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## Panel Discussion 3: Confronting Political and Economic Challenges

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So please thank all these people. They've been tremendous in putting today together.

JOHN EVANS: I'd certainly like to echo everything Jessica said, and I'd like to recognize her because she put in countless hours, especially this week, and I owe her that. I think we've done an excellent job of covering the legal aspects of protecting children, but as you notice, the title of this symposium is "The Politics of Protecting Children," and one very important aspect of that is the political field. So, we want to have one panel dedicated to some of those issues in public budgeting and political aspects. So, we put together what I believe is a wonderful panel to talk about legal and ethical responsibilities of protecting children in a political-type frame. With us on this panel is Representative Sherry Jones. She's in the Tennessee General Assembly representing District 59. We have Connie Steere, who is an executive director for CASA in Kingsport. And we have Mary Walker, who works with Big Brothers and Big Sisters of Middle Tennessee, and she was former general counsel for the Department of Children's Services. So I'll turn it over to them. Thank you all so much for being here.

### **PANEL DISCUSSION 3: CONFRONTING POLITICAL AND ECONOMIC CHALLENGES**

*Representative Sherry Jones*  
*Connie Steere*  
*Mary Walker*

CONNIE STEERE: The three of us have already discussed that we don't know if we can sit there that long. I know I can't. Anybody that knows me knows I'm a little hyper, so I'm standing. I prepared a few slides just to give you an idea of what CASA is, rather than me just talking. So if you

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will, just concentrate and speed read. (Whereupon a slideshow was shown).

(Title of first slide) “Indispensable for Justice.” Our Bar associations work very closely with us. We're stabilizing instead of moving up. There are more quotes from guardians ad litem coming up so please read them. Here is why I believe the CASA programs are effective. Notice from left to right, we're having to do a whole lot more fund raising to try to meet the need. One of our judges, a Bristol judge, has a quote at the bottom. Here's one of our programs serving Sullivan and Hawkins, but there's twenty-five programs across the state of Tennessee serving forty-two counties, not ninety-five, and this is where I am right now.

With the topic that John Evans sent me, these are a few things I'd like to go over. I'm mostly going to talk about CASA because I've been the executive director of CASA for Kids in Sullivan and Hawkins Counties for the past fifteen years. I took the job after coming off residential for over 1,000 teenagers, so I do know about children and youth in state custody. I really thought that the CASA Program, with what we do, serving abused and neglected children and getting concerned citizens to want to help – and because I can make connections, I can talk to businesses, and I knew the judges already so we were welcome in the courtroom – I'd only need about three to five years, and we could be serving 100 percent of those children. As hard as we've worked, we're only still at forty-seven percent, and that's probably one of the highest percentages across the United States, well not the United States, but in Tennessee because some state CASA programs are 100 percent funded. However, you'll be surprised to hear me say that I don't want to see 100 percent funding. I really don't. Because we're a nonprofit of concerned citizens, and we need the whole community, every county in every state in the union, to care about children, all children, whether they're your own children or

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not. Because if we don't, we all lose. The first day of the month of April is Child Abuse Prevention and Awareness Month, so that's why I wanted to come. I thought April, and so I'm here. And as a legal body, a political body, we're all involved in this whether we want to be or not or whether we know it or not.

(Title of next slide) "Ethical CASA Confronts Protecting Children in the Courtroom." These are some points in ethics that will depend on the beholder. I looked at the role of being a volunteer because that's what we are in the CASA programs. We're volunteers, except for the staff that we manage to hire like my host there, Amy Williams, who used to be on my staff and is now in your College of Law here at UT. They're volunteers that advocate for the best interest of abused and neglected children in juvenile court. One of the ethical problems is that you are only a volunteer. We like to point out that our judges, the five that we work with in Sullivan and Hawkins Counties, are not just my special advocates, they've gone through over fifty hours of professional training, and I just swore them in as officers of the court. I want to hear what they have to say because they're moms and dads, brothers and sisters, nieces and nephews, business people, teachers, and nurses that care about kids. I want to hear what they have to say because they've done investigations, and they are only there for the best interest of the child.

Another area you could call ethics, maybe as far as the law, is confidential reports. Sometimes we are told that our confidential reports to the court, which sometimes can be thirty to forty pages long by the time we get all the medical records, criminal records, employment records and everything else to go along with our assessment and recommendation, are full of hearsay. I'm not going to deny that. It is hearsay, but it's reliable hearsay according to Judges Toohey, Luethke, Lauderback, Kennedy and Taylor. It's reliable because I just swore them in as officers of the court, and I trust that they have done their homework and

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investigated well. And if not, it's up to executive directors like myself to make sure that you've got a good, educated, nonbiased, hard-working volunteer.

(Title of next slide) "Right of Discovery, Ethical." Every attorney in that hearing has the right of discovery. That is tough sometimes for volunteers to accept, but it's the right of anybody who has counsel. However, we do want the attorneys, the court and judges, and all parties to realize that sometimes that right of discovery can compromise the safety of the child as they go back home. Also, as far as continuances, I think that can be an ethical problem in regards to children brought to the attention of the court due to allegations of abuse and neglect. The child's sense of time is now. They need protection now. They need their circumstances improved now. Continuances are continued and continued and continued, and that thirty-day hearing becomes much, much longer than before the adjudication and the disposition. That's what we, as advocates, are not pleased about and are disappointed for the child.

The next one (motioning to next slide). As part of the legal community, I believe a guardian ad litem attorney should be on every hearing, every single one. With CASA and a guardian ad litem attorney working together, we can help and present a lot of information to the judge. But CASA cannot legally question or legally present the case. At the same time, if you quickly read those quotes, you will see our guardian ad litem attorneys, who we have worked closely with for a long time, say right up front that we can't do all that you do, and our judges say the same thing. Attorneys don't have the time, and especially at the payment base of what guardian ad litem attorneys make in juvenile court, they do not always want to take the time because they're not going to get reimbursed a whole lot. Also, they can take other cases instead. So, I read up a little

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bit on that, and with that and D&N,<sup>1</sup> and also with custody and 40A,<sup>2</sup> every one of the custody cases that we work in Sullivan and Hawkins Counties are allegations of neglect, and sometimes they're more complicated and take longer to really ensure the child's safety than your full D&N cases. That's just the reality of how the petitions come in, whether they're relatives or they're already removed from the home and in the custody of Children's Services. So at the same time, a guardian ad litem in custody cases needs to be able to act as an attorney and really present the case, and right now, my understanding of 40A<sup>3</sup> is that it isn't really a part of it.

Now for a couple of illustrations of guardians ad litem and CASA working together. About a month-and-a-half ago now, I came in on a Sunday afternoon – I work quite a bit on the weekends just to get all the grants and fund raising and everything done – and there was our newest guardian ad litem, who had been appointed to a lot of our cases in Kingsport, the CASA volunteer, and one of my volunteer coordinator staff sitting at the conference table on the program suite side and working away on a case. I left, and five hours later, they were still there wanting to adequately prepare the defense of an in the best interest of the child case that they were appointed to as a special advocate and as a guardian ad litem attorney.

Another one was one of the vignettes that turned in to IOLTA<sup>4</sup> with the Tennessee Bar Foundation that we have a grant with. A lot of the CASA programs also have IOLTA grants on the Interest on Legal Trust Account in Tennessee. One of my coordinators on the vignette reported how a guardian ad litem attorney had taken a private plane. I meant to ask before I left yesterday and didn't, whether it

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<sup>1</sup> Dependency and Neglect.

<sup>2</sup> TENN. SUP. CT. R. 40A.

<sup>3</sup> *Id.*

<sup>4</sup> Interest on Legal Trust Accounts.

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was his own or if it was a friend's, but he took, as a guardian ad litem attorney, another coordinator on staff and the CASA volunteer and flew to Charleston, West Virginia to guarantee that the relative placement or custody was going to be in a safe and permanent home and could adequately report that to the court. It was all on their own. He didn't bill it. He can afford it. The other illustration was the first one regarding our newest guardian ad litem. It was the one about a Sunday afternoon at CASA for Kids headquarters. She's just out of law school, and we already discussed among staff that she probably won't do it much more than another year or so, because financially she's got big debt from law school. But we needed her, and when I say we, I mean abused and neglected children coming to the attention of juvenile court.

(Title of next slide) "Political challenges." Well, the State budget is one, and CASA's affiliation sometimes gets lost in that State budget. Right now, we are under the control of TCCY, that's Tennessee Commission on Children and Youth, and we're happy and proud to be there. Linda O'Neal is a great champion. However, amongst the budget of TCCY, CASA is just where it is. It is DCS-money that's channeled through. However, if I was over at DCS, I certainly would want most of, or a high majority of, that money going to DCS, not to CASA. In some states, CASA is a line item on the budget for research. Again, I really don't want it to be, and it would be nice if it was enhanced a little bit more than it is. Instead of forty-two counties, it could be all ninety-five, but I don't want it to be because you can get a grassroots movement in each community with CASA, a nonprofit.

Election changes are always a challenge because when election changes come, administrations change, policies change, and procedures change, and for DCS, some of their practices change. All of that change is sometimes good. However, sometimes it just kind of revolves, and if you've been in the business of social

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services long enough, such as way back when the Department of Human Services and the Department of Children's Services was all one, you know.

Well, then we separated, and we had ACCT, Accredited Care and Coordination Teams. Then we went to DCS, and then we went back. Each time, it is challenging. It is challenging to keep up with the politics of it. With legislative changes in family law, you go from grandparents, who have no rights in visitation and custody, to grandparents certainly having rights, but only if it's in the best interest. However, then you have to figure out whether it is in the best interest of the child. Is it allegiance to the mom and dad, or is it to the grandchild? So laws change according to what the legislature constitutes as best. For example, right now there is a custody change bill involving termination of parental rights: the presumption that returning an abused or neglected child to the custody of abusive and neglectful parents is not necessarily in the child's best interest.<sup>5</sup> Right, Sherry?

SHERRY JONES: That's absolutely right.

CONNIE STEERE: I'm sure you're going to talk about that.

SHERRY JONES: I have that –

CONNIE STEERE: Yes. Oversight on children's issues. Again, there was a Select Committee on Children and Youth, but now that's changed. Now it's the Tennessee Commission on Children and Youth and the Judiciary Committee maybe, but maybe not, and so we're waiting to see exactly who has the oversight of children's issues in Tennessee. When we come to children's advocacy days—and I hope that expands beyond just the Tennessee Commission on Children and Youth, that's kind of a hope—

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<sup>5</sup> H.B. 1332, 107th Gen. Assemb., Reg. Sess. (Tenn. 2011).



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the more and more I hope it's guardians ad litem. I hope DCS maybe even gets off for that day because it's a great service continuing education for all of us, and also judges. One of our representatives in the Northeast Tennessee area said, "You know, if you really want to expand CASA," – and, by the way, we do—"why don't you get all the judges to come too?" Good point. Good point. So all of us going together, I think, make a stronger advocacy.

Then there are DCS cuts, and the *Brian A.* lawsuit compliance, and that's good, but in my opinion some of it's bad. Yes, we don't want 12,000 children in foster care like we did in 2001.<sup>6</sup> And, yes, it sounds good that now we only have 7,000 in Tennessee.<sup>7</sup> So abuse and neglect must have suddenly gone down. It has not. And a month ago, well maybe two months ago, in the paper we were third in the nation for meth labs; we're now first.<sup>8</sup> And as far as prescription drug abuse, you haven't given me enough time to talk about that. We're number four in the nation for infant deaths from abuse and neglect.<sup>9</sup>

So maybe some of those cases—where there wasn't a guardian ad litem like there used to be until they became

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<sup>6</sup> TENNESSEE COMM'N ON CHILDREN AND YOUTH, THE ADVOCATE: STATE CUSTODY ISSUE, Sept. 2000, *available at* <http://www.tennessee.gov/tccy/adv0009.pdf>; *see also* TENNESSEE COMM'N ON CHILDREN AND YOUTH, THE ADVOCATE: CHILDREN IN STATE CUSTODY ISSUE, May, 2004, *available at* <http://www.state.tn.us/tccy/adv0405.pdf>.

<sup>7</sup> TENNESSEE COMM'N ON CHILDREN AND YOUTH, ANNUAL REPORT 2011 at 25, Apr. 15, 2011, *available at* <http://www.tn.gov/tccy/MAP-rpt11.pdf>.

<sup>8</sup> Jim Salter, *Tennessee Overtakes Missouri in Meth Lab Seizures, Busts*, CHATTANOOGA TIMES FREE PRESS, March 2, 2011, *available at* <http://www.timesfreepress.com/news/2011/mar/02/tennessee-overtakes-missouri-meth-lab-seizures-bus/>.

<sup>9</sup> Beth Warren, *Tennessee Ranked Fourth in Child-abuse Deaths*, MEMPHIS COMMERCIAL APPEAL, Dec. 14, 2010, *available at* <http://www.commercialappeal.com/news/2010/dec/14/tennessee-ranked-fourth-child-abuse-deaths/>.

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delinquent, and now they are there for dependency and neglect but maybe not getting paid what an attorney would normally be paid—could have been caught earlier and maybe not ended up in death. DCS needs help. I'm not here to criticize the system. I'm here to say, and I thoroughly believe it, that the system belongs to every one of us. Every single citizen can help to make it better.

The economic challenge, in relation to being effective, is just the state of the economy right now. And with CASA, we have \$15,000 per county. Ron Ramsey, my friend and your Lieutenant Governor, likes to say in groups—at least in our area he does—that we give CASA a little seed money and it's one of the government programs we can help and they can do a whole bunch. Well, just think if that little seed money was a little bit more than \$15,000 per county. We could double what we can do and maybe get closer to 100 percent of the cases having a Court-Appointed Special Advocate to go along with guardians ad litem.

I'm going to skip a little bit down here and maybe some other things will come up. In your package you see the Pew Commission and Recommendations on Safeguarding Children's Best Interest in Dependency.<sup>10</sup> It came out in 2005 and some of that has already taken place. Some of it is still being worked on as far as how we can help children and maintain their best interest in juvenile court. AOC, the Administration of Courts, has really expanded training for judges in courtrooms and everything. National CASA, which we're a part of, has 1,055 programs across the United States and has received some money nationally, but it trickles down in grants. So when it says

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<sup>10</sup> THE PEW COMM'N ON CHILDREN IN FOSTER CARE, FOSTERING THE FUTURE: SAFETY, PERMANENCE AND WELL-BEING FOR CHILDREN IN FOSTER CARE, *available at* <http://pewfostercare.org/research/docs/FinalExecSum.pdf> [hereinafter Pew Report].

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that one of the things you can do to help children is to expand the Court-Appointed Special Advocate program,<sup>11</sup> we'd like to see that in Tennessee, expanded and increased.

And why? The Pew Commission and the Office of Juvenile Justice and Delinquency Prevention of the U.S. Justice Department say fifty-three percent of abused and neglected children, if circumstances are not improved, become juvenile delinquents.<sup>12</sup> The kids I saw in residential for five-and-a-half years, the ones that got the most attention, were the delinquent. And you don't think those kids in the system, when they would run from residential and so forth, knew they'd get attention. We need to get them in the beginning when we can prevent child abuse and neglect. Of those fifty-three percent that become our juvenile delinquents, according to William Nidiffer, President of Turning Point Experience, each one costs the State of Tennessee approximately \$75,000.<sup>13</sup> I've been saying \$54,000 because that's the latest I could pull from the budget from Tennessee Commission on Children and Youth.<sup>14</sup> It is now \$75,000. That's your tax-paying money, and it's a child who may very well have lost not only their childhood but their productivity as a citizen and all that they can be also. Then, beyond delinquency, we're paying because thirty-eight percent of our delinquents nationwide end up in our prisons, with a federal average cost of \$39,000 per child a year. So my whole point economically is the UT College of Law can start right now with forgiving

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<sup>11</sup> *Id.* at 20-21.

<sup>12</sup> OFFICE ON CHILD ABUSE AND NEGLECT, et al., A COORDINATED RESPONSE TO CHILD ABUSE AND NEGLECT: THE FOUNDATION FOR PRACTICE, Ch. 6, *available at* [http://www.childwelfare.gov/pubs/usermanuals/foundation/foundationf.cfm#back onezerofour](http://www.childwelfare.gov/pubs/usermanuals/foundation/foundationf.cfm#back%20onezerofour).

<sup>13</sup> Information contained in email correspondence between panelist and William Nidiffer from July 27, 2011.

<sup>14</sup> TENNESSEE COMM'N CHILDREN AND YOUTH, 2009-2010 ANNUAL REPORT, at 7, *available at* <http://www.tennessee.gov/tccy/ar2010.pdf>.

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loans of students that are willing to go into juvenile court and defend these kids. If they stay one year and they do a good job, one year waived; two years, two years waived; three years, all waived – and maybe then you can afford to join us as CASAs and stand up for these children effectively so judges have fact-based objective information.

And we're cost effective. The U.S. Justice Department says CASA returns forty times in investment<sup>15</sup> – forty times – because if you saw one of those slides, how many billions we have lost when we lose a child that could be coming back to UT going to law school. So for CASAs and guardian ad litem attorneys to be able through legislation to better collaborate together to best represent the dependent and neglected child in juvenile court, to assist judges in administering justice, that would be one of the most ethical and economically wise investments from our Tennessee legislature and system for the future health and welfare of Tennessee. Every child deserves a safe and permanent home, not only deserves, but needs. The sooner the better for Tennessee. Thank you.

SHERRY JONES: Hi. I'm Sherry Jones. I am a State representative out of Nashville, Tennessee. I have been a State representative for about seventeen years now and was a metro council member for eight years before that. I am a mother. I am a grandmother. I have three grandchildren and a new one coming in July. My niche has kind of become children in the General Assembly. I'm for working people and working people's issues. I'm all about that, and health care, but children's issues have really become the thing that I do and that I am really, really passionate about. The first thing I'd like to say is that I believe it's really hard to protect children. Children aren't really considered people with rights; at least that's the way I've come to see it

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<sup>15</sup> U.S. DEP'T OF JUSTICE, A TRIBUTE TO COURT-APPOINTED SPECIAL ADVOCATE (CASA) VOLUNTEERS, ANNUAL REPORT 2003-2004.

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through all of my years of dealing with the systems. If I came up and decided that I was going to slap John around, John would have me arrested, and I would be arrested and I'd wind up in court and I'd wind up with a serious problem. But you can beat up your kids and you can beat them up over and over again and the kid still goes back to that parent.

We had, and I get, cases called in to me from all over the state, and DCS has told me for the last several years that I am their best friend because I help them in their funding. But I am their worst enemy too, because when they do something wrong, when they're not doing things right, I point it out to them, and I don't have a problem doing that. We had a gentleman who came to my office who had two of his grandchildren living with him. His daughter and her husband were both on drugs, and they both were involved in an instance, actually two, where their four-month-old went to Vanderbilt Hospital and had two severe head traumas. Well, the little boy has lifetime disabilities now, mental disabilities. DCS took custody away from the parents and gave it to the grandparents. The grandparents have been raising the children. At about, I don't know, a year or so after the grandparents had had them, the father decided that he wanted the child, both children. So he goes back and he does what DCS always tells them to do. Mary was at DCS, so Mary knows, and I was a CASA volunteer, I know about CASA too – but DCS goes in and says, well even though both parents are on probation, the father wants the kids back, so we're going to do what we always do – we're going to send that child's parent to anger management, we're going to send that child's parent to a parenting class, and we're going to have that parent pass a few pee tests, and then we're going to give that so-called parent back these children. And that father has those children now. The grandparents are devastated because they are scared to death that something is going to happen to those kids. And from the things that

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I've seen, I believe that that's true, that something will happen to those kids.

I have been on a Select Committee<sup>16</sup> for probably fourteen years or so, and have been Vice-Chair and Chair of the Select Committee. I've been on Children and Family<sup>17</sup> for about ten years now and have chaired there, and have been Vice-Chair also. And I see these instances all the time. The only way that we, as legislators, can get help when we bring these pieces of legislation to correct these issues is for you to help us. The first thing you can do is tell us what's going on – what terrible things, what good things are happening, let us know. If you've got cases like I just talked about, let me know about that. I passed a law<sup>18</sup> two or three years ago that allows us, as legislators, to look at some of these cases that are being worked when there's some sort of problem going on with them. And we have found that by doing that, it makes DCS a little more accountable to us with what they're doing, and they have to do a little bit better. I haven't found that DCS is the world's best at interviewing children when they've been abused, severely abused, or sexually abused. So the CACs have stepped in and they've been doing a lot of those interviews now. They do about eighty percent of those, and they are the people that are specifically trained to interview children who have been through these terrible traumas. So what I'm trying to do this year by legislation is mandate that all forensic interviews are done by the CACs, everything is in the same line, everybody has got the same training, and they're good at it.<sup>19</sup>

DCS isn't too cool with that, though. The new commissioner<sup>20</sup> – and Connie spoke about new

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<sup>16</sup> Joint Select Committee on Children and Youth, which is made up of members of various committees of the Tennessee House and Senate.

<sup>17</sup> The House Committee on Children and Family Affairs.

<sup>18</sup> TENN. CODE ANN. § 37-5-107(d)(1) (2011)..

<sup>19</sup> See H. B. 1318, 107th Gen. Assemb., Reg. Sess. (Tenn. 2011).

<sup>20</sup> Kathryn O'Day.

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commissioners – the new commissioner wants to do her own thing, she wants to make the decision, she wants to do it on a case by case. And the liaisons that came down – I said she wants to do every one of these – she wants to determine herself for every one of these, what they're going to do. Yes, she does. On a 24/7 basis – yes, that's what she wants. I said, “Okay, nice to see you and I'll see you all around the halls.” I try my best to bring legislation that I honestly believe helps makes children's lives better, that protects them; that provides services. While we've been doing some studies<sup>21</sup> on the Select Committee and we've done a lot of things that we've passed and things that we're finishing up, the multiple response we've done. Last year, I passed a transitioning piece of legislature<sup>22</sup> to help kids who age out of foster care be able to have a little more time with services to help them get into schools, to help them get into work, to help them find a place to live and to get transportation, so we're still working on that. DCS has really kind of dropped the ball on it. We should have had a lot of kids in that program by now, and we don't have near what we need to. With the Select Committee, we've tried to save DCS from being cut, some of their programs from being cut, because there are too many cuts to children's issues now.

There are severe cuts to mental health issues now. So if you're dealing with mental health, that's almost worse. We helped save the Coordinated School Health Plan. I passed restraint and seclusion.<sup>23</sup> One of the early speakers addressed where kids with mental health issues have rights

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<sup>21</sup> See, e.g., Public Chapter 1023: Human Sex Trafficking of Children, <http://secondlifechattanooga.org/wp-content/uploads/Public-Chapter-1023-March-2011.pdf>.

<sup>22</sup> 2010 Tenn. Pub. Acts 1065, Tennessee's Transitioning Youth Empowerment Act of 2010, codified at TENN. CODE ANN. §37-2-417 (2011).

<sup>23</sup> 2011 Tenn. Pub. Acts 457, amending TENN. CODE ANN. § 49-10-1301 (2011).

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and we treat them appropriately. We'll probably go back and amend that a little bit this year. We've done a mental health study where we're trying to figure out: How do we first see that a child needs mental health services? And then when we think we've seen that, what do we do? How quickly can we move to get those issues addressed, to get the assessment, to get the services that we need that hopefully will help that kid do better in their lives and have their problems addressed a lot sooner? We passed a resource mapping piece of legislation,<sup>24</sup> and with that we're looking across the state, and we're still working on that – I think we have one report out now but we're not through with it – to see what services are out there, who has services, who doesn't have services, and how we can kind of help even things out across the state and be sure that all children have access to services and to people that are responsible to help them.

Like Connie said a minute ago, *Brian A.*<sup>25</sup> was kind of a hit for us. You know, we don't like to lose in the State, but we did, and we deserved to. When the last commissioner, Viola Miller, was hired she was hired basically as the *Brian A.* attorney, and her job was to get us out from under that *Brian A.* lawsuit. So what she did was come in and tell staff, "Don't take any more kids. We don't want any more kids in State custody." Now, the Select Committee on Children and Youth, we meet across the state. We meet with providers, we meet with DCS workers, and we meet with public. We meet with anybody who wants us to come, who has an issue, and we try to sort through things and come up with what we can do to help. I have an 8 1/2 x 11 sheet in my office with names of DCS

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<sup>24</sup> 2008 Tenn. Pub. Acts 1197, amending scattered sections of Titles 4 and 37 relative to resource mapping of funds used to support children; *see also* 2005 Tenn. Pub. Acts 391, amending scattered sections of Title 37 and repealing part of TENN. CODE ANN. § 37-1-407 relative to child protective services reform.

<sup>25</sup> *Brian A. v. Bredesen*, 149 F. Supp. 2d 941 (M.D. Tenn. 2000).



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workers, front and back, who are dying to testify to things that have gone on in DCS. The *Brian A.* settlement and the commissioner not taking children into custody did nothing but hurt children across this state. We left children in homes where they continued to be abused and continued to be neglected because we were trying to keep our numbers down, and there is nothing in the world right about that. I don't care if our numbers doubled. If you need to take them in, if you need to save a child, you need to save that child, and it's not about the numbers.

My legislation this year that has the CACs do all the forensics<sup>26</sup> will maybe bring more kids into custody, who knows, but it's the right thing to do, and we need to do what's right by these children because in a lot of cases they don't have anybody. We're it. If you're their attorney, you're it. We've had Magistrate Judge Carlton Lewis, who is one of the most respected, knowledgeable judges that we have in Nashville in juvenile court, who knows juvenile law. But we have a lot of judges that don't know across the state. They don't have a clue. We have judges that hear domestic violence cases, and they don't have a clue what the law is. We, as the General Assembly, cannot mandate training to them. I would like to see any judge who deals in children's issues go back every single year and be updated on the law and how that affects them. I want them to be studying that all the time. I don't want them to give their personal opinion. I want them to give the opinion of the law. I want them to do what's right for these kids. We have judges in domestic violence cases who don't know the law and don't understand mental health. They don't have a clue about it. They send kids back to places where they're going to be hurt. Women go back to places where they're going to be hurt. But I can't mandate that training. I've tried to, but I can't mandate that training.

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<sup>26</sup> H.B. 1318, *supra* note 19.

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When you see that there is a piece of legislation up that you think is important, that you think is either really, really bad or really, really good, you can help. Every one of you can help. You call your representative, you call your senator, and you say, "This piece of legislation is really good. I'm an attorney, I deal with this, and I do that, and this is really going to help us, and I live in your district, and I'm a voter in your district, and I hope that you'll vote for this." Don't be too threatening. We get real annoyed about that. But you do need to let us know that you live in the district. And a lot of times people call up and say, "Oh, this is Barry Sullivan and I live in your district." I say, "Where do you live?" because I know the streets in my district. "Well, I live on Torbay Drive." "Oh, yeah, Barry, how are you doing?" And if they say, "Oh I live on 16th Avenue South," I say, "Oh, okay, Barry, what can I do for you?" because Barry doesn't live in my district, and I know he doesn't. Now, I might be interested in what he has to say, depending on where he's coming from, but he's not as important to me as that guy that lives over there on Torbay Drive. And that's what all of you guys need to remember, whomever is your representative and your senator and you can influence, you just need to do it because you can help us a lot.

For those of you dealing with child abuse cases, too, the 800 number,<sup>27</sup> and I don't know where you all have seen it, but we're not real crazy about it where I am. Because if the three of us call and report child abuse on one kid that we saw in a parking lot where the parent grabbed them and slung them up against the car and they fell down and the parent kicked them, they will take one of our calls, but the other two they'll throw out. And I think they need to keep every single call. Anybody who wants to leave their name, they need to write it down so they know that a lot of people are seeing that and they will step up and do

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<sup>27</sup> Central Intake Child Abuse Hotline, 1-877-237-0004.

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something sooner, because a lot of times they don't. I had a grandmother who came to me who said, "You know, my two granddaughters are being abused. Their mother chokes them, she kicks them when they are on the floor, she calls them filthy names and says they're useless and they can't do anything." DCS wouldn't go out and even see about that, and it took us two years to even get them to go out and see about it. And when they did, do you know what they did to the mother? Thirty days anger management. That's what they all get. And then she's off and she's back beating up the girls again. And the grandmother has called and said there's no need to call DCS because they're not going to help. She said the girls won't tell them anything else because it just causes them more trouble. So here we are, in a place where we want to help and we can't help because we're screening out too many things that we shouldn't screen out. If I could have it my way – and I can't, but if I could – I would have every call to the 800 number investigated, because I think we miss so much and we allow so many children to be hurt. We allow too many children to die because of the way we handle these issues. I would like to see you all really think about how you can help and be sure that you call that 800 number with reports. I've called it. When I get cases in my office where DCS isn't going out to investigate, I'll call something in from my office. And they'll say, "Well, do you want to leave your name?" And I say absolutely so. And hopefully that makes a difference. It doesn't always.

But, you know, these are important issues. We've had cases, in Memphis in particular, we had a lot of issues with – try not to be too offended – judges and guardians ad litem, where the judge has a certain group of guardians that they use. Those are the ones that they use for everything. They're all a group of friends, and they all go out to eat and they hang together. That doesn't give you fairness in how you're handling these cases with the kids. You've got to be doing what's best for the child. You can't be doing

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something because your friend thinks that it's the right thing for you to do. Politics is really, really a tough business, and you have to get kind of tough skin or you'll be in tears half of the time.

This year we are doing a lot of things that are not going to be good for the people of this state, and I don't know that we can stop it, but I hope at some point that we can go back and fix those things, because not everybody understands children's issues. Not everybody in the General Assembly understands that, it's not their thing. You know, transportation may be their thing. Conservation or farming may be their thing. And they don't understand how these things impact children and how you impact the families and how you lose productive citizens, and you wind up spending more because of jail or mental health issues. And I try to lobby as many of them as I can on the issues coming around, but it would really help if you all would do the same and spend some time knowing who those folks are and letting them know what you think. Since you're in the field, since you know what's going on, let us know. I'm happy to hear from you anytime, and anything you have that you think I might need to know. We were talking about legislative changes. I'm for those. Anybody have any great ideas, I'm all about them. If you're working with a case where you see that we are absolutely not doing what we're supposed to do and you see a way we can fix it, let me know and we'll try to do that. I've done that for a lot of people.

We had Josh Osborne back some years ago, and – I don't know if you all read about him in the paper – he was a fourteen-year-old boy, he had some physical disabilities, but his father and his stepmother had chained him to the bed. They didn't feed him; they didn't let him up. He was no bigger than this (gesturing with hands) at the time that he was removed from the home. DCS had been there, and they had investigated and said everything was okay. He had siblings who were being sexually abused. And Josh almost

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died before there was help for him and his siblings. And we passed a piece of legislation for him a couple of years ago,<sup>28</sup> and we have another small piece<sup>29</sup> that we're passing for him now. He comes to me all the time and he'll say, "I've got something else, I've got something else." He's about twenty years old now. He's not like this anymore (gesturing with hands); they're feeding him now, but he's had some heart problems, and he's on dialysis quite a bit now. But he's a really good kid and he doesn't want to see any other kids hurt like he and his siblings were, so we're going back and we're trying to do as much as we can for Josh to help him feel better and help protect children in this state too.

Money is a serious problem, and we can't do anything without money. You know, that's just the bottom line. So I'm going to challenge all of you all today, go out and find one thing that says, "Made in America" and buy it. The more things you can buy that say "Made in America," the more we're going to get out of it. It creates jobs, and what you're spending in tax dollars helps us fund these programs, because we are cutting them like crazy. I appreciate so much what this organization does for children and the issues that you bring. We're hoping that some of you all will come to Nashville at some point, maybe during the summer or fall, and we'll have some sort of little symposium and discuss some things that we need to discuss and bring some legislators. You all are great. I'm glad that all of you were here today. I hope you've learned something. I've learned some things myself, and I've heard a lot of things said during the meeting earlier that I've heard plenty of. So thank you all so much for letting me come

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<sup>28</sup> 2008 Tenn. Pub. Acts. 1024, amending TENN. CODE ANN. § 39-15-401 relative to child abuse and neglect.

<sup>29</sup> 2011 Tenn. Pub. Acts 313, amending TENN. CODE ANN. §§ 39-15-401-402 relative to contact with victims.

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today. And, please, if you have anything that you think I need to know about, I'm right over here. Thank you.

MARY WALKER: I think there are some advantages and disadvantages to being last. Let me say I graduated from UT School of Law in 1979, and I'm so delighted to be back. I participated at the clinic and loved working with Jerry Black in the neglect/dependent clinic at that time. And since then – I sort of feel like I have a target on my back – I was DCS general counsel for five years. I negotiated *Brian A*<sup>30</sup> along with some folks from the attorney general's office. I still think it's a good settlement agreement. When we got sued, there are some things that you do, and I think we came up with a settlement agreement that, if implemented, would be a very good answer to some of the problems in the State. I challenge you, if you have not been to the DCS Web site,<sup>31</sup> read the settlement agreement,<sup>32</sup> read the reports – at least the executive summaries for the technical advisory committee.<sup>33</sup> I want to add one thing. I was talking to Ann Barker, we worked together at DCS – there are some advantages, as all of our panelists said, to bringing either a class action lawsuit, bringing individual lawsuits like Dean and his students were talking about, or bringing specific issue litigation. How many law students are here right now? We have a pretty good number. I hope you will not feel discouraged by some of our comments today. I hope you will feel encouraged that there is much more to be done. And also over the years we've made a lot of progress in the child welfare system. When I started

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<sup>30</sup> *Brian A.*, 149 F. Supp. 2d 941.

<sup>31</sup> <http://www.tn.gov/youth/>.

<sup>32</sup> 2008 MODIFIED SETTLEMENT AGREEMENT, *Brian A. v. Bredesen*, No. 3-00-0445, available at <http://www.childrensrights.org/wp-content/uploads/2008/10/ex-e-small-file-size.pdf>.

<sup>33</sup> TAC MONITORING REPORT, Dec. 15, 2008, available at <http://www.tn.gov/youth/dcsguide/fedinitiatives/TAC%20Monitoring%20Report%2012.15.08.pdf>.

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representing children and parents, most juvenile court judges did not recognize a right to counsel, they didn't recognize that in a termination of parental rights of course a parent has to have a lawyer. There was very little training for juvenile judges. There is a lot more now. There could still be more.

The Department's case loads are at least cut down to twenty, and they were eighty to 100 before. When I came to law school, I had been a child welfare worker for ten years, so I was kind of the old woman of the class. Penny White and I played football together on the law school team. We believed in sports rather than political issues. It turns out, we all believe in political issues; we just needed a little time.

I say all that to say you have so many opportunities in front of you. I feel like because you're here, you are interested in children's issues, and we need you to be involved; we need you to be lawyers at the juvenile court. We need really good lawyers at juvenile court. We need lawyers who know how to file motions and do discovery, and who believe that the Rules of Procedure apply in juvenile court. Who when lawyers and judges don't follow the Rules, you report it—you don't sit back and watch it and say, “Oh that's okay, I can't do anything.” When you see a judge duct tape a kid in a hearing, you report it. You act on what you know is wrong. And it still happens. Some of you are in counties where some things happen to kids and parents that should not happen. I just had to put in a word of encouragement. You have to be brave. You have to speak up. You have to file with the judicial counsel. And on DCS issues, I was there five years to hire fifty lawyers. They went from fifteen lawyers across the state to sixty-five. We hired them and trained them. We still have sixty-five to seventy DCS lawyers for ninety-five counties. I know the five years that we were there, they improved tremendously; they had training, they were able to handle their case loads. It was an exciting time. I think they've

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continued to keep those positions. I don't know what you think in terms of their quality of practice. But if it's not what it should be, file your motions, get it before the court. Take an appeal. Don't just accept it.

I'm supposed to be talking about Big Brothers Big Sisters and prevention programs. You've heard a lot of information about intervention. When a child is already in the court, they're there on allegations of dependency or neglect, delinquency, or trancies. There are programs that deal with prevention – you know a lot of them – Boys and Girls Club of America, Big Brothers Big Sisters, the YMCA, the YWCA, lots and lots of programs in your community. There are not enough, but there are programs that you can put your clients in touch with. You've heard an awful lot about children who are already in the court. The CASA director Connie Steere did a great job of talking about what she could do with more money, and I support that completely. You know, if there are more CASAs, if there are more people challenging what's happening in the courtroom, then that's a good thing. But let's think a little bit about how we can keep those children from going into the courtroom in the first place. The topic of our discussion is the politics of protecting children. When you look at what I put in your notebook you may think, “Well, what's she talking about.” I included the Pew Commission report,<sup>34</sup> which you should all read. It's five years old, but it absolutely holds true. If you want to go on the website,<sup>35</sup> it's all there. It's a wonderful study that talks about foster care, judges, lawyers, what should be happening, and resources. So look at that, look at *Brian A.*,<sup>36</sup> and figure out what you can argue to be sure your client gets the services that she's entitled to. Every child is entitled to enough food, good schools, an opportunity to learn, and parents who take

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<sup>34</sup> Pew Report, *supra* note 10.

<sup>35</sup> *Id.*

<sup>36</sup> *Brian A.*, 149 F.Supp.2d 941.



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care of them, parents who love them. Not all of our children have that. They should all have the opportunity to succeed in school and in life. And if they don't, what can you do about it?

Let's talk a little bit about nonprofits and organizations that are really impacted by politics and funding. I want to give you one example. Big Brothers Big Sisters provides one-to-one mentoring, and we ask that a volunteer from the community commit herself for at least one year to a child and to spend six to eight hours a month with that child. Our average match length in Middle Tennessee is twenty-two months. So those volunteers who commit to a year actually are staying longer. We ask them to stay involved with their child through graduation, to be involved with this child forever, whether they want to continue to be involved with the agency or not. We have gone from serving 500 children to 3,000 children in the last five years. Now, how did we do that? We got some federal funding from President George W. Bush, who believes in mentoring, and who said if we're going to divert children from the juvenile justice system, from going into the court and then going on to be detained or confined, we need to start much earlier. So he allocated forty-three million dollars to serve children of prisoners, and he picked children of prisoners because all the information that was given to him and to that administration indicated that if there is not an intervention for a child who has a parent in prison, seven out of ten of those children will follow their parent to prison. Now, the first time I heard that, I thought that could not be right.

There's a statewide coalition of Big Brothers Big Sisters agencies, and we're the administrator for that. As we developed the Children of Prisoners Program in Middle Tennessee and across the state, we have over the last five years served over 4,000 children in a one-to-one mentoring situation, and we're really proud of that. All children of prisoners, 4,000 plus children, who we feel will have a

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better shot of not following their parents to prison and of being successful. So about a month ago we got word from the House of Representatives that HR1,<sup>37</sup> the appropriations bill, was passed and sent to the Senate. The Children of Prisoners Program is gutted, completely gone, if the Senate passes that appropriations bill. It's about seventy million dollars total that was cut: a tiny, tiny part of the federal budget. Also cut was Teach for America, AmeriCorps, senior citizen programs that do mentoring, and a huge list of domestic programs. I don't know what your politics are and don't want to even address that, but I want you to know what's being cut in the appropriations bills that are going through – a lot of domestic programs that involve volunteers, which doesn't make a lot of sense to me. You have all this free labor. You have AmeriCorps workers who are paid practically nothing to work in the communities of poverty and with kids. You have Teach for America that's proven to have done a wonderful job in inner-city schools. You have Big Brothers Big Sisters that has existed for over a hundred years and has a pre-/post-test, research-based, evidence-based program that is very, very successful. So how do politics affect nonprofits? Tremendously.

Now, we can go back to serving our 500 children. We can raise enough money for 500 children. Our services cost is a \$1,000 per child, per year. That pays for the professional staff that does the interviewing, the assessing, the coaching, and all the things that go with a quality mentoring program. But we can't raise \$2,600,000 in Middle Tennessee very quickly. I don't think we can do it at all. I think the community is willing to give. I agree with you, Connie, that you don't want to ever give up your community involvement and investment. But to go to scale and to really try to offer this program to as many high-risk

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<sup>37</sup>Full-Year Continuing Appropriations Act, H.R. 1 112th, Cong. (2011), available at <http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.1>.

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kids as we have, there has to be State or Federal support. If Bill Gates wants to come in and he wants to do one-to-one mentoring all over the country, or fund CASA programs all over the country, that would be great. But short of that, I think you have to look at the reality of where you want your tax dollars to go. Do you want them to support quality programs? You should demand quality programs. You should ask questions; you should know what the outcomes are. If Big Brothers Big Sisters in another part of the state doesn't have twenty-two to twenty-four-month retention rates for their matches, you should ask how much money they should get. If you have a grassroots mentoring agency that is very well-intended, but just doesn't have the resources to make those quality matches, you should ask some questions about that.

What I'm saying is that politics and funding have a huge impact on the kids that you're interested in. We serve only high-risk kids. We serve kids from single-parent families who attend Title I schools,<sup>38</sup> or are children of prisoners, and the reason we kept it so narrow is we don't have enough volunteers and we don't have enough funding. It's not that every child doesn't need a mentor. I think most of you can remember the mentors you have or had. And you need three to five mentors for a child to really have a good chance of succeeding. We want to just give one good quality mentor to that high-risk child who has a parent in prison or a parent who is unable to parent completely. The parent can be a partner with a volunteer, but they may have a mental health issue, they may have an issue regarding their own employment, or they may work three jobs to keep

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<sup>38</sup>Title One schools were established "to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments." *See* 20 U.S.C. § 6301 (1965).

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themselves in housing, and so that extra help from a qualified volunteer who is committed to their child may push that child to be successful. We're not a nonprofit. We're a social profit. We are an organization that gives the community better schools, safer communities, and successful adults, because we intervene with that child in a preventative way.

Representative Sherry Jones says we don't have any money and they're cutting right and left, both in the Federal and the State governments. What do we do? It's a hard situation. We have huge deficits, but I think that to throw away those programs that significantly impact our most vulnerable children is not what we want to do. You should treat every child the way you want your child to be treated. They should have the kind of lawyers that you would hire for your child. They should have the services that you have for your child. They should have the teachers that care about them. They should have the administrators who don't look at five, eight, or ten absences and make a decision that they're going to expel, suspend, or refer them to the juvenile court; instead they're going to try to figure out how to help this child.

I want to stop so you all have time to ask some questions. I urge you to educate yourselves so you can make the best argument you can make in court. Someone was asking me earlier what the difference was between "indicated" and "validated," and I thought, "I need to go back and try to figure that out." But I said, "Look at the policy, look at the statute, and make your best argument. Think about what is it you're trying to show, what you're trying to prove, and then make your best argument."

Let me say one thing. I was thinking, Representative Jones, about your comments. I was at DCS a short time. I was also a juvenile court referee in Davidson County for about eight years, hearing all the neglect and abuse cases. So I feel like I've come from a lot of different perspectives. The child welfare system is a tough, tough

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system in which to figure out how we can make meaningful and lasting change. I think everybody knows that. I think what you need to do, what I ask you to do, is educate yourselves, go down and talk to the commissioner. I'm sure Representative Jones will talk to Commissioner Kathryn O'Day, or Commissioner O'Day will talk to Representative Jones, about how we can work out this difference on forensic interviewing. You know, forensic interviewing makes sense. If it's the issue of money, let's talk about that, but educate yourselves. Don't presume that you know all the answers. I guess I also want to put a pitch in for the young lawyers that are coming out. Go into this area. There is huge room for change. You can make a real difference. If your judge is not any good, run for judge. Speak respectfully of the DCS workers if you can. Speak respectfully about what you're trying to do in the community and then move forward with that. Make an investment and maybe we'll make it a little different place for the kids that we're trying to help.

JESSICA VAN DYKE: I'm Jessica Van Dyke. Something that struck me especially during your panel, but also on other panels today, is that the problem seems to be bad parenting or a lack of knowledge about parenting. And I know Representative Jones mentioned the parenting classes several times. Are there parenting classes or programs that you could recommend to the attorneys here today? It seems like if that's a root cause of the problem, we also need to direct our attentions toward that area. What can we do in that respect?

SHERRY JONES: I think you need to start directing your attention early to those children that are going to be having children, because you just can't do a thirty-day parenting class and get it all. You just can't; especially when somebody has been so abusive, thirty days of parenting just is not going to work. It never works. They need to be

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learning patience and love as they go. If you're going to have a baby early, oh my God, you're not going to get to go to the movie with your friends. I want everybody to have one of those little toy babies that cries all night. When you're in the ninth or tenth grade, I want you taking one of those babies home for six weeks or something and seeing what that's like, because it is stressful and you need to be able to be patient and handle those things. That's just not something that thirty days teaches somebody. I know that the Exchange Club does some parenting classes too. People are trying to help parents be better parents, but they've got to want to be better parents. If they weren't parented well and they think that's okay, they're not going to try, and it's just not going to work for them. They've got to want it and then go for it. It's just like a drug and alcohol abuse program. You've got to want it. So you need to start early.

MARY WALKER: There are some resources in different communities. I know in Nashville and I think several others, Nurses for Newborns,<sup>39</sup> for example, starts when the baby is born. They go home with the mom. They don't live there, but they visit very, very regularly and are involved for a long time. It used to be in the old days that the public health department did that. That was part of the charge to the county health department. They were involved with helping moms learn how to breast feed, learn how to discipline. Because of politics, the pendulum swung back the other way and there was a lot of privatization. Now, at least most urban areas in Tennessee have really good resource manuals that list everything. The other thing is, when you go to court to advocate, if you reach an agreement, on disposition don't just leave it up to the judge to order a thirty-day parenting class. Instead say, "I have found a program that I would like for you to enter into the order," if your parents agreed to that. I think in juvenile

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<sup>39</sup> Nurses for Newborns Foundation, <http://www.nfnf.org/>.

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court you're part social worker and you're part lawyer. Regardless of which role you're playing, whether you're the parent's lawyer, the child's lawyer, or the GAL, you really have to know your resources. Sometimes DCS workers do; sometimes they don't. Sometimes the foster care review board or the citizens' members know some of the resources. If there are not some out there, we started a renewal house in Nashville because there was no long-term treatment for moms addicted to crack cocaine. You have in Knoxville the one we modeled after, Great Start, which is a wonderful program. So, again, the challenge is: Do you really want to be involved in developing community resources and how to do that? I hope you will.

CONNIE STEERE: I'd just like to say also that with parenting classes, lots of times all that is required, unless there is real check up on it, is attendance. Attending a class does not make a good parent. What you're looking for is an improvement as far as good practice, behavior modification, and getting your act together as a parent. A part of what we feel is important in CASA is that you're also the watchdog, not only facilitating the services, but checking and reporting back to the court on that progress. Not just the attendance certificate that goes into the court file. The second part is that, unfortunately, if you did not receive good parenting, because most behavior is learned behavior, you repeat it. Again, the early intervention, prevention, mentoring, and facilitation of services that really do work and help are what that child needs. A foster parent told me that her five-year-old foster child told her that she was going to grow up to be a pimp. Now, Amy and Naomi, we know that's not that surprising. Kids think, "I'm going to make it. I'm going to make it." They're only fifteen or seventeen and they're in the eighth grade or the ninth grade, but if there aren't services that are going to make that child really have a chance of making it, then selling drugs, selling themselves, or someone else is how

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they're going to make it. Now, that's the parenting and that's the learned behavior if that's what you've observed. So we need to intervene and help prevent those circumstances so they can grow up and know how to be a good parent in the first place, and that's when it doesn't cost so much money. If you're trying to rescue, unfortunately, it's sometimes just too late.

BARBARA DYER: I'm Barbara Dyer. I'm from Johnson City, but I'm an adjunct here at the law school. I just want to add onto this discussion that I think that it's a deeper subject. I think that until we, as a society, decide that children are our greatest resources, and until we decide that we're going to invest in them and in families and make it possible for people to make a good living, I would add onto the fact that children only do as they learn. If they have had the possibilities of going to a good public school, and if they have had the benefit of having parents who have good jobs and who have financial support, then they're going to end up in a lot better situation. I think that we as a group and as a society have to decide that that's an important thing and invest in it.

SHERRY JONES: Sometimes it's just a little bit of help that they need just to get over the hump and move forward. There are a lot of excellent social workers out there that truly, truly care about the kids and the families who they're helping. Sometimes it's policy from the top that prevents that, but there are a lot of good people out there who do want to help. As far as public schools, No Child Left Behind<sup>40</sup> fixed it so that nobody can make a good grade anymore. My kids teach. My son is an administrator. You can be a failing school by a tenth-of-a-point because your special-ed missed by a tenth-of-a-point in attendance. You might have a non-English speaking class that misses math

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<sup>40</sup> No Child Left Behind Act of 2001, 20 U.S.C. 6301 *et seq.* (2001).



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by a tenth-of-a-point. Everything else can be okay, but you can still fail. That's not right. Public schools are much, much better than what people give them credit for, and we're making a big mistake in this state treating teachers the way we are.

JOHN EVANS: I have a question. Given that our system is becoming more and more partisan all the time, there are very limited resources, and our legislative bodies are being used on sometimes not substantive issues but more political issues, how do we ensure that children, one, get the attention they deserve, and, two, get the public budgeting that they need?

CONNIE STEERE: Probably having more of these types of symposiums and bringing your business people and those foundation funders. You read that Pew Commission report,<sup>41</sup> and with the Race to the Top,<sup>42</sup> Tennessee has a lot more federal money coming in for education. What a great foundation endowment it would be if it funded things like young lawyers having tuition waived for going into juvenile court, as well as things like Big Brothers Big Sisters that are cost effective – \$1,000 a year for a Big Brother Big Sister mentor, and about \$700 per child for a Court-Appointed Special Advocate for abused and neglected children. These programs work. You can take some of those education funds and channel it to education institutions. Those people who have the money, the business industries and everything else, should also be at these symposiums and hosting them. They could underwrite the expense of having it in the first place, and then come, and then you give them gratitude for doing what

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<sup>41</sup> Pew Report, *supra* note 10.

<sup>42</sup> See U.S. Dep't of Educ., Race to the Top Fund, <http://www2.ed.gov/programs/racetothetop/index.html>; see also Tennessee First to the Top, <http://www.tn.gov/firsttothetop/>.

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we want them to do in the first place. I mean, we've got to communicate that this is a smart business move, and it is. There are approximately one in 100 people<sup>43</sup> incarcerated in the United States. That's how we're solving a problem. That means correctional, probation, parole, everything. Tennessee is one in forty.<sup>44</sup> So we've been spending money someplace, but it's not helping. It needs to be prevention, intervention, education.

SHERRY JONES: I just want to say as far as the budget process goes, what you need to do is contact your representatives and your senators. You have to let them know where you have strong feelings and what you want them to vote on and what you want them to support. That's crucial.

MICHELLE HOLLAND: Hi. My name is Michelle Holland and I'm a second year law student here. I was just wondering how parenting classes were funded. Are they mostly privately funded, or does the State fund them?

SHERRY JONES: Mary probably knows that more than I do.

CONNIE STEERE: It's different. Some are nonprofits. Some are through mental health institutions. Some are created by the State themselves. Mary, do you want to say more?

MARY WALKER: Yeah. Basically there are a lot of sources of funding. It's not that it's just hanging on the tree.

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<sup>43</sup>THE PEW CENTER ON THE STATES, ONE IN 100: BEHIND BARS IN AMERICA, *available at* <http://www.pewcenteronthestates.org/uploadedFiles/One%20in%20100.pdf>.

<sup>44</sup>*Id.*

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Somebody has to raise some money, and they may get a grant. Exchange Club<sup>45</sup> gets some grants from foundations that believe in parenting. I think there is a real movement away from thirty-day classes and a lot more towards observing and interacting and going to the home, but that costs a little bit more, so that's another choice that you have to make. There's a piece in your notebook that's got a Big Brothers Big Sisters logo that's an example on the Children of Prisoners Program with the kind of information you need to give Senator Lamar Alexander, Senator Bob Corker, U.S. Congressman Marsha Blackburn, and the people who voted against funding these programs to say, "We want you to do this program. We know one-to-one mentoring works." The things you believe in you've got to talk about to people.

JOHN EVANS: One last question.

ELIZABETH MCDONALD: My name is Elizabeth McDonald and I want to thank you, Representative Jones, for your work with the CAC. I've had cases that were thrown out because a DCS worker didn't have the training, and by the time the kid got to the CAC, everything was so tainted, out it went. Is part of your legislation<sup>46</sup> that those interviews at the CAC have to be videotaped? Because the videotaped ones seem to carry more weight than the ones that aren't videotaped. They're more restricted to just that one CAC interviewer's opinion, where the video speaks a thousand words.

SHERRY JONES: This particular piece of legislation<sup>47</sup> doesn't have mandated videotaping, but I'll ask about that

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<sup>45</sup> Exchange Club Family Center, <http://www.exchangeclub.net/>.

<sup>46</sup> H.B. 1318, *supra* note 19.

<sup>47</sup> *Id.*

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when we get back and see if that's a possibility. You know, we do videotape now.

ELIZABETH MCDONALD: And it works so much better and it carries so much more weight.

SHERRY JONES: I think so too. Thank you. I'll check on that.

LENNY CROCE: Lenny Croce from Anderson County. I've gotten appointed recently to two very medically fragile children who are homebound and need lots of care. In both instances I think what has happened is that both of these children are children of single parents who are very poor, who depend upon TennCare, and neither one of these children receive the services that they should have gotten from TennCare. In other cases I've seen in juvenile court, the parents tried to get the services, like residential treatment for a mentally ill child, and have not been able to and they've been told the only way you can get those services is to put them into State custody. What are we doing to bring TennCare onboard, to provide the services that these children need to keep them out of State custody?

SHERRY JONES: Unfortunately, a lot of that can be done administratively. We, as legislators, haven't really passed any sort of legislation one way or the other on that because, quite frankly, Governor Phil Bredesen, made those decisions on TennCare and on what those cuts were. They keep coming to us and telling us. "We're cutting, we're cutting, we're cutting," and they keep cutting more, and we don't have any money to put in it, or anything else for that matter. So I would say right now that it's just a sorry situation we're in.

(A break was taken)