

# (Justice)

» Finding daycare may be a hassle. But picking the right one could mean the difference between life and death.

BY ELAINE McARDLE

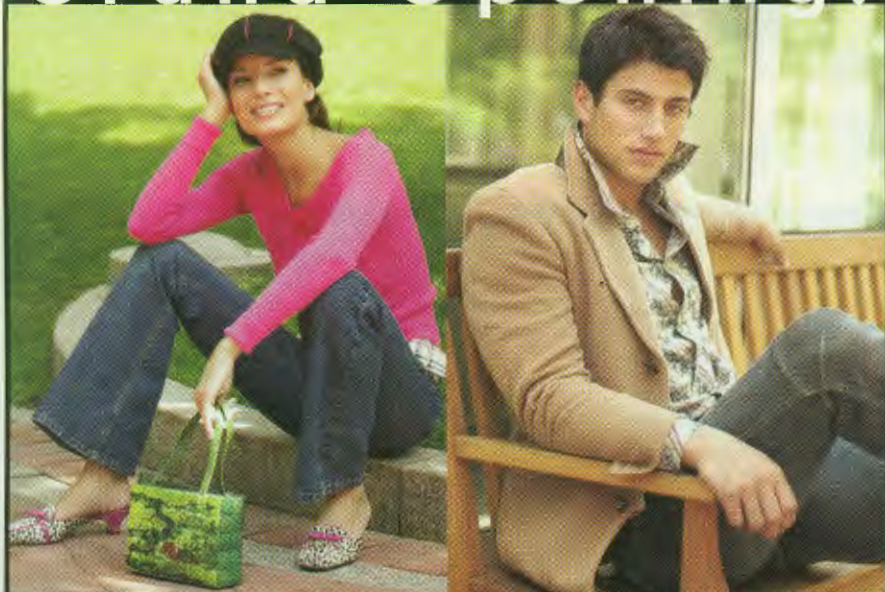
## The Kids Aren't Alright



**T**INY MACKENZIE ROSE CORRIGAN was unconscious and struggling for life when paramedics arrived at the home of her babysitter on June 4, 2003. Bruised, bleeding internally, and brain-damaged, the three-month-old from Stoneham died the next day at Children's Hospital from what investigators called one of the worst cases of shaken baby syndrome they had ever seen.

¶ That day in the home of Ann Power, a 55-year-old Reading grandmother who had cared for kids for at least 23 years, officials say they stumbled upon a scene that would challenge the most saintly of caretakers: 13 children aged six or younger, half of them infants, under the supervision of just one adult. An adult, as it turned out, without a license to run a childcare

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business. Power was charged with murder and operating an unlicensed child-care facility and is expected to stand trial sometime next year. She has pleaded not guilty to both charges.

The tragedy was a warning flag to parents about the dangers of unlicensed childcare facilities and the problems authorities often face when trying to shut them down.

For seven years, the person heading that effort was Ardith Wieworka, who served as the commissioner of the state's Office of Child Care Services (OCCS) until her very public and very mysterious ouster this summer. Ronald Preston, secretary of the Executive Office of Health and Human Services, fired Wieworka in July, saying then that his decision was not based on her job performance. Preston would not comment

### One daycare provider's husband threatened her with a gun in front of children, according to the state's regulatory agency.

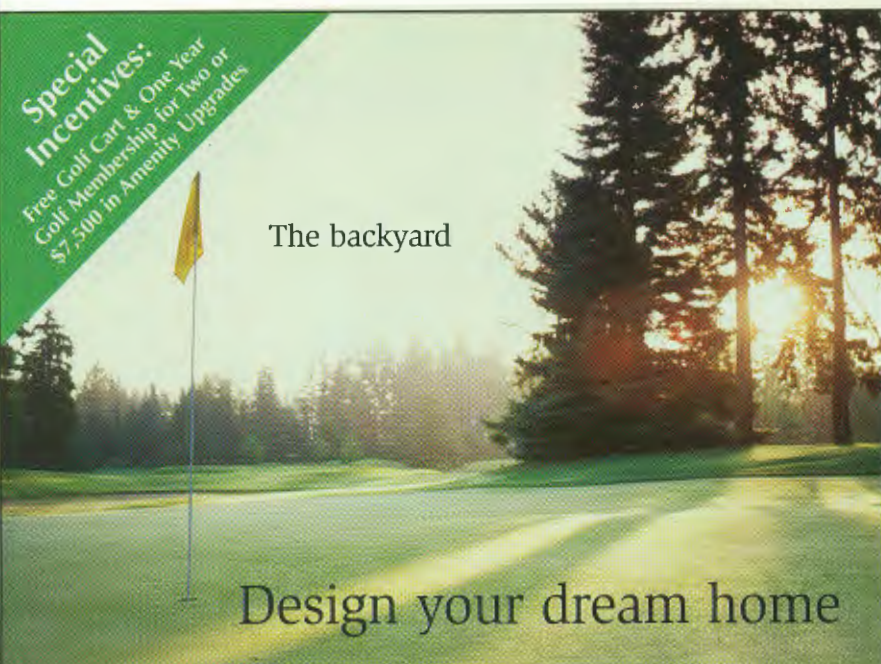
for this story despite repeated inquiries, but those who have worked with Wieworka express shock and dismay at her departure. Wieworka herself says she doesn't know why she lost her job, speculating only that it might have had something to do with her plan to marry her lesbian partner.

The real reason Preston forced Wieworka out may never be known. But this much is: The shakeup at OCCS comes at a time of increasing demands for safe, affordable childcare options—and it leaves open the question of who's taking care of our kids.

**MACKENZIE ROSE CORRIGAN'S** family lives on a lush, tree-lined street just a short walk from a sparkling new elementary school—one of the most desirable neighborhoods in Stoneham. Only a minute from I-93, it's the kind of up-and-coming area young families flock to, where modest ranch units are being torn down to make way for enormous single-family houses, and side streets offer hints of new affluence: Jaguars, Lexus SUVs, and professionally tended gardens.

The Corrigan's live in a white Cape that looks deceptively small from the front before rising in the back to two

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stories overlooking a large, neatly mowed lawn. A wooden deck with an outdoor grill perches over a child-friendly backyard with a play set and slide. In the driveway, next to the family's two minivans, stands a child's miniature basketball hoop. It's a toy for MacKenzie Rose's surviving brother.

The Corrigan's declined to be interviewed for this story, so it isn't possible to know if they realized that Power wasn't licensed. What families should know is that unlicensed facilities are more common than they may think. While there are no statistics on how many of them exist, OCCS, which licenses and monitors childcare providers throughout Massachusetts, stays busy ferreting out these illegal facilities and either bringing them up to state standards or shutting them down. And parents, as it turns out, aren't always happy about it.

That's because, as any harried mom or dad can attest, finding affordable childcare in greater Boston is a strug-

**"The things that happen, you couldn't make up," says Ardith Wieworka, the former head of state childcare regulation.**

gle. Unlicensed care is almost always cheaper, since providers tend to pack in more kids and charge less. Some parents rankle at the government telling them who can watch their kids; others may not think to ask about a license. Some providers, like Power, are so beloved that parents don't care if the childcare they're getting is legal or not.

The state's job, meanwhile, "is to make sure that kids, when not with their parents, are in safe, nurturing, protected, and educationally appropriate settings," says Wieworka. "We put all our energy into that single focus."

OCCS has about 150 employees, most of them investigators, licensors, and lawyers. They monitor and license 11,000 family care providers—in which an adult cares for up to six children in his or her own home—and 2,300 center-based, or nonresidential, programs with larger numbers of teachers and children. Even licensed family childcare and center-based daycare centers have had their problems; at one, a provider's husband pulled a gun on her in front of the children, for example. But

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where the numbers really start to spike is at illegal facilities.

With Wieworka at the helm, OCCS more than doubled the number of its investigations of both illegal and legal, but noncompliant sites from 1,491 in 1997 to 3,046 last year. The death of MacKenzie Rose spurred it to get even more aggressive.

What was particularly troubling about the case was that OCCS had been trying to put Power out of business for nearly a decade. In 1994, the state yanked Power's license because she had too many children enrolled and because of a complaint that she allegedly abused them, pulling their hair and grabbing one child by the throat. Prosecutors say Power simply continued to take kids into her home. State officials issued cease-and-desist orders against her in 1995, 1997, and 1999, but didn't have many legal options other than fining her (she paid \$250 in 1997). And parents rallied to her defense.

"When we first tried to shut her down, parents in the program claimed to be relatives," which meant no license was needed, says Wieworka. "We couldn't get any evidence because they would lie for her." Even

after Power's arrest, some parents continued to support her.

In the years OCCS tried to shut Power down, says Wieworka, "Our licensors would stand out there when kids were dropped off, saying it wasn't licensed. But it was the classic situation—when she was arrested and they did the neighbor-on-the-street interviews, they said, 'She was the nicest person. She had my kids.' They were more relying on their gut than having someone comply with state rules."

Since OCCS doesn't have much legal power if a provider ignores a cease-and-desist order, Wieworka developed a closer relationship with the state Attorney General's Office, which can go into court for an injunction. This year, with the AG's assistance, OCCS shut down 10 illegal providers. That's 10 potential abusers.

**WHILE NO ONE BELIEVES** licensing is a guarantee of safety, it's a start, and experts see it as essential. In the 1960s, when states began licensing, childcare "improved dramatically," says Suzanne Grace, deputy director of the National Child Care Association, which represents 9,000 licensed

care providers around the country.

"There are just hundreds and hundreds of regulations that are very critical to the safety and health of children, minimum standards any parent would expect," Grace says. Otherwise, she notes, "You have to rely on the goodness of the person operating the childcare."

And, as tragic cases illustrate, a parent's intuition is often not enough. "You can't make assessments [based] on your gut that we can make by checking records: criminal background checks, building inspections, fire inspections," says Wieworka. "As a parent, you wouldn't even think about the amount of energy we've put into making sure the playground equipment is safe."

The licensing process is rigorous. First, OCCS checks the criminal background of every adult who will be around the children. It does a facility inspection and requires an exhaustive list of safety and health considerations. Inspectors drop by regularly, unannounced, to make sure things are in order.

"We're experts in adapting homes to be protected areas for kids," says Wieworka. "We ask providers to do things parents

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don't do in their own home. If you have a fireplace and there's a hearth, that would not pass our inspection. You have to cover it with soft protective covering in case a three-year-old falls and hits their head."

Publicity around the Power case prompted more people to report unlicensed facilities, she notes. Licensed providers also won't hesitate to drop a dime on their illegal competitors, who charge lower fees and take business away. OCCS workers know the signs that point to an illegal daycare business: a play set in the backyard, a rush of cars in the morning and early evening. State investigators simply knock on the door and ask, What are you doing?

Some providers may not realize they need a license to care for children other than their own or those of relatives. Others may want to avoid being regulated, which includes paying a fee—\$100 a year for family childcare, \$200 to \$375 for center-based care—and following safety regulations, which can cost a lot to implement.

Last year, OCCS was aggressive about enforcing rules at licensed childcare facilities, taking legal action against 41 of them for a variety of problems that put children

at risk. There was the woman whose husband threatened her with a gun in front of children. "I'm sure she was complying with all our regulations, but she forgot to tell her husband not to hold a gun to her head," Wieworka says in a sardonic tone. "The things that happen, you couldn't even make up."

**WHAT ARDITH WIEWORKA** wants worried parents to know is that, statistically, their children are much safer in a

**Some daycare providers, like Power, are so beloved that parents don't care if the childcare they're getting is actually legal or not.**

licensed childcare facility than with their own families. Less than five percent of child-abuse allegations involve childcare facilities; the other 95-plus percent of incidents are perpetrated by a relative or someone else close to the victim, often in the child's home.

"There's an illusion of safety in your

own home," says David Deakin, chief of the Family Protection and Sexual Assault Unit at the office of Suffolk County District Attorney Dan Conley, who has prosecuted scores of child-abuse cases.

Still, Wieworka, who is 45 but has the roundish, unlined face of someone half her age, is concerned. A thoughtful listener with a warm smile and easygoing personality, she seems more like a kindergarten teacher than a bureaucrat. But sitting in the Deluxe Town Diner in Watertown, she orders a salad and picks half-heartedly at her food. She can't really eat these days. She's too upset about her sudden and inexplicable firing, too worried about the agency she worked so hard to propel to national prominence.

Since taking the top job when OCCS was created seven years ago, Wieworka has been credited with putting a human face on the agency while making it a national leader in childcare. Under her, Massachusetts was the first state to require family childcare providers to have an approved curriculum so kids aren't simply plopped in front of TVs. It was also one of the first to do background checks on providers.



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"She saved lives," says Andrea Watson, founder of Parents for Residential Reform, a project of the Federation for Children with Special Needs, who says her own daughter was physically abused at a residential center. Wieworka stepped in with a variety of reforms, including reducing the use of restraints on kids. Watson says Wieworka created positive partnerships among parents, care providers, and the government, and, through frequent meetings with parents and a user-friendly website, made it easy for parents to get information about appropriate childcare.

"She gave families hope again," says Watson, who, like other children's advocates, is confused about why Wieworka was fired.

Given Wieworka's stature on childcare issues, not to mention her reputation with parents and providers, Preston's decision

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to fire her was puzzling at best. According to a number of children's advocates, Preston has never seen children's issues as a priority. His strategic plan for Health and Human Services made no mention of childcare, as if it weren't a part of his duties, Wieworka claims.

But when a major reorganization was announced—the new Office of Early Education and Care, championed by House Speaker Tom Finneran, will take over many of the duties of OCCS next year—Preston met with the children's leaders he had previously ignored, Wieworka says. She believes he was upset about losing control of the agency and its \$370 million annual budget.

In any event, Preston's timing couldn't be worse. As the new agency springs into life over the next year, who better to lead the transition than a seasoned and respected expert?

"You need to be looking at OCCS and figuring out which parts should be folded into the agency," says Wieworka, who believes the reorganization has the potential to be positive. Instead, she says, "You've taken the person who knows the most and told her to take a hike." **B**

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