

Throughout human history, the family has been recognized as the bedrock

of civilization. The family is where values are transmitted. It is where children learn behavior—develop their character—and form their personality.

Over the last couple of years, a remarkable convergence has occurred in American social thought. Liberals and conservatives are now in near-total agreement on the need to strengthen the family as an institution. Without stronger families, it will be impossible to avoid a social explosion in which troubled children turn into dysfunctional adults on a massive scale.

But what we are confronting in the terrible stories I have just recounted are not families. They are households that look like families—but are not.

If you look inside one of these households, you see some children. And you see some people who—superficially, at least—resemble parents. But this is not what you and I and most Americans mean when we talk about families.

In this type of family when we have heard the horror stories, the children are beaten and abused and neglected. Mr. President, what do we, as a society, do about these households—these households that are not families?

By 1980, the child welfare system in this country had come under some pretty strong criticism. That is why we have the bill. After many hearings, Congress concluded that abused and neglected children too often were unnecessarily removed from their parents—and very significantly that insufficient resources were devoted to the commendable task of preserving and reuniting families—and that children not able to return to their parents often drifted in foster care without ever finding a permanent home.

That is how the CWA came to be enacted. The phenomenon known as foster care drift—children who get lost in a child welfare system that cannot or will not find them a permanent home—simply had to be faced and reversed.

Let me interject at this point, Mr. President, that I had substantial experience on this issue before the passage of the CWA legislation in 1980. As long ago as 1973, I was serving as an assistant county prosecutor in Greene County, OH, and one of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody.

I saw first hand that too many of these cases dragged on forever. The children end up getting trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home, for years and years and years.

Congress enacted the CWA to try to solve this very real problem. There were good reasons for the CWA, and the CWA has done a lot of good. There are some families that need a little help if they are going to stay together, and it is right for us to help them. Not only is it right—it is also clearly in the best interests of the child to reunite families when we can.

Mr. President, I ask unanimous consent for 5 additional minutes, and I apologize to my colleague.

Mr. EXON. Reserving the right to object, I would like to see what the parliamentary procedure is and ask the Chair to make a ruling. I have 15 minutes that was assigned to me under the original schedule, and also Senator LEAHY. The time is about up. I would not object to the request from the Senator so he can finish his remarks so long as the same procedure would be afforded to this Senator after he has finished his presentation.

The PRESIDING OFFICER. Is their objection to the Senator's request?

Hearing none, it is so ordered.

Mr. DEWINE. I thank my colleague. Again I apologize for taking his time and the Senate's time. But I would like to complete. It should not take any more than just a few more moments.

We should not be in the position of taking children away just because the parents are too poor—or just because there is a problem in the family. If the problem can be fixed, we must try to keep the family together for the children's benefit. It is just that at some point, when it comes to cases of child abuse and child neglect, we have to step in and say: "Enough is enough. The child comes first."

And that is where we are now, in a lot of cases. Fifteen years after the passage of the CWA, I think we need to revisit this issue, and see how the system is working in practice.

I believe we need to reemphasize what all of us agree on—the fact that the child ought to come first. We have to make the best interests of the child our top national priority.

In many of the cases we have looked at, it looks like the CWA has been not been correctly interpreted. At least that is the way it appears. Try to imagine what the authors of the CWA—the people who stood on this Senate floor and the House floor in 1979 and 1980—what would they have said if they had been asked: "Should Joseph Wallace be sent back to his mother? Should this little Joseph, this little boy, be sent back?"

I cannot believe that anyone would say he should have been sent back. And I cannot believe that it was the authors' intent that it would take place. I cannot believe that they would say, "In that case, and in every case, the child must be reunited with the adult at all costs."

No, I don't think so.

Reasonable people agree, Mr. President, on one point: Nothing—nothing—should take precedence over the best interests of the child. It is common sense. And I think we need to make sure the CWA is interpreted consistently—and correctly—to reflect that common sense.

It is my hope that an important new book will spark the national debate that America need to have on this issue. The book is called "The Book of David: How Preserving Families Can

Cost Children's Lives," by Richard J. Gelles.

Dr. Gelles is the director of the Family Violence Research Program at the University of Rhode Island. For years, Dr. Gelles thought children should be permanently removed from their homes only as a last resort, even if it meant that the children may spend years moving back and forth between birth homes and foster homes. He now says—and I quote:

It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk.

He believes that the system is weighted too far toward giving the mother and father chance after chance after chance to put their life in order—putting the adults first, rather than putting the children first.

Even some social-work professionals will tell you how true this is. Krista Grevious, a Kentucky social worker with 21 years of experience, says:

I think it's probably one of the most dangerous things we have ever done for children.

Patrick Murphy is the court-appointed lawyer for abused children in Cook County, Ill. He says:

Increasingly, people in this business do not look at things from the point of view of the child. But the child is the defenseless party here. We've forgotten that.

In 1993, Murphy published an article in the New York Times that put the problem in historical context. I quote from his article:

The family preservation system is a continuation of sloppy thinking of the 1960's and 1970's that holds, as an unquestionable truth, that society should never blame a victim. Of course, the children are not considered the victims here. Rather the abusive parents are considered victims of poverty and addiction. This attitude is not only patronizing, it endangers children.

Marcia Robinson Lowry, head of the Children's Rights Project at the American Civil Liberties Union, sums it up. She says:

We've oversold the fact that all families can be saved. All families can't be saved.

Mr. President, let me make this absolutely clear. I think there is nothing wrong with giving parents another chance. But we have to make sure the child comes first. Is that child going to get a second chance at growing up? A second chance to be 4 years old—the age when a personality is already fundamentally shaped?

Jann Heffner, the director of the Dave Thomas Foundation for Adoption, has a useful way of looking at this problem—the concept of "kid days." When you are 3 years old, 1 month of experience does a lot to the formation of your personality. It is not a month that can be taken for granted, or treated as routine.

One helpful way of looking at it is this: If you are 50 years old, 1 year is 2 percent of your life. If you are 3 years old, 1 year is one-third of your life.

There is some important psychological activity going on with these children. And every day—every hour—

really counts. Lynne Gallagher, director of the Arizona Governor's Office for Children, says:

It's as though these people think we can put the kids in the deep freeze for awhile * * * and then pull them out when the parents are ready to parent.

We all know how crucial those formative years can be.

Let me return to the work of Dr. Gelles. He says:

It is time to face up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children.

He advocates changes in Federal laws to protect children. He also thinks that child-protection officials should move to terminate parental rights sooner, thus freeing children for adoption.

I think the time is ripe for these changes. In New York City, Mayor Giuliani has pledged to shift the city's priorities away from family preservation—and toward protecting children from harm.

But we need to examine how much of the problem we face is a consequence of Federal law—the lack of precision of the CWA legislation back in 1980. And this is truly a national problem that needs a national response. According to the National Committee to Prevent Child Abuse, child abuse fatalities have increased by 40 percent between 1985 and 1995.

I think there is something the U.S. Congress should do about that. I think we should make it absolutely clear that the best interests of the child are the primary concern of social policy.

We need to examine, Mr. President, whether in fact the 1980 Child Welfare Act has been misinterpreted—and whether we need to clarify it so there can be no misunderstanding of Congress' intent. While family reunification is a laudable goal, and should usually be attempted, the best interests of the child should always come first. This, Mr. President, was the intention of the drafters of the 1980 law. Congress should reaffirm this—by making whatever clarification is necessary in the law.

To the extent that the 1980 law has been imprecise, ambiguous, and unclear, or just misinterpreted, it has contributed to the syndrome in which children move from child abuse to foster home to child abuse. It is time for us to break this cycle—to help children escape their abusers and find a permanent home before they have suffered absolutely irreparable physical and emotional damage.

If we make explicit our commitment to putting the best interests of the child first, in almost all cases that will mean family reunification. The best interests of the child are almost always served by reuniting and preserving families. But in the cases where family reunification is not in the best interest of the child, in those cases we must protect the child. Federal law must be clearly on the side of the child.

I intend to introduce—in the near future—legislation that will clarify once

and for all the intent of Congress on this issue. Congress should stand with the highest values of the American people. And the mind and heart of America are crystal clear on this issue: The children come first.

When they do not, we, as a society, as Americans, have every right to become outraged, to get mad—and demand change.

I simply conclude by saying we need to look at the best interests of the child. We need to reexamine this law. We need to look at how it is actually working.

I understand that this may be an uphill battle, that there is a reluctance to revisit this. But I think we should revisit it. I think we should look at it, keeping in mind only one thing, what really is in the best interests of children.

I ask unanimous consent that four articles on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Dec. 4, 1995]

TINY COFFINS

(By Mona Charen)

WASHINGTON.—The death of 6-year-old Elisa Izquierdo, allegedly at the hands of her mother, has touched New York as few such cases do. Her funeral was attended by the city's mayor, the state's lieutenant governor and hundreds of mourners who didn't even know her.

It mystifies me that some cases of child abuse receive extravagant attention and evoke the tears and guilty questions they ought to arouse. Thousands of others are ignored, their funerals sparsely attended, their files closed, and we never ask how this is possible in a country that calls itself civilized. According to Richard Gelles of the University of Rhode Island, between 1,200 and 1,400 children are killed by their parents or caretakers every year in America. At least half are known to social-service agencies before they die.

Elisa Izquierdo had been tormented for a very long time. When she died from a severe beating, her body bore old scars of scores of other injuries. Neighbors recalled hearing her scream in pain and beg her mother not to hurt her. Her cousin, who had sued for custody, revealed that the mother had, among other tortures, forced the child to eat her own feces.

The number of New Yorkers who knew of Elisa's suffering but did nothing is astounding. She was being seen regularly by social-service workers at her kindergarten. She was known to the city's Child Welfare Administration and to a private agency that intervenes in troubled families.

Social service agencies nationwide complain that they are impossibly overburdened. "There are people who have 40 cases," complained a caseworker to the New York Times. "They don't have time to go back and make second visits." Budget cuts have made it even harder to do their jobs.

Who else can intervene?

Though I am generally opposed to bureaucracy, preventing child abuse is an exception. Who else but the government can intervene to protect these children? The number of children in foster care is increasing dramatically, from 434,000 in 1982 to more than 600,000 today. According to the American Public Welfare Association, 70 percent of

those kids enter the system because of abuse, neglect or "parental conditions" including drug abuse. In the District of Columbia, social workers don't have enough cars or fax machines to keep abreast of their case-loads. If child protective agencies need more money, they should have it.

But the heart of the problem is not money; it is philosophy. Most social-service agencies pursue the goal of "family preservation." Federal money is tied to state efforts to keep biological families together. Children, once removed from abusive homes, are returned again and again. Social workers see their jobs as the provision of "services" to parents who abuse their children. In one case the parents of 10 children were hurting some of them. The Child Welfare Administration assigned them a full-time housekeeper, lamenting only that budget cuts forced them to withdraw her after a year or so.

Unless social-service agencies nationwide can stiffen their spines, stop thinking of the abusing parents as the victims and focus on terminating parental rights in cases of abuse and neglect, this plague of tiny coffins will continue. There are thousands of would-be adoptive couples ready to provide loving homes for kids who have been abused. Yet the system frustrates them at every turn.

[From the Tampa Tribune, Apr. 21, 1996]

TAKE CHILDREN OUT OF HARM'S WAY

(By Joan Beck)

Every day at least three children in America die—killed by their parents or caretakers. Often they are also the victims of efforts by child protection agencies to keep families together, whatever the risks.

Such a child was David Edwards, dead at the age of 15 months, whose mother, Darlene, 23, called 911 one morning to say her son wasn't breathing. Paramedics arrived quickly and immediately began CPR, inserting a breathing tube into his throat and rhythmically compressing his chest in hopes of keeping blood flowing to his brain.

Continuing CPR, the paramedics rushed David to a Rhode Island hospital, where further efforts at resuscitation were futile. An autopsy showed signs of repeated child abuse and suffocation. Investigators found that after David's father, Donald, had left for work, Darlene, who had been working as a prostitute out of their apartment, had entertained a "trick." To keep David quiet, she forcibly held him down and suffocated him.

What's chilling is that David was known to be at deadly risk. His parents had earlier lost custody of David's older sister, Marie, because of severe abuse. The state child protective agency had been called twice about David. His father had raged at the caseworker when she tried to check on the child. But the casework plan had been to keep the family together.

Questioned after David's funeral, attended only by his grandparents and a state investigator, Darlene was charged with murder. She pleaded guilty to manslaughter and was sentenced to four years in prison, followed by a long probation.

There's nothing new about David's story. Similar tragedies are old stuff in big-city newspapers and on TV stations. Only the names of the children are different.

But David shouldn't have died, insists Richard J. Gelles, director of the family violence research program at the University of Rhode Island. Contributing to David's death, he says, are the laws, casework philosophy and public sentiments that keep emphasizing the rights of biological parents and the goal of family preservation.

Like David, more than half of the annual toll of 1,200 children killed by parents or caretakers were already known by state or

local child protection agencies to be in danger. Their deaths are heartbreaking evidence that current policies and services are failing and must be changed.

But the answers don't come easy. The problems are overwhelming the system and getting worse, as dysfunctional families and single-parent homes increase, drug abuse grows and state agencies are dangerously pinched for resources. In his new book, "The Book of David" (subtitled "How Preserving Families Can Cost children's Lives"), Gelles points out the worrisome realities. State and local child protection agencies get almost 3 million reports of abuse and neglect every year; about 38 percent are substantiated. Many charges are dismissed—in part because some child abuse and neglect can be difficult to detect.

The caseworkers who must make the life-and-death decisions about which children are actually in danger and how to help them, Gelles says, are typically in their 20s—liberal-arts majors with about 20 hours of training. Part of that training is how to fill out paperwork, and some of it emphasizes keeping families together.

But family preservation, however appealing its philosophy and goals, has been dangerously oversold as an answer to child abuse and neglect, Gelles insists—and as cost savings for taxpayers.

He urges that the rights of abusing parents be terminated much faster—after no more than a year, for example, for those with drug or alcohol problems who are not making good progress in rehabilitation. He would also end parental rights quickly in cases like David's in which abusing parents have already lost custody of another youngster.

Gelles concedes that the foster-care system is overwhelmed with the needs of all the children who should be placed out of their homes for their own safety. But his other solutions only nibble away at the problem.

Making endangered children available for adoption at the youngest ages possible gives them the best shot they can have at a safe and benign childhood, Gelles points out. Adoptive parents are easiest to find for babies and toddlers, before a youngster has been permanently damaged emotionally or physically by abuse.

Even David's sister was eventually adopted, although she was permanently disabled by her parents' abuse. New parents could easily have been found for David had the rights of his biological parents been terminated, Gelles points out.

Gelles also recommends setting up more small residential group homes. He says this setting gives a child the chance to make the long-term attachment to a caring adult that is psychologically essential, although he does not recommend such homes for youngsters under age 3.

Most important, every kind of help for abused children must put their safety first, Gelles insists, even at the expense of the rights of biological parents or the benign-sounding goals of family preservation.

Better solutions to problems of poverty, unemployment, dangerous neighborhoods, drugs, teen pregnancy, crime and poor schools would also help, Gelles agrees, in hopes of reducing abuse and neglect. Better welfare policies could help families "where the overriding problems are those of poverty rather than inflicted injury or sexual abuse."

Gelles knows there is no single answer to problems of child abuse. He acknowledges that family preservation efforts do help in some instances, that foster care sometimes fails, that money and public patience run out. But he has done a public service with his insistence that we make the well-being of children the center of our welfare and protection policies—in ways that we don't now.

[From the Washington Post, May 12, 1996]

ADOPT A SENSE OF OUTRAGE

(By Mary McGrory)

After Sister Josephine finished her wrathful remarks about abused children at the spring adoption seminar in a Washington law office, the chairman, former Pennsylvania governor Robert P. Casey, spoke in praise of outrage.

"If you don't have a sense of outrage as a politician, you are not worth a damn. If you have lost it, get out of politics."

He is quite right. Sister Josephine Murphy of the Daughters of Charity told of the grossly abused babies who pass through her hands at St. Ann's Infant and Maternity Home in Hyattsville, where she is the administrator. I add, in the interests of full disclosure, that I am a friend and fan of hers and awestruck at her competence. I believe she could run the Defense Department. I am familiar with her views on what she regards as the uneven contest between women and children—she notes with asperity the hullabaloo over rape in contrast to the relatively mild sentences for infanticide.

She described graphically the sufferings of the abused, abandoned and neglected; infants who have been burned at an open fire; children raped and assaulted—and sent back to their abusive homes by judges who don't care to know what is happening. She told of a 7-year-old boy who reproached her for sending him home. He warned her that when he grew up he was going to "go out and kill my mother's boyfriend." She had a warning too. "The money we don't spend protecting children we will have to spend on jails."

The Family Reunification and Preservation Act is the cause of these grotesque practices. The body count of children abused to death in 1995 was 1,271, according to the National Committee to Prevent Child Abuse. Yet in the much-praised adoption reform bills being pushed through Congress in time for Mother's Day, no mention is made of this.

The law's folly—requiring social workers to make "reasonable efforts" to send a child back to abusive parents—was remarked upon at the seminar by William Pierce, president of the National Council for Adoption. Imagine, he said, if a wife-batterer were brought into court and the judge ordered the wife to return to him while he tried to straighten out.

The pendulum has begun to swing the other way, Casey says. Some states have passed laws requiring delinquent parents to improve within a year—or forego their parental rights.

Why don't politicians seize on this deadly danger to children? Well, it could be dangerous to them. Douglas Besharov of the American Enterprise Institute, a leading authority on child welfare, points out the political trickiness of revising the statute. "Don't forget," he says, "that six years ago David Dinkins ran for mayor of New York against [Ed] Koch on a charge that he was taking too many black kids away from their families."

Maybe that is why today's mayor, Rudy Giuliani, one of the most astute politicians in the country, is avoiding the issue in the most notorious (and still reverberating) child-abuse horror: the murder of 6-year old Elisa Izquierdo by her mother. Giuliani has created a new child welfare agency and a review panel that issued a voluminous report and suspended two employees involved in the case. But he never came to grips with the crime in the courtroom.

Elisa had been in the care of her adoring father. When he died, his sister, Elisa's aunt, applied for custody. But under the Family Reunification Act, the judge gave Elisa into

the care of her mad mother. Given that the numerous social workers involved should have been more watchful and more demanding, the mayor should have realized that the tragedy began with the custody award.

Besharov, who served on the mayor's commission, says the terrible irony is that the judge who made the decision had had Elisa's mother before her when the first custody choice was made. She apparently forgot all about it—and had no lawyer or clerk to remind her, thereby sentencing Elisa to beatings and tortures and eventual death.

Too bad Giuliani didn't read "The Book of David," also a true-life tale, by Richard Gelles of the Family Violence Research Program of the University of Rhode Island. Gelles, author of 20 books about child welfare, is currently in Washington, working for Sen. Fred Thompson (R-Tenn) on adoption laws. David, 15 months old, died at the hands of his mother, a part-time prostitute. It was avoidable. His mother had also abused David's older sister, almost to death. Gelles shows the tension in social workers who must work under warring mandates: investigating abusive parents while drawing up plans to reunite them with their endangered children.

The policy, Gelles says, comes of "a persistent unwillingness to put children first." It is also the unwillingness of public men to break shibboleths. We as a nation, profess to believe that all mothers are like Whistler's and that a "family" can consist of one female, a drug addict and a "home," a drug den. As Casey says, outrage is needed.

[From the Weekly Standard, May 27, 1996]

TWO WORDS THAT KILL

(By Richard J. Gelles)

What if, by changing two words in a federal law, you could prevent the deaths of hundreds of children each year and also prevent tens or even hundreds of thousands of abused children from being victimized again and again?

For 16 years, child welfare policies have been guided by two words: "reasonable efforts." One of the cornerstones of the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) was the mandate that states make "reasonable efforts" to keep or reunite abused and neglected children with their biological parents. This provision was designed to reduce the number of maltreated children placed in foster care. Although reducing the cost of out-of-home placement was certainly a factor behind the reasonable-efforts provision, the major rationale for these two words was the deep-seated belief that children do best when raised by their biological parents and that parents will stop mistreating their children if they are provided with sufficient personal, social and economic resources.

There was bipartisan support for the doctrine of reasonable efforts. Conservatives supported it because it was consistent with a family-values approach to social policy. Liberals supported it because it was in the best tradition of the safety net for children and families in need. Child advocates enthusiastically embraced "reasonable efforts" because they saw taking children from abusive parents as even more harmful than the abuse, because they felt there was subtle racism in the child welfare system that made minority children more likely to be placed in foster care, and because "reasonable efforts" created a new funding stream for a social service system whose funding, in the 1980s, was being restricted or cut.

Soon after the adoption of the doctrine of reasonable efforts, family-preservation programs were developed. These provide intensive services, such as parent education, help with housekeeping, and assistance dealing

with the bureaucracy, to families deemed at risk of having their children removed. Financially supported and marketed by private foundations such as the Edna McConnell Clark Foundation, embraced by the Children's Defense Fund and the Child Welfare League of America, and ultimately the recipient of \$1 billion of federal support, intensive family-preservation programs are touted as able to both preserve families and protect children.

But reasonable efforts and intensive family preservation have been a false promise. Child-welfare-agency directors and workers believe that family preservation and child safety can be balanced. Because they believe family-preservation programs are effective, child welfare agencies and workers often make every possible effort to preserve families, even when what they are preserving could hardly be called a family and even when there is no evidence that the parents can or will change their abusive behavior. There have been nearly a dozen scientifically reputable evaluations of intensive family-preservation programs and not one has found that such programs reduce costs, reduce out-of-home placements, or improve child safety. Similarly, research finds that children need a stable, giving caretaker, not necessary a biological caretaker.

It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk. More than 1,200 children are killed by their parents or caretakers each year, and nearly half of these children are killed after they or their parents have come to the attention of child welfare agencies. Tens of thousands, if not hundreds of thousands, of children are re-abused each year after they or their parents have been identified by child welfare agencies.

It is time to replace the words "reasonable efforts" with two others: "child safety." It is time to fact up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children. Of course, the change will be a bit difficult than merely substituting two words. There will be howls of protest from advocates who will claim that abolishing "reasonable efforts" means that more children will be placed in foster care, thus straining already over-taxed state child welfare budgets. Claims that children are abused or harmed by foster care will also be trotted out, typically without actual research to support such claims. Indeed, some children are harmed in foster care, but research does show that abused children placed out of the home do better in the short and long runs than children left with abusive and neglectful parents. Advocates will also argue that child welfare policy should not be based on child fatalities, because such fatalities are rare. Well, child fatalities are not rare enough. Elisa Izquierdo in New York City, Joseph Wallace in Chicago, and hundreds of other less publicized child fatalities were the direct results of unreasonable efforts to keep children with their abusive biological caretakers. A change in two words will force child welfare agencies to take steps to enhance and speed up adoptions and to consider the use of congregate care facilities (or what some have called "orphanages") for some children who have no other safe permanent home.

The 1995 report on child fatalities by the U.S. Advisory Board on Child Abuse and Neglect was dedicated to children killed by parents or caretakers and concluded with a recommendation that all child and family programs make child safety a "major priority." Changing two words in welfare reform legislation now before Congress would go a long way toward achieving that goal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever time beyond the hour of 10:30 is taken in morning business be added on to the period of time for debate so that, on the Missile Defense Act, there is still a total of 2 hours equally divided between the two sides.

Mr. EXON. May I ask a question? Will the Senator yield for a question?

Mr. KYL. Certainly.

Mr. EXON. Would the Senator also add on 3 minutes for the Senator from Massachusetts?

Mr. KYL. Certainly. I will add that to the unanimous-consent request.

The PRESIDING OFFICER. Under the unanimous consent, the Senator from Nebraska has 15 minutes, the Senator from Massachusetts has 3 minutes, which will be added on to make 2 hours for missile defense.

The Senator from Nebraska.

Mr. EXON. Mr. President, if I have the floor, I yield 3 minutes to the Senator from Massachusetts at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

HIGHER EDUCATION

Mr. KENNEDY. Mr. President, I rise just to take a moment of the Senate's time to alert the membership, and also those who are interested in education, about the President's speech at Princeton University, which is taking place at 10:40 today. That will be a very important speech about this Nation's commitment in the area of higher education. What we are going to see at our universities, over the period of the next 7 years, is an expansion of the number of students by some 12 percent.

As we debated the recent budget resolution, there was going to be a continuing deterioration in the support for the Pell grants. Under the proposal that the President is advancing today, effectively what he is going to be putting before the Congress is a guarantee for continuing education for any high school students who get a B average in their senior year, to go to a community college and be able to put together an expanded Pell grant plus some refundable credits so that students will be able to attend community colleges.

More than 66 percent of the Nation's community colleges will be eligible. This, I think, is a strong commitment to provide incentives to young people to continue their education. It is a national commitment to make sure that education has the priority that I believe most families believe it should have, in terms of our Nation's commitment.

At an appropriate time I will present for the RECORD a statement and additional comments, but it does seem to me this is a bold initiative in the area of education that ought to have appeal to every working family in this country who dreams about educational opportunities for its children.

I thank the Senator from Nebraska and I yield whatever remaining time I have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEFEND AMERICA ACT OF 1996— MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635. The clerk will report.

The bill clerk read as follows:

A motion to proceed to the consideration of the bill (S. 1635) to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 2 hours allotted to this issue.

Mr. EXON. Mr. President, the Dole star wars bill the Senate is debating is a reckless and expensive attempt to recreate the nostalgia of the cold war through the regrettable and unwarranted use of fear and fabrication. Over the last several years, the majority has resolutely turned a deaf ear to the objections of millions of men, women, and children at risk while it continually snips away at America's safety net. But in a conversion worthy of Jeckyll and Hyde, the majority is passionately arguing that we throw open the Treasury doors to create a new defense safety net to take the place of the social safety net it is intent on unraveling. Multibillion-dollar missile launchers will replace school lunches in this new gilded net. Guns in the sky will replace efforts to remove guns from our school playgrounds. Money that used to help the poor buy heating fuel in winter will now heat lasers orbiting the Earth.

The underlying premise of the Dole star wars bill is that the ballistic missile threat targeted toward the United States is so great, so urgent that nothing short of a crash program similar to the race to the Moon in the 1960's will do. No cost to the American taxpayers is too great. No arms control treaty is too valuable. The siren call behind the Dole star wars bill is a seductive one indeed: If you believe in a strong national defense, then you must be willing to shield America against missile attack—a missile attack anywhere, anytime—regardless of the consequences. But, like the sirens tempting Odysseus, to heed the call will bring catastrophe, not security.

The packaging of the Dole star wars bill is slick and the rhetoric is packed with chest-thumping patriotism. But the issue of missile defense is much more complex than it may seem to be some. A number of questions need to be

asked and answered before the Senate can judge the need to embark on a crash program to field a national missile defense system in 6 years.

What is the threat of ballistic missile attack facing the United States today and in the near future?

From where does this threat originate? And are there other less costly, more effective means of meeting this threat, whatever it is?

What is meant when the bill requires a defense against a "limited, unauthorized, and accidental attack"? What is the likelihood of such attacks occurring? And what type of missile defense is necessary in order to blunt such an attack if there is one?

What type of attacks against the United States using weapons of mass destruction would the Dole star wars system be powerless to defend against? How are we as a nation addressing this terrorist threat and how would pursuing a star wars system affect the timeliness of these efforts?

What is the cost of the mandate contained in the Dole star wars bill and how will it be paid for? Or to turn the question around, what social program or other defense priority will suffer as a result of this expensive undertaking.

What are the consequences of fielding a missile defense system that violates the existing limitations of the ABM Treaty, as required by the Dole star wars bill?

Will implementation of the START I Treaty be endangered?

Will ratification of the START II Treaty by the Russian Duma be jeopardized if we renege on our ABM Treaty obligation?

Will it affect other arms control agreements pending or in the future if America backs down and violates a treaty, such treaties as the Chemicals Weapons Convention and the Comprehensive Test Ban Treaty?

Will implementation of the Dole star wars system prompt an expensive and destabilizing arms race which would otherwise not occur?

Is missile defense technology sufficiently mature to mandate a 2003 deployment date? Of course not.

Will the fly-before-you-buy principle be applied to this highly advanced and sophisticated technology through extensive testing and evaluation prior to the operational deployment?

What has been the record of missile defense testing to date? That is an important question.

Are we rushing to judgment on certain technologies which may be obsolete and marginally effective in order to meet an arbitrary date upon which there is no basis for its selection?

Finally, what are the alleged shortcomings of the administration's 3-plus-3 missile defense plan which the Dole star wars bill professes to correct?

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs are in solid support of the two-step plan to develop the technology over the next 3 years and then—