

Dr. Gwen Wurm, being first duly sworn, hereby deposes and says:

1. My name is Gwen Wurm. I am a board-certified developmental-behavioral and general pediatrician. I am licensed in the State of Florida.
2. I have an MD from Boston University School of Medicine and received my pediatric training at the Albert Einstein School of Medicine and Montefiore Medical Center in New York City. I received my Masters in Public Health from Harvard University.
3. I am an assistant professor at the University of Miami Miller School of Medicine. I am medical director of the Jackson Memorial Hospital Medical Foster Care Program. I teach general pediatrics, public health and advocacy at the University of Miami School of Medicine.
4. I have worked extensively with children and adolescents in the foster care system who have been abused and/or neglected. I have served on local and state commissions concerned with the rights of children, particularly within the child welfare system. I work closely with judges in our district in developing appropriate treatment plans for children in foster care.
5. This affidavit is based on articles and books and my clinical experience in working with children, families, and the child welfare system.

6. As a pediatrician, I am legally bound to report child abuse as defined in Florida Statutes Chapter 39, Section 39.01(2), as “any willful act or threatened act that results in any physical, mental or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired.” In a case where a child reports to me that he/she was shackled or subjected to other forms of arm and leg restraints by his parents as a form of control, I would assess that the law dictates that I report the case to the child abuse hotline.

7. A child protective investigator in investigating a complaint of a family shackling or using other forms of arm and leg restraints on a child would try to determine whether the family was acting in the child’s best interest and if there was no other way that the family believed they could respond to the risk and danger the child posed to himself or others. A determination would also be made as to whether the parent’s assessment of risk was appropriate for the punishment given. If the investigator believed that the family was interested in doing the best for the child, referrals would be made for counseling and behavioral management services, with ongoing supervision of the family, or placement in out of home care until the home was again safe for the child. The state should hold itself to no less a standard. With personnel trained in behavior management, in addition to metal detectors, searches, and security, it seems unlikely that except in extreme cases a child would need to be shackled for court proceedings.

8. The policy of subjecting all children and adolescents in the juvenile system to shackling without regard to their age, gender, mental health history, history of violence, or risk of running away goes against the basic tenets of developmental pediatric practice. All children are not the same based on their age, history, life experience, mental health challenges, and

cognitive development. In working with children/adolescents, policies need to be individualized in order to achieve the best possible outcomes.

9. Adolescence is a critical time for cognitive development and learning. The young adolescent is only beginning to have cognitive flexibility, complex reasoning, and the capability to form and test hypotheses. He is moving from concrete to abstract and symbolic thinking. The adolescent begins to grasp political, social, and philosophical concepts such as liberty and justice. Cognitive development is dependent on experience, especially stressful ones. Erik Erikson, one of the most noted developmental psychologists of the twentieth century, in his groundbreaking work on psychosocial development, identified adolescents as being in the fifth stage of development—that being the stage where childhood experiences consolidate and the teenager establishes a sense of personal identity. Teenagers are very easily influenced by social values and customs outside the family. It is the dynamic interplay of who an adolescent thinks he is in combination with how society responds that is integral to the development of his personal identity.

10. A picture of someone shackled is meant to convey a sense of danger, of a contained beast. This image is frequently utilized in movies and television. It is a picture of someone feared. An adolescent with a forming identity cannot easily shrug off this image of himself. Rather, it becomes integrated in his own identity formation, possibly influencing his behavior and responses in the future.

11. Being shackled is a humiliating experience. Adolescents are already intently focused on how others perceive them. The shame of appearing in front of strangers and family alike in shackles can have a damaging and even permanent effect on a young person's concept of self.
12. The effect of seeing a child in shackles may be profound for parents as well. Several studies have found that the parents of children with cancer can themselves exhibit symptoms of Post-Traumatic Stress Disorder years after the child is recovered. There are similar findings for parents of children in neonatal intensive care units. The sight of one's child suffering is profoundly painful.
13. Many children in the delinquency system have been abused and neglected in the past, a number of whom have been in foster care. Restraining a child who was previously been restrained in a beating may risk the recurrence of Post-Traumatic Stress Disorder. This is especially significant in the case of those teens that have been sexually abused. In addition to being harmful to the child, the re-experiencing of the trauma may cause behavioral problems, both in the courtroom and later. The effort to control the child through shackling may lead to far more problematic behaviors.
14. Recent studies have shown that upwards of 80% of children in the foster care system carry some mental health diagnosis. Many have depression, anxiety disorders, attention deficit disorder, and/or conduct disorder. Many of these children have issues with low self esteem. Some have attempted suicide. The message that a depressed, low self esteem teen receives from shackling is one of powerlessness and self blame. The teen will not "trust" the system, particularly when they believe that the shackling is unwarranted and unfair. Any attempts toward rehabilitation will be treated with distrust, making ultimate success that much more difficult to achieve. For example, a child

accused of shoplifting, with no history of violence, would rightly see shackling as unjust and unfair.

15. Placing people in the "least restrictive" settings has been the reigning public policy in education, mental health and disability law, and in the academic literature. This is particularly important for children, in view of the identity formation issues discussed. Placing children in restraints, without regard to their history, offense, or safety risk is a blatant violation of this policy.

16. Shackles may cause physical harm. In cases where the shackles are placed too tightly, there may be cuts and bruises. For a child with cerebral palsy, his mobility may be limited to the point of not being able to move at all, with harm coming from loss of balance. A child with previous nerve or vessel damage to an area shackled may have additional injuries if improperly placed. There is no reason to subject a child to potential harm unless the child is individually assessed as being harmful to himself or others if left unshackled under the supervision of trained personnel.

Further affiant sayeth not.

I declare under penalty of perjury that the foregoing is true and correct.

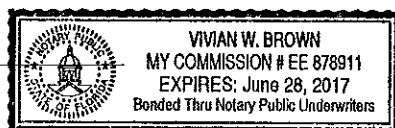
Executed on January 7, 2015.


Gwen Wurm, M.D., M.P.H.

Sworn to me and subscribed in my presence on January 7, 2015.


NOTARY PUBLIC

My commission expires: _____
Seal:



CURRICULUM VITAE

Date: January 12, 2015

PERSONAL

Name: Gwen Wurm, M.D., M.P.H.
Office Phone: (305) 243-3819
Current Academic Rank: Assistant Professor of Clinical Pediatrics
Primary Department: Pediatrics
Citizenship: United States

HIGHER EDUCATION

Institutional (institution; degree; date conferred):

July 1993 – June 1994 Harvard University
School of Public Health
Boston, MA
Masters in Public Health

July 1985 - June 1986 Senior Resident Pediatrics
Outpatient Clinic Resident

July 1984 – June 1985 Junior Resident Pediatrics

July 1983 – June 1984 Albert Einstein College of Medicine/
Montefiore Medical Center, Bronx, NY
Intern Pediatrics

September 1976 - June 1983 Boston University,
Boston, MA
Six year Program in Medical Education
Degree: B.A.
M.D.

OTHER EDUCATION

July 1990 Summer Program in Epidemiology
Johns Hopkins University

August 1992 Santa Fe Writers' Conference

CERTIFICATION, LICENSURE

2005 Board Certified, Developmental-Behavioral Pediatrics
1986 Florida State Medical License
1986 Board Certified General Pediatrics
Fellow - American Board of Pediatrics
1985 New York State Medical License
1984 Diplomate - National Board of Medical Examiners

EXPERIENCE

Academic (institution; rank/status; dates):

University of Miami School of Medicine, Miami Florida

July 1988 - Present Assistant Professor of Clinical Pediatrics
July 1995 - 2002 Medical Director - University Pediatric Practice
July 1990 - 2007 Director - Community Pediatrics.
May 1993 - 2007 Medical Director - Linda Ray Intervention Center
April 1990 - Present Medical Director -
Medical Foster Care Program
March 1990 –March 1994 Pediatric Director - Camillus Health Concern Clinic
for Children
December 1991–February 1993 Health Services Coordinator for the State of Florida,
Dade and Monroe County
July 1988 – July 1992 Pediatric Director - Area Health Education Center
July 1986 - Present Attending Pediatrician Jackson Memorial Hospital
Liaison to Community Health Centers/
University of Miami

PUBLICATIONS

Juried of referred journal articles and exhibitions:

Wurm G, Yale, Mary Grace, Scott, Keith, Inadequate Prenatal Care, Change the Definition, Change the Outcome, Poster Presentation, Ambulatory Pediatric Association, May 2003

Wurm G., Delamater A., Brito A., Applegate B., Grus D., Lopez-Hernandez C., Artigues H., Wanner A., “Functional Status in Low-Income Minority Children with Asthma”, Abstract, Society for Pediatric Research, May 1997

Wurm G., Swerlick A., “Behavior and Nutritional Assessments of Children with Medicaid during the Well Child Visit”, Abstract, Society for Pediatric Research, May 1997

Wurm G., Krieger-Hurtado E., Scott K., Bousey CA., “The Effect of Birth Weight, Maternal Education, and Prenatal Care on Future Educational Outcome”, Pediatric Research Program Issue, April 1995.

Hlady WG., Quenemoen LE., Armenia-Cope RR., Hurt KJ., Malilay J., Noji EK., Wurm G. “Use of a modified cluster sampling method to perform rapid needs assessment after Hurricane Andrew” Annals of Emergency Medicine, 23(4):719-25, 1994 April.

Wurm MD, Lambert F. MD, “Kids, Crack, Courts and Custody”: The view of two pediatricians. The Florida Bar Journal, 1990; 3:37 -40.

1988 Report of the Adolescent Pregnancy Prevention Council of the South Florida Perinatal Network, Chairperson of Report.

Wurm MD, “Pediatric Care Network Coordination Project” Abstract published for presentation at the 117th Annual American Public Health Association Meeting, 10/26, 1989. Chicago, IL.

Other works accepted for publication:

Wurm G., M.D. Ensure That All Children Are Immunized, The Miami Herald, August 22, 2003.

Wurm G., M.D. Racing Film Had Benefits And Costs, The Miami Herald, June 25, 2003.

Wurm G., M.D. Let’s Rebuild Health Services In Haiti, The Miami Herald, April 27, 2003.

Wurm G., M.D. Children Have A Role In The Peace Process, The Miami Herald, March 28, 2003.

Wurm G., M.D. Keep Politics Out of Smallpox Debate, The Miami Herald, January 29, 2003.

Wurm G., M.D. With Caution, Benefits Are Great, The Miami Herald, January 21, 2003.

Wurm G., M.D. Help Runaways Make A Home For Themselves, The Miami Herald, October 28, 2002.

Wurm G., M.D. Make An Investment In Our Children, The Miami Herald, September 8, 2002.

Wurm G., M.D. Court Ruling On Drug Testing Is Wrong, The Miami Herald, July 19, 2002.

Wurm G., M.D. Young, Committed Inner-City Fathers, The Miami Herald, June 14, 2002.

Wurm G., M.D. Therapy, Not Just Pills, To Treat Traumatized Foster-Care Children, The Miami Herald, March 27, 2002.

Wurm G., M.D. Dad And Dad, Mom And Mom, The Miami Herald, February 8, 2002.

Wurm G., M.D. No Bombs Bursting In The Air, The Miami Herald, January 4, 2002.

Wurm G., M.D. RX For Bioterrorism: Trust, The Miami Herald, November 6, 2001.

Wurm G., M.D. Spend (Differently) – And Build A Stronger Nation, The Miami Herald, October 18, 2001.

Wurm G., M.D. What To Tell The Children, The Miami Herald, September 13, 2001.

Wurm G., M.D. Death Penalty Is Biased, The Miami Herald, June 19, 2001.

Wurm G., M.D. Can't Check Motherhood At The Door, The Miami Herald, May 13, 2001.

Wurm G., M.D. Punish Children Depending Upon Age, Cognitive Development, The Miami Herald, March 23, 2001.

Wurm G., M.D. Protect The Rights of Women Abroad, Too, The Miami Herald, February 9, 2001.

Wurm G., M.D. Bush's Example Can Deter Teens From Drinking, The Miami Herald, January 10, 2001.

Wurm G., M.D. An Open Letter To John Henry, The Miami Herald, January 3, 2001.

Wurm G., M.D. Whose President Will The Winner Be, The Miami Herald, December 5, 2000.

Wurm G., M.D. Scouts' Rejection of Gays Is Sheer Bigotry, The Miami Herald, September 29, 2000.

Wurm G., M.D. U.S. Safety Watch dogs Were Asleep, The Miami Herald, August, 11, 2000.

Wurm G., M.D. Discovering 'Language Of God' In Dr. Seuss's Stories, The Miami Herald, July 14, 2000.

Wurm G., M.D. A Swim In Clean Water, The Miami Herald, June 28, 2000.

Wurm G., M.D. Young Drivers On The Phone, The Miami Herald, June 16, 2000.

Wurm G., M.D. Saving Lives Legislature Finally Passes Pool-Safety Measure, The Miami Herald, May 16, 2000.

Wurm G., M.D., What Elian Needs Most is Security, The Miami Herald, April 27, 2000.

Wurm G., M.D., Raising a Daughter, Fighting Stereotypes, The Miami Herald, March 29, 2000.

Wurm G., M.D., A Better Record, The Miami Herald, March 11, 2000.

Wurm G., M.D., Guns Are an Efficient Tool of Death, The Miami Herald, March 3, 2000.

Wurm G., M.D., Pre-K Kids On Drugs, The Miami Herald, February 25, 2000.

Wurm G., M.D., At Home, When the Baby Is Ill, The Miami Herald, February 16, 2000.

Wurm G., M.D., In The Best Interest of Kids, The Miami Herald, January 25, 2000.

Wurm G., M.D., Ban Juvenile Executions, The Miami Herald, January 7, 2000.

Wurm G., M.D., Equality From Day One, The Miami Herald, December 15, 1999.

Wurm G., M.D., Foster Parents, Miracle Workers, The Miami Herald, November 29, 1999.

Wurm G., M.D., Children Reflect True Cost of Our 'Cheap' Produce, The Miami Herald, November 19, 1999.

Wurm G., M.D., Skip the Developmental Toys and Go Singing in the Rain, The Miami Herald, November 7, 1999.

Wurm G., MD, Middlebrooks D. Esq., Kids are Starving for Our Attention, The Palm Beach Post, Thursday, April 11, 1991.

Wurm G., MD, Middlebrooks D. Esq., Our Priority Objective Must be Healthy Children, The St. Petersburg Times, April 12, 1991.

Wurm G., M.D., Mandating Half-truths, Miami Herald - Viewpoint Section C, Sunday, May 26, 1991.

PROFESSIONAL

Funded Research Performed (include all grants received in the last five years, identifying the principal investigator):

Department of Health and Rehabilitative Services - Pediatric Mobile Clinic - Hurricane Recovery Grant, P.I. Gwen Wurm, M.D., 1993 - 1994.

Jessie Ball Dupont Foundation - Camillus Helath Concern Clinic for Children, P.I. Gwen Wurm, M.D., 1990 - 1994.

Florida Association of Women Lawyers (Dade County FAWL) recipient of 1990 fundraiser for a community Outreach Medical Van.

Florida Bar Foundation - Children First: Partnership in Law, Medicine and Education. P.I. Gwen Wurm, M.D.

PROFESSIONAL AND HONORARY ORGANIZATIONS

2006-Present	Chair of the Medical Subcommittee Advisory Group for Our Kids, Inc
2004-Present	Trustee, Our Kids Inc. – Board overseeing privatization of foster care in Dade and Monroe County
2000–Present	Member, Women and Minority Affairs Committee University of Miami-School of Medicine
2010-2012	Pediatric Coordinator, Project Medishare, Haiti Earthquake Response
1998-1999	Board Member, Kristi House, Center for Sexual Abuse
1998-2002	Member, Faculty Senate, University of Miami
1997-1999	Member, Advisory Committee, “America’s Promise - Miami’s Challenge,” Robert Wood Johnson Child Health & Safety Initiative
1997- 2001	Board Member, Neurological Injury Compensation Association
1996 - 2010	Member, Housestaff Education Committee
1996 - 2002	Jackson Children’s Hospital, Quality Improvement Council
1996 - 2000	Jackson Health Plan, Quality Improvement Committee
1996 - 1998	Member, Search Committee for Director of Center for

Substance Abuse Prevention	
1994 - 1999	Member, National Advisory Council, Center for Substance Abuse Prevention, Department of Health and Human Services
1992	Member, "We Will Rebuild", Health Care Committee
1992	Regional Conference Coordinator, National Health Policy Council
1991	President Elect, South Florida Perinatal Network
1991 - Present	Fellow, American Academy of Pediatrics
1991	Member, Governor's Interim Task Force on Social Services
1989 - 1992	Member, Florida Bar Commission on Children
1988 - Present	Member, American Public Health Association
1987 - 1992	Chairperson, Adolescent Pregnancy Prevention Council of Dade County
1986 - 1987	Vice Chairperson, Adolescent Pregnancy Prevention Council of Dade County
1986 - Present	Coordinator - Pediatric Care Network, Dade County, FL
1985 - 1991	Junior Fellow, American Academy of Pediatrics
1981 - 1993	National Health Service Corp. Scholarship
1979 - 1982	Class Delegate, Boston University Chapter American Medical Student Association
1978 - 1983	Member, American Medical Student Association

HONORS AND AWARDS

1992	44th Medical Brigade Certificate of Achievement During Hurricane Andrew
1992	State of Florida, HRS, Governor Lawton Chiles Certificate of Appreciation for Service During Hurricane Andrew
1992	Dade County Public Schools

	Certificate of Achievement AIDS Education Week
1990	Miami Cares for Kids, Inc. Community Service Award
1988	South Florida Perinatal Network Community Service Award
1990	“Transition Team”, City of Miami Beach

OTHER PROFESSIONAL ACTIVITIES

(e.g., papers presented; performance; conference proceedings; seminar or conference panel member; etc.):

July 2007	PBS Issues on Childhood Obesity
October 2003	<u>Mom and Mom, Dad and Dad, The Pediatric View on Gay Parenting</u> , Speaker, Gay and Lesbian Medical Association, Miami, FL
September 2003	<u>Writing for Advocacy</u> , Presenter, Dyson National Conference, San Diego, California
April 2002	<u>Gay Adoption</u> – Presenter, Pediatric Grand Rounds, University of Miami School of Medicine
March 2002	<u>Children’s Exposure To Violence</u> - Presenter, Law Symposium, Miami, FL
February 2002	<u>New Generations, New Challenges</u> - Presenter, Unitarian Congregation, Miami, FL
February 2002	<u>Children And Foster Care</u> - Presenter, American Association of University Women, Miami, FL
December 1995	<u>Your Money & Your Life: Americas’s Managed Care Revolution</u> , The Fred Friendly Seminars, Miami, FL
April 1995	<u>“The Effect of Birth Weight, Maternal Education, and Prenatal Care on Future Educational Outcome”</u> , Society for Pediatric Research, San Diego, CA.
October 1993	<u>Community Based Public Health Needs Assessment Post Hurricane Andrew</u> American Public Health Association Meeting, San Francisco, CA.
1/26/93	<u>Community Based Public Health Needs Assessment Post</u>

- Hurricane Andrew Pediatric Grand Rounds, University of Miami School of Medicine
- 1/8/93 Public Health Response to Hurricane Andrew Presenter, Hurricane Andrew Psychological and Health Issues Symposium Hyatt Regency, Miami, FL.
- November 1992 HURRICANE ANDREW Debriefing, United States Public Health Service, Baltimore, MD.
- August 1992 – December 1992 Multiple TV Interviews on Hurricane Public Health & Hurricane Homeless Issues
- November 1992 “Children and The Hurricane”, Channel 6.
- August 1992 “How to Stay Healthy After the Storm”, Channel 10.
- December 1991 CHILDREN FIRST: Presenter, Adolescent Admissions to Psychiatric Hospitals, Miami, FL.
- October 1991 CHILDREN FIRST: Presenter, Cocaine-Exposed Children, Miami, FL.
- June 1991 CHILDREN FIRST: Presenter, Early Intervention Services, Miami, FL.
- December 1990 Children at Risk - A view of Two Pediatricians Presenter, Children in Crisis Symposium, Mailman Center for Child Development, Miami, FL.
- October 1990 Kids, Crack, Courts and Custody - Presenter, 118th Annual American Public Health Association, New York, NY.
- September 1990 The Coming Health Care Crisis - Presenter, 21st Century Families Conference, Orlando, FL.
- April 1990 Universal Health Care Program - Testimony to Florida House, Tallahassee, FL.
- March 1990 Kids, Crack, Courts and Custody - Presenter, National Association of Social Workers, Miami, FL.
- February 1990 The Littlest Victim - Channel 6 News, Miami, FL.
- January 1990 Children and Poverty Series - Hosted at 12 part television series on children issues, Educational Cable Access, Channel 2.
- October 1989 Cocaine Exposed Babies - Presenter, Minority Health

- Symposium, Miami, FL.
- October 1989 Challenge - A model for the Comprehensive Evaluation and Primary Follow-up of Foster Children - Moderator, 117th Annual American Public Health Association Conference, Chicago, IL.
- October 1989 Pediatric Care Network Coordination Project Presenter, 117th Annual American Public Health Association Conference
- September 1989 Cocaine Babies - Host, WLRN Channel 17, Miami, FL.
- August 1989 Abortion - A Health Policy Perspective - Presenter, Pediatric Grand Rounds, University of Miami School of Medicine, Miami, FL.
- May 1989 Children in Poverty Seminar - Coordinator/Presenter University of Miami School of Medicine, Miami, FL.
- March 1989 Testimony on Health Manpower - Florida Senate, Tallahassee, FL.
- March 1989 Statewide Mandated Insurance Coverage - Presenter, Health Council of South Florida, Miami, FL.
- February 1989 Florida Endowment for the Humanities - Group Leader, Conference on Bioethics. Miami, FL.
- February 1989 Maternal and Child Care in Florida - Public Policy Recommendations. Presenter, Nova University, Public Policy Symposium, Ft. Lauderdale, FL.
- January 1989 Teenage Sexuality - News Center 7, Miami, FL.
- December 1988 Health Needs of Children in State Custody Presenter, United Way Seminar, Miami, FL.
- December 1988 Minority Consent Statues for Abortion Procedures – Newsmakers, Channel 4, Miami, FL.
- November 1988 Child Abuse and Neglect - Lecturer, University of Miami School of Law, Miami, FL.
- November 1988 Teenage Pregnancy - Presenter, Pediatric Rounds University of Miami School of Medicine, Miami, FL.

- September 1988 Demographics of Adolescent Pregnancy in Dade County –
Presenter, Adolescent Pregnancy Seminar, Miami, FL.
- May 1988 Women in Public Health - Presenter, University of Miami
Medical Women's Association

TEACHING

Thesis and Dissertation Advising

- 1996 Committee Member; Mental Retardation in the State of
Florida; On Epidemiological Investigation; Ellyse H. Krieger
- 1993 Committee Member; Long Term Effects of Iron Deficiency
During Infancy; Ellyse H. Krieger

SERVICE

University Committee and Administrative Responsibilities:

- 2012- present General Pediatric Rotation Nutrition
Clinical Pediatric Teaching – University of Miami Pediatrics
- 1988 -2008 Community Pediatrics - Development and Teaching of
Fourth year Elective
Pediatric Ward Attending
Lecturer - Clinical Pediatrics
University of Miami School of Medicine
- 1988 - 1993 Orientation Leader
Health and Human Values - Group Leader.
Interviewing Instructor
University of Miami School of Medicine
- 1988 - 1992 Member Multi-Disciplinary Curriculum Task Force,
University of Miami School of Medicine.
- 1988 - 1992 Area Health Education Center Program Advisory Committee,
Miami, FL.
- 1978 - 1982 Student Committee on Medical Affairs, Boston University
School of Medicine, Boston, MA.

1978 - 1982 Executive Committee, Boston University School of Medicine,
Boston, MA.

COMMUNITY ACTIVITIES

2014- Present Education Committee, Village of Key Biscayne

1995-2006 Board Member, ACLU Miami Chapter

2000-2010 Advisory Board, Miami Bridge

1991-2010 Advisory Board, Infant In Need Foundation, Miami, FL.

1990 - 1992 Board Member, Miami Cares for Kids, Inc., Miami, FL.

1989 - 1990 Ad hoc Committee - Cocaine Babies, State Attorney's Office, Miami, FL

1988 Steering Committee - VOTE "YES" for Children Campaign
Miami, FL.

1988 - 1989 Public Policy Committee - Foster Care Action Project,
United Way of Dade County, Miami, FL.

1988 - 1989 Steering Committee - Foster Care Action Project, Miami, FL.

1988 - 1992 Board Member - Governor's Constituency for Children, Miami, FL.