

Should We Love All Children or Just our Own?

Our soon-to-be-released study of child fatalities documents numerous physical assaults on children that caseworkers, law enforcement, investigators and the courts knew about but ignored. Perhaps we have become desensitized to violence against children, or forgotten that it is illegal, or just feel powerless to stop it.

As with broader cultural responses to brutality, mass shootings for example, the question is how much violence we will tolerate. Should we simply concede that we can't do anything about assaults against children other than our own? Or even accept the idea that children are the property of their parents, and we have no business interfering with their rights no matter what crimes they commit?

We have no new directions to recommend other than that we should persevere in loving all children and defending them from harm, including ones who are not our own.

Podcast narrative for Should We Love All Children Or Just Our Own?

For some time now we have been saying that we will release a report on child fatalities in Minnesota from 2015 to the present. We are nearly there! I expect that the report will become public in the next two weeks. Today's blog was prompted by some of the experiences that I and our Safe Passage staff attorney had in researching and writing the report.

As the blog hints at, our study is revealing a catastrophic breakdown in the norms of society which is allowing children to be egregiously harmed over long periods of time, sometimes even tortured, and sometimes killed. At the suggestion of one of our contributors, we decided to use a quote at the beginning of the report from Dante's *Inferno* which sums up the situation: *"In the middle of the journey of our life, I found myself in a dark woods where the straight way was lost."*

To make sure we were on solid ground in how we represented our findings, we asked Subject Matter Experts (SMEs) in a number of fields related to child welfare to review and comment on 4 to 6 reports each that included issues relevant to their particular sector. The groups included medical personnel with an expertise in child abuse and neglect, court officers including a former judge and three county attorneys, one person from law enforcement one Guardian ad-litem, several persons with expertise in domestic violence, and experts in the child welfare world including two retired child protection unit supervisors and a national policy expert.

What we found among other things was a pattern of ignoring assaults against children in a way that would be unthinkable if the same acts were committed against adults. I recommend that you read the report when it comes out it, but here are a few examples organized by the patterns we observed.

In the medical area we found a number of cases where primary care providers either ignored or didn't recognize known indications of child maltreatment. These included broken bones in infants, which can't be the result of a fall because infants are not mobile.

Regarding the response of county child protection agencies, we found a pattern of ignoring chronic neglect, which develops over time into what is called by some chronic multitype maltreatment. This is a process where neglect spirals downward to begin including sexual and physical abuse, starvation, and then sadistic actions for their own sake. In one case, the mother and two other adults held down the oldest sibling in 2006 and beat her, resulting in a conviction for malicious punishment of a child. Over the ensuing 12 years siblings born later were sexually assaulted by four different people, resulting in three convictions, allegations were repeatedly made that the mother would for example hold down the hands of children and hit them with a hammer, pour boiling water on them, or perform other forms of violence on them. Ultimately one of the younger siblings was put in a garage overnight in below zero temperatures and froze to death. In all of these instances the surviving siblings were returned home. It wasn't until prosecutors recognized that the child's death was a homicide rather than an accident, almost a year and half later, that the siblings were finally removed for good. This was not an unusual example of chronic multitype maltreatment other than that it was allowed to go on somewhat longer than similar ones.

In a number of cases this ultimately deteriorated into torture. Our project included four coders who recorded such incidents using three recognized definitions of torture, one from Minnesota state law, one known as the Knox standard from an oft-cited research paper, and one from The National Center for Child Abuse Statistics and Policy. Our sample included 88 fatalities, and our coders found 15 cases with elements of torture, which may have been clearly documented as torture but information necessary to make that judgment was missing in the court documents. We subsequently shared these with two national experts on child torture, which led to a consensus that at least all 15 cases have elements of torture and at least five children met the criteria for all three measures.

One of our reviewers, Dee Wilson, gave the following description of what "counts" as torture of children. Dee is a former child welfare manager and researcher in the state of Washington and for Casey Family Programs who currently writes a blog called the Sounding Board, which you can find in The Imprint which is an online child welfare newspaper:

"Torture is characterized by systematically depriving children of both food and water, binding children and/or forcing them to stay in confined spaces for hours or days at a time, the use of humiliation and sexual abuse to dehumanize a child and break the child's will, repeated extreme physical abuse leading to permanent disfiguration or physical dysfunction or death, complicity in the plan of torture by both parents and (sometimes) siblings, medical neglect due to prolonged denial of medical attention even when a child is in obvious pain. Torture differs from battered child syndrome, which typically involves assaulting a child impulsively to keep them from crying. In addition, children who are tortured are frequently older children rather than infants and toddlers."¹

Another distressing pattern was the lack of effective safety plans. This occurred many times but in one case it revolved around the impotence of no contact orders in a domestic violence case. In this particular situation there were at least 10 Domestic Abuse No Contact Orders, or

¹ Personal conversation with Dee Wilson November 2022.

DANCOs that led to multiple convictions for the one of the fathers. Yet the mother was allowed by the courts to withdraw at least two no contact orders because she said she wanted to work on the relationship with the father. Another father in the same household began sexually perpetrating on a child when she was an infant and continued until the age of five despite the fact that he was not supposed to be allowed in the household. In this and a number of other cases, there was an overlap between domestic violence and child maltreatment, which ultimately resulted in the death of one of the children. The court records mentioned several safety plans during the life of the case, though as we found with court records and general safety plans I seldom if ever described in any detail.

Another pattern we identified was reunifying children with violent parents who had not followed their case plans or shown signs of actually addressing the issues that got the children removed in the first place. The court documents typically included a long history of the parents not addressing the mental health or substance abuse problems, then at one point without much explanation the children were reunified and the case dismissed, which led shortly afterwards to the child's death.

Lack of coordination between different sectors was evident as well. There were several cases of mothers who had serious mental health issues being released from a psychiatric hold and returned to take care of small children. This raises obvious questions about discharge planning at inpatient mental health facilities, as well as why child protection would feel comfortable with mothers who had just within a few days had a major psychotic break being considered safe for the children. In one recently reported story, a nine-year-old boy was shot nine times with a shotgun by his mother as he sat strapped into his car seat. She then stuffed him in the trunk. Law enforcement saw the mother driving on her rims with blood all over her and the car and smashed windows but let her go. It was only after they discovered the boy's body in the trunk that they arrested her.

A politically sensitive issue is the misuse of kinship foster care. 10% of our cases were in foster care and all but one in kinship foster care. Our findings, and those of the 2015 report by the Hennepin County Citizens Review Panel, indicated that children were placed with relatives without much due diligence. In one situation the relative who received the child gave the child to a different relative who then moved in with the parents from whom the child just been removed. In another, a Black infant was placed with a white supremacist who was the husband of a cousin. He wrote racial slurs on the infant in magic marker, screamed racial slurs at her, and ultimately beat her so badly that a court hearing had to be rescheduled to allow enough time for the autopsy. In all these cases our Subject Matter Experts concurred that mistakes had been made and procedures had not been followed.

This has been a difficult report to research and those of us involved in ultimately felt anger, revulsion, depression and some form of secondary trauma, and we fear that readers of the report will experience some of the same reactions.

I could go on and on about other case studies that similarly reveal a sometimes almost total breakdown in the system from the point of view of what children need. It is hard frankly to feel optimistic about any plan to make the situation better in part because of the factors that got us

to this point. One of them is the pressure from activists on both the right and the left to not break up families. On the left this comes from the perception that child welfare has removed children from BIPOC families somewhat willy-nilly, because the system does not understand anything other than the white culture. I doubt however that anyone reading these case studies would agree that for these particular children child protection acted too soon.

Pressure from the right comes from parents' rights groups including homeschoolers who perceive any government involvement with the family as an intrusion.

At a more systems level, the public policy positions of institutions in closely related sectors to child welfare have not included child maltreatment in their agendas. These include for example the early childhood learning community, in-home parenting skills training programs, childcare, domestic violence and others. While unintended, the net effect has been to squeeze out the interests and rights of maltreated children as a public policy priority.

Addressing these monumental problems feels daunting, somewhat like rebuilding a country after a war. We could probably write a whole book on next potential steps without covering the topic. The first step however has to be to hold ourselves and the institutions of society, that are closely related to child welfare to account for responding to violence against children.

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