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Reports: State child abuse deaths climb

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DAYTONA BEACH -- Two national reports show Florida rates poorly when it comes to child abuse deaths and representing abused children in court.

One of the reports has Florida with the third highest rate of deaths in 2007 per child population.

There were 1,760 deaths nationally with 153 in Florida, according to the report, or a state rate of 3.79 per 100,000 children. That's up from 91 deaths in 2001. Florida ranked behind Kentucky and South Dakota, which had the highest rates though fewer deaths.

Nationally, there were 10,440 deaths from 2001 to 2007 and 785 in Florida.

"That is a lot," said Michael Petit, president of Every Child Matters Education Fund, which recently released the report. "We can do better. These deaths are preventable and 785 deaths would be like 20 school buses of kids."

According to the state Department of Children & Families, there were 18 child abuse or neglect deaths from 2001 to 2007 in Volusia County and three in Flagler County. Volusia had four in 2008 and one so far this year with none in Flagler for 2008 and this year.

A separate report by the nonprofit First Star gave Florida an "F" when representing abused children. While there are some staff attorneys and volunteer lay guardians, not every child is represented, the report states, and the law says the appointment of an attorney is discretionary.

Amy Harfeld, attorney and First Star executive director, said there's a "fundamental double standard and injustice" in that the child doesn't receive the same legal protection as the parent accused of child abuse.

But state officials say both reports have flaws, though there's a movement locally and statewide to increase prevention and provide more attorneys for foster children.

Alan Abramowitz, DCF's director of the Family Safety Program Office, said the child death report doesn't consider that every state uses a different system in deciding whether a child died from abuse or neglect. He said Florida has a broad definition that looks at drownings, suicides of children, DUIs where a child dies and co-sleeping in which a parent sleeps in the same bed as a baby and rolls over and suffocates the child. Other states, he said, don't consider such cases.

"We can learn more from the child deaths if we (look) at them all," Abramowitz said.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, agreed with Florida officials.

There is "no honest way to compare child abuse fatalities," he said, because every state counts them differently. He said Florida had a large increase because the definition was expanded a few years ago.

But Petit, whose agency authored the report, said regardless of how Florida collects the data, 153 deaths statewide in 2007 "is too many" and more prevention is needed.

Reggie Williams, local DCF administrator, said his investigators are trying to educate more families on prevention. He said the deaths locally have been more from a lack of supervision and neglect, such as a child falling out of a window or a child dying in a fire, as opposed to beatings.

As far as the study on legal representation, a national group says every child needs an attorney advocating for his or her wishes.

Harfeld, with the group that co-wrote the report, said she has no criticism of Florida's lay volunteers, but they can't file motions, make objections and cross-examine witnesses.

Officials with the Florida Guardian ad Litem Office released a statement rejecting Florida's poor grade and stating its mission is to advocate for the best interest of the child and adding that staff attorneys are in the courtroom.

But the issue of providing more attorneys for children is being discussed statewide. The Florida Bar has a committee working on legislation for the upcoming session seeking more attorneys for foster children with special needs, such as the disabled, older teens and children being prescribed psychotropic drugs.

"It only makes sense that Florida join the other 40 states that give these kids their own lawyer, " said **Howard Talenfeld**, chair of The Florida Bar committee.

DCF also has a subcommittee looking at the issue.

"Everyone agrees the children need a voice. The disagreement is how we will do that in Florida," said DCF's Abramowitz, who is on both committees.

Locally, 74 percent of the 1,097 children in the foster care system have a volunteer or staff person assigned. Five staff attorneys advise the 171 volunteers and represent the child's best interest, officials said. There are nine pro-bono attorneys and more are being sought.

"Our lay volunteers do a great job of advocating and visiting the child and knowing what's going on," said Barrie Michaels, local Guardian ad Litem recruiter.

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