

HAVING KIDS™

Child-first Advocacy

HavingKids.org

info@havingkids.org

November 20, 2018

Ron DeSantis
Governor-elect
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Dear Governor-elect DeSantis,

[Having Kids](#) is a national nonprofit organization dedicated to [reforming family planning](#) by replacing parent-centered family planning models with the human rights-based and child-first [Fair Start model](#). As you are, undoubtedly, busy preparing your policies and agendas for your first year in the Governor's office in Florida, we are writing to urge you to include policies that protect the most vulnerable members of your state - current and future child abuse/neglect victims – through legislation for Fair Start Orders, the only true way to *prevent* future child abuse before it happens.

In 2016 alone, Florida Department of Children and Families received more than 225,000 referrals for child abuse and neglect.¹ Even more alarming, there were a staggering **126 fatalities from child abuse and neglect in Florida in 2017 – twice as high as the national average.**² Florida's child maltreatment reporting rate has consistently exceeded the national average and Florida is in the top 10 states in the nation for reporting by calculating children investigated per 1,000 children in the general population.³ In fact, per a study by the SAS Institute that followed a 2005 birth cohort for 10 years, approximately *one in every five children born in Florida in 2005* was reported at least once to the child welfare system within 60 months from birth.⁴

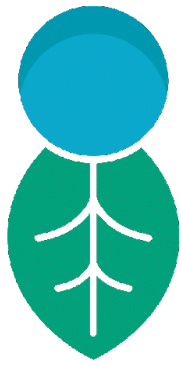
¹ Per statistics compiled by the Children's Welfare League of America.

<https://www.cwla.org/wp-content/uploads/2018/04/Florida.pdf>

² <https://okeechobeenews.net/community-news/flags-honor-126-children-who-died-in-florida-last-year/>

³ http://www.dcf.state.fl.us/programs/childwelfare/docs/2017LMRs/2017%20Annual%20Performance%20Report_ROA.pdf

⁴ *Id.*



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Moreover, it is not uncommon for Florida's Department of Children and Families (DCF) to wait until a child has been repeatedly abused before finally removing the child. Between 2008 and 2014, 447 children died of abuse or neglect *after* their families had come to the attention of DCF.⁵ And yet, the state's reluctance to remove children from their abusers is not without some justification since (1) the removals themselves are traumatic (even for children with abusive or negligent parents),⁶ and (2) abuse and neglect is widespread in the state system as well.⁷ Having Kids recognizes that DCF is working with limited resources and with good intentions to protect the interests of children across the state. Once a child is born to abusive parents, DCF has the unenviable role of determining which is the lesser of what are undeniable evils: parental abuse, or traumatic removal, and a likelihood of abuse in state custody. It behooves us therefore, in instances where the parent has already committed severe child abuse, to intervene *before* an additional child is born.

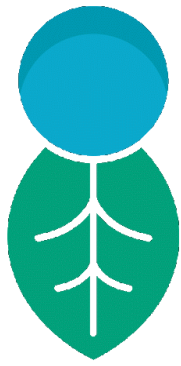
Amongst this background of child abuse and neglect in Florida, and the state's willingness to intervene on behalf of children, Having Kids urges you to develop policies and encourage legislation that enables judges to issue Fair Start Orders. Such legislation would allow a court, at the judge's discretion, to consider issuing an order, in the event of a conviction and probation, to prevent an offender in only *the most egregious child abuse and neglect cases* from having children for a limited time period as a condition of his or her probation. The details of such an approach can be found at <https://havingkids.org/solution-fair-start-orders/>.

The case of Jacqui Lyne Carter is one such example of the need for Fair Start orders. On August 19, 2018, a 4-year old girl was brought into an emergency room in Jacksonville with severe head trauma. While the child's mother, told investigators that her daughter had simply hit her head from moving around excitedly in a bouncy chair, medical examination showed a very different story. A CAT scan revealed *multiple* skull fractures as well as multiple brain bleeds. The child had to be transported to a different hospital for emergency surgery for the fractures and brain bleeds. Medical reports from the hospital revealed that this young child had both "old and new skull fractures." This type of skull fracture and brain damage was not from an accidental "bump," but clearly "indicative of a blow to her head with force." Even more horrifying, exams

⁵ *Innocents Lost: A Miami Herald I-Team Investigation*, Miami Herald (Mar. 16 2014), <http://media.miamiherald.com/static/media/projects/2014/innocents-lost/>, archived at <http://perma.cc/GU2S-LAK8>

⁶ Catherine R. Lawrence et al., *The Impact of Foster Care on Development*, 18 *Development and Psychopathology* 57, 58 (2006).

⁷ Children's Advocacy Inst. & First Star, *Shame on U.S.: Failings by All Three Branches of Our Federal Government Leave Abused and Neglected Children Vulnerable to Further Harm* 29 (2015).



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revealed not one, but two fractures, indicating *at least two separate forceful blows* to the girl's head.

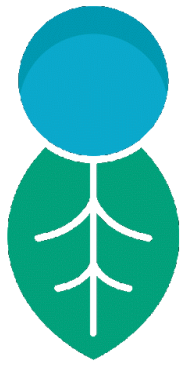
Fortunately, the doctors called the Jacksonville Sheriff's Office to investigate the case and, this young girl, and another child in Carter's home, have since been taken out of the home and are now safe. Several weeks ago, Carter was arrested and charged with aggravated child abuse and child neglect.

Having Kids wants more for the children of Florida than the state's after-the-fact reaction to such horrible abuse, and we're convinced that you feel the same way. After all, reacting *after* a child has already been made to suffer means that the child will spend his or her lifetime recovering from this trauma. From a purely economic point of view, the state will spend a considerable amount of taxpayer dollars every year in attempting to reverse these negative effects.⁸

What happened to this child in Carter's case stems from a larger problem of a lack of family planning and people who become parents before they are ready. The current model – which makes having and raising kids the exclusive business of the parents – ignores every child's right to a minimum standard of wellbeing not only at birth, but throughout childhood. The parent-centered family planning and parenting paradigm is a violation of the rights of children to be protected.

Florida has already demonstrated it clearly favors policies that allow for preemptive state intervention in cases involving evidence of a substantial likelihood of child abuse and neglect. *See Fla. Stat. Ann. § 39.806 (f),(i)* (declaring that grounds for termination of parental rights may be established when “the parental rights of the parent to a sibling of the child have been terminated involuntarily,” as well as in instances where “the parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child *or the child's sibling. Proof of a nexus between egregious conduct to a child and the potential harm to the child's sibling is not required.*”) (emphasis added); *Padgett v. Dep't of Health & Rehab. Servs.*, 577 So. 2d 565, 569 (Fla. 1991) (“Florida district courts repeatedly have upheld the practice of terminating parental rights based on the prior abuse or neglect of other children.”). Similarly, courts cite the substantial threat of future harm to issue “no custody”

⁸ Per a 2017 study, the economic cost to the public was \$400,000 for each victim of child abuse in the City of San Francisco in 2015. *See The Economics of Child Abuse*, a report by the San Francisco Child Abuse Prevention Center and the Haas School of Business at University of California, Berkeley, *available at*: https://safeandsound.org/wp-content/uploads/2017/09/economicsofabuse_report_sfcapc1.pdf



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orders, that result in the removal of children from their parents at birth. *See Rodriguez v. State*, 378 So. 2d 7, 8 (Fla. Dist. Ct. App. 1979).

In the case of Jacqui Lyne Carter, Ms. Carter has demonstrated a clear unfitness to parent *at this time* and the State has already taken a step to intervene on behalf of her second child for whom there is no known injury. The State should not be setting Ms. Carter up for further failure without first taking the necessary steps for rehabilitation (such as government-mandated counseling, parenting courses, drug rehabilitation courses, etc.) The state would not consider putting those helpless children back into the Carter's care; the state should similarly consider the right of a child not to be born to Carter at this point in time, particularly in light of strong evidence of child abusers repeating or escalating violence within the family.

There is no bigger issue that receives bipartisan support than the protection of children. Our unique approach to the issue goes even further, building a bridge between conservatives and liberals by:

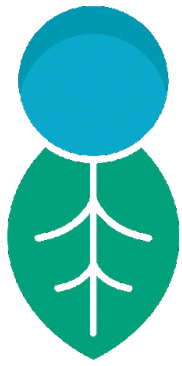
- Demanding parental responsibility, but also
- Acknowledging communities' obligation to help parents, and finally
- Aligning these two principles, with an effective public family planning model.

We urge you and your administration to protect future children in Florida by working with legislators on a law that explicitly authorizes courts, in specialized cases of egregious abuse to issue Fair Start orders to prevent abusive and neglectful parents from having additional children for limited time periods. The State of Florida can fulfill its obligations to ensure a fair start for children by moving towards a human-rights based and child-first family planning model, while working towards truly rehabilitating parents to be able to care for current and future children. Having Kids is available to assist in creating state policy and law that furthers this goal. Please contact us.

Sincerely,

Erika Matthews
Executive Director

⁹ Per Florida's Department of Children and Family Services, of the 103 reported child fatalities in 2018 thus far, 38% of the deceased children of family's of the deceased children had prior contact with Florida's child welfare system within the past 5 years. See <https://www.dcf.state.fl.us/childfatality/state.shtml>



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