

Honoring Nixzmary's Memory By Avoiding A Panicked Response

by Mike Arsham

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Recently a brother and sister got into a scuffle at the office of the Child Welfare Organizing Project, where I am the executive director. It was nothing serious, just play fighting. But the mother broke it up by saying, "God forbid that one of you get a mark on you and someone sees it!"

I work with parents who at one time or another have lost their children to foster care, and they are once again living with a fear that such families last felt a decade ago.

As soon as they, and I, saw the sensationalized press coverage about the death of seven-year-old Nixzmary Brown, we were afraid the progress made in the last few years would unravel, due to subsequent political pressure.

It was in January, 1996, in the aftermath of the death the previous month of six-year-old Elisa Izquierdo, that the city reorganized and renamed the relevant city agency, calling it the Administration for Children's Services, and making as part of its mission statement the policy that any ambiguity regarding a child's safety would be resolved by removing the child from his or her home.

In the two years following the new agency's inception, there was an increase of about 50 percent in the removal of children from their families. At the same time, since then-Mayor Rudy Giuliani believed that overzealous efforts to preserve families contributed to Elisa's death, he slashed preventive services by 18 percent. Preventive services are anything provided to a family to help make it unnecessary to remove a child, such as housing, food stamps or day care.

Child neglect became criminalized during that time. Low-income mothers were arrested and prosecuted for offenses that were basically the result of being poor -- such as leaving their child alone while they worked in a sweat shop or living in "substandard housing" that was actually city housing.

Having worked in preventive services and seeing firsthand how much it can accomplish, I believe that many of the parents who had children removed in the 1990's could have had it

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handled in a way that would better serve the long-term interest of their children.

Of course, none of us at the Child Welfare Organizing Project felt that parents who mistreat their children should be molly-coddled, and I'm not saying that parents whose kids were removed back then were totally blameless. Many needed help and many made mistakes. Some who had substance abuse issues truly were not in a place where they could take care of their children.

But we also felt that the Administration for Children's Services was oversimplifying the issue. We knew that families caught up in the system were much more complex than the way they were being handled. And reflexively removing children tends to weaken and destroy the bonds in families that are fragile to begin with. It permanently undermines the parents' authority and the children's faith in their parents' ability to protect them. And many of the children who have been in care for any length of time have experienced abuse in their foster homes, often far in excess of what their parents were accused of.

We invited those parents to share their experiences. Theirs was a perspective to which nobody had paid attention. Eventually they were speaking to professionals in the child welfare system and in other venues where their voices had previously not been heard. The child welfare system became aware that birth parents were not criminals, but complicated people leading challenging lives, often struggling with issues related to being poor.

Things began to change in the direction for which we at the Child Welfare Organizing Project had hoped. The Administration for Children's Services became less ideologically driven -- subscribing neither to the ideology of "when in doubt, remove the child," or the equally extreme "preserve families at all costs." It moved closer to taking into account the actual, individual needs of specific children and their families.

The number of kids going into foster care decreased and the city reinvested in preventive services. The number of kids known to the Administration for Children's Services who died annually did not increase, as some feared it would.

But now the fear is that all the publicity and public outcry around Nixmary is bringing us back to the time where a birth parent was an object of suspicion, and all the progress made is in danger of being lost.

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The birth parents who work at CWOP are also afraid on a much more visceral level. They know that once a parent has had a kid in foster care, that parent is much more likely to lose that kid again, because of that history.

Since Nixzmary's death, whenever a school teacher or guidance counselor calls a parent at CWOP, and I hand the phone to them, I see their hearts leaping to their throats. They're wondering what has happened that could have resulted in a call to ACS.

There are definite signs that a panic like the one a decade ago is underway. There is reportedly a 30 percent increase in protective removals already this month so far, compared to January 2005. Meanwhile, our phone at CWOP hasn't stopped ringing. We are trying to ride out this media frenzy and use it to make the points we want made. We hope to introduce parents' testimony at the forthcoming city council and state assembly hearings. We want people to be aware of how parents are experiencing this, and why the Administration for Children's Services should be very careful in how they respond.

The changes that the mayor recently announced were largely to add staff and money. The workers are supposed to respond more energetically to abuse complaints. These changes do not in themselves mean the agency will be any more likely to remove children from their families.

We believe that the best way to honor Nixzmary's memory is not by going back to a time when the Administration for Children's Services was just one more threat to family life in poor communities, but by continuing to change the system for the better.

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