

# NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

FALL  
2017



Defending America's  
Abused and Neglected Kids

## INSIDE:



Celebrity chef  
Marcus Samuelsson  
honored at 2017  
Benefit & Inspiration  
Awards



A huge victory for  
children in Tennessee  
as state meets 140  
benchmarks for  
reform

## IN FOCUS:

### Iowa 'Training School' — Rehabilitation, or Retribution?

It's been almost 10 years since Vinny Lloyd was in Boys State Training School in Eldora, Iowa — but it's an experience he's unlikely to forget any time soon.

"I think about my time in Eldora a couple of moments every week," he reflects. While the boys live in cottages at the facility, Vinny describes it as "literally a prison for kids, and just like prison, we were serving out our sentences with little to no rehabilitation."

Vinny was placed in Eldora, as it is known, for approximately a year — and far too much of that time, he says, was spent in solitary confinement.

"In my cottage, we were thrown into isolation for talking out of turn, not showering fast enough, or talking back," Vinny tells Children's Rights. "My first night was filled with anxiousness, claustrophobia, anger. ... after my first full day, the lack of human contact started to turn into depression." Vinny says that his time in isolation "was even worse than average," because he was not allowed to have his glasses. "I was almost completely blind for 23 out of



Vinny Lloyd describes Boys State Training School as "extremely stressful," with hours in isolation that haunt him even today. He credits his wife Katie for "staying with me and saving my life."

24 hours. There was a window looking out of the cell that I couldn't even use because I couldn't see."

Unfortunately, the practice of putting boys in solitary confinement — which is well documented as being highly detrimental for youth whose brains are still developing — is alive and well at the facility. It was one of the factors that compelled Children's Rights to join forces with partner organization Disability

Rights Iowa (DRI) and file *G.R. v. Foxhoven*, a federal class action lawsuit that alleges officials are knowingly employing unconstitutional and illegal practices at Boys State Training School, causing lasting harm to youth with significant mental illnesses.

The complaint paints a grim picture of a facility that has no full-time licensed mental health professionals on staff.

Continued on page 7



# ON THE FRONTLINES

## FROM CR'S EXECUTIVE DIRECTOR

What a remarkable year it has been at Children's Rights — thanks, in large part, to the amazing advocacy partners, donors, Board and Advisory Council members who make our work possible! You are a key ingredient to our success, and we'd like to thank you for helping make 2017 a year of major achievements across the country:

- We launched a **groundbreaking case in Iowa, challenging the lack of mental health services and improper use of solitary confinement and physical restraints** at a juvenile detention center for boys (see cover).
- We launched *Healthy Kids*, a **holistic advocacy plan to ensure that all Medicaid-eligible youth continue to receive necessary screening, diagnostic and treatment services**.
- We helped **Tennessee reach 140 benchmarks** for improvement of their child welfare system, making it a model for other states (see pg. 6).
- We **filed the first federal class action suit to shine a spotlight on the overuse of psychotropic medications** on kids in Missouri foster care.
- We joined a coalition of advocates to **testify about the harmful impact of restrictive housing on young adults at Rikers Island, New York's City's main jail complex**.
- We secured safety, in the form of Special Immigrant Juvenile Status, for four minor children who fled violence in Central America and were at risk of serious harm or death if they returned.
- We **authored a key chapter in a landmark new book, *Violence Against Children: Making Human Rights Real***.
- We **made tremendous progress on our four active legal campaigns** across the country: Texas, Rhode Island, Missouri and Arizona.

Because of you, we are achieving transformational change for hundreds of thousands of children. We enter 2018 stronger than ever, and I look forward to reporting on the many victories ahead.

Thank you for standing with Children's Rights and the vulnerable children we serve.

Sandy Santana  
Executive Director

# CR INSIDER:

## Haro and Sari Keledjian of EVERAFTER



A big thank you to CR's newest supporters, Haro and Sari Keledjian, for making their popular EVERAFTER boutique the it-spot to support vulnerable kids!

The Keledjians appealed to parents and youngsters alike at their flagship children's shop in NYC. Young shoppers were treated to face painting and yummy snacks, while the adults learned about the importance of CR's work and supported the organization with a percentage of their holiday purchases.

"We're very proud to collaborate with such an important organization," said the EVERAFTER team. Children's Rights is proud too! Stay tuned for future partnerships. Special thanks to CR board member Dan Galpern and his wife, Cori, for introducing us!

1. Haro and Sari Keledjian, owners of EVERAFTER 2. CR board member, Jay Galluzzo with his son, Reid Galluzzo 3. Sabina Shukurova, EVERAFTER sales associate

## IN TRIBUTE:

## Judge Marvin Shoob: Protector of the Powerless

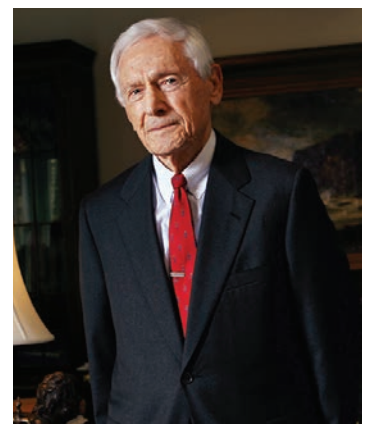
This year we said goodbye to Judge Marvin Shoob, a longtime ally of vulnerable children. Judge Shoob presided over a 2002 lawsuit filed by Children's Rights on behalf of foster children in Metro Atlanta. His ruling that abused and neglected children have a legal right to representation was seen as pivotal in the movement to protect children nationwide.

Those who knew Judge Shoob during his 36 years on the federal bench in Georgia's Northern District say that he was steadfast in his commitment to safeguarding the rights of all the most vulnerable populations —

including foster children, HIV-positive prison inmates and refugees.

Capturing his judicial philosophy, Judge Shoob once said, "since I've been on the bench, I found that the Government has to be watched just as carefully as anybody else. The Government makes mistakes and tries to conceal mistakes. That's why we have judges."

Judge Shoob died in June at the age of 94. His daughter, Judge Wendy Shoob, serves on the Superior Court of Fulton County, Georgia.





# 2017 Benefit & Inspiration Awards Shines a Light and Raises \$1.1 Million

“Uplifting.” “Moving.” The 12th Annual Children’s Rights Benefit & Inspiration Awards, with its theme of #shinealight, was a resounding success — earning kudos from attendees and raising more than \$1.1 million to protect children who suffer in America’s broken state systems. We thank each and every one of you who helped make the evening special!

Broadway producer and host extraordinaire Jordan Roth hailed this year’s honorees: celebrity chef and adoptee Marcus Samuelsson; attorney and CR Board Member John “Jay” Neukom; and foster and adoptive mom Christy Irons (above, left), who described why she serves as chair of the CR Advisory Council: “I found myself continuously at odds with the system put in place to protect our children. We learned that the ones that did well, did so in spite of the system set up to protect them, not because of it. ... Children’s Rights is fighting the seemingly impossible battle in the war we all should have waged long ago.”

The event was also a springboard to highlight CR’s expanding mission: After more than 20 years of advocating for children in failing foster care systems across the U.S., Children’s Rights is broadening its reach to protect hundreds of thousands of children in other state systems, ensuring their rights to physical and mental health care, education, and safe housing. Stay tuned in the coming months as we continue to shine a light on these pressing issues.

## #SHINEALIGHT

1. Christy Irons, Adam Irons, Mia Irons, Celee Irons, Judsen Irons, Joseph Irons, Travis Irons, Marcus Samuelsson, Corban Irons, Nigel Irons, Asher Irons 2. Dan Galpern 3. Demetrius Napolitano, The Honorable Bryanne Hamill, Thomas Hamill 4. Sandra Neukom, Jay Neukom 5. Jay Neukom, Beth Pristaw, Michael Borofsky, Dan Galpern, Jerry Garcia, The Honorable Bryanne Hamill, Megan Shattuck, Jordan Roth, Marcus Samuelsson, Sandy Santana, Lewis Tepper, Alan Myers, Alice Rosenwald, Jay Galluzzo, Peter Serating 6. Megan Shattuck, Nina Bershader, Lindsay Burn, Courtney Harwood, Clea Karlstrom 7. Jordan Roth, Marcus Samuelsson 8. Jay Galluzzo, Jenny Galluzzo 9. Jerry Garcia, Amanda Forrest 10. Ira Lustbader, Jay Neukom, Sandy Santana Photos by Getty Images







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# Victory for Children in Tennessee State Care

Children's Rights, its local partners and state officials in Tennessee have had a lot to be optimistic about this year — the state met and sustained an impressive 140 benchmarks to complete a radical turnaround of its foster care system, and exited court oversight in a case that Children's Rights filed some 17 years ago.

After the scrutiny of independent monitors, and having to achieve high standards to demonstrate progress in the care and protection of vulnerable kids, getting out from under a consent decree would have been met by most officials with a big sigh of relief, pats on the back and a celebratory drink.

But Tennessee used it as a moment to reflect on the necessity of their reforms.

"We've got to be honest: we didn't have a system here in 2000. I mean, we deserved to get a lawsuit," said Jim Henry, Chief of Staff to Tennessee Governor Haslam, who served as the Department of Children's Services (DCS) commissioner and is credited with reigniting the reform effort.

"The fact is, we're a much better system now. We're better off for it, the kids are better off and I think the taxpayers are better off."

It's an endorsement that describes the power of impact litigation — an advocacy tool that merits national attention, according to veteran television producer Bill Mosher. The founder of the popular public television series "Visionaries" plans to highlight Tennessee's remarkable turnaround in an upcoming segment that will profile Children's Rights.

"When people think about life-changing help for vulnerable kids, their thoughts often go to youth around the world who need food, an education or immunizations, said Mosher. "But children in America are suffering too, especially those depending on failing state systems. Using Tennessee as a lens, we can relay the power of legal advocacy — and its ability to transform lives for not just one child, or a hundred, but thousands in one fell swoop."

Added Ira Lustbader, Children's Rights' litigation director: "The power of civil rights litigation to be a catalyst for change, for social justice, is undeniable. This work is hard and uphill, but I can't think of a cause more important than our most vulnerable kids."

There is no question that kids in state care are now entering a very different system. When *Brian A. v. Haslam* was filed in 2000, Tennessee's foster care system was beset by systemic problems such as dangerously high caseloads, low child-parent reunification rates, inadequate worker training, repeated financial mismanagement, and a reliance on emergency shelters and orphanage-like settings. Frighteningly, at times the state couldn't even track the children in its care.

Today it's a different story. "There is a high degree of commitment to take care of the kids that through no fault of their own end up in our custody," said Governor Haslam. "We've moved light-years away from where we were ... I don't think you'll see Tennessee go back."

## THE STATE OF CHILD WELFARE IN TENNESSEE: EXAMPLES OF REFORM

### THEN

**OVERWORKED:** Caseloads of over **40** children were not unusual. One region had caseloads as high as **80** per social worker.

**OVERBURDENED:** Children were routinely warehoused in emergency shelters and holding facilities up to six months at a time.

**OVER-INSTITUTIONALIZED:** In 2001, **22%** of children were placed in congregate care facilities.

**OUT OF REGION:** **35%** of children were placed out of their region, at great distance from parents and siblings.

**UNMONITORED:** DCS was unable to produce basic data about children in custody, such as location, prior placements, case plans and permanency goals.

### MAY 2017



Case managers now carry **10-20** children on their caseloads. **86-91%** of children receive at least two case manager visits per month.



Emergency shelter use has all but ended. From January to June, 2016, only **nine** children stayed in temporary placements beyond 60 days.



**85%** of first placements and **88%** of predominant placements are now family settings, limiting group care to **15%**.



**86%** of children are now placed within 75 miles of the home from which they were removed.



DCS now benefits from an **innovative automated information system** that leverages web-based technology to support both frontline and management staff as well as track and report on all children in state custody.



# IN FOCUS: Iowa ‘Training School’ — Rehabilitation, or Retribution?

(continued from page 1)

Instead of providing the boys with treatment that is desperately needed, workers at Eldora rely heavily on potentially harmful psychotropic medications administered without appropriate oversight or consent — as well as solitary confinement and a 14-point mechanical restraint that fully immobilizes a child — to control boys who *typically have not been convicted of any crime*.

“Children with mental health needs should not be thrown in solitary confinement as punishment, or silenced with dangerous medications without proper oversight,” said Harry Frischer, lead counsel at Children’s Rights. “They require tailored psychological and therapeutic supports to have a real chance of growing into fully integrated, productive members of the community. The tactics employed at Eldora are archaic. They are also flat-out harmful and unlawful.”

CR and DRI assert that these boys, aged 12 to 19, do not receive care needed to fulfill the facility’s mission of providing “a program which focuses on appropriate developmental skills, treatment, placements and rehabilitation.”

These include boys like Jimmy\*, age 16, who has been diagnosed with a number of conditions and has reported auditory hallucinations. He began exhibiting suicidal ideations and behaviors at Eldora, but is consistently denied access to needed mental health services and instead is given psychotropic medications for treatment. Jimmy has been placed on suicide watch several times after harming himself while in solitary confinement. During a period of 11 months, Jimmy was placed in solitary 81 times for more than 580 hours, and he was subjected to restraints 22 times in 10 of those months.

Officials have been known to defend their actions, describing the boys as felons who are too violent or angry for other programs. It is a notion that DRI resolutely refutes. “Officials have had multiple opportunities to make changes, and yet they have brushed them aside as though these kids don’t count,” said Nathan Kirstein, attorney with Disability Rights Iowa. “The state is required to act as parent, but no responsible parent would treat a child as Eldora does. These youth are there for rehabilitation and treatment — but they receive the exact opposite.”

The impact of such treatment can last a lifetime — so much so that in January 2016, President Barack Obama announced a ban on solitary confinement for juvenile offenders in the federal prison system. “Adolescents are still developing in neurological, cognitive and emotional domains,” said Susan H. McDaniel, Ph.D., president of the American Psychological Association. “As a result, solitary confinement can have especially devastating consequences for them. It is associated with increased risk of

self-mutilation, suicidal ideation, post-traumatic stress disorder, anxiety, depression, paranoia and aggression.”

Vinny concurs: “Being in solitary confinement has caused me to have anxiety issues, as well as claustrophobia that has carried into life today.” His wife Katie believes that Eldora was a contributing factor to Vinny’s immense anger and subsequent trouble making sound life decisions. “There’s not a doubt in my mind that being in solitary confinement has done some damage,” she says. When he left the facility, “his heart was the only thing that wasn’t completely broken.”

\*Pseudonyms used to protect the identities of minor children.



A locked cell used for isolation at the Boys State Training School. Photo courtesy of Disability Rights Iowa and published in “Unlicensed and Unlawful: The Failure to Ensure Safe and Evidence-Based Treatment at the Boys State Training School.”



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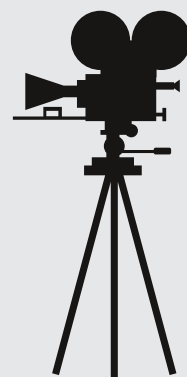
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## STAY TUNED

Be on the lookout for “Foster Boy,” a new independent feature film starring Matthew Modine, Louis Gossett Jr. and Shane Paul McGhie. Written by attorney-turned-screenwriter Jay Paul Deratany, the story is based on his experiences as a litigator representing foster youth in Chicago. CR is proud to partner with the Children’s Advocacy Institute at the University of San Diego and First Star of Los Angeles on the production’s advocacy efforts. Thanks to producer Peter Samuelson, and CR board member Lewis Tepper, for forging this partnership.



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and click “Donate Now.”