



Parents push for day care licensing after toddler's accident

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Vanessa Porter

Jeremy Brilliant/Eyewitness News

Greensburg - Vanessa Porter screams during a recent visit to the doctor. She's been to this office many times, but for this three-year-old, the poking and prodding is nothing short of terrifying.

"Every morning she wakes up with a pounding headache. Her forehead hurts her and normally one or both of her eyes hurt her," said Missy Porter, Vanessa's mother.



Missy and Tony Porter

On August 25th, while at St. Mary's Playhouse, a day care in Greensburg, a large console television, which was resting on a make-shift stand, fell on Vanessa. Her mother Missy was called.

"The day care worker there had said that there had been an accident and that maybe Vanessa had broken her nose...that somehow the TV had fallen on top of her," said Missy. She rushed her daughter to Decatur Memorial Hospital in Greensburg but Vanessa's injuries were so severe that she was flown by helicopter to Riley Hospital for Children in Indianapolis.



Vanessa in the ER on the day of her injury. Photo courtesy Wagner, Reese and Crossen law firm

"I didn't think it was her when I walked in and seen her," explained Vanessa's father Tony. "Until she started talking...it was... she was so swollen."

Vanessa spent 12 days at Riley, 11 in intensive care. She suffered multiple facial fractures. Her nose was crushed. An illustration and X-rays provided by Wagner, Reese and Crossen law firm, which represents the family, show broken eye sockets, now replaced with plastic. A broken nose is now supported by three titanium plates. Fortunately, her parents say, her brain was not injured.



St. Mary's Playhouse

"We were lucky it hit where it did. It could have ended a lot worse than it has. But it's still not good," Missy Porter said.



Carole Stein, child advocate

The unsecured TV never came up during a building inspection three months before the accident. That's because St. Mary's isn't scrutinized like non-religious day care centers. It's run by the Archdiocese of Indianapolis and as a child care ministry must be registered, but not licensed.

Parents are supposed to sign a notice informing them of the special status of ministries. An Archdiocese spokesman says the Porters signed such a form. They say they never saw it.

"They don't have to put anywhere that they're not licensed, you know what I mean. So you

would assume that they're licensed," said Tony Porter.

Indiana law requires licensed day care centers to follow 60 pages of rules and regulations. Those rules include everything from criminal background checks for employees, first aid and CPR training. There are even specific guidelines about how to change a diaper.

Child care ministries, on the other hand, only have to abide by four pages of very basic sanitation and fire regulations.

If St. Mary's had to follow the regulations of a licensed center, which doesn't allow televisions in toddler areas, the Porters say Vanessa never would have been injured. They want Indiana law changed so all day cares have to follow the same rules.

"Above all, I think we just don't want any other children to get hurt by an accident that shouldn't have happened," said Missy.

"It's time to change the law, you know, and put some more teeth in it," explained Carole Stein, former deputy director of the state Bureau of Children, now a consultant on children's issues. She recently wrote an Op-Ed in the *Indianapolis Star* about Vanessa's case. She thinks all day cares need the same regulations.

"My belief is that government belongs in the lives of children to keep them safe," said Stein.

According to September 2008 statistics from the Indiana Family and Social Services Administration, there are 698 registered ministries statewide, compared to 607 licensed day care centers.

"I think there's a fallacy if we say, 'Let's just make more laws and make more rules and everyone's going to be safe.' They won't," insisted Republican State Representative Jacqueline Walorski of Lakeville, a member of Committee on Childcare. She says the state's rules and regulations about how children are cared for are constantly evolving. But regulating ministry day cares brings up a fundamental question.

"Does the State of Indiana want to get into the business of regulating churches and the things that they do? And that actually is a broader question and that's not yet been posed," Walorski said.

"I don't want churches to be out of the childcare business," said Stein, the consultant. "I just want them to do the right thing. [And the right thing is] to meet standards."

That's what the Porters want.

They've taken more precautions at home. Their television is secured and now the dog stays outside. They want to make sure Vanessa's fragile face is protected. Missy left a full time job to spend all day, every day with their daughter.

"I'm calling home every hour asking her how they doing, anything going on, is she okay," said Vanessa's father Tony.

While numerous trips to the doctor will continue, the healing is well under way. "That's the main thing we're worried about. For her getting better and this law being changed," said Tony.

Vanessa's parents hope their first hand experience will be the last. "We've been through enough; we'll be okay. But it needs to change," said Missy. "The rules need to be the same for everyone. I just hope someone realizes that and it changes before it does happen to someone else."

Since the accident, the Archdiocese of Indianapolis bolted the console television to the ground so it could not tip over. Archdiocese spokesman Greg Otolski says they also went through the 46 day cares they operate and checked for any hazards.

The Department of Child Services launched an investigation into what happened to Vanessa only after doctors reported the injuries. Current law does not require ministries to report when a child is hurt, but licensed centers must.

Indiana is one of just 12 states nationwide which exempt religious day cares from being licensed.

To find out if your child's day care is a "ministry" or "center" click [here](#).

For a recent nationwide Child Care Licensing Study click [here](#).

[Link to rules about registered ministries](#)

[Link to rules about licensed centers](#)



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