In the aftermath of Hurricanes Katrina and Rita there was much concern for the Gulf Coast communities. Homes, businesses, and community organizations were destroyed and many of them have still not been rebuilt. Entire communities have disappeared. Life changed for the populations on the Gulf Coast. Much of the research, conferences, and organizing focused on the environment, general disaster planning, the intersection of racism and the lack of government response, and the rebuilding of safe communities in areas where disasters are likely to hit again. Most of these responses mentioned very little about children and the emotional, physical, educational, and family trauma that children faced in the wake of the hurricanes. Although the federal government formed commissions to tackle many of these issues, the National Commission on Children and Disasters which was formed in December 2007 did not meet until October 2008 due to the absence of funding and slowness in organizing.

Within days after Hurricane Katrina, the Southwest Juvenile Defender Center (now a program of the Center for Children, Law & Policy at the University of Houston Law Center) received a call from Families and Friends of Louisiana's Incarcerated Children (FFLIC). There were many children still detained from New Orleans that had no idea where their family relocated to and if they were safe or were unable to be released from detention as there was no adult guardian who could take custody. FFLIC was asking for our help in visiting shelters in Houston to try and locate family members of incarcerated children. The children had been moved to the Orleans Parish Prison and girls and boys were being housed with adult male inmates and were being treated by prison personnel in the same manner as adults in the prison. Unfortunately, we were not able to locate many family members.

We also received calls from New Orleans attorneys who were trying to track down children in foster care. No one knew where the children were being evacuated to and reunification services for parents became nonexistent. Even when attorneys knew where to find their clients, they were unable to make the trip to evaluate the new home or see their clients. This was true even when the children were located as close as Texas, but children were scattered throughout the fifty states. We also became aware that one important organization that was of immeasurable help to separated children and families after the hurricanes, the National Center for Missing and Exploited Children, was inhibited in its work to find missing children and adults due to less than adequate interagency coordination at the
federal level and the confidentiality barriers that prevented, for a considerable time, a sharing of information between shelters and searching agencies.

We heard another story about a woman who returned to her New Orleans neighborhood trying to find a grandmother who had her two young grandsons living with her at the time of Katrina. The grandmother had died in the house while they were waiting to be evacuated and the children had remained there with their dead grandmother for several days before they were “rescued” and sent to Oklahoma. Not, unfortunately, to be with family or friends, but rather to be placed in foster care. No one in the state agency knew how to locate the children’s family. The woman tried to see the children in Oklahoma, but since she was not family, she was not allowed to. Again, children faced multiple traumas in addition to the trauma of the disaster itself.

When children were evacuated outside of New Orleans and registered for school, their school records were unavailable. Children who had special education needs often had to be reevaluated for a new Individualized Education Plan (or IEP). Many children went without the necessary educational programs for too long.

Even medical care was a problem. Most medical services for children were provided through the charity hospital system in New Orleans and records were unavailable, and many families did not have insurance, nor the means to obtain it, or the knowledge of how to deal with a different health care system.

One parent told one of us how her child was having nightmares after Katrina and was afraid when it rained. Not an unusual occurrence. The school had a psychologist come and talk to the parents after they had returned to New Orleans. The psychologist told the parents not to worry—that their children were resilient and would do okay. No therapy was offered to the children and families.

As the months passed, we were concerned about the lack of national focus on children and the slim services provided to children and their families to cope with the aftermath of these disasters. The papers in this book were presented at a conference held at the University of Houston Law Center on April 20, 2007, *Children and the Law After the Katrina Disaster: An Interdisciplinary Conference on Young Evacuees*. It was, and is, our hope that the conference and this book will help us all think about solutions in preparation for any future disasters. Natural disasters continue to hit our local communities. A little more than three years after Katrina, Hurricane Ike hit the Gulf Coast, this time devastating the Galveston, Houston area of Texas. Although we have learned much from the earlier hurricanes—the evacuations went smoother and food, shelter, and emergency services were quickly provided to those who needed it in the aftermath—we still have a long way to go.

The majority of people going into shelters are children. Yet, communities taking displaced persons are never sure of the number of children they will have to accommodate. We have expectations for the overall number of individuals, even for the number of pets, but not children. Sanitary bathing facilities are not set up for small children, cribs are not available, and forget about what some would consider “nonessentials” such as stuffed animals, books, and games to keep children occupied while they and their family members are under stress.
In Houston services were up and running fairly quickly. Emergency and medical personnel went on twelve-hour shifts. The schools, an essential service for children and a central point that could have been used as distribution centers for food, ice, services, etc. were not opened quickly. The majority of school children missed two weeks of education and there were no plans to make up the missed educational days. Parents who had to return to work while school was closed had another layer of stress added to their lives. Children were still being ignored. The contributors to this book focus on different aspects of the intersection of children, law and disasters, but the thread that goes through each chapter is that we were very unprepared as these disasters struck and need to develop policies and plans for the future.

Charles J. Ogletree, Jr.’s “Katrina, Children and the 3Rs: Race, Reconstruction, and Redemption” offers an introduction to the hard questions that remained as the hurricane and the tremendous outflow of support from ordinary Americans began to recede. Exposed is the reality of the social choices we have made; seldom as pretty as the idealistic portrait we had collectively painted.

The next four articles focus our attention on the immediate effects of disaster on our nation’s most vulnerable population. Natural disasters can batter a network of social services already teetering near collapse. Meghan Butasek in “Information Sharing and Emergency Coordination Manual for Children in Foster Care Displaced by Disasters” and Gerard F. Glynn in “Foster Care: Disasters Complicate an Already Bad Situation” illustrate the unique challenges posed in the foster care context. As Glynn points out, disasters (of an emotional sort) are often not unfamiliar to foster children, and further disruption compounds their sense of vulnerability and upheaval. Although federal law since the hurricanes has mandated disaster planning at the state child welfare agency level (but not for state juvenile justice agencies), states vary widely in their approach, commitment, and preparation. Butasek focuses this insight alternately on education, mental and physical health, social services, and personal safety and calls for a more holistic approach urging information sharing and interagency collaboration.

In “Disasters and Psychological Risk in Children” Psychology Professor Sharon K. Hall analyzes risk factors and outcomes among child survivors of natural disasters and how policy makers can inform their decisions to develop best practices that ameliorate negative psychological effects. Folklorist Carl Lindahl along with Jenna Baddeley, Sue Nash, Shari Smothers, Nicole Eugene, and Victoria McFadden explored the healing power of narrative in “Archiving the Voices and Needs of Katrina’s Children: The Uses and Importance of Stories Narrated Survivor-to-Survivor.”

The conversation then moves to a discussion of systems in distress under stress. David R. Katner advocates “Rethinking Juvenile Justice in the Wake of Katrina.” Hurricane Katrina forced an already struggling juvenile justice system in New Orleans to the breaking point, but may now offer an opportunity to examine and engage the problem of delinquency in a new, more effective manner.
The school system is, for many children, the most reliable institutional force in their lives and, at its best, it is a vehicle for transporting kids into a new life trajectory. The stakes, as these authors demonstrate, in rebuilding the shattered school systems in the worst-hit areas, can hardly be overstated. Danielle Holley-Walker looks at “The Recovery School District Act and New Orleans’ Charter Schools” and sees the danger that the New Orleans’ experiment will not save failing schools. Instead, the privatized charter schools will face the same challenges that public schools already face under No Child Left Behind (what she calls “accountability cycling”). Anna Williams Shavers advocates “Providing an Adequate and Equitable Education for the Children of Katrina and Other Victims of Disaster” and the role of the law at both a federal and state level in ensuring this promise is seen through. Kristi L. Bowman contrasts the vastly different outcomes of rebuilding efforts in Mississippi and Louisiana districts in “Rebuilding Schools, Rebuilding Communities: The Civic Role of Mississippi’s Public Schools After Hurricane Katrina,” highlighting the important civic function of schools in communities and the lives of children. Augustina H. Reyes further develops the importance of schools as a vehicle for social services in “The Right to an Education for Homeless Students: The Children of Katrina” and examines how federal and state policies were used to respond to Katrina.

Finally, Laura Oren examines children’s influence on public policy from a historical perspective in “Children and Disasters: Child Evacuation in World War II and Public Policy in Great Britain,” comparing the displacement of children by Hurricane Katrina to that of British children in World War II and analyzing the potential for disasters to be turning points in developing progressive social policies.

**Agenda for Children, and Beyond**

If this book teaches us anything, it is that there is no single poster child who can effectively represent the experience of all children who lived through the hurricanes of 2005 on the Gulf Coast. Some children lived in the community with their parents, while others were in state custodial care of some kind. While some of the systems designed for the protection of children were, at best, reasonably satisfactory before the hurricanes struck, unfortunately most of them in the region were already in chaos even before the disaster. Some children lived where their schools could function as contributors to an effective response, while many others lived in communities where schools were part of the problem rather than part of the solution.

More than three years later we are not looking back at the disaster from a huge remove. As the survivors themselves remind us, “Katrina is not over.” Federal and local governments and other institutions have not proceeded very far with the changes that could equip them to bring recovery to the survivors. Nor are we prepared for the next large-scale disaster inevitably affecting children. Much work remains to be done.
The contributors to this book are each responsible for their own individual views, which may differ from each other and from the editors and/or publishers of this book. They also do not reflect policies or positions of the organizations to which the editors or authors are affiliated. They have a lot to say of value, and the editors refer you to each author’s in-depth study and their citations. Despite the different focuses and conclusions, however, certain themes have emerged in these pages. The brief points below represent only a sample of what the editors have learned:

In Order to Prepare for, Respond to, and Recover from Disasters Affecting Children, We Have to Plan, Communicate, Coordinate, Fund, and Re-Evaluate.

- **Plan:**
  In the wake of the hurricanes, Congress amended federal law to require for the first time that state child welfare plans include disaster planning. In order to receive federal funding for foster care systems, states must comply with this federal mandate contained in the *Child and Family Services Improvement Act of 2006*. While this is a step in the right direction toward planning for an effective and humane first response to disasters affecting foster children, the quality and completeness of these plans varies considerably. They need to be drafted, replicated at the local level, and implemented utilizing the highest standards of what is known about disaster planning.

  Since the 2006 federal requirement went into effect, many state child welfare agencies have developed disaster plans, the best of which:
  - Establish a website where disaster information will be posted; provide toll-free phone numbers and alternative phone systems for use in emergencies, including reporting of children’s and caseworker’s status/whereabouts and for getting other critical information; establish alternative agency worksites equipped with necessary resources; and distribute to families and other care providers guides on disaster preparedness (written in the primary language of the recipients);
  - Require staff and foster care providers to undergo emergency preparedness training;
  - Maintain a list of emergency foster homes or other facilities to which children displaced by a disaster could relocate, and have a fleet of vehicles available to help quickly move children, care providers, and staff when necessary in an emergency;
  - Have a written plan, or mutual interstate aid agreements, for sharing information with agencies in other states to ensure children in foster care receive prompt continuing services if relocated;
• Encourage caseworkers to help each family develop a family emergency response plan, including gathering emergency preparedness supplies;

• Mandate caregivers to assure each child in care is provided with safely stored identity documents, medical and immunization records, school records, court orders, and physician and agency contact information, and assure that there is available, electronically, a recent digital photograph of every child in care (ideally, entire child/family records should be backed-up electronically);

• Provide services to staff to help deal with their personal/emotional needs in the event of a disaster, and provide psychological support for children and families affected, as well as for staff;

• Coordinate emergency planning and preparedness with schools that foster children attend, with local police, with emergency services units, and with hospitals that will treat children with Medicaid or other government health insurance;

• Pre-determine delegations of agency authority and priority functions in the event of an emergency;

• Create a system that allows electronic funds transfers to foster parents, relative caretakers, and other child welfare providers so that funds can continue even when local banking or mail delivery is unavailable; and

• Have procedures in place for taking emergency custody of children left alone because of a disaster

Juvenile justice systems also need to engage in disaster planning. Because juvenile justice agencies are responsible for youth in their custody, some of whom may present a danger to the community, these agencies also must, at the state and local (including facility) levels, plan for the safety and well-being of their charges during times of disaster, where, for example, juvenile detention facility residents may need to be quickly and humanely relocated.

One of the unusual aspects of the domestic nonprofit organizational response to the 2005 hurricanes was the U.S. active emergence of the international non-governmental organization, Save the Children (STC), and in particular its Children’s Domestic Emergencies Unit. A global network of 28 independent STC organizations, working in more than 120 countries, their experiences in helping with the response of other nations’ natural disasters (such as the 2004 Asian tsunami) has provided them with expertise being used to propose child-focused emergency planning here in the U.S. In their publication “The Unique Needs of Children in Emergencies: A Guide for the Inclusion of Children in Emergency Operation Plans (September 2007), STC has provided guidelines for local community child-focused disaster planning that we urge utilizing.
In this book, see, e.g. Chapter 2, “Foster Care: Disasters Complicate an Already Bad Situation” by Gerard F. Glynn, Associate Professor of Law, Barry University Andreas School of Law, Orlando, Florida.

- Communicate:
  Obstacles to communication complicated both the first response to the hurricane and the recovery from the disaster. There was no single place to go to locate missing children. It was difficult to enroll displaced children in school due to the failure to maintain back-up information systems, federal laws on privacy, and state laws requiring very specific documentation. Documentation of the special education needs of foster children was unavailable for use in schools to which they were displaced. Over the long run, listening to the voices of survivor children may yield a different, and essential, picture of the needs of the affected children than communications that have been filtered through parents or institutions.

  In order to accomplish any effective information sharing, there must be advance planning that evaluates and provides binding guidelines about (and develops disaster-related exceptions to) federal laws, such as FERPA (the Family Educational Rights and Privacy Act) and HIPAA (the Health Insurance Portability and Accountability Act), as well as other federal privacy statutes and relevant state privacy laws.

  Long-term recovery for children also requires attention to the ways in which they may experience the disaster and continued displacement differently than their parents or other adults, for example, in their views of what it is like to be in a different school. Schools need information on how to take those experiences into account when they absorb large numbers of displaced students.

  In this book, see, e.g. Chapter 1, “Information Sharing and Emergency Coordination Manual for Children in Foster Care Displaced by Disasters” by Meghan Butasek, M.Ph., and J.D. candidate. Ms. Butasek is the Director of the Office of Public Health Preparedness and Response for the Baltimore City Health Department. Also see, e.g. Chapter 4, “Archiving the Voices and Needs of Katrina’s Children: The Uses and Importance of Stories Narrated Survivor-to-Survivor” by Carl Lindahl (Martha Gano Houstoun Research Professor of English at the University of Houston), Jenna Baddeley (Graduate Student, University of Texas; Surviving Katrina and Rita in Houston Project), Sue Nash (Ph.D. Research Fellow Baylor College of Medicine; Advisor, Surviving Katrina and Rita in Houston Project), Shari Smothers (Graduate Student, University of Texas; Surviving Katrina and Rita in Houston Project), Nicole Eugene (Graduate Student, University of Texas; Surviving Katrina and Rita in Houston Project), and Victoria McFadden (Student, University of Houston; Surviving Katrina and Rita in Houston Project).
Coordinate:
No comprehensive strategy or legal mechanism exists for integrating disaster relief and the educational, physical, and mental health needs of displaced children. There are a number of federal laws, such as the McKinney-Vento Act for homeless children, that are useful in short-term and even long-term disaster relief for children. Separate federal laws draw on separate sources of funding and utilize different criteria. Coordination between the Federal Emergency Management Agency (FEMA) and the U.S. Department of Education (DOE), including the latter playing a much larger role in the educational response to disasters, needs to specifically address the displacement of children across state lines and the needs of the receiving schools, as well as of the “sending” schools. The latter cannot be forgotten in terms of their needs for eventual re-opening. Children’s increased educational needs persist long after the initial disaster and are manifest in the receiving school districts as much as in the places where the disaster hit.

At the end of 2007 Congress passed the Kids in Disasters Well-being, Safety and Health Act, which requires creation of a bi-partisan National Commission on Children and Disasters, a panel of experts to recommend changes that federal, state, and local governments need to meet the needs of children in emergency planning, response, and recovery efforts. While passage was applauded by children’s advocates and disaster-response groups, the formal appointment of this Commission (which had not happened as of August 2008) is only the first step. Far more important will be the establishment and adequate support for operation of the Act’s new National Resource Center on Children and Disasters, a clearinghouse to collect and disseminate information and resources on issues relating to the needs before, during and after hazards, disasters and emergencies. We understand that the U.S. Department of Health and Human Services has appropriated $500,000 for FY 2008 and $1,000,000 for FY 2009 to operate the Commission. States need to enact laws modeled on this federal approach, but also assure they are quickly and adequately implemented.

In this book, see, e.g. Chapter 7, “Providing an Adequate and Equitable Education for the Children of Katrina and Other Victims of Disaster” by Anna Williams Shavers. Professor Shavers holds the Hevelone Research Chair at the University of Nebraska College of Law. Also see, e.g. Chapter 9, “The Right to an Education for Homeless Students: The Children of Katrina” by Augustina H. Reyes, Professor of Educational Leadership and Cultural Studies at the University of Houston College of Education.

Fund:
Funding overlaps with Coordination in the sense that federal programs need to be seamlessly coordinated in the provision of funding for emergency,
short-term, and long-term disaster relief. In addition, we must learn from the experience of significant differences at the state level. For example, Mississippi officials apparently succeeded in forming a “united rebuilding team” that relied on “speed, cooperation, and information sharing” to help the public school system and the community recover. This helped to avert the long-term decimation of their local tax base.

Financial recovery of the public education system is essential to recovery in general and should be a short-term and long-term priority after a disaster.

In this book, see, e.g. Chapter 8, “Rebuilding Schools, Rebuilding Communities: The Civic Role of Mississippi’s Public Schools After Hurricane Katrina” by Kristi L. Bowman Assistant Professor of Law at Michigan State University College of Law.

- Re-Evaluate:
  We cannot predict how vulnerable individual children may be to disasters. Children in social systems that were already in great distress, such as the foster care or juvenile justice systems of Louisiana, or the New Orleans’ schools, were hard hit. Even before the hurricane, Tulane’s Juvenile Justice Clinic had identified systemic problems of many clients who lacked adjudicative competence due to serious mental health problems. At the same time, there was a serious dearth of treatment facilities for the children in this situation. These few services were “all but destroyed” by Katrina, precipitating an acute (on top of the chronic) crisis. Similarly, the New Orleans’ schools were “already in an official crisis” of “accountability” before Katrina breached the levees. Student performance was so poor that there were extreme problems meeting the No Child Left Behind (NCLB) standards and the Louisiana legislature had already passed the Recovery School District Act (RSDA). After the hurricane, the school district turned to charter schools to provide the majority of local education. The delegation of public schooling to these privately run entities, however, has not solved the problem of failing schools. Instead, charter schools also are vulnerable to the same “cycle of accountability” and failure that dogged the public school system even before the disaster.

Long-term recovery from disasters affecting children requires re-evaluation of social systems already in chronic crisis. Instead of “restoring” the status quo ante, we should take the opportunity to re-build from the foundation up. In light of the importance of schools in the recovery of both disaster-affected children and for the community as a whole, it is very risky to experiment by devolving responsibility for education to private institutions that are not subject to significant public oversight. When disasters strike, we should take the opportunity to re-evaluate wider social systems.
In this book, see, e.g. Chapter 3, “Disasters and Psychological Risk in Children” by Sharon K. Hall, Associate Professor of Psychology at the University of Houston, Clear Lake. Also see, e.g. Chapter 5, “Rethinking Juvenile Justice in the Wake of Katrina” by David R. Katner, Professor of Clinical Law and the Felix J. Dreyfous Teaching Fellow in Juvenile Law at Tulane University Law School; Chapter 6, “The Recovery School District Act and New Orleans’ Charter Schools” by Danielle Holley-Walker, Assistant Professor of Law, University of South Carolina School of Law; and Chapter 10, “Children and Disasters: Child Evacuation in World War II and Public Policy in Great Britain” by Laura Oren, Law Foundation Professor, University of Houston Law Center.