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Kids and Gun Safety
By Sejal H. Patel

In 47 states, a parent can leave a loaded, unlocked gun on a dining room table or a nightstand and face no legal rebuke for leaving that gun within a child’s reach. The danger of children accessing loaded, unlocked guns is very real. According to a January 13, 2014, report by Diane Sawyer entitled *Kids and Guns: By the Numbers*, 31 percent of U.S. households in 2012 had at least one child and one gun in the home, and 1.7 million kids in 2002 lived in homes with a loaded, unlocked firearm. The American Academy of Pediatrics adds sobering statistics around the issue of gun access and child safety. Guns cause twice as many deaths in young people as cancer, five times as many deaths as heart disease, and fifteen times as many deaths as infections.

Several states have taken steps to protect children from tragic gun accidents. Massachusetts has the strongest law in the country, requiring guns to be stored in a locked container or disabled with a trigger lock anytime they are not in use. California, Minnesota, and the District of Columbia also passed strong laws criminalizing the act of leaving a gun where a child may access it. Five other states impose criminal liability on an adult only if a child actually gets his or her hands on the weapon because of the adult’s negligent storage of the firearm. Even more states impose liability on an adult if a child gains access to a firearm and then uses the gun to hurt someone. Statistics and research prove that these laws are effective. States that have enacted these laws substantially decreased the number of unintentional child firearm deaths.

Despite evidence that these laws save young lives, many state legislatures have not adopted smart gun laws. Safe-storage laws and child-access prevention laws are critical to preventing child gun deaths. This article outlines the current information, research, and resources on smart gun laws and child safety.

Consensus on Gun Violence and Gun Safety
On September 28, 2013, the *New York Times* ran a piece called “Children and Guns: The Hidden Toll,” which reported how the media undercounts firearm shootings of innocent child victims because of how authorities classified the deaths. Nationwide, hundreds of child mortalities resulted from a child discovering an unlocked and loaded device and pointing it at himself or herself, at a friend, or at a sibling. Gun industry lobby groups resist these statistics, saying that the data are overblown, that guns are an essential part of their local or family culture, and that locking guns prevents them from being used for self-defense.

However, the vast majority of Americans disagree. In fact, Americans overwhelmingly support safe-storage laws and laws criminalizing incidents where a child gains access to a gun owned by his or her parents and uses it to shoot someone. One poll found that 75 percent of Americans believe that in such circumstances, a child’s parents should be charged with a crime for failing to prevent the child from handling the gun. Another poll found that over 67 percent of Americans...
favor laws like the one in Massachusetts that requires gun owners to lock up their guns or secure them with a trigger lock when not in use. However, popular support for these measures still has not prompted many legislators to act.

Physician voices also strongly denounce child gun access. The American Academy of Pediatrics (AAP) concludes that the best way to keep a child or teen safe from gun injury or death is to never have a gun in the house, especially a handgun. For those who choose to keep a gun in the home, the AAP offers this alternate protocol: Keep the gun locked; keep the gun unloaded; store the ammunition locked; store the ammunition in a separate place from the gun. The statistics support the conclusion that contrary to pro-gun concerns, guns stored in the home are far more likely to be used in a fatal or nonfatal unintentional shooting, criminal assault, or suicide attempt than for self-defense.

In that vein, a study released in Pediatrics on October 9, 2013, entitled “Gunshot Injuries in Children Served by Emergency Services” concludes that gunshot injuries cause a disproportionate burden of adverse outcomes in children. Gun injuries resulted in major surgery, death, and high per-patient costs compared with other child injuries. The study cites gun injuries among children as a “major public health issue” and concludes by recommending more rigorous research, partnerships with national organizations, and evidence-based legislation to reduce injury and fatality. A separate study by the Yale School of Medicine reported that on average, a child or teen is shot almost every hour.

Doctors in the field empirically support these published studies in their day-to-day encounters with young patients. Dr. Lisa Patel, a University of San Francisco pediatric fellow, says, “As physicians, the evidence about guns lines up with what we encounter in hospitals and emergency rooms on a tragically regular basis: innocent children who suffer catastrophic consequences of living in a society with close to no regulations regarding gun ownership.” Patel, who is an attending emergency room physician at Memorial Hermann Hospital System and a clinical instructor of emergency medicine at the Baylor College of Medicine, adds, “The horrors of gun violence, especially among the youth, is a tragedy we encounter frequently in the emergency room.”

Despite the evidence, gun lobbyists insist that children possessing guns is a minor matter that does not warrant regulation of adult gun possession and use. And in many states that logic has persuaded state legislatures to take no action.

Like the public-health issues of seatbelt laws and airbags in cars, proper gun-safety requirements are empirically proven to mean the difference between life and death for kids. The Law Center to Prevent Gun Violence, a nonprofit dedicated to preventing the loss of life to gun violence by researching and advocating for smart gun laws, cites a 1999 study in which more than 75 of the guns used in youth suicide attempts and unintentional injuries were stored in the victim’s residence or in a friend or neighbor’s residence. A July 2004 study by the U.S. Secret Service and the U.S. Department of Education found that in 37 school shootings from 1974 to 2000,
more than 65 percent of the guns used came from the shooter’s own home or from the home of a relative. Safe-storage and child-access prevention laws prevent unnecessary deaths like these. In three separate studies about how smart gun laws affect gun violence in individual states, each study concluded that the laws resulted in substantial decreases in unintentional firearm deaths and injuries and in youth suicides.

**Framework for Comprehensive Safe-Storage and Child-Access Prevention Laws**

Protecting children is a matter of national consensus. The desire to protect children prompted legislation that young children must sit in car seats and wear seatbelts in motor vehicles. Though states may legislate particulars about how much a child must weigh or how tall the child must be before he or she can sit without a booster chair, public safety concerns have led to a basic agreement that adults must properly secure all young children. The regulated sales of alcohol or cigarettes to minors and childproof safety caps on drugs similarly arose from a national consensus that protecting our children with these laws was in our nation’s interest. The issue of children’s safety around guns can follow the same trajectory.

Children’s rights advocates can energize public dialogue and effect change in children’s access to firearms. Based on the extensive research and state-by-state analysis by its staff attorneys, the Law Center to Prevent Gun Violence, based in San Francisco, California, recommends that safe-storage laws, like the one in Massachusetts, are the best way to protect child safety. The first line of defense is to remove a weapon from a child’s ready access. Safe-storage laws place an affirmative obligation on gun owners to prevent tragedies, rather than just holding them liable after something has already occurred. To that end, a robust safe-storage law should include these five features:

- All firearms owners must keep firearms disabled with a locking device, except when an authorized user is carrying it on his or her person or has the firearm under his or her immediate control. Laws in Massachusetts and in several municipalities including Chicago, New York City, and San Francisco serve as models for this requirement.

- All firearms manufactured, sold, or transferred in the jurisdiction must be equipped with a locking device. Laws in California, Michigan, and New York, and several other states requiring such locks to be sold with handguns only model this requirement.

- States must set standards for locking devices, as required in California, Connecticut, Maryland, Massachusetts, and New York.

- A certified independent lab tests and approves locking devices before the devices may be sold in the jurisdiction, as required in California.

- Finally, the jurisdiction must maintain a roster of approved locking devices, as required in California and Massachusetts.
Child-access prevention laws, which hold adults liable after the fact if they negligently leave a gun in a place where a child may gain access to it, are less comprehensive than safe-storage laws but can still be an effective way to protect kids from guns. An ideal child-access prevention law should include the following four features:

- The law should impose criminal liability on persons who negligently store a firearm under circumstances where minors may or are likely to gain access to the firearm, regardless of whether the minor actually gains access or uses it. The laws in California, Massachusetts, Minnesota, and the District of Columbia model this requirement.
- The law should also impose criminal liability on persons who negligently store firearms even when the firearm is unloaded, as is the case in California, Hawaii, Massachusetts, and the District of Columbia.
- The statute should impose civil liability for damages resulting from the discharge of a firearm when a person negligently stores a firearm and a minor gains access to it.
- Finally, the law should define “minor” as a person under 18 for long guns, and a person under 21 for handguns.

As of March 5, 2014, child-access prevention bills are pending in 13 states (Arizona, Illinois, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Washington, and Vermont). Eleven states are considering legislation that would require locking devices, the safe storage of firearms, or both (California, Florida, Illinois, Iowa, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, and Rhode Island). For more on the legislation pending in the states, read the Law Center to Prevent Gun Violence’s legislative tracking summary.

Children’s rights advocates can add their voices to the debate by supporting initiatives for safe-storage and child-access prevention laws and by talking to parents and children about gun safety as physicians do. Professionals can educate parents and policymakers around this issue at the individual, community, and national levels. Children’s rights advocates, like doctors, teachers, social workers, religious leaders, entrepreneurs, and others, share a common interest in securing a child’s right to both live and live safely. The good news is that there are sensible and effective solutions before us. The goal of keeping children safe is one that does garner national consensus, but the real work is in mobilizing agreement around how best to achieve that goal.

**Keywords**: litigation, children’s rights, gun safety, safe-storage laws, child-access prevention laws, smart gun laws, child safety, gun violence, state legislature

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Addressing the Underlying Issue of Poverty in Child-Neglect Cases

By Maren K. Dale

Evidence of the underlying issue of poverty in child-maltreatment cases is growing. Recent studies have shown a correlation between reports of child harm and low income, neighborhood economic status, employment, food security, and depression. However, does this documented correlation equate to causation? While poverty can lead to increased rates of actual maltreatment, poverty itself is often mistaken for neglect, resulting in increased rates of child-maltreatment reports. The inability to feed, clothe, or house a child should not be mistaken for neglect.

State legislatures, courts, and state agencies vary in their stances on and approaches to addressing this underlying issue of poverty in child-maltreatment cases. Addressing poverty as a significant factor in child-harm cases could lead to lower rates of child removal, higher rates of reunification, and higher rates of parental right retention. Acknowledgement and innovative solutions are needed to prevent poverty from being mistaken as child maltreatment, as well as to prevent poverty from contributing to actual child maltreatment.

The Numbers

In its fourth National Incidence Study of Child Abuse and Neglect (2004–2009), the U.S. Department of Health and Human Services’ Administration for Children and Families found that children in families of low socioeconomic status were at significantly greater risk of maltreatment, abuse, and neglect, using both the endangered standard, which encompasses a broader range of perpetrators and acts, and the more stringent harm standard. Children were considered to be in families of low socioeconomic status (low SES) if the household income was below $15,000 a year, parents’ highest education level was less than high school, or any household member participated in a poverty-related program. The incidence rate of the harm standard maltreatment in low-SES families is more than five times the rate of children in families that were not of low SES. The incidence rate of abuse for children in low-SES families is more than three times the rate for children not in low-SES families. And the risk of harm standard neglect for children in low-SES families was over seven times the risk for children not in families of low SES. U.S. Dep’t of Health & Human Servs., Admin. for Children & Families, *The National Incidence Study of Child Abuse and Neglect (NIS-4)* (2004–2009).

Specific characteristics of poverty have also been linked to increased rates of child-neglect reports. Researchers found that each percentage point increase in state-level unemployment was associated with an increase in child-abuse reports of approximately .50 per 1,000 children. Presentation, Am. Acad. of Pediatrics Conference, *What Happens to Child Maltreatment When Unemployment Goes Up?*, Oct. 2–5, 2010.

The Urban Institute found that 11 percent of infants living in poverty have a mother suffering from severe depression. Fifty-five percent of all infants living in poverty are being raised by mothers with some form of depression, including mild and moderate. Evidence suggests that depression can interfere with parenting, potentially leading to poor child development—setbacks that are particularly devastating during infancy. Compared with their peers who are living in poverty with nondepressed mothers, infants living in poverty with severely depressed mothers are more likely to have mothers who also struggle with domestic violence and substance abuse, and who report being only in fair health. Tracy Vericker, Jennifer Macomber & Olivia Golden, *Infants of Depressed Mothers Living in Poverty: Opportunities to Identify and Serve* (Aug. 2010).

The report presents data from a recent Children’s HealthWatch study, which examined associations among mothers’ positive depressive symptoms (PDS), food insecurity, and changes in benefits from federal-assistance programs. The report found that mothers with PDS had odds of reporting household food insecurity 169 percent greater, fair/poor child health 58 percent greater, and child hospitalizations 20 percent greater than mothers without PDS. Mothers with PDS had odds of reporting decreased welfare support 52 percent greater, and odds of reporting loss of Supplemental Nutrition Assistance Program (SNAP) benefits 56 percent greater than mothers without PDS. P. Casey, S. Goolsby, C. Berkowitz, D. Frank, J. Cook, D. Cutts, M.M. Black, N. Zaldivar, S. Levenson, T. Heeren, A. Meyers &Children’s Sentinel Nutritional Assessment Program Study Group, “Maternal Depression, Changing Public Assistance, Food Security, and Child Health Status,”113*Pediatrics* 298–304 (Feb. 2004). These results suggest that maternal depression may be an indirect pathway by which household food insecurity exerts negative influence on child health and development. Feeding America & The ConAgra Foods Foundation, *Child Food Insecurity: The Economic Impact on Our Nation* (2009).

**State Legislative and Judicial Approaches to the Poverty-Child Neglect Link**
To address the higher rates of child maltreatment in low-income families, it is important to distinguish between poverty as a cause of child maltreatment and poverty as child maltreatment. Some states and courts have recognized that raising a child in poverty does not equate to child maltreatment.

About half of the states have acknowledged that poverty does not equal neglect, by including a poverty exemption in their statutory definition of neglect. The exemptions range from outright exemption for neglect if poverty is a factor, to an exemption for environmental factors beyond the parent’s control. Many focus on the parent’s financial ability. Additionally, Arkansas,
Kentucky, Minnesota, Nebraska, and North Carolina have statutes that prohibit the termination of parental rights due to poverty alone.

A number of appellate-level courts and judges from various states have discussed the connection between child maltreatment and poverty in both majority and dissenting opinions.

These opinions express concerns regarding the poverty as grounds for parental rights termination, reunification requirements that discriminate against impoverished parents, child-welfare agencies’ failure to provide impoverished parents with services and resources designed to address poverty as the underlying cause of neglect, and inappropriate comparisons of impoverished natural parents to more affluent foster parents in the “best interests” analysis.

In *Tennessee Department of Human Services v. Riley*, 689 S.W.2d 164, 165 (Tenn. Ct. App. 1984), the Court of Appeals of Tennessee affirmed the termination of both parents’ parental rights to their children on the grounds that “the conditions which led to the removal [of the children] still persist[ed]” at least one year after the removal. The parents lived in a state of extreme poverty in a house “built from junkyard parts” with no running water. The mother was found to be mentally retarded, and the father’s low IQ only enabled him to perform unskilled work. The court found that termination was in the best interests of the children. In his dissenting opinion, Judge Nearn explained that even though he agreed that custody should remain with the state, he thought it improper for the state to terminate parental rights absent a showing that the parents’ conduct amounted to willful fault.

Some of the standard reunification goals that child-welfare agencies require parents to meet before regaining custody of their children discriminate against impoverished parents. In some instances, for example, agencies want parents to be able to provide for their children without relying on family, friends, or neighbors for support.

In *In re C.J.V.*, 746 S.E.2d 783 (Ga. Ct. App. 2013), the Court of Appeals of Georgia reversed the termination of a mother’s parental rights to her children. The trial court based its decision to terminate on the mother’s failure to satisfy two requirements of her case plan—stable housing and employment. The court of appeals, however, found that the mother’s rights were terminated because of her “economic inability to provide for the children, and that her shortcomings in failing to comply with the two major components of her case plan stem[med] largely from her relative poverty.” The court stated that “poverty alone is not a basis for termination.”

Courts have expressed concern when child-welfare agencies fail to provide impoverished parents with services designed to address their inability to support their children. In *In re G.S.R.*, 159 Cal. App. 4th 1202, 1205 (2008), the Court of Appeal of California reversed the termination of a father’s parental rights to his two sons. The father was a noncustodial, nonoffending parent when his children were taken into state custody as a result of their mother’s arrest. The child-welfare agency informed the father that he could not have custody of the boys until he found suitable housing. When the father failed to obtain suitable housing within two years, the agency filed a
petition to terminate his parental rights, which the trial court granted. The court of appeal reversed the termination, holding that the trial court had violated the father’s right to due process by terminating his rights absent a finding of unfitness against him. The court also commented on what it termed the “absurdity” of the child-welfare agency’s failure to assist the father in obtaining suitable housing. The court went on to note it makes no sense for states to pay a significant amount of money to subsidize foster-care placements but not to assist parents in overcoming the financial barriers to regaining custody of their children.

Parental rights cannot be terminated unless a court makes a finding that termination is in the “best interests” of the child. At times, child-welfare agencies and courts have a tendency to compare impoverished natural parents with more affluent foster or pre-adoptive parents when determining whether termination is in the child’s best interests. The Court of Appeal of Louisiana elaborated on the danger of comparing natural parents with foster parents in *In re S.M.W.*, in which the court reversed the termination of a mother’s parental rights. The court explained that, taken to its extreme, comparisons could lead to children being taken out of impoverished and undereducated homes to be put into homes with more affluent and educated parents. *In re S.M.W.*, 771 So. 2d 160, 163, 168, 171 (La. Ct. App. 2000), overruled by 781 So. 2d 1223 (La. 2001) (holding that appellate court improperly substituted its own judgment for that of the trial court).

The concerns raised by the courts have focused on the child-welfare agency’s handling of the impoverished parents in the removal, reunification, and termination-of-rights processes. These criticisms could be addressed at the state agency level.

**States Agency Approaches**
States vary with regard to their approach to addressing the underlying issue of poverty in alleged child-neglect cases. Some acknowledge the correlation and address the need to provide specific services to alleviate the pressure of poverty, while other state approaches to poverty are separate from the state approach to child welfare. Approaches for addressing the underlying issue of poverty in child-maltreatment cases seem to have fallen into three categories: (1) increased availability and access to financial services, (2) increased parental self-advocacy, and (3) the differential response approach that treats reports of child neglect in poor families with a family-needs assessment, rather than a pure adversarial and investigative approach.

**Increased availability of and access to financial services.** Providing more resources to families in poverty is a twofold endeavor. In addition to increasing the amount of funds and services available to families, families also need to know they are there and be able to access them.

A few states have created programs that increase the services or funds available to struggling parents. For instance, Texas has the Texas Families: Together and Safe (TFTS) Program. TFTS funds community-based programs that have been shown to relieve stress and promote better parenting skills and behaviors to help families become self-sufficient.
and successfully nurture their children. Montgomery County, Maryland, has a Child Care Subsidy Program for families involved with the child-welfare system. And in Florida, the Florida Department of Children and Families runs a Temporary Cash Assistance Program. The program provides cash assistance to families with children under the age of 18, or under age 19 if full-time secondary (high school) school students, that meet the technical, income, and asset requirements. The program helps families become self-supporting while allowing children to remain in their own homes.

More states have acted to link families in need to existing funds and services. The Georgia guide to preventing unnecessary removal to state custody describes services as “tools that are available to child protection and family preservation workers to prevent the unnecessary removal of children from the home.” It notes that available in-home services can range from basic services, such as SNAP and Temporary Assistance for Needy Families (TANF), to community services, such as support systems and screening for illness or disabilities, to more personalized services, such as therapy, counseling, and family meetings.

In Wake County, North Carolina, the Middle Class Express is an innovative approach to help low-income Wake County residents make progress toward economic and social self-sufficiency by ensuring access to employment, educational and financial development opportunities, and other health and human service resources. This approach provides participants life coaching and life planning to achieve a middle-class life style in five years.

States have made increased efforts to link their Child Protective Services with TANF, the federal subsidy program. Oregon has a child abuse and neglect prevention program that provides services through home visits called Family Support and Connections (FS&C). FS&C services are generally provided to families who are eligible for TANF and who have barriers or issues that put them at a higher risk of involvement with the child-welfare system. The services focus on strengthening parenting and family stability, and decreasing the risk factors for child abuse and neglect to prevent children on TANF from entering the foster-care system.

Similarly, the California Linkages project promotes collaboration between California’s county-administered child-welfare services (CWS) and CalWORKs, the state’s program for administering TANF. Linkages’ goal is to decrease child maltreatment and improve outcomes for children and families by providing necessary services and supports through increased collaboration.

In Rockland County, New York, a number of mothers heading low-income households at risk for or involved with child-welfare services have benefited from a program designed to integrate services from TANF and child-welfare services. Using funding from a federal grant awarded by the Children’s Bureau (CB) in 2006, the county’s Department of Social
Services (DSS) expanded its welfare-to-work program, Next Steps. Drawing from best practices in both TANF and child-welfare programs, Next Steps is a six-month weekday program that helps participants develop and work toward accomplishing goals in academics, employment readiness, computer skills, behavioral therapy, and parenting. The CB grant expanded Next Steps to include child-welfare services and improve child safety, father involvement, and family stability and self-sufficiency.

**Increased parental self-advocacy.** Increased family involvement efforts focused on increasing participation in family decisions and educating low-income parents about their heightened risk of scrutiny by child-protective services and their constitutional and legal rights as respondents are springing up across the country.

For example, the Child Welfare Organizing Project in New York City is a parent support and advocacy group that trains parents on the intricacies of New York’s child-welfare policy and practice. In partnership with New York’s Administration for Children’s Services, parent advocates from the project and similar organizations are eligible for employment as parent advocates at private child-welfare provider agencies. The project spearheaded a successful advocacy campaign in the New York City Council that led to an ordinance to increase parent and foster parent access to child-welfare agency data and information.

The use of family team meetings is based on the premise that an “inclusive approach to involving families as partners with public child welfare agencies in case planning and decision making can also serve as a process for addressing poverty-related neglect.” It includes family group decision making, family group conferencing, permanency teaming, and team decision making. Georgia uses the family team meeting as a tool to prevent unnecessary removal. The *Family Preservation in Georgia: A Legal and Judicial Guide to Preventing Unnecessary Removal to State Custody* explains that it recognizes families’ right to be free from governmental intrusion and that the family meetings allow the family to explain their needs and request services, such as SNAP or TANF.

**The differential-response approach.** The differential response is an alternative approach to the traditional investigative and often adversarial approach used by Child Protective Services (CPS). The differential response generally involves assessing the family’s strengths and needs and offering services to meet the family’s needs and support positive parenting. In November 2006, 15 states had implemented differential responses. By 2012, 21 states and tribes had implemented differential responses, with an additional 7 states contemplating the approach. Catherine Nolan, Jean Blankenship & Dori Sneddon, “Research and Practice Advancements in Differential Response,” 26 *Protecting Children* 3 (Nov. 3, 2012).

An example of a differential response is Minnesota, which first implemented its family assessment response (FAR) in 2000. It is now statewide. Families in FAR received more
financial services and mental and health counseling through CPS workers than families that experienced a traditional investigation. General financial aid received doubled, and both the provision of food or clothing and help paying utilities almost tripled for FAR families. Overall, traditional investigation cost $4,967 while FAR cost $3,688, a reduction of 35 percent. Inst. of Applied Research, *Differential* (Feb. 2004). The FAR approach contributed to a slight reduction in future removal and placement of children. Of the traditional investigation families, 18.7 percent had at least one child removed and placed out of the home. Only 16.9 percent of FAR families experienced this later removal. Anthony Loman & Gary Siegel, “Alternative Response in Minnesota: Findings of the Program Evaluation,” 20 *Protecting Children* 78, 86 (2005); Interview with Rob Sawyer, Rochester, Minn. (Mar. 28, 2007).

**Conclusion**

Parental inability to feed, clothe, or house a child is often perceived as child maltreatment and can lead to government involvement and child removal. This inability is often the result of poverty and can be mistaken for neglect. Mistaking poverty for neglect contributes to the high rates of child-maltreatment cases for low-income families. Addressing the underlying issue of poverty through acknowledgment, increased parent involvement, and increased financial support can help prevent child maltreatment, limit unnecessary child removal, and increase reunification and the protection of parental rights.

**Keywords**: litigation, children’s rights, child maltreatment, poverty, neglect, low-income families, child-welfare system, parental rights, differential-response approach

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Help Us Dismantle the School-to-Prison Pipeline
By Monica Llorente

American Bar Association (ABA) groups are uniting to bring down the school-to-prison pipeline (STPP). Together, in the coming year, these ABA groups hope to convene educational stakeholders from different perspectives in order to come up with effective solutions that can be implemented. The focus is not just on discussing the issues but on propelling people and solutions into action. Advocates want to take advantage of the momentum created by the School Climate and Discipline Guidance Package release, January 8, 2014, by the U.S. Department of Education (DOE) with the U.S. Department of Justice (DOJ). These federal guiding principles focus on improving school climate and culture and on ensuring that student discipline is handled without discrimination on the basis of race, color, or national origin, among other bases.

These ABA groups need our help and want us to engage in the work together, so that we can collectively dismantle the school-to-prison pipeline and create a safer and more positive environment in our schools and communities.

ABA Groups Gather for First of Several STPP Town Hall Meetings
The American Bar Association Midyear Meeting featured a special town hall discussion on February 7, 2014: The School-to-Prison Pipeline: What Are the Problems? What Are the Solutions? The forum was sponsored by the ABA Coalition on Racial and Ethnic Justice, the Criminal Justice Section, the Council on Racial and Ethnic Diversity in the Educational Pipeline, and the Section of Litigation’s Children’s Rights Litigation Committee. This is only the first of several gatherings that these ABA entities hope to convene throughout the nation over the next year. The goal of these town hall meetings is to connect people from different perspectives who are armed with varying solutions (such as sociologists, parents, students, administrators, teachers, and organizers) with each other to truly bring down the pipeline. The emphasis is not on talking but on taking action and implementing real solutions at all levels.

The speakers and panelists at this first town hall included:

- Opening: Justice Michael Hyman, chair of the ABA Coalition on Racial and Ethnic Justice
- Moderators: Professor Sarah Redfield, University of New Hampshire School of Law, and Wesley Sunu, Tribler Orpett & Meyer
- Professor Julie Biehl, Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law, Chicago, Illinois
- Professor Nancy Heitzeg, Sociology and Critical Studies of Race and Ethnicity, St. Catherine University, St. Paul, Minnesota
- Mariame Kaba, Project NIA, Chicago, Illinois
- Robert Saunooke, Law Offices of Robert Saunooke, Miramar, Florida, and legal and policy advisor to the chairman, Seminole Tribe of Florida
The School-to-Prison Pipeline: What Is It Really?

For too many of our young people, particularly those who are African American, Latino, Native American, low-income, or youth with disabilities, the education pipeline stands broken, and the doors to meaningful education remain closed. The problem is particularly acute with regard to students being pushed or dropping out of school, often into the juvenile or prison system—the so-called school-to-prison pipeline. Disproportionality, where certain racial groups are represented out of proportion to their student numbers, remains virtually unchecked in discipline and with regard to certain special-education categorizations and placements. The disproportionate minority contact in juvenile-justice and delinquency matters is equally troubling.

While the availability of data on pipeline issues is increasing, the problems have been known for decades and have been resistant to change. These issues are a civil-rights challenge for our society, and a costly one at that, as dropouts lose earning capacity and become more dependent on welfare or join the expensive prison population. The United States spends an average of $10,995 on school placement per year per student (Nat’l Ctr. for Education Statistics, The Condition of Education 2012, at 200) while states’ average per-inmate cost is over twice that, $28,323 (Bureau of Justice Statistics, State Corrections Expenditures, FY 1982–2010, at 4 (rev. ed. Mar. 11, 2014)), and juvenile detention is even higher, an estimated $87,981 per year (Justice Policy Inst., The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense 4 (May 2009)).

The town hall panelists took some time first to define and explain the school-to-prison pipeline from their perspectives and based on their experiences. The panelists were direct and honest in their delivery and assessment.

To establish a working definition of the school-to-prison pipeline, Dr. Tyner of the Community Justice Project presented the NAACP Legal Defense Fund’s description of the pipeline, which is “the funneling of students out of school and into the streets and the juvenile correction system perpetuating a cycle known as the ‘School-to-Prison-Pipeline,’ depriving children and youth of meaningful opportunities for education, future employment, and participation in our democracy.” Mariame Kaba reminded us that “[i]t’s almost a misnomer in some cases to talk about a school-to-prison pipeline, and we should really be talking about a community-to-prison pipeline or a cradle-to-prison pipeline. It starts even before young people enter the school building.”

Professor Heitzeg and Rev. Wilson agreed that we are “feeding bodies to the criminal system” through this pipeline. Young people are indirectly routed to forms of incarceration through suspension and expulsion policies and directly routed to prison through the growing police presence in schools. Thus, when we talk about the school-to-prison pipeline, as Professor...
Heitzeg explained, we are really talking about the rhetoric of the war on drugs, mandatory minimum sentences, mass incarceration, zero tolerance, and no discretion translated into educational policy through the concept of discipline.

Dr. Tyner seamlessly illustrated the problem as a “tangled web, because often times we can see all the different entry points, but the difficulty is how do you exit a web? And the challenge then becomes for our children, how do they get out of this web once they’re tangled?”

**The School-to-Prison Pipeline: Facts and Statistics**

If you are reading this article, you are probably already familiar with the facts and statistics. A public school student is suspended every second and a half, and a recent study found that 95 percent of out-of-school suspensions are for nonviolent, minor disruptions such as tardiness or disrespect. Numerous other studies demonstrate that certain students—such as students with disabilities; students of color; lesbian, gay, bisexual, transgender, and questioning youth; and English-language learners—are more likely to be suspended and expelled for minor offenses. For example, as Professor Heitzeg pointed out, black students are suspended and expelled at three-and-a-half times the rate of white students and that rate may increase in some states up to six times the rate.

**Highlighting Native American Youth and Chicago Students**

The panelists took some time to highlight the experiences of Native American youth and Chicago public school students. There are over 600,000 Native American students nationwide, but “only about 44 percent of those actually graduate from high school and go on to any post-secondary education. In that post-secondary group, only about 1 percent complete that post-secondary education,” according to Robert Saunooke. Illustrating the issues of suspension and discipline, Saunooke described a 14-year-old boy who was charged with a felony for hurling a projectile out of a school bus, when all he did was throw a pen and it hit a nearby car. Saunooke pointed to the lack of funding and the fact that rarely does a teacher stay more than two to three years in a school serving Native American children as some of the contributing factors to this education crisis.

In Chicago, many of the young people Mariame Kaba works with through Project NIA hate school, even though they used to like it. The schools have become, for many students, places of fear and loathing. According to Kaba, 84 percent of the arrests in schools are for misdemeanor offenses that could be solved without police intervention. Matters that should be taken care of in the principal’s office get taken care of by the police. Kaba noted that there are two police officers at a minimum in each high school in the city. If police officers are in the building, Kaba explained, they are going to act as the police, not as counselors. While they may be trying to make counseling part of their job, that is not their job. That is not what they were trained to do nor what they entered the police department to do. Kaba advised that Chicago has to reframe and think about policing in schools totally differently. Also, schools need to be careful with the tools and philosophies they use to resolve conflicts and how they implement them within their existing
culture. For example, restorative justice has been introduced and has begun to be implemented, but it is not meant to be a legal philosophy, so it has been problematic.

Professor Julie Biehl also emphasized that young people in Chicago need to be in school and that when we revoke parole for young people because they were not in school, we are putting them in a place where we do not want them to be. What is their future without an education? It does not make sense. A tremendous challenge for Professor Biehl and her team, who represent young people facing criminal charges and youth who are reentering their community after incarceration, is the myth that everything in a young person’s record is confidential. Unfortunately, that is not the case. A young person’s record can be a barrier to school reentry, employment, housing, and financial aid for college.

What Made This Gathering Different: The Exchange Between Panelists and the Audience
What set the ABA town hall apart was that it was not about just talking and pointing fingers; it was about educating, sharing, and beginning that true discussion on this complicated issue to take better action locally and nationally. Justice Hyman opened the town hall by reminding us that we are all responsible for what has happened in our educational and justice systems. These are our children. This situation is everyone’s fault—the public’s fault, the legal system’s fault, the educational system’s fault—and it has to change. This is the reason why these ABA groups have decided to focus now on this issue.

The question-and-answer portion of the town hall truly demonstrated the determination and dedication of these ABA groups and panelists. During her presentation, Reverend Wilson described how we “have this new movement around the nation where we are going to fix the classrooms by bringing in younger, inexperienced teachers with all kinds of creative ideas and at no point have they learned the art of classroom management.” After the panel presentations, a microphone was available for anyone who wanted to come up to ask questions or make any additional comments. In this period of exchange with the audience, a speaker asked, “What can teachers do?” The panel and members of the audience were able to engage in a positive dialogue and start to come up with possible solutions, such as extending the commitment of these young teachers to five years.

Furthermore, the panelists were respectful in their support of the models presented by the audience members. Law students from Loyola and Tulane in New Orleans’s Stand Up for Each Other!, where law students represent young people suspended or expelled from school, asked the panel what they could do to be more like the panelists. The panel quickly responded that the panelists should be asking themselves what they can do to be more like them (the law students), because they are really doing the work and should be the ones outlining their model so that it can be replicated across the country.

Identifying the Barriers: Implicit Bias, Funding, and Related Trends in Education
The panelists and audience members began the arduous journey of identifying the numerous factors that present a challenge to dismantling the school-to-prison pipeline, because they
negatively impact certain students. The following were discussed as barriers that would have to be analyzed and for which effective solutions would have to be developed:

**Implicit and Explicit Biases:** Several panelists highlighted the role of implicit and explicit biases in the school-to-prison pipeline. Implicit biases are hidden from us in our subconscious and are difficult to access even through introspection. The persistent media representation of crimes and criminals and the criminalization of blackness can feed into the everyday interactions that students have with teachers in schools and in the resegregation of schools. Mariame Kaba was frank in saying that people are scared of black kids—even black people. Professor Heitzeg indicated that 84 percent of teachers are white women and that students of color are underrepresented in advanced placement tracks but overrepresented in special-education tracks. These biases affect how we implement solutions, as well. Professor Heitzeg pointed out that the health system is how we manage white misbehavior, while the prison system is how we manage black misbehavior. Panelists urged people to think of the role of anti-blackness and to start changing the discourse.

**Funding:** Declines in school funding, particularly cutbacks on counselors, also feed the school-to-prison pipeline. The money we invest reveals what we care about. Disparity between money spent in education and money spent for jail or juvenile justice per student represents poorly thought-out investments.

**Poverty:** Growing rates of poverty can increase the school-to-prison pipeline as youth from poor families are overrepresented in the pipeline.

**Resegregation of Schools:** Many schools still remain segregated by race. Many activists consider this the civil-rights issue of this generation.

**High-Stakes Testing:** Pressure on students, teachers, and administrators to achieve good test results can lead to a push to exclude students who are seen as dragging down the test scores.

**Prison-Like School Environments:** Many schools are unwelcoming with surveillance cameras, police dogs, armed guards, school and local police on campus, metal detectors, strip searches, and visually uninviting buildings that are not clean. As Robert Saunooke indicated, “[t]his gestapo idea that we have to police instead of care for children is just the wrong approach. I think we need to get back to the basics of community, desire to strengthen each other by cultural understanding, and that will help bridge that gap and maybe correct this curve and direct it the other way.”

**Zero-Tolerance Policies:** While there has been some change, there is still an increased reliance on zero-tolerance policies. Students who are subjected to zero-tolerance
standards are more likely to be referred directly to the increasing number of police in schools.

**Increased Rates of Suspension and Expulsion:** Students are being excluded from school with no help or legal representation—a true access-to-justice issue.

**Lack of Counselors and Mental-Health Services:** Even though the need to increase the use of counselors, social workers, and mental-health resources for students is obvious, these services are often quick to be cut.

**Other Pressures and Uncertainty:** There are some fundamental changes being made to the U.S. educational system that include school closures, privatization, and a growing system of charter schools that, in some cases, undermine the public school system and can lead to uncertainty within the existing system.

**Why Take Action Now? DOE/DOJ Guidelines on School Climate and Discipline**

On January 8, 2014, the DOE, in collaboration with the DOJ, issued federal guidelines to advise schools on how to improve school climate and discipline: *Guiding Principles—A Resource Guide for Improving School Climate and Discipline*. This is the first time in decades that there is a federal message on this issue, so this is an opportunity that needs to be seized by advocates to take action on this issue. The guidelines are divided into three guiding principles, which are outlined in detail. Most important of all, practical action steps for school stakeholders are included for each guiding principle.

- First, the guidelines call on state, district, and school leaders “to take deliberate steps to create the positive school climates that can help prevent and change inappropriate behaviors.” These steps would include training, including the voices of families and community partners, and using “resources to help students develop the social, emotional, and conflict resolution skills needed to avoid and de-escalate problems.” The underlying causes of misbehavior, such as trauma, mental health, and drug and alcohol abuse, need to be addressed directly.

- Second, students must be held accountable for their actions in developmentally appropriate ways. Expectations and consequences to address student actions should be “clear, appropriate, and consistent,” and schools should rely “on suspension and expulsion only as a last resort.”

- Third, schools must “ensure fairness and equity for all students by continuously evaluating the impact of their discipline policies and practices on all students using data and analysis.”
In addition to releasing these guidelines, the DOE and DOJ have simultaneously published a directory of federal school climate and discipline resources outlining federal technical assistance and other resources available to schools and districts, a compendium of school-discipline laws and regulations, and an outline of recent federal initiatives on these issues. Furthermore, the Obama administration’s 2015 budget prioritizes education investments to implement these guidelines. President Obama has proposed a new initiative called Race to the Top—Equity and Opportunity and a comprehensive plan titled Now to reduce gun violence and increase resources available in schools.

At the same time, the Office for Civil Rights (OCR) will continue to investigate OCR complaints, make recommendations, and implement changes by reaching agreements with different school districts and issuing and enforcing findings.

“Don’t Sleep Through the Revolution”: What Can You Do?
“There is nothing more tragic than to sleep through a revolution,” Dr. Tyner stated to remind us of Dr. Martin Luther King’s message. These are revolutionary times, we can no longer allow this pipeline to expand, and we can no longer allow things to continue the way they have. We need to seize the moment and band together as lawyers and social engineers to say that we can make a difference, because the school-to-prison pipeline is wrong and needs to be dismantled. The panel explained how this is our problem, and we must be the solution.

Robert Saunooke brought it down to the individual level for us by explaining what he tries to remember every day: “I know I’m only one and I can’t do everything, but because I’m one and I can’t do everything, I am not going to refuse to do the something that I can do. So, everyone in here, you’re just one but you can do something, so go do that one thing you can do and that will make the difference.”

Here are some ideas discussed at the town hall that might be the “something” that you might be able to do to make a difference on this issue:

• **Join us at a future ABA STPP town hall.** The next one is in Boston, Massachusetts, on Friday, August 8, 2014, from 9 to 11 a.m. during the ABA Annual Meeting, and the organizers need your help to plan it. Plans are also under way for town halls in Washington, D.C., and Miami, and the organizers would like to hear from you about other potential locations, as well as your ideas for potential speakers. (Please contact: Sarah.Redfield@gmail.com.)

• **Let us know what is going on in your town, region, or state** pertaining to these issues so that we can better build that web and power to make a change. (Please contact: Sarah.Redfield@gmail.com.)

• **Join the Education Subcommittee of the Children’s Rights Litigation Committee to work on the Educational Civil Rights Accountability Project.** This project works
for strong monitoring by the DOE’s Office for Civil Rights and the DOJ to ensure that no
group of students is disparately subjected to school discipline, arrests at school, or
exclusion. (Please contact: Cathy.Krebs@americanbar.org.)

• Let the community be at the forefront to bring forth the change. There is always a
temptation for lawyers to take care of it and have the community step back. Engage with
community members on this issue and have an honest conversation. Ask community
organizations and members what you can do to help them make a change. Also, continue
to educate and mobilize your community, for example, by providing “know your rights”
workshops in schools. This will help you develop relationships, gain a better
understanding of what is happening, and go from there.

• Reshape the narrative. Try to reframe and think about the issues outlined above, such
as policing in schools and the impact of race, totally differently. Change the discourse,
thinking, and actions. Challenge the world and people around you, including
communities, churches, and advertisements, on these issues, particularly on implicit
biases. Don’t let those uncomfortable moments pass. If something doesn’t sound or seem
right, talk about it, and confront it. Change is never easy and painless. We have to go
beyond the dialogue—past our silos and comfort levels.

• Look at and follow the money carefully, and analyze what is cut and why.
Challenge these decisions. Connect with your state advisory group in charge of
distributing federal and state juvenile-justice amounts.

• Identify and share strategies to take advantage of the new federal guiding
principles issued by the DOE in collaboration with the DOJ.

• Figure out what it will take to change the law in your city, state, or region.

• Make recommendations for change and be specific. Make policy recommendations
for change at the local, state, or federal level. Write letters of support, provide new
language for legislation, draft a policy paper, or get involved in a policy committee.

• Spread successful models throughout the country, such as the Stand Up for Each
Other! suspension and expulsion project or the Legal Prep Charter model, a school with
no metal detectors, no police, open enrollment, incoming levels of students that mirror
the neighborhood, and a conflict-resolution process.

• Join the efforts of others nationally, locally, or both, working on these issues, such as
Advancement Project, Dignity in Schools, the Juvenile Justice Project of Louisiana,
Project NIA, Suspension Stories.
• **Take a case, criminal or civil, major or minor.** Consider taking a suspension or expulsion case, and look at Titles IV and VI.

• **Make OCR and Family Educational Rights and Privacy Act (FERPA) complaints.** FERPA protects the privacy of students’ records, but a lot of information is given informally orally and in writing to police, prosecutors, service providers, and other third parties to investigate, discipline, and prosecute youth. You can make complaints to the DOE relating to FERPA violations and to the Office for Civil Rights regarding OCR complaints based on discrimination.

• **Donate to a group** working to end the school-to-prison pipeline.

• **Train others** to take cases or do community workshops and think about developing a program for other pro bono volunteers, even if it is small.

• **Teach and mentor young people.**

• **Volunteer at your local school.**

• **Work with a social worker and other different stakeholders and service providers** to get a different perspective and come up with more effective solutions.

• **Support teachers** because teaching is a position that should be paid and valued.

• **Diversity and anti-oppression trainings are important,** but remember that trainings alone will not solve this problem.

• **Develop and focus on alternatives,** like restorative justice, but make sure they are well implemented.

• **Keep fighting against the continuously emerging new ways of criminalizing behavior.** For example, restorative justice and ankle bracelets in some jurisdictions have become new arms of the state. We need to dismantle this pipeline completely.

**Keywords:** litigation, children’s rights, school-to-prison pipeline, school discipline, expulsions, suspensions, policing schools, zero-tolerance policies, implicit bias, funding, educational trends, ABA town hall meetings

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By Robert M. Murphy

Anne Graffam Walker and Julie Kenniston, authors
Sally Small Inada and Julie Kenniston, editors
Katherine Caldwell, JD, legal researcher

This is the third edition of the classic publication (the second edition was published 1999) on how to question children for forensic purposes. The update is essential because even though this material is in a constant state of flux, the latest edition represents the best thinking at this time. It is very important to understand how to talk to children because “[e]ven young children can tell us what they know if we ask them the right way.”

The purpose of a trial is to “ascertain the truth” in order to “secure a just determination.” For this to happen in cases involving children, children must be prepared to testify and adults must understand how to question them.

The premise of this book is that it is up to the lawyers and judges to prepare young children to be competent witnesses in court. The foundation of the book is to apply the science of linguistics to children’s testimony. Linguistics is the study of language. In other words, it falls to lawyers and judges to put words into sentences that children can understand both inside and outside a court of law.

For a long time, children in our courts have been denied a right that should belong to everyone who enters the legal system: both to understand the language of the proceedings and to be understood.

The book primarily focuses on children 10 years of age and younger although the principles apply to all children as well as to adults with disabilities. The book begins by setting out some simple facts about children, i.e., children as young as two and three can recall and report past experiences accurately, and children as young as three have testified competently and credibly in court.

As children become more active participants in the court process, it is increasingly more important that lawyers and judges properly prepare them to be full participants in the system. In order to do so, they need to be properly questioned and understood. You do not have to be a linguistic scientist to question children in court, but you should be familiar with the science if your job requires you to talk to children. The purpose of this book is to educate lawyers and judges on how to do just that.

The book is broken down into a set of principles, then into problems to look out for in questioning, and things to look out for in children’s answers. Next, it covers additional
considerations such as cultural differences in dealing with children for whom English is a second language. Finally, it explores linguistic reasons as to why children’s credibility may appear to be compromised by inconsistency. It concludes with the message that when practitioners utilize the knowledge that social scientists have developed through rigorous research in the laboratory and field, they can minimize the extreme difficulties in questioning children.

Although we now understand how to question children, we have not followed through in applying this knowledge in the courtroom. Lawyers as the primary questioners and judges as the “gatekeepers” bear responsibility for opening the courtroom to allow children to tell what they know.

The book ends with 11 excellent appendices. Some of you may initially read the introduction and go straight to the appendix (as I did). For example, Appendix A, “Checklist for Interviewing/Questioning Children,” allows the lawyer to do field testing on their own clients or children.

For a number of years, I used the checklist from the second edition on this subject and kept a copy on the bench. I also advised lawyers who represented children and court-appointed special advocates (CASAs) to do the same. As valuable as the second edition was, the update is welcomed.

The strength of the book is that it distills the social science literature on this difficult task into a practical field manual for lawyers and judges. For example, how does a judge as the gatekeeper decide whether a child witness is competent to testify? The book breaks it down into a simple procedure: first establishing rapport, i.e., asking the child what he or she likes to do. If that doesn’t work, asking what the child did from the time the child got up until the child came to court, then asking follow-up questions that are primarily open ended, and lastly simply asking, “Do you promise that you will tell the truth?”

No more is required, but for those of us from the old school who feel the need to ask the traditional truth/lie questions, the book suggests the following: using pictures to cover the subject and asking from the child’s point of view whether a hypothetical child in the picture is telling a truth or lie. Asking from the judge’s point of view whether the judge is telling the truth is ineffective because most children are reluctant to say that a judge is telling a lie even if it is obvious that the judge is doing so. This approach is preferable to the common procedure of asking the child whether or not the judge’s robe is black or white and if they know the difference between the truth and a lie.

In sum, the duty to correctly frame the questions squarely rests upon the adult. The adult questioner has the duty to reduce inconsistencies in children’s testimony. Otherwise, any exaggeration or inconsistency in the child’s testimony casts a “dark shadow over the credibility of the child witness.” Often, the fault is not in the lack of competency of the children but in the lack of competency of the adult questioners.
While the book is very well written, it is more dry and academic than I would have liked. At times it reads more like a social science research article interspersed with academic style citations. I would prefer to leave the citations to the references section. I suspect few lawyers and judges will have time to read the references.

I strongly recommend that all lawyers have a copy of this book on their desk and that all judges have a copy on the bench. It is only 139 pages, and at $30—it is a bargain. Published by the ABA Center on Children and the Law, May 2013. Order the book here.

**Keywords:** litigation, children’s rights, children’s testimony, linguistics, book review, questioning youth

Robert Murphy is an administrative law judge (ALJ) with the Office of Administrative Hearings for the state of Washington.
NEWS & DEVELOPMENTS

Office for Civil Rights Releases New School Discipline Data

The U.S. Department of Education (DOE) Office for Civil Rights (OCR) has released new data on school discipline, including alarming numbers of preschoolers being pushed out of school. According to the newly released data snapshot, racial disparities exist from as early as preschool, where black children make up 18 percent of preschool enrollment and represent 48 percent of the preschool children that receive more than one out-of-school suspension. The discipline data can be accessed on the DOE OCR Civil Rights Data Collection page.

**Keywords:** litigation, children’s rights, U.S. Department of Education Office for Civil Rights, school discipline, data, preschoolers, suspension rates, race

—Marlene Sallo, web editor, Children’s Rights Litigation Committee

Fourth Edition of *Educating Children Without Housing* Released

The ABA Commission on Homelessness and Poverty has released the 4th edition of *Educating*. This book addresses the federal educational mandates related to homeless students under the McKinney-Vento Homeless Assistance Act and the revised edition includes 25 pages of new content including new sections on redetermining homeless status, best practices for serving students displaced by natural disasters, early childhood education, relevant federal guidance, and case summaries. Additional content was also added to the foster care section, making the book an excellent resource for child-welfare caseworkers and advocates. The book also includes an updated directory of resources for educators, advocates, and policymakers.

**Keywords:** litigation, children’s rights, *Educating Children Without Housing*, ABA Commission on Homelessness and Poverty, McKinney-Vento Homeless Assistance Act, homeless children, child welfare

—Cathy Krebs, committee director, ABA Section of Litigation, Children’s Rights Committee, Washington, D.C.

The Impact of the Interstate Compact on the Placement of Children Law

*Foster Kids in Limbo: The Effects of the Interstate Compact on the Placement of Children on the Permanency of Children in Foster Care* is an eye-opening report on the Interstate Compact on the Placement of Children (ICPC), a uniform law adopted by every state to coordinate the placement of foster children in other states. Every year 40,000 requests for home studies are made through the ICPC. This report compiles data on the ICPC and analyzes whether the ICPC is working as it should to protect and assist children.

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Keywords: litigation, children’s rights, Interstate Compact on the Placement of Children, foster children, placement, report, state law

—Cathy Krebs, committee director, ABA Section of Litigation, Children’s Rights Committee, Washington, D.C.