

about some things, agree on some things, but JOHN GLENN will continue for the next 2 years to do what he has done throughout his lifetime, and that is serve the people of the State of Ohio and serve this great country that he loves so very much.

So let me, on behalf of the people of the State of Ohio, again say thank you to JOHN GLENN for his service to his country, for his service to the State of Ohio, and thank him for being a role model for all of us 35 years ago and for continuing to be a role model today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SAFETY OF OUR CHILDREN

Mr. DEWINE. Mr. President, I rise today to thank President Clinton for lending his voice to one of the most important efforts underway in this Congress. On February 14, the President unveiled a proposal that would help provide children with safe homes and loving families, something that every child deserves. This is a victory for America's children, and I believe a victory for good common sense. It recognizes that the safety of our children must always be our most important consideration.

Mr. President, let no one doubt how important this issue is and why action by this Congress is so necessary. On a number of occasions over the last year, I have come to the floor of the Senate to discuss a provision in Federal law, that has tragedy in it, which has proven dangerous to the safety of America's children. I have on those occasions discussed the fact that too many children are spending their most important, most 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.

Mr. President, we are sending too many children back to dangerous and abusive homes. We are sending them back to the custody of people who have already abused them, already tortured them, and we do it, tragically, knowing that that has already taken place.

The statistics are frightening. Every day in this country, three children actually die of abuse and neglect at the hands of their own parents or caretakers. That is over 1,200 children per year. Almost half of these children—almost half of them—are killed after their tragic circumstances have already come to the attention of local authorities. That means 600 children die every year in cases where we, as a society, already know that they have

been abused, already know that they may have been tortured, already know that they really should never go back into that home again.

Mr. President, some of the tragedies in the child welfare system are the unintended consequence of a small part of a law passed by the U.S. Congress in 1980—basically, Mr. President, a good law. Under the Federal Child Welfare Act—the law I am referring to—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—here I quote from statute—“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, a State must make reasonable efforts to keep it together, and to put it back together if it has fallen apart.

There is strong evidence, Mr. President, strong evidence to suggest that, in practice, reasonable efforts have become extraordinary efforts, efforts to keep families together at all costs, efforts, I might add, to keep families together that are families in name only and to put children back in homes that are homes in name only.

As a result of this, Mr. President, children have died. That law simply has to be changed. One of my first legislative acts of the Congress was to introduce a bill that would accomplish this.

My bill would change the law to make it absolutely clear that the best interests of the child have to come first. Pretty basic, pretty simple—best interests of the child, safety of a child. You would not think we would have to clarify that.

I tell you, Mr. President, based on my experience in talking to judges, prosecutors, in talking to children service advocates, children service caseworkers across the State of Ohio, and from talking to some of my colleagues from other States, and from hearing testimony in our committee, it is abundantly clear to me that we have to spell this out, that it is being misinterpreted, that reasonable efforts to put families back together many times take precedence over the best interests of the child and the safety of the child.

As I said, Mr. President, my bill would change the law to make it clear that the best interests of the child must come first. We do this by enacting the following simple, straightforward amendment to the Child Welfare Act. And this is what language I would add, not taking anything away, just add this:

In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be of primary concern.

Pretty simple, Mr. President, pretty straightforward, pretty basic, but darn important.

In November, Mr. President, I chaired a hearing of the Senate Labor and Human Resources Committee on this issue. I assembled some of America's chief experts on child welfare. And I was encouraged by what they had to say.

Peter Digre, the director of Los Angeles County's Department of Children and Family Services—an unbelievably huge department, and a man who has to deal with gut-wrenching problems and decisions every single day of his life—this is what Peter Digre said. He said that “we should emphasize child safety as our first priority.”

Dr. Digre's department has about 73,000 children under its protection—73,000. He sees the real-life consequence of unreasonable attempts to reunite families that are families in name only.

But, Mr. President, I believe our most eloquent testimony that day came from Sharon Aulton, a grandmother in Annapolis, MD. Sharon Aulton had warned the local children services that her daughter was neglecting her children, her grandchildren, but the officials failed to intervene. Sharon Aulton's daughter ended up blockading her children in a room and setting the room on fire. Both these beautiful young children died.

Mr. President, this happens too often in this country. Last August a 4-year-old girl named Nadine was found starved to death in her mother's apartment in New York. The mother had kept Nadine in a crib covered by a blanket so she did not have to see her. She did not feed the child regularly for the year preceding her death. In the last few months before the child's death, she did not seek medical help despite the fact that the child could not walk, could not stand, could not even sit up.

Apparently, Mr. President, city social workers had visited the apartment in May 1995 after an anonymous complaint about the little girl's treatment. The commissioner of the Administration for Children Services was unable to provide any information as to the conditions found in the apartment or what action was taken at that time by the city. However, the commissioner did say the city investigators found enough credible evidence of neglect to open an investigation after they visited the apartment, but yet the case was closed 5 months later. Nadine only weighed 15 pounds at the time of her death—a week before her 5th birthday.

Mr. President, I have a daughter who is almost 5, my daughter Anna. Those of us who have children, those of us who care about kids, have to be heart-sick and shocked by the recounting of this poor little child's death. According to the ambulance workers, Mr. President, Nadine was found in the crib, dirty, with arms as thin as a half-dollar, her eyes sunken, her hair in patches, her ribs protruding. Her mother at

that time, when the emergency folks responded, was sitting on a bed near the crib eating a hot dog. That is how they found the mother when the medics arrived at the home.

The New York Daily News obtained secret documents which indicate how city child welfare workers and public school officials repeatedly ignored warning signals in Nadine's case. That is from the New York Daily News.

School officials never turned in Nadine's mother for not showing up for school, nor did anyone report the fact she did not show up for medical appointments. Officials did not notify the State child abuse hotline when Nadine's siblings were out of school for long periods of time.

In May 1995, the anonymous caller I mentioned earlier reported to the State child abuse hotline that Nadine was, in fact, starving.

Mr. President, tragically, Nadine is far from alone in falling through the cracks in our system. In December, a 10-month-old girl named Delores died after savagely being beaten by her mother's boyfriend; ten weeks earlier, child welfare officials had been warned that she and her siblings were in danger.

Mr. President, let me be very clear—I cannot stress enough that I am not trying to lay the blame on children's services officials in these cases. I worked with children services officials for many years, going back in time to when I was an assistant county prosecutor in 1973. These are good people, people who try to do their job. They generally are overworked and have too many cases and have many challenges to face.

I think it is clear as we look at these cases of abuse, as we recount the fact that we lose at least three kids every day to child abuse in this country—and those are just the kids who die, let alone the other ones who are savagely beaten or abused—I think it is clear that there is one part of this problem that Congress can fix. We cannot fix it all by passing legislation. We can try. But one part of the problem can be fixed, and that is to move forward in fixing, in clarifying the 1980 law that I refer to, to make it clear that we want these professionals, children's service workers, to have the flexibility to do what we all want done, and what they want to do, and that is to save the kids first, save the children, to set as a priority the best interests of the child and the safety of the child, and that priority has to take precedence over everything else.

These case workers work very hard to meet, many times, conflicting mandates. We should make their job a little easier and say to them that Federal law from now on will be abundantly clear, that the primary mission should always be to save the children.

Mr. President, some families are families in name only, and simply should not, should not be reunited. Mr. President, my proposed legislation would

change the law to make this the key goal. I think Washington Post columnist Mary McGrory made the case in a very compelling way in her column of February 9. I ask unanimous consent that column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DEWINE. Mr. President, let me conclude by saying once again how pleased I am that the President has joined our efforts. I am confident that his proposal will help us speed up the adoption process in this country and bring us closer to the day when every child in America will be cared for by a loving family. Mr. President, I will continue to come to the floor and talk about this issue until we make that change in Federal law. It is a change that is urgently needed.

I simply conclude by saying what I have said many times on this floor, and that is that it was never, I am sure, the intent of the authors of the 1980 law—which has done a great deal of good in this country—it was never their intention to in any way tell case workers who are making life and death decisions every day in this country that anything other than the best interests of the child, anything other than the safety of children should be their primary concern. But it is also abundantly clear to me, I have traveled through Ohio and talked to people from other States, that this law is being misinterpreted day after day after day. We should clarify it. We should make the job of a case worker simpler, and by doing that, I believe we will save some children.

#### EXHIBIT 1

[From the Washington Post, Feb. 9, 1997]

SAVE THE KIDS, NOT THE MOM

(By Mary McGrory)

Richard Gelles, an authority on child welfare, is boldly intervening in a custody case that may be without parallel in the sorry annals of the Family Reunification Act. Latrena D. Pixley, a District mother who, at 19, killed her 6-week-old baby, is asking to be reunited with two of her three other children—a boy of 6 and another of 1 year. Gelles is volunteering to come at his own expense from Rhode Island—where he is director of the Family Violence Research Program of the state university—to offer his view that a woman who has committed infanticide is not a fit mother.

"In these cases, we're often too late," says Gelles, who wrote "The Book of David," the story of a baby who was murdered by a mother who had abused an older child. Social workers had a watchful eye on the mother all along. "This time, I'd like to be early. Most of the time the children are dead or grievously injured by the time I get involved."

The Pixley case has already attracted major attention because it could answer the question of what limits, if any, there are to the Family Reunification Act, which puts preservation of the family over the protection of children. It could also provide a measure of how far our culture has advanced in victimhood: Can a mother who kills her baby succeed in portraying herself as a victim?

Gelles knows what it's like to get involved in the Pixley case and with the District bureaucracy. Last year, at the request of Jerome Miller, the receiver in charge of the D.C. Department of Human Services, Gelles did a study of Pixley. He told Miller that he did not think she could then or at "any foreseeable date" provide adequate care for her children. He says he was not paid for his work; the receipt of his report was never acknowledged.

Miller is one of several figures in the Pixley case who believe in her. He hired her as a clerk while she was serving her sentence for infanticide. Social workers were indignant, and Pixley abused his trust by engaging in credit card fraud, but Miller remains a fan. She's still in jail for fraud (not murder). He told the weekly City Paper this week, "I'll take her back in a minute." Social workers who are critical of him, he says, are "probably lousy social workers."

Striking as Miller's tolerance is, it pales beside the mercy shown by Superior Court Judge George W. Mitchell, who seems stricken with sympathy. He accepted Pixley's attorney's plea that she killed 6-week-old Nakya in 1992 as a result of postpartum depression. Pixley has testified that, after she had suffocated the crying baby under a blanket, she stuffed the body in a dumpster and went off to a barbecue with her boyfriend.

Social workers and therapists speak well of Pixley's cooperativeness and progress. Her lawyer told Judge Mitchell that, apart from the smothering, Pixley had been a good mother to the infant. Gelles observed that she was a quiet, "compliant" person but "seriously damaged." Mitchell, in imposing his feather-light sentence—weekends in jail for three years—said he wanted to give Pixley's plea as much respect as that of "some high society woman."

The judge is sending Pixley to a halfway house where she will be joined in time by 1-year-old Cornilius, who is in the care of an acquaintance of his mother. She will be taught "parenting" and could eventually get custody of 6-year-old Edward, whom, Gelles thinks, should be made eligible for adoption.

Gelles says he has no choice but to volunteer as a "complaining witness" for the two little boys whose lives he feels are in danger. He finds it ironic that this test of the Family Reunification Act comes at a time when so many are trying to undo it. Both the president and the First Lady have held White House conferences about it. Sen. Michael DeWine (R-Ohio) has introduced a bill making the safety of the child the prime consideration—a concept sinking out of sight in our addled, victim-struck culture.

#### TRIBUTE TO LAWRENCE GRESSETTE, JR.

Mr. THURMOND. Mr. President, in any State, there is a core group of businessmen and women who help promote and guide development and economic success. These are the people who serve as the leaders of the private sector, individuals who work in concert with elected officials to create jobs, opportunity, and growth. Lawrence Gressette, Jr., has been one such leader in South Carolina, and I rise today to pay tribute to him and the many contributions he has made in helping South Carolina become one of the fastest growing centers for commerce and industry anywhere in the Nation.

Though Lawrence Gressette presides over one of the biggest corporations in our State, he did not begin his professional career with ambitions to become