

Remove abuser, not the child?; That's 1 proposal in a bill to reduce the use of foster care

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Byline: TIM EVANS , TIM.EVANS@INDYSTAR.COM

Body

The emotional trauma can be devastating when a child has to be removed from home, family and friends and be placed in the care of a stranger, even when the child has been a victim of abuse or neglect.

Legislation moving through the General Assembly would allow judges and child protection workers to seek less-traumatic alternatives in at least some of these cases.

Senate Bill 311 would allow a court to boot out the perpetrator -- rather than remove a child who has experienced abuse or neglect --when it deems the victim can safely remain at home with a non-offending parent.

And when a youth has been deemed a Child in Need of Services, the legislation would require courts to consider placing the child with a de facto relative, such as a stepparent, before turning to foster care.

Sen. Brandt Hershman, R-Wheatfield, said he filed the original version of the bill -- which addressed just the issue of placement with a nonblood relative -- after being approached by a judge in his district who was struggling with a case involving the daughter of a man sent to military duty in Iraq.

The judge told Hershman he thought current law bound him to place the child -- who had been living with her father and stepmother -- with the girl's biological mother or in a foster home, even though the judge believed it was in the child's best interest to stay in her home with the stepmother.

"This should add a little clarity and flexibility to the law," Hershman said Friday.

Rep. David Orentlicher, D-Indianapolis, added the section of SB 311 dealing with the removal of an abusive or neglectful adult from the home. It includes criminal penalties if the offender violates a no-contact order.

Hershman said he approves of the addition, which came after the bill had cleared the Senate.

"This was an opportunity where the law lacks some clarity and we were able to make an adjustment to help children," he said.

Legislators in the House approved the bill Thursday. Hershman said he expects to give his OK to the amendment before sending the bill back to the Senate for final approval.

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Both aspects of the legislation appear to dovetail with the Department of Child Services' new emphasis on removing fewer children from their homes.

Dawn Robertson, Indianapolis, a member of the child and family rights advocacy group Honk for Kids, said the bill appears to be a move in the right direction.

"Whenever you can keep a child with his or her family -- or at least someone familiar -- it is a good thing," she said.

Richard Wexler, executive director of the National Coalition for Child Protection Reform in Alexandria, Va., said the removal provision would address a small group of the roughly 20,000 annual abuse and neglect cases that lead to government intervention.

"Typically, it would involve cases where, for example, a mother is at work and her boyfriend or husband abuses the child without her knowledge," he said.

Removing a child from the loving, non-abusive parent can compound the emotional trauma, Wexler said.

"At a time when a child most needs the comfort of a loving parent, they lose it," he said. "The experience can make the child feel like they are somehow responsible or to blame."

What's next

Sen. Brandt Hershman, R-Wheatfield, the author of SB 311, must give his approval to the amendment added in the House. Hershman has said he approves of the changes and will give his endorsement for passage of the changed bill in the full House.

Call Star reporter Tim Evans at (317) 444-6204.

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