

## FOLKLORE IN THE MEDIA: PAPER

Close your eyes for a moment and think of a family. A father, a mother, and 2 children. They live in a small town, in a beautiful Cape Cod home. The father (a business man) spends time with the children, goes to the office every day and brings flowers to his wife. The mother, a June Cleaver clone, loves and cares for her children anyway she can. She bakes, <sup>[sews]</sup> and is always home before the children get off the school bus. The children, adorable, have toys packed to the ceiling, good food, and enough clothes to keep them warm in the dead of winter.

Is this dream real or a myth? Unfortunately in today's society that's what it is. A MYTH. These perfect homes are the exception not the rule.

Now open your eyes and remember that warm feeling at the pit of your stomach. Now imagine that after mommy goes to work in the morning or at night when mommy sleeps, daddy sneaks into little Amy's room to sexually abuse her. This has been going on for 2 years.

I know what your feeling. Sick to your stomach, you say he's sick, or how could he do that to his own child? Most think that something like this will never affect them or a member of their family? Another myth.

In our society today child abuse is recognized as a monstrous problem. One associated with shame and evil people. But yet many people resist in getting involved. I'm not only talking about sexual abuse but physical, neglect, emotional and many more.

I purposely chose the word monstrous in my earlier statement to describe who society thinks the abuser is. My paper is not to argue whether the abuser is or is not a monster but to look at how we get the images of the abuser. Simply put FOLKLORE.

In order for child abuse to be prevented we must combat our folklore and our myths concerning abuse. Who, what, when, and where are the questions we must think about. My

project was to get 20 articles referring to child abuse and see how folklore is used in the media.

Each of my articles were randomly selected from the Courier-Journal from the date of 96 to 97.

And here are the results.

-13 out of 20 articles dealt with the law or getting involved in some way.

Some of the articles dealing with law making included:

Forum debates law to track sex offender's, Report on sex abuse of children

required by law is not ready yet, April's attention is on child abuse, Patton plan to

protect abused kids is dead, Guidelines to help police investigate babies' deaths,

Swamped with abuse cases states failing to protect children, Bill alters handing of

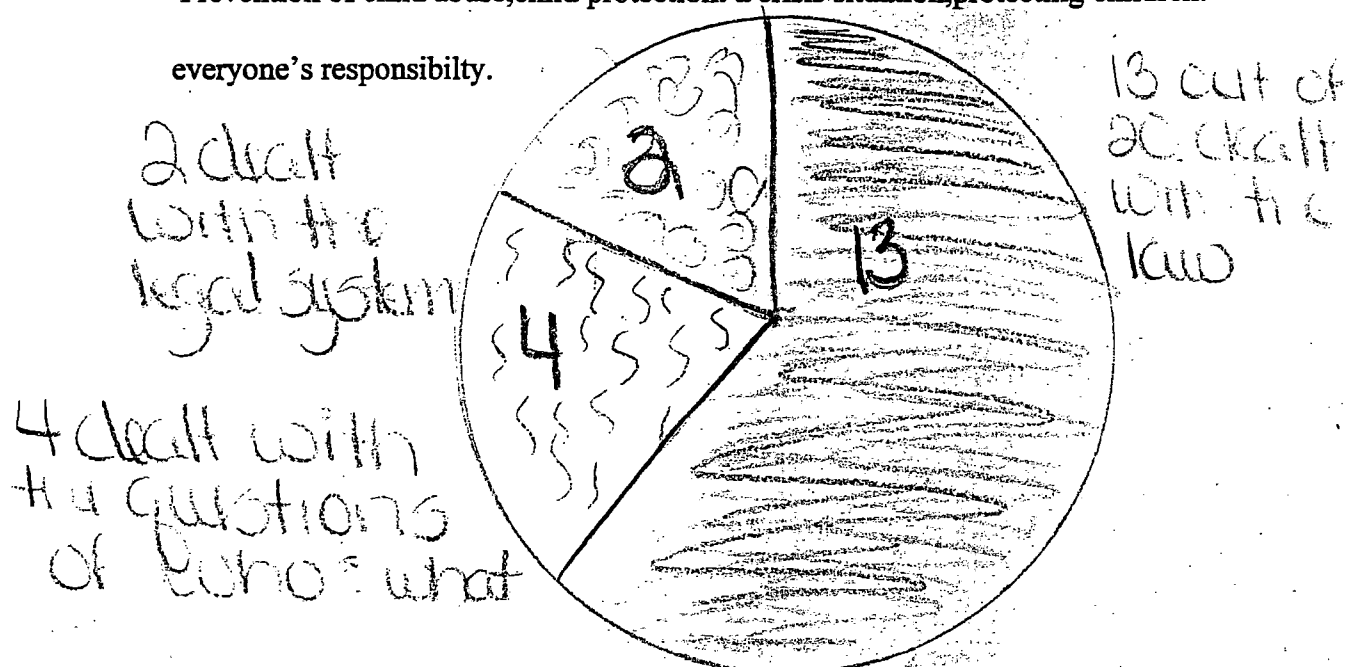
abused children. These articles tell us that abuse is a horrible thing, something

laws should respond to.

People are begging other's to get involved in these articles as well examples:

Prevention of child abuse, child protection: a crisis situation, protecting children:

everyone's responsibility.



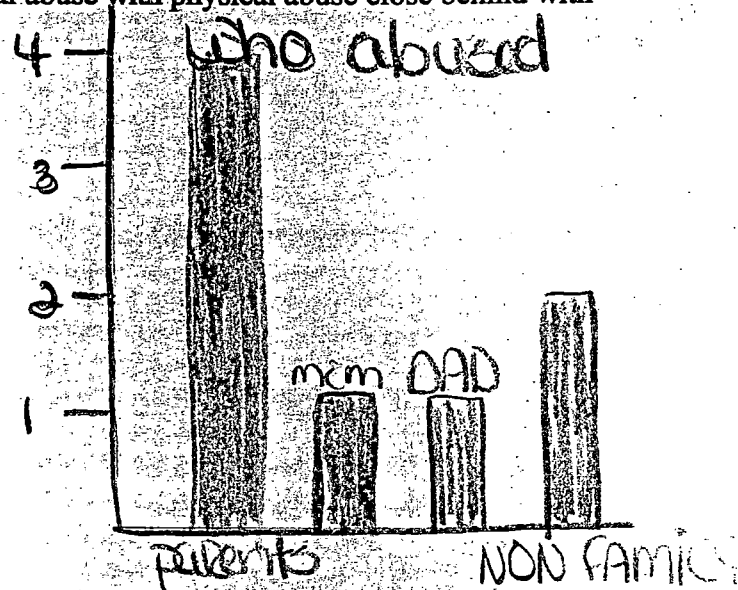
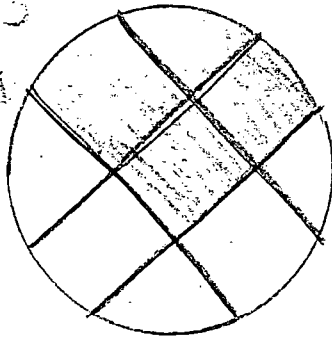
-4 out of the 20 spoke about the question's of who and what. Who are the abuser's

and what kind of abuse is happening. The articles show parent's (single or both) are being shown but with older adults surfacing in many cases. The what concerns the

type of abuse. 5 articles spoke of sexual abuse with physical abuse close behind with 4 mention's.

5 of 9 articles  
talked of  
sexual abuse

4 of the 9  
talked of  
physical  
abuse



-The last 2 articles involved the legal system. Both articles: Man gets probation in Child sex-abuse case, and convicted molester, 79, won't face more trials, relates to the folklore of abuser's don't get punished and the help they so badly need.

Folklore plays a big part in our lives. It's how we think. These articles typically reflect what people think of when thinking about abuse, the law's, who does it, what type, and what's done about it. I think in order to prevent child abuse we have to look beyond folklore and get to the facts.

01. -Headline- Forum debate law to track sex offenders. Rules must balance public, private rights.

-Date- 05-15-97

-Author- Wessel

-Source- Courier-Journal

02. -Headline- Hospitals criticized in case of infant girl who died of abuse

-Date- 05-25-97

-Author- Lawson

-Source- Courier-Journal

03. -Headline- The murder of Sarah Hensen. Suspect past sex offender. Like most inmates, he quit prison treatment.

-Date- 1-30-97

-Author- Malone

-Source- Courier-Journal

04. -Headline- Prevention of child abuse

-Date-

-Author- Gregory Schaaf

-Source- Courier-Journal

05. -Headline- Man gets probation in child sex-abuse case

-Date- 8-21-96

-Author- Staff

-Source- Courier-Journal

06. -Headline- Convicted molester, 79, won't face more trials

-Date- 10-02-96

-Author- Associates Press

-Source- Courier-Journal

07. -Headline- Woman told authorities husband beat baby who died

-Date-

-Author- Associated Press

-Source- Courier-Journal

08. -Headline- Report on sex abuse of children, required buy law , is not ready yet

-Date-

-Author- Associated Press

-Source- Courier-Journal

09. -Headline- Reader's Forum

-Date- 5-14-97

-Author- Reader

-Source- Courier-Journal

10. -Headline- Frontline updates bizarre sex-abue case

-Date- 5-27-97

-Author- Dorsey

-Source- Courier-Journal

11. -Headline- Child protection: 'A crisis situation'

-Date- 2-26-96

-Author- Reader

- 1-6
- Source- Courier-Journal
12. -Headline- Protection children: Everyone's responsibility
- Date- 5-25-96
- Author- Reader
- Source- Courier-Journal
13. -Headline- April's attention is on child abuse
- Date- 4-10-96
- Author- Staff
- Source- Courier-Journal
14. -Headline- Patton plan to protect abused kids is dead
- Date- 3-28-96
- Author- Joseph Gerth
- Source- Courier-Journal
15. -Headline- Reader's Forum
- Date- 2-01-97
- Author- Reader
- Source- Courier-Journal
16. -Headline- Guidelines to help police investigate babies' deaths.
- Date- 7-21-96
- Author- Associated Press
- Source- Courier-Journal
17. -Headline- Study says more children being abused
- Date- 10-19-96

-Author- Associated Press

-Source- Courier-Journal

18. -Headline- Database didn't show sex-abuse convicting of dead tot's stepfather

-Date- 1-24-97

-Author- Quinlan

-Source- Courier-Journal

19. -Headline- Swamped with abuse cases, states failing to protect children

-Date- 3-127-96

-Author- Robert Pear

-Source- Courier-Journal

20. -Headline- Bill alters handling of abused children

-Date- 3-22-96

-Author- Joesph Gerth

-Source- Courier-Journal

# Forum debates law to track sex offenders

## Rules must balance public, private rights

By KIM WESSEL  
The Courier-Journal

Suppose someone who had been convicted of sexually abusing a child moved into the neighborhood.

Suppose nobody knew. And suppose that he sexually abused, perhaps even killed, a child who lived down the street.

Suppose everybody knew. And, though he may never have sexually abused another child, suppose neighbors did everything they could to get him to move — leaving threatening messages on his answering machine, taping obscene notes to his door.

It's a matter of balancing a public's right to know with an individual's right to privacy, experts said yesterday at a meeting of The Louisville Forum. And it's not easy.

**"IT'S NOT BLACK and white,"** said Joanne Phillips, executive director of Kentuckians Voice for Crime Victims.

She was joined by David Friedman, general counsel for the American Civil Liberties Union of Kentucky, and Charles Thomas, director of clinical services for The Family Place: A Child Abuse Treatment Agency, in debating how, and even whether, a community should be told when a sex offender moves in.

Last May, President Clinton signed a bill, nicknamed "Megan's Law" for Megan Kanka, a 7-year-old who was raped and killed in New Jersey, allegedly by a neighbor who had two prior convictions for attacking girls. The federal law requires states to devise a system of notifying a community when a sex offender is in its midst.

Kentucky is about to try to do that. Sen. Jeff Green, a Mayfield Republican, will sponsor a bill at the General Assembly's next regular session.

The panelists discussed a Jan. 25 incident in Greenville in which 16-year-old Sarah Hansen was kidnapped, raped and killed after she went to a convenience store to rent a video. The suspect, Robert Keith Woodall, had spent three years in prison for sexually abusing a 9-year-old girl. He had been released in February 1996 and was living in Greenville with his mother.

Phillips said the government has a responsibility to protect the community, not to allow people who have sexually assaulted children to "be put out in the public without warning."

Friedman, however, gave several reasons it's not a good idea to warn the entire community in most cases. First, it's ineffective, he said. Those who prey on children will simply go to another community if they have to, he said.

Second, Friedman said, in order to treat sex offenders successfully, they must feel as if they are a part of the community. But when the community is told about their past, they are made to feel isolated, defeating the purpose of treatment.

Both Friedman and Thomas, a licensed clinical psychologist, said not everyone who has been convicted of sexually abusing a child will someday abuse another child.

**"MOST OFTEN,** children are raped, molested and abused by their

# Hospitals criticized in case of infant girl who died of abuse

This story appeared on the front page yesterday morning but is being reprinted today because some papers did not contain the continuation of the story.

By GIL LAWSON  
The Courier-Journal

FRANKFORT, Ky. — Two hospitals failed to report injuries to a 10-month-old girl that occurred in the days and weeks before she died, allegedly at the hands of her parents, a report issued Friday said.

The report by the Cabinet for Families and Children criticized hospital officials and state Department for Social Services workers for not acting on possible signs of abuse.

Elaina R. Curtis moved from Lexington to Paducah with her family shortly before she died Jan. 11 of internal injuries. Her mother Myrna Tharp, and stepfather, Kenneth Tharp, have been charged with murder and criminal assault. Prosecutors have said they plan to seek the death penalty for Kenneth Tharp, who allegedly beat the baby with his fists.

"After a careful review of the facts, Elaina's death is a community responsibility, not just a DSS (Department for Social Services) responsibility," wrote Robyn Zapornik, a family services specialist who reviewed the events that led up to Elaina's death.

Both hospitals, however, deny mishandling the situation.

Elaina's last hospital visit came two days before she died, when she suffered a black eye and was taken to Western Baptist Hospital in Paducah. The report said the doctor "noted concerns about mother's stress level in relation to the child," but there was no documentation that the doctor notified the local social-services office. The mother blamed the injury on Elaina's sister.

Elaina also was taken to University of Kentucky Hospital Dec. 14 for a black eye and Dec. 17 for a broken toe. A hospital social worker spoke with the parents, but there is no documentation that a report was filed with the Lexington social services office, which already was investigating the neglect of Elaina's mother.

"This information could have provided (the Department for Social Services) with the necessary information to initiate court proceedings for the protection of Elaina," the cabinet report said.

It also said the Lexington social services office should have done more to investigate problems with the girl's family before she was born. Social services had investigated three reports at the Tharp home in 1994 and 1995. The report said there were signs that should have prompted social workers "to delve further into the situation," such as a young mother with possible drug problems experiencing much stress. Myrna Tharp also was observed by a health department employee striking her 11-year-old daughter repeatedly in 1994.

Kenneth Tharp had previously been convicted of sexual abuse.

A cabinet statement said the fatality report "does raise a legitimate concern about the Cabinet's involvement" with Elaina's family before December. But the cabinet noted that the shortcomings occurred before Elaina's birth and that there had been no reports that Kenneth Tharp was the perpetrator of abuse or neglect.

No disciplinary actions are expected, cabinet spokesman Cary Willis said.

Western Baptist Hospital issued a statement taking issue with the report. It said Elaina was brought to the emergency room with an eye injury that was consistent with the explanation given by the mother — that a sibling had hit the baby in the eye with a comb. "Therefore the physician and the staff acted reasonably and appropriately," the statement said.

UK Hospital repeated its previous assertions — that the evaluation of Elaina during both visits didn't warrant a child-abuse report. "UK Hospital records for Elaina Curtis did not indicate any prior situations of suspected abuse. In addition, UK Hospital does not have access to information about family history, aside from medically relevant information," the hospital said in a statement.

But David Richart, executive director of Kentucky Youth Advocates, said that is why hospitals and other caregivers must report anything suspicious to social workers. "That is a serious, fatal omission," he said.

The report also said the district court's office in Fayette County failed to notify social services officials of an emergency-protective order filed by Myrna Tharp against her husband in December 1996. Court officials have said they mailed copies of the order.

The report recommended that the social services office in Lexington get more training on how to assess families and that cases be picked for review. The cabinet said it would comply with the recommendation for more training, and that 50 cases will be reviewed and any weaknesses found will be used for training purposes.

The report also recommended that the Lexington social services office offer to train court clerks and the hospital staff on laws requiring child abuse to be reported as well as the warning signs of abuse and neglect. The cabinet said such offers will be made.

The cabinet also said that a computer database that lists domestic-violence orders is now available in Lexington; it was not in December 1996.

## REUNIONS

**Georgetown-Salem Reunion.** Today, 11 a.m., Boston Community Center, Boston, Ky. Bring food, drink and chairs.

**Central High School Class of 1947.** June 6-8, information: Arlene Bolan, (502) 772-9681.

**Golden Pond Area Schools Reunion.** June 14, 10 a.m., Patton Airport Pavilion, Land Between the Lakes, Ky. Information: Wendell Wallace, (502) 322-6721.

**Liberty High School Class of 1944.** 44, June 14, 8 p.m., Masonic Lodge, Liberty, Ky. Pot-luck meal. Information: Garland B. Hickey, (800) 787-6839.

**Made High School Class of 1927.** 1927, June 18, Audubon Country Club, 2285 Rocan Road, \$15. Information: Emory G. Johnson, (502) 425-1130.

**Sheltonfield High School Class of 1987.** June 21, information: Sonja Tchenor, (502) 349-4215.

**Shawnee High School Class of 1981-1982.** June 27-29, French Lick, Ind. Information: James D. Cole, (502) 463-6225.

**Barbara Aubrey, (502) 387-1661.** **Presentation Academy Alumni Reunion.** June 28, 9 a.m. registration, followed by a prayer service, activities and lunch at noon. \$20. Information: 583-5635, Ext. 505.

**United States each Sunday.** Have submitted must be in writing and be received by the Courier-Journal, 402-1431, no later than noon Thursday.



Headline: THE MURDER OF SARAH HANSEN  
Suspect past sex offender  
Like most inmates, he quit prison treatment

Date: January 30, 1997                      Section: NEWS  
Page: 1A  
Length: 1419

Author: JAMES MALONE, The Courier-Journal      STAFF

Text:

A man charged with raping and killing a Muhlenberg County teen-ager last weekend was a convicted sex offender who had received minimal treatment in prison.

And the experience of Robert Keith Woodall is not unusual. State prison officials say that most inmates imprisoned for sex crimes don't complete the voluntary sex-offender treatment program, which a new study suggests can be successful.

Woodall's case also highlights the limits of the state's registry that is supposed to track sex offenders upon their release from prison. Woodall was not listed in the registry, which is available only to law enforcement personnel, because his conviction predated the start of the registry in July 1994.

Woodall, 22, of Greenville, Ky., was arrested Tuesday night and charged with murder, rape and kidnapping in the death of 16-year-old Sarah Hansen, also of Greenville. He pleaded not guilty during an arraignment yesterday morning.

Hansen, a popular honor student, had gone to a convenience store near her house Saturday night to rent a video and never came home. Her body was found in a nearby lake a few hours later.

Woodall got out of prison last February after serving 31/2 years of a five-year sentence for two counts of first-degree sexual abuse. His sentence was shortened because of time he was credited for good behavior in prison.

He had pleaded guilty in 1993 to sexually abusing a 9-year-old girl on two occasions in July 1992, when he was 18. A state corrections official said Woodall forced the girl to fondle him.

Woodall was indicted on three other counts of sexual abuse against three other young girls, but those charges were dismissed because of "the quality of the evidence," said Muhlenberg Commonwealth's Attorney David Jernigan. While in prison, Woodall completed only eight weeks of a two-year sex-offender-treatment program, according to Kathi Peterson, who heads the Corrections Department program.

WOODALL WAS denied parole in March 1994 because he dropped out of the program the previous fall. A 1986 state law prohibits parole for sex offenders who don't finish treatment.

Parole Board Chairman Helen Howard-Hughes said Woodall also had been

1-10

written up several times for fighting in prison and appeared to have adjusted poorly to life behind bars in his first year.

Criminologists say sex offenders are more likely than almost any other criminals to repeat their offenses, but treatment can reduce repeat offenses.

Peterson said a study to be published shortly will show that between 1990 and 1995, sex offenders who didn't complete Kentucky's treatment program before being released from prison were arrested three times as often for new sex crimes as inmates who finished treatment in prison.

Experts say the repeat-offense rate is actually much higher, but offenders are often not caught or the victims don't press charges.

Nationally, the Association for the Treatment of Sexual Abusers says that without treatment, up to 40 percent of sex offenders who target children will re-offend and up to 35 percent of those who attack adult women will repeat their crimes.

BUT FEW inmates are enrolled in Kentucky's program. In 1994, The Courier-Journal reported that just 9 percent of sex offenders released from prison between 1987 and 1994 had completed treatment. Peterson disputed the newspaper's analysis but said she did not have any data on the percentage of sex offenders who complete the program in prison. And she acknowledged that the large majority of inmates don't complete treatment.

Currently, Peterson said, 350 of Kentucky's 2,000 imprisoned sexual offenders are enrolled. Peterson said inmates like Woodall who are serving five or fewer years are much less likely to participate in treatment than those serving longer sentences. That's because they have little incentive to complete treatment, she said.

Inmates become eligible to enroll in the two-year treatment program three years before they are eligible to face the parole board. But with credit earned for good behavior, a five-year sentence typically becomes 3 1/2 years, even without parole.

"I don't know what the solution would be other than to have longer sentences," Peterson said.

If short-term sex offenders have little incentive to enroll and complete the treatment, then the state should motivate them, possibly by taking away good time, said state Rep. Charles Geveden, D-Wickliffe.

Experts say sex offenders can't be forced to enroll in treatment, because inmates must admit their problem for the program to help them.

SOME LEGISLATORS yesterday also called for a law that the public be alerted when a convicted sex offender is released to or moves into a community. But others urged caution.

State Rep. Brent Yonts, a Democrat who represents Greenville, said his constituents have contacted him about the issue of public notification - although some Greenville residents interviewed yesterday said they were aware of Woodall's record.

"This is the most tragic, vicious, community-destroying event that's ever happened in this town," he said. "This has woke up the community."

This is no longer Mayberry, U.S.A. ''

1-11

Yonts said he called Gov. Paul Patton yesterday to ask that a law requiring mandatory community notification of the release of sex offenders be placed on the agenda for a special session this year. ``I don't really appreciate them being let out, and particularly without warning. ''

Kentucky's on-line sex-offender registry has about 325 names, but neither Woodall nor hundreds of other sex offenders convicted before July 1994 are listed, because of how the legislation was written.

The database can only be used by law enforcement, but police are not alerted when an offender moves to town, though offenders are required to tell the state when they move. ``Obviously, that's something that needs to be addressed, '' said Barbara Jones, general counsel for the Justice Cabinet.

THE STATE has no way of knowing how many times police have queried the registry nor does it have any way to determine whether offenders are faithfully reporting new addresses, said Hansel Hill, who oversees the LINK offender database for the Kentucky State Police.

A 1994 federal law required states to create sex-offender registries open to the public by August 1997. But Jones said subsequent amendments have created confusion about whether Kentucky must make its registry public.

The Justice Cabinet and a task force of law-enforcement officials are currently evaluating proposed changes in the registry law, including how to track offenders as they move about and exactly what information should become public, Jones said.

Some question whether the public release of such information is wise. Civil libertarians have challenged the constitutionality of these measures, though courts have generally upheld the legality of state registry laws.

``How does it affect your neighbor who is successfully completing a program; nobody would want him in the neighborhood, '' said Joe Roehrig, executive director of the Family Center: A Child Abuse Treatment Agency, in Louisville.

With treatment, offenders are much more likely to control their behavior, Roehrig said.

And Geveden said he would have reservations about making the registry public ``unless it could be shown to me it would perform some useful service. ''

``If the information served only to embarrass the offender, then it performs no useful purpose, '' Geveden said, adding he feared vigilante retribution and useless public alarm if the data were misused.

One state legislator, however, questions the effectiveness of treatment programs for sex offenders and advocated stiffer and swifter sentences for serious crimes.

``Short of wearing a hat and a beacon that goes off, how are you going to keep (a sex offender) out of that (Hansen's) van? '' asked State Sen.

COURIER JOURNAL N.D.  
**'Prevention of child abuse'**

As president of the Kentucky Council on Child Abuse, I commend and thank the legislature and the Governor for their actions in the last General Assembly toward one of our most compelling societal problems — abuse and neglect of children. The additional funding provided to the Cabinet for Human Resources to increase the number of case workers in protective services was commendable. Now it is crucial that those personnel positions be filled without further delay. No child or family in Kentucky should be denied protection services because of bureaucratic inertia.

Of equal importance to the issue of child abuse was the passage of House Bill 755. This legislation provides funding for the prevention of child abuse through the establishment of parent-education, self-help and support groups. This critical component must also be effectively implemented. Although we must bandage the wounds of child abuse through protective services, the ultimate goal should be to prevent this atrocity toward our most valuable resource — our children.

GREGORY R. SCHAAF, President  
Kentucky Council on Child Abuse  
Lexington, Ky. 40503

COURIER JOURNAL 10-2-94

**Convicted molester, 79, won't face more trials**

Associated Press

LOUISA, Ky. — A judge agreed yesterday to dismiss most of the remaining child sex-abuse charges against an elderly Eastern Kentucky preacher already sentenced to 25 years in prison for abusing four boys.

The state Supreme Court last week upheld the conviction of Gallie Isaac Sr., 79, of Lawrence County. Assistant Attorney General Luke Morgan said yesterday that he saw no reason to try Isaac in the molestation of four other boys.

Morgan said he was thankful that the first four victims had the courage to get up in court and tell what happened to them. He wanted to spare the other four that trauma.

"That's a terribly, terribly difficult thing for anyone to do," he said. "I don't think that anyone should have to go through it if it's not needed."

Judge Stephen "Nick" Frazier is expected to sign an order dismissing the 14 sexual abuse charges in that case. Another judge will be asked Oct. 11 to dismiss a final count involving a 7-year-old boy.

The former longtime Lawrence County clerk was convicted in November of 13 counts involving the first four boys. The cases involving the other four boys were to be tried separately.

Isaac was free pending his appeal but was taken to the Big Sandy Regional Detention Center last Thursday after the high court's ruling. Frazier rejected a defense motion yesterday that Isaac be allowed to post bond to get his affairs in order.

Isaac suffered a stroke earlier this year. His attorney, Eldred "Bud" Adams, said the Johnson County lockup was not equipped to handle a man in Isaac's condition.

"Judge, I just ask you to put this monster behind bars," Morgan said in arguing against the bond. "It's time that these victims in this case know this pedophile is off the streets and he won't be victimizing children anymore."

Morgan said Isaac will not be elig-

COURIER JOURNAL 8-21-96

**REGIONAL BRIEFS**

COMPILED FROM STAFF AND AP DISPATCHES

**Man gets probation in child sex-abuse case**

PRESTONSBURG, Ky. — An Eastern Kentucky man was sentenced Monday to two years of probation after entering a plea to a misdemeanor sex-abuse charge.

Raleigh Collins, 71, was set to stand trial Monday in Floyd Circuit Court on two counts of first-degree sexual abuse. He was indicted in June 1993 on charges of having illegal contact with two children under the age of 12.

But prosecutors agreed to a plea on a lesser charge of second-degree sex abuse to spare the children the trauma of testifying. Assistant Commonwealth's Attorney John Mann agreed to allow Collins to enter an Alford plea, meaning Collins does not admit guilt but agrees he could be convicted.

Judge Danny Caudill sentenced Collins to 12 months but probated the sentence for a two-year period. He also ordered Collins to get counseling and to stay away from the victims.

# Woman told authorities husband beat baby who died

Associated Press

PADUCAH, Ky. — Myrna Tharp gave authorities a statement saying she watched her husband beat her 10-month-old daughter several hours before the baby died Jan. 11, according to a document filed by a prosecutor. The document also says the baby, Elaina Curtis, was allegedly beaten several times that day before she was taken to the emergency room at Western Baptist Hospital. The Paducah Star reported yesterday. She died shortly afterward.

Myrna Tharp and her husband, Kenneth Tharp, are charged with murder and criminal assault. Commonwealth's Attorney Tim Kaltenebach said he intends to seek the death penalty against Kenneth Tharp, the baby's stepfather.

The Tharps' trial is scheduled for July 26. The couple are being held in the McCracken County Jail without bond.

The new information is included in a "bill of particulars" filed by Kaltenebach in McCracken Circuit Court. The document outlines the commonwealth's case against the Tharps.

"During the day of Jan. 11, 1997, on more than one occasion, Elaina Curtis was beaten," Kaltenebach wrote. "According to a recorded statement given by defendant Myrna Tharp, defendant Kenneth Tharp beat Elaina with his fists in the late morning or early afternoon of Jan. 11 ... and (Myrna) did nothing to protect the child from ... Kenneth Tharp."

Kaltenebach would not comment on any of the information in the document. He had said earlier that Myrna Tharp is charged with murder because there is no evidence that she did anything to keep her daughter from being beaten. He said that under Kentucky law, not trying to prevent a death is the same as committing the killing.

The document also lists 22 potential witnesses, including police, doctors, ambulance workers and social-service workers.

# Report on sex abuse of children, required by law, is not ready yet

Associated Press

FRANKFORT, Ky. — A 1994 law requires an annual report on all cases of sexual abuse of children in the state, but the first one has been delayed because of inadequate staffing and cumbersome compilation procedures, officials said.

Former Attorney General Chris Gorman's Task Force on Child Sexual Abuse drafted the law after finding that prosecutors, judges and others sometimes mishandled cases.

Because little or no information about such cases had been compiled, communities had no way to judge how they were being handled.

The law, which went into effect July 15, 1994, requires the Prosecutor's Advisory Council and the attorney general's office to make public at least once a year statistics on the investigation, prosecution, dismissal, conviction, or acquittal of people charged in Kentucky with sexually abusing children.

All prosecutors in the state have complied with the law this year, said Jennifer Schaaf, communications director for the current attorney general, Ben Chandler.

But the report from Gorman's term that will be given to the state's Multi-Disciplinary Task Force on Child Sexual Abuse tomorrow in Frankfort includes information about just 500 of 1,600 charges filed from July 1, 1994, to June 30, 1995. The report won't be made public until Chandler's office can add information about the other 1,100 cases, which could take until May, Schaaf said.

The problem, Gorman said in an interview Friday, was that only enough money was allotted for one person to track the cases and compile the report. That person had to create a computer database from scratch because information from state agencies was fragmented, unavailable on computer or not available at all.

Another problem, according to the Gorman report, was that the Cabinet for Human Resources files informa-

tion only by victim, and the Administrative Office of the Courts only by defendant.

After a recent inquiry by the Lexington Herald-Leader about the report's status, Chandler's staff began working on a new plan to complete the report and make sure the next one is on time. Chandler, who took office in January, also might change the way information is presented or add details useful to the public, Schaaf said.

Although individual cases were presented by county in the Gorman report, the judges and prosecutors handling the cases were not named.

Chandler is making the report a top priority, Schaaf said. "We're going to commit some kind of additional resources to this and look at automating the way it's put together."

Gorman said it is unfortunate that the first report will be several months late, but at least prosecutors and judges will know their work faces public scrutiny.

MIKE KLEIN  
LOUISVILLE 40206

A baby was left in a dumpster. A woman in Louisville shared her choice with the community. Today our hearts are saddened by this woman's choice. What a difference a few months make. It is more than a choice.

# ... THIS WOMAN'S CHOICE

PAMELA HELMS  
Director, Program Services  
The Family Place  
101 S. 2nd Street, Louisville, KY 40202  
502-582-2801

... a reality. A waiting solution. The baby found in a dumpster last Monday is a tragic reminder of the need to strengthen community resources for parents and families. And many families are overwhelmed by the responsibilities of caring for an infant and then lack the resources to do so. Parents must have non-judgmental support to face times of extreme stress and daily pressures of life. The Family Place supports parents by providing temporary child care services for families in crisis situations. This focused and flexible approach to child care facility is available to children ages birth to 5 years and may be reached by calling Family Place at 502-582-2801.

... this community truly considers children to be our most valuable resource. Then we must provide the support systems necessary to help parents survive beyond a temporary crisis and find a lasting solution.

# FAMILIES IN CRISIS ...

LOUISVILLE JOURNAL  
5-14-77

... we hear of the New Year in our society. Where child workers are paid of pennies per hour and are citizens of harassment and abuse. Near 100 of children being beaten and sometimes even murdered. Part of athletic shoes, which been enclosed by some famous at or coach. The next time this pens, and it inevitably will. I'm pointing at least one finger to Clark and Broadway as an area to the crime.

THOMAS K. RECKTEN  
LOUISVILLE, KY

# 'Frontline' updates bizarre sex-abuse case

There's probably no charge more difficult to defend yourself against than the charge of sexually abusing a child — even if you're innocent.

That point was made in two award-winning "Frontline" programs that documented a notorious child sex-abuse case in Edenron, N.C., over the past seven years.



**TOM DORSEY**

TV-RADIO CRITIC

"Innocence Lost: The Plea" at 9 tonight on KET returns to the town of 5,000 for a third look at this incredible tale.

It's a classic case study for people interested in how the legal system works and what happens to people if it doesn't.

We see how people can be accused, indicted and tried on charges with almost no hard evidence.

The two-hour report is also a troubling study in how people react to sensational accusations.

The only problem with the program is that it takes an hour to reveal anything new.

"Innocence Lost" is stunning and one-sided. It's told almost entirely from the defendants' point of view.

The prosecution refused to go on camera or discuss case and the bizarre turns it has taken since 1990.

(The most recent twist occurred last Friday, when prosecutors dropped all pending charges against the two remaining defendants in the case, Little Rascals Day Care owner Robert F. Kelly Jr. and Kathryn Dawn Wilson, who was

the center's cook. The development had "Frontline" producing an epilogue for tonight's broadcast.)

Most of all, the documentary details how innocent people's lives can be destroyed and their reputations ruined.

There's almost a Salem witch-trial atmosphere about some parts of this saga.

The complicated background facts are reviewed in the first hour.

Seven people who worked at the Little Rascals Day Care Center were accused of hundreds of counts of sexually abusing children.

In an earlier report, producer Cira Bikel traced the possible origins of the charges to someone who was angry at a day-care worker for disciplining a child.

Some people believe the charges evolved out of that incident and spread like wildfire among frightened parents and manipulative therapists who may have put words into children's mouths.

The testimony of the kids, ages 3 to 5, provided the only evidence against the accused.

However, their claims included tales of sexual abuse aboard spaceships, of being thrown to sharks and of babies being murdered at the day-care facility.

The accused first turned down plea-bargaining agreements.

Those deals would have let them off with little or no prison time in exchange for pleading guilty and testifying against their fellow employees.

Two finally accepted the offers out of fear that they couldn't get a fair trial.

## Also on tonight

■ "Life's Work" (8:30 on ABC), the sitcom about a mom who goes to law

school at night and becomes an assistant prosecutor, has been canceled, but the network has put some unaired episodes on the schedule.

AEC said the sitcom was in the tradition of "Roseanne" but the series never jelled.

■ The movie "M\*A\*S\*H" (8 on the Nashville Network), which spawned one of the most popular TV series ever, is still pretty funny 27 years after it was made.

Donald Sutherland, Elliot Gould and Sally Kellerman star.

Gary Burghoff, who crossed over to the TV series, plays Radar O'Reilly.

■ Jerry Seinfeld fields questions on "Larry King Live" (9 on CNN).

■ "Hawaii Five-O" reruns from 1962-80 pop up this summer.

They're on the Family Channel at 9 p.m. Monday through Friday.

■ "Conversations With Burt" (10 on TNN) is a new celebrity interview show that will be on about once every three months.

Burt Reynolds will be asking the questions.

Tonight he talks with Reba McEntire, Trisha Yearwood and Ann-Margaret.

■ "NYPD Blue" (10 on ABC) reruns its season opener from last fall.

Andy is obsessed with his baby's health. Simone is feeling romantic, and Medavoy goes on a diet.

Tom Dorsey's column runs Monday through Friday in Features. Call him at (502) 582-4474 or send a fax to (502) 582-4388.



# CHILD PROTECTION: A CRISIS SITUATION

## Positons abolished

In June of 1995, there was a public outcry demanding a review of the Department for Social Services' child protection practices. A 26-member task force was appointed to make recommendations. They recommended that the Department for Social Services hire 213 additional workers to supervise a child protection team in Pulaski County. State law mandates that a child protection worker cannot carry more than 25 cases. I supervise carry an average of 63 cases. We had eight family service workers, three for domestic violence (a total of 379 last year) and five to provide follow-up services to our increasing caseloads and the incidence of neglect and abuse consistently on the increase, plus the recommendation that more staff be hired, one of the eight family service workers positions in Pulaski County has just been abolished. I am told there were more than 46 Social Services positions abolished statewide. Difficult to believe, isn't it? This is the downsizing of government, or the buzz word today is, "re-engineering."

I am making a public statement that we cannot adequately provide protection for the children of Pulaski County with the staff we now have. I am also appealing to the other county supervisors for voice their concerns for their own counties. I am asking our social workers have a caseload of more, we hire more. If Ohio is quick to blame social workers for the ill of society to speak out now. Call your legislative representatives and tell them you are willing to support whatever it takes to provide adequate protection to the children of Kentucky. Social Services cannot bear this responsibility alone. Even if state government gave us back the abolished position, we are unable to hire any new employees. There is a hiring freeze. In state government, let me assure you there is no freeze on child abuse.

The family service workers of Kentucky are on the job daily and far into the night, risking their lives and professional reputations to protect the children. We have been there every day. Where are all those people who were so concerned in June?

Social Services wants to protect the children of Kentucky, but I want the public to know we are in a crisis situation. We do not have the resources or personnel to protect these children. If our government is not willing to spend the tax money to support the work of child protection, then they must accept their part of the blame when the disaster occurs. I know will happen.

**PHILIP JONES**  
Family Services Office Supervisor  
Department for Social Services  
Somerset, Ky. 42502

## Put children first

I read about Kentucky's problems

Skills. Computers assist us in our work; they do not do our work for us. Adding a wonderful new computer system would help give our social workers more time to spend on their cases, on a one-to-one basis. Most important, though, we need to help our social workers have a caseload they can handle. If this means hiring more, we hire more. If Ohio is equitable, we make the salaries more equitable. Social workers have never been paid what they deserve.

What is being forgotten by our Governor and lawmakers is that we are throwing away the children. Our most important resource, and we just toss them away like old bread. Is this how you would want your own children treated? Is this what we want to teach our children? Do we not care anymore?

Regardless of the politics involved, the family service workers of Kentucky are on the job daily and far into the night, risking their lives and professional reputations to protect the children. We have been there every day. Where are all those people who were so concerned in June?

Social Services wants to protect the children of Kentucky, but I want the public to know we are in a crisis situation. We do not have the resources or personnel to protect these children. If our government is not willing to spend the tax money to support the work of child protection, then they must accept their part of the blame when the disaster occurs. I know will happen.

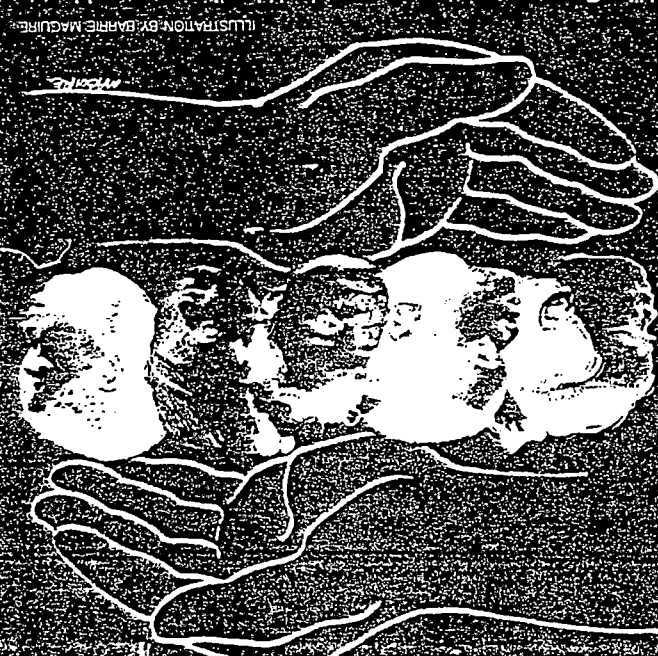
**PHILIP JONES**  
Family Services Office Supervisor  
Department for Social Services  
Somerset, Ky. 42502

## Raised by relatives

I have never responded to any article in your paper before, even though I read it daily. Your Feb. 18 article on Child Protection requires a response.

Since November of 1994, my wife and I have been raising our grandson. He was 3 years old and now is 5. What Dr. Judy Green states compared with the natural rights of the parents is the truth as my wife and I have learned in an exasperating and expensive way. Our efforts to

**DEBRA L. ADAMS**  
Louisville 40228



give our grandson a chance to be raised by someone other than the natural parents. This sounds like a great idea, but it is estimated that between 25 and 30 percent of the children in our community are being raised by someone other than the natural parents. These numbers are frightening when you realize that for many parents are not included. Many of the children being raised by a relative care-giver are not counted because the children are not in the system. Green said that foster parents have no rights concerning the well-being of the child because not one listens to the care-giver. She is certainly correct; in fact, care-givers often must defend themselves in custody cases against the natural parent. I do disagree with two statements Green made. (1) Grandparents/foster care-givers have less standing in the eyes of the courts than foster parents. And (2) my grandson is blond and blue-eyed and has not been reunited with his parents yet, but only because we have spent a lot of money, time and effort to fight reunification.

Should you like to hear many more horror stories, please feel free to contact me any time. I have joined a group of other grandparents, called GASP (Grandparents Acting as Surrogate Parents), which was started by joining this group. We have learned that many care-givers have expended the same unjust treatment of the children they are trying to help. Why don't these children have at least the same rights under our Constitution as their natural parents?

**WILLIAM C. CALEHAN**  
Louisville 40232

COURIER-JOURNAL 2-26-96

# PROTECTING CHILDREN: EVERYONE'S RESPONSIBILITY

## 'Help solve' the problem

The desperate need for more social workers is just the tip of the iceberg. The fact that this state has close to 60,000 reported cases of abuse and neglect is a disgrace. It speaks of the need for awareness, education, and support of those who are on the front line of this battle.

Out of the 25,000 substantiated cases, Social Services has protected many of these children by removing them from their homes. But where do you put hundreds of homeless children? Where do the ones who run away from abusive situations go? There are far too few foster homes to accommodate the numbers. The answer is, wherever the case worker can find a bed. This may be in a shelter, 50 to 200 miles from the child's home, family and friends. Kentucky has less than a half dozen children's emergency shelters, and these facilities are always at capacity. The situation has become so critical that on occasion case workers have spent the night watching over children in sleeping bags on the floor of Social Service offices.

Wake up, Kentucky. The care and protection of our children is not just the state's responsibility, it's everyone's. Appropriating funds to hire more social workers will ease the situation, but you, the private citizen, can help solve this problem. Get involved, band together, look at the numbers and face the problem of abuse and neglect in your community. We did, and decided it was time to do something about it.

I am speaking of the 15 volunteers who comprise the board of directors of Host House, a temporary emergency youth shelter located in La Grange, Ky. Host House will open this summer and will house and counsel abused, neglected, and homeless youth and their families from Henry, Oldham, Shelby and Trimble counties.

We began by assessing the needs of our children in crisis. Then we took a deep breath and went to work. A truly grassroots effort, we solicited help from the state, individuals, corporations, private foundations, civic and church organizations.

A house was purchased with the aid of a private benefactor. Then we started the major task of converting the home into a shelter. Our community responded with contributions of a new roof, new plumbing, new wiring, building materials, labor, and cash donations. Sunday-school children and women's organizations have collected everything from soap to pots and pans. Youth groups have scraped woodwork and removed old wallpaper. One Oldham County

church gave Host House a shower. A small Henry County church is making quilts for the children's beds.

Our task has not been an easy one. We have experienced delays, red tape, and a sundry of other problems, but we have persevered. Host House will serve 120 children annually. It may seem like a small dent in the number needing care, but if we change the life of one child, we have made a difference.

Margaret Mead said it so well: "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has."

We believe that the greatest gift to the future is the support of our youth today. Let's work together to preserve and insure the future of Kentucky's greatest asset, our children.

JAN YOUNGLING, Founder  
Host House  
La Grange, Ky. 40031

## Report suspected abuse

During the six years I was employed by the Department for Social Services, much energy was expended by the Cabinet for Human Resources to increase public awareness of child abuse and the legal mandate to report any suspicions that a child was being mistreated. A March 11 letter writer, a Child Protective Services supervisor, now tells us that the public is making a "huge number of inappropriate referrals to the Child Abuse Hotline" and professionals are making "frivolous reports in order to minimize their own liability."

Congratulations are due to the March 11 writer. In her apparent frustration at supervising overburdened Child Protective workers, she has found a way to guarantee a reduction in the number of calls to the hotline. Unfortunately, the frivolous calls of litigating spouses and warring neighbors will, in all likelihood, continue. Her comments serve only to reawaken

Letters to the editor are welcomed. They should be addressed to:

Readers' Forum  
The Courier-Journal  
P.O. Box 740031  
Louisville, Ky. 40201-7431

They can also be faxed to us at (502) 582-4030. Best-read letters are under 200 words and on topics of general interest. A letter must be original and contain the signature and address and should include the daytime telephone number of its writer. The editors reserve the right to condense or reject any letter and to limit frequent writers.

en the concerns of the community that they are being nosy and of professionals that they may be seen as alarmists.

As education coordinator for the Families In Transition Program (mandatory divorce education in Jefferson County), I will continue to instruct program facilitators to report any suspected abuse that comes to light not only in the program, but in their other professional roles as teachers, social workers, therapists, and attorneys. We have been trained by the Cabinet for Human Resources that it is our job to report any suspicions of abuse or neglect and the re-

sponsibility of the Department for Social Services to investigate and make a determination.

Overwhelming as the Intake Acceptance Criteria may be for Child Protective Services, the answer is more, better paid and better trained workers, not criticizing those who are attempting to comply with the mandate to report. I strongly urge the Department for Social Services to respond to the March 11 writer's comments and to reiterate their policy of support for a community that cares about children's protection.

DIANE K. ZIMMERMAN  
Louisville 40204

## COURIER-JOURNAL 4-10-96 April's attention is on child abuse

April has been designated Child Abuse Prevention Month by Gov. Paul Patton, and April 18 is Blue Ribbon Day.

The Department of Social Services and the Kentucky Council on Child Abuse are sponsoring statewide events, including a poster and essay contest for fourth- and fifth-graders. District winners will be honored in Frankfort next Tuesday and their entries will be displayed in the Capitol throughout the month.

April 14 has been named "Men's Sunday" by the Northern Kentucky Child Sexual Abuse Task Force. Churches in that area can arrange for a speaker, material or information by calling Kim Laymon of the Family Nourishing Center at (513) 331-8555.

The Henderson County social-service office will have an open house April 18; specialists in preventing child abuse will be available to answer questions. Call Billie Jo Stuckert at (606) 292-4549.

# Patton plan to protect abused kids is dead

By JOSEPH GERTH  
Staff Writer

FRANKFORT, Ky. — The Senate killed Gov. Paul Patton's proposal yesterday to shift the focus of the state's child-protective services so that children can be removed more easily from unsafe homes.

Majority Leader David Karen, D-Louisville, said the legislation came to the Senate too late in the session for passage and the senators didn't want to take it up.

The measure, in the form of an amendment hastily written last week, was merged with House Bill 704 last Thursday and passed by the Senate Health and Welfare Committee. But yesterday, Senate leaders sent the bill to the Appropriations and Revenue Committee instead of to the floor for a vote, a traditional

late-session method of euthanizing legislation.

House Bill 704 would have fundamentally changed the way Kentucky handles child abuse and neglect by making the "protection of vulnerable children" the state's primary goal. The law now places a greater emphasis on strengthening family life and keeping children with their families, which critics think has placed children in danger.

Patton's measure would have given courts more leeway in removing children from abusive and neglectful homes and given the Cabinet for Families and Children the authority to appeal decisions of district court judges to circuit courts.

It also would have allowed judges

See PATTON  
Page 9, col. 1, this section

COURIER-JOURNAL 2-1-97

## Shaken Baby Syndrome

Kentucky recently lost another child to abuse. Twenty-three-month-old Wesley Clay Rainwater died recently as a result of a form of child abuse called Shaken Baby Syndrome, or Shaken Child Syndrome. Shaken Baby Syndrome is not new, but it has only recently begun to receive the publicity necessary to educate caretakers (parents, baby-sitters, teachers) about the dangers of shaking young children.

Many people do not realize that shaking a child, even playful shaking, can cause serious injury or even death. When a young child is shaken, his or her brain crashes into the skull, causing tiny blood vessels on the outside of the brain to burst. The blood collects in the skull, causing pressure on the brain, which can result in significant or permanent damage.

The Kentucky Council on Child Abuse continues to work to educate citizens of the commonwealth about child abuse, including Shaken Baby Syndrome. The Kentucky Council on Child Abuse believes that education results in prevention. During the next few months, Kentuckians will see a public service campaign geared to inform the public about Shaken Baby Syndrome. The theme of the campaign is "Never, never shake a baby!"

I encourage television and radio stations and the print media to present this message at every opportunity. Although we have lost Wesley Clay Rainwater, we can help prevent this tragedy from happening to other children of the commonwealth by educating the caretakers. Please, never, never shake a baby.

GREGORY R. SCHAAF, President  
Kentucky Council on Child Abuse, Inc.  
Lexington, Ky. 40593

# Guidelines to help police investigate babies' deaths

Associated Press

ATLANTA — For the first time, the government has issued investigation guidelines to help coroners and police distinguish between crib death and homicide in infants who die suddenly.

Over the years some murders have been mistakenly classified as crib death, formally known as Sudden Infant Death Syndrome.

The Centers for Disease Control and Prevention yesterday released a six-page form for noting such things as the position of the infant's body, any suspected injuries and any evidence of drug use in the home.

The investigation, plus the child's medical history and an autopsy, are necessary for a thorough investigation, said Dr. Solomon Iyasu.

About 6,000 infant deaths a year are attributed to the syndrome, the sudden death of an infant that remains unexplained after a thorough investigation. It is the leading cause of death among infants ages 1 month to 1 year, accounting for about 35 percent of all deaths in that age group.

The new recommendations may reduce the likelihood of an incorrect diagnosis, the agency said. A thorough investigation will determine a cause other than the syndrome — including homicide, child abuse or natural causes such as birth defects — in about 15 percent of unexplained infant deaths, the agency said.

COURIER-JOURNAL 10-19-96

## Study says more children being abused

Associated Press

WASHINGTON — The abuse and neglect of America's young nearly doubled between 1986 and 1993, an increase so dramatic that it reflects a "true rise" in the severity of the problem rather than one based solely on heightened awareness, a federal study says.

The congressionally mandated study, issued yesterday by the Department of Health and Human Services, said the estimated number of children abused and neglected rose to 2.31 million in 1993 — up 98 percent from 1.42 million in 1986 when the last report was published.

Child welfare workers say the upward trend is continuing. Many blame drug and alcohol abuse and a breakdown of the family.

Renita Davis, a case manager at an early childhood program in Laurel, Miss., said unemployment is partly to blame for a rise in abuse and neglect.

"The jobs that you get pay little or nothing so you have two choices: Either you go on unemployment or you sell drugs or you turn to alcohol" and

this leads to stress in the home, which leads to violence, she said.

Health and Human Services Secretary Donna Shalala released the report at the National Conference on Child Abuse and Neglect and also announced \$23 million in state grants so community organizations can teach parenting skills and provide other services aimed at preventing abuse.

While the incidence rose, the report said the number of cases investigated by state agencies remained constant. As a result, the percentage of cases that state child protective services workers investigated fell from 44 percent of the total in 1986 to 28 percent in 1993.

"This picture suggests that the child protective system has reached its capacity to respond," the report said.

However, Alinda Davis, of the United Way in Kansas City, Mo., speculated that states investigated the same number of cases because people have become frustrated with an overloaded system and have stopped reporting them, especially if they fear a child will be removed from a home.

### FINDINGS

■ The number of abused children rose 107 percent from an estimated 590,800 to 1.22 million; the estimated number of neglected children rose 114 percent from 917,200 to 1.98 million.

■ The estimated number of seriously injured children nearly quadrupled from 141,700 to 565,000.

■ Children of single parents had a 77 percent greater risk of being harmed by physical abuse and an 87 percent greater risk of being harmed by physical neglect than children with both parents.

■ Children from families with incomes under \$15,000 were 22 times more likely to suffer maltreatment than children from families with incomes above \$30,000.

-----  
NewsBank, inc. - The Courier-Journal - 1997 - Article with Citation  
-----

Headline: Database didn't show sex-abuse convictions of dead tot's  
stepfather

Date: January 24, 1997

Section: NEWS

Page: 12A

Length: 630

Author: MICHAEL QUINLAN, The Courier-Journal STAFF

Text:

State child-welfare officials said yesterday that they wouldn't have known about the two child-abuse convictions of a man charged in the death of his infant stepdaughter even if they had used a criminal-history database available to them.

Because of a glitch in the system, Court Net, a computerized record of misdemeanor and felony offenders set up by the Administrative Office of the Courts, does not list the 1986 and 1991 sexual-abuse convictions of Kenneth Tharp, who was indicted this week on criminal abuse charges in the beating death of 10-month-old Elaina Curtis.

Myrna Curtis Tharp, the girl's mother, also was indicted.

Viola Miller, secretary of the Cabinet for Families and Children, noted the discrepancy and defended the actions of social workers in the case. Miller said the workers have been unfairly criticized for not using the database.

Social workers in McCracken County, where Elaina died, said they weren't aware of previous trouble in the home and didn't know about Kenneth Tharp's previous convictions, which happened in other counties.

Although the database lists 39 charges against Tharp since 1986, the sexual abuse convictions are not listed. More recent probation violations, however, are listed.

The problem with the system is that more recent charges supplanted the original or former charges in the database in some cases, said Paul Isaacs, director of the Administrative Office of the Courts.

``That appears to have happened here,'' he said.

Isaacs said he knew of the problem before the Tharp case and that his staff was already working to correct it. Some records added to the system were recorded under an old system that indicated only the most recent charge, he said.

Cabinet officials acknowledged last week that they were unaware of Court Net and that its information was readily available to them.

The agency does not do its own criminal-background checks because federal law permits only law-enforcement agencies to obtain records from the National Crime Information Computer.

A social worker in Paducah did check with police in Fayette County, where the family had lived. But police checked records only in that

county and found only outstanding misdemeanor warrants against Tharp.

1-22

A statewide database to catalog abuse cases is being developed and is expected to be operational by summer.

Miller called a news conference yesterday to defend her agency's handling of the case. She said a review of case records shows that everyone involved had acted responsibly and taken the proper actions.

Miller said she would like to make those records public but state confidentiality laws prevent her from doing so.

``I think there should be an exception when a child has died,'' she said. ``If society could learn from a child's death then that child might not die in vain.''

#### Corrections:

Because of an editor's error, this story about a criminal history database should have said that Lexington, not McCracken County, social workers were unaware of Kenneth Tharp's sexual abuse convictions or of previous trouble in the home of a 10-month-old girl who was beaten to death Jan. 11. Also, a Lexington social worker checked local police records. The family moved from Fayette County to Paducah shortly before the girl died. Tharp has been charged in the death

#### Graphic:

Viola Miller, secretary of the Cabinet for Families and Children, defended the actions of social workers in the case of 10-month-old Elaina Curtis, left, who died of massive internal injuries.

Copyright 1997 The Courier-Journal

Accession Number: LVL17512732

---

# Swamped with abuse cases, states failing to protect children

ROBERT PEAR  
New York Times News Service

WASHINGTON — At least 21 states including Kentucky and Indiana — under court supervision because they failed to take proper care of children who had been abused or neglected, and many of them have flouted obligations even after promising legal settlements to protect the constitutional rights of foster children, records show.

Judges across the country have said what U.S. District Judge Thomas Hogan describes as "outrageous deficiencies" in child protection services.

Another judge describes the conditions as "a bleak and Dickensian pic-

ture." Child welfare officials in many states, swamped with work, are slow to investigate reports of child abuse and neglect. They often place children in unsafe or overcrowded foster homes and provide them with inadequate medical care. They afford few social services needed to keep families together or reunify them. They are delinquent in finding new parents for children languishing in foster care.

Records by the federal Department of Health and Human Services show the annual number of abused or neglected children has more than doubled in the last decade, from 1.4 million to 2.7 million. The annual number seriously injured by abuse, the department says, has quadrupled, from 141,000 to 572,000.

Children are being hurt more often and more seriously," said Donna A. Auer, secretary of health and human services.

A federal advisory committee said that abuse and neglect were leading causes of death among children under 4 and accounted for fatalities a year among all chil-

ren, Liederman, executive director of the Child Welfare League of America, says social workers often handle 50 to 70 cases each. The league's standards are viewed as a benchmark. It recommends no more than 15 cases per worker.

The federal government provides \$1 billion a year to the states for child welfare services. The National Association of Public Child Welfare Administrators recently urged Congress to let each state take the money as a lump sum, or block grant, with more freedom to decide how the money is spent.

The Clinton administration says it is foolish to reduce federal child welfare funding and enforcement, in view of the "bysmal condition" brought to many lawsuits.

## Reasons for rise in abuse

Matthews, a law professor at the University of California at Los Angeles, listed several reasons for the rise in child abuse and neglect. They are the crack epidemic, the increase in economic hardship, the failure of welfare and the minimum wage to keep pace with inflation.

In many states are now cutting assistance, and as a result, some families cannot afford necessities such as shelter, fuel and food for their children. He said that accusations of child neglect probably increase.

States for poor people say that work requirements for welfare recipients may also increase allegations of child neglect if parents cannot afford child care.

States like Utah, which might be removed from the drug violence of big cities such as New York and Chicago, have been the focus of class-action lawsuits charging

that they failed to care for children beaten or sexually abused by their parents.

"There were clearly problems" when the National Center for Youth Law, a non-profit law firm, sued Utah in 1994, said state Solicitor General Carol Clawson. Gov. Michael Leavitt agreed to settle the case six months after it was filed in U.S. District Court.

Under the settlement, Leavitt promised improvements in virtually every aspect of child welfare services. But an independent panel established under the agreement said last month that the state was flouting 53 of its 92 commitments, and lawyers for the

plaintiffs said they would soon return to court to demand enforcement of the consent decree.

Leavitt, who has been in the forefront of Republican governors urging Congress to entrust the states with more responsibility, acknowledged that Utah had not fully complied with the decree. "The litigation has become a hindrance to our ability to fix the system — a diversion," he said. "It's the single part of my job that I find most difficult. We are dealing with social trends we don't control."

## State response to lawsuits

State responses to lawsuits vary widely. Some officials are cooperative and constructive, seeing the suits as

an opportunity to make improvements and press state legislators for more money.

Other states are slow to change and reluctant even to disclose the data needed to assess their performance.

In Alabama, conditions for abused and neglected children have improved considerably as the state carries out a consent decree approved by a U.S. district judge four years ago. Statewide, the number of children in foster care has declined 21 percent, from 4,625 to 3,650, since then. And in the first counties carrying out the decree, the average time spent in foster care has declined from more than 300 days to 100.

Paul Vincent, director of the Ala-

bama Division of Family and Children's Services, says the state now provides extensive training to foster parents and caseworkers, who received little or no formal training in the past.

Ira Burnin of the Bazelon Center for Mental Health Law, which represents the Alabama children, agreed. "The kids are safer," he said. "Protective service workers are doing better jobs."

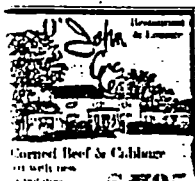
In Missouri, by contrast, U.S. District Court Judge Dean Whipps found state officials in contempt of court for failing to carry out a court-approved consent decree protecting foster children in the Kansas City area. The failure, he said, resulted from the offi-

cial's "lack of commitment to a good-faith effort to make the consent decree work."

After being cited for contempt, state officials agreed to a new consent decree in 1994, but Fred Rich, lawyer for the children, says there has been "dismal compliance."

Gary Stangler, director of the Missouri Department of Social Services, said he did not dispute that the consent decree was a "prod to state officials," but it has contributed to "a sense of urgency as well as compliance. Any initiative body resents being forced to do this by the federal courts."

#19



John's  
Carned Beef & Cabbage  
with rice  
and potatoes

# Bill alters handling of abused children

## Patton wants safety to come before family

By JOSEPH GERTH  
Staff Writer

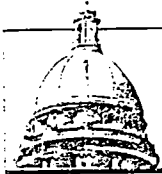
FRANKFORT, Ky. — Legislation unveiled by Gov. Paul Patton yesterday would fundamentally change the way state social workers handle cases of child abuse and neglect. Children's safety, not keeping children with their families, would become the priority.

In the legislation — which a Senate committee passed yesterday after it was tacked onto an existing bill — "the protection of vulnerable children" supplants the "strengthening and encouragement of family life" as the state's primary goal in dealing with abuse and neglect.

Children have small voices which are never heard," first Gov. Fred Patton said in urging the Senate Health and Welfare Committee to pass the amended House Bill 774. "Their voices must be heard through us. We should be their guardians and protectors."

The governor announced Tuesday that he would propose legislation in response to growing concerns that Kentucky's child-protection net is failing. He said he wanted to give courts more latitude in removing children from abusive and neglectful homes and in terminating parental rights. But the extent of the shift Patton is seeking in state policy did not become clear until the amendment's language was unveiled yesterday.

Patton made his proposal after The Courier-Journal reported that in five years, 43 children died of abuse and neglect at the hands of parents and caretakers whom the state Department for Social Services was supposed to be watching. The governor said the need for im-



Kentucky  
General  
Assembly

Rep. Tom Burch is blocking passage of dentistry bill. B3

Other information and stories. B1, B2 and B4

# 20