DHHR cites dealings with ‘girls’ home’

By GIBBS ADAMS
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"Because of the volatile situation" existing between state officials and a church-run girls’ home in Arcadia, state health inspectors have made no effort to push full compliance with the state’s sanitary code, a Department of Health and Human Resources spokesman said Tuesday.

State fire inspectors have also been unable to carry out spot inspections at the New Bethany Baptist Church Home for Girls, records show. A Bienvenue Parish court judgment requires deputy fire marshals to notify the school in advance of inspections and has delayed indefinitely a contempt hearing on the Rev. Mack Ford’s refusal to allow deputy fire marshals onto the grounds of the home he founded.

DHHR sanitarians regularly inspect kitchen facilities at the New Bethany Baptist Church Home for Girls and have

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sent his aide to the St. Amant investigation.

Jenkins is critical of DHHR’s failure to file a report on the second inspection, which looked into reports of child abuse by a young girl who was hospitalized.

Jenkins played a prominent role in 1960 and in the current legislative session in the writing of legislation on licensing day care centers and other child welfare agencies.

DHHR inspectors claim Jenkins has steadily blocked efforts at complete investigations of the unlicensed facilities when child abuse reports have been received from runaways from the religious fundamentalist schools.

Rev. Bill Porter, who operates a Christian school in Shreveport, was Jenkins’ choice on the committee that investigated New Bethany School, Jenkins said.

The Baton Rouge representative indicated he disapproves of some of the activities reported at New Bethany. He said he is "skeptical about some of the things at New Bethany," where former students report paddlings that leave bruises, periods of silence or required listening to Bible readings for style.

Jenkins successfully amended a new licensing bill that cleared the House of Representatives and is awaiting Senate approval to exclude church-run facilities. A much more stringent licensing bill ripped through the Senate and will be heard Friday by the House Health and Welfare Committee.

Jenkins said efforts will be made to amend that measure, by Sen. Nat Kiefer, D-New Orleans, and to work out a "compromise" for the House bill.

Jenkins said his "goal is to make sure people are prosecuted if they do something bad."

The approximately 600 day care centers and religious schools in the state do not object to regulations, but object to requirements that they be licensed, the legislator said.

"We want the statute to say what laws they must live by," Jenkins said. "We do not want the vast rule-making authority of DHHR.

"DHHR has used lots of plots, but hasn’t used the authority it has under existing law," Jenkins said.

The Baton Rouge representative charged that DHHR never wanted the committee investigation system to work. Under the present law, the secretary of DHHR appoints a committee to consist of the secretary or his designee, a physician, a social worker, a religious representative and a member from the general public. At least one must be a lawyer.

Under pending legislation, the committee would be appointed by the governor.

The committee is vested with subpoena power and authority to conduct public hearings or closed hearings. Its report must be filed within two weeks (the present law sets no deadline for final reports) with the district attorney in the parish where the facility is located, the secretary of DHHR and the chairman of the House and Senate Committees on Health and Welfare.

Under the bill that has cleared the house, day care centers or schools must either be licensed or register annually with DHHR. Non-registration brings a 200-a-year fine. Licensed, a facility cannot be unlicensed for a year.

The new measure spells out that facilities are subject to the provisions of the Fire Safety Code, the National Life Safety Code, the Sanitary Code, local zoning and building regulations, and the laws against child abuse. They must be open to inspection at all times, whether licensed or not, Jenkins said.

The lawmaker said the day care centers and religious schools are already subject to the various codes, but it has not been spelled out in law.

The public record indicates enforcement efforts by the fire marshals have been rebuffed.

Under Jenkins’ measure, a district attorney can seek closure by court order, or if the owner or operator is convicted of child abuse, the court can declare the facility a public nuisance and close it. Closure is also provided if a facility “habitually violates the statute.”

New provisions in the bill forbid employment of felons (unless a district attorney or judge says OK) or persons with psychiatric disorders; requires posting the menu for each week; requires a telephone and that fire be administered except by prescription or with authority of a child’s parents.

Jenkins said he is aware that the fundamentalist schools in Arcadia and St. Amant require parents to give power of attorney to the operators of the schools for their children. His new bill would not forbid parents from doing so in the future.

A new provision in the bill also forbids return by a third party of a child to his parents unless both the parents and the facility agree, but owners or employees of facilities must report child abuse.

His bill requires law enforcement agencies that receive complaints to arrest and prosecute individuals accused of child abuse. If the complaint goes to DHHR, the secretary must launch an investigation by social workers within a day of receiving the complaint. If the owner doesn’t want social workers, the committee must then investigate.

Social workers generally consider any corporal punishment to be abuse. Jenkins said, though corporal punishment is permitted in the public schools and in licensed facilities.

Jenkins said the new law would apply to everybody, whether licensed or merely registered with the state. He noted that 600 facilities have registered with the state but are not licensed.

The Baton Rouge legislator said he wants to give parents the choice of sending their children to a licensed or an unlicensed facility. He charged that chains of day care centers are opposing his legislation for fear of competition from the unlicensed centers.