2021
Spring Issue

# NOTES FROM THE FIELD

The Children's Rights Newsletter

## CASE CLOSED: LITIGATION WORKED FOR MILWAUKEE COUNTY CHILDREN

It's hard to imagine the abuse, trauma, and neglect children in our cases have endured. Children like Jeanine who moved through six different homes in as many years while in the Milwaukee County foster care system — in one of them, her foster father abused her to the point of needing stitches. Or siblings Danny C and Frank M, ages 7 and 4, who were unnecessarily shuttled through four different homes in one year. Danny, who has developmental needs, missed the majority of the school year. That's why we filed a lawsuit — to make sure what happened to these children never happens again.

In 2021, we are celebrating a major milestone as we jointly filed with the state of Wisconsin to exit the Jeanine B. v. Evers case. Following years of significant progress—including meeting the challenges posed by the COVID-19 pandemic —Wisconsin's Department of Children and Families (DCF) has accomplished sweeping systemic change and tangible results for kids.

**AS A RESULT OF OUR ADVOCACY IN PUSHING FOR ENHANCED INVESTMENTS IN COMMUNITY-BASED SERVICES, THE NUMBER OF CHILDREN—PARTICULARLY BLACK CHILDREN—BROUGHT INTO FOSTER CARE HAS DECREASED SIGNIFICANTLY.**

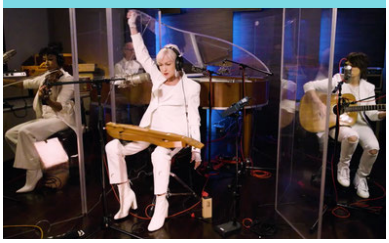
Caseworkers have drastically smaller caseloads and are conducting monthly face-to-face safety visits. Investigations of allegations of abuse and neglect in out-of-home care are being conducted promptly and children are receiving required medical and dental examinations on a timely basis.

Eric Thompson—who inherited the case shortly after joining Children's Rights—shared, "I am glad to be seeing it through to its conclusion after so many years. Years of consistent, documented improvements now allow us to recognize that court oversight has accomplished its purpose. What we set out to do has been done."

## A LOOK INSIDE

**LEGACY PLANNING WITH CHRISTEN DOUGLAS**
Page 6

**CHILDREN'S RIGHTS FALL BENEFIT**
Page3



**DISCRIMINATION HURTS KIDS**
Page 6

**STAY IN THE KNOW**

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# FOOD FOR THE BODY AND THE SOUL

BY JUSTIN KIDDER

Food and helping young people are my twin passions. I am the chef and owner of Milk & Butter Catering, LLC in Houston, Texas. Yeah, Houston. Living through the aftermath of the 2021 winter storm has been a heck of a roller coaster! I went 6 days without power and water in freezing temperatures. And the end result was me having to move because my place has been damaged from pipes busting. It's been horrible but I'm staying strong! A lady connected me to a donor who was able to donate $100 for food since all my food went bad. So I'm staying positive.

When the pandemic hit I moved from Indianapolis to Texas because everything is bigger in Texas, and I have big plans. It's been a slow start, there is so much competition, but I'll get there. We prepare and serve just about everything, but no fried food. Salmon and steak are my specialties. I cook by instinct, no recipes for me. But here is one I put together for my Stuffed Salmon with asparagus. I love being my own boss. I have the power to give people the best of the best. My philosophy is that food is about a lot more than just eating. It's how we celebrate or make a bad day better. I just did a proposal dinner for two. Prepared a perfect meal, flowers, and the whole thing. And, mask on, I served it to the couple. I gave them the experience of a lifetime.

**I HAVE THE POWER TO GIVE PEOPLE THE BEST OF THE BEST. MY PHILOSOPHY IS THAT FOOD IS ABOUT A LOT MORE THAN JUST EATING. IT'S HOW WE CELEBRATE OR MAKE A BAD DAY BETTER.**

I was born in California 27 years ago. I remember nothing about my first two years of life. But I know I didn't get off to a good start. Starting when I was 2 or so, I was in and out of foster homes in 3 different states. Sometimes people really wanted to help me. But it was always the same. I acted out, I was trouble: "Justin needs to leave."

You could say I was lucky – until I wasn't. I didn't get to my first group home until I was older. But I was in institutions from 16 to 18. So in the prime years of really trying to gain relationships and friendships. I couldn't join ROTC. I couldn't play ball. Going into college I felt like I wasn't as successful, simply because I didn't have the support or the guidance that I really wanted from my high school teachers. I was cut off from my friends. I didn't feel like the caseworkers were on my side. There were no adults who really seemed to care. You are on your own in a threatening place. It was me against the world. Group homes are bad for kids. This is not a nutritious way of living.

**THIS IS NOT A NUTRITIOUS WAY OF LIVING.**

In addition to running my business, I volunteer as a Jim Casey Young Fellow, working to reform the foster care system. My dream is that one day no kid is ever told: "You are being bad so you deserve this."

**MILK & BUTTER CATERING RECIPE**

## RECIPE: STUFFED SALMON WITH ASPARAGUS

### INGREDIENTS

2 salmon fillets (4-6 oz each)
6 asparagus
3 potatoes
5 tbs olive oil1
1/2 tbs brown sugar
1 1/2 tablespoons soy sauce
1 cup of lemon juice
1 cup teriyaki sauce
1 tbsp parsley leaves, chopped
2 tbs of all-purpose seasoning
3/4 tsp salt
1/2 tsp pepper
2 tsp minced garlic
3 tbs butter
1/2 cup shredded parmesan
1 cup milk
1/2 cup cream cheese

### DIRECTIONS

In a large bowl, mix brown sugar, teriyaki sauce, soy sauce, lemon juice, and 1 teaspoon of minced garlic. Submerge both filets of salmon once you have skinned them. If it's not completely submerged it will be ok. Allow them to be marinated for about 30 minutes or more. The salmon will soak up all juices and flavor. While that is marinating, put your potatoes on to boil.

In another mixing bowl, add cream cheese and cooked spinach with a pinch of salt and blend together. Lay the asparagus on a foil sheet, drizzle 2 tablespoons of olive oil, squeeze a half of lemon over it, season with salt, pepper and garlic powder over to your liking. Once that is complete wrap it up like a burrito.

Season your salmon with all purpose seasoning, salt, pepper. After you have seasoned, cut a slit in the thickest part of the salmon and stuff with the cream cheese and spinach mixture.

In a skillet of your choice, drizzle oil, a tablespoon of butter, and some fresh minced garlic, cook to a sizzle. Place the salmon upside down and cook for 7 minutes on medium heat. Then flip it to the front side and Cook for 6 minutes. Squeeze half of lemon on both salmon once flipped. Lastly, on the side where the salmon is stuffed, place it on the skillet for about 3-4 minutes.

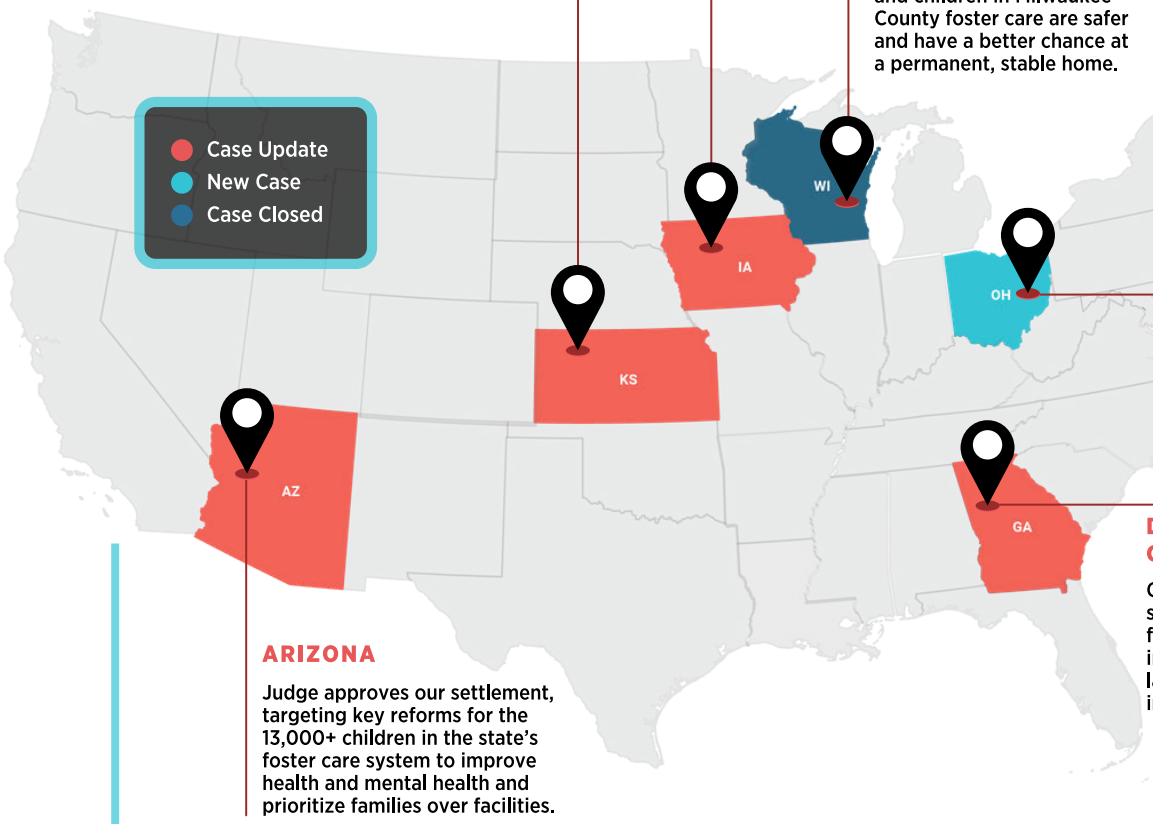
With your asparagus wrapped in foil, place it on the rack in your oven at 425° for 8 minutes and then sprinkle Parmesan cheese on it and put it back in the oven for 4 minutes.

Mash your potatoes and add 1 cup milk, 2 tablespoons of butter, salt, pepper, garlic powder, and half of cup of sour cream. Mix it to your liking. And now your dinner is complete. Just plate it to your liking.

Note. Always season to your liking, try your food while your cooking that is the only way you cook to perfection.

# THE LARGEST CASE DOCKET IN CR HISTORY

In just three months, Children's Rights made amazing progress for kids




### KANSAS

Settlement approved to transform the child welfare system for 7,000 children, ending extreme placement instability and ensuring they receive the mental health care they need.

### IOWA

Our lawsuit brings real change for children at Boys Training School. A cruel restraining device and the use of solitary confinement have been banished and an effective mental health program is being introduced.

### MILWAUKEE COUNTY, WISCONSIN

Court oversight has accomplished its purpose and children in Milwaukee County foster care are safer and have a better chance at a permanent, stable home.

### MAINE

Our lawsuit shines a light on the overuse and lack of oversight when administering powerful psychotropic drugs to children in foster care.

### NEW HAMPSHIRE

Our case targets the unnecessary institutionalization of older youth with mental health illnesses.

### OHIO

Urgent new case calls on the state to provide equal financial support to the 4,500 children—24% Black children — living with relative foster parents.

### DEKALB COUNTY, GEORGIA

Officials agree to provide special education services for hundreds of incarcerated youth in the largest county jail system in the US.

### ARIZONA

Judge approves our settlement, targeting key reforms for the 13,000+ children in the state's foster care system to improve health and mental health and prioritize families over facilities.

December 2020 - February 2021

CHILDREN'S RIGHTS NEVER DOES THIS WORK ALONE

## THANK YOU TO OUR CO-COUNSEL

Arizona Center for Law in the Public Interest • Baker & McKenzie, LLP • Barton Juvenile Defender Clinic at Emory University • Bernstein Shur • Bondurant Mixson & Elmore LLP • Disability Rights Center - New Hampshire • Disability Rights Iowa • DLA Piper LLP • Hecht Walker P.C. • Holland & Hart Denver • Kansas Appleseed • Maine Equal Justice • McDermott Will & Emery • Morgan, Lewis & Bockius LLP • National Center for Youth Law • New Hampshire Legal Assistance • Perkins Coie • Ropes & Gray LLP • Saint Louis University School of Law Legal Clinics • Shook Hardy & Bacon, LLP • South Carolina Appleseed Legal Justice Center • The American Civil Liberties Union of New Hampshire • Weil, Gotshal & Manges, LLP • Wofsey Rosen Kweskin & Kuriansky LLP • Wyche Attorneys at Law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# CHILDREN'S RIGHTS FALL BENEFIT

**In a year like no other, hundreds of advocates, supporters, defenders, and weekend warriors showed up for children's rights.**

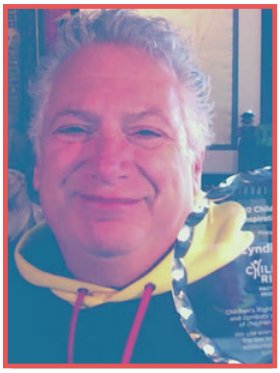
**"Thank you Children's Rights for this extraordinary honor and for all that you do to protect these vulnerable kids and bring them hope."**

#1Nation4Children is a celebration of a 25-year legacy of improving the lives of our nation's children, but the pandemic was a stark reminder that the need for the work of Children's Rights has never been more urgent. We are more committed to our mission than ever as we strengthen our work to protect the rights of children, and we are so incredibly thankful for the remarkable people who have made significant contributions to improving their lives.

Together, we can create #1Nation4Children and provide hope for thousands of children.

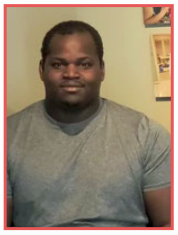
## Applauding an Icon: Cyndi Lauper

Harvey Fierstein presented the 2020 Children's Rights Inspiration Award to a woman who has used her talent and a unique blend of celebration and activism to give voice to the hopes, dreams, and struggles of the LGBTQ community.



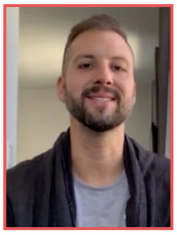
## Emotional Tributes to Children's Rights

Advocates from our Tales of Strength & Love Series joined us – and inspired us.

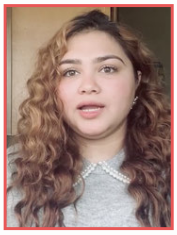


Dimitri Carpenter

Sandra Carpenter



Travis Schwerin



Sadaf Sheikh

Rosario Dawson premiered a new Children's Rights video, Hope for Kids.

"I believe in the work of Children's Rights. Many kids can't fight for themselves. They can't speak for themselves. But Children's Rights makes them heard.

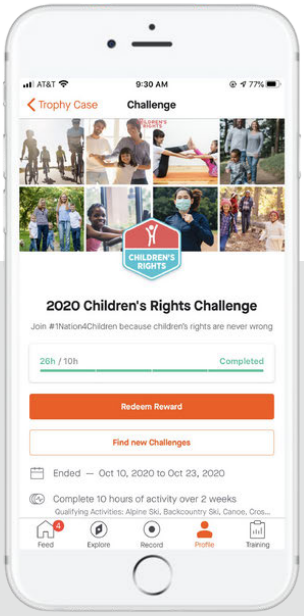
**Sadaf Sheikh**

# CHILDREN'S RIGHTS CHALLENGE ON STRAVA

## Riding for Kids

"I ride for Children's Rights during COVID because these times are bleak for vulnerable kids and we need to bring more awareness to this issue. The pandemic is putting the stark needs of kids in foster care in sharper focus and they need us more than ever. I hope we can fix the way we treat children in government care and come out of this with better solutions for children.

—TYLER, NEW YORK CITY




## Champions Stand Up for Children's Rights

"Children's Rights is helping tens of thousands of children. This is an impact on a scale that is tremendous. I'm proud to support an organization that is making such a difference in our communities.

—BILL MCNABB

"My life is my kids, spending time with them, supporting their dreams. To know that there are children out there who don't have that is heartbreaking. I want them to know there are adults out there who care.

—BRENT WHITTINGTON MOOTS

**113,161**

Total participants

**12,165,874**

Miles traveled

**1.1 M**

Total active hours

"Let's work to change these stories, to reduce the losses, to stop the harm, and let dependent children know we are here and working on their behalf.

**Shereen White, Senior Staff Attorney**

# WHEN CHILDREN'S RIGHTS CAME KNOCKING

BY: RYAN BARKER

Sometimes things just click. Call it Kismet, call it karma, call it dumb luck. For me it happened in 2017, when I first met Children's Rights. At the time, I had been working in Health Policy at Missouri Foundation for Health for 15 years. Our mission is to eliminate the underlying causes of health inequities, transform systems, and enable individuals and communities to thrive. Our work involves dismantling systems that are not equitably serving all the people of Missouri. We call out dysfunction and invest in change to make systems better at supporting the conditions necessary for healthy lives.

When Children's Rights came knocking, I already knew Missouri's child welfare system had a problem with psychotropic drugs and kids in its care. And as a policy wonk, I was aware that this was a horrific problem nationwide. For children in foster care, psychotropic medications, especially antipsychotics, are often used as chemical straitjackets to control behavior – and not to treat the limited illnesses for which the FDA has approved their use in children.

The consequences can be serious. The incidence of type 2 diabetes for children given these drugs is three times as high as for children not medicated. They can cause other profound and even permanent adverse effects including psychosis, seizures, suicidal thoughts, aggression, weight gain, and organ damage. The grave harms flowing from psychotropic medications are exacerbated because these children often live with caretakers who do not have detailed knowledge of their trauma background, mental health needs, or medical history.

But my interest wasn't just professional. It was personal. In 2008 my partner and I fostered a little boy who became our son a year later. He came to us with minimal health or immunization records and four different prescription medications. That seemed like a lot for an eight-year-old. I wanted to find out if this made any sense. But finding a child psychiatrist was not easy. First of all there was – and still is a national shortage of child psychiatrists. Because as a foster child my son was only eligible for Medicaid, the only option we could find was to see a doctor who hosted a psychiatry clinic for Medicaid kids once a month for three hours.

What happened next was an eye opener for a privileged white guy. I remember sitting in that waiting room for two and a half hours with my Black child because everyone at the clinic was given the same "appointment" time and we were seen in the order we arrived. When we met the doctor, it was for a cursory ten minutes. He had no interest in getting to know my son, asked no questions of him except what was his favorite video game – and then promptly wrote out prescriptions for two psychotropic drugs. I was appalled. We did our own research, and over the course of about a year, my son was down to just one medication that was not a psychotropic.

So when Children's Rights came to us looking for funding for a lawsuit that would do something to fix this, my interest was immediate.

MFH invests in eliminating inequities in every aspect of health. We are change makers. And, especially since the murder of Michael Brown in Ferguson in 2014, everything we do, we do through the lens of racial equity. Whatever we invest in must have a lasting impact.

Missouri had a systems problem related to psychotropics and foster children. 20% of foster youth were taking an average of two or more psychotropic medications, some prescribed as many as seven medications at one time. And like other child welfare systems around the country, a disproportionate number of these kids are Black.

> **Children's Rights has a proven model of using litigation to get to the very root of injustice and create transformative social change. Children's Rights fights for systemic change. And wins.**

Children's Rights and its lawsuit checked all our boxes. Children's Rights has a proven model of using litigation to get to the very root of injustice and create transformative social change. Children's Rights fights for systemic change. And wins. It was my pleasure to make the case internally at MFH to support Children's Rights and this lawsuit.

In the end the results speak for themselves. In December 2019, a U.S. District Court judge gave final approval to a settlement that will establish better practices that prioritize the health and well-being of children who are often left behind by the systems that are supposed to be serving them. This groundbreaking victory is the first federal class-action lawsuit in the country to focus on the widespread and often dangerous use of psychotropic medications among youth in foster care.

Missouri is now implementing comprehensive reforms to protect children. Medical records will be monitored; doctors and caregivers, with real input from youth, will vet the risks and the benefits of medication before it is administered; an independent child psychiatrist will provide secondary review of prescriptions for efficacy and safety; and caseworkers will be trained on the appropriate use of these medications.

There is still much work to be done. But the progress is huge. And I'll always be grateful for that knock on the door.

# Q&A WITH CHRISTEN DOUGLAS

Christen Douglas, a member of the Children's Rights National Advisory Council, is a partner at the law firm McDermott Will & Emery, where her practice is focused on trust and estates. She also advises clients on philanthropic planning and private charitable foundations. Christen has joined the CR Legacy Society by designating CR as a beneficiary of her retirement accounts, but no time soon, as she has lots more adventures planned.

**Q: What is planned giving and what is your role in trust and estate planning?**

Planned giving is a term used to describe more structured charitable giving during a donor's life or at the donor's death that takes into account the donor's financial and estate planning goals. It often involves making charitable gifts of assets that are more complicated than cash. I work with individuals and families to advise them with respect to their tax and estate planning. To give this advice I need to understand my client's charitable aspirations and integrate methods of achieving these aspirations in their overall estate plans.

**Q: What was your path to a career in trust and estate planning?**

I started out as a litigator, which was a fantastic way to begin my legal career. But it just didn't satisfy my desire for a more personal connection with my clients. This work gives me that. Helping clients consider and craft their legacies is incredibly fulfilling. I really enjoy connecting with my clients on a psychological and human level. My partners and I become trusted advisors to our clients. They come to us with anything and everything that touches not only their estate plans but their personal lives. This work is deeply engaging to me.

**Q: What is one of your favorite parts of the job?**

I love learning about the legacy a client wants to leave behind after he or she is gone. Their legacies often include charitable giving. I am often surprised and moved by the deep and emotional commitment people have to supporting the arts, education, and other bedrocks of our society through the charities they love.

**Q: Why did you decide to include CR in your will?**

There are many ways to provide for a charitable organization, in or outside of a will. I have designated CR as the beneficiary of my retirement accounts. Hopefully CR will not receive my accounts for many years (as I plan to stick around for a while)! But if anything were to happen to me, it gives me peace of mind to know that the assets I worked hard to accumulate will go to a cause that I find incredibly compelling. I want to contribute to society, in life and at death, in a way that will improve the lives of children who were arbitrarily born into challenging situations and may not be able to advocate effectively for themselves.

**Q: What are the benefits of including charitable giving to one or more groups in your estate?**

There are tax benefits to making charitable gifts during life and at death. During life, the charitable income tax deduction is limited to 60% of an individual's adjusted gross income ("AGI"), subject to the temporary unlimited charitable income tax deduction of up to 100% of an individual's AGI under the CARES Act for cash gifts to public charities in 2020 and 2021. If you give to charity during life, you get the benefit of the income tax deduction, and the assets given to charity are out of your estate for estate tax purposes. At death, the charitable estate tax deduction is unlimited for estate tax purposes. In addition, if you give an interest in your IRA or other tax deferred plan at death, you potentially save on the deferred income tax and the estate tax.

**Q: What about family? How can donors provide adequate support for their children or grandchildren and still also include a bequest to one of more charities?**

Achieving both goals requires careful planning with your financial and legal advisors. It may also be helpful to provide that a certain percentage of your estate will pass to charity rather than a specific dollar amount so that the amount will self-adjust with fluctuations in the value of your estate. Similarly, many clients prefer to provide a fixed dollar amount for their family members, so that they know that a certain dollar amount will be available to care for their loved ones, and then provide for the residuary of the client's estate to go to charity.

SAVE THE DATE!

## TAXPAYER-FUNDED DISCRIMINATION HURTS KIDS

**April 16, 2021 | 1pm EST**

Join us for a 45-minute Zoom session and learn why an upcoming Supreme Court ruling could have dire consequences for children. If SCOTUS rules that foster care agencies can opt-out of contractual requirements based upon their religious beliefs, agencies will be allowed to turn away qualified, prospective parents because they do not meet an agency's religious test. That's not fair to them – or to the 437,000 children in foster care across the country who deserve a loving home.

RSVP: childrensrights.org/DiscriminationHurtsKids

CHILDREN'S RIGHTS
PROTECTING KIDS. PROVIDING HOPE.

At any given time, there are nearly 43,000 children unnecessarily housed in institutions and other group facilities.

# ENDING UNNECESSARY INSTITUTIONALIZATION OF CHILDREN IN CHILD WELFARE SYSTEMS

> Group homes felt like punishment for being born in the wrong place at the wrong time to the wrong people and I treated myself like someone who didn't deserve anything good because that's what I believed. Group homes created an environment that encouraged and normalized crime, violence, aggression, pain, and isolation. You can't heal in group homes.
>
> **Anonymous**

## THE HUMAN COST

**Impacts children's social, emotional, and physical development, often violating children's rights.**

**NEARLY HALF**
OF RESIDENT YOUTH WERE PRESCRIBED
**AT LEAST ONE PSYCHOTROPIC DRUG**

**50-80%**
**OF SEX TRAFFICKING VICTIMS**
HAD PRIOR INTERACTION WITH THE CHILD WELFARE SYSTEM

**Black children are over-represented** in foster care, generally, as well as in institutional and group care.

The human cost falls heavily on youth of color, especially Black children, who are disproportionately investigated by child protective services, unnecessarily removed from their families, and placed in institutions.

## THE ECONOMIC COST

**Costs seven to ten times more to house a child in an institution than family-based placements.**

A SINGLE STATE CAN PAY AS MUCH AS
**$95 MILLION**
DOLLARS EACH YEAR TO INSTITUTIONALIZE YOUTH

**$4.1 BILLION**
IN COSTS WOULD BE AVOIDED FOR EACH NEW GROUP OF YOUNG PEOPLE AGING OUT OF FOSTER CARE IF THEY HAD OUTCOMES SIMILAR TO THEIR PEERS IN THE GENERAL PUBLIC

**BLACK CHILDREN COMPRISE**

**13.4%** OF THE GENERAL U.S. POPULATION OF YOUTH UNDER 18 YEARS OLD

**23%** OF THE TOTAL FOSTER CARE POPULATION

**26%** OF THE TOTAL INSTITUTIONS AND GROUP FACILITIES POPULATION

**THE TIME TO FIX THIS IS NOW. WE MUST END UNNECESSARY INSTITUTIONALIZATION OF CHILDREN.**

**RACIAL JUSTICE DEMANDS IT.**

**COVID-19 SAFETY DEMANDS IT.**

**NEW FEDERAL LAW DEMANDS IT.**

**CHILDREN'S SAFETY DEMANDS IT.**

Together, we are sending a powerful message of hope that we can stop the physical, mental and emotional harm done to children unnecessarily housed in institutions.

**Read our new Families Over Facilities report online at childrensrights.org/familiesoverfacilitiesreport**

# JOIN US THIS MAY FOR FOSTER CARE & MENTAL HEALTH AWARENESS MONTH

Follow us on social media or sign up for our e-newsletter to stay in the know

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