

**Oklahoma Institute for Child Advocacy**  
**20<sup>th</sup> Anniversary Celebration**  
**Remarks by Anne Roberts**

**History of Child Advocacy**

Child advocacy stems from the concept that children are more than property, more than simply instruments of economic gain for their parents. When I began researching the history of children in America, I was amazed at how far we've come, and how much we now take for granted. For instance, back in colonial times, poor parents used to sell their children, or contract them out, to pay off their debts. Children as young as seven were routinely hired to work in factories and coal mines. In the Civil War, children served as "powder monkeys" to bring ammunition from the bowels of a warship to the gunners on deck.

But the tide began turning soon thereafter. When the Civil War was over, 8 states established orphanages for children of dead soldiers. A few years later, the US Office of Education was created, and by 1920, all the states had enacted compulsory education laws.

In the 1870s came the first recorded case of child abuse in New York State, which led to the founding of the Society for the Prevention of Cruelty to Children. Ironically, of course, this new organization was patterned after the American Society for the Prevention of Cruelty to Animals, which was founded 9 years earlier.

One hundred years ago, at the end of the 19<sup>th</sup> century, the Illinois legislature passed a law that established the first juvenile court in Cook County, Chicago. This was based on the concept that children are developmentally different than adults, and need to be treated differently than adults. In 1904, the National Child Labor Committee was created, and the formal child advocacy movement was born. As with most child-related issues, this one was not easy. Congress passed a child labor law three times over the course of 30 years, before the courts let it stick.

Then, of course, came World War I, then the Great Depression. World War II once again took thousands of GIs to foreign soil, and lead thousands of American mothers into the workforce, causing Congress in 1942 to pass the Lanham Act to provide child care assistance for Rosy the Riveter.

It was after World War II that Pediatricians began reporting their observations about childhood injuries that lead to the process of documenting the willful victimization of children by others. Since then there has been no shortage of controversy about the best way to provide for children who must be removed from their abusive parents.

Then came the landmark US Supreme Court decision in 1967 ruling that the due process and equal protection rights in the U.S. Constitution DO apply to youth. This brings us to Oklahoma in the 1970s and the infamous Terry D. Lawsuit.

**History of Child Advocacy in Oklahoma**

In 1978, Oklahoma's child welfare and juvenile justice systems were sued by three civil liberties groups over the conditions in the institutions housing children in state custody. This lawsuit prompted the Gannett News Service to conduct a five-month investigation that uncovered scores of

accounts of children being brutally beaten, sexually assaulted and subjected to barbaric conditions. One study showed that less than 8% of the children in custody had entered as delinquents, and there existed no state or court records to explain how or why over half the children were being detained. At the time of the lawsuit, DHS had a capacity of over 1200 beds in large congregate care facilities housing juvenile delinquents along side abused, neglected or abandoned children.

Many dedicated public servants came to the rescue of these children, working for years to clean up the mess, close down the institutions, establish services closer to home, and ensure that children in state custody are not only safe, but well cared for.

### **Origin of the Oklahoma Institute for Child Advocacy**

Yet in the midst of it all, the Gannett Foundation felt there was a piece missing. The Foundation wanted to ensure that, after all the attorneys and judges and legislators had finished their work and gone on to other business, there should remain an organization solely focused on the needs of children, that had no other business to go on to. So in 1983, the Foundation provided a \$50,000 grant to start the Oklahoma Institute for Child Advocacy. Since then, OICA has been the voice for Oklahoma's children, working in a variety of ways to raise awareness of the value and vulnerability of children, and to work to find solutions to their needs.

Following are highlights from the legislative reforms accomplished by Oklahoma child advocates over the past two decades.

### **Juvenile Justice**

The Terry D. Lawsuit brought a lot of attention to Oklahoma. You read the description of the conditions that lead to the lawsuit, including housing abused and neglected kids together with juvenile offenders. It took quite a few folks quite a few years to get things in order. But the result was the transformation of our juvenile justice and child welfare systems.

After 20 years of federal court intervention, both the Department of Human Services and the Office of Juvenile Affairs have achieved dismissal of the Terry D. Lawsuit. The lawsuit and subsequent legislation brought about the dismantling of the larger institutions, and the gradual establishment of community-based services. Abused and neglected children are treated in a totally separate system from delinquent children. Before entering either system, children are assessed for their individual treatment needs. There is now in place a continuum of services, beginning with the First Offender and Graduated Sanctions programs that retard the progression of youth into the juvenile justice system, through regional detention facilities and group homes. Facilities are now nationally accredited and monitored for safety and appropriate treatment. In short, Oklahoma has, in the words of the Honorable Ralph Thompson, federal judge in the lawsuit, made a "journey from dark into light."

### **Maternal and Child Health, including Tobacco Use Prevention**

Access to health care has always been a difficult issue, especially in a rural state like Oklahoma. 20 years ago, there were numerous counties where there were no doctors to provide prenatal care and delivery services. Medicaid was only available to pregnant women and children in the poorest of families. Then came the flurry of "drive through deliveries", where most health insurance plans limited the amount of time mothers and newborns could stay in the hospital to less than 24 hours.

More recently we were introduced to the phenomenon of abandoned babies, where distraught mothers abandoned their newborns, rather than face the overwhelming task of raising them.

Turning to the arena of health and tobacco, the situation was truly grim. Kids of all ages could legally purchase tobacco. As late as 1999, 42 percent of high school students and 21 percent of middle school students acknowledged smoking.

Today, Medicaid is available to working families earning up to 185 percent of the federal poverty level. The decision about how long new moms and babies can stay in the hospital is made by the doctor - not the insurance company. And parents who know they cannot keep their newborn baby can leave that child with a physician or other child rescuer without being prosecuted. Selling tobacco to minors is against the law, and smoking by youngsters had dropped dramatically. One of the biggest reforms, of course, was securing the proceeds from the tobacco settlement in a trust fund, to be used only for health-related needs.

### **Child Abuse Prevention, Intervention and Treatment**

Thousands of Oklahoma's children are deliberately battered, maimed, starved, burned and bruised each year. Confirmed cases of child abuse increased well over 100% over a six-year period. The consequences of child abuse are well documented. Children who are emotionally, physically, or sexually abused must struggle to become productive and compassionate adults. The vast majority of persons incarcerated for violent crimes were abused as children.

Until the mid-1980s, services addressing child abuse and neglect were focused on intervention. This "after-the-fact" approach was meant to interrupt abuse, work intensively with families, and prevent the abuse from happening again. However, with the incidents of child abuse and neglect increasing to epidemic proportions, a new "before-the-fact" approach was needed to stop the abuse before it started. So in 1984, the Child Abuse Prevention Act was created to develop a comprehensive approach to prevention services, and also created fund for community-based prevention programs.

Then, in the mid-90s, several especially heinous deaths by child abuse occurred, setting off alarms – and legislative action. The famous "Ryan Luke" bill was enacted, to better protect children from unsafe situations. It expanded the use of multidisciplinary investigation teams and Court Appointed Special Advocates. That same year, funds were provided to hire 95 more child protective service workers, and the new home-visitation program, called Children First, was established.

Today, the old philosophy of working to reunify abusive families has been replaced with a new philosophy of decision-making based upon the best interests of the child.

In the last 20 years, a diverse group of legislators, ranging from former prosecutors and judges, to social workers and therapists, have come together to build a wall of protection around very vulnerable children.

### **Children with Disabilities**

About 17 percent of children under the age of 18 suffer from a developmental disability. Autism is now the third most common childhood disorder, behind mental retardation and cerebral palsy. With proper intervention, a child can overcome a wide range of developmental problems. Intensive,

well-designed and timely intervention can improve the prospects - and the quality of life - for many children who are at risk for cognitive, social or emotional impairments.

Yet in Oklahoma in the mid-80s, fewer than 500 children under age three with disabilities were receiving any type of services. The services that were available for families with young children with disabilities were fragmented and uncoordinated. Many families whose children might have qualified were not even aware that any services existed.

Then in 1989, the SoonerStart program was created as a comprehensive, coordinated, multidisciplinary and multi-agency approach to providing services to infants and toddlers with disabilities and their families. Today, more than 8,500 children under three are receiving services. In 1990, another bill was passed targeting school-age children with handicapping conditions. And soon thereafter, the Family Support Act was passed, providing cash assistance to families of children with disabilities so that they can take care of their children at home.

### **Poverty**

The next topic is so pervasive, it's hard to get your arms around. The topic is *poverty*, and it's not pretty. We all know that Oklahoma is a poor state, but we don't often think of it in terms of children. More than one-quarter of a million Oklahoma children live in poverty. That's one child in every four. Poverty can do terrible things to children. It leaves them hungry, poorly clothed, and vulnerable. And tax policies in Oklahoma add an additional burden. Oklahoma is one of only 19 states that collects income tax from families that earn below the poverty line. Court-ordered child support could help alleviate childhood poverty, but in 1988, only about 10% of absent parents contributed support to families receiving welfare payments. And the original child support guidelines placed Oklahoma 47<sup>th</sup> in the nation in terms of the amount paid per capita.

But this all began to change in the early 90s, when Oklahoma created the Centralized Child Support Registry. In 1992, less than \$52 million was collected in child support. In 2002, a record \$143 million was collected. Paternity was established for almost 14,000 children, representing 90% of Oklahoma's out-of-wedlock births.

One of the most effective strategies for lifting working families out of poverty in America began in 1975 with the Federal Earned Income Tax Credit (EITC), which put money back in the hands of those who need it most: low-wage workers. In 1999, Oklahoma lawmakers created a state-based EITC to further ease the tax burden on our state's poorest families.

### **Children's Mental Health**

In January 2001, Surgeon General David Satcher reported that the nation is facing a public health crisis in mental health for children and adolescents. According to Satcher, "In the United States, one in ten children suffers from mental illness severe enough to cause some level of impairment. Yet, in any given year, it is estimated that fewer than one-in-five of these children receives needed treatment." Oklahoma experts estimated that as many as 60,000 Oklahoma children and youth may have a serious emotional disturbance, creating difficulties as they interact with their families, school mates and members of the community.

In the 1980s, few formal standards or guidelines existed to evaluate the mental health needs of children. Children were often indiscriminately placed in inpatient psychiatric treatment, locked away from their families and communities, sometimes for only minor problems. Agencies frequently worked separately from one another, and sometime in conflict with each other, to address the mental health needs of children.

Then in 1985, we passed the Children in Need of Treatment Act, and began to focus on providing community-based services to kids. In the 90s, we implemented best practice models of treatment to keep children close to their communities and families. Gate-keeping has become a key component in evaluating the mental health needs of children, and ensuring they receive the most appropriate treatment. The Systems of Care model, providing a comprehensive array of mental health and support services for children and their families, has been introduced in five pilot sites in Oklahoma. State agencies are now working together and with community partners and family members to coordinate and improve services for children.

### **Early Childhood Care and Education**

Two decades ago, the majority of Oklahoma infants, toddlers and preschool children had a parent at home: not so today. Now, two-parent households increasingly need a second income to support the family. The increased participation of Oklahoma women in the workforce is further fueled by our high divorce rate and the growing number of single-parent families. Currently, three-out-of-five mothers with young children are in the workforce.

What all this means is that a majority of Oklahoma children are now spending at least part of their early years in the care of people other than their parents. Yet the child care available to these parents was often poor quality, and financially out reach. So in 1991, our legislature created the Office of Child Care within DHS to develop a state child care plan. Since then, Oklahoma has made remarkable - and, I might add, nationally recognized - progress. Oklahoma now focuses on the affordability, accessibility and quality of child care for all our families. We have one of the first ranking systems for child care that ties quality to reimbursement rates. And on-line technology and a statewide child care resource and referral system have dramatically improved the ability of all parents to locate and choose high quality child care.

### **Education**

Did you know that in the 1989, the starting salary for an Oklahoma teacher was \$15,000 a year? The average class size ranged from 35 to 40 students. State law required school attendance only for children between the ages of 8 and 16. Kindergarten attendance was voluntary. The teaching environment was regulated, leaving teachers little ability to be creative and use their own methods of teaching. Oklahoma did not have state accreditation guidelines, or even statewide curriculum and graduation guidelines. And even though we know that the involvement of parents is the key to a child's educational success, parental involvement was declining.

Then in 1990, the sweeping education reform package called HB 1017 was passed, providing a better teaching environment and curriculum standards. It reduced class sizes for elementary school to no more than 20 students per class. It revised the compulsory school age range to 5 to 18 years old. HB 1017 provided for mandatory half-day kindergarten, and allowed for voluntary pre-school. Oklahoma adopted accreditation standards, and placed the focus on rigorous core courses and

educational outcomes. We were able to raise teachers' salaries and initiate mandatory parent-teacher conferences.

The results have been gratifying. The foundation laid by the 1990s reforms, coupled with funding and incentives provided throughout the decade, and provided impressive results. A record number of our graduating seniors are taking the ACT college-entrance exam in Oklahoma. And, significantly more students are completing the ACT-recommended core curriculum. In fact, in his state of the state address this year, Governor Henry recognized 5 young people who had made perfect scores! Oklahoma's Advanced Placement Incentives Program has been largely responsible for the 122% increase in the number of students taking Advanced Placement course exams. Oklahomans are becoming better educated, and better able to compete in the global economy.

The work of child advocates is challenging. Yet working together, great things are accomplished. We all share a common passion, and that is to create an Oklahoma where all children have the opportunity to grow up healthy, safe and nurtured. This glimpse of history reminds of what that passion can do!