

## HELP IN CHILD WELFARE LEGAL AND JUDICIAL SYSTEM RESPONSES TO CHILDREN AND FAMILIES AFFECTED BY DISASTERS

The [ABA Center on Children and the Law](#), working with our partners the National Council of Juvenile and Family Court Judges and the National Center for State Courts, continues to work on aiding legal and judicial system responses to the needs of children and families affected by future disasters (like Hurricanes Katrina and Rita of 2005).

This page will be updated with additional information related to child welfare legal/judicial interventions with children and families affected by disasters.

Our responses in 2005 and 2006 centered around three areas of assistance:

1. Determining and Helping Meet the More Immediate Needs of Dependency Courts and Child Welfare Legal Offices in the Hurricane-Affected Areas
2. Helping Serve the Legal Needs of Katrina-Affected Children and Families Through Provision of Pro Bono Child Welfare Law Experts
3. Studying Child Welfare Legal Issues Affecting Children and Families in Katrina-Like Disasters, Including Needed State and Federal Legislative Responses

### Links to Our Partners' Disaster-Related Web pages:

[National Center for State Courts](#)

[National Council of Juvenile and Family Court Judges](#)

The National Center for State Courts has produced, in collaboration with this ABA Center on Children and the Law project, "[Emergency Preparedness in Dependency Courts: Ten Questions that Courts Serving Abused and Neglected Children Must Answer.](#)"

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### Planning for Emergencies: Immediate Events and Their Aftermath-- A Guideline for Local Courts

[Click here](#) to download the November 2005 document published by The Justice Programs Office, School of Public Affairs, and the American University. It was developed under a grant from the State Justice Institute.

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### Getting Pro Bono Legal Help to Disaster-Affected Children and Families

[Click here](#) to access the American Bar Association website where attorneys can sign up to volunteer to provide disaster-related legal assistance. In 2005 several hundred "Child Welfare Law" experts signed up to be available for legal help. We urge lawyers reading this to do likewise. Legal help will undoubtedly be needed for future disaster-displaced children, parents, foster parents, kinship care providers, etc. throughout the country.

Information on attorneys who sign up will be shared with the Federal Emergency Management Agency (FEMA), local pro bono projects in the affected areas, and the state and local bars of affected states as their needs become known.

We will also be developing materials that may be useful to attorneys who volunteer their time to help with child welfare legal problems facing disaster-affected children and families, and any lawyers who are called upon to aid should not hesitate to contact us at: [ctrchildlaw@abanet.org](mailto:ctrchildlaw@abanet.org)

### **How Does a Child/Family Affected by a Disaster Obtain Free Legal Help?**

The ABA wants people needing disaster-related legal help to go to [click here](#) and select the state they are currently residing in, or the state they have relocated from if they need legal help in that state. After clicking on the state, they should then click "Free Legal Help" and then "Pro Bono". That should get them to a list of volunteer lawyer pro bono programs, all of which are supposed to have been provided by the ABA with updated volunteer lists, including those attorneys indicating "Child Welfare" and "Family Law" expertise. Please, if you can, provide us with feedback on how use of this pro bono lawyer volunteer network has, or has not, worked to aid children and families in need.

### **What Legal and Court System Issues/Needs Were Raised by Katrina?**

In 2005 and 2006 we examined and addressed some complex legal issues raised by disasters/emergencies like Katrina. We continue to want to hear from folks on, and even give you a chance to share thoughts about, law and court related issues related to Katrina and other disasters affecting large numbers of children involved in the child welfare system.

Please e-mail us with those thoughts at: [ctrchildlaw@abanet.org](mailto:ctrchildlaw@abanet.org)

We developed a needs assessment tool that we used to help identify legal and judicial system needs specifically related to the effects of Hurricane Katrina, but this could be applicable to future disasters as well, with regard to child welfare cases (i.e., cases involving abused and neglected children and children in foster care, as well as children at immediate risk of entering the child protection system).

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## **Links to Web Materials Addressing Child/Family Needs Related to Disasters**

### **School Access for Relocated Children**

[The National Center for Homeless Education's Katrina](#) website has information and resources on addressing the education needs of children in families displaced by disasters. There are links to the departments of education for the Katrina-affected states and the US Department of Education as well as resources listed by topic.

### **Information Available from the U.S. Department of Health and Human Services**

The [Administration for Children and Families](#) placed useful information related to Katrina-related resources for children and families on their website. Below are just a few:

- ["HHS Declares Public Health Emergency for Hurricane Katrina"](#) including "Waiver Under Section 1135 of the Social Security Act (Medicaid, Medicare, and SCHIP)"
- October 2005 "Children's Bureau Express" highlights ["Hurricane Impact and Response for Children and Families"](#)

### **Katrina Response Information from the Child Welfare League of America**

- There is very useful information on both tracking and serving foster children affected by Katrina at the [CWLA](#) website. After Katrina they placed information on federal policies put in effect, proposed federal legislation in response to Katrina, status reports on state and local child-serving agencies in the affected areas, and lots of useful links to other information. They also have written [Talking to Children About](#)

[Disasters and Violence](#) which includes links to information that can help as you work with traumatized children - and your own as well – after a disaster.

### **Foster Care or Adoptive Families for Katrina-Affected Children**

After Katrina, the [National Resource Center for Family Centered Practice and Permanency Planning](#) issued the following statement approved by the U.S. Department of Health and Human Services.

“Children without parents due to natural disasters have always brought out the best in the American people. The National Resource Center for Family-Centered Practice and Permanency Planning (NRCFCPPP) has heard from many families willing to open their homes and hearts to children who are separated from or have lost their families due to Hurricane Katrina. Foster care and adoption of children is regulated by state public child welfare agencies, which are responsible for ensuring the safety, permanency, and well-being of children in foster and adoptive homes. It is expected that any unaccompanied children will be reunited with nuclear and extended family members as soon as possible. Only if family is not available will foster care or adoption will be pursued. In times of crisis it is important to maintain connections, especially for children. It is important to remember that the first step you would need to take in the process of becoming a foster or resource family would be to contact your community’s child welfare agency or social services agency.”

Other information regarding fostering and adoption of children and youth in need as a result of disasters can be found on the following websites.

### **National Foster Parent Association**

After Katrina, the [National Foster Parent Association](#) launched a clothing drive and relief fund to support foster families displaced by Hurricane Katrina. NFPA donated \$10,000 to kick-off the drive and hoped others will contribute clothing and funds.

"Foster families have opened their homes to vulnerable children and now many of them in the Gulf Region don't have their homes anymore," said Karen Jorgenson, NFPA Executive Director. "People have been calling us from all over the country asking how they can help." Jorgenson advises foster families who need assistance to contact their state association first. "The state associations are the primary point for help. NFPA is working closely with the state associations to make sure they have what they need."

A list of state associations is available on the [NFPA website](#) as well as a information on NFPA Katrina-related activities. Additionally, anyone interested in fostering children orphaned by the disasters should contact their state association.

### **Help for Traumatized Children and Families**

- [Children, Families and Workers: Facing Trauma in Child Welfare](#)  
This article appeared in Best Practice/Next Practice, the newsletter of the former National Child Welfare Resource Center for Family-Centered Practice, in Winter 2002. It discusses the traumatic effects of 9/11, and is equally important now.
- [Medicare, Medicaid and State Children's Health Insurance Programs](#)  
The Centers for Medicare & Medicaid Services has acted to assure that the Medicare, Medicaid and State Children's Health Insurance Programs will flex to accommodate the emergency health care needs of beneficiaries and medical providers in the Hurricane Katrina devastated states. Many of the programs' normal operating procedures will be relaxed to speed provision of health care services to the elderly, children and persons with disabilities who depend upon them.
- [Emergency Guidelines for Helping Katrina Victims](#)  
Information and resources compiled by Connect for Kids, an organization devoted to giving adults – parents, grandparents, guardians, educators, advocates, policymakers, elected officials and others – the tools and information they need to work on behalf of children, youth and families.

## Publications

### [Know the Rules...Safety Tips for Children Displaced in Natural Disasters and Their Caregivers](#)

Many children caught up in a natural disaster have not only been separated from their families but find themselves in a new state, school, and living environment. Often they must receive help and care from people they do not know. The trauma they experience may not be readily discernible. These tips, prepared by the National Center for Missing and Exploited Children, are designed to help child victims of natural disasters acclimate to a new environment and caregivers provide the best assistance possible.

### [Psychosocial Implications of Disaster or Terrorism on Children: A Guide for the Pediatrician](#)

This is an article from the September 2005 issue of Pediatrics magazine. During and after disasters, pediatricians can assist parents and community leaders not only by accommodating the unique needs of children but also by being cognizant of the psychological responses of children to reduce the possibility of long-term psychological morbidity. The effects of disaster on children are mediated by many factors including personal experience, parental reaction, developmental competency, gender, and the stage of disaster response. Pediatricians can be effective advocates for the child and family and at the community level and can affect national policy in support of families. In this report, specific children's responses are delineated, risk factors for adverse reactions are discussed, and advice is given for pediatricians to ameliorate the effects of disaster on children.

### [Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies](#)

Child welfare agencies should have a disaster plan that specifies emergency procedures and ensures that the agency continues to function during a man-made or natural disaster. This guide describes why a disaster plan is necessary and identifies the elements of an effective child welfare agency plan. Topics include how to use agency staff and community resources, ways to locate foster families, alternative funding sources, interagency collaboration, and procedures for receiving disaster relief funds. Treating child welfare staff as disaster victims, training foster parents, and plan implementation and maintenance are also discussed.

### [Intercountry Adoption in Emergencies: The Tsunami Orphans](#)

This policy brief from the Evan B. Donaldson Adoption Institute examines the role of intercountry adoption in situations such as the one caused by the massive tsunami that struck Southeast Asia and the eastern coast of Africa on Dec. 26, 2004 -- that is, during natural disasters, armed conflicts, and other complex human emergencies. By outlining some of the unique threats posed to children during emergencies, and examining existing international conventions and the legal framework for intercountry adoption, this brief articulates best practices that incorporate both immediate and long-term needs of children left without parental care -- including protection, family reunification, community and family solutions, permanency, and respect for culture.

### **Trauma Experienced by Children Adopted From Abroad**

Children adopted from foreign countries exhibit relatively greater incidence of problem behavior than their counterparts in the general population, possibly because they are more likely to have a history of trauma and posttraumatic stress disorder (PTSD). The authors examine scientific literature in the Netherlands and the US on different causes of trauma and PTSD, and provide a list of diagnostic symptoms. Such children are more likely to experience PTSD and other behavioral problems due to the emotional trauma of being separated from their birth parents, being sexually or physically abused and neglected, as well as from experiencing a generally chaotic and threatening environment in their early years. Others may have experienced horrific acts of war, natural disasters, the deaths of friends, relatives or family members and/or the destruction of their homes. The authors conclude that PTSD must be considered in children adopted from abroad, and the extent of their problems may require residential treatment. Adoptive parents and health professionals should be made aware of the risk and provide timely and appropriate intervention and treatment, they argue. By Hoksbergen, R. & van Dijkum, C. Published in *Adoption and Fostering* 25 (2) pp.18-25.

### **Changes in Reports and Incidence of Child Abuse Following Natural Disasters**

Theories from the fields of sociology, psychology, and family science lead to the prediction that an increase in family violence could be expected to follow catastrophic events, because when natural disasters occur

and social connections are disrupted, individuals are more likely to exhibit antisocial conduct. This study examined the child protective service records of three jurisdictions that experienced natural disasters during the past decade: the Loma Prieta earthquake, San Francisco, California; Hurricane Hugo in South Carolina; and Hurricane Andrew in Louisiana. Data were analyzed to determine whether the hypothesized increase in child abuse could be documented through examination of recorded data. Based on the analysis of numbers, rates, and proportions, child abuse reports appeared to be disproportionately higher in the quarter-year and half-year following two of the three disasters: Hurricane Hugo and the Loma Prieta earthquake. Most of the evidence indicated that child abuse does escalate after major disasters. Conceptual and methodological issues need to be resolved to conclusively answer the question about whether or not child abuse increases in the wake of natural disasters. By Curtis, T., Miller, B. C., & Berry, E. H. (2000). *Child Abuse and Neglect* 24 (9) pp.1151-1162. Reprints available from: Thom Curtis Department of Sociology, Hawaii Univ., 200 W. Kawili St., Hilo, HI 96720

## **Health Information: Selected CDC Website Material Related to Disaster-Affected Children and Families**

[CDC Katrina Website](#)

[New: Keep It With You: A Personal Medical Information Form](#)

[Infection Control Prevention Guidance for Community Shelters Following Disasters](#)

[Tool for Surveillance Among Facilities Housing Hurricane Katrina Evacuees](#)