



By Daniel Pollack

## Foster Children, Foster Parents, and Drunk Driving



**W**ant to be a foster parent in Nebraska? You can't have had a driving under the influence (DUI or DWI) conviction for the previous five years.<sup>1</sup> Similar policies exist in Montana,<sup>2</sup> Nevada,<sup>3</sup> Texas,<sup>4</sup> West Virginia,<sup>5</sup> and other states. Should foster parents with *any* history of being convicted for drunk driving be required to install a device in their car that inhibits the car from starting until sobriety is confirmed?

It is heartening to hear that drunk driving fatalities have reached record low levels. Nevertheless, according to the Centers for Disease Control and Prevention (CDC) "every day, 28 people in the United States die in motor vehicle crashes that involve an alcohol-impaired driver. This amounts to one death every 53 minutes."<sup>6</sup> The CDC also reports that in 2014, "9,967 people were killed in alcohol-impaired driving crashes, accounting for nearly one-third (31%) of all traffic-related deaths in the United States."<sup>7</sup> Regarding

children, "[o]f the 209 child passengers ages 14 and younger who died in alcohol-impaired driving crashes in 2014, over half (116) were riding in the vehicle with the alcohol-impaired driver."<sup>8</sup> Still, studies show that 50 to 75 percent of convicted drunk drivers continue to drive without a license.

There are proven strategies to curtail impaired driving. In part, this is due to a surge of various technologies. Most of the devices are similar to a breathalyzer. The interlock device measures the blood alcohol content in a person's system. If it exceeds a prescribed level, the device temporarily locks the car's ignition and a record of the failed test is made. These technologies can ensure that foster children have a reduced chance of being in a car driven by a foster parent who may be under the influence.

In its latest report, *Campaign to Eliminate Drunk Driving*, Mothers Against Drunk Driving notes that studies show "interlocks reduce DUI

recidivism by 67 percent, and laws requiring interlocks for all offenders would reduce DUI deaths by 15 percent nationwide."<sup>9</sup>

"These statistics are startling," says Maryland attorney Harvey Schweitzer. "While we can't prevent all drunk driving by foster parents, we should take any steps we can to reduce the chance that a foster parent, quite possibly with a foster child in the car, will drive while impaired. As a lawyer and parent who cares about the welfare of children in general and who also advises private foster care agencies regarding liability and risk management, the mandatory installation of an interlock device with a DUI history makes a lot of sense."

*The Model Guideline for State Ignition Interlock Programs* notes that "State ignition interlock programs include partners in law enforcement, state highway safety offices, prosecutors,

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includes their income, employment status, use of the health care system, chronic diseases, and history of substance abuse, to name a few.

With this data insight, agencies can calculate the cost of interventions across the health and human services spectrum for a 360-degree cost analysis of the patient and the impact to their families. With this insight, agencies can align resources with specificity and prioritize addressing high-cost causal factors. This model would apply to any disease associated

with IV drug use such as HIV, hepatitis C, or endocarditis.

### The Work Must Never Stop

Once a program is in place, it is vital to measure its results. Constantly. Diligently. Continuous reporting of progress gauges the efficacy of opioid addiction programs and indicates where and how they may need to be adjusted. By using data and analytics to create new insights, this nation can come one step closer to mitigating, even preventing, the spread of this epidemic. 📌

#### Reference Note

1. Comments made at the 2017 National Drug Rx Drug Abuse and Heroin Summit, Atlanta, GA

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judiciary, driver licensing agencies, probation, manufacturers, and treatment (p.2).”<sup>10</sup> It’s time to add state foster care programs to that list. 📌

#### Reference Notes

1. Rev. Stat. § 71-1903; Admin. Code Tit. 474, §§ 6-003.14; 6-003.25B-25B3.
2. Rules §§ 37.51.210; 37.51.216.
3. Rev. Stat. § 424.031; Admin. Code §§ 127.240; 424.190; 424.195.
4. Admin. Code Tit. 40, §§ 745.651; 745.657; 745.657.
5. Code of Rules §§ 78-2-13; 78-18-16.
6. Department of Transportation (US), National Highway Traffic Safety Administration (NHTSA). Traffic Safety

- Facts 2014 data: alcohol-impaired driving. Washington, DC: NHTSA; 2015. Retrieved from <http://www-nrd.nhtsa.dot.gov/Pubs/812231.pdf>
7. Department of Transportation (U.S.), National Highway Traffic Safety Administration. Traffic Safety Facts 2014 data: alcohol-impaired driving. Washington, DC: NHTSA; 2015 Retrieved from <http://www-nrd.nhtsa.dot.gov/Pubs/812231.pdf>
8. Department of Justice (US), Federal Bureau of Investigation (FBI). Crime in the United States 2014: Uniform Crime Reports. Washington (DC): FBI; 2015. Retrieved from <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-29>

9. See <https://online.flippingbook.com/view/886615/4-5>
10. National Highway Traffic Safety Administration. (2013, December). Model Guideline for State Ignition Interlock Programs. (Report No. DOT HS 811 859). Washington, DC: Author. Retrieved from <http://www.nhtsa.gov/About-NHTSA/Press-Releases/U.S.-Department-of-Transportation-Announces-%27Drive-Sober-or-Get-Pulled-Over%27-Holiday-Crackdown>

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**6. Website Effectiveness.** After completing an inventory of the agency’s website, it should be easy to identify the specific interests of site visitors. Is there a “comments” section prominently displayed on the website? What are the metrics of those comments?

Washington attorney Bryan G. Smith reflects that “there is a common denominator in every lawsuit I have filed against a social service agency on behalf of a foster child who was abused or neglected while in care: The agency

had few or no metrics with which to measure its own success or failure and consequently had no internal accountability for those successes and failures.”

It is no easy task to come up with conclusive metrics that measure a child welfare agency’s performance, especially because, based on experience and data, child welfare systems and services are constantly being redesigned. Just as an agency’s goals and objectives alter over time, the toolbox of performance metrics to track progress toward those goals will

continuously change. In any event, our job is to make sure the way child welfare systems and services are designed in theory is the way they are working in practice. Good child welfare metrics help us monitor, audit, and make tough, informed decisions, and can help us keep the agency out of legal hot water. 📌

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