Reactionary Policy-Making:

Is Media Coverage of Child Maltreatment Fatalities a Predictor of Legislative Change?

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Abstract

Using the agenda-setting hypothesis, this study tested the common assumption that child maltreatment fatalities (CMF) that are connected to state child protection agencies spur legislative change within the child welfare profession. Logistic regression tested whether states with higher levels of media coverage on CMF for the years 2002 and 2003 were the same states that in 2004 enacted legislation that was related to CMF. This hypothesis was not supported by data. The analyses for this paper indicated that there is no relationship between media coverage for either the years 2002 or 2003 and CMF-related legislation that was enacted in 2004. The findings speak to potential informal changes in organizational culture, as opposed to changes in passed by the state house.

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According to the U.S. Department of Health & Human Services, Administration for Children & Families, in 2004 roughly 872,000 children were the victims of child maltreatment in the United States (U.S. Department of Health & Human Services, 2006). Historically, there has been a tension concerning how to best serve children and families who are involved with the child welfare system. This tension exists even today. Child welfare professionals walk a tightrope between two different ideological endpoints—one which seeks to preserves the family unit and to maintain children in the home and another which seeks to ensure the physical safety of children by removing them from their home. These two ideological endpoints, the family preservation school and the child safety school, respectively, are the source of ongoing conflict within and outside of the child welfare profession (Gelles, 2003).

This conflict has been played out, at a minimum, in the field and in state and federal legislative structures that regulate the child welfare profession, by swinging between the family preservation and child safety schools of thought. Scholars and practitioners, alike, have theorized that the most notable event that sets the ideological pendulum swinging between the two extremes is the public outrage over the death of a child that was known to, or receiving services from the state's child protection agency. Building on the agenda-setting hypothesis (McCombs & Shaw, 1972), this paper tests the theory that high levels of media attention about child maltreatment fatality (CMF) spurs legislative change in the statehouse.

Ideological Perspectives in the Child Welfare Profession

The child safety school of thought dominated the early years of the developing child welfare profession. This was, in part, because of a focus on pathology and mental illness as the

causes of child abuse and neglect (Gelles, 1996). The overriding answer to child maltreatment at that time was to remove the child from the home. In the 1970s, research revealed that child maltreatment was associated with social conditions such as parental stress, poverty, lack of parenting skills, and lower levels of income—all of which could be addressed through social services (Bolton, Laner, & Kane, 1980; Gershenson, 1977; Hindman, 1977). This newly launched, and now federally recognized profession embraced this research and tailored services to meet families' needs and when possible, preserve the family unit (Pelton, 1992).

By the early 1980s, the family preservation movement was in full swing throughout the country. One particularly program—Homebuilders—initiated in Tacoma, Washington, in the 1970s touted the success of family preservation, both in terms of physical and emotional safety, and in terms of financial cost (Barthel, 1991; Bath & Haapala, 1993; Kinney, 1978; Kinney, Madsen, Fleming, & Haapala, 1977). Proponents of this ideology accepted this first wave of research as validation for the effectiveness of the family preservation approach to working with maltreating families (Barthel, 1991, 1992; Bath & Haapala, 1993; Pelton, 1992).

The family preservation movement was brought into question when children began dying at the hands of their caregivers. Sometimes the children who died lived in families that were receiving family preservation services, or died shortly after their case had been closed as being "successfully treated" using a preservation model of treatment (Gelles, 1996; Murphy, 1997). Such events often result in a high level of media publicity and in hearings before the state legislature where the state's child protection agency is asked to defend their actions (Cooper, 2005; Goddard & Liddell, 1995; Lachman & Bernard, 2006; Regehr, Chau, Leslie, & Howe, 2002). One such notable case was Eli Creekmore, a toddler who died in the state of Washington after repeated contact with the state's child protection agency and after receiving family

preservation services (Davis, 1987). In this case, the public and legislature questioned why Eli has not been removed from his home to ensure his physical safety. These questions resulted in legislative change. A more recent case took place in the state of Maine, where Sally Schofield, a foster parent and former state child welfare worker, killed her five-year old foster child, Logan Marr. Once again, the media and public questioned the wisdom of child welfare professionals, and the state's child protection team responded to questions at the state capitol (Carrier, 2002).

The child welfare profession is replete with such examples and the response from state legislatures and the public depends on where the child dies. When children die in birth homes, the media, public, and state legislatures question why children are left in homes that are unsafe. When children die in foster homes, the same public bodies question why children are so quickly removed from the homes of their birthparents (Gelles, 2003). Such cases provide evidence for the notion that child maltreatment fatalities, in combination with attention from the public and state legislatures, drive legislative change and child welfare practice decisions (Ayre, 2001; Goddard & Liddell, 1995; Longlade, 1999).

Agenda-setting Hypothesis

The agenda-setting hypothesis suggests that media attention to a particular issue drives public opinion on that same issue (McCombs & Shaw, 1972), and thus, is a natural link to more closely examining the relationship between child maltreatment fatality and legislative change. The original agenda-setting hypothesis found a strong correlation between news coverage of political candidates and public opinion about those candidates (McCombs & Shaw, 1972). There has been strong support for this theory as a way to measure and understand public opinion and attitudes about political or politically-charged issues (Leff, Protess, & Brooks, 1986; McCombs, 2005; Son & Weaver, 2005; Wanta, Golan, & Lee, 2004; Yongjoo & Haider-Markel, 2001).

The agenda-setting hypothesis has even been tested within the context of a pretest-posttest design. In such instances a set of scholars have been notified by the media about a local news story that will be aired to the public in the coming weeks. This advance notification provides an opportunity for researchers to assess public opinion about the news issue both before and after the airing of the story. In fact, in one particular instance Cook and colleagues (Cook et al., 1983) randomly assigned study participants to either watch the news program (on a specific date, at a specific time) or to watch another television program that was aired at the same time. The news story addressed fraudulent behavior in the home health profession and the researchers found that interest in this topic increased after the airing of the news story. They found similar results among policy- and decision-makers who were also interviewed before and after the airing of the news story. Decision-makers were more likely to report a need for policy change to address the fraud; the issue did not, however, change how decision-makers ranked the importance of home health care fraud when compared with other national issues.

This same set of researchers also assessed the impact of a different news story on decision-makers' implementation of policy as a response to a news issue. In this study, Protess and colleagues (Protess et al., 1987) assessed the impact of a news story that addressed the unauthorized storage of toxic waste at the University of Chicago. They found that policy-makers who were exposed to the news story were more likely to change their opinions about the agencies that regulate and monitor toxic waste. Those who heard the news story were also more likely to predict a change in the amount of time that they would spend on toxic waste issues. Whatever policy changes occurred, such as a visit from the local fire department to the University, appears to have been initiated by the journalists covering the stories themselves.

Few other scholars have tested the agenda-setting hypothesis to actual policy-making, but researchers have linked media coverage to legislative action (Bohac & Evans, 1996).

Furthermore, a number of scholars have discussed the influence of media coverage on the child welfare profession (Cooper, 2005; Goddard & Liddell, 1995; Lachman & Bernard, 2006).

Research Questions

This paper utilizes a common theory of the political science and communications disciplines to more closely examine an untested assumption of the child welfare profession – that media coverage of CMF that is linked to the state's child welfare agency prompts legislative change. This study examines the potential association between 2004 state-level child welfare legislation and 2002 or 2003 media coverage about CMF in each state in the nation, and tests the question: *Does media coverage of CMF prompt state legislative change for the child welfare profession*? Previous work on the agenda-setting hypothesis (Protess et al., 1987) and anecdotal evidence from the child welfare profession predict that a positive association will be found between media coverage and legislative change.

Methodology

Data

The data for this study come from government sources and the newspaper database of Lexis Nexis. The primary variables for this study include policy change in state-level child welfare policy and a high level of media coverage about child maltreatment fatalities in which the local or state child welfare agency has some level of culpability or responsibility in the death of the child. Information for the dependent variable, legislative changes in 2004 state-level child welfare legislation, was compiled and published by the National Conference on State Legislators

and is available at: http://www.ncsl.org/programs/cyf/cwlaws2004.htm. All of the variables are described in Table 1; descriptive statistics are provided in Table 3.

Dependent Variables

Without communicating with every sponsor of every piece of legislation, it is impossible to know, for sure, which laws were the result of a CMF, and which were not. Thus, a coding scheme was developed to categorize which legislation was potentially the result of a CMF, and which was not. This coding scheme was based on previous work that focused on the outcomes of child fatality review teams (CFRT), which, among other things, identifies gaps in service delivery that may have contribute child maltreatment fatalities (Douglas, 2005). Using reports from CFRT, this previous research has identified common problem areas, such as child welfare professionals failing to perform more comprehensive risk assessments of families, lack of training to conduct multidisciplinary investigations, failure of mandated reporters to report known or suspected child maltreatment, lack of communication within child welfare agencies, and between child welfare agencies and other social service providers, etc. Using this framework of identified problems, the new 2004 child welfare laws were coded as having been potentially related to child maltreatment fatalities if the content of the legislation fell into one of the areas identified by CFRT, where 1=yes and 0=no. A sample of different pieces of legislation and the assigned codes are demonstrated in Table 2. This variable was coded by three graduate research assistants. The assistants agreed on coding 74% of the time. Discrepancy between the three coders was resolved by the main author. Two different dependent variables were created with this data: (1) a dichotomous variable which indicated if a state had enacted a CMF-related piece of legislation or not (1 and 0, respectively), and (2) a continuous variable which was a count of the number of different pieces of legislation that each state enacted (range of 0-3, mean=0.42).

The majority of the values in the continuous variable were 0 or 1. There were only 2 instances when a state had a value of 2; and, only 1 instance when a variable had a value of 3. Thus, due to a lack of variance, this continuous variable was discarded, and only the dichotomous variable was used as the dependent variable.

Independent Variables

News stories. The primary independent variable was compiled by reviewing 2002 and 2003 news stories from major newspapers in every state of the union. All news stories were gathered using the database Lexis Nexis, which allows one to search for news stories by state and year. The major operative in this undertaking was to search for stories that indicated state agency responsibility in a child's death, such as in instances when families were receiving services, when a child had been returned to his/her family after a separation because of maltreatment, or when a child was killed by foster or adoptive parents. This methodology has been used in previous research in order to estimate public attention to a particular high profile case (Cooper, 2005; Goddard & Liddell, 1995). Using the data base Lexis Nexis, news stories in each state were separate searched and examined using the following key word combinations.

- 1. [child death] and [agency or department]
- 2. [child died] and [agency or department]
- 3. [child dies] and [agency or department]
- 4. [child killed] and [agency or department]

News stories that reported on a change in department or agency policy or protocol were excluded, as were editorials. A count was taken of the number of news stories for each of the years 2002 and 2003. Note that this was a count of the number of news stories, not the number of children who died. The primary purpose of this continuous variable was to capture the media

attention given to the incidence of child maltreatment fatalities that are linked to the local or state children protection agency. The range and mean, respectively, for 2002 was 0-22 and 2.6 stories per state. For 2003 the range was 0-19, with a mean of 3.0.

Child welfare variable. The CMF rate per 100,000 children for both the years 2002 and 2003 were used to estimate the number of children who are known to die from maltreatment in each state. The data for this variable comes from the Department of Health & Human Services, Administration of Child & Families Services.

State characteristic variables. Two variables were used to capture to sociopolitical context of each state. First, the percent of each state's population over the age of 25 that had a college education in 2004 was included in the analyses. The data for this variable came from the Current Population Survey. Second, the percent of Republicans in each state's upper house in 2004 assessed the political climate in each state. The data for this variable came from the Statistical Abstract of the United States.

Child death review team characteristic. As noted, each state has a multidisciplinary team that reviews, at a very minimum, child fatalities that are related to maltreatment. A dichotomous variable indicates whether or not the child death review team exists because of a mandate, and is an estimate of the formal attention that CMF have received in each state. This data comes from a 2001 nationwide assessment of child death review teams conducted by Webster and colleagues (Webster, Schnitzer, Jenny, Ewigman, & Alario, 2003). It is the most current source of information about characteristics of child death review teams.

Analysis

Data was tabulated to determine the percent of states that passed (1) child welfare legislation, (2) legislation that was likely related to a CMF, and (3) of the states that passed legislation, the mean number of pieces that were passed.

Pearson's bivariate correlation was implemented to determine which variables would be included in logistic regression analyses. Independent variables that had a correlation over r=.10 were included in the final regression models. Logistic regression was implemented with the use of the dependent categorical variable that documented whether or not a state passed legislation related to a CMF. A criterion of p=.10 was used in all analyses due to the small sample size.

Results

Prevalence of CMF Legislation

Bivariate Correlations

In 2004, 42 states passed legislation concerning child welfare practices in their respective states. The coding system that was employed in this study determined that 17 states passed legislation that was determined to be related to a CMF. These states are shown in Figure 1.

Table 4 documents the results of the correlation analyses. Only four of the independent variables had correlations greater than r=.10. These variables were then included in the final model: news stories 2002, state education level 2004, percent of republication in the upper state house 2004, and enabling legislation for CFRT. None of the correlations between dependent and independent variables were statistically significant.

Logistic Regression Analysis

Table 5 illustrates the logistic regression results for the dichotomous variable CMF-related legislation. The results indicate that the hypothesis was not supported. There was no statistically significant relationship between news stories in 2002 and CMF-related legislation in

2004 (odds ratio=.861, p=.15). The only variable which showed a statistically significant relationship with the dependent variable was the state's education level (odds ratio=1.12, p=.10), indicating that for every increase in the percentage of persons with a college education, there is a corresponding 12% increase in the likelihood that CMF-related legislation will be passed in that state.

Discussion

This study tested the common assumption that CMF spurs legislative change for the child welfare profession, by examining whether states with higher media coverage of CMF in 2002 or 2003 were the same states that in 2004 enacted legislation that was related to CMF. It was hypothesized that there would be a positive association between the two. This hypothesis was not supported by data. The analyses for this paper indicated that there is no relationship between media coverage for either the years 2002 or 2003 and CMF-related legislation that was enacted in 2004.

There were some limitations of this study. First, it is almost impossible to know what legislation is the result of a CMF. This study used a systematic coding scheme to determine which laws may have been the result of CMF, but this coding scheme only allows one to *estimate* which laws are potentially related to CMF. Second, this study selected newspaper stories that were related to CMF, where the state's child protective agency had a potential role in the child's death. It is possible that news stories were overlooked, or that relevant stories could have been excluded from the Lexis Nexis database.

The analyses failed to support any of the hypotheses that were tested in this study. The lack of findings to support legislative change does not necessarily invalidate the common assumption that high profile CMF spurs change in the child welfare profession. There is the

possibility that the change of which child welfare professionals speak is less formal, such as cultural changes in practice, that are not the result of legislative changes. For example, a child dying in his or her birth home might prompt caseworkers and caseworker supervisors to be more aggressive in the future about removing a child from the birth home. Similarly, a child dying in foster placement might informally influence the rate with which children are removed from their homes. In fact, Gelles (2003) discusses such informal changes in child welfare practice after the death of a child.

One qualitative study noted that it is common for management in child protection agencies to respond to high levels of negative publicity by "cracking down" on employees, by imposing more restrictions with the overarching goal of improving accountability (Cooper, 2005). This was noted by another researcher who found that CMF resulted in restricted practices and an increase in policing functions on behalf of child welfare organizations (Regehr et al., 2002). An English study noted that three decades of high profile CMF in the British press usually resulted in a significant change in oversight procedures, from both directors and auditors of agencies, which had a deleterious effect on the overall atmosphere of the agency (Ayre, 2001). To bolster the notion that CMF results in important changes to an organization's culture, some child welfare scholars have explored various organizational theories to understand the potential impact of a child fatality on an organization and to better understand how this might influence decision-making protocol in child welfare agencies (Rzepnicki & Johnson, 2005). Regehr (2003) has written about the after-effects of any fatality—not just children—on emergency responders and public agencies. She notes increased stress for workers, feelings of isolation within the workplace, and systems change.

In summation, this study did not find support for the agenda-setting hypothesis as a way to understand legislative changes in the child welfare system that may be related to CMF. The analyses also did not support the commonly held notion that highly publicized cases of CMF that were directly linked to the state's child welfare agency resulted in legislative action. In fact, there was very little evidence that any of the multiple factors considered, including media coverage, state child protection characteristics, sociopolitical factors, or CFRT characteristics, were associated with the passage of CMF-related legislation. The lack of findings potentially speaks to cultural changes within child welfare organizations that occur after the death of a child. There is little research on this particular topic—how organizations change after a child dies, and if that death sets the child welfare profession's ideological pendulum swinging, either toward family preservation or child safety schools of thought.

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Figure 1. States that Passed CMF-related Legislation, 2004

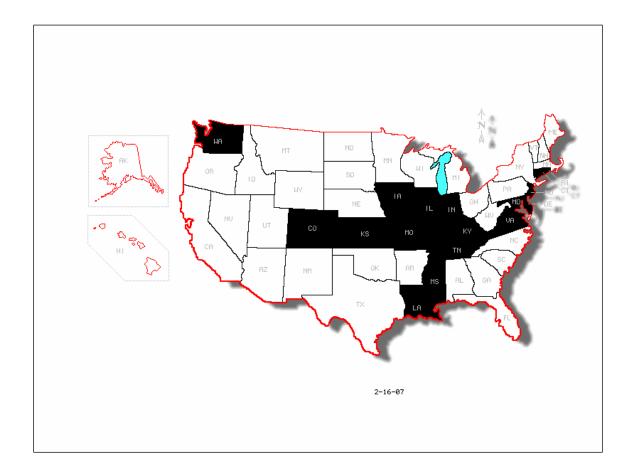


Table 1. Summary of Variables and Source of Origin

Variable		Data Source	Year	Variable Type	
1.	Legislation related to CMF	National Conference on State Legislatures	2004	Categorical Continuous	
2.	News stories about child maltreatment fatalities and state agency culpability	Nexis Lexis	2002 2003	Categorical Continuous	
3.	Child maltreatment substantiation rate	Department of Health & Human Services, Administration for Children & Families	2002 2003	Continuous	
4.	State education level	Current Population Survey	2004	Continuous	
5.	Percent of Republicans in upper house of state legislature	Statistical Abstracts of the U.S.	2004	Continuous	
6.	Child death review team enabling legislation	Webster, Schnitzer, Jenny, Ewigman, & Alario	2001*	Categorical	
7.	Child death review team year initiated	Webster, Schnitzer, Jenny, Ewigman, & Alario	2001	Continuous	

Note: *Date that data was collected—not date of publication

Table 2. Examples of Coding Scheme for Child Welfare Legislation, 2004

State	Code	Legislation	CMF*
CA	SB1178, Chap 841	Requires county child welfare agencies, to the greatest extent possible, to identify and use whole family foster placements for dependent minor parents and their children and to provide access to existing services for which such minor parents may be eligible. Encourages county child welfare agencies to collect information to develop a more cost-effective infant supplemental rate structure that more adequately reimburses caregivers for the cost of infant care and teen parent monitoring.	0
СТ	HB5689, Act 04-258, Sec 19	Requires the Department of Children and Families to ensure that a caseworker visits each child in an out-of-state residential facility every two months.	1
KS	HB2568, Chap 142	Imposes a fee of \$100 on defendants convicted of certain crimes against minors, to be deposited into a newly created Children's Advocacy Center Fund. Specifies that the fund is to be used for the operating expenses of eligible children's advocacy centers.	0
TN	HJR 792	Requests the state Commission on Children and Youth and the Department of Health to conduct a statewide statistical study on violent deaths of children from infancy through age 18.	1

^{*}Note. 1=Related to CMF; 0=Not related to CMF

Table 3. Descriptive Statistics for Dependent and Independent Variables

	N	Minimum	Maximum	Mean	S.D
News stories 2002	50	0.00	22.00	2.58	4.82
News stories 2003	50	0.00	19.00	3.04	4.61
CMF rate 2002	50	0.00	11.59	2.00	1.86
CMF rate 2003	48	0.00	7.67	1.92	1.55
Percent completed college 2004	51	15.30	45.70	27.17	5.40
CDRT enabling legislation*	49	0.00	1.00	0.69	0.47
Percent state leg Republican 2004	49	15.00	80.00	51.10	15.78

Note: *=dichotomous variable

Table 4. Bivariate Correlation Between Dependent and Independent Variables

		News	News	CMF	CMF		CDRT	Percent
	CMF	Stories	Stories	Rate	Rate	Percent BA	Enabling	Republican
	Legislation	2002	2003	2002	2003	2004	Legislation	2004
CMF Legislation	1.00	-0.17	-0.02	-0.04	-0.10	0.18	0.12	-0.11
News Stories 2002		1.00	0.49***	0.01	-0.01	0.06	0.27	0.02
News Stories 2003			1.00	0.09	0.05	0.24	0.18	0.02
CMF Rate 2002				1.00	0.78***	0.09	0.26	-0.10
CMF Rate 2003					1.00	-0.17	0.16	-0.04
PercentBA 2004						1.00	0.08	-0.02
CDRT Enabling Legislation							1.00	-0.26
Percent Republican 2004								1.00

Note: ***p=.000; correlations notes in **bold** were included in the logistic regression model.

Table 5. Results for Logistic Regression

	В	S.E.	Wald	Odds Ratio
News stories 2002	-0.15	0.10	2.05	0.86
State education level 2004	0.12	0.07	2.65	1.12*
Percent republican 2004	-0.02	0.02	0.67	0.98
CDRT enabling legislation	0.84	0.76	1.22	2.33
Constant	-3.00	2.22	1.83	0.05

Note: *p=.10