

Johnson Jr., Willie	901 N. 9 th Street, Rm. 201	Milwaukee WI	53233	(414) 278-4233 – work (414) 223-1380 – fax Wjohnson.milwcnty.com
Koehn, Tina	P.O. Box 04129	Milwaukee WI	53204	(414) 389-6000 – work (414) 671-4833 Tina.Koehn@umms.org
Morris, Representative Johnnie	P.O. Box 8953	Madison WI	53708	(608) 266-8590 – work rep.morris@legis.state.wi.us
Quindel, Roger	901 N. 9 th Street, Rm. 201	Milwaukee WI	53233	(414) 278-4259 – work (414) 223-1380 – fax Rquindel@milwcnty.com
* Skwierawski, Judge Michael	2962 S. Superior St.	Milwaukee WI	53207	(414) 481-0125 (work) mjskw@wi.tr.com
Stone, Representative Jeff	P.O. Box 8953	Madison WI	53708	(608) 266-8590 – work rep.stone@legis.state.wi.us
* Thiemann, Kathleen	1219 N. Jackson St.	Milwaukee WI	53202	(414) 727-5328 – work Kthiemann@ameritech.net
* Willis, Dr. Ernestine	P. O. Box 26509 8701 Watertown Plank Road Room 3046	Milwaukee WI	53226-0509	(414) 456-4131 (work) (414) 456-6539 (fax) Ewillis@mcw.edu

2004 Partnership Council Ad Hoc Members

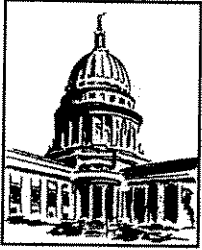
Name	Address	City/State	Zip Code	Telephone #
* Blanks, Deborah	Social Development Commission 4041 N. Richards St.	Milwaukee WI	53212	(414) 906-2722 – work (414) 906-2707 – fax Dblanks@cr-sdc.org
* Edman, Captain Susan	Milwaukee Police Dept. P o Box 531	Milwaukee WI	53201-0531	(414) 935-7336 – work sedman@milwaukee.gov

* New Appointee

July 2004

Feinberg, Psy.D, Francine	P O Box 11564	Milwaukee WI	53211	414-977-5808 – work (414) 962-2305 – fax francine@metahouse.org
* Foldy, Seth	841 North Broadway, Room 315	Milwaukee WI	53203	414-286-5708 - work
Gilbertson, Steve	9501 Watertown Plank Rd	Milwaukee WI	53226	414-257-7209 – work (414) 257-7575 – fax Scilbert@wppamilw.org
* Green-Smith, Pastor Shawn	Faith Partnership Network 4949 W. Villard Ave.	Milwaukee WI	53218	(414) 461-7711 – work (414) 462-9246 – home office pastorshawn@wi.rr.com
* Parisi, Barbara	Milwaukee Public Schools 6620 W. Capitol Dr.	Milwaukee WI	53216	(414) 438-3558 – work (414) 438-3404 – fax Parisibj@mail.milwaukeek.k.12. wi.us
Rodriguez, Maria	650 W. Reservoir Ave.	Milwaukee WI	53212	(414) 286-2968 – work (414) 286-3169

* New Appointee



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:
State Senator Carol Roessler
State Representative Suzanne Jeskewitz

September 13, 2004

Ms. Helene Nelson, Secretary
Department of Health and Family Services
1 West Wilson Street, Room 650
Madison, Wisconsin 53703

Dear Ms. Nelson:

The Joint Legislative Audit Committee will hold a public hearing on Thursday, September 23, 2004, in Room 411 South of the State Capitol. At approximately 11:00 a.m., the Committee will consider a proposed audit of the Bureau of Milwaukee Child Welfare in the Department of Health and Family Services.

As this proposed audit relates to the activities of your Department, we ask that you and appropriate members of your staff be present at the hearing to offer comments on the proposed audit and to respond to questions from committee members. The Legislative Audit Bureau will forward a memorandum outlining the scope of the proposed audit for your review and consideration in advance of the hearing date.

Please contact Ms. Pam Mathews in the office of Representative Suzanne Jeskewitz at 266-3796 to confirm your participation at the hearing. Thank you for your cooperation and we look forward to seeing you on September 23rd.

Sincerely,

Senator Carol A. Roessler, Co-chair
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair
Joint Legislative Audit Committee

Enclosure

cc: Ms. Janice Mueller
State Auditor



State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER
STATE AUDITOR

22 E. MIFFLIN ST., STE. 500
MADISON, WISCONSIN 53703
(608) 266-2818
FAX (608) 267-0410
Leg.Audit.Info@legis.state.wi.us

DATE: September 16, 2004

TO: Senator Carol A. Roessler and
Representative Suzanne Jeskewitz, Co-chairpersons
Joint Legislative Audit Committee

FROM: Janice Mueller
State Auditor *Janice Mueller*

SUBJECT: Proposed Audit of the Bureau of Milwaukee Child Welfare—Background
Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering an audit of the Bureau of Milwaukee Child Welfare in the Department of Health and Family Services (DHFS).

On January 1, 1998, DHFS assumed responsibility for administration of Milwaukee County child welfare services as a result of statutory changes passed during the 1995 and 1997 legislative sessions. These changes were made in response to concerns about the county's administration of the child welfare system and a June 1993 class action lawsuit filed in federal district court by the American Civil Liberties Union and the Children's Rights Project. The suit alleged that the administration of Milwaukee County's child welfare system was ineffective and failed to:

- adequately investigate complaints of abuse and neglect;
- provide services to avoid unnecessary out-of-home placements;
- provide appropriate out-of-home placement when found or determined necessary; and
- promptly terminate parental rights and secure permanent placements for children who could not be returned to their birth families.

To administer the services for which it is now responsible, DHFS has entered into a series of contracts with several organizations to provide intake, assessment, case management, adoption, out-of-home care, and safety services. In fiscal year (FY) 2004-05, \$112.1 million is budgeted for direct services and program operations, which includes \$76.9 million in general purpose revenue. In June 2004, approximately 3,350 children were receiving services in Milwaukee County.

Although a settlement agreement was approved in September 2002, the settlement remains subject to arbitration and court intervention if the State is found to be in noncompliance with the terms of the agreement. The agreement requires DHFS to meet specific outcomes by

January 1, 2006. The areas of performance include limiting the amount of time children are in out-of-home care by reuniting them with their parents or by terminating parental rights and assisting them in becoming adopted, ensuring child safety in out-of-home placements, and ensuring child well-being by reducing the number of cases assigned to case managers and by eliminating the use of shelter placements.

Reports issued by DHFS indicate that progress is being made toward achieving most of the goals required by the settlement agreement. However, concerns remain about the extent of staff and foster parent turnover, the number of children receiving medical and dental services while in the child welfare system, and the adequacy of contract management.

It has been over six years since the State has assumed responsibility for administering child welfare services in Milwaukee County. During that time, the program has never been evaluated by the Legislative Audit Bureau. An audit of the Bureau of Milwaukee Child Welfare program could include a review of:

- the effectiveness of service delivery, including determining whether services, such as initial assessments of alleged abuse or neglect are timely;
- the level and appropriateness of program expenditures, including a review of contractor payments;
- staffing issues, including vacancy and turnover rates, to determine how these issues affect the timeliness and effectiveness of services;
- trends in caseloads;
- foster parent retention, including the extent to which foster parents choose to adopt children in their care; and
- the adequacy of coordination between child welfare service and other programs and services, such as Medical Assistance.

Finally, if an audit is approved, we would review the efforts of other researchers and reviewers to ensure that we do not unnecessarily duplicate their efforts.

If you have any questions regarding this request, please contact me.

JM/PS/bm

cc: Senator Robert Cowles	Representative Samantha Kerkman
Senator Alberta Darling	Representative Dean Kaufert
Senator Jeffrey Plale	Representative David Cullen
Senator Julie Lassa	Representative Mark Pocan

Ms. Helene Nelson, Secretary
Department of Health and Family Services

Testimony by
Susan Conwell
Co-Director, In Their Best Interests, Inc.
Before the Joint Committee on Audit
Thursday, September 23, 2004

- I. Introduction
- II. Opportunities for audit to show both strengths and weaknesses
- III. Recommended items to be included in scope of audit
 - a. Staff turnover rates
 - b. Foster child safety
 - c. Foster child mobility/multiple placements
 - d. Data quality/systems monitoring

*some monitoring of
monitoring*

*250 cases - found
a higher rate
than reported*

Original URL: <http://www.jsonline.com/news/editorials/may04/227032.asp>

Editorial: Our town's child-care crisis

From the Journal Sentinel

Posted: May 4, 2004

The foster care system is failing at its mission in Milwaukee County: to snatch children out of harm's way. As a Journal Sentinel story by reporter Mary Zahn made clear, the system's flaws are big and many - so much so it's hard to know where to start in repairing them.

But the system is crying out for independent oversight - virtually non-existent right now, despite protestations of child welfare officials to the contrary. The Partnership Council, a county child welfare advisory group created by the Legislature, doesn't qualify because it lacks an independent staff and budget.

Commendably, Gov. Jim Doyle announced on Tuesday a "Safe Kids" initiative that addresses the issue of improving the state's child welfare system. Among his recommendations is a plan to create the job of ombudsman, who would investigate complaints in Milwaukee and issue recommendations to the child welfare bureau here. Doyle also would set up statewide a "system of quality assurance and accountability," which would review child welfare cases and promote standard procedures.

Both these steps hold promise. The trick would be to ensure that both the Milwaukee ombudsman and the statewide accountability system are truly independent. One possibility is the federal model - setting up an autonomous inspector general's office within the state Department of Health and Family Services. Perhaps the Milwaukee ombudsman could report to that office. Another possibility locally is to give the Partnership Council real power.

Somehow, the new accountability offices must have, besides independent staffs and budgets, the full statutory right to all child-welfare documents, however confidential, in the possession of the state or its contractors. Notably, the Partnership Council now lacks that right.

The Milwaukee system is so troubled right now it's hard to have confidence that it's not removing children from families prematurely in some cases or keeping them in families too long in other cases or that it's monitoring foster and adoptive homes adequately. What's more, people with complaints about the bureau's decisions lack an independent group to which they can turn. Improved oversight, including an ombudsman, should help.

Doyle's "Safe Kids" initiative includes other laudable proposals, including a pilot project to examine the physical and mental health of kids entering foster care and to treat them, a higher reimbursement rate for foster parents, health care coverage for young adults who leave the foster care system and a pilot job-training program for such adults in Milwaukee County.

"Safe Kids" is actually Part 2 of a four-part "Kids First" initiative. In Part 1, dubbed "Quality Counts," Doyle on Monday proposed rating all of Wisconsin's 10,900 day care centers, whose numbers have exploded in recent years, mainly because of the push to put low-income mothers to work. The rating system is a nifty idea. It would provide incentives to day care providers to upgrade their educational components. Research shows that early education boosts later learning for poor children.

Neglected and abused kids are prime candidates for contributing to social ills such as crime and poverty. By intervening early, the state has a better chance to reduce those future social costs.

From the May 5, 2004 editions of the Milwaukee Journal Sentinel

Original URL: <http://www.jsonline.com/news/editorials/jun04/234397.asp>

Why is there reluctance to monitor child welfare here?

By SUSAN CONWELL

Posted: June 5, 2004

What is the difference between the state-run motor pool and the state-run Bureau of Milwaukee Child Welfare?

Apparently, this question is giving the Legislature a little trouble.

Consider:

One attorney general drives one state car off the highway in a much publicized drunken driving incident. Within weeks, the entire state motor pool is subject to an audit.

The state pioneers a new child welfare system affecting more than 20,000 Milwaukee children in the first six years of operation. A motion made by Sen. Gwendolynne Moore (D-Milwaukee), adopted unanimously by the Joint Finance Committee in 1999, requested that the Legislative Audit Bureau audit this new child welfare system and report back by Jan. 1, 2003.

The audit did not happen. The Journal Sentinel investigates this system one year after the audit was supposed to happen and notes editorially that "the foster care system is failing its mission in Milwaukee County."

Still no audit.

Could it be that the motor pool inspires more political will than Milwaukee children? Is an unauthorized \$60 car wash really more scandalous than a 7-year-old covered in feces with "almost feral" behavior? Or is it just that we know what to look for in the motor pool but feel overwhelmed by foster care?

I'm hoping it is the latter. Child welfare is more complex than the motor pool. Still, it isn't really that much more complex than W-2, which is on its second comprehensive audit (one in 2001, and one ongoing, plus several smaller targeted audits).

Let me give you the skinny. The State of Wisconsin undertook a bold experiment to improve Milwaukee's child welfare system nearly a decade ago. Legislation in 1995 authorized the state takeover of Milwaukee County's child protection system and created the Bureau of Milwaukee Child Welfare. BMCW contracts with private agencies to provide foster care and in-home safety services.

Several years of upheaval followed implementation of the plan. Few of the original contractors remain - some agencies no longer exist, others were forced to withdraw.

Now that the dust has settled, here's where we are: In 1994, there were 3,323 children on average per month in foster care. In 2004, there are 3,368. But the annual budget in 1994 was \$59 million. And in 2004, it is \$112 million.

The odd thing is that the system cost just about the same at its peak in 1999 when the system had 7,900 children in foster care.

Perhaps you are wondering where the money goes. Or thinking that child protection is not about money, but about children.

We all have our biases here. Let me state mine:

<http://www.jsonline.com/news/editorials/jun04/234397.asp?format=print>

9/22/2004

1 0 5 0 2 0 1 3

I am a child advocate. I want kids to be doing well and I believe in investing in children. If kids were coming out of this system and doing well or at least completing school, I would be nominating the system for an award, not writing this article. There are still plenty of kids and families who need more help, not less.

There are no easy answers to what goes wrong in families or in society. Government should be encouraged to try new ideas, and we the electorate cannot expect infallibility. There will be mistakes. The issue is whether we have suitable systems in place to keep mistakes to a minimum and to remedy mistakes when they occur.

That being said, I can't explain why the Legislature has consistently taken a pass on auditing the Bureau of Milwaukee Child Welfare. Yes, we should be investing in children, but we should be taking the usual precautions to make sure that our investment is providing the returns that we are looking for such as child safety and well-being.

Caring about kids doesn't mean that we should forget about the dollars. We should be asking where the money goes - particularly since we know where it *isn't* going.

The rate received by foster parents for caring for children hasn't really changed in the last decade. Wisconsin's foster care rate remains among the lowest in the nation. Starting case manager salaries haven't risen dramatically, either. In fact, some positions now have lower salaries or fewer benefits than under the old county system that hired social workers.

Some have argued that the Department of Health and Family Services is fighting an audit because administrators are afraid of what the audit might show. Can it be worse than what we have already seen on videotape? Or the pending release of a child fatality investigation? Seems we are already getting to see a pretty steady stream of things we don't want to see. An audit would help us look at the whole picture and move forward.

Others argue that an ongoing academic study serves much the same purpose as an audit. Let me put this argument to rest:

No study of BMCW has ever followed the dollars, much less made an effort to connect investments to outcomes.

W-2 is one of the most studied welfare reform programs in the nation, but that hasn't stopped anyone from auditing W-2.

Above and beyond the arguments, the plain bare facts of the system's financial problems cry out for an audit. Just this year, \$375,000 that was to be spent on services for kids was used to balance one contractor's books. Another contractor's financial woes made headlines twice before April. And I am not even mentioning the calls we get on behalf of kids who have not received medical care, have clothes that don't fit or did not receive court-ordered adaptive technology to help with their disabilities. Just what are we waiting for?

We should be thinking of the audit as an opportunity. It will highlight what BMCW is doing right - such as increasing adoptions and reducing caseloads - as well as looking for areas of improvement.

The timing is also right. Gov. Jim Doyle just unveiled his Kids First initiative, which includes several positive efforts on behalf of children in foster care. Doyle proposes to increase the foster care rate to help retain and attract foster parents. He is exploring ways to reduce staff turnover (at 51% annually, BMCW's turnover rate is among the highest in the nation) and wants to extend health insurance benefits for children turning 18 while in foster care.

The only partisan criticism is that Doyle is "spending money he doesn't have." Perhaps there are efficiencies to be gained in the current system that will help support these initiatives in Milwaukee County. It is certainly worth a look.

Still struggling with what an audit might accomplish? Here are my recommendations:

1) Review how much of state spending leads to capacity building for families and kids (i.e. safety and healing) vs. how much is spent on administration of multiple systems serving similar functions. Are there opportunities for consolidation and streamlining of processes?

For example, BMCW is already looking at ways to coordinate the foster family and adoptive family assessments. Most adoptions are made by foster parents; all adoptive families must become foster parents for at least a little while. It makes sense to coordinate the processes. This effort and others like it should be encouraged.

2) Review BMCW safety practices. The Journal Sentinel investigation found 14% of foster children in a random sample reporting some type of abuse or neglect in placement. That is a much higher rate than reported by BMCW.

Also of concern are reports that independent investigators are questioning children in front of their alleged abusers. Are all investigators following established BMCW procedures? Are procedures stated clearly enough for investigators to follow?

3) Require accountability. The BMCW Partnership Council rarely manages to attract enough members to vote on important issues and hasn't reviewed a BMCW budget in years. The attendance for this council doesn't do the kids or the active members justice. Let's find a way to make this council work or find another way to meet this need.

4) Expand the role of the community. There are at least two areas needing exploration. Part of the justification for this new system was to put services in the neighborhoods where the children and families live. Are we succeeding? If not, what does BMCW need from the community, and how do we improve BMCW community connections?

OK. Legislature, let's get to that overdue audit. If not, I will be forced as an advocate to call for the mass redistribution of the state motor pool to state foster children. With a car assigned to each child, an audit can't be far behind.

Please don't make me do it. I would rather be helping kids find safe, loving homes.

Susan Comwell is co-director of In Their Best Interests, a non-profit Milwaukee organization that serves as an advocate for children in foster and kinship care.

From the June 6, 2004, editions of the Milwaukee Journal Sentinel
Get the Journal Sentinel delivered to your home. [Subscribe now.](#)

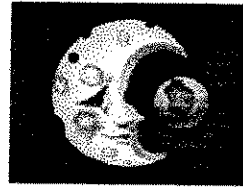
Southeastern Wisconsin's most authoritative source for Events and Dining.

Milwaukee

MAGAZINE

WINNER OF

NATIONAL & LOCAL
MAGAZINE
AWARDS IN 2004



Win a trip for 2
to Phoenix!
ENTER HERE

HOME

Current Issue
Online Articles

SUBSCRIBE

New Subscription
Gift Subscription
Renew Subscription
More Options
Bulk Copies

DINING

Search Our Database
Reviews

EVENTS

Monthly Events
Charitable Events

ADVERTISE

Order a Media Kit
Download Info Sheets

INTERSHIPS

Editorial
Graphic Design
Photography

CONTACT US

Staff Directory
Feedback

[May 2004]

A Second Chance

This is a story about survivors. Abused and neglected, these kids found new lives. Some of their siblings weren't so lucky. What went right and what went wrong inside the child welfare system. by Mary Van de Kamp Nohl



MAGDALIA PROFT'S memories begin with the day she saw the police flashlights outside of the flat she shared with her mother and five younger siblings. She was 6 years old, but she was "in charge" and, sensing trouble, she hid her 4-year-old sister, Nydia, and 3-year-old brother, Antonio, under the bed. At 8 p.m., the inside temperature remained near 100 degrees. The only ventilation came from a fan Meg had aimed at 3-month-old Tessa, who was lying on a bed beside a screenless open window.

As hot as the July air was, Tessa was hotter. Meg had dissolved a Tylenol in water and was trying to feed it to the baby with an eyedropper. Another sister, 18-month-old Reina, lay in her own vomit, suffering from heat stroke. There was cocaine in both Reina and Tessa's blood when they were born, but in Wisconsin, you can't assume a child will be in danger simply because his or her mother is an addict. So Sinai Samaritan Medical Center warned child welfare officials, then sent the girls home.

Pus oozed from crusty abscesses on Reina's head. Meg had tried to protect her from her mother's rages, but Doris Davila's anger was irrepressible. Perhaps, Meg says now, it was because out of the five different drug users and dealers who contributed to the creation of the 26-year-old Puerto Rican woman's offspring, only Reina's father was Caucasian.

When the police knocked, Meg told them that if she let them in, her mother would beat her. Davila might be back in hours or in days. She had "a serious cocaine and alcohol problem for years," reported the neighbor who'd called police. The kids, she said, were "always alone."

Someone located Meg's brother, Emerito, 5, wandering in a nearby park. Davila was found downing a beer on a porch nine blocks away. Drunk and belligerent, according to the police report, she arrived as the ambulance carrying Reina and Tessa sped off toward Children's Hospital.

From the social worker's car, Meg saw her mother screaming and struggling with police, then dropping to her knees in a mud puddle. Police had three outstanding warrants for Davila's arrest - disorderly conduct, vandalism and assault and battery - but the July 23, 1991 *Milwaukee*

GOOD NEWS AND BAD

Here's the good news: The era of warehousing kids in foster care is over. In the past, abused, neglected and abandoned kids often spent their entire lives in foster care, waiting for their parents to assume their responsibility.

"That is now the exception, not the rule," says Milwaukee County Juvenile Court Chief Judge Christopher Foley. Because "when kids are allowed to linger in foster care, only very bad things happen."

Judges in Milwaukee County didn't always talk this way. They found

Journal headline read simply: "Police arrest mother of six in neglect case."

TONY MADISON is just 17, but it's as if he's already lived four lives. The first was with his mother, the second in foster care. A third was spent bouncing between temporary shelters and group homes. "And now," he says.

Tony's first life ended in January 1994. He'd been sharing a bedroom with nine other children, four families crammed into a filthy three-bedroom drug house.

"Every night, my mom wasn't there, and the baby would cry and cry, and she'd say, 'I will pay you if you watch the kids,' and she'd give me food stamps, like two weeks later, when she'd remember. There was never milk. All I had was water, so I fed the baby instant oatmeal," he says. "Me and my brothers, we were like our own little family, and I was the dad, starting when I was 4... But mom always came home screaming, 'You weren't supposed to let them cry.' And then she'd slap me... and I wished I was dead."

SAMUEL ECKENROD has no memory of May 6, 1996, the day the government took over his care. His mother, Delores Marie Blake, had taken him to St. Mary's Hospital, but when 6-week-old Sam was diagnosed with a potentially fatal blood infection, she insisted he didn't need medical care. A nurse told child welfare officials Sam's mother seemed "unable to comprehend her baby's illness." Blake had been moving from shelter to shelter, back and forth between Chicago and Milwaukee.

A product of the child welfare system herself, Blake had a history of mental illness stretching back to age 13. Officials had already taken her daughter, Se'Roled (Delores spelled backwards), into protective custody when she was 6 weeks old, but they had recently returned the 1-year-old to her.

TODAY, MEG is a University of Wisconsin-Milwaukee nursing student. Tony is headed for the Job Corps. Sam is celebrating his 8th birthday with his permanent family. All three are success stories in a system that is supposed to look out for kids who've been abused, neglected or abandoned by their parents, a system that too often subjects them to more abuse and neglect.

Together, their three birth mothers produced 19 children. Meg, Tony and Sam got a second chance at life, but for some of their siblings, the child welfare system has been a luckless lottery. Three have died. One is in in-patient psychiatric care at age 9. At least two appear destined for prison.

In 2001, there were 38,672 cases of neglect and abuse involving state children. At least 18 died, according to the Department of Health and Family Services' most recent Annual Report to the Governor and Legislature. Eight died in Milwaukee County, two in the state's "protective custody."

No one has high expectations for kids who wind up in the child welfare system. "A kid who made it out of high school and didn't go to prison, that's a great success for the system," says attorney Susan Corwell, co-director of In Their Best Interest, an advocacy group for kids in out-of-

comfort in never having to make the hard decision - to sever a bad relationship and free a child for adoption. But last year, there were a record 704 terminations of parental rights and 584 adoptions in Milwaukee County - not enough to pass a federal review released last February. But then, 42 other states flunked, too.

The new mindset is what's encouraging, and it owes both to Foley's leadership and the 1997 Federal Adoption and Safe Families Act, which requires officials to terminate parents' rights when their child has been in out-of-home care for 15 of the past 22 months because the parent has failed to meet the court's conditions for the child's return: things like finding a job and appropriate housing, taking parenting classes, getting psychological counseling or successfully completing drug or alcohol abuse treatment.

But here's the bad news: Judges won't free kids when there's no one to adopt them. And there aren't enough of those people. Why not? Not for lack of a heart-warming TV campaign to recruit more foster parents, who account for more than 75 percent of all adoptive parents. (The 2003-'04 campaign has found few recruits.) To figure out why we don't have more good foster parents, you need to look at how we treat those we do have.

But it's important to realize which kids wind up in foster care. In 2003, the state poured \$6 million into Safety Services to keep Milwaukee County kids who are at risk of being abused or neglected safe at home, but only when parents cooperate. (After a study showed the program

home care. "He's making it by not being homeless or involved with the criminal justice system" as either a victim or perpetrator. Conwell isn't a cynic; she's a realist. More than half of the 17-year-olds in foster care can't read at a seventh-grade level; two-thirds of males and one-half of females have been arrested, convicted of a crime or sent to prison, according to a study just released by the University of Chicago.

"These kids have already been through a lot, and we want the foster care system to make up for it," says Conwell. "It works sometimes, but we... keep making the same mistakes: not enough families willing to take challenging kids, not enough support for those who do, less public oversight than there used to be, the urge to cover up mistakes rather than address them head on."

That's why what Meg, Tony and Sam - and their new families - say is so important, because buried alongside child welfare's best intentions and its biggest successes are its greatest flaws and young lives lost.

LITTLE MOTHER MEG

Meg didn't see her two baby sisters again for three years. "I was terrified... How was I supposed to take care of them?" she asks, but under Wisconsin law, siblings caught in the child welfare system have no right to see each other. That is especially hard on "caretaker kids" like Meg, who tend to languish in the system, says Conwell.

Reina and Tessa had gone to the Washington County foster home of Mary Jane and Tom Proft, who have adopted 13 children, ages 3 to 36, a multicultural mélange of Korean, Chinese, Puerto Rican, African-American, Native American and Caucasian kids. The Profts have also parented 82 foster kids.

Reina and Tessa were lucky. Unlike many poor, uneducated foster parents in the system, Mary Jane wasn't easily intimidated, nor was she dependent on her foster care reimbursement to keep a roof over her head. A former president of state and local foster parent associations, Proft says that "raising special-needs children... I had to be assertive... to the point of being a bitch." Proft persuaded officials to provide therapy for Reina's developmental delays and surgery to correct Tessa's chronic ear infections.

The four oldest Davila children, including Meg, went to live with a relative, but when his prior felony conviction prevented him from becoming a foster parent, the boys went to one home, the girls to another. Meg was relieved. She and Emerito had been forced to kneel for hours on the pebbly kitchen floor and go without food for infractions as slight as a coat that fell from a hook.

But at the second home, "the beatings were worse," says Meg. Her foster father began "touching" her while they were driving to school. When she told her foster mother, she and her sister, Nydia, were moved to the boys' foster home. "The mother was physically very abusive," says Meg. "She'd attack us with a broom. I'd get spankings, but Emerito would get these unimaginable beatings... She'd beat us in front of everyone - the worst kind of humiliation. In front of her son, who was 16, her daughter... grandkids, strangers... I knew if you said anything, you'd get it worse.

worked, the state referred one-third fewer families.)

Children who are removed from their homes "have much, much more serious needs, as do their parents: substance abuse issues, mental health issues... housing and healthcare problems," says Denise Revels Robinson, director of the Bureau of Milwaukee Child Welfare.

But, she says, caseloads for social workers dealing with these families have dropped since the state-run bureau took over for Milwaukee County seven years ago - going from 20 to 25 families per caseworker to an average of 11. Yet the turnover rate for these social workers is actually worse today than it was 10 years ago.

It's hard to imagine any organization functioning, as the bureau did in 2003, with 51.2 percent of case managers leaving, according to an internal review released in March. (Turnover in 1994 was 28 percent.) Average on-the-job tenure is just 30 months, according to University of Chicago researcher Mark Courtney.

"More experienced workers move into Safety Services, where they have more services... available... where they feel they can make more of a difference," explains Revels Robinson. This leaves the least experienced workers responsible for the most troubled kids and their foster families.

The job would exhaust anyone, but a sample of workers and supervisors who left last year told *Milwaukee Magazine* they were unable to deliver services families needed. Most believed their superiors vetoed their

"One night, the son came into my room and began kissing me, touching me," continues Meg. "I was frozen... The grandma came in... The next morning, the foster mother accused me, a 9-year-old, of asking him to do that... I kept saying, 'I didn't. I swear,' and she kept hitting me."

At the foster parent's request, Meg was moved to another South Side home. There, Meg remembers, she "felt like a princess. There were no more beatings. I could ask for money for a piece of candy without getting slapped across the face." But then the foster father started coming into her room at night. "I would pretend to be asleep," she says, while he sexually assaulted her. "He knew my old foster parents, and he said, 'I know what happened in your other foster homes,' and... that if his wife found out, I'd have to leave... and the next foster home might be worse."

By 1995, Mary Jane Proft had arranged for all of the Davila children to spend some time together. Except for Meg, they all had prospective adoptive parents. The court ruled that their birth mother had failed to assume her parental responsibility, freeing Nydia, 7, and Tony, 6, to be adopted by their Sheboygan foster parents, who offered to take 9-year-old Emerito, too.

With their application to adopt Reina, 5, and Tessa, 4, pending, the Proft's case manager leaned on them to take Meg as well. Her visits had gone well, but when the family took a vote, Mary Jane was the lone holdout. "Meg saved all of these kids' lives," she says, "but I was afraid she'd try to be their mother again."

Then, too, the Profts had been told "a multitude of foster homes had a problem with Meg," says Mary Jane. "Although it was Meg who actually had a problem with them," 10-year-old Meg might have an attachment disorder, given her repeated moves. "If a child does, by age 8, it's too late," says Mary Jane. "Oftentimes, those children develop bizarre behavior. You don't do 'time out' with an attachment-disordered child. You have to have set rules and follow through."

But on August 12, 1994, Meg found herself at the Proft's Germantown home. "Birds were chirping, the neighborhood was clean. It was beautiful," Meg sighs. A large sign outside welcomed her. "Every time I trusted people, I got hurt," says Meg. "It was hard to accept that this time I was safe... Even now, I still find myself... afraid at night."

A fourth-grader at the time, Meg was working at a first-grade level. And although Mary Jane brought her influence to bear in the form of extra help, Meg struggled.

That was not her only burden. Two years later, Mary Jane found Meg in a closet, huddled in a fetal position, sobbing so hard that her clothes were wet. For two hours, Meg recounted details of her sexual abuse. "I don't know how *anyone* could survive that," says Mary Jane, tears falling as she remembers.

Mary Jane had arranged for Meg to see a therapist before she was adopted. Years of therapy followed. Meg told police about her sexual abuse at previous foster homes and was examined by a doctor, she says, "but nothing ever happened." She regrets not reporting the abuse sooner. "I could have saved the other foster girls," she says.

In high school, Meg shared her secret in an essay she read to her composition class. "When I said I was sexually abused, there was a gasp," she says. "Then silence... That was the first time I realized I was no different than I was 30 seconds earlier. I don't want to keep running from it... I'm not going to let it take me down like some people do."

A year ago, while attending the funeral of a cousin raised by her maternal grand-mother, whom Meg credits with "saving" her life by talking Doris out of an abortion, a stranger approached her. "Magdalia," she said. "Don't you know who I am?" Meg was there to console

requests on the basis of cost alone. (Private contractors now handle all of these cases.)

Courtney's findings seem to corroborate this. He found that both foster and birth parents - those with the most contact with a child - were far more likely than case managers - who need a supervisor's approval - to indicate that a child needed counseling, mental health or medical services - measures designed to improve a child's behavior, school performance, health and help maintain positive foster placements. According to the caregivers Courtney surveyed, only one-third of children needing medical services and half of those needing mental health services actually received them before their cases were closed.

Is there any wonder then that there's a shortage of good foster parents when, if the going gets tough, they (and the child) are likely to go it alone?

her grandmother, but it was her mother who wanted consoling. "Why didn't you look for me?" she demanded. "Don't you love me?"

"It was always all about Doris," says Meg. "It was better when I didn't know her, when she was in prison for stabbing some lady."

Meg didn't seem to want a new mother, but Mary Jane refused to give up, and Meg came to admire her fighting spirit. Meg bloomed into an effervescent student. She was elected to the homecoming court but opted for a previous engagement - speaking to a foster parents group. "Walking across a football field was so non-important compared to changing something real," she says.

Meg learned that her brother, Emerito, was back in the foster home where "he'd been so horribly beaten." He'd refused to move to Sheboygan; another adoption fell through because of his behavior. Meg phoned the Bureau of Milwaukee Child Welfare's hotline, warning, "I was beaten by the mother in that home and my brother was, too. That should be some kind of red flag." The bureau never returned her call, she says.

Bureau Director Denise Revels Robinson says Emerito would go AWOL from other placements and return to the home where he lived from age 6 through age 10. Besides, says Revels Robinson, the bureau was "never able to substantiate" Meg's allegations, nor another made about the home, and it still places children there.

Emerito had spent the month of his seventh Christmas in a psychiatric hospital being treated for depression and hyperactivity. At 10, he was confined again because of his anger over being abandoned and in long-term foster care. Emerito had been bright in school, but by ninth grade, he was hopelessly behind. "An unexcused absence of 20 days is grounds for neglect," says Mary Jane Proft, but the bureau never acted, though social workers repeatedly documented Emerito's truancy.

By 16, he was a gang member with a long rap sheet, including breaking and entering, theft, criminal damage to property and carrying a concealed weapon. In 2002, he was sent to Ethan Allen School for Boys. But when Meg called, she was told there was no record of her brother. Her continued efforts to find Emerito have been unsuccessful.

Today, Meg still lives with the Profts. She stays in touch with her other siblings, works in a hospital kitchen, attends college full time and still fights for foster kids. When Susan Dreyfus, former director of the state's child welfare system, asked what it would take to make her think the system had changed, Meg told her: "Listen to the kids... Make your social workers talk to the kids."

The Profts still have eight adopted children at home and a new foster baby. Meg's birth mother, Doris, has a new baby, too. When Meg heard about him, she called Doris.

"You're going to screw up another child's life," Meg says she told her. "But Doris screamed, 'This baby is my second chance.'"

Like the rest of Davila's children, there's no involved father. She traveled to Minneapolis to give birth. Officials there wouldn't know her parental rights to five of her six previous children had been terminated, but back in Milwaukee, Meg turned Davila in to the Bureau of Milwaukee Child Welfare. Meg even found a family willing to adopt the boy, but bureau personnel told her there was "no guarantee" he'd go there. He might end up in the same kinds of homes she did.

That was when their conversation stopped. Davila still has the baby.

TONY'S HOPE

Tony studied the way his mother devoured *The Star*. He desperately wanted to read, but when he asked when he could go to school, "she said she couldn't afford it," he remembers. He saved to buy himself a book - money he got from one of his brother's uncles, a drug dealer who was "kind of like a father to me when he wasn't in prison and before he was released and murdered," says Tony. "But my mom always stole it."

HOW MANY KIDS IN FOSTER CARE?

Last year, there were 3,489 children in out-of-home care in Milwaukee County, nearly half the number there were five years earlier, yet

One day, running home from the store, Tony was nearly struck by a squad car. He should have been in second grade but hadn't attended a single day. The cop confronted his mother, Ann Madison. Afterward, "It was the worst whupping I ever got," says Tony. "She was drinking, and I said, 'I'm sorry I told him,' and she said, 'Just remember, Mama loves you.' That's her famous quote, but she was never a mother to me. She never read me bedtime stories or tucked me in at night."

Madison brought her "boyfriends" home, "a different guy every other day," Tony recalls. "I don't know who my daddy is. My two sisters and four brothers and me had seven different daddies." His mother's "dates" would beat her up, and Tony would try to stop them, he says, but he'd get beat up, too, until his godmother called foster care. "If she didn't," he says, "I wouldn't be alive today because they were all gang members."

Milwaukee County had already received seven reports of abuse and neglect involving Madison's kids. She had "given" her oldest, 8-year-old Shaniqua, to her mother. The county had removed another, born prematurely, and placed her with the grandmother, too. For eight years, child welfare workers tried to stabilize the home. They sent 25-year-old Madison to nine drug and alcohol abuse treatment programs; she failed them all.

But in December 1993, she called, asking for help. Her drinking was "out of control," she said. She couldn't care for her kids. There was no evidence she got another referral for treatment, says a former social worker. One month later, Madison had a second dead son.

The first, 1-year-old John Cook, died in 1991; his death was blamed on Sudden Infant Death Syndrome, although Tony, then 5, remembers "my mother was on the couch with my little brother. She was drunk, and he went between the cushion and her and suffocated. My mom woke up screaming, 'Your brother is dead!... I'm not having kids again,'" Tony says, but she did. And on January, 9, 1994, one month shy of his first birthday, Tony's little brother Devonte was dead, too. Tony found him.

"Devonte suffocated, too, under the couch cushion," he remembers. "His lips were cold and blue, and I tried to give him CPR, but his body was hard. I took him to my brother's grandmother - she drinks, too - and she said, 'What do you want? Get your mother,' but she was naked with a guy... I was crying, 'I took care of him his whole life!'"

Ann Madison was at the police station when social workers took her surviving sons. She was never charged in Devonte's death. However, there was "evidence of substantial neglect and physical and sexual abuse" involving Tony, 7 1/2, and his brothers, Antwone, 6, and Jamel, 4.

Tony was diagnosed with malnutrition, depression and attention deficit disorder. Jamel and Antwone had lead poisoning. Scars covered their bodies; someone counted 124 on Jamel. Antwone was "a wild, violent, angry child" who never spoke. Jamel was "self-abusive, destructive and exhibited bizarre, aggressive behavior," a social worker wrote.

The boys destroyed their first foster home and attacked anyone who intervened. All three needed inpatient psychiatric care.

On Valentine's Day 1994, a county worker introduced the boys to their new foster parent, the Rev. Lillie R. Lagrant, who lived in a comfortable middle-class home on the Northwest Side with her 16-year-old son. Tony finally began school - in the middle of second grade. "I loved it," he says. It almost didn't matter that he failed or got into fights when kids made fun of his shabby clothes. "I was so angry," he says.

Lagrant, a Pentecostal minister, kindled more anger in Tony. "She beat us with belts, cords and curtain rods. She made us get branches with thorns, and if they weren't big enough, she'd have her son saw off a bigger one. He would say, 'You're not going to live very long, so don't get your hopes up.'"

"She'd beat us like slaves if we missed a strip of dust cleaning... beat our hands with hair brushes until they swole [sic] up... We had to eat on the floor, like a dog... Her kid was at that table with her, but I never got to eat at the table unless a social worker was there, and then...

reports of abuse and neglect made to the Bureau of Milwaukee Child Welfare's 220-SAFE hotline increased by 2,031 over 2003, for a total of 17,035. Still, the bureau took 27 percent fewer children into protective custody. "Milwaukee County used to have a reputation for taking too many children from their families," says Juvenile Court Chief Judge Christopher Foley, "but now I worry about the pendulum swinging too far the other way."

she'd say, 'Get up. Why would you eat on the floor?' But Ms. Lagrant told us, 'If you tell your social worker anything, you'll never see your mom again.'

In 1997, the state hired Tanner Kilander, a 21-year-old newly minted social worker, to "pick up child welfare cases that had piled up at the county, untouched for years," she recalls. Her first involved the Madison boys. But when Kilander tried to visit, "it took months to get inside." Then, Lagrant told her she was a "minister of god" and the boys were 'devil spawn.' "Jamel had stabbed a bus driver. Tony had been suspended. Lagrant left Kilander alone with the younger boys but took Tony, saying he'd bitten the previous social worker, and she'd needed stitches.

At every turn, Lagrant demanded more money for caring for the boys, says Kilander. "She was getting the maximum... plus a supplement because of the boys' behavior, but she gave me 30 days... I called her bluff."

Lagrant had told the boys their mother didn't love them. Kilander tried to reassure them by arranging a meeting. "The boys looked awful," she remembers. Ann Madison came "all dressed up." The boys were "all bent on returning home," says Kilander.

Driving to their new foster home in Madison, Tony sobbed. "Hell was over," he says. But then all hell broke loose. Kilander spent Christmas Day trying to arrange support for the foster family. Jamel was suicidal. The boys ate "until they doubled over with stomach pains," Kilander recorded. "After several weeks of... plenty of food... this behavior began to decrease for Tony and Jamel. Antwone, however, continued to binge." The boys had nightmares and averaged "three hours of sleep a night... They exhibited inappropriate sexual conduct with each other."

The boys were placed in three separate psychiatric wards. The "little guy started talking about abuse and his mom, and we didn't know which mom," says Kilander. It was "Ms. Lagrant... Then [she] wouldn't send them to school, so no one would report her." Jamel missed 40 days in half a year.

"There are reports of physical torture, including being tied up and beaten and having their naked genitals pinched with clothespins," the court file says. Mrs. Lagrant was "uncooperative. The children were referred to a number of services, but [she]... refused to enroll them... Unfortunately, this went on for four years before child welfare officials became aware of it."

After 18 months, Kilander resigned to go back to school. Tony "clung to my arm and begged me not to leave, to take him home with me. He promised to sleep on the floor, eat only bologna, not touch anything... It was the most difficult day of my professional life," she says. Out of countless social workers, "she was the only one who... listened," he says.

Despite her report, Kilander says, no independent investigation ever occurred. Lagrant was never charged, although Kilander filed papers to make sure she never got another foster child in Milwaukee County.

Kilander found Tony a foster home in Whitefish Bay, where things went relatively well for nearly three years. The foster mother helped him work through his anger, but when he refused to follow house rules, she had him removed. Embarrassed because everyone at his new Milwaukee school knew he lived in a shelter, he'd leave, spending afternoons at a Bay Shore mall bookstore.

After finishing law school, Kilander tried to check on Tony, but all of her former colleagues were gone, and she had no legal right to know his whereabouts. It took six months to find him. He was in danger of not graduating from eighth grade because he'd missed so much school. She bribed him to go, and they started meeting regularly. The day he graduated, Tony moved into the Kilanders' just-licensed foster home in Oconomowoc.

That was three years ago. Tony went from getting Fs to being an average student in regular classes instead of classes for emotionally disturbed kids.

His brothers, Antwone and Jamel, never did find a stable home. They spent a decade moving between temporary placements. Then, in April 2003, the bureau sent them home. Madison was still drinking, but the bureau got her an apartment.

Tony became their caretaker again, says Tanner. "He visited frequently... was a wreck trying

to keep his mom's and brothers' behavior on track... afraid his mom would try to kill herself if the boys were taken away."

He experimented with beer and marijuana and went to Madison's house without telling his foster parents. Finally, with his social worker threatening to move him, Tony signed himself into Rogers Memorial Hospital's psychiatric unit last August. He emerged four days later, asking the Kilanders to adopt him.

After all that's happened, "Ki and Tanner still love me," Tony said in January. "I love my [birth] mother, but I can't go back because then it will start all over again... My mom is an alcoholic, and that's not going to change no matter what the state or county does... Most foster kids don't do anything with their lives... but Tanner believed in me..."

A sobbing Ann Madison voluntarily terminated her parental rights to Tony, clearing the way for his adoption. That same January day, the bureau closed Madison's case, ending her housing subsidy.

Jamel, 14, was in a residential school where he seemed to be turning his life around, but in March, the D.A. charged 16-year-old Antwone with three felonies, including the sexual assaults of two young girls.

Things began to unravel for Tony, too. The Oconomowoc High School social worker told Kilander it was as if Tony was "trying to get kicked out of school," and he was expelled for repeated fighting. Tony says he was constantly taunted by racist remarks. But Tanner believes Tony's youngest brother "accused him of abandoning them," she says.

Tony no longer wanted to be adopted. In March, his social worker moved him to a foster home closer to his brothers. He hopes to enter the Job Corps.

Tony turns 18 on August 12. If he is not making progress toward receiving a high school degree by the time he's 19, the bureau will close his case, too.

SAM'S STORY

Samuel Russell was not an easy child to love, even at age 3. He had bouts of bad behavior - fighting, pulling hair, running into walls on purpose. Twice, his foster mother ended up in the emergency room, wounded by flying objects - a hailstorm of Matchbox cars, a TV shaken off of a cabinet. His foster father had to take family leave to help control him, costing the family \$20,000 in lost income.

In one classic episode, while sitting in a cart at the JC Penney Outlet store check-out, Sam erupted over a bag of candy, shouting obscenities. Marilyn Wall-Eckenrod heard the clucks of "disapproval" behind her.

"This is Sam," she said, turning toward the hot eyes boring into her back, "and I'm his foster mother. The state pays me \$289 a month to take care of him - that includes his food and clothing. I'm recruiting, so if anyone wants to be a foster parent..."

Wall-Eckenrod, 54, and her husband, Gary Eckenrod, 49, have raised 13 children, ages 17 to 32, including two adopted Korean girls. But nothing prepared them for Sam, since diagnosed with interactive explosive disorder, ADHD and reactive attachment disorder. Medications used to treat bi-polar disorder have now moderated Sam's behavior. In fact, it's hard to believe he was ever difficult, as he leaves his toys and hurries to say good-bye to a guest, hugging the stranger.

It was not an easy road getting there.

Samuel Russell came to live with the Eckenrods on Milwaukee's Northwest Side on May 22, 1996. Almost immediately, "it was clear this little guy had a multitude of problems," Marilyn recalls, including difficulty swallowing and projectile vomiting.

But "every time I asked for special services for Sam, I was told, 'You got him when he was 46 days old - what could be wrong? As if his genetics didn't matter,'" she says. Case managers threatened that if the Eckenrods couldn't manage

THREE WAYS YOU CAN HELP

1. Contact In Their Best Interests Inc. at 344-1220 for a listing of community-wide opportunities. Become a court-appointed special advocate for youth in care.

Sam, they'd move him.

Child welfare officials removed Sam's 18-month-old sister, Se'Roled, from his mother's care a second time, then moved her again when her foster mother became ill. Delores Marie Blake had given birth to another daughter, Samon, and, pushed by an aggressive social worker, she tackled the court's conditions for Sam and Se'Roled's return. A psychological exam showed Delores was schizophrenic, the worker noted. "Faced with stress," she "regressed to a disorganized level of functioning."

But Delores attended 10 therapy sessions with no follow-up required. She passed an addiction screening and a parenting class.

She enrolled in the state's welfare-to-work program but didn't find a job. The longest Delores had worked as an adult had been five years at a McDonald's. She'd held jobs as a school bus driver, childcare worker and Sunday school teacher, too, but nothing lasted more than six months. Now, Delores, living off of disability payments for her mental condition, considered herself on "maternity leave."

Following the court's order, she spent 16 hours in supervised visits with Sam and Se'Roled in 1998. Both Delores and Wall-Eckenrod were worried about Se'Roled. The "pleasant little girl" had become quiet and withdrawn. A year older than Sam, her development lagged seriously behind his. She arrived for visits with her hair uncombed, her clothes too small. A case manager is legally required to report suspected abuse or neglect, but the bureau found nothing wrong.

An abuse allegation involving Se'Roled's foster mother from another source was never substantiated either. But in 1999, the bureau did find that the foster mother neglected one child and physically abused another. The woman appealed, and a hearing examiner upheld the neglect finding. Yet the bureau left foster children in the home, including Se'Roled, who remained for three and a half years. The case manager even began helping the woman adopt Se'Roled.

But a new social worker discovered that the 5-year-old had fallen years behind on her immunizations, substantiating neglect, and when she learned it was not the foster mother's first, she went to Bureau Director Revels Robinson, who says she said, "Get those children out of that home. Things like this don't happen very often, and shouldn't."

Removed from her third foster home, Se'Roled was fighting and "acting out sexually." No foster home wanted her. The case manager recommended a psychiatric evaluation for the kindergartner and that "steps be taken to return her to her birth mother."

But Se'Roled and Sam only saw their mother once in 1999. That was the year Delores, then 29, married their father, Samuel Russell Sr.. He was a sometimes window washer on disability for a shoulder injury and frequently in jail for traffic violations, disorderly conduct, theft and bail-jumping.

On May 24, 1999, Delores showed up at the social worker's office with a paper bag over her head. It read, "AKA Funky D" and "Somebody help! We're broke." A sign hung around her new baby's neck: "Hi! I'm Pumpkin." Delores was "irrational and confused," according to the worker's account, and admitted "she couldn't take care of" 2-year-old Samon or 5-month-old Robert. Delores was transported to the Milwaukee County Mental Health Complex, but she checked herself out, saying she didn't need help.

The bureau described the children as "well adjusted and displaying no behavioral problems" and placed them in foster care. They stayed 20 months, when, court files reveal, they were removed because of confirmed abuse and neglect. For a second time, the Russell children had suffered in the bureau's care. Their behavior had deteriorated, too.

"The case manager couldn't find anyone who would take them," Wall-Eckenrod remembers. "This is how the system works - they get a kid and put him in a home where they screw him up bad, until you really have an out-of-control child, and then they give him back to the birth parent."

Tutor, mentor or provide respite care for foster children. Donate books, clothing, music lessons or money to cover sports participation fees and other opportunities.

2. Become a foster parent (264-5437).

3. Join Voices United, a support group for adoptive, foster and kinship care parents. Meg Proft is the group's youth adviser. Call co-president Dawn Kiltz at 262-569-5138

And that is what the bureau did. It had already returned Se'Roled. Now it recommended that Samon and Robert go home, too. The judge ordered an obviously pregnant Delores to give "social workers access to her living quarters on both announced and unannounced visits." He instructed the children's guardian ad litem to "monitor mom's treatment plan" for six months.

One month later, Delores left the children with a man she barely knew, Wall-Eckenrod says, a man subsequently charged with child abuse, while she gave birth to Ian Jamal Russell. The bureau, however, did not put the newborn under a protective court order, as it had with the four older children.

"Under the state's statutes, authorities do not have to wait for harm to occur to a child," says Milwaukee County Juvenile Court Chief Judge Christopher Foley. "Substantial risk of harm is sufficient." Foley has no involvement with the Russell case, but says, "I have significant concerns about the risk calculations made in this case. I am also concerned that we did not reach permanency for these children in a timely manner. For that, all of us, top to bottom, share the blame."

But Revels Robinson refuses to accept any of it. She says Delores met "all of the court's conditions for the children's return... We continued to monitor the home on a monthly basis... The worker found 'no pattern of neglect.'"

Given the bureau's experience with the Russell family, having removed three previous infants - two at 6 weeks and another at 5 months - there had to be substantial cause for concern. Yet no action was taken to prevent what came next.

On April 27, 2001, police responded to a call at the Russell home. Seven-week-old Ian Russell, who shared a sofa bed with his three older siblings, was dead. An otherwise healthy infant, Ian's left main artery had been crushed, according to the autopsy, perhaps by a sibling rolling on top of him.

Wall-Eckenrod does not blame Delores. "On a good day, she can maybe take care of herself," she says. "But I am so angry at a system of well-educated, highly paid professionals who just close their eyes and say, 'It's not my job.' Even a moron could have seen the warning signs in this case."

Nine months later, Se'Roled, 6, had been moved to her sixth foster home, where she was displaying "problem sexual behavior"; substantial delays in her speech, reading and comprehension; and acting up in school." Samon and Robert remained with Delores, who, according to the case manager, was "an excellent caregiver," although there had been "poor cooperation... in completing her court-ordered [psychiatric] therapy." But the bureau would "continue monitoring."

Meanwhile, it had taken nearly two years for Sam's adoption to become final. Sam's birth father surrendered his parental rights by failing to appear in court. His mother demanded a jury trial. A unanimous 12-member jury found that she had "failed to assume parental responsibility," grounds for termination. In the nearly six years Sam had been in foster care, Delores had spent just 28 hours and 45 minutes with him, by Wall-Eckenrod's careful accounting. The judge ruled that the termination of parental rights (TPR) was in Sam's best interest. Delores' court-appointed attorney appealed twice on her behalf, but the ruling was upheld.

Wall-Eckenrod says that from the time Sam came to live with them, "we were fighting for his life. If Sam had stayed in the system, he'd be dead. With his behavior problems, someone would have killed him."

The rest of the Russell children haven't been so lucky. Ian is buried in an unmarked grave at Wisconsin Memorial Park. It would cost \$872 for a headstone, money Wall-Eckenrod wishes she could afford.

On July 31, 2002, the bureau formally closed the Russell case. The children were "all doing well in their mother's care," says Revels Robinson, according to the case worker's last contact with Delores, a phone call made three months earlier.

The very day the bureau closed the case, Delores' recently divorced husband abandoned 5-year-old Samon and 7-year-old Se'Roled at a federal building in Milwaukee, telling a security guard the family could no longer care for them. The guard called the bureau's hotline, and

Delores picked up the girls. She took them home to a subsidized housing in Waukesha County, where she had been living for six years.

Nearly four months later, officials at Se'Roled and Samon's school called police. Bruises and marks made by a metal belt buckle covered the girls' upper bodies, necks and heads. According to police, Delores had beaten the children "over several days."

Waukesha County placed the children in foster homes, and the district attorney charged Delores with two counts of felony child abuse; she pleaded guilty to one and received five years' probation. Assistant D.A. Brad D. Schimel, who prosecuted the case last November, says the kids are "headed for TPRs and will be adopted." But Delores' attorney, Ryan Harrington, says, "Hopefully, next November, we'll be back in court showing she's met the conditions to get the kids back."

Last February, just shy of her ninth birthday, Se'Roled was receiving long-term in-patient psychiatric care for her "anger and behavior problems." According to Harrington, "She was seriously affected by what happened in the criminal case." In March, Delores opened her home as a nonprofit for "homeless, helpless" men.

Meanwhile, Wall-Eckenrod's repeated efforts to intervene on Robert's behalf, including a letter saying the Eckenrods are willing to open their "hearts and home" to their son's brother, have been ignored by Waukesha officials. "There is no one better equipped to handle the problems of the Russell children," Marilyn wrote, adding, "SO WHY IS EVERYONE FIGHTING US?"

"These children have been in out-of-home placements for more than 15 of the last 22 months," she says. "These children need to get on with their lives."

Whether that will happen remains to be seen.

EPILOGUE

When *Milwaukee Magazine* set out to tell these "success stories," it did not anticipate the darker side of the families' cases. But Meg, Tony and Sam's stories show the chronic nature of the problems the child welfare system faces, and how, seven years after the state took responsibility for Milwaukee County's abused, neglected and abandoned children - a move designed to stave off a federal lawsuit brought by New York-based Children's Rights Inc., alleging that the state and county failed to protect kids in their care - many of the same problems remain. In fact, the number of kids in out-of-home care, and decreased case loads, may be only a function of the state's failure to identify kids in need of protection. In Milwaukee County, the state substantiates abuse and neglect reports at just half the national average.

Yet state bureaucrats seem to regard their takeover as a success. They call the changes necessitated by last winter's failed federal review "enhancements," not "improvements," the term other states use. It's a subtle form of denial, but substantial change only happens when you admit it's needed.

Meg, Tony and Sam's stories prove that bad beginnings can be overcome but that second chances are most likely to go to kids who have someone who fights for them, to kids who get the right support and services before it is too late.

All three still carry heavy baggage. There will be setbacks. But out of failure and anger, the energy needed to make real improvements - not mere "enhancements" - can emerge. They are better off today than their siblings, whose lives seem to have been squandered, in part, by the system designed to save them.

"They say they've changed the child welfare system, but they haven't, not enough," says Meg Proft. "I want change for all the other kids, not just the few who get lucky like I did. And I'm going to get that change, because I won't stop until I do." M

Mary Van de Kamp Nohl is a senior editor of Milwaukee Magazine.

[home](#) | [subscribe](#) | [dining](#) | [advertise](#) | [events](#) | [internships](#) | [contact us](#)

©2004 Milwaukee Magazine, All Rights Reserved



www.jsonline.com

[Return to regular view](#)

Original URL: <http://www.jsonline.com/news/metro/may04/226581.asp>

Struggling to protect the children

Abuse and neglect slip by agencies, as accountability appears elusive

By MARY ZAHN
mzahn@journalsentinel.com

Posted: May 1, 2004

Jatavius McKillion, 18 months old, starved to death on the floor of a north side Milwaukee home in February.

For the last day of his life he had been too weak to move as cockroaches skittered across spoiled food nearby. He weighed 8 pounds, 4 ounces.

Less than two weeks later, a foster mother was caught on a neighbor's surveillance camera forcing her two foster children, ages 2 and 4, to hold their arms in the air for long periods of time. When the children's arms began to flag, she would hit them.

Jatavius family had been referred to the Bureau of Milwaukee Child Welfare three times on allegations of neglect in recent years. In the other incident, caseworkers visiting the foster home had listed no concerns.

Whether these cases were aberrations or signs of something seriously wrong with the system, the state is still striving to improve the safety net for abused and neglected children in Milwaukee County.

With core child welfare services provided by seven different non-profit agencies under the umbrella of state control, the system - with a budget this year of \$112.6 million - has become increasingly fragmented. Multiple agencies are often involved with the same family. Each has its own corporate structure and state contract. Determining who is accountable for what can be daunting, even for court officials.

To get a clearer picture, the Journal Sentinel looked through hundreds of pages of records from the Bureau of Milwaukee Child Welfare, reviewed dozens of Children's Court cases and interviewed judges, agency owners, child welfare advocates and foster parents.

Among the problems found:

- Multiple caseworkers involved in a home who often failed to recognize that a child was in danger until someone outside the system reported abuse or neglect.
- A dramatic drop in the percentage of abuse and neglect allegations found to be valid, to a level far below the national and state averages.
- Termination of services to troubled families where children were later injured.
- Indications that there are more troubled foster homes than state data suggests.

Child Welfare

Darlene
 Age: 7

■ In August 2003, found wearing only a soiled shirt and a diaper in house filled with garbage, spoiled food and animal waste. Behavior was called "almost feral."

■ After three neglect referrals dating back to 1999, services were provided to family from January 2002 to July 2002.

■ For one referral, the Bureau of Milwaukee Child Welfare's response was "to supply the child with soap and other hygienic products."

OUTCOME: Darlene was removed from the home and placed with an uncle.

Danny
 Age: 3

■ Told investigator: "Mama hit me with a shoe."

■ Foster mother was twice investigated previously on abuse allegations

■ Adoption worker described her as "a very nurturing and caring parent."

■ Case manager said she "was always nice to the children in her presence"

- Lack of independent oversight in what is now a largely privatized system.

And while significantly fewer children are being torn from their families and placed in foster care, a review of dozens of child welfare cases raises questions about whether children who remain home with troubled parents are getting services they need to keep them safe. For those who are placed in foster care, troubling questions remain about how thoroughly their care is being monitored, even when multiple caseworkers are involved.

Among the examples:

- Darlene, 7, was found last August by police, wearing only a soiled shirt and a diaper in a house filled with garbage, spoiled food and animal waste. There had been three previous neglect referrals dating back to 1999, including one in April 2003.

"The bureau did not respond to any of these reports by removing the child from the parental home" or by seeking a court order, records state. Instead, services were provided to the family from January 2002 through July 2002, in part to address Darlene's behavioral problems.

"The bureau's response to the April 16, 2003, referral had been to supply the child with soap and other hygienic products," court records state. Her behavior was described as "almost feral."

Darlene eventually was removed from her home and placed with a paternal uncle.

- In March 2003, Danny, 3, climbed up on the lap of the investigator looking into an abuse referral. He lay his head on her shoulder and said: "Mama hit me with a shoe. I pee-pee on myself."

Danny was referring to his foster mother, who had been the subject of two previous abuse investigations where children reported being hit. Recommendations that she be evaluated and given counseling as a result of one of those referrals were ignored, records state.

Danny's case was one of many in which case managers monitoring the care of children in foster care did not recognize what was happening inside the home.

The current adoption worker approved the foster mother to adopt Danny even though children in the home had reported that she was using physical discipline, which is prohibited under state foster care licensing rules. The worker described the foster mother as "a very nurturing and caring parent."

And the ongoing case manager reported that the foster mother "was always nice to the children in her presence" and did not believe physical discipline was used.

Danny eventually was removed from the home, and the abuse report was found to be substantiated.

Improvements and problems

It has been six years since the state took over the Milwaukee child welfare system under threat of a lawsuit. While even critics acknowledge there have been significant improvements - including far fewer children in foster care, increased adoptions and lower caseloads - serious problems remain.

"There are improvements," said Linda Davis, a member of the Child Welfare Philanthropy Group, which is made up of private funders trying to improve the system. "It was horrible before. But my standard is, if my child had to go into foster care, how comfortable would I feel? And we are not remotely close to that standard yet."

OUTCOME: Danny was removed from the home

Names Withheld Ages: 7, 8

☐ Told investigator that foster mother spanked them with a shoe and washed their mouths out with soap.

☐ Foster mother admitted washing out their mouths once but said she only "whacks the girls with my hand."

☐ Adoption worker said foster mother had been "sweet and appropriate."

☐ Ongoing caseworker said she "appeared to care" about the children and was willing to adopt.

OUTCOME: Investigator recommended home be reviewed by licensing agency. The girls were removed.

Rodney Age: 21 months

☐ Found crying and wandering around mother's apartment building. Oven in apartment was open and set to 450 degrees. Mother said she had left to give blood for money.

☐ She had threatened parenting assistant and was terminated from the Safety Services program in September 2003 after she said she no longer wanted services and "would dare anyone else to try to take Rodney from her."

OUTCOME: Rodney was placed in foster care, and his mother was referred to the court system.

Related Coverage

☐ **Milwaukee:** Case managers say they saw no abuse

A state review of the system released in March showed that 50% of ongoing case managers quit their jobs last year and raised questions about whether too many children in danger of being hurt are being denied services. Among the problems cited were a lack of collaboration between case managers who sometimes failed to identify mental health problems or domestic violence that put children in harm's way. A state review in 2000 stated similar concerns, including "a lack of documentation to explain why the workers are making critical decisions."

Denise Revels Robinson, director of the Bureau of Milwaukee Child Welfare, said her agency is "the equivalent of a safety emergency room for children" and that many of their challenges are endemic to the system.

Extreme poverty, mental health and drug problems and homelessness are common to the families they serve, she said, and are "bigger than child protective services can address alone."

The system is being held accountable by internal reviews, a court-ordered settlement agreement, private agency contracts, academic researchers and a legislatively mandated advisory board, she added.

However, Children's Court Judge Christopher Foley and others agreed with Davis. They said serious questions remain about the quality of services being provided and questioned whether case managers - who now work for seven different private agencies - are being held accountable.

"Do I have my arms fully around the quality of services that are being provided?" said Foley, who has been presiding judge in Children's Court since 2002. "No, I don't think any of us can be sure of that. There is this moving target of responsibility that I don't like."

No independent oversight

The state took over the child welfare system in Milwaukee County in 1998 in response to a federal lawsuit brought by the New York-based group Children's Rights Inc. The lawsuit alleged that the foster care system in Milwaukee County routinely failed to protect children who often languished for years without a chance at a permanent home.

The 2002 settlement requires periodic reviews by the state-run bureau but no independent monitoring. That means the state is responsible for reviewing itself.

In addition, there is no independent oversight body with any clout. The Partnership Council, an advisory group created by the Legislature during the state takeover, has no budget or independent staff and did not even have a quorum for 16 of its last 21 meetings.

A grievance procedure set up by the bureau, in general, refers people to the agency they are complaining about. There is no independent ombudsman to hear complaints, although the Partnership Council has proposed one.

"Who do you call up?" said Susan Conwell, a lawyer and co-director of In Their Best Interests, a local child advocacy group. "Everyone is under contract to the state. Talk about accountability. People that used to speak for children are now under contract to the state and will say not a word. How can they do it? They are going to fire themselves?"

Revels Robinson said it was inaccurate to characterize the bureau's many forms of monitoring as "the state watching the state." She described the Partnership Council as an independent oversight body and said an ombudsman would be worth discussing.

Fewer reports substantiated

While most child welfare services are provided by private, non-profit agencies, it is state social workers who determine whether abuse or neglect referrals are valid - "substantiated" - and whether families should be referred on for services.

Those state workers may remove children and refer cases to the court system for formal court-ordered services, or may refer families to a voluntary short-term program that provides in-home help and other services for families at risk of abuse or neglect. While services may be offered to families even if the abuse or neglect allegation is not substantiated, concerns have been raised about a dramatic decline in the substantiation rate.

In 2002 - the latest overall figures available - 2,188 abuse and neglect referrals in Milwaukee County were substantiated. That was 15% of the total referrals, compared with a 21.8% statewide average. In 1999, records show, there were 4,057 substantiated abuse and neglect cases in Milwaukee County, which was 33.9% of the total referrals. The national substantiation rate was 29.5% in 2001.

Mark Lyday, program administrator for the Child Protection Center at Children's Hospital of Wisconsin, said he recently asked the bureau to explain its criteria for deciding whether a child has been abused or neglected.

"Their standards seem to be spread across about 15 different documents," said Lyday, who is a former chairman of the advisory Partnership Council. "How is a 22-year-old caseworker in an initial assessment job supposed to deal with this?"

State officials have attributed the decline to staff training that clarified state investigation standards, agency reluctance to substantiate minor incidents of abuse and neglect that "have not held up on legal appeals" and a new computer reporting system that eliminated duplicate entries that had been counted as substantiations.

However, Judge Foley said he has seen no "reasonable or rational explanation" for the declines.

Revels Robinson said that "substantiation is an unreliable indicator of what is actually occurring within a family."

Troubled foster homes

The percentage of substantiated abuse and neglect referrals for children in foster care has also dropped significantly since 1999 - from 20% to about 11% last year, according to records obtained by the Journal Sentinel. Those determinations are done by another private non-profit agency under contract to the state and are called "independent investigations."

A random review of 250 of the 403 unsubstantiated foster home cases found 44 in which case managers expressed concern about the care given to foster children, including 14 where the foster parents admitted to physical discipline. Two of those cases involved grandparents who admitted hitting their biological grandchildren but not their foster children.

In one case, two foster children, ages 7 and 8, told an investigator that they were spanked with a shoe and had their mouths washed out with soap. The foster mother admitted once washing their mouths and added that she only "whacks the girls with my hand." In addition, the girls were required to clean four bathrooms and the kitchen, mop floors and wash windows.

The adoption worker told the investigator that in the past, the foster mother had been "sweet and appropriate."

The licensing worker reported that she was concerned about the foster mother "getting her paperwork together" for "relicensing."

And the primary caseworker said the foster parent "appeared to care" about the children and was willing to adopt.

The investigative report concluded that the foster parent was using "physical forms of discipline" but that it did not rise to "the measure of physical abuse." It recommended the home be reviewed by the licensing agency. The girls were removed.

Revels Robinson said the drop in substantiated abuse in foster homes shows that the overall quality of the homes has improved since the state takeover. State law, she said, permits corporal punishment in birth families but not against foster children. If investigators looking into the safety of foster children believe that a biological child "is being maltreated," they would tell the bureau about that child, she said.

Overall caseloads down

The overall number of abused and neglected children waiting to be adopted or reunited with their families has declined from more than 6,000 in early 2000 to fewer than 4,000 last year. In addition, there has been a significant reduction in the time that children spend in the frustrating wait for a permanent home with family or adoptive parents.

A voluntary program to divert families from the system, called the Safety Services program, has played a role in reducing the

number of children placed in foster care, authorities said. The program offers such things as parenting aides, referrals to community services and weekly in-home visits.

Participation in that program has declined substantially, however. In 1999 - one year after the state takeover - 1,854 families were offered the service, compared with 1,202 last year.

Meanwhile, Children's Court Judge Foley and other court officials suspect they're seeing an increase in children being injured or neglected despite their families having received services from the voluntary short-term program.

Contract agencies are paid for only four months of services to individual families under the Safety Services program but may continue to provide them.

Federal investigators evaluating the state's child welfare system last year expressed similar concerns about that program, Foley said. Wisconsin was notified early this year that it was the 43rd state to fail a federal review of its foster care system statewide. Milwaukee County was part of that review.

Safety Services

The Journal Sentinel asked Children's Court clerks to pull a random sample of 36 child abuse or neglect petitions filed from late last year to March and found five cases - or 14% - where families had received help from the Safety Services program and ended up in the court system anyway after abusing or neglecting their children.

For example, caseworkers ended a Safety Services program to a mother of four young children in October 2003 when they concluded that despite the "investment of intensive services," her child care skills remained "deficient" and she lacked "necessary motivation" to "improve her circumstances."

In January the woman's 2-year-old son, James, suffered burns on at least five parts of his body, suggestive of a "moving hot object striking the child." James and his siblings were placed in foster care.

In another case, Rodney's mother had threatened her parenting assistant and was terminated from the Safety Services program in September 2003 after she said she no longer wanted services and "would dare anyone else to try to take Rodney from her."

After that the bureau received three more referrals involving Rodney. The last was in December, when Rodney's mother reported that she was in "desperate need of psychiatric hospitalization."

On Jan. 10, Rodney, then 21 months old, was found crying and wandering around his mother's apartment building. The oven door in his mother's apartment was open and the temperature was set at 450 degrees. His mother told authorities she had left in order to give blood to get some money. Rodney was placed in foster care, and his mother was referred to the court system, records show.

Safety Services program cases are closed, Revels Robinson said, when the children are not in imminent danger of abuse or neglect. If the private agency closing the case feels that the children are still at risk, she said, the agency is supposed to re-refer the case for another assessment.

The voluntary program was "successfully completed" by more than 1,200 families last year, and only 6% were referred back for maltreatment allegations within 12 months of case closure, said Revels Robinson.

Those state numbers are significantly lower than a March 2002 independent research study of the program that sampled 480 families in the system and found that 58% were reported at least once for alleged maltreatment within 24 months of the date their case was originally opened. Of the cases referred back, 13% were substantiated for abuse and neglect. The study was done by the Chapin Hall Center for Children, a child policy research center at the University of Chicago.

When a child dies

When a child dies and his or her family has had past contact with the Bureau of Milwaukee Child Welfare - as in the case of

Jatavius McKillion in February - how is the system that is supposed to protect children held accountable?

When foster children die or suffer an injury, a private agency under contract to the state does an independent investigation.

However, Jatavius was not under the bureau's care at the time of his death, and his case was not referred for such an investigation, according to Revels Robinson. Instead, she said, the bureau is conducting an internal review, only portions of which will be given to the advisory Partnership Council in July to protect the confidentiality of the children involved.

Starting this year, any child who dies while in the bureau's care or within 12 months of case closure will also be reviewed by an outside multidisciplinary panel, Revels Robinson said. Jatavius' case will be reviewed by that panel, she said.

That Child Abuse Review Team is made up of representatives of the Bureau of Milwaukee Child Welfare, public health officials, the Child Protection Center of Children's Hospital and law enforcement officials, among others. The team will report to the Partnership Council with recommendations on how to improve, she said.

While the new review process is welcome, child advocate Conwell, of In Their Best Interests, questioned how effective the Partnership Council will be in holding the bureau accountable for the results.

"This is the very same council that hasn't had a quorum in about two years and that doesn't have a single medical professional on it," Conwell said. "What do they do with the child fatality review information?"

For Jatavius' mother, who lived in dire poverty, a review of her son's death will carry little meaning.

Facing the possibility of 35 years in prison on felony child neglect charges, Decha J. Caston, 23, was brought into a Children's Court courtroom for a hearing on the foster care placement of her two other children days after his death.

Dressed in the jail uniform, Caston began to weep quietly, shaking her head back and forth.

"Thank you," she said softly to the bailiff who offered her tissues.

Then it was over and she was escorted from the courtroom.

The bailiff gently wiped her tears from the wooden table top, and the next case was called.

From the May 2, 2004 editions of the Milwaukee Journal Sentinel

www.jsonline.com[Return to regular view](#)Original URL: <http://www.jsonline.com/news/metro/may04/230453.asp>

Children's Court 'ahead of curve'

County has made many changes sought in new report, judge says

By **GEORGIA PABST**
gpabst@journalsentinel.com

Posted: May 18, 2004

While Wisconsin's foster care system, like those nationwide, has serious problems, the Milwaukee County Children's Court system has already made some improvements called for in a national report released Tuesday, Judge Christopher Foley said.

Following a yearlong study by leading child welfare experts from around the country, the Pew Commission on Children in Foster Care calls for an overhaul of a system that now includes 500,000 children and that it calls "unquestionably broken."

It recommends changes in federal financing to allow more flexibility and for improving the court system.

Too often the courts lack the tools, information and accountability to move children through the system and into permanent homes, the study says.

"Our recommendations call for greater accountability by both child welfare agencies and courts," said U.S. Rep. Bill Frenzel (R-Minn.), chairman of the commission.

The study calls for state courts to better serve children by making them a higher priority. That includes providing dedicated children's courts, training for judges, tracking and analyzing caseloads and helping to ensure children and parents have an effective voice in court decisions that affect them.

Foley, chief judge at Children's Court in Milwaukee, said Monday he already had heard from members of the Pew Commission interested in looking at the court reforms undertaken here since 2002.

"We're way ahead of the curve on that study and they know that," he said. "We're not perfect, but I do think, while we've got miles to go, we've made tremendous progress in Milwaukee County in the way we process dependency cases."

He said collaboration between child welfare agencies and the courts has improved, and there's more focus on getting children safely home or to a permanent placement.

He said adoptions have increased tenfold between 1992 and 2002. In addition, the time from filing to resolution has gone from 171 days to about 80 days. The court is also doing a better job of tracking children after placement, he said.

Foley said the court's work with extended families has led to dramatic improvements in getting other family members to care for children if birth parents can't.

But he said he remains concerned about the availability of high quality foster care and adoptive homes.

While foster care protects children who are not safe in their own homes because of abuse or neglect, for too many children it becomes a long-term saga, the study says.

Nationally, almost half of foster children spend at least two years in care at three different placements, it says.

Children in foster care are also disproportionately African-American.

Nationally, infants are the fastest growing portion of the foster care population, according to the study. In 2001, nearly 39,000 children under a year old entered foster care, the study says.

In addition to improving the court system, the study calls for giving states a more flexible source of federal funding as well new options and incentives for foster child placement.



www.jsonline.com

[Return to regular view](#)

Original URL: <http://www.jsonline.com/news/metro/mar04/216416.asp>

Child welfare services still found lacking

High worker turnover, incomplete assessments noted

By **MARY ZAHN**
mzahn@journalsentinel.com

Posted: March 21, 2004

More than 50% of Milwaukee child welfare workers charged with monitoring abused and neglected children quit their jobs last year - possibly the highest turnover rate in the country - according to new reviews of the state-run system. The reviews also raise questions about whether too many children in danger of being hurt are being denied services.

Child welfare advocates point to drastically reduced referrals to a program aimed at keeping children safe in their own homes and said they are concerned about whether abusive families are being inappropriately screened out of the system at the front door.

"This report just substantiates all my personal observations," said County Supervisor Roger Quindel, who is also a member of the Milwaukee Child Welfare Partnership Council, a child welfare system advisory board. "The state is under a lot of pressure not to put money into the system."

Problems cited in the state's own reviews include a lack of collaboration between case managers, who sometimes failed to identify mental health problems or domestic violence that put children in harm's way, and incomplete assessments of family needs in more than half of the cases referred for abuse and neglect investigations.

In one program aimed at keeping children safe in their own home, workers failed to identify why families were referred to the program in the first place in more than half the cases reviewed, the reports state.

"Although services were put in place, the referral issue was not what was actually addressed," reviewers wrote.

Examples of system problems cited in the reports include:

- A teenage girl who was in a domestic violence situation with a safety plan that did not include "legal protection or domestic violence counseling."

"The issue was never addressed until the child was so severely beaten that her eye socket was damaged," the report states.

- A 9-year-old who was so unhappy in her foster home that she wrote a note to her mother threatening suicide. It took six weeks for case managers to remove the girl from her foster home to a shelter, where she remained for another four weeks before going to another foster home.

- A state worker who did not substantiate maltreatment of a child who tested positive for cocaine at birth, claiming that "the mother did not intend to hurt the child."

<http://www.jsonline.com/news/metro/mar04/216416.asp?format=print>

Milwaukee County

Service Providers

Child welfare services in Milwaukee County are provided under state contract by these private agencies:

- Innovative Family Partnerships, which was formed by Children's Service Society of Wisconsin and the Milwaukee Women's Center.

- Wisconsin Community Service Network, which was formed by Children's Hospital and Health System and Aurora Health Care.

- La Causa, a community-based social service agency.

- SafeNow, which is operated by Milwaukee County.

- Lutheran Social Services, which oversees the licensing, recruitment and support of foster families.

- Children's Service Society, which handles adoption issues.

By the Numbers

51%

Drop in money allocated for Safety Services between 1999 and 2003. The

"We take this very seriously," said Denise Revels Robinson, director of the state-run Bureau of Milwaukee Child Welfare. "Clearly the reports raise some concerns. Each area reviewed had strengths but also indicated we have more work to do."

Her staff is reviewing the overall findings and concerns about specific programs noted in the reports, she added.

program tries to keep families out of the court system and prevent child abuse or neglect

Quotable

“We wind up with a very young work force who often decide on their own they don't like the work.”

- Michael Kenitz,
executive director
of Innovative
Family
Partnerships

Settlement led to reviews

The periodic reviews done by the bureau are required as part of the 2002 settlement of a federal lawsuit brought by the New York-based group Children's Rights Inc. The lawsuit alleged that the foster care system in Milwaukee County routinely failed to protect children. The state took over Milwaukee County's child welfare system in 1998 in response to the lawsuit.

The latest reports were released last week, just months after Wisconsin was notified that it was the 43rd state to fail a federal review of its foster care system statewide. Milwaukee County was also part of that review.

Eric Thompson, senior staff attorney with Children's Rights, stressed that Milwaukee's child welfare system has shown marked improvement in the areas of lower caseloads and more face-to-face contact with children, fewer children being abused in foster care, a decline in the number of children in foster care and an increase in adoptions.

Still, Thompson said, "troubling" questions remain.

Screening out cases

"Abused and neglected children are being denied access to child welfare services and protection," Thompson said, adding that cases are being screened out of the system without an adequate assessment of the family's needs even when there may be "maltreatment concerns."

State data provided at the request of the Journal Sentinel last week shows that in 2002 - the latest available figures - only 15% of abuse and neglect referrals in Milwaukee were substantiated, compared with a 21.8% statewide average. The national substantiation rate was 29.5% in 2001, he said.

"It can't be that kids in Lake Mills are more subject to abuse and neglect than the kids in Milwaukee," said Sue Conwell, co-director of In Their Best Interests, which advocates for children and families in the child welfare system.

John Tuohy, planning director for the state Department of Children and Family Services, attributed the declines to staff training that clarified state investigation standards, a reluctance of agencies to substantiate minor incidents of abuse and neglect that "have not held up on legal appeals" and a new computer reporting system that eliminated duplicate entries that had been counted as separate substantiations.

Revels Robinson said her staff is investigating to determine the reason for the declines and to make sure state workers are making "appropriate case closure decisions."

Turnover rate at 51.2%

Thompson said he is also "unaware of any other child welfare system" in the nation with a case manager turnover rate as high as in Milwaukee - 51.2%.

A 2003 survey done by the Child Welfare League of America estimated turnover of case managers at private agencies nationwide at about 45%. Most ongoing case managers in Milwaukee work for private agencies.

"We wind up with a very young work force who often decide on their own they don't like the work," said Michael Kenitz, executive director of Innovative Family Partnerships, one of the private agencies providing child welfare services in

Milwaukee County. "They can't sleep at night, worry about kids and cases. It's very draining. A lot of people weed themselves out within a year."

A number of foster parents who were interviewed said they had experienced problems with frequent case manager turnover.

One foster parent, who asked not to be identified because of problems with a birth parent, said he and his wife have had four case managers in three years.

"The problem is nobody in this whole situation sticks around long enough," he said. "What happens is the case managers keep notes on what happens and pass the notes on to a new case manager. When you are deciding a child's future, how can you decide that from a book of notes?"

Inadequate case documentation of family services and needs was cited in one of the review reports as a system-wide problem based on a review of 285 cases.

State workers decide

Since the state takeover in 1998, Milwaukee child welfare services have been provided by private non-profit agencies. The exception is the front door of the system, where state social workers determine whether abuse and neglect referrals are valid and whether families should be referred on for services. Turnover of these state workers was about 10% last year, according to Revels Robinson.

State workers may remove children and refer cases to the court system for formal court-ordered services, or may refer families to a voluntary short-term program called Safety Services, which provides help with such things as housekeeping and child-rearing and referrals to other community resources in addition to at least weekly contact with the family.

Four private agencies have state contracts to provide these services. In addition, another oversees the licensing, recruitment and support of foster families, and another handles adoption issues.

All of the agency directors said they were concerned by the evaluation reports and are in the process of reviewing them with an eye toward making improvements.

Safety Services program

The private agency directors said they are particularly concerned about the continued decline in families being referred to the voluntary Safety Services program. That program was set up to keep at-risk families out of the court system and provide them with services to prevent child abuse or neglect.

Records show that from 1999 through 2003, there has been a 51% drop in money allocated for Safety Services. In 1999 - one year after state takeover - 1,854 families were offered the service, compared with 1,202 last year.

State initial assessment workers make the decision on whether to refer families to the program, authorities said.

"Families that would have been referred in the past are no longer being referred," said Bruce Kamradt, director of Children's Mental Health Services for Milwaukee County. "It may be related to fiscal resources. All of the safety sites have been concerned about the drop."

The Safety Services program was criticized in the reviews for failing to document why some cases closed when they did. Under their state contracts, agencies are paid for four months of service to families regardless of how long the case remains open, records show and authorities said.

"Some of the cases in this sample closed when the family was facing a new stress factor such as a move to a new apartment or the birth of a child," reviewers wrote. "In other cases it was not clear that the factors that had brought the case to Safety Services had been resolved at the time of closure."

Revels Robinson said she has ordered a review of the cases closed in initial assessment to determine whether there were any "missed opportunities" to refer families to Safety Services.

40% reduction in one year?

At the system's front door, the reviewers noted that in more than half of the cases they inspected, assessments that are used to determine whether abused or neglected children remain with their parents or whether services are needed to keep them safe were incomplete.

Mark Lyday, program administrator for the Child Protection Center at Children's Hospital of Wisconsin in Wauwatosa, said he is troubled by the poor assessments noted in the review and by the "significant reduction" in the number of substantiated abuse and neglect cases in Milwaukee County.

Lyday said the largest drop was between 1999 and 2000, when the abuse and neglect substantiation rate fell about 40% in Milwaukee County.

"Why did that happen?" he said. "Did they change their definition of abuse or neglect? We don't know right now. But I can tell you that the rate of child abuse in Milwaukee did not reduce by 40% in one year. It did not happen."

From the March 22, 2004 editions of the Milwaukee Journal Sentinel



www.jsonline.com

[Return to regular view](#)

Original URL: <http://www.jsonline.com/news/metro/feb04/210402.asp>

Money diverted after agency billed state for work not done, audit shows

\$375,000 deposited for Women's Center by then-financial officer

By MARY ZAHN
mzahn@journalsentinel.com

Posted: Feb. 25, 2004

An organization charged with helping abused and neglected children and their families was paid more than \$375,000 in state funds for services that were never provided, a state audit released Wednesday shows.

The extra money was fed into Milwaukee Women's Center bank accounts by Mildred Horvath, then chief financial officer, during a time when a previous internal audit listed the agency's deficit at about \$55,000, the audit and other agency financial records show.

The money was taken from the accounts of Innovative Family Partnerships, which has a state contract to operate two service sites for children in foster care and their families and is a partner with the Women's Center, records show. Horvath also served as chief financial officer for Innovative.

On Wednesday, Horvath adamantly denied doing anything wrong.

"I never diverted any of the funds," Horvath said, adding that she had received documentation justifying all of the billings. "I don't know if the information that was printed and given to me was inaccurate. But I absolutely have 100% integrity in what I did, and it was completely supported."

Patrick Cooper, director of the state Office of Program Review and Audit, said that Horvath did not personally use any of the money and that no other employees were involved in the diversion of funds. Cooper said Horvath made no attempt to hide the fund transfers and that there was "a clear" document trail.

The audit states that Horvath's motivation "appears to have been . . . to help the agency address an operating deficit."

Carey Tradewell Monreal, president and chief executive officer of the Women's Center, said Horvath "put the money into the Milwaukee Women's Center bank account, so on paper our balance sheet looked good."

She added that her agency had expected a \$36,000 deficit once the audit for the 2002 fiscal year was completed, down from a 2001 deficit of \$55,280. In fact the 2002 audit - which was completed last summer - showed a deficit of \$187,000, records show.

Overcharges, cash advances

According to the audit, Horvath transferred the funds by either overcharging for administrative and other contractual service costs or by cash advances for services that were not performed.

Horvath approved invoices by herself and did not provide timely financial statements, which "allowed these practices to go on longer than they should have," auditors wrote.

Original URL: <http://www.jsonline.com/news/metro/nov03/187840.asp>

La Causa draws auditors' scrutiny

State questions non-profit's spending, \$1.6 million deficit

By MARY ZAHN
mzahn@journalsentinel.com

Last Updated: Nov. 25, 2003

A multimillion-dollar agency that cares for hundreds of abused and neglected children and their families is facing a potential \$1.6 million deficit, as auditors raise questions about its future, records show.

La Causa Inc., 1501 S. Layton Blvd., a bilingual, multicultural agency that works with needy children and families, is one of three organizations under contract with the Bureau of Milwaukee Child Welfare to provide services to families at five community sites.

La Causa, which celebrated its 30th birthday last year, also runs a child care center, educational programs including a charter school, and a gallery specializing in Mexican art. More than \$15 million in federal and state grants - or about 84% of its budget - support the agency's programs.

Among items questioned by state auditors was a 59% jump in administrative costs between 2001 and 2002 and a larger number of top managers than the two agencies running the four other Milwaukee child welfare sites.

In addition, federal tax records show that in 2002, three La Causa executives received pay increases of 9% to 21%. By the end of that year and continuing into 2003, the agency was in arrears on more than \$300,000 in federal payroll taxes, records show.

La Causa's own 2002 agency-wide audit - which was submitted to the state last month - lists no cash or investments as assets.

"La Causa is in great financial difficulty, and we are very concerned about that," said Kitty Kocol, administrator of the state Division of Children and Family Services. "This agency is also a tremendous economic anchor in the community, and we are trying to work with them through these problems. We are trying to be fair and at the same time hold them accountable."

'Cost-reduction plan'

In an interview last week, David Espinoza, La Causa's president and chief executive, said that in June the agency began cutting salaries of top managers and reducing staff. The budget, he said, should be balanced by the end of 2004.

Espinoza said he was unaware of how serious the agency's financial problems were until the state and internal agency-wide audit were completed earlier this year. No previous audits of La Causa indicated serious financial problems, he said.

"We have made significant progress," Espinoza said. "We now have a clear picture and have implemented a cost-reduction plan. We are taking it very seriously. The organization grew faster than the fiscal systems we had in place. We are correcting that very quickly."

Kocol said the agency must reduce its administrative costs and show the state a plan on how it intends to address the financial shortfalls without reducing services to children and families.

Salary rollbacks

Espinoza said the La Causa board of directors approved his 5% raise in 2002 along with his benefits and deferred compensation. He said he approved the salary and benefit increases for the three other top executives in 2002 because of "the volume of work they had" and reported the increases to the board.

As of June, he said, all of his current four top executives, as well as himself - have had their salaries cut to at - or below - the 2001 levels. He said he is now paid \$105,000, and the salaries of the executives range from \$60,000 to \$100,000. That compares with his 2002 salary of \$121,614 and a range of \$88,615 to \$111,250 for the executives, records show.

Federal tax records filed by the agency's accountants with the Internal Revenue Service for 2001 and 2002 had contradictory numbers on executive benefits and will be corrected, Espinoza said.

For instance, the IRS records showed a 700% increase from 2001 to 2002 in benefits and deferred compensation for Espinoza, while new numbers supplied by La Causa to the Journal Sentinel last week showed a 6.4% increase.

The 2001 numbers filed with the IRS reported only a small portion of the employee benefit package and the 2002 filings reported "every single" benefit he has, including health and dental insurance, he said.

Espinoza said he has also donated about \$30,000 in deferred compensation back to the agency.

The audit by the state Office of Program Review and Audit involved only the \$5.2 million contract the agency has with the state Bureau of Milwaukee Child Welfare. Those records were released to the Journal Sentinel last week.

Among the state findings:

Credit-card charges

Thousands of dollars in agency expenses were charged to personal credit cards - including \$24,144 for a professional lobbyist. The auditors were told that personal credit cards were used to help manage cash flow. Auditors discovered that the agency had submitted \$9,992 of the lobbyist bill to the state for payment under the category of administrative expenses. State officials are looking at ways the agency can repay the money, Kocol said.

"That was an oversight on our part," Espinoza said. "That will not happen again."

More managers

La Causa had more highly paid managers than other child welfare agencies with comparable state contracts. In 2001, the agency listed 18 agency employees who earned \$50,000 or more, federal tax records show. The two other agencies operating child welfare sites for the Milwaukee Bureau of Child Welfare each listed four employees paid at that level.

"The difference is that we run an entire agency with four different divisions, and the other two do not have as many programs," Espinoza said.

La Causa also had a larger caseload than the other agencies for part of 2002, and that contributed to increased administrative costs, he said. The other agencies are Wisconsin Community Service Network and Innovative Family Partnership Inc.

Records in disarray

The agency's financial records were in such disarray that auditors were unable to determine why agency transportation expenses increased from about \$65,000 to about \$226,000 between 2001 and 2002, with a projected drop to \$81,000 at the end of 2003.

"The auditors discovered that there were costs charged to the wrong program and there was revenue posted to the wrong

accounts," said Patrick Cooper, director of the state Office of Program Review and Audit. "Their ledger did not reconcile with what they were billing."

The agency tripled in size in recent years, and Espinoza said its fiscal accounting did not keep up with the agency's growth. Those problems are now being corrected, he said.

Balance sheet

La Causa's internal audit stated that the agency began this year with a \$1.2 million deficit, had liabilities that exceeded its assets by more than \$4.3 million and that as of August faced another potential loss of \$700,000 for 2003. However, Espinoza said that because of cost-cutting measures initiated earlier this year, the additional deficit is expected to be about \$475,000.

"Those factors create an uncertainty about the organization's ability to continue as a going concern," the agency's auditor wrote. He noted that the agency has a five-year cost-reduction plan to address the deficit and that "the ability of the organization to continue . . . is dependent upon acceptance of the plan by . . . bank creditors and the plan's success."

From the Nov. 24, 2003 editions of the Milwaukee Journal Sentinel



In Their Best Interests, Inc.

2929 W. Highland Boulevard * Milwaukee, WI 53208
Phone (414) 344-1220 * Facsimile (414) 344-1230

August 23, 2004

Governor James Doyle
State of Wisconsin
P.O. Box 7863
Madison, WI 53707-7863

Attorneys Marcia Lowry and Eric Thompson
Children's Rights, Inc.
404 Park Avenue South, 11th Floor
New York, NY 10016

Dear Governor Doyle and Attorneys Lowry and Thompson:

Today's release of data in the Period 2 Settlement Agreement of the *Jeanine B.* lawsuit on behalf of foster children in Milwaukee County presents some good news. We are pleased to see the Bureau of Milwaukee Child Welfare making progress toward meeting settlement goals, particularly the reduction in case load sizes and progress toward meeting the requirements of the Adoption and Safe Families Act.

At the same time, we are concerned about the usefulness of some of the data reported, and whether or not the data reported is truly representative of the situation of foster children in Milwaukee County. Specifically, the *Jeanine B.* settlement agreement made use of a baseline in the measure of length of stay that is no longer representative of the number of children in foster care here.

Item I.B.4, Length of Stay, measures how many children are in foster care for more than 24 months. According to the measure established in the settlement agreement (a measure that uses a baseline of 5533 children in foster care), only 32.1% of Milwaukee foster children are in foster care for 24 months or longer. This 32.1% number meets the settlement requirement that no more than 35% of foster children can be in foster care for 24 months or more. However, there are nowhere near 5533 children in foster care in Milwaukee County. The number of children in foster care has held steady between 3400 to 3500 for the first six months of 2004. Using the actual number of children in foster care as a baseline would show that approximately 49% of foster children have been in foster care for 24 months or more – a number that is not even close to compliance with 35% goal established in the settlement agreement.

The point of the *Jeanine B.* lawsuit was to improve conditions for real live foster children in Milwaukee County, not to show improvements against a baseline that overestimates the number of children in foster care by more than 2000 children,

We respectfully request that:

- 1) you reconsider the baseline in the settlement agreement to show the actual number of children in foster care, or
- 2) at a minimum, calculate the data in the reports to show both the settlement baseline and the actual number of children in foster care.



One of the most positive aspects of the public settlement reports is the growing attendance at the public meetings. Many in the foster care community discuss how foster children are truly the children of the community. These meetings are a great way for the community to get to know their foster children.

In that light, it is critical that the settlement reports meet the intent as well as the letter of the settlement. As another example, today's settlement report presents the safety of children in foster care as both good news and bad news. BMCW meets the safety standard using six month data, but projects that it will fail to meet the standard by the end of the year using its own annualized data. Still, the item is presented as a success. Surely, there must be a way to present the data so that the community can be engaged in a broader discussion of how to keep children safe in foster care, rather than using the same data to show that kids are both safe and not safe, depending on how one looks at the data.

We hope that future Settlement Reports will provide more comprehensive information regarding re-entry rates, maltreatment of foster children in foster home placements, staff turnover rates, and multiple placements of children in foster care.

We support the progress that has been made under the settlement agreement. At the same time, we hope that the parties can use the opportunity of the settlement reports to get straightforward information to the community about how foster children are faring. Clearly, BMCW is making progress toward settlement goals. That progress is blurred when outdated baselines are included without explanation, and when the same data is presented as good news new at the halfway point, and bad news at the finish line.

We know that you share our commitment to better outcomes and life opportunities for foster children. We will all do a better job of helping foster children if we can keep our focus on the real children in real foster placements.

Thank you for your consideration.

Sincerely,



Susan Conwell
Co-Director

In counting child fatalities, we need to improve our math

By SUSAN CONWELL

How long has it been since you took a standardized test?

Given the choice between word problems and 20 lashes with a wet noodle, most people I know would request the noodle.

The problem is that our collective paralysis at the combination of words and numbers makes us easy targets. We end up with pension scandals. We can't keep track of who is doing what with our individual retirement accounts. And worse.

Our problem with numbers isn't limited to money; it has a direct impact on the safety of our children.

Try these word problems, based on the state's own statistics:

Problem One

Q. A child welfare agency has 50 staff members. Twenty of them leave their jobs over a six-month period. What is the staff turnover rate?

A. The state says 6.2%. What's your answer?

State staff members tell me they get their answer by counting positions that remain unfilled. For example, if a child welfare agency loses 11 staff members in one month but fills nine of the positions that same month, only two positions have turned over. In my opinion, that definition of turnover defies human experience. Try telling the foster children and co-workers of the 11 staff members leaving that month that only two positions have turned over.

Problem Two

Q. In March 2003, the state reported that in 2000, three children had died in foster care in Milwaukee County (none due to abuse or neglect) and that in 2001, only one foster child had died in Milwaukee County, this one due to abuse or neglect. The state reported that no other Milwaukee County foster children had died in 2001. How many Milwaukee County foster children died in 2000 and 2001 combined?

A. The current answer is 15 — not four — and counting. The 15 deaths do not include children who died while their cases were being investigated, who died in Safety Services programs, who died while siblings were under court order or who died following reunification.

How well are our systems functioning if we can't check the math? The child fatality problem, in particular, keeps me up at night. It's one thing to offer inventive definitions of staff turnover rates; it's quite another to miscount child fatalities. It seems as if the State of Wisconsin has better data on the number of deer dying of chronic wasting disease than on the number of children who die in foster care.

Sadly, there is a long history of making advances in child safety based on the argument

that children should have at least as much protection as animals. Perhaps the Department of Natural Resources should be keeping track of child fatalities.

There are many more of these word problems about children's issues. Except this isn't a test; it's the real thing. All of these numbers represent real kids and real families.

How did we get in this mess? There is plenty of blame to go around. However, the lion's

share must be borne by the Division of Children and Family Services for losing track of foster children and abandoning common-sense measurements of turnover.

Who is holding the division accountable? Very few of the politicians who hug babies before elections provide leadership on children's issues afterward. None of the legislators appointed to the Bureau of Milwaukee Child Welfare Partnership Council for the purpose of monitoring child safety and well-being bothered to attend the last meeting.

The press has given the issue too little attention. There have been

many Page One articles on chronic wasting disease but far fewer on children. Too few people who are advocates for children really check the math.

The tragedy is that these kinds of numbers games serve no one. They create distrust in the community and undermine our ability to support and understand the good work done by the state's family services division and child protection staff in the field.

Real people with very challenging jobs respond to each child fatality. My guess is that more than a few of them know the difference between four child fatalities and 15 and are aware that more than a handful of co-workers have gone on to other employment. Certainly, anyone who knows a child or family in the child protection system can tell the difference.

So what are we to do? As usual in a democracy, the solution is up to us. We can't let bureaucrats tell us, as I have been told, that the family services division can't properly monitor child fatalities because there isn't an appropriate data field in the division's new computer system. This is the same computer system that cost \$13.5 million over the last three years and has a budget appropriation of \$5.4 million for 2004-05. What's the price of an extra data field?

The state's effort to monitor chronic wasting disease in deer is instructive. Though the illness wasn't well recognized at the time, the DNR somehow found a way to count ailing deer. It is a question of priorities and public attention.

We the people have to get out our calculators and start checking the state's math on child safety. Either that, or expand the duties of the DNR.

Susan Conwell is co-director of In Their Best Interests, a non-profit Milwaukee organization that serves as an advocate of children in foster and kinship care.



TESTIMONY BEFORE THE LEGISLATIVE AUDIT COMMITTEE**SEPTEMBER 23, 2004****SUBMITTED BY****MARC HERSTAND, EXECUTIVE DIRECTOR****NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER**

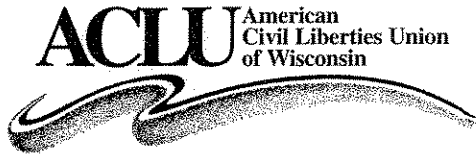
Senator Roessler, Representative Jeskewitz and members of the Legislative Audit Committee. My name is Marc Herstand. For the last twelve years I have served as the Executive Director of the National Association of Social Workers, Wisconsin Chapter. We represent over 2400 social workers from all regions of the state. Our members work in all aspects of social work practice include schools, nursing homes, hospitals, outpatient mental health clinics, community based organizations, county human services departments, colleges and universities and the State of Wisconsin.

NASW WI has been greatly concerned about the provision of child welfare services in Milwaukee County since prior to the ACLU lawsuit in 1992 and the state takeover of the child welfare system a number of years later. NASW WI has members working in both the public and private sector of child welfare so we have a mixed perspective on this issue. While we have raised very serious concerns about privatization and the dismantling of Milwaukee County's involvement in child welfare, we recognize that some private sector groups do an admirable job providing these services.

NASW WI strongly supports the request for an audit of the Bureau of Milwaukee Child Welfare in the Department of Health and Family Services.

The privatization of services for abused and neglected children in Milwaukee has created a very complex system that needs continuous monitoring. As previously mentioned, although some agencies have reportedly done an excellent job with their contracts, with other agencies there have been problems with unacceptable turnover rates of staff and supervisors reaching as high as 51%, inconsistency in services due to staff turnover, lack of minimum professional qualification of child welfare staff, minimum oversight and/or quality control of subcontract agencies and even mis application of funds. I understand that about half the nearly 3400 children under the care of the BMCW have been in care more than 24 months, which far exceeds the timeframe expected by the Adoption and Safe Families Act, which requires that any child in care for 15 of the last 22 months must be considered for a termination of parental rights and placement for adoption. We also believe that the training and supervision of the direct service providers needs to be confirmed and monitored.

NASW WI believes that these issues of staff turnover, quality control of services provided, training and supervision of direct service providers and qualifications of staff by provider or subcontractor agencies need to be very closely monitored. NASW WI believes that the State of Wisconsin should continue to monitor and audit the Bureau of Milwaukee Child Welfare to ensure that our most vulnerable citizens-abused and neglected children, receive the level of professional services they need.



Joint Legislative Audit Committee Hearing

Thursday, September 23, 2004

Madison, Wisconsin

Statement of American Civil Liberties Union of Wisconsin and Children's Rights

Karyn L. Rotker, Attorney for ACLU of Wisconsin

RE: Proposed Audit: Department of Health and Family Services, Bureau of Milwaukee Child Welfare

The ACLU of Wisconsin and Children's Rights have been pursuing child welfare reform in Milwaukee for more than a decade. We urge this Committee to support the proposed audit of the state's Bureau of Milwaukee Child Welfare.

Our offices first filed a lawsuit against the County and the State on behalf of children affected by the County's under-staffed, under-funded, and unsupported child welfare program in 1993. At that time, caseloads topped 100 per caseworker, and children languished for years, frequently in abusive foster homes, without a single visit from those caseworkers, and with little hope of ever being placed in a permanent home. As a result of our lawsuit, the State decided to takeover the County-run system effective January 1998, creating the Bureau of Milwaukee Child Welfare (BMCW). The transition was rocky and as more children fell through the cracks, more legal action was required.

Two years ago, in 2002, we entered into a negotiated settlement with the State. The settlement requires the BMCW to meet caseload standards, visit children in foster homes at least monthly, and reduce both the incidence of maltreatment in care and the length of time children spend in Bureau custody without a permanent home. Pursuant to the settlement, the Bureau's Program Evaluation Managers (PEMs) review State data semi-annually, principally data obtained from the State's automated system, WiSACWIS. The PEMs report on the Bureau's compliance with the settlement provisions. The PEMs produce an additional annual comprehensive settlement report based on individual case reviews for each BMCW program area.

Plaintiffs' attorneys continue to monitor the status of promised reforms closely. Great strides have been made in lowering caseloads, which are now at historic lows. More than 95% of foster children have documented face-to-face contacts with their caseworkers on a monthly basis. Children are no longer parked in shelters for lack of an available foster home. Allegations of maltreatment of foster children are promptly investigated. And a record number of adoptions have secured permanent homes for many Milwaukee children.

Despite enormous progress, the Bureau has yet to achieve full compliance with the settlement agreement. We know that the system is still failing individual children.

A corrective action plan negotiated between plaintiffs' attorneys and the Bureau is addressing settlement measures with which the Bureau is non-compliant, such as the percentage of foster children in care more than two years and the high number of placement moves to which those children are subjected. We are also carefully monitoring a recent increase in child maltreatment while in care.

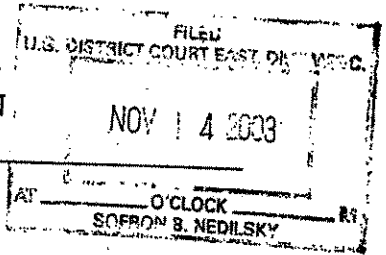
We note that much of the settlement reporting is based on WiSACWIS computer data without independent verification or analysis as to the quality of the service being provided. For example, now that most caseworkers are documenting regular monthly visits in the computer system, a substantive review of a representative sample of those contacts would confirm whether or not those contacts are in fact occurring and are assuring that the visited child is safe and receiving needed services.

Other very real and significant challenges remain which the lawsuit does not and cannot control directly. For example, the PEM settlement reports have tracked - for reporting purposes only - the inordinately high turnover rate in case manager positions. At the current rate, nearly half of the caseworkers employed by the Bureau at the beginning of the year will not finish out the year with the Bureau. This and other management issues, including the financial instability of at least one of the private case management providers, continue to jeopardize the progress being made.

In addition, plaintiffs' attorneys only represent the class of children in Bureau custody. As a result, the settlement is not focused on the Bureau's protective services program that addresses the intake and investigation of reports of child abuse and neglect and the decision whether to take a child into protective custody in the first place. We are particularly concerned about the functioning of the after-hours hotline, where reportedly employees at an answering service - not caseworkers - answer the phones and screen reports of abuse and neglect at night and on weekends. In light of the dramatic drop in the number of children in foster care custody in Milwaukee over the past three years, it is an open question whether all abused and neglected children known to the Bureau are being adequately protected. Other elements that are not specifically tracked or analyzed under the settlement agreement currently and would benefit from an outside audit include: recruitment and retention rates for foster homes, the quality of independent investigations of maltreatment in care, and the quality and adequacy of casework supervision.

An audit would help evaluate those portions of the settlement with which the Bureau is noncompliant, and investigate other issues of grave concern to children and families in the foster care system that are outside the scope of the settlement agreement. While we acknowledge that the State has devoted substantial resources and effort to reform child welfare in Milwaukee, this Committee should support a long overdue audit of how these resources are in fact being utilized.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN



JEANINE B., et al.,

Plaintiffs,

v.

Case No. 93-C-547

JAMES DOYLE, et al.,

Defendants.

ORDER MODIFYING DECEMBER 3, 2002 SETTLEMENT AGREEMENT

Upon joint motion of the parties, and for good cause shown, it is hereby
ORDERED:

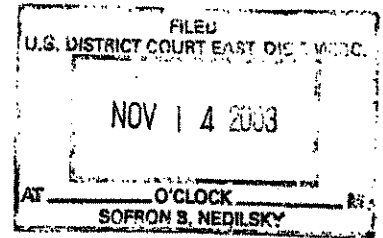
That Section I.B.3 of the December 3, 2002 approved Settlement Agreement is hereby modified by striking the provision therein that: "The percentages shall be calculated against a baseline of 1146 children." The Modified Settlement Agreement reflecting this change will be endorsed by the Court on this date.

Dated: 11/14, 2003.


HON. RUDOLPH T. RANDA, U.S.D.J.

Copy mailed to attorneys for parties by the Court pursuant to Rule 77 (d) Federal Rules of Civil Procedures.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN



JEANINE B., by her next friend :
Robert Blondis, et al., : CLASS ACTION
:
Plaintiffs, :
:
v. :
:
JAMES DOYLE, et al. : CIVIL ACTION
:
:
Defendants. : NO. 93-C-0547

ORIGINAL

MODIFIED SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs brought this lawsuit by class action complaint filed June 1, 1993, seeking declaratory and injunctive relief against the Governor and other defendant officials of the State of Wisconsin and of Milwaukee County, based on alleged system-wide deficiencies in the Milwaukee child welfare system; and

WHEREAS, in response to the lawsuit, the State Defendants implemented a State takeover of the child welfare system in Milwaukee County, effective January 1, 1998, for the purpose of improving the safety and well-being of the plaintiff class of children; and

WHEREAS, Plaintiffs filed a Supplemental Complaint on June 2, 1999, and an Amended Supplemental Complaint on December 1, 2000, alleging continuing deficiencies of the child welfare system in Milwaukee; and

WHEREAS, the State Defendants have achieved needed reforms significantly improving the safety and well-being of the plaintiff class of children in the custody of the Bureau of Milwaukee Child Welfare (BMCW); and

WHEREAS, the State Defendants recognize that this lawsuit has helped achieve those reforms;

NOW THEREFORE, in consideration of the undertakings set forth herein and intending to be legally bound thereby, it is stipulated and agreed to by the Plaintiffs and the Defendants, represented by their undersigned counsel, that all of Plaintiffs' claims for relief which were or could have been asserted in this action shall be fully resolved on the following terms as set forth in this Settlement Agreement.

Copy mailed to attorneys for parties by the Court pursuant to Rule 77 (d) Federal Rules of Civil Procedures.

I. ENSURING PERMANENCE, SAFETY AND CHILD WELL-BEING

A. Child welfare outcomes for plaintiff class children and performance measures of child welfare practice improvements will be phased in over three one-year periods beginning January 1, 2003, January 1, 2004 and January 1, 2005, respectively. Those periods are respectively referred to hereinafter as Period 1, Period 2 and Period 3. If defendants are not in compliance with a requirement of this Agreement at the end of Period 3 as acknowledged by defendants or determined by the arbitrator, the Period 3 requirement remains in effect until defendants comply, governed by provisions of this Agreement relating to that requirement unless the parties mutually agree to termination or modification.

B. Permanence

1. The parties will negotiate in good faith as soon as practicable with the Milwaukee County District Attorney to ensure adequate legal representation for the prosecution of termination of parental rights (TPRs) petitions, consistent with ASFA requirements.

2. At least the following percentages of children in BMCW custody reaching 15 of the last 22 months in out-of-home care during the period shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. In accordance with the court's decision of June 19, 2001, plaintiffs are prohibited from challenging or asking the arbitrator or federal district court to alter defendants' discretionary determination that one or more of ASFA's exceptions apply, where defendants have documented an available exception. Placement with a relative in a particular case and documentation that TPR is not being pursued because of that placement satisfies the ASFA relative placement exception requirement.

Period 1	65%
Period 2	75%
Period 3	90%

3. At least the following percentages of children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case by the end of the period. In accordance with the court's decision of June 19, 2001, plaintiffs are prohibited from challenging or asking the arbitrator or federal district court to alter defendants' discretionary determination that one or more of

ASFA's exceptions apply, where defendants have documented an available exception. Placement with a relative in a particular case and documentation that TPR is not being pursued because of that placement satisfies the ASFA relative placement exception requirement.

Period 1	75%
Period 2	85%
Period 3	90%

4. If the State does not obtain a federal Title IV-E waiver allowing subsidized guardianship before January 1, 2003, then no more than the following percentages of children in BMCW out-of-home care within the period shall be in care for more than 24 months. The percentage shall be calculated against a baseline of 5533 children in BMCW out-of-home care.

Period 1	40%
Period 2	35%
Period 3	25%

5. If the State successfully obtains a federal Title IV-E waiver allowing subsidized guardianship before January 1, 2003, then no more than the following percentages of children in BMCW out-of-home care within the period shall be in care for more than 24 months. The percentage shall be calculated against a baseline of 5533 children in BMCW out-of-home care.

Period 1	40%
Period 2	30%
Period 3	20%

6. At least the following percentages of children who are reunified with parents or caretakers at the time of discharge from BMCW out-of-home care within the period shall be reunified within 12 months of entry into care.

Period 1	to be monitored only
Period 2	65%
Period 3	71%

7. At least the following percentage of children for whom an adoption is finalized within the period shall exit BMCW out-of-home care within 24 months of entry into care.

Period 1	20%
Period 2	25%
Period 3	30%

C. Safety

1. No more than the following percentages of children in BMCW custody shall be the victims of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed.

Period 1	.70%
Period 2	.65%
Period 3	.60%

2. At least the following percentages of reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days.

Period 1	80%
Period 2	85%
Period 3	90%

3. At least the following percentages of reports referred for independent investigation within the period shall be assigned to an independent investigator by the independent investigation agency within three business days of the independent investigation agency's receipt of the referral from BMCW.

Period 1	80%
Period 2	85%
Period 3	90%

4. The determination required by section 48.981(3)(c)4. of the Wisconsin Statutes must be made within 60 days of receipt of the referral by the independent investigation agency in at least the following percentages of independent investigations referred by BMCW.

Period 1	80%
Period 2	85%
Period 3	90%

D. Child Well-Being

1. BMCW shall ensure that ongoing case managers shall have caseloads not to exceed an average for each BMCW case management Site of 11 families per case-carrying manager. Compliance with this requirement at any given point in time shall be measured by averaging each Site's current monthly caseload average with the corresponding Site averages for the preceding 2 months.
2. The above provision shall be phased in incrementally and shall be fully effective by Jan. 1, 2004, but not enforceable until April 1, 2004. During the phase-in period, commencing January 1, 2003, no Site shall have average caseloads of over 13 families per case-carrying ongoing case manager.
3. By January 1, 2003, and thereafter for the duration of this agreement, BMCW will include a contract holdback provision in its BMCW Site case management contracts for each BMCW case management site that will impose a sufficient holdback on each site that does not meet 90 % compliance with monthly face-to-face visits of children in BMCW custody by their case manager.
4. BMCW will enforce the monthly face-to-face visits holdback provisions in case of noncompliance for the months beginning with July, 2003.
5. The use of shelter placements shall be phased out entirely.
6. By December 31, 2003, and thereafter, no child shall be placed in a shelter.
7. By December 31, 2003, BMCW shall develop special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers shall not exceed 30 days, or 60 days if the placement is extended in accordance with applicable state law.
8. The Division of Children and Family Services shall make its best efforts to seek legislative approval of foster parent reimbursement rates consistent with USDA standards.
9. At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-care episode. Those

children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

Period 1	80%
Period 2	82%
Period 3	90%

II. NAMED PLAINTIFFS

BMCW will supply Plaintiffs' counsel with quarterly updates of the named plaintiffs' case records until an adoption is finalized, a permanent guardianship order is entered or the child is no longer in BMCW custody. The parties will engage in monthly good faith discussions concerning the appropriateness of the care and treatment of the named plaintiffs until an adoption is finalized, a permanent guardianship order is entered or the child is no longer in BMCW custody, except that defendants agree to the post-adoption services described below. In the event that the parties dispute appropriateness of the services and treatment plans to be provided prior to adoption for the named plaintiffs, the parties will refer the dispute to the arbitrator for a resolution that is binding on the parties. Notwithstanding V.C., before the parties can move the court for termination of the Agreement, the parties must agree, or the arbitrator must determine, that as to any of the named plaintiffs who has not had an adoption finalized or a permanent guardianship order entered, and who is still in BMCW custody, the defendants have substantially complied with the corresponding section below.

- A. **Danny C. and Frank M.** BMCW shall continue to pursue the adoption of Danny C. and Frank M. by their current foster parents, and shall provide individual post-adoption counseling for both boys as long as it is recommended by their therapist and consented to by their foster/adoptive parents.
- B. **Corey H.** BMCW shall continue to pursue the adoption of Corey H. by identifying and approving a qualified adoptive family with whom he can be placed as soon as practicable. All necessary services identified by BMCW will be provided to continue to support an adoptive placement. Additionally, BMCW shall ensure that he remains eligible for Title XIX medical coverage post-adoption through an adoption subsidy agreement.
- C. **Julie R.** BMCW shall continue to pursue the adoption of Julie R. by her current foster parent, shall continue to make efforts to keep Julie R. placed in a home with her sisters, shall continue to provide mentoring services to her and shall continue to coordinate special education services for her. Additionally, BMCW shall assure that she remains eligible for Title XIX medical coverage post-adoption through an adoption subsidy agreement.