

opinion/editorial

Abused children deserve the same rights as adults

In the 19th century, institutional living could be characterized as one step above hell and one below purgatory, especially for children.

19th century literature such as *Oliver Twist* and *Jane Eyre* explicitly depicted the horrors of institutional life. Children were expected to work grueling, long shifts without pay or adequate nourishment.

In those days no one gave a thought to children's rights.

Times have changed. Working and living conditions have gotten better. But children's rights still are virtually nonexistent.

Today minors have very little voice in decisions that affect them. Parents have the right to make certain choices for their children, such as what medical, psychiatric or educational paths to follow.

The only time the courts step in and provide protection for children are when parents have neglected or abused them.

Parents can commit children to psychiatric wards as quickly as they can sign their names on the dotted line.

This is especially true in a private institution. Children need not go through a public hearing like adults do. Assuming that there are no allegations of abuse or neglect involved in the case, children can be locked away, filled daily with depressant drugs such as thiorazine and stelazine until they are 18.

These depressants commonly are given to control children without

treating the root of the problem.

In a public institution a hearing probably would be held before committing a child.

History stemming from a long line of U.S. Supreme Court cases supports the fundamental rights of a family unit.

Nebraska statutes deal with the rights of parents. A statute still on the books says that guardians and parents are equally entitled to custody, services and earnings of minor children.

It's not a regularly enforced law,

but parents are legally entitled to their children's earnings.

Children are not guaranteed due process of the law or the right to counsel, without their parents consent.

If parents are fair and compassionate toward their children there is no need for the state to step in. But what about the children who don't have such parents?

In 1977 there were 1,825 reported cases of abused and neglected children in Nebraska. Four-hundred cases were reported in Lancaster county.

These figures include both proven and unproven cases.

Prosecution is unusual in abuse and neglect cases, according to Linda Wagner, resource mobilization agent with Lancaster county.

Wagner's duties include informing the public about child abuse and neglect.

The number of cases that are prosecuted are low, she said.

Approximately 20 percent of both state and county abuse and neglect cases are substantiated and prosecuted.

Parents have the right to choose to work with protective services, which are treatment programs, Wagner said.

Only the successfully prosecuted cases are required by law to provide any kind of protection for the children. The goal of the law should not be to break up families, but protect children. Yet, children are only considered chattel until they are 18.

There are cases before the U.S. Supreme Court that question whether parents are entitled to commit their children without a hearing.

It would not break up families if children were guaranteed the same rights as adults. It would only work as protection for children's rights.

We can only hope that the Supreme Court does decide that there is such a thing as children's rights.



Teens subjected to bum throw of dice, why do adults get all the legal breaks?

Two of us are sitting down today to write about children's rights—or lack of them. The phone has been ringing all day; two kids in two entirely different set of circumstances are in trouble. Neither one of them is able to help himself. All of the feasible ways to help them help themselves have been exhausted, and all I can offer at this point is support, and dubious support at that.

michael zangari

Why?
Allison is just 16. Earlier in the week I got a pathetic letter in the mail. It was pieced together (including a home-made envelope) on a rules and regulation sheet from the mental ward of a local hospital. By checking out the rules and regs on the other side of the letter, I determined that the letter was smuggled out of the ward.
"For Christ's sake, help. At least try, I'm scared..."
Allison had been trying to find out what was happening to her for the past several

weeks. She knew that she was being forced to see a probation officer (she thought). She did not know what for. Family counselors, the court official and a public defender had all told her to ask her parents if she wanted to know what was happening to her small and fragile world. Her parents weren't talking.

Bodily force

For whatever reason, she really wasn't surprised when she was pushed into her room to watch as some of her things were thrown into a suitcase, and she was bodily taken to the hospital.

Allison has been periodically abused—a nice word for being beaten up. Her father has spit on her, her mother has done worse.

Allison is being put in the hospital because her parents can't handle her. She doesn't come home until very late, if at all. She smokes pot and she stays away from school.

If she was out of reach before, she is totally out of reach now. No phone calls, no mail, and no visitors.

It is a public defender's opinion that she has no rights at all. Cold, but deadly accurate. She doesn't. She is a minor.

Case closed.

The right to due process would have been very helpful here if she were older. If she were older, she may have had the

right to privacy, and some semblance of control over her personal life. If she were older...

Dale is a year older. He is on the run from a private home. His circumstances were remarkably similar to Allison. No, it's not unusual.

Not bad person

Because Dale is running, he is a legal fugitive. He has broken no laws to be confined, he has hurt no one, he is not a bad person. Yet having to grow up on the run is depriving him of school, making him hard and cynical.

Why?

These two have the right to a normal life. Somehow they were subjected to a bum throw of the dice. They are no better or worse than half the people I grew up with. Most of them are in school now, or working—a few as teachers, one as a policeman.

"For Christ's sake, help," says Allison, and after beating my head against the wall for several days the question is no longer why. I know why, and so do you. The real question is how.

How can you help when every legal right belongs to the adults in these cases?

All that is left is frustration.

Cry for the invisible non-people in the world. Cry for the children.

letter

It is hoped that opinions dissenting the ERA ratification would not be construed to be reactionary and so sharply dismissed by proponents, i.e. those dissenting opinions against egalitarianism or the constitutional aspects of the ERA controversy. Moreover, I suggest these two facets of the ERA should be considered exclusive of one another, thereby dispensing with applying the social argument to the question of the amending process. The comments made in the Sept. 25 *Daily Nebraskan* did just what should be avoided. The editorial vindicated American women, but neglected the constitution which is the law for all of us.

Grover Rees notes the attitude the first Constitutional convention had concerning the amending process in his article *When the Voting Should Have Stopped*, *National Review*, August 18, 1978. This attitude our founding fathers had was that a broad consensus would be necessary for amendments.

Would it not reasonably follow, to allow a state to rescind after previous ratification? This rationale rests, again, on the necessity of broad consensus. If a state changes its decision, it is not "united in desire" with those who have not.

Congress has set the rule for the amending procedure, and now those rules seem intent on "greasing the skids" for the ERA. "Six out of 35 states ratifying the ERA make specific note of the time limit as only a procedural impediment. Apparently the state took it seriously.

Imagine a Congress setting such rules of amendment in the future for a constitutional amendment repealing the income tax. Would the social equalitarians protest the "insolence of office" as loudly as the "reactionaries" supposedly do now?

Do possible consequences exist with the actions taken to ratify the ERA? Should Congress have the power to write its own rules here? These questions transcend any arguments on the virtues or shortcomings of the ERA itself. Mr. Rees ends his article mentioning when ERA opponents do not want the "rules changed in the middle of the game." Congresswoman Barbara Jordan says, "This is no game!" She is right, the republic is at stake.

Stanford L. Sipple

