The Children’s Inaugural Ball - 2009 -- America’s Children celebrate and welcome the new President; Sunday, January 18, 2009; 12:00 noon - 5:00pm; Historical Society of Washington, D.C., 801 K Street, NW at Mount Vernon Square, Washington, DC, sponsored by Every Child Matters Educational Fund, and many other national sponsors. For more information, go to their website at:

http://www.everychildmatters.org/National/Campaigns/Children-s-Inaugural-Ball.html

Recession’s Impact on Medicaid and CHIP Coverage for Low-Income Families.

According to a report recently released by Families USA entitled “A Painful Recession: States Cut Health Care Safety Net Programs”, nineteen states have enacted or proposed Medicaid or CHIP (Children’s Health Insurance Program) cuts for fiscal year (FY) 2009 or FY 2010. Eighteen of the 19 states have enacted program cuts in their FY 2009 budgets. As of November 2008, 13 states (California, the District of Columbia, Florida, Georgia, Maine, Massachusetts, Minnesota, Nevada, New York, Rhode Island, South Carolina, Tennessee, and Utah) have enacted or are considering making reductions in the benefits that are covered by Medicaid or CHIP. Five states (California, Georgia, Maine, Rhode Island, and Vermont) have enacted or are considering increasing the out-of-pocket costs that low-income people must pay for health care in Medicaid or CHIP.
Six of the 19 states are already considering a second round of cuts in their FY 2009 or 2010 budgets. The report states that more than 1 million people are at risk of completely losing health coverage in Medicaid and CHIP because of cuts that have been enacted or that are currently under consideration in the following eight states: Arizona, California, Florida, Georgia, Nevada, Rhode Island, South Carolina, and Tennessee. Those states estimate that more than one-quarter of a million people will lose coverage because of cuts that have already been enacted, and more than three-quarters of a million people are at risk of losing their coverage if proposed cuts become law. Of those who have lost or are at risk of losing their coverage, more than 590,440 are adults, and more than 447,340 are children.

Also, according to the report, three states (including Iowa) that were planning to expand coverage are putting those plans on hold because of the economy and uncertainty about CHIP reauthorization.

**December Statistical Summary:** During the month of December, the Iowa Supreme Court rendered no opinions in juvenile cases. During the month of December, the Iowa Court of Appeals rendered 20 opinions in juvenile (or juvenile related) cases. Of those 20 cases, 15 were Termination of Parental Rights (TPR) cases, 4 were Child in Need of Assistance (CINA) cases and 1 was a guardianship case. Here are the results in those cases.

**TPR Cases:** In 14 of the 15 TPR cases, the parent(s) appealed the trial court’s order terminating parental rights, and the Court of Appeals affirmed the termination of parental rights. The other TPR case addressed the Iowa ICWA (which decision was discussed in the last issue of *Child Views*) and also resulted in an affirming of the termination.

**CINA Cases:** In one CINA case, the Court of Appeals affirmed the trial court’s order placing the child with the noncustodial parent. In another CINA case, the Court of Appeals affirmed the trial court’s orders of removal, adjudication and disposition (*see discussion below*). In another CINA case, the Court of Appeals affirmed the trial court’s order of adjudication. In one CINA case, the Court of Appeals reversed the trial courts order (without notice to the foster
parents) placing guardianship and legal custody of the child with the maternal grandparents (see discussion below).

**Guardianship Case:** In the guardianship case (which decision was discussed in the last issue of *Child Views*), the Court of Appeals affirmed the trial court’s granting of a guardianship to the maternal aunt over the objection of the father.

**Sexual Abuse of One Child Can be Evidence of Danger to Other Children:** *In the Interest of A.R., J.R., and P.R., (Iowa Court of Appeals, December 31, 2008):* In this appeal of Removal, Adjudicatory, and Dispositional Orders, the Court of Appeals directly addressed the issue of whether or not the state must establish adjudicatory harm to each child when one child has been sexually abused. The Court of Appeals held that the court does not have to wait until harm actually occurs to the other children in order to adjudicate and remove those children:

“Although every CINA adjudication addresses a unique situation, facts in prior cases suggest that perpetrators of sexual abuse often abuse multiple children in the family . . . .” *D.D.*, 653 N.W.2d at 362. “Prior decisions likewise reflect the common sense notion that, ordinarily, all siblings are at risk when one child has been sexually abused.” *Id.* There is clear and convincing evidence present in the extensive record that Jeffrey O. sexually abused Paige’s and Jeffrey D.’s sister Ashley . . . In light of the foregoing, we reject the appellants’ argument that Paige and Jeffrey D. are not CINA under sections 232.2(6)(c)(2) or 232.2(6)(d), because there were no allegations that Jeffrey O. sexually abused them. See, e.g., *In re E.B.L.*, 501 N.W.2d 547, 548 (Iowa 1993) (father allegedly sexually abused older daughter and all six children adjudicated CINA); *In re A.B.*, 492 N.W.2d 446, 447 (Iowa Ct. App. 1992) (court ordered CINA petition to be filed as to all children after allegations of sexual abuse of one child). Our statutory CINA provisions are “preventative as well as remedial.” *In re L.L.*, 459 N.W.2d 489, 494 (Iowa 1990). “They are designed to prevent probable harm to the child and do not require delay until after harm has occurred.” *Id.*

**Notice to Foster Parents:** *In the Interest of T.W., (Iowa Court of Appeals, December 31, 2008):* In this case the foster parents appealed from an order, which was entered without notice to them, placing guardianship and legal custody of the child with maternal
great-grandparents. The Court of Appeals reversed the trial court holding that the foster parents were entitled to notice and an opportunity to be heard:

Section 232.88 governs “judicial proceedings” under “Division III Child in Need of Assistance Proceedings.” The statutory provision is unambiguous: “reasonable notice for any hearing under this division . . . shall be provided to . . . a foster parent.” Id. The provision does not state that notice need only be given to foster parents who have become parties.

The Court of Appeals also rejected the argument that the foster parents, not being parties to the proceeding, were not entitled to appeal the trial court’s decision:

The September 22 hearing resulted in T.W. being removed from the preadoptive care and custody of the foster parents without affording them a chance to be heard. This was contrary to their rights under section 232.91(3): “Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child.” We believe the foster parents fit within those authorized to appeal under Iowa Code section 232.133, which provides: “An interested party aggrieved by an order or decree of the juvenile court may appeal from the court for review of questions of law or fact.” Without the right to appeal, the notice requirements under section 232.88 and 232.112, and the right to be heard under section 232.91, would be entirely meaningless. We therefore deny the great-grandparents’ motion to dismiss this appeal.

The State of America’s Children: A recent report from the Children’s Defense Fund (CDF) entitled The State of America’s Children 2008, provides valuable information about America’s children. Here are statements made by CDF in the summary of that report:

Children in America lag behind almost all industrialized nations on key child indicators. The United States has the unwanted distinction of being worst
among industrialized nations in relative child poverty, in the gap between rich and poor, in teen birth rates, and in child gun violence, and first in the number of incarcerated persons.

**Poverty**
- Every 33 seconds a baby is born into poverty. One in 6 children in America is poor. Black and Latino children are about 3 times as likely to be poor as White children.

- Almost 1 in 13 children in the United States—5.8 million—lives in extreme poverty. Young children are more likely than school-age children to live in extreme poverty: 1 in 11 young children, compared to 1 in 14 older children.

**Demographics**
- Minority children are a majority of the child population in six states and in the District of Columbia. In 12 other states, minority children make up between 40 and 50 percent of the child population.

**Health**
- Currently, 8.9 million children are uninsured. One in 5 Latino children and 1 in 8 Black children are uninsured, compared to 1 in 13 White children.

- In almost every state, Black and Latino babies are less likely than White babies to be born to mothers who received early prenatal care. About 1 in 12 babies born in the United States is low birthweight, with Black babies about twice as likely as White or Latino babies to be born at low birthweight. Infant mortality rates are more than twice as high for Black infants as for White infants.

**Child Welfare**
- More than 900,000 children were abused or neglected in 2006.

- Although Black children comprise 15 percent of all children, they are 32 percent of the approximate 500,000 children in foster care.

- More than 2.5 million grandparents are raising their grandchildren.
Early Childhood Development
➢ In 33 states and the District of Columbia, the annual cost of center-based child care for a preschooler is more than the annual tuition at a 4-year public college.

➢ Only about one-half to two-thirds of children eligible for Head Start are enrolled, and only about 3 percent of eligible infants and young children are enrolled in Early Head Start.

Education
➢ About two-thirds of public school 4th graders cannot read at grade level; 6 out of 10 cannot do math at grade level. More than 80 percent of Black and Latino 4th graders in public school cannot read at grade level, compared with 58 percent of their White peers. 85 percent of Black 4th graders in public school cannot do math at grade level, compared to 78 percent of Latino children and about half of White children.

➢ 7 out of 10 public school 8th graders cannot read or do math at grade level. More than 4 out of 5 Black 8th graders cannot read or do math at grade level, compared to 3 out of 5 of their White peers.

“Go confidently into the direction of your dreams. Live the life you always imagined.” -- Henry David Thoreau