



Carletta worked two jobs while attending school to provide for her son, Shay.



Joann and her grandson Benjamin are featured in the second story below.



The Legauxs fled Katrina but found little help for Justin in Tennessee.

## THE TENNESSEE JUSTICE CENTER 2007 YEAR END REPORT

Joshua is seven years old, an age of unbounded possibilities and infectious enthusiasms. Like every devoted parent, his mother anxiously tries to envision her child's future. There is much reason for hope, because Joshua is bright, funny and loving. But his mom is also fearful. Joshua is growing up in an environment where children are too often the victims or perpetrators of the violence that permeates their lives from infancy. Joshua has already experienced pain and loss, which have left him depressed and prone to sudden outbursts of temper.

The good news is that his emotional problems have been identified and he has been referred to a counseling program of proven effectiveness. TennCare, the state's health program that serves over 600,000 poor and uninsured children, covers Joshua. On the premise that it is better to raise strong children than to try to repair damaged adults, federal law requires the state to provide all TennCare children comprehensive medical care, including just the sort of life-altering therapy that has been prescribed for Joshua.

The bad news is that, despite a year-long effort by Joshua's concerned mother, teacher and volunteer "Big Sister," Joshua still hasn't received that care. After months on the wait list to receive counseling, Joshua lost his temper in the school cafeteria, threw a tray across the table and was expelled from first grade. Throughout most of last year, while other first- graders experienced the excitement of learning to read, Joshua's perception of school and of himself was being shaped by the bitter experience of failure and exclusion. He has fallen farther and farther behind his friends and become more withdrawn.

And each month, like clockwork, TennCare pays the contractor for the care that Joshua so desperately needs but has never received. Joshua is only one of many thousands of children who never receive the care that TennCare contractors have been paid to provide.

Jonathan Swift wrote that, "Vision is the art of seeing things invisible." The lens of federal law enables the Tennessee Justice Center to see a future for Joshua and Tennessee's other neglected children that is invisible amid the harsh realities of their present lives. In 1998, TJC negotiated a settlement with state officials in a case known as *John B.* Officials pledged to comply with federal laws guaranteeing the rights of all TennCare children to receive the medical and mental health services they need.

We and many others have worked tirelessly since then to make the agreement a reality, but progress has been slow. State politics, bureaucratic intransigence and lax contractor accountability perpetuate a system that confounds the best efforts of even the most conscientious officials and health care professionals who try to make it work. The state wastes millions and energetically resists any sort of oversight, while Joshua and thousands of other children go without treatment. Addressing that crisis has been the focus of TJC's work this year, and that will continue in the coming year.

In spite of the heartbreaks and delays, we remain confident of TJC's ability to make good on *John B.*'s promises to Tennessee's children. All that TJC does is grounded in a faith, expressed so eloquently by Martin Luther King, that "The arc of the moral universe is long, but it bends toward justice."

(Over)

The mission of the Tennessee Justice Center is to advocate on behalf of poor Tennesseans in areas of public policy having the greatest impact on their health and welfare; by means which afford clients the opportunity to make their own voices heard; and with methods which foster collaboration across lines of race, class and generation.

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Our vision of a better future for Tennessee children is also bolstered by the federal court's fair but firm insistence that the state fulfill its obligations under law. The court recently observed:

The health of any child, particularly a child in economic and medical need, is immensely important. ...The important ... issues at stake are the health and welfare of needy children who thus far have not been receiving the medical services that federal law requires and that billions of federal funds have been appropriated to provide...

Earlier this year, court-appointed monitors issued a painstaking 249-page report concluding that the state could not demonstrate compliance with any part of its *John B.* responsibilities. There will be a major trial in a few months, where TJC will resist the state's efforts to overturn those findings. The court has recently ordered the state and its contractors to provide masses of computer records and documents that they had been withholding for more than a year, and that lay bare the failings of the system.

As we work on these systemic problems, we witness hundreds of individual victories that sustain our vision of the bright future that we seek for all Tennessee children. One of those victories involved a toddler named Benjamin, who owes his vision, quite literally, to the power of the law. A few months ago, Benjamin underwent surgery that repaired the neural defects that had caused his blindness. But no sooner had the surgery been completed than a billing dispute between the hospital and the TennCare contractor threatened to disrupt critical post-operative treatment. When nothing else worked, Benjamin's desperate family and doctors turned to TJC, who got his care restored just in time. We recently received a thank you note from Benjamin's family, accompanied by a snapshot of Benjamin and his grandmother. It's a picture that would make you smile, even if you didn't know the dramatic story behind it.

It is children like Joshua -- so full of promise, yet so menaced by poverty and neglect -- who give us a sense of urgency about TJC's work. And it is stories like Benjamin's that reassure us that such work ultimately pays the most priceless of dividends: the realization of a child's potential and his ability to fully enjoy God's gift of life.

A national health policy journal has described TJC as "indefatigable" in its advocacy for the poor and uninsured, and a business journal has described TJC as the most effective non-profit in Tennessee. TJC is indefatigable only because of the sustaining support and kindness of others. TJC is effective only because it serves as a magnet and conduit for the generous compassion of caring friends and fellow advocates from across the state and the nation. The community that sustains TJC's work includes hundreds of generous donors and volunteers, as well as pro bono colleagues from some of the nation's premier law firms. Last year, their assistance enabled TJC to leverage \$1.5 million in donated services, even though our own budget was only a little more than half that amount.

How privileged TJC is to serve families and children who inspire us with their courage and generosity of spirit! How grateful we are for the friends and colleagues who make that possible! Thank you for sharing TJC's vision of a better, more just future for all Tennesseans.