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Details: Audit Report 06-1 and Report 06-2, Milwaukee County Child Welfare, Department of Health and Family Services

(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2005-06

(session year)

## Joint

(Assembly, Senate or Joint)

## Committee on Audit...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)

## Frequently Asked Questions About NCCPR

**Q: What is NCCPR?**

A: The National Coalition for Child Protection Reform is a non-profit organization dedicated to making the child welfare system better serve America's most vulnerable children.

**Q: Who are the members?**

A: Some of the nation's leading experts on child abuse, foster care and family preservation. NCCPR is not a general membership organization.

**Q: Why was NCCPR formed?**

A: The members of NCCPR believe that many children taken from their homes and placed in foster care don't need to be there. These children could have been safely kept in their own homes.

**Q: Why is this a problem?**

A: Being taken from everything loving and familiar is among the worst emotional blows that any child can suffer. It can leave lifelong scars. In addition, there is far more abuse in foster care than generally realized. Wrongfully removing a child from his parents can actually place that child at greater risk of child abuse and neglect.

**Q: Isn't foster care used only in the most severe cases of abuse?**

A: No. Although some parents really are brutally abusive or hopelessly addicted, many more are not. Some accused parents are innocent of any wrongdoing. In other cases, the family is poor, and that poverty has been confused with child "neglect." In still other cases, the parent is neither all victim nor all villain, but any problems in the family could have been solved with the right kind of help, while keeping the family together safely. We believe that no child should ever be removed from the child's family for neglect alone, unless the child is suffering, or is at imminent risk of suffering, identifiable, serious harm that cannot be remediated by services.

**Q: What should be done instead?**

A: That depends on the case. Sometimes, the best thing child protective services can do is apologize to an innocent family, close the door and go away. In other cases, basic

help to ameliorate the worst effects of poverty may be all that is needed. For example, a family living in dangerous housing may simply need enough emergency cash to pay a security deposit on a better apartment. In more serious cases, Intensive Family Preservation programs have kept together tens of thousands of families that child protective services was prepared to tear apart – and they've done it with a better safety record than foster care (See NCCPR Issue Papers 1, 10 and 11). Other states and localities have gone further, creating entire systems of care that reduce the number of children in foster care while making children safer. Other innovations, such as the Annie E. Casey Foundation's Family to Family initiative and the Center for the Study of Social Policy's Community Partnerships for Child Protection also show great promise as ways to keep children safely with their own parents. (The Casey foundation also helps to fund NCCPR).

**Q: Should these options be used in every case?**

A: No. Those of us who advocate for less use of foster care often are smeared with the accusation that we favor "family preservation at all costs." That is nonsense. There are some cases in which the only safe alternative for a child is to remove that child from the home – and advocates of reform always have recognized this. The real problem is a child welfare establishment bent on foster care at all costs.

**Q: What if the parent is addicted to drugs?**

A: Then drug treatment geared to the needs of families should be available immediately to any parent who needs it.

**Q: Why bother helping such a parent?**

A: Because children typically do better with birth parents when those birth parents can care for them. A University of Florida study found this was true even for children born with cocaine in their systems (See NCCPR Issue Paper 13). It is very difficult to take a swing at a "bad mother" without the blow landing squarely on her child.

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## Frequently Asked Questions (continued)

**Q: But isn't using foster care a matter of "erring on the side of the child?" Doesn't it at least ensure that a child is safe?**

A: No. As noted above, taking a child when there has been no abuse in the home is, in itself, an abusive act. A young child often will assume that he has done something terribly wrong, and now is being punished. For other children, the experience can be as traumatic as a kidnapping. And that's even if the child is placed in a good foster home. Most foster parents try to do the best they can for the children in their care (like most parents, period). But the size of the abusive minority is alarming. That minority grows when more and more children are taken into care, forcing agencies to lower standards and overcrowd foster homes. These conditions also can lead to foster children abusing each other (see NCCPR Issue Paper 1). Overall, real family preservation programs, like those we advocate, have a better track record for safety. For most children most of the time, family preservation *is* erring on the side of the child.

**Q: What is a "foster care panic"?**

A: A foster care panic typically is set off after the death of a child "known to the system." Politicians scapegoat family preservation even if the child was never in a real family preservation program. In response, huge numbers of children are suddenly yanked from their homes, overwhelming foster homes and the entire child protective system.

**Q: What is the result of such a panic?**

A: All the problems of foster care are magnified. Children are warehoused in offices or jammed into overcrowded foster homes. Abuse of foster children becomes

even more common. And because workers are overwhelmed with children who don't need to be in foster care, their caseloads soar, leaving them even less time to make critical life and death decisions. As a result, more cases of real abuse are overlooked. In several jurisdictions that have experienced these panics, total child abuse deaths have actually increased. (See NCCPR Issue Paper 2).

**Q: When you say child abuse deaths have increased, do you mean deaths of foster children?**

A: No. We mean the total number of child abuse deaths in that community, including deaths of children in their own homes. The deaths increase because workers have even less time to find children in real danger.

**Q: How does NCCPR try to change the system?**

A: Primarily by seeking to influence public opinion. Because of widespread misconceptions about what really works and what really is safe, the climate has become poisonous to any reform effort that involves taking away fewer children. NCCPR seeks to detoxify this climate. NCCPR also provides some assistance to lawyers bringing suit to try to change the system. NCCPR cannot assist individuals with their cases.

**Q: Who funds NCCPR?**

NCCPR's national advocacy activities are funded by the Annie E. Casey Foundation, The Herb Block Foundation, and the Open Society Institute, a part of the Soros Foundations Network. We thank them for their support, but acknowledge that the views expressed in this publication are those of NCCPR alone and do not necessarily reflect the opinions of our funders.

*Updated, August 12, 2005*

## National Coalition for Child Protection Reform

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### **Who We Are**

For decades, America has engaged in a public monologue about child abuse. One group of think-alike, self-proclaimed "experts" has sought and received enormous public attention. They have painted a distorted picture of child maltreatment and encouraged us to create the failed system we have today.

These "experts," whose 19th Century counterparts proudly called themselves "child savers," tell us that we have a choice: Engage in massive destruction of families or accept the deaths of innocent children. In fact, the system they have created has given us both.

The professional community has been divided about how to deal with child abuse from the outset. We know that a system can be created which disrupts far fewer families, keeps far more children out of our destructive system of foster care, *and* protects more children from harm at the hands of their parents.

In the fall of 1991, experts in the field held a conference at Harvard Law School to organize a new group to take the case for child protection reform to the public. The National Coalition for Child Protection Reform is the result of that conference. We are committed to seeking comprehensive change in the child protective system. **We do not seek this change because the system hurts parents. We seek this change because the system hurts children.** Our hope is to turn the public monologue about child abuse into a dialogue.

This information package is our second, (the first deals with general issues concerning the child protective system and is available at our website: [www.nccpr.org](http://www.nccpr.org)). We have prepared this special information package about family preservation because we believe it is the most promising innovation in child welfare in decades -- and we believe that it is now endangered by a vicious and misleading campaign of vilification.

Although it highlights Intensive Family Preservation Services, the program for which the term "family preservation" was invented, that is not the only safe, sound alternative to taking children from their parents. Others are summarized in our publication, *Nine Ways to do Child Welfare Right*.

A list of our officers and Board of Directors follows.

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WHO WE ARE (Continued)

Officers:

**President: Prof. Martin Guggenheim**, former Director of Clinical and Advocacy Programs, New York University Law School; author *What's Wrong with Children's Rights?* (Harvard University Press: 2005).

**Vice President: Carolyn Kubitschek**, attorney specializing in child welfare law, former Coordinator of Family Law, Legal Services for New York City.

**Treasurer: Joanne C. Fray**, attorney with extensive experience with litigation involving the care and protection of children and termination of parental rights, Lexington, Mass.

Directors:

**Elizabeth Vorenberg, (Founding President)** former Assistant Commissioner of Public Welfare, State of Massachusetts; former Deputy Director, Massachusetts Advocacy Center; former member, National Board of Directors, American Civil Liberties Union.

**Prof. Annette Ruth Appell**, Associate Dean for Clinical Studies, William S. Boyd School of Law, University of Nevada, Las Vegas; former member of the Clinical Faculty, Children and Family Justice Center, Northwestern University Law School Legal Clinic, former Attorney and Guardian ad Litem, office of the Cook County, Ill. Public Guardian.

**Marty Beyer, Ph.D.**, Clinical Psychologist and consultant to numerous child welfare reform efforts.

**Ira Burnim**, Legal Director, Judge Bazelon Center for Mental Health Law, Washington, DC; former Legal Director, Children's Defense Fund; former Staff Attorney, Southern Poverty Law Center.

**Prof. Paul Chill**, Associate Dean, University of Connecticut School of Law.

**Prof. Dorothy Roberts**, Northwestern University School of Law; Faculty Affiliate, Dept. of Sociology, Faculty Fellow, Institute for Policy Research, Faculty Affiliate, Joint Center for Poverty Research, author *Shattered Bonds: The Color of Child Welfare* (Basic Civitas Books: 2002).

**Witold "Vic" Walczak**, Legal Director, Greater Pittsburgh Chapter, American Civil Liberties Union Foundation of Pennsylvania.

Staff:

**Richard Wexler, Executive Director.** Author, *Wounded Innocents: The Real Victims of the War Against Child Abuse.* (Prometheus Books: 1990, 1995).

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**Funding for national advocacy activities of the National Coalition for Child Protection Reform comes from grants from the Annie E. Casey Foundation, the Herb Block Foundation, and the Open Society Institute. We thank them for their support, but acknowledge that the views expressed in this publication are those of NCCPR alone and do not necessarily reflect the opinions of our funders.**

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## Index to Issue Papers

Frequently Asked Questions About NCCPR

Who We Are

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Introduction

1. Foster Care vs. Family Preservation: The Track Record on Safety
2. Foster Care Panics
3. They "Erred on the Side of the Child" -- Case Histories
4. Emotional Abuse
5. Who is in "The System"?
6. Child Abuse and Poverty
7. Child Welfare and Race
8. The Real Reasons for Child Abuse Deaths
9. The Unreasonable Assault on "Reasonable Efforts"
10. What is "Family Preservation"?
11. Does Family Preservation Work?
12. Financial Incentives
13. Family Preservation and Substance Abuse
14. Family Preservation and Adoption
15. Just Say No to the Orphanage

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## Introduction

A child dies at the hand of a parent.

Within days, sometimes hours, it is revealed that this child was "known to the system."

For most people, such a case is their introduction to the child welfare system. And naturally, they have one overriding question -- how could it have happened?

For more than a decade, politicians and self-proclaimed "child advocates" have suggested an answer that is simple, obvious -- and wrong.

They blame "family preservation." Or they blame a federal law that required states and localities to make "reasonable efforts" to keep families together. Or they blame both.

It is claimed that "family preservation" is at odds with "child protection." It is claimed that family preservation must be eliminated and the "reasonable efforts" clause repealed or amended in order to protect children. It was even claimed that the "reasonable efforts" clause caused children to languish in foster care. In fact, "reasonable efforts" was all that prevented the foster care crisis from being even worse.

**And now it *is* getting worse. The smear campaign against family preservation was successful. In 1997, Congress passed the so-called Adoption and Safe Families Act (ASFA), a bill which effectively makes optional what was once the "reasonable efforts" requirement in federal law. Congress was told this would reduce the number of children in foster care. In fact, it's done the opposite. Even during recent years when so many other social indicators improved -- crime declined, unemployment declined, even child abuse itself declined -- the foster care population kept going up, reaching a peak in 2000 and only recently beginning to decline. And, according to the most recent available data, *right now there still are at least 3,000 more children trapped in foster care than were there on the day ASFA passed.*<sup>1</sup>**

**A more reliable measure of system behavior is the number of children taken away over the course of a year. And that hit a record high of 303,000 in 2002.<sup>2</sup> The only hope for thousands of children rests with how states and localities choose to use the new power the federal government has given them. By and large, they have not used it**

**well.**

The demands to abolish family preservation and "reasonable efforts" come with some great applause lines. Such demands are said to involve "erring on the side of the child" or "defending children's rights" or "putting children first." But abolishing family preservation does nothing of the kind.

Rather, this approach requires the massive removal of children from one set of adults -- their parents -- to another set of adults, foster parents or orphanage workers, with the decisions made by still another set of adults, judges, lawyers and, especially, workers for government and private child welfare agencies. In the 19th Century such workers proudly called themselves "child savers." Abolishing family preservation puts child savers, not children, first. And when "child savers" come first, children come last.

"Putting children first" is a euphemism for taking more and more children away from their parents and placing them in foster care. But contrary to stereotype, **family preservation is safer than foster care.**

Those who oppose family preservation say they want to remove children from danger to safety. Often, it turns out to be the other way around.

The attempt to scapegoat "family preservation" has had disastrous consequences for children. Indeed, in some cases, the consequences have been fatal.

**Critics claim that family preservation "dominates" the system. But even with the recent decline, the number of children in foster care on any given day increased from 243,000 in 1982<sup>3</sup> to at least 523,000 today.<sup>4</sup> If those of us who advocate family preservation have been so "dominant," what are all those children doing in foster care?**

Critics claim children languish in foster care because of the "reasonable efforts" requirement. But relative to the total child population, there were as many children in foster care before "reasonable efforts" became law in 1980. Bad as things were before 1997, with the effective repeal of "reasonable efforts," they are getting worse.

Eliminating family preservation and  
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## Introduction (continued)

“reasonable efforts” guarantees the needless destruction of still more loving families, a far higher foster care population than necessary, and, worst of all, the senseless deaths of more children.

We know this, because these “solutions” already have been tried -- and failed. In the issue papers that follow, we explain what family

preservation is and what it is not. We compare the safety record of family preservation and foster care. We look at how the children who are really in the system compare with the stereotype.

And we look at what happened in cities and states where family preservation was abandoned in recent years.

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*Revised, December 16, 2004*

<sup>1</sup> As of March, 1998, four months after ASFA became law, there were 520,000 children in foster care, (U.S. Department of Health and Human Services, AFCARS Report #1, available online at <http://www.acf.hhs.gov/programs/cb/dis/afcars/publications/afcars.htm>) by September 30, 2003, the most recent data available, that figure was 523,000 (U.S. Department of Health and Human Services, *Trends in Foster Care and Adoption*, available online at <http://www.acf.hhs.gov/programs/cb/dis/afcars/publications/afcars.htm>)

<sup>2</sup> *Trends*, note 1, *supra*.

<sup>3</sup> Leroy Pelton, *For Reasons of Poverty: A Critical Analysis of the Public Child Welfare System in the United States*, (New York: Praeger, 1989) p.6.

<sup>4</sup> *Trends*, note 1, *supra*.



## Foster Care vs. Family Preservation: The Track Record on Safety

At the heart of the criticism of family preservation is one overriding assumption: If you remove a child from the home, the child will be safe. If you leave a child at home the child is at risk. In fact, there is risk in either direction, but **intensive family preservation programs have a better record of safety than foster care.**

To understand why, one must first understand one fundamental fact about foster care: It's not safe. Here's how we know:

- National data on child abuse fatalities show that a child is nearly twice as likely to die of abuse in foster care as in the general population.<sup>1</sup>

- A study of reported abuse in Baltimore, found the rate of "substantiated" cases of sexual abuse in foster care more than four times higher than the rate in the general population.<sup>2</sup>

- Using the same methodology, an Indiana study found three times more physical abuse and twice the rate of sexual abuse in foster homes than in the general population. **In group homes there was more than ten times the rate of physical abuse and more than 28 times the rate of sexual abuse as in the general population,** in part because so many children in the homes abused each other.<sup>3</sup>

Those studies deal only with reported maltreatment. The actual amount of abuse in foster care is likely to be far higher, since agencies have a special incentive not to investigate such reports, since they are, in effect, investigating themselves.

- In a study of investigations of alleged abuse in New Jersey foster homes, the researchers found a lack of "anything approaching reasonable professional judgment" and concluded that "no assurances can be given" that *any* New Jersey foster child is safe.<sup>4</sup>

- A lawyer who represents children in Broward County, Florida, says in a sworn affidavit that over a period of just 18 months he was made personally aware of 50 instances of child-on-child sexual abuse involving more than 100 Broward County foster children. The official number during this same period: Seven -- because until what the lawyer called "an epidemic of child-on-child sexual abuse" was exposed, the child abuse hotline didn't accept reports of such abuse.<sup>5</sup>

- Another Baltimore study, this one examining case records, found abuse in 28 percent of the foster homes studied -- more than one in four.<sup>6</sup>

- A study of cases in Fulton and DeKalb Counties in Georgia found that among children whose case goal was adoption, 34 percent had experienced abuse, neglect, or other harmful

conditions. For those children who had recently entered the system, 15 percent had experienced abuse, neglect or other harmful conditions in just one year.<sup>7</sup>

- A study of foster children in Oregon and Washington State found that nearly one third reported being abused by a foster parent or another adult in a foster home.<sup>8</sup>

- Even what is said to be a model foster care program, where caseloads are kept low and workers and foster parents get special training, is not immune. **When alumni of the Casey Family Program were interviewed, 24 percent of the girls said they were victims of actual or attempted sexual abuse in foster care.**

Furthermore, this study asked only about abuse in the one foster home the children had been in the longest. A child who had been moved from a foster home precisely because she had been abused there after only a short stay would not even be counted.<sup>9</sup> Officials at the program say they have since lowered the rate of all forms of abuse to "only" 12 percent, but this is based on an in-house survey of the program's own caseworkers, not outside interviews with the children themselves.<sup>10</sup>

This does not mean that all, or even many, foster parents are abusive. The overwhelming majority do the best they can for the children in their care -- like the overwhelming majority of parents, period. But the abusive minority is large enough to cause serious concern. And abuse in foster care does not always mean abuse by foster parents. As happened so often during the Illinois Foster Care Panic for example (see Issue Paper 2), and as the Indiana study and the Broward County data indicate, it can be caused by foster children abusing each other.

**Compare the record of foster care to the record of family preservation.** The original Homebuilders program (see Issue Paper 10) has served 12,000 families since 1982. No child has ever died during a Homebuilders intervention and only one child has ever died afterwards, more than a decade ago.<sup>11</sup>

Michigan has the nation's largest family preservation program. The program rigorously follows the Homebuilders model. Since 1988, the Michigan family preservation program has served 100,000 children. During the first two years, two children died during the intervention. In the decade since, there has not been a single fatality.<sup>12</sup> **In contrast, when Illinois effectively abandoned family preservation, there were five child abuse deaths in foster care in just one year. That's one reason the state subsequently reversed course.**

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## The Track Record on Safety (continued)

Several states and localities that have bucked the national trend and embraced safe, proven programs to keep families together, also have improved child safety.

One state that is leading the nation in reforming child welfare is the last state many people might expect: Alabama.

But Alabama is implementing a consent decree (*R.C. v. Hornsby*) resulting from a federal lawsuit requiring it to reframe its whole approach to child welfare by following family preservation principles.

Even with an increase in removals in recent years due to methamphetamine, Alabama still removes children at one of the lowest rates in the nation.<sup>13</sup> But re-abuse of children left in their own homes has been cut by 60 percent – to less than half the national average.<sup>14</sup>

**An independent, court-appointed monitor concluded that children in Alabama are safer now than before the system switched to a family preservation model. The monitor wrote that "the data strongly support the conclusion that children and families are safer in counties that have implemented the R.C. reforms."<sup>15</sup>**

Another leader is the County-run system in Pittsburgh and surrounding Allegheny County, Pennsylvania.

In the mid-1990s, the child welfare system in Pittsburgh was typically mediocre, or worse. Foster care placements were soaring and those in charge insisted every one of those placements was necessary.

New leadership changed all that. Since 1997, the foster care population has been cut by 30 percent. When children must be placed, more than half of children placed in foster homes stay with relatives and siblings are kept together 80 percent of the time.<sup>16</sup>

They've done it by tripling the budget for primary prevention, more than doubling the budget for family preservation, embracing innovations like the Annie E. Casey Foundation's Family to Family program, and adding elements of their own, such as housing counselors in every child welfare office so families aren't destroyed because of housing problems.

And as in Alabama, children are safer. As the foster care population has fallen, re-abuse of children left in their own homes also has declined<sup>17</sup> and there has been a dramatic, sustained drop in child abuse fatalities.<sup>18</sup>

Illinois also has improved child safety, even as it has dramatically reduced its foster care population (See Issue Paper 2).

### Why it works:

There are three primary reasons for the better safety record of communities that embrace safe, proven programs to keep families together.

- Most of the parents caught in the net of child protective services are not who most people think they are (see Issue Paper 5).

- When child welfare systems take family preservation seriously, foster care populations stabilize or decline. Workers have more time to find the children who really do need to be placed in foster care. (See Issue Paper 8).

- Family preservation workers see families in many different settings for many hours at a time. Because of that, and because they are usually better trained than child protective workers, they are far more likely than conventional child protective workers to know when a family can't be preserved -- and contrary to stereotype, they do place child safety first. (See Issue Paper 8).

Updated August 21, 2005

<sup>1</sup> About 0.73 percent of American children are in foster care, but 1.22 percent of child abuse fatalities are in foster care. U.S. Dept. of Health and Human Services, Administration for Children, Youth and Families. *Child Maltreatment 2002*, table 4-3, available online at [http://www.acf.hhs.gov/programs/cb/publications/cm02/table4\\_3.htm](http://www.acf.hhs.gov/programs/cb/publications/cm02/table4_3.htm) //2. Mary I. Benedict and Susan Zuravin, *Factors Associated With Child Maltreatment by Family Foster Care Providers* (Baltimore: Johns Hopkins University School of Hygiene and Public Health, June 30, 1992) charts, pp.28,30. //3. J William Spencer and Dean D. Kundsén, "Out of Home Maltreatment: An Analysis of Risk in Various Settings for Children," *Children And Youth Services Review* Vol. 14, pp. 485-492, 1992. //4. Leslie Kaufman and Richard Lezin Jones, "Report finds flaws in inquiries on foster abuse in New Jersey." *The New York Times*, May 23, 2003. //5. Affidavit of David S. Bazerman, Esq., *Ward v. Feaver*, Case# 98-7137, United States District Court, Southern District of Florida, Fort Lauderdale Division, Dec. 16, 1998, p.4. //6. Children's Rights, Inc., "Expert research report finds children still unsafe in Fulton and DeKalb foster care," Press release, Nov. 5, 2004. //7. Memorandum and Order of Judge Joseph G. Howard, *L.J. v. Massinga*, Civil No. JH-84-4409, United States District Court for the District of Maryland, July 27, 1987. //8. Peter Pecora, et. al., *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study* (Seattle: Casey Family Programs, 2005). //9. David Fanshel, et. al., *Foster Children in a Life Course Perspective* (New York: Columbia University Press, 1990), p.90. //10. *How Are The Children Doing? Assessing Youth Outcomes in Family Foster Care*. (Seattle: Casey Family Program, 1998). //11. Personal communication from Charlotte Booth, Executive Director, Homebuilders. Even in the one case in which a child died after the intervention, in 1987, Homebuilders had warned that the child was in danger and been ignored. //12. Personal Communication, Susan Kelly, former director of family preservation services, Michigan Family Independence Agency. //13. In 2003, the most recent year for which data are available, Alabama removed 13.5 children for every thousand impoverished children. The national average was 24.1. //14. Erik Eckholm, "Once Woeful, Alabama Is Model in Child Welfare," *The New York Times*, August 20, 2005. //15. Ivor D. Groves, *System of Care Implementation: Performance, Outcomes, and Compliance*, March, 1996, Exec. Summary, p.3. //16. Data from Allegheny County Department of Human Services, available online at <http://www.county.allegheny.pa.us/dhs/brochures/Permanency.pdf> //17. See *Annual Reports on Child Abuse*, published by the Pa. Department of Public Welfare, from 1996 through 2001, which have data on each year's rate at which children are re-abused after being left in their own homes. //18. Barbara White Stack, "For first time in 15 years, no child died of abuse, neglect here," *Pittsburgh Post-Gazette* Feb. 8, 2005.

## Foster Care Panics

We don't have to guess what will happen if opponents of family preservation get what they want. We don't have to guess what will happen if family preservation is effectively abandoned.

We don't have to guess, because it happened -- in Illinois in 1993, in New York City in 1996, and in Florida in 1999.

In April, 1993, three-year-old Joseph Wallace was killed by his mother. Joseph was "known to the system." "Family preservation" quickly became the scapegoat. It was attacked relentlessly by politicians and much of the media -- even though most of the programs in Illinois bore little resemblance to the effective, Homebuilders-based models used in other states (see Issue Paper 10).

As a result, workers and judges became terrified to leave or return any child home for fear of becoming the next target of politicians and the Chicago media. Almost all efforts to keep families together were effectively abandoned amid claims that such efforts contradict "child protection." Indeed, Illinois legislators added the words "best interests of the child" to their child welfare law in at least 30 different places to make sure everybody got the point.

**By 1996, a child was more likely to be placed in foster care in Illinois than in any other state. But instead of saving lives, child abuse deaths went up. They soared from 78 before family preservation was abandoned to 82 the first year after, to 91 in fiscal 1997.<sup>1</sup>**

That's not surprising. The abandonment of family preservation led to a foster care panic that overwhelmed the system to the point that it created a backlog of more than 5,000 uncompleted investigations.<sup>2</sup> In the first two years after the panic, the Illinois foster care population soared by 44 percent, overwhelming a system which even at its best is actually far more dangerous than family preservation. Child abuse deaths *in* foster care in Illinois went from zero in the year before the foster care panic to five in the first year afterwards -- an all-time record.<sup>3</sup>

**The pattern showed itself in a new way in fiscal 1998, when the Illinois foster care panic finally began to abate. That year, the number of child abuse deaths finally fell below the number before the panic began. And that year also was the first year since the panic in which the total number of Illinois children in foster care actually declined.<sup>4</sup>**

The decline has continued, indeed, Illinois reversed course, embraced family preservation

and cut its foster care population dramatically. And at the same time, safety outcomes have improved.<sup>5</sup>

But during the years family preservation was abandoned, it led to other tragedies in Illinois.

- Having supposedly "put children first," Illinois officials soon found they had no place to put children at all. So they were jammed into a hideous shelter, then overflowed into offices. Streetwise teens were thrown together with vulnerable younger children; infants were jammed into urine-soaked cribs. An 11-year-old got hold of a gun and fired it.<sup>6</sup>

- Children were jammed into any foster home with a bed, with little screening of foster parents or foster children. As a result, according to Benjamin Wolf of the Illinois Affiliate of the American Civil Liberties Union, the Illinois foster care system became "like a laboratory experiment to *produce* the sexual abuse of children."

- A study by the Child Welfare Institute found that *at least* one third of the children taken from their parents at the height of the Foster Care Panic could safely have been returned to their own homes.<sup>7</sup>

Abandoning family preservation took a bad system and made it, in Wolf's words, "unquestionably worse."<sup>8</sup>

And what about the case that started it all? What was the role of family preservation in the case of Joseph Wallace? A family preservation worker recommended that the Wallace family *not* be preserved -- he recommended to a judge that the child be removed. The judge agreed. The child was removed, but the records were lost when the family moved to another county. Only then was the child sent home to his death.<sup>9</sup>

Not only was family preservation not the cause of the Wallace death -- family preservation almost saved Joseph Wallace's life.

### Other Foster Care Panics

Nearly three years later, it was New York City's turn. Again, this time in late 1995, a child "known to the system" died. Again officials blamed "family preservation" -- even though deaths of children previously known to the child welfare system had declined by more than 40 percent since 1991.<sup>10</sup> Once again, they set off a foster care panic, overwhelming the system.

(over)

### CASE HISTORY: IN THE CHICAGO SHELTER

What was it like for children suddenly swept up in the Chicago Foster Care Panic, taken from their parents and left in the city's makeshift shelter? This account is from the *Chicago Tribune*:

"A surly teenager with a bad attitude struts and shouts swear words a few yards away from the abused and neglected little ones, so young they can barely tell you their names ... 16-year-old Harry is boasting: 'I stole 50 cars this week!' A few yards away is 5-year-old Michael, so very scared and trying with all his might not to cry. 'I'm the big brother,' Michael explains, gently stroking the hair of Christopher, 4, who gulps heavy, sleepy breaths and sucks his thumb on a cot in a corner. ... When a visitor tried to shake the little boy's hand, he threw his arms around her, starving for a hug ...

"I want my mom,' Michael said ..."<sup>11</sup>

The result: Thousands of children were forced to sleep, often on chairs and floors, in a violence-plagued, emergency makeshift shelter created from city offices,<sup>12</sup> a four-year-old foster child was beaten and starved to death in a foster home opened by one private agency, apparently desperate for beds, after another had closed it down,<sup>13</sup> and the decline in child abuse deaths ended.

Between 1996 and 1998, deaths of children previously "known to the system" increased by 50 percent.<sup>14</sup> Just as in Illinois, the death toll among children known to the system fell below the pre-panic level only in 1999 – by which time the panic had abated and the City was taking away fewer children.<sup>15</sup> Like Illinois, New York City learned from its mistakes, reversed course and embraced family preservation.

And then came Florida. The death of a child "known to the system" and the appointment of a state child welfare agency chief staunchly opposed to keeping families together combined to set off a foster care panic in 1999. Again the

foster care population soared. And again, deaths of children "known to the system" increased, from an average of 25 per year in the four years before the Florida Foster Care Panic to an average of 32 per year in the five years since.<sup>16</sup>

These data don't prove that child abuse deaths always will go up when family preservation is abandoned. But the critics of family preservation premise their entire argument on the assumption that if family preservation is eliminated, or at least drastically curtailed, such deaths will decrease.

At a minimum, the results from Illinois, New York and Florida -- particularly when compared to states like Alabama, and to what happened when Illinois and New York reversed course -- suggest that it's the people who want to abandon family preservation who have a lot of explaining to do. It's time for the burden of proof to shift from those who want to keep more children with their parents to those who want to take them away.

Updated August 12, 2005

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## They "Erred on the Side of the Child" -- Some Case Histories

Opponents of family preservation have a lot of great applause lines. They are for "child protection," they say. They are for "children's rights," they say. They are for "putting children first instead of families first," they say.

But in the name of "child protection" children have been beaten. In the name of "children's rights" children have been raped. And in the name of "erring on the side of the child," children have been murdered. These are the stories of some of those children:

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When Sara Eyerman of northern California was nineteen-months-old, child protective services was concerned that she wasn't growing fast enough. So they "erred on the side of the child" and placed Sara in a "specialized" foster home.

About six weeks later, Sara began running a 105 degree fever. But the "specialists" in the specialized foster home decided it was o.k. to wait two days before taking her to a doctor. On the way to the doctor's office, Sara

Eyerman died of viral pneumonia.

"She should have been in the hospital two days earlier when she had a 104.8 [degree] temperature," said Sara's mother, Angie. "When she was home, she went to the emergency room if her temperature got over 101. I didn't care if they laughed at me when I got there or not. One time I took her when she was cutting a tooth ... I kept her alive for a year and seven months. They had her for six weeks and three days and she died."<sup>1</sup>

**Authorities in New York City thought Caprice Reid wasn't being properly supervised by her mother. So they decided to "put the child first" and put the child in foster care. They made a "child focused" decision. They "erred on the side of the child." Eleven months after placement in her third foster home, Caprice Reid, then age four, was dead.**

**Death did not come quickly. She was starved. She was dehydrated. And her body was covered with bruises. Police say she was tied to a chair and beaten with a stick for four days until she could no longer walk.**

**The foster home was licensed by one of the scores of private agencies that handle foster care for the city in the midst of a sudden shortage of foster home beds caused by the city's decision at the time to effectively abandon family preservation. The home was licensed even though another agency had found the home unfit just a few months earlier -- and had warned the agency that licensed the home.**

**About a week before she died, Caprice Reid's mother saw her daughter for the last time. The little girl clung to her mother's neck and said "Don't go, Mommy. I love you."<sup>2</sup>**

China Marie Davis was placed in foster care in Arizona when she was a little over a year old. Someone decided to "put the child first" and take her from her parents. They made a "child focused" decision. They "erred on the side of the child." Ten months later, China Marie Davis' autopsy revealed two broken collarbones, a broken left arm, a broken right rib, two fractures

of the left upper arm, a fracture of the right upper arm, a broken left wrist, a broken left hand, a broken left forearm, a broken right wrist, a broken right forearm, fractures of both thigh bones and a compression fracture of the spine.

No one suspected anything because her foster mother always dressed her in such pretty outfits.<sup>3</sup>

**Somebody "erred on the side of the child" and placed Corey Greer of Treasure Island, Florida, in a foster home that would later be described by police as "filthy and overcrowded." The home was licensed for four children. By the time Corey Greer died in his crib of dehydration, 12 were living there. The foster mother was convicted of manslaughter and third degree murder.**

**Corey Greer might have survived the overcrowding, if only he had been white. According to a witness at the foster mother's trial, the foster mother said that touching black children "just gives me the willies." According to the witness, the foster mother referred to Corey Greer as "a big black blob."<sup>4</sup>**

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## They "Erred on the Side of the Child" (Continued)

Tina Ponce thought she was doing the right thing. She was suffering from bipolar disorder and couldn't take care of her children. She also was too poor to get the help that a middle class family can count on. So she did the only thing she could think of: She asked the State of California to keep her children in foster care until she got better.

Rather than provide Ponce with mental health services, the state "put the children first." They made a "child-focused decision." They "erred on the side of the child," and gladly threw the children into foster care.

"I had five kids, I was alone, I didn't have any money, Ponce said. "I thought it would be a temporary thing. I didn't think they would be in

the system that long or it would be that hard to get them back."

But when Ponce was better, she found it was much harder to get her children back than to get the state to take them.

One day, while Ponce still was jumping through hoop after hoop in order to get her children back, she saw a television news story about a little girl who died after being left in her foster mother's car in 100 degree heat.

It was her three-year-old daughter, Maryah.

"Even in my confusion, I never jeopardized my children's safety or health," Ponce said. "If I had them, this wouldn't have happened. I thought I was doing the right thing by putting them in foster care."<sup>5</sup>

**When child protective services took four-year-old Jamie Mayne from his father, they never bothered to tell his mother, Marle Panos, who was not living with the man. The mother was never accused of abusing or neglecting the boy. But after she found out about the removal two days later and offered to care for him, authorities in California refused. They decided to make a "child focused" decision, to "put the child first," to "err on the side of the child" by placing Jamie with a stranger.**

**"I went up to them to get my children, and they said they're in the system now and I had to do a case plan in order to get my kids back," Panos said.**

**But a jury in Visalia, California found that while Panos was working on her "case plan," Jamie was being tortured and murdered by his foster mother. He died of a collapsed heart, a ruptured small bowel and an abdominal hemorrhage. There were more than 40 bruises on his body.**

**"It's hard because I can't pick him up and kiss him," Panos said at the foster mother's trial. "All I have is a headstone to look at instead of his beautiful face."<sup>6</sup>**

Authorities in Massachusetts decided to "put the child first" and take seven-year-old Michelle Walton away from her parents. They made a "child focused" decision. They "erred on the side of the child."

Three years later, the body of Michelle Walton was found in the dirty hallway of her foster home, under 380 pounds of Sheetrock. Her foster mother says it was an accident. But a judge found that it was murder. And he found that Michelle was chronically sexually abused during her time in "care."

No one has been charged. According to the *Boston Globe*, Michelle's mother "heads to work every day with a worn Peanuts knapsack on her back crammed with her daughter's autopsy report and assorted other documents that chronicle her death and proffers them to most anyone interested. Not many are.

"I carry 'em because it makes it easier for my sanity ... It helps me from going insane. Or maybe it just keeps her alive a little bit longer."<sup>7</sup>

Of course most foster parents don't harm the children in their care -- but most birth parents don't either. The case against family preservation has been fueled by "horror stories." It's important to remember that there are horror stories in foster care -- and family preservation has the better track record. More examples of the harm done to children in the name of "erring on the side of the child" can be found in Issue Paper 6.

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## Emotional Abuse

In previous issue papers, we discussed the danger of physical and sexual abuse inherent in amending "reasonable efforts" and severely restricting or abolishing family preservation. But there is another danger that is even more widespread: the emotional abuse that often is an inevitable part of the investigation and placement process.

Even when foster parents do not physically or sexually abuse the children in their care, and the children do not abuse each other, the child has been taken not only from his or her parents, but often from friends, neighbors, teachers -- and even brothers and sisters.

And because the parents rarely are the monsters that critics of family preservation say they are, this can have devastating consequences for children.

Worse, the first move often is not the last. Children are bounced from foster home to foster home, emerging years later unable to love or trust anyone. As one such child put it: "I felt I was in a zoo and I was being transferred to another cage."<sup>1</sup>

A study released in 2005, based on a random sample of 659 case records and interviews with 479 foster-care survivors, documented the rotten outcomes.

When compared to adults of the same age and ethnic background who did not endure foster care:

- Only 20 percent of the alumni could be said to be "doing well." Thus, foster care failed for 80 percent.
- They have double the rate of mental illness.
- Their rate of Post-traumatic Stress Disorder was double the rate for Iraq War veterans.
- The former foster children were three times more likely to be living in poverty -- and fifteen times *less* likely to have finished college.<sup>2</sup>

Boyd A. lived in five different foster homes over five years between the ages of seven and twelve. His mother had been forced to place him in foster care. But it was not because she had beaten him, or neglected him or sexually abused him.

It happened when she was hospitalized after being beaten by Boyd's father. But when she was well, the agencies that had control over the children wouldn't give Boyd, his two brothers, or his sister back -- because they weren't satisfied with the housing his mother was able to

find.

Critics of family preservation say agencies bend over backwards to keep families together. They say agencies do this because the law requires "reasonable efforts" to keep families whole. But there were no "reasonable efforts" in Boyd's case. There were no efforts at all.

Critics also say family preservation causes children to languish in foster care. In fact, as Boyd's case and many others make clear, it is the *lack* of family preservation that causes children to languish in foster care.

It took five years -- and a class action lawsuit -- before the family was reunited.

"The worst fear was never seeing my mother again," Boyd told a Congressional hearing. "I have nightmares. I had a nightmare that a cop came and took me back to foster care and I never got to see her again.

"It's hard for me to tell you how bad foster care is. My mother used to come visit me a lot when I was in care, and when she left, it felt like the whole world was leaving me."<sup>3</sup>

Here are some other voices from the system:

### **Anne. Nine homes in nine years:**

"When you spend your life going from place to place and knowing you're not going to be in any place for very long, you learn not to reach out, not to care, not to feel ... My bitterness is not that I went through what I did ... my bitterness is that I don't think it should have had to happen. There was no reason why my family's life should have been destroyed ... The people that I've seen, the kids that have emerged, [from foster care] are ... dead. Their hearts are functioning. The oil heart's pumping the blood around. But they're basically dead inside. It's been killed. Either they had to kill it to survive physically, or somebody else killed it in them. Whatever it is that makes people human."<sup>4</sup>

**Linda P. Age 20. Six placements in two years:** "When you are a kid and you go through something like that, you don't know what's happening, but you have feelings. And the feeling you have is no one wants you."<sup>5</sup>

**Joseph. Age 18. Fifty placements between ages nine and 17.** Attempted suicide many times. Became a prostitute: "No one listened. They don't care. As long as you're out of their hair and they don't have to write any more paperwork on you they're satisfied. I had  
(over)

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## Emotional Abuse (continued)

no love, no caring, no anything. When people paid me to be with them, I thought that was the affection I needed."<sup>6</sup>

**Kathy. Age 18. Grew up in foster care:** "When you're in foster care, you can't find no love."<sup>7</sup>

Many people know about the emotional trauma of foster care, at least intellectually. But even when people know, they tend to think "Yes, but..." As in, "Yes, but, didn't we have to do this to these children because their parents are so dangerous and brutal?"

In the overwhelming majority of cases, the answer is no. **Because most of the parents don't fit the stereotypes.** (See Issue Paper 5).

And even when the parents have problems, helping those parents often is the best way to help the child.

In a University of Florida study of so-called "crack babies," one group was placed in foster care, the other group with birth mothers able to care for them. After one year, the babies were tested using all the usual measures of infant development: rolling over, sitting up, reaching out. Consistently, the children placed with their birth mothers did better. For the foster children, being taken from their mothers was more toxic than the cocaine.<sup>8</sup> Those infants are trying to tell us something. We owe it to them to listen.

We seem to understand the emotional trauma of being taken away from parents only when the parents are white, middle class -- and foster.

In the case of "baby Jessica" for example, a birth mother surrendered her child for

adoption after having "consent" forms thrown at her right after birth, in violation of state law. She changed her mind five days later, but the foster parents stalled and stalled and stalled, dragging the case through courts in two states. They lost every time. When they finally ran out of ways to stall, two-and-a-half years had passed. But the foster parents won enormous sympathy when they condemned the birth parents for trying to take the child from "the only parents she has ever known."<sup>9</sup>

In contrast, because we have so stereotyped birth parents, we react with indifference or even relief when thousands of poor, often black, children are needlessly taken from the only parents *they* have ever known.

These problems can't be solved by "fixing" foster care. The authors of the study cited earlier estimate that even if every problem that besets foster care were miraculously fixed tomorrow, it would reduce rotten outcomes by only 22.2 percent.<sup>10</sup>

And they can't be solved by warehousing children in orphanages. As is discussed in detail in Issue Paper 15, more than a century of research shows the outcomes for orphanages are even worse than for family foster care.

The only way to fix foster care is to have less of it.

Intensive Family Preservation Services and other safe, proven programs to keep families together, are among the most promising innovations in child welfare in decades. Abandon these approaches and thousands more children will have "the whole world" taken from them.

Revised, April 9, 2005

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## Who is in "The System" -- and Why

Some parents are vicious. Some parents are sadistic. Some parents brutally beat, rape, torture, and murder their children.

Those cases get intensive public and media attention -- as they should.

But the typical foster child was **not** taken from a parent like that. Such cases represent a tiny fraction of the child protective services caseload.

Out of every 100 children investigated as possible victims of abuse, six are "substantiated" victims of all forms of physical abuse, from the most minor to the most severe, about three more are victims of sexual abuse. Many of the rest are false allegations or cases in which a family's poverty has been confused with neglect.<sup>1</sup>

Far more common than a child who comes into care because he was beaten are children who come into foster care because the foodstamps ran out or because an illness went untreated after parents were kicked off Medicaid or because a single mother trying to stay off welfare could not provide adequate supervision

while she worked. Indeed, the director of intake for child protective services in Denver, Colorado acknowledges that some children are taken just because their parents are down on their luck, out of work, or unable to provide adequate shelter.<sup>2</sup>

• Three separate studies since 1996 have found that 30 percent of America's foster children could be safely in their own homes right now, if their birth parents had safe, affordable housing.<sup>3</sup>

• A fourth study found that "in terms of reunification, even substance abuse is not as important a factor as income or housing in determining whether children will remain with their families."<sup>4</sup>

• A study of "boarder babies" -- children who spend months in hospitals, found that the biggest single factor causing their forced hospital stays was lack of housing.<sup>5</sup>

• Families struggling to keep their children out of foster care are stymied by two major problems: homelessness and low public assistance grants, according to two New York City studies.<sup>6</sup>

• A study of "lack of supervision" cases (over)

### CASE HISTORY: JAMES NORMAN

James Norman was a widower living in Chicago. He took enormous pride in his children, and in how he was raising them. But after he developed a heart condition, he was unable to work full time. Then he fell behind on his bills. Then the electricity to his apartment was cut off. Then the helping hand of child protective services struck. A CPS worker found a messy home with food spoiling in the refrigerator because there was no electricity. Instead of offering help with housekeeping and utility bills, the worker immediately removed the Norman children.

James Norman took three buses and walked a mile at each end of the trip to visit his children. After nearly a year, Norman's lawyers had arranged the financial help that child protective services was supposed to provide, and a court hearing was scheduled to determine if James Norman's children finally could come home. But 12 days before the hearing, James Norman's heart finally gave out. He died at age 38. In the last years of his life, James Norman had a weak heart, but it took the child "protection" system to break it -- and to make orphans of the Norman children.

James Norman left a noble legacy. A class-action lawsuit leading to a settlement that provides emergency cash -- called "Norman money" -- and other help to families in danger of losing their children to foster care. "At least our example helped other people," says Norman's younger daughter, Jamie.<sup>7</sup> Unfortunately, even that legacy was undercut during the Illinois Foster Care Panic (See Issue Paper 2). Terrified by the anti-family preservation crusaders, for several years workers were afraid to use "Norman money" to try to keep families together. A court-appointed monitor found that the funds were "underutilized" and "the shockingly low rate of children going home in Cook County is alarming."<sup>8</sup>

## Who is in "The System" (continued)

in New York City by the Child Welfare League of America found that in 52 percent of the cases studied, the service needed most was what one might expect -- day care or babysitting.<sup>9</sup> But the "service" offered most often was foster care.

- Courts in New York City and Illinois have found that families are repeatedly kept apart solely because they lack decent housing.<sup>10</sup>

- In Genesee County, Michigan, which includes Flint, the foster-care population has doubled since 2000 -- and even the head of the county child welfare office says one of the main reasons is they're removing children from women forced to leave their children with unsuitable caretakers while they go to jobs they must take under the state's welfare laws.<sup>11</sup>

- In California, homeless children were given emergency shelter only on condition that they be separated from their parents, until a successful lawsuit put an end to the practice.<sup>12</sup>

- **The National Commission on Children found that children often are removed from their families "prematurely or unnecessarily" because federal aid formulas give states "a strong financial incentive" to do so rather than provide services to keep families together.**<sup>13</sup>

And across the country, several people who have run child welfare systems have acknowledged that their own systems take away too many children.

- In Washington D.C., where the foster care system was run for several years by the federal courts, the first receiver named by the court to run the agency found that between one-third and one-half of D.C.'s foster children could be returned to their parents immediately -- if they just had a decent place to live.<sup>14</sup>

- A former District Administrator in Broward County Florida estimated that 35 percent of the children in that counties foster care system could have remained safely in their own homes had the right kinds of help been provided.<sup>15</sup>

- And the current head of one of the nation's largest child welfare systems, Los Angeles County's puts the figure at up to 50 percent.<sup>16</sup>

Compounding the problem: Child welfare workers sometimes are in denial about the importance of providing concrete help to families.

A study of cases in Milwaukee County, Wis. found that housing problems were a key cause of removal and a key barrier to reunification. But The researchers write that while birth parents "see housing as a major source of concern ... child welfare workers are less attentive to this concern."

They continue:

"Perhaps child welfare workers in Milwaukee are more focused on parental functioning and less attentive to concrete needs such as housing because of the principles guiding agency practice and the workers' education and training. Alternatively workers ... may tend to ignore housing as a problem rather than deal with the cognitive dissonance caused by the recognition that they cannot help their clients with this important need."<sup>17</sup>

Just as not every parent is sadistic, not every parent is blameless, either. There is the broad range of cases in-between the extremes -- cases where a parent may well be partly to blame, but where intervening to preserve the family is still the best way to protect the child.

Revised December 10, 2004

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## Child Abuse and Poverty

It is an article of faith among "child savers" that "child abuse crosses class lines." They tell us that we are as likely to find maltreatment in rich families as in poor, but the rich can hide from authorities. But like most child saver "truisms," this one is false. Prof. Leroy Pelton, dean of the University of Nevada – Las Vegas School of Social Work, calls it "The Myth of Classlessness."

Like the tailors in the fable of The Emperor's New Clothes, the child savers have invented a whole group of invisible, middle-class child abusers only they are wise enough to see. Of course there are some middle class child abusers. But the evidence is overwhelming that poverty is by far the most important cause of child maltreatment -- and the most important reason families end up in "the system" whether they have maltreated their children or not.

The federal government's Third National Incidence Study of Child Abuse and Neglect (NIS-3) compared families with an annual income of under \$15,000 to families with an annual income over \$30,000. Their findings:

- **Abuse is 14 times more common in poor families.**
- **Neglect is 44 times more common in poor families.**

The study emphasized that the findings "cannot be plausibly explained on the basis of the higher visibility of lower income families to community professionals."<sup>1</sup>

Studies in which all the subjects are equally open to public scrutiny (groups made up entirely of welfare recipients, for example) show that those who abuse tend to be the "poorest of the poor."<sup>2</sup>

The Myth of Classlessness doesn't just run counter to research. It runs counter to common sense. It is well-known that child abuse is linked to stress. It is equally well-known that poor families tend to be under more stress than rich families.

The gap between rich and poor is widest in the area of "neglect" -- which makes up by far the largest single category of maltreatment reports. That's because the poor are included in our neglect laws almost by definition. What is neglect? In Ohio, it's when a child's "condition or environment is such as to warrant the state, in the interests of the child, in assuming his guardianship." In Illinois, it's failure to provide

"the proper or necessary support ... for a child's well-being." In Mississippi, it's when a child is "without proper care, custody, supervision, or support." In South Dakota, it's when a child's "environment is injurious to his welfare."<sup>3</sup>

Such definitions make a mockery of the oft-repeated child-saver claim that "we never remove children because of poverty alone."

Imagine that you are an impoverished single mother with a four-year-old daughter and an infant son. The infant is ill with a fever and you need to get him medicine. But you have no car, it's very cold, pouring rain, and it will take at least an hour to get to and from the pharmacy. You don't know most of your neighbors and those you know you have good reason not to trust. What do you do?

Go without the medicine? That's "medical neglect." The child savers can take away your children for medical neglect. Bundle up the feverish infant in the only, threadbare coat he's got and take him out in the cold and rain? That's "physical neglect." The child savers can take away your children for physical neglect. Leave the four-year-old to care for the infant and try desperately to get back home as soon as you can? That's "lack of supervision." The child savers can take away your children for lack of supervision.

And in every one of those cases, the child savers would say, with a straight face, that they didn't take your children "because of poverty alone."

Or consider some actual cases from around the country:

- In Orange County, California, an impoverished single mother can't find someone to watch her children while she works at night, tending a ride at a theme park. So she leaves her eight-, six-, and four-year-old children alone in the motel room that is the only housing they can afford. Someone calls child protective services. Instead of helping her with babysitting or daycare, they take away the children on the spot.

- In Akron, Ohio, a grandmother raises her 11-year-old granddaughter despite being confined to a wheelchair with a lung disease. Federal budget cuts cause her to lose housekeeping help. The house becomes filthy. Instead of helping with the housekeeping, child protective services takes the granddaughter  
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## Child Abuse and Poverty (continued)

away and throws her in foster care for a month. The child still talks about how lonely and terrified she was – and about the time her foster parent took her picture and put it in a photo album under the heading: "filthy conditions."<sup>5</sup>

- In Los Angeles, the pipes in a grandmother's rented house burst, flooding the basement and making the home a health hazard. Instead of helping the family find another place to live, child protective workers take away the granddaughter and place her in foster care. She dies there, allegedly killed by her foster mother. The child welfare agency that would spend nothing to move the family offers \$5,000 for the funeral.<sup>6</sup>

- In Paterson New Jersey, parents lose their three children to foster care solely because they lack adequate housing. When the children are returned, one of them shows obvious signs of abuse – bruises and new and old burn marks - in foster care. The parents are suing. And so is their first caseworker. He never wanted the children taken away. He'd even found the family a better apartment. But that's not what his superiors wanted. Indeed, the caseworker says that because he insisted on trying to help the family, and refused to alter his reports to make

the parents look bad, he was fired.

Why were his bosses so anxious to take away the children? There was a rich, suburban couple ready and waiting to adopt them. And according to the lawsuit filed by the caseworker, a supervisor told him that "children should be taken away from poor parents if they can be better off elsewhere."<sup>7</sup>

**It is NCCPR's position that no child should ever be removed from the child's family for neglect alone, unless the child is suffering, or is at imminent risk of suffering, identifiable, serious harm that cannot be remediated by services.**

Even when child savers don't remove the children, the "help" they offer impoverished families can be a hindrance. For such families, demanding that they drop everything to go to a counselor's office or attend a parent education class is simply adding one more burden for people who already are overwhelmed.

Step one to ensuring they can provide a safe environment for their children is offering help to ameliorate the worst effects of poverty. Family preservation programs do just that, (see Issue Paper 10). And that is one reason they succeed where other efforts fail.

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1. U.S. Department of Health and Human Services, Administration for Children and Families, National Center on Child Abuse and Neglect, *The Third National Incidence Study of Child Abuse and Neglect* (NIS-3), September, 1996, Chapter 5, pp. 2-17; Summary: Chapter 8, pp.10-11. //2. e.g. Bernard Horowitz and Isabel Wolock, "Material Deprivation, Child Maltreatment and Agency Interventions Among Poor Families," in Leroy Pelton, ed., *The Social Context of Child Abuse and Neglect* (New York: Human Sciences Press, 1981), p.138 //3. Ohio Statutes, Sec. 2151.04; Illinois Statutes, Chapter 23, Sec. 2053; Mississippi Statutes, Sec. 43-21-105; South Dakota Statutes, Sections 26-8-6 and 26-8-2. //4 Laura Saari, "Checking Up on the Children," *Orange County Register*, Jan. 17, 1999, p.E1. //5. Donna J. Robb, "Child Abuse Charge Unfair, Group Says" *The Plain Dealer*, March 11, 1998, p.1B. //6. Nicholas Riccardi, "Grandmother Blames County in Latest Death of Foster Child" *Los Angeles Times*, June 15, 1999, p.B1. //7. Jennifer V. Hughes, "Lawsuit Says DYFS Ordered False Reports," *The Record*, May 4, 2001, p.L3.



## Child Welfare and Race

African Americans comprise 12.3 percent of the U.S. population. White Americans are 75.1 percent.<sup>1</sup> But 38 percent of all foster children are Black, while only 35 percent are white.<sup>2</sup>

In many big cities you can walk into a family court and find plenty of white faces among the judges and the lawyers – but almost none among the families whose fate depends on those judges and lawyers.

In Central Harlem, on any given day, nearly one of out ten children was in foster care in 1998.<sup>3</sup> In Minnesota, a state with a lower-than-average poverty rate, nearly one in 25 Black children was taken from his or her parents and thrown into foster care just in one year.<sup>4</sup>

It is often argued that the overrepresentation of Black children in the foster care system is solely a function of the fact that Blacks are overrepresented among America's poor. But common sense, and plenty of data, say there is more to it than that.

In a society in which a Black man of any income level is far more likely than his white counterpart to be followed around a store and presumed a shoplifter, and then far more likely to be unable to hail a cab to take home what he's purchased, it's odd at the least to assume that even the best-intentioned child protection worker always will be able to check her or his prejudices at the door.

And the data show that they can't.

For example, predominantly Latino Hunts Point, in The Bronx, is even poorer than Central Harlem. The rate of single parenthood in the two communities is the same (and, in any event, children are no more likely to be abused in single parent homes than in homes with two parents, when the figures are adjusted for family income).<sup>5</sup> But a child is almost twice as likely to be taken from his or her parents in Central Harlem. One in 19 children is taken in Hunts Point versus almost one in ten in Central Harlem. Compare these data further, to a poor white community, and there is evidence of discrimination against Blacks and Latinos: In predominantly white Ridgewood and Glendale in Queens, which has about half the poverty rate of the other two neighborhoods, only one in 200 children was in foster care in 1998.<sup>6</sup>

In San Diego, researchers found similar results. The rate of poverty among Black and Latino children is almost identical. But, as Prof. Dorothy Roberts, a member of the NCCPR Board of Directors, notes in her book, *Shattered Bonds: The Color of Child Welfare*, (Basic Civitas Books: 2002) "while Latino children were placed in foster care at a rate identical to their proportion in the population, African American children were overrepresented in foster care at a rate six times their census proportion."<sup>7</sup>

- A study by researchers at The Children's Hospital of Philadelphia found that when doctors examined children, "toddlers with accidental injuries were over five times more likely to be evaluated for child abuse, and over three times more likely to be reported to child protective services if they were African American or Latino."<sup>8</sup>

- A study of decisions to "substantiate" allegations of maltreatment after they are reported found that caseworkers were more likely to substantiate allegations of neglect against Black and Latino families – and the only variable that could explain the discrepancy is race.<sup>9</sup>

- A study of women whose newborns tested positive for cocaine found that the child was more than 72 percent more likely to be taken away, if the mother was Black.<sup>10</sup>

- A comprehensive federal study of child maltreatment found that "even when families have the same characteristics and lack of problems, African-American children and Latino children, to a lesser extent, are more likely than white children to be placed in foster care."<sup>11</sup>

- But perhaps most telling is what happens when caseworkers are given hypothetical situations and asked to evaluate the risk to the child. The scenarios are identical – except for the race of the family. Consistently, if the family is Black, the workers say the child is at greater risk.<sup>12</sup>

Prof. Roberts writes: "[T]he child protection process is designed in a way that practically invites racial bias. Vague definitions of neglect, unbridled discretion, and lack of training form a dangerous combination in the hands of caseworkers charged with deciding the fate of families."<sup>13</sup>

But the harm done by racism in child welfare goes beyond the harm done to individual children wrongly taken from loving homes.

The removal of children from impoverished Black homes happens so often that it inflicts "collateral damage" on entire communities. The loss of so many children demoralizes their families. Roberts writes that the removal of these children "disrupt[s] the family and community networks that prepare children to participate in future political life." And this needless removal of children reinforces the very stereotypes about Black families that are used to excuse such removals in the first place.

African Americans are not the only ones to suffer from the racism of the child welfare system.

Latino children may be taken from Spanish-speaking parents and thrown into foster homes where only English is spoken. In a notorious case in Texas, a judge threatened to take a young Latino child from her mother and place the girl with her father unless the

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## Child Welfare and Race (continued)

mother agreed to speak only English in her own home.<sup>14</sup>

Starting in 1958, the U.S. Bureau of Indian Affairs, in collaboration with the trade association for America's child welfare agencies, the Child Welfare League of America, launched a mass campaign to transplant Native American children into white adoptive homes. By 1971, nearly one in four Indian infants in Minnesota was placed for adoption.<sup>15</sup>

When Congress sought to prevent this decimation of Indian communities, through passage of the Indian Child Welfare Act, CWLA opposed the law. And it was not until 2001 that CWLA's new Executive Director apologized to the Native American community.<sup>16</sup>

But despite the passage of the ICWA, there is evidence that the abuses continue.

In Alaska, which has one of the highest percentages of foster children in the country, Alaska Native children are more than five times as likely as white children to be taken from their parents. A worker who helps Native families entangled with the state's child welfare agency says a caseworker declared one Native family's home messy because of drying fish, laundry hanging in the living room and puppies on the porch.

And though alcohol abuse sometimes is a real problem, those who help Native families say caseworkers are quick to assume such a problem even when it doesn't exist.

Even the head of the state's child welfare agency says "We've got to do something differently."<sup>17</sup>

In Maine, another state with one of the worst records in the nation for needlessly placing children in foster care, the Houlton band of the Maliseet tribe has suffered greatly at the hands of the state's Department of Human Services (DHS), in part because the Maliseets are too small to have their own tribal courts.

Between 1996 and 2001, 16 percent of Houlton Maliseet children were taken from their parents and placed in non-Indian homes. That's a rate of removal more than five times the national average for Native Americans.<sup>18</sup>

And in an Iowa county where one in ten Indian children is in foster care, the chief juvenile prosecutor says: "I don't think there's anything in any of these cases that points to something positive about Indian culture, except the culture of drugs and the culture of poverty and the culture of abuse."<sup>19</sup>

America's child welfare establishment needs to do more than say "I'm sorry." From frontline workers to agency directors, they need to constantly "audit their feelings" to be sure that their decisions are based on facts, not personal prejudice. More generally, they need to work to rebuild the child welfare system emphasizing safe, proven programs to keep families together. Just as the current take-the-child-and-run mentality disproportionately harms minority families, a system oriented toward keeping children safely in their own homes will help reduce such discrimination.

<sup>1</sup> <http://quickfacts.census.gov/qfd/states/00000.html> //2. U.S. Department of Health and Human Services, *The AFCARS Report*, for the period ending March 31, 2000. Available online at <http://www.acf.dhhs.gov/programs/cb/publications/atcars/apr2001.htm> //3. Child Welfare Watch, *The Race Factor in Child Welfare* (New York: Center for an Urban Future, June 1, 1998) available online at [http://www.nycfuture.org/content/reports/report\\_view.cfm?repkey=9&area=childpol](http://www.nycfuture.org/content/reports/report_view.cfm?repkey=9&area=childpol) //4. U.S. Dept. of Health and Human Services, *Child Welfare Outcomes 1999: Annual Report*, available online at <http://www.acf.dhhs.gov/programs/cb/publications/cwo99/index.html> //5. Thomas D. Morton, "The Increasing Colorization of America's Child Welfare System," *Policy and Practice*, Dec. 1999, cited in Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Civitas Books: 2002), p.48. //6. Child Welfare Watch, note 3, *Supra*. //7. Ann F. Garland et al, "Minority Population in the Child Welfare System: The Visibility Hypothesis Re-examined," *American Journal of Orthopsychiatry* 68 (1998) cited in Roberts, note 5, *Supra*. In this instance, there were more two-parent families among the Hispanics but, as noted in the text there is no correlation between single parent status and child abuse, when figures are adjusted for family income. //8. The Children's Hospital of Philadelphia, Press Release, *Minority Children More Likely to be Evaluated for Physical Abuse; Abuse in White Children May be Overlooked*, PR Newswire, Oct. 1, 2002. //9. J. Eckenrode, et. al., "Substantiation of Child Abuse and Neglect Reports," *Journal of Consulting and Clinical Psychology* 38 (1988) 9, cited in Roberts, Note 5, *Supra*. //10. Daniel R. Neuspiel and Terry Martin Zingman, "Custody of Cocaine-Exposed Newborns: Determinants of Discharge Decisions," *American Journal of Public Health* 83 (1993), p.1726, cited in Roberts, Note 5, *supra*. //11. U.S. Department of Health and Human Services, *Children's Bureau, National Study of Protective Preventive and Reunification Services Delivered to Children and Their Families* (Washington, DC: 1997), cited in Roberts, Note 5, *Supra*. //12. Roberts, Note 5, *supra*. //13. Roberts, Note 5, *supra*, p.55. //14. Sam Howe Verhovek, "Mother Scolded by Judge for Speaking in Spanish," *The New York Times*, August 30, 1995. //15. *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 33 (1989), cited in Roberts, Note 5, *Supra*, p.249. //16. Shay Bilchik, *Working Together to Strengthen Supports for Indian Children and Families: A National Perspective* Keynote Speech at the National Indian Child Welfare Association Conference, Anchorage, Alaska, April 24, 2001. Available online at <http://www.cwla.org/execdir/edremarks010424.htm> //17. Lisa Demer, "Focus falls on Native kids," *Anchorage Daily News*, Sept. 1, 2002, p.B1. //18. Ruth-Ellen Cohen, "Indians question DHS actions," *Bangor Daily News*, Nov. 6, 2001. //19. Lee Rood, "Unfit or Unfair," *Des Moines Register*, February 10, 2003, p.A1.



## The Real Reasons for Child Abuse Deaths

It's easy enough to see how people can leap to the conclusion that the deaths of children "known to the system" must be the result of "family preservation" or the federal law requiring agencies to make "reasonable efforts" to keep families together.

After all, the cases seem so obvious -- especially in hindsight. Often they were *not* the "tough calls." And almost everyone in the system has a vested interest in promoting the idea that it was the fault of a law or a policy over which they have no control. But the real reasons children "known to the system" die are very different. And those reasons are well within the control of many of those who point the finger at family preservation.

**When children known to the system die, it is usually because the system is overwhelmed with children who don't need to be in foster care at all.**

- In most states, a bachelor's degree in any subject is all that is required to become a child protective worker. After hiring, training generally ranges from minimal to none.

- Turnover on the job is constant. The worker who goes to a troubled family is likely to have little experience.

- Working conditions are appalling. In some child protective offices several workers share a phone, in others workers keep files in their cars or piled under their desks.

- Caseloads are enormous, often double, triple or more than the average called for in national standards established by the Child Welfare League of America.

Then these untrained, inexperienced workers with overwhelming caseloads are sent out to make life and death decisions.

And then, when something goes wrong, the people responsible for creating these appalling conditions blame "reasonable efforts" or "family preservation" because the alternative is to blame themselves.

Consider some of the very cases that have gotten the most media attention:

- The case of Adam Mann, killed by his mother in New York City. A city caseworker investigating that case acknowledged that she closed the case after only cursory investigation because she had "60 or 70 other cases" and didn't have time to investigate thoroughly.<sup>1</sup>

- The case of Elisa Izquierdo, allegedly killed by her mother. She was not in a family preservation program. But there was an agency

working with the family. That agency contacted her child protective worker to warn that Elisa was in danger. The worker said he could do nothing because he was too busy with other cases.<sup>2</sup>

- The case of Joseph Wallace, killed by his mother in Chicago. In that case, a family preservation worker recommended that the family *not* be preserved -- he recommended to a judge that the child be removed. The judge agreed. The child was removed, but the records were lost when the family moved to another county. Only then was the child sent home to his death.<sup>3</sup>

Not only was family preservation not the cause of the Wallace death -- family preservation almost saved Joseph Wallace's life. Yet the Wallace death was blamed on "family preservation" and set off a massive foster care panic. (See Issue Paper 2).

One of the reasons family preservation is safer than foster care is because family preservation workers generally are better trained than child protective workers. And because they spend so much time with a family, they are often the first to see when a family can't be preserved -- and, contrary to critics' claims, family preservation workers do indeed place the safety of the children first.

Child protective workers are overwhelmed in part because they are forced to investigate so many cases that either are false reports or involve the confusion of poverty with neglect.

CPS officials and frontline workers know it:

From Washington State: "Child Protective Services staff are faced with violating policy by declining to investigate clearly low risk complaints or spending time and energy [on them] at the expense of having adequate time [for] more serious situations"<sup>4</sup>

From North Carolina: "Current legal definitions of neglect are so broad that protective services intervene in some situations where there is no substantial risk of harm to children ... This ... takes an inordinate amount of staff time for investigating..."<sup>5</sup>

When Florida workers were surveyed about barriers to doing their jobs well 63 percent cited "responding to minor neglect reports" and 64 percent cited "completing reports on obviously unfounded cases."<sup>6</sup>

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## The Real Reasons... (continued)

Commenting on another notorious child abuse death, the case of Lisa Steinberg, child protective worker Keith Richards wrote: "It's fortunate we haven't lost more kids like Lisa than we have, while we're running around checking out three dozen other referrals concerning dirty houses and tiny bruises."<sup>7</sup>

Since these are the real problems, the real solutions involve tough choices -- screening

out some cases and spending more money. A lot of elected officials don't want to do that. And for agency administrators to admit that children die because their workers are overworked and undertrained is for them to admit that the deaths are at least partly their own fault.

How much easier it is for all concerned to scapegoat laws and policies over which they have little or no control.

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1. Carol Langer (producer), "Who Killed Adam Mann," *Frontline*, December 3, 1991.

2. Nina Bernstein, "She Suffered in Plain Sight But Alarms Were Ignored," *The New York Times*, Dec.24, 1995, p.1

3. Joel J. Bellows, et. al., *The Report of the Independent Committee to Inquire into the Practices, Processes, and Proceedings in the Juvenile Court as they Relate to the Joseph Wallace Cases*, Oct. 1, 1993.

4. Governor's Child Protective Services Review Team, *Crisis in Children's Services*, March, 1987, p.21

5. Mary Lee Anderson, Program Manager for Child Protective Services, State of North Carolina, in response to a survey from the U.S. House of Representatives Select Committee on Children, Youth, and Families, quoted in transcript of the Committee's hearing, March 3, 1987, p.4

6. State of Florida Study Commission on Child Welfare, *A Survey of Florida's Child Protective Investigators*, April, 1991, pp.10,28

7. Keith Richards, *Tender Mercies: Inside the World of a Child Abuse Investigator* (Chicago: The Noble Press/Child Welfare League of America, 1992).

## The Unreasonable Assault on "Reasonable Efforts"

Faced with overwhelming evidence of huge numbers of children needlessly placed in foster care -- and what foster care was doing to these children, Congress passed a law in 1980 that included a clause requiring states and localities to make "reasonable efforts" to keep families together. Judges were supposed to certify that "reasonable efforts" had been made -- a process that simply involved checking a box on a form -- before the case was eligible for federal foster care funds.

There was nothing in that law that prevented agencies from moving swiftly to remove children from their homes -- and keep them out -- in the small minority of "horror story" cases. The law required "reasonable efforts" -- not ridiculous efforts. And everybody knows it.

**By 1997, the debate over "reasonable efforts" had taken an Orwellian turn. Child savers began blaming it for their own failure to get children out of foster care. To make the case, they cited the increase in the foster care population since the early 1980s. But they avoided going back further than that -- because had they done so, they would have had to admit that in the late 1970s, before "reasonable efforts" became law, there were at least as many children languishing in foster care, relative to the total child population, as there are today.**

The real problem is the opposite: Rather than making reasonable efforts, agencies typically make little or no effort at all to keep families together. Once children are in foster care, they are filed away and forgotten as overwhelmed workers rush on to the next case.

According to the National Council of Juvenile and Family Court Judges, many judges "remain unaware of their obligation to determine if reasonable efforts to preserve families have been made. Other judges routinely 'rubber stamp' assertions by social service agencies. ..."<sup>1</sup>

A report released in March, 2000 by a team of leading national child welfare experts found that in New York City's family courts the question of whether reasonable efforts have been made is "very rarely addressed." The same report found that judges admit they often routinely approve requests to take away children even when they don't really believe the child savers have made an adequate case. The report concluded that "Such practice ... comes frighteningly close to abdicating the Court's basic responsibility to protect the rights of children and

families."<sup>2</sup>

One study found that courts made no "reasonable efforts" determination in 44 percent of cases. Since all that is necessary to make such a determination is for a judge to check a box on a form, the figure undoubtedly underestimated the extent of the problem.<sup>3</sup>

A study of "lack of supervision" cases in New York City by the Child Welfare League of America found that in 52 percent of the cases studied, the service needed most was what one might expect -- day care or babysitting. But the "service" offered most often was foster care.<sup>4</sup>

### Where were the "reasonable efforts"?

Courts in New York City and Illinois have found that families are repeatedly kept apart solely because they lack decent housing.<sup>5</sup>

### Where were the "reasonable efforts"?

In Washington D.C., where the foster care system was run for several years by the federal courts, the first receiver named by the court to run the agency found that between one-third and one-half of D.C.'s foster children could be returned to their parents immediately -- if they just had a decent place to live.<sup>6</sup> **Where were the "reasonable efforts"?**

Even the *Chicago Tribune*, the newspaper that led the crusade that effectively ended family preservation for years in Illinois, eventually acknowledged that the "reasonable efforts" requirement was not enforced in that state.<sup>7</sup>

It wasn't enforced anywhere else either.

The federal government never seriously enforced the reasonable efforts requirement and the U.S. Supreme Court ruled that individuals couldn't even sue to have it enforced.<sup>8</sup>

Children do not languish in foster care because of reasonable efforts. Children languish in foster care because of the *lack* of reasonable efforts.

And none of this is surprising. All of the incentives -- for everyone from the frontline worker to the agency administrator -- pushed against making reasonable efforts.

**Financial incentives: The National Commission on Children found that children often are removed from their families "prematurely or unnecessarily" because federal aid formulas give states "a strong financial incentive" to do so rather than provide services to keep families together.**<sup>9</sup>

(See Issue Paper 12).

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## Reasonable Efforts (continued)

**Political incentives:** No worker or administrator will ever be penalized for wrongly placing a child in foster care -- even if the child is abused there. But if a child is left at home and something goes wrong, workers may be fired, judges transferred, and all face the wrath of the media.

**Personal incentives:** When a worker sees a child living in poverty, the first instinct is often to "rescue" the child on the assumption that the child is bound to be "better off" in care. That child in that home is a reality before the worker's eyes. The dangers of foster care, physical and emotional, however real, are an abstraction.

But despite all these incentives and despite the mountain of evidence that the "reasonable efforts" clause was widely ignored, whenever a child "known to the system" died, someone was sure to blame "the law" -- by which they meant the "reasonable efforts" clause. Why? Because when a child dies, it's

usually because workers are overwhelmed with too many cases; or they have little or no training, or paperwork got lost, or any one of dozens of similar problems, many of which require more money to solve and all of which reflect badly on the agencies themselves.

Thus, when asked "Why did this child die?" They can say either: "This child died because 'the law' made us do it" or "This child died because we screwed up." What are most agency administrators likely to say?

Sadly, the scapegoating of family preservation has been so successful that by the end of 1997, Congress had effectively repealed the "reasonable efforts" requirement. Backers of the 1997 law say it only ends reasonable efforts in the most egregious cases. In fact, the new law is filled with "catch-all" clauses that make it possible to avoid the requirement in almost every case. The law no longer requires reasonable efforts, but it does not prohibit them. It is up to states and localities to decide what to do next.

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1. National Council of Juvenile and Family Court Judges et. al., *Making Reasonable Efforts: Steps for Keeping Families Together*. (New York: Edna McConnell Clark Foundation, 1987), p.8. //2. Special Child Welfare Advisory Panel, Advisory Report on Front Line and Supervisory Practice, March 9, 2000, pp. 47,48. //3. National Child Welfare Resource Center for Management and Administration, University of Southern Maine, *Pilot Early Review Project, Preliminary Data Analysis*, March 1989. //4. Mary Ann Jones, *Parental Lack of Supervision: Nature and Consequences of a Major Child Neglect Problem* (Washington: Child Welfare League of America, 1987) p.2. //5. New York: Decision of Justice Elliott Wilk, *Cosentino v. Perales* 43236-85, New York State Supreme Court, New York County, April 27, 1988. Illinois: Rob Karwath, "DCFS Hit on Family Separation," *Chicago Tribune*, Jan. 19, 1990, sec.2, p.2. See also: Janita Poe and Peter Kendall "Cases of Neglect May Be Only Poverty in Disguise," *Chicago Tribune*, Dec. 24, 1995, p.6. //6. Tamar Lewin, "Child Welfare Is Slow to Improve Despite Court Order," *The New York Times*, Dec. 30, 1995, p.6. //7. Andrew Gottesman, "System Overload: Juvenile Court Can Rarely Spare the Time to Care," *Chicago Tribune*, Dec. 22, 1993, p.1. //8. *Suter v. Artist M.*, 112S.Ct. 1360, 1992. //9. National Commission on Children, *Beyond Rhetoric: A New American Agenda for Children and Families*, (Washington DC: May, 1991) p.290.

## Barman, Mike

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**From:** Snelling, Tony  
**Sent:** Tuesday, November 06, 2012 2:46 PM  
**To:** Barman, Mike  
**Subject:** RE: Pre-Intro Report

OK, will do...

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**From:** Barman, Mike  
**Sent:** Tuesday, November 06, 2012 2:44 PM  
**To:** Snelling, Tony; DeMuth, Doug  
**Cc:** Federspiel, Justin  
**Subject:** RE: Pre-Intro Report

Thanks Tony that would be real slick if you can get it to work.

Under Reports(LRB) would be great. Because it will probably be the most used report I would put it right at the top (in its own grouping) and call it "Pending Intro Report".

Thanks,  
MB

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**From:** Snelling, Tony  
**Sent:** Tuesday, November 06, 2012 2:20 PM  
**To:** Barman, Mike; DeMuth, Doug  
**Cc:** Federspiel, Justin  
**Subject:** RE: Pre-Intro Report

Mike,

OK, I'll add that to the specifications. We'll create a new menu pick for this report, and then you can tweak it from there, if needed.

I assume the new report should show up on the **Reports(LRB)** menu. Do you have any preference for what it should be named, and where (on the menu) it should appear?

Thanks,  
Tony.

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**From:** Barman, Mike  
**Sent:** Tuesday, November 06, 2012 2:12 PM  
**To:** Snelling, Tony; DeMuth, Doug  
**Subject:** Pre-Intro Report

<< File: Pre\_Intro.xlsx.pdf >>

Any chance the new "Pending Introductions Report" could also list if a FE is needed (see attachment)? At this stage we are only looking for required FE's (not special reports) so the search should only be looking for "fes", "fel", or "fesi" under "fe-req" in the attributes.

Thanks,  
Mike B.  
266-3561

## What is "Family Preservation"?

Family preservation does not mean what critics say it means.

The term "family preservation" has a very specific meaning. It refers to a systematic determination of those families in which children could remain in their homes or be returned home safely, and provision of the services needed to ensure that safety. The term refers to programs which rigorously follow a series of policies and procedures pioneered by the first such program, Homebuilders, in Washington State.

Among those policies and procedures:

- The intervention begins when the family is in crisis. A Homebuilders intervention is designed for families whose children otherwise face imminent removal to foster care.

- The intervention is short -- usually four to six weeks -- but extremely intense.

Family preservation has been falsely characterized as a "quick fix." In fact Homebuilders workers have caseloads of no more than three,<sup>1</sup> so though they are with a family for no more than six weeks, they can spend several hours at a time with that family -- often equivalent to a year of conventional "counseling."

**Furthermore, the end of the intervention does *not* mean the end of support for the family.** The Homebuilders model requires that the family be linked to less intensive support after the intervention to maintain the gains made by the family.

- The worker spends her or his time in the family's home, so she can see the family in action -- and so the family doesn't have the added burden of going to the worker's office. The worker gives his or her home phone number to the family and is on call 24 hours a day.

- The worker begins with the problems the family identifies, rather than patronizing the family and dismissing their concerns.

- Workers are trained in several different approaches to helping families, so they don't become hostile to those families if their first attempts to help don't work.

- But perhaps most important, family preservation workers combine traditional counseling and parent education with a strong emphasis on providing "hard" services to ameliorate the worst aspects of poverty.

Family preservation workers help families find day care and job training, and get whatever special educational help the children may require. They teach practical skills and help

with financial problems. They even do windows.

Faced with a family living in a dirty home, a family preservation worker will not lecture the parents or demand that they spend weeks in therapy to deal with the deep psychological trauma of which the dirty home is "obviously" just a symptom. The family preservation worker will roll up her or his sleeves and help with the cleaning.

This has a number of benefits:

- First and foremost, poverty is the single best predictor of actual child maltreatment, and broad, vague laws make it easy to confuse poverty itself with "neglect" (See Issue Paper 6).

A few hundred dollars in "flexible funds" for a security deposit on an apartment in a better neighborhood may be the most important "therapy" a family needs.

- Once basic survival needs are taken care of, a troubled parent can start to work on other problems. It's a lot easier to concentrate on how to be the best possible parent when you're not worrying about where your next meal is coming from or whether your family is about to be evicted.

- By providing the concrete help a family says it needs, family preservation workers set themselves apart from many of the "helping" professionals parents have dealt with. They have proven they can deliver. Where everything had seemed hopeless, the family preservation worker has provided hope. That makes the parents more receptive to the worker's ideas for how the parents can do their part to make the family work.

### What Family Preservation is *not*

In recent years, other safe, effective programs to keep families together have emerged, and they are discussed in NCCPR's publication *Nine Ways to do Child Welfare Right*.

But the child savers have given family preservation a new meaning: all purpose scapegoat. They have slapped the label onto any child abuse death anywhere under any circumstances.

Agencies have eagerly embraced this scapegoating, since it is far safer for them to blame a law or policy that supposedly mandates "family preservation" than to admit that a child died because of their own bungling or budget cuts (see Issue Papers 8 and 9).

Revised, December 3, 2003

1. Some critics of family preservation set up a straw man by first claiming that family preservation workers can have caseloads as high as six, and then saying such programs don't work. A program with a caseload of six is **not** a family preservation intervention.

## Does Family Preservation Work?

Family preservation is one of the most intensively-scrutinized programs in all of child welfare. Several studies -- and real world experience -- show that Intensive Family Preservation Services (IFPS) programs that follow the Homebuilders model safely prevent placement in foster care.

- Michigan's Families First program sticks rigorously to the Homebuilders model. The Michigan program was evaluated by comparing children who received family preservation services to a "control group" that did not. After one year, among children who were referred because of abuse or neglect, the control group children were nearly twice as likely to be placed in foster care, as the Families First children. Thirty-six percent of children in the control group were placed, compared to only 19.4 percent of the Families First children.<sup>1</sup>

- Another Michigan study went further. In this study, judges actually gave permission to researchers to "take back" some children they had just ordered into foster care and place them in Families First instead. One year later, 93 percent of these children still were in their own homes.<sup>2</sup> And Michigan's State Auditor concluded that the Families First program "has generally been effective in providing a safe alternative to the out-of-home placement of children who are at imminent risk of being removed from the home ... The program places a high priority on the safety of children."<sup>3</sup>

- An experiment in Utah and Washington State also used a comparison group. After one year, 85.2 percent of the children in the comparison group were placed in foster care, compared to only 44.4 percent of the children who received Intensive Family Preservation Services.<sup>4</sup>

- A study in California found that 55 percent of the control group children were placed, compared to only 26 percent of the children who received Intensive Family Preservation Services.<sup>5</sup>

- A North Carolina study comparing 1,254 families receiving Intensive Family Preservation Services to more than 100,000 families who didn't found that "IFPS consistently resulted in fewer placements..."<sup>6</sup>

- And still another study, in Minnesota, found that, in dealing with troubled adolescents, fully 90 percent of the control group children were placed, compared to only 56 percent of those who received Intensive Family Preservation Services.<sup>7</sup>

Some agencies are now using IFPS to help make sure children are safe when they are returned home after foster care. Here again, researchers are beginning to see impressive results. In a Utah study, 77.2 percent of children whose families received IFPS help after reunification were still safely with their birth parents after one year, compared with 49.1 percent in a control group.<sup>8</sup>

Critics ignore all of this evidence, preferring to cite a study done for the federal government which purports to find that IFPS is no better than conventional services. But though critics of family preservation claim that this study evaluated programs that followed the Homebuilders model, that's not true.

In a rigorous critique of the study, Prof. Ray Kirk of the University of North Carolina School of Social Work notes that the so-called IFPS programs in this study actually diluted the Homebuilders model, providing service that was less intensive and less timely. At the same time, the "conventional" services sometimes were better than average. In at least one case, they may well have been just as intensive as the IFPS program -- so it's hardly surprising that the researchers would find little difference between the two.

Furthermore, efforts to truly assign families at random to experimental and control groups sometimes were thwarted by workers in the field who felt this was unethical. Workers resisted assigning what they considered to be "high risk" families to control groups that would not receive help from IFPS programs. In addition, the programs studied failed to target children who actually were at imminent risk of placement.

Given all these problems, writes Prof. Kirk, "a finding of 'no difference between treatment and experimental groups' ... is simply a non-finding from a failed study."<sup>9</sup>

Prof. Kirk's findings mirror those of an evaluation of earlier studies purporting to show that IFPS was ineffective. The evaluation found that these studies "did not adhere to rigorous methodological criteria."<sup>10</sup> In contrast, according to Prof. Kirk, "**there is a growing body of evidence that IFPS works, in that it is more effective than traditional services in preventing out-of-home placements of children in high-risk families.**"<sup>11</sup>

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## Does Family Preservation Work (continued)

Some critics argue that evaluations of family preservation programs are inherently flawed because they allegedly focus on placement prevention instead of child safety. But a placement can only be prevented if a child is believed to be safe. Placement prevention is a measure of safety.

Of course, the key words here are "believed to be." Children who have been through intensive family preservation programs are generally among the most closely monitored.

But there are cases in which children are reabused and nobody finds out. And there are cases -- like Joseph Wallace -- in which the warnings of family preservation workers are

ignored. No one can be absolutely certain that the child left at home is safe -- but no one can be absolutely certain that the child placed in foster care is safe either -- and family preservation has the better track record.

And, as discussed in Issue Paper 1, with safe, proven strategies to keep families together now widely used in Alabama, Pittsburgh, and elsewhere, the result is fewer foster care placements *and* safer children.

Indeed, the whole idea that family preservation -- and only family preservation -- should be required to prove itself over and over again reflects a double standard. After more than a century of experience, isn't it time that the advocates of foster care were held to account for the failure of *their* program?

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1. Carol Berquist, et. al., *Evaluation of Michigan's Families First Program* (Lansing Mich: University Associates, March, 1993).
  - <sup>2</sup> Betty J. Blythe, Ph.D., Srinika Jayaratne, Ph.D, *Michigan Families First Effectiveness Study: A Summary of Findings*, Sept. 28, 1999, p.18.
  - <sup>3</sup> State of Michigan, Office of the Auditor General, *Performance Audit of the Families First of Michigan Program*, July, 1998, pp. 2-4.
  4. Mark W. Fraser, et. al., *Families in Crisis: The Impact of Intensive Family Preservation Services* (New York: Aldine De Gruyter, 1991), p.168.
  5. S. Wood, S., K. Barton, C. Schroeder, "In-Home Treatment of Abusive Families: Cost and Placement at One Year." *Psychotherapy* Vol. 25 (1988) pp. 409-14, cited in Howard Bath and David Haapala, "Family Preservation Services: What Does the Outcome Research Really Tell Us," *Social Services Review*, September, 1994, Table A1, p.400.
  - <sup>6</sup> R.S. Kirk, *Tailoring Intensive Family Preservation Services for Family Reunification Cases: Research, Evaluation and Assessment*, ([www.nfnpn.org/resources/articles/tailoring.html](http://www.nfnpn.org/resources/articles/tailoring.html)).
  7. I.M. Schwartz, et. al., "Family Preservation Services as an Alternative to Out-of-Home Placement of Adolescents," in K. Wells and D.E. Biegel, eds., *Family Preservation Services: Research and Evaluation* (Newbury Park, CA: Sage, 1991) pp.33-46, cited in Bath and Haapala, note 3, supra.
  - <sup>8</sup> R.E. Lewis, et. al., "Examining family reunification services: A process analysis of a successful experiment," *Research on Social Work Practice*, 5, (3), 259-282, cited in Kirk, note 6, supra.
  - <sup>9</sup> R.S. Kirk, *A Critique of the "Evaluation of Family Preservation and Reunification Programs: Interim Report,"* May, 2001.
  - <sup>10</sup> A. Heneghan, et. al., *Evaluating Intensive Family Preservation Services: A methodological review.* *Pediatrics*, 97(4), 535-542, cited in Ray Kirk, Ray Kirk, *Final Report: A Retrospective Evaluation of North Carolina's Intensive Family Preservation Services Program*, (Chapel Hill, NC: Jordan Institute for Families, School of Social Work, University of North Carolina) August, 2000. The quote about studies not adhering to "rigorous methodological criteria" is from Kirk.
  - <sup>11</sup> Kirk, note 6, supra.



## Financial Incentives

Among the most bizarre criticisms of family preservation is the allegation that it dominates federal funding priorities.

These attacks apparently are linked to passage of the Family Preservation and Family Support Act of 1993. That law was *wrongly* characterized by critics, and some media, as providing \$1 billion for family preservation.

The \$1 billion was spread over five years -- and it was *not* just for family preservation. Far from it.

The law allows states to spend the money they get through this law on a huge array of services -- even foster care and adoption. A state can, if it so chooses, receive its entire allocation under this law and spend not one dime on family preservation.<sup>1</sup> The so-called Adoption and Safe Families Act (ASFA) -- the 1997 law effectively abolishing "reasonable efforts" -- continues the Family Preservation and Family Support Act under a new name, "Promoting Safe and Stable Families," but it dilutes the act still further by allowing even more of the money to be spent on adoption.<sup>2</sup>

But even if all the money had been earmarked for family preservation, it still would have been dwarfed by the money available for what still is the best-funded child welfare "service" -- foster care.

Compared to the gigantic, open-ended entitlement for foster care, \$1 billion spread over five years is barely noticeable. Before the 1993 law was enacted, the most conservative estimate indicated that the federal government spent at least eight times more on foster care than on services to keep children out of foster care.<sup>3</sup> Because foster care is an "entitlement," that is, for every eligible child states automatically get partial reimbursement, the ratio hasn't improved. Indeed, in Fiscal Year 2002, the most recent for which data are available, the federal government spent at least nine dollars on foster care and three more dollars on adoption for every dollar spent to prevent foster care or speed reunification.<sup>4</sup>

States also can use other federal funding streams for a wide variety of social services, including child welfare. Unfortunately, there is evidence that states actually are using one of these funding streams to take dollars out of the pockets of impoverished families in order to pay for keeping their children in foster care.

The program is Temporary Assistance

for Needy Families (TANF).

This program is the successor to Aid to Families with Dependent Children (AFDC). As such, it is specifically intended to provide support for impoverished families, either through direct assistance or programs to help them achieve self-sufficiency.

But in 2002, states used at least \$1.2 billion in TANF money for foster care.<sup>5</sup>

Some of this money was, in fact, well spent -- it went to kinship care programs to help extended family members care for their children. But it appears that hundreds of millions of dollars in TANF money is being spent on foster care with strangers. While this is perfectly legal, it is an unconscionable transfer of funds from America's poor to subsidize child welfare agencies and pay middle-class strangers caring for foster children.

The funding bias in favor of foster care is one of the main reasons so many children are needlessly taken from their parents.

Although family preservation is less expensive in total dollars, because of federal and state funding formulas, foster care may cost less for a state or locality making a placement. In Pennsylvania, for example, for every dollar a county spends on foster care, it gets an average of 85 cents back from the state and federal governments.<sup>6</sup>

**The National Commission on Children found that children often are removed from their families "prematurely or unnecessarily" because federal aid formulas give states "a strong financial incentive" to do so rather than provide services to keep families together.**

This does not mean that local governments "make money" on foster care. It does mean that foster care can cost them less than programs to keep children out of foster care.

And some *private* agencies do indeed make money on foster care. These agencies are paid for every day they keep a child in foster care. If they return a child home -- or get a child adopted -- the reimbursement stops. That creates a strong incentive to let children languish in foster care.

Since adoption generally takes longer than reunification, however, there also is an incentive for private agencies to press to change

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## Financial Incentives (continued)

the "goal" in a child's "case plan" from reunification to adoption.

In 1997, having realized the harm done by the foster care panic -- and under pressure from the Illinois Branch of the American Civil Liberties Union -- Illinois moved to change direction by changing financial incentives. Illinois now pays for permanence, rewarding private agencies financially for returning children to their own homes and for adoptions. The agencies are penalized for allowing children to languish in foster care.

As a result, the Illinois foster care population fell from more than 51,000 in 1997<sup>8</sup> to 18,537 as of October, 2004,<sup>9</sup> and as the foster care population has declined, child safety has improved.<sup>10</sup>

Unfortunately, at the federal level, the financial incentive to place children is increased by two other laws. Under the 1996 federal welfare law, if a family is forced into poverty, no matter what the reason, they may not be able to get public assistance to help care for their own children (depending on how many years they have received such assistance), but as soon as their children are taken away, the foster care system may receive a never-ending subsidy to help foster parents cover the costs of caring for those children.

The second law, ASFA, includes bounties to states of up to \$8,000 or more per child for every adoption they finalize over a baseline number. The bounty is paid when the adoption is finalized, so there is an incentive to place a child with little concern about whether the placement really will last. Indeed, if the adoption "disrupts" and the child is placed again, the state can collect another bounty.

Thus, states and private agencies now have financial incentives to keep children in foster care and financial incentives to place them for adoption -- but no financial incentives to keep them in their own homes or return them there.

**"What you have now is an incentive to initially remove the child and an incentive to adopt them out," says David Sanders, head of the Los Angeles County Department of Children and Family Services, one of the nation's largest child welfare systems. "I think when you put these two together, there is a problem"**<sup>11</sup>

As for parents, with these new laws in place, the federal government will help foster parents care for children, the federal government will help some adoptive parents care for children, and the federal government will help institutions care for children. About the only parents the federal government won't help indefinitely are birth parents.

*Revised December 20, 2004*

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1. Martha Matthews, "HHS Issues Family Preservation & Support Program Instruction," *Youth Law News* 15 no.2 (March-April 1994) p.3. See also, Marc Katz, "New Legislation Pours \$1 billion Into Family Preservation," *Youth Law News* 14, no.5 (September-October, 1993) p.8. //2. "Adoption and Safe Families Act of 1997, Sec. 305. //3. U.S. House of Representatives, Select Committee on Children, Youth, and Families, *No Place to Call Home: Discarded Children in America* (Washington DC: Jan. 12, 1990) p.163. //4. The Urban Institute estimates that states spent at least \$3.8 billion in federal funds reserved exclusively for foster care, and at least another \$1.25 billion on funds reserved exclusively for adoption. States spent \$549 million from child welfare funding streams that can be used for prevention and family preservation. But these funds can be used for many other purposes as well. Based on the Urban Institute data, NCCPR estimates that no more than \$400 million of that \$549 million -- and probably far less -- actually went to prevention, family preservation or family reunification. (Cynthia Andrews Scarcella et. al, *The Cost of Protecting Vulnerable Children IV* (Washington DC, The Urban Institute) December 20, 2004, available online at [http://www.urban.org/UploadedPDF/411115\\_VulnerableChildrenIV.pdf](http://www.urban.org/UploadedPDF/411115_VulnerableChildrenIV.pdf)) //5. *Ibid.*, //6. Barbara White Stack, "Relatives should get foster care pay, suit says," *Pittsburgh Post-Gazette*, Aug. 16, 2000, p.1. //7. National Commission on Children, *Beyond Rhetoric: A New American Agenda for Children and Families*, (Washington, DC: May, 1991) p.290. //8. Illinois Department of Children and Family Services, *Children in Substitute Care: 1985 to Present*, available online at <http://www.state.il.us/dcfcs/foster/index.shtml> //9. Illinois Department of Children and Family Services, Division of Quality *Executive Statistical Summary*, October, 2004, available online at <http://www.state.il.us/DCFS/docs/execstat.pdf> //10. Illinois Department of Children and Family Services, *Signs of Progress in Child Welfare Reform* available online at <http://www.state.il.us/dcfcs/docs/SignsJan03.pdf> //11. Troy Anderson, "Government Bonuses Accelerate Adoptions," *Daily News of Los Angeles*, December 8, 2003.

## Family Preservation and Substance Abuse

They may be the parents most of us would most like to punish. Mothers who seem to care so little for their children that they'd rather get high than take care of them. Mothers who can't or won't kick their habit even while they're pregnant.

No one really knows how many there are. The huge numbers bandied about by child savers are guesses, and the child savers have a vested interest in guessing high. Furthermore, guesses about the extent of "substance abuse" by parents lump together everything from the parent who sells her child for crack to the parent who had her child taken for a week at birth because she smoked one marijuana cigarette to ease the pain of labor.<sup>1</sup>

Myths about those who abuse drugs -- and their children -- die hard. Even though the apocalyptic claims about children born with cocaine in their systems -- and their mothers -- proved to be false, the same false claims are being made now in connection with another drug: methamphetamine.

But the problem cannot be minimized either. The problem of drug abuse, like the problem of child abuse, is serious and real. And there is an enormous temptation to punish addicted parents. But do we want to punish their children?

We favor providing Intensive Family Preservation Services and other help to *some* families with substance abuse problems. But not because it's another chance for the parent. We favor such programs because they may be the only chance for the child.

Consider the case of Alice Porter (not her real name) of Newark, New Jersey. She was a drug-addicted single mother with a 12-year-old boy. The boy was angry, unruly, defiant, and hitting his mother. She was too overwhelmed by addiction to give him the order and stability he needed. One option would be to take the boy away because his mother doesn't "deserve" another chance.

But what would happen to an angry "acting out" 12-year-old in foster care? Probably foster home after foster home, as foster parents found they could not cope with him. Then group home after group home. The odds that he would have been adopted are slim. The odds that he would have been abused in foster care are excellent, (see Issue Paper 1). And the odds that he would emerge unable to love or trust anyone after all those placements are overwhelming.

But none of that happened. Alice Porter's family was referred to a family

preservation program in Newark. The mother became active in Narcotics Anonymous. She built her skills, getting the education she needs to find employment. Her son joined Al-Ateen and did well in school. Because he stayed at home, he saw his mother fight -- and win -- her battle with addiction. "That's one less negative role model in his life," says family preservation worker Marcello Gomez. "He's learning he can have a positive lifestyle, drug free."<sup>2</sup>

But what about infants? Would they do better taken from parents who have abused drugs? Often, the answer there, too, is no. After examining what really happens to such babies *Time Magazine* concluded: "Staying at home with an addicted mother who is actively participating in a rehabilitation program can, in many cases, be the more promising and *safer* route for the child [Emphasis added]."<sup>3</sup>

In a University of Florida study of children born with cocaine in their systems -- children often stigmatized with the label "crack babies" -- one group was placed in foster care, the other with birth mothers able to care for them. After six months, the babies were tested using all the usual measures of infant development: rolling over, sitting up, reaching out. Consistently, the children placed with their birth mothers did better. For the foster children, the separation from their mothers was more toxic than the cocaine.<sup>4</sup>

Why help addicted mothers? Because it is extremely difficult to take a swing at "bad mothers" without the blow landing on their children. And if we really believe all the rhetoric about putting the child's needs first, that means putting those needs ahead of everything, including how we may feel about his or her parents.

That doesn't mean we can simply leave children with addicted parents. It does mean that drug treatment for the parents, including inpatient programs where parents can live with their children, are almost always a better first choice than foster care for the children.

Not all cases work out like the case of Alice Porter. In some cases, a parent's addiction and lack of interest in treatment combine to create a situation that requires immediate removal of the child. But Intensive Family Preservation programs have developed their impressive record of safety while working with drug addicted parents. Michigan's program, for example, has an exemplary safety record, (see Issue Paper 1) even though 58 percent of the families it works with in Detroit have substance

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## Substance Abuse (continued)

abuse problems. In the Newark program, 75 percent of families stayed together one year after the intervention. The fact that 25 percent did not indicates the care with which such families are approached and the willingness of family preservation workers to recommend removal of children when necessary.

An exhaustive 1999 report on child welfare and drug abuse found that, again contrary to the stereotype, "national treatment outcome studies ... clearly show that treatment can be effective."<sup>5</sup> [Emphasis added]. A federal report concluded that one-third of addicts recover on their first attempt and another third recover "after brief periods" of relapse.<sup>6</sup> And another federal study found that the chances of success increase dramatically when parents are allowed to keep their young children with them during inpatient treatment.<sup>7</sup>

### But what about "meth"?

When use of crack cocaine was at its worst, so was the hype about what it did to children, and their parents.

The claim that children born with cocaine in their systems were doomed to become, in the words of one hyperventilating columnist, "a biological underclass"<sup>8</sup> was false. The claim that crack cocaine destroyed all maternal instincts was false. And the claim that addiction to crack cocaine could not be treated was false.

And yet, in 2005, the same false claims are being made about methamphetamine. In fact, methamphetamine addiction can be treated with just as much success and in the same time frame as addiction to crack cocaine and other substances.<sup>9</sup>

In part, there is a political motivation for the false claims about meth. The federal government wants to allow states to use billions of dollars now reserved for foster care for

various prevention programs, including drug treatment. But the child savers want to hoard the money for foster care.

The child savers want us to believe that methamphetamine is virtually untreatable because they want us to believe the only option for their children is foster care. They want us to believe the only option is foster care in order to justify their demand that those billions of dollars be reserved for foster care, and nothing else.

Family preservation is not drug treatment. But intensive Family Preservation programs help increase the chances that treatment will be successful. Such programs work with parents to determine which of the many forms of drug treatment is most likely to work, advocate to get them into treatment, and support them as they enter that treatment. They also prepare the family for the possibility of relapse, so even if that happens, the children remain safe. And perhaps most important, family preservation programs provide concrete services, so parents with substance abuse problems can marshal their energies and focus on freeing themselves from their addiction.

By providing such concrete help, Family Preservation programs provide something even more important: Hope. "A lot of our families are hopeless," Gomez says. "When you've been using for a long time, you think you'll never be able to get yourself together again." Often it is hopelessness that caused the addiction in the first place. "People get high for a lot of reasons," Gomez says. Sometimes, it may be a personal trauma. Often, it is the despair brought on by a life surrounded by seemingly intractable poverty.

Family preservation can't do it alone -- and the people who run such programs have never claimed that they can. There is an urgent need for a wide variety of substance abuse programs, particularly programs geared to the needs of mothers and children.

Updated, August 12, 2005

<sup>1</sup> Brief for Defendant Appellant and Brief for Petitioner-Respondent, *Nassau County (N.Y.) Department of Social Services v. Theresa*. //2. Personal Communication with Marcello Gomez, Clinical Supervisor for Family Preservation Programs at The Bridge, Inc., Irvington, N.J. //3. James Willwerth, "Should We Take Away Their Kids? Often The Best Way to Save the Child is to Save the Mother as Well," *Time*, May 13, 1991, p.62. //4. Kathleen Wobie, Marylou Behnke et. al., *To Have and To Hold: A Descriptive Study of Custody Status Following Prenatal Exposure to Cocaine*, paper presented at joint annual meeting of the American Pediatric Society and the Society for Pediatric Research, May 3, 1998. //5. National Center On Addiction and Substance Abuse at Columbia University, *No Safe Haven: Children of Substance-Abusing Parents* (New York: January, 1999). //6. Department of Health and Human Services, *Blending Perspectives and Building Common Ground: A Report to Congress on Substance Abuse and Child Protection* (Washington, DC: April, 1999) p.14. //7. U.S. Department of Health and Human Services, Center for Substance Abuse Treatment, *Benefits of Residential Substance Abuse Treatment for Pregnant and Parenting Women* (Washington DC: September, 2001). //8. Mariah Blake: "The Damage Done: Crack Babies Talk Back," *Columbia Journalism Review*, September/October 2004. //9. Richard A. Rawson, Ph.D., *Challenges in Responding to the Spread of Methamphetamine Use in the US: Recommendations Concerning the Treatment of Individuals with Methamphetamine-Related Disorders* (Los Angeles: UCLA Integrated Substance Abuse Programs David Geffen School of Medicine). See also, Maia Szalavitz, *The Media's Meth Mania*, (Aug. 4, 2005) and *The Media Go Into 'Crack Baby' Mode Over Meth* (August 10, 2005) both at [www.stats.org](http://www.stats.org).

## Family Preservation and Adoption

Critics of family preservation claim that it makes it harder to free children for adoption. Once again, they are wrong. Not only does family preservation not impede adoption, family preservation can speed the process of terminating parental rights when necessary.

The federal law that effectively abolished the reasonable efforts requirement, the so-called Adoption and Safe Families Act (ASFA), also requires states to seek termination of parental rights for many children in foster care for 15 of the most recent 22 months. Yet in many jurisdictions it can take at least 12 months for a judge to decide if the initial placement was justified in the first place.

Thus, while some children in foster care do indeed need to be adopted, ASFA encourages the indiscriminate adoption of children without regard to whether they could have remained safely in their own, loving homes.

And this influx of new termination cases comes despite increasing evidence that the system can't cope with the thousands of children legally free for adoption right now.

After three years of modest increases in the raw number of annual adoptions, the number has remained stagnant at about 50,000 per year.<sup>1</sup>

This is all states can manage, even though the federal government offers them a huge financial incentive – bounties of \$4,000 to \$8,000 for every adoption over the total number of adoptions the year before -- and political and media pressure for adoption is enormous. In contrast, since 1983 the foster care population has more than doubled. And today, there are *still* at least 3,000 more children trapped in foster care on any given day than there were when ASFA was passed.<sup>2</sup> The real message from the so-called surge in adoptions is that the problems of foster care can never be solved through adoption alone.

Furthermore, the figures include only finalized adoptions, not the number of cases in which parental rights were terminated, but no adoptive home was found.

In the early 1990s, NCCPR's President, Prof. Martin Guggenheim of New York University Law School, examined two states which expedited termination proceedings. He found that as the number of children *freed* for adoption soared, the number of actual adoptions

increased far more slowly. The result: A generation of legal orphans, who have no ties whatsoever to their birth parents, but aren't being placed for adoption either.

Guggenheim found that, contrary to the unsupported rhetoric of critics of family preservation, the one reform taken most seriously since the 1970s has been termination of parental rights.<sup>3</sup>

Furthermore, although abuse in adoptive homes is rare – like abuse in birth parent homes – ASFA's encouragement of quick-and-dirty, slipshod placements increases that risk.

Even Children's Rights Inc., a group which favors ASFA and has been hostile to family preservation, says "... **Congress should realize that far too many states ... when they do, for example, raise their adoption numbers, are doing so by including many clearly inadequate families ... along with the genuinely committed, loving families who want to make a home for these children, just to 'succeed' by boosting their numbers.**"<sup>4</sup>

Even if all the children now awaiting adoption could be placed, that doesn't mean the placements will last. Current efforts to plunge headlong into adoption are being undertaken in the absence of any reliable data about how often placements "disrupt" when parents who adopt a child – especially a "special needs" child – change their minds. But the evidence we do have is alarming.

Even before the effects of the new law were felt, it was estimated that 10 to 25 percent of so-called "forever families" don't turn out to be forever after all – the adoptive parents change their minds.<sup>5</sup> That number is only likely to increase as states increase pressure to place more children in order to obtain the bounties handed out under ASFA – bounties which are paid whether the adoption actually lasts or not.

As adoptions level off, the pressure to increase them again – and cash in on the bounties – is likely to have another pernicious effect. It is likely to prompt agencies to target the children most in demand by prospective adoptive parents: healthy infants from poor families. Agencies will rationalize that the parents really are "unfit" even as they continue to turn their child welfare systems into the ultimate middle-class entitlement: Step right up, and take  
(over)

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## Adoption (continued)

a poor person's child for your very own.

For an example of such targeting, see The *Pittsburgh Post-Gazette* series, "When The Bough Breaks," available online at [http://www.post-gazette.com/newslinks/1999\\_boughbreaks.asp](http://www.post-gazette.com/newslinks/1999_boughbreaks.asp)

**Says the head of Los Angeles County's child welfare system: "What you have now is an incentive to initially remove the child, and an incentive to adopt them out. I think when you put those two together, there is a problem."**<sup>6</sup>

Family preservation not only does not impede adoption, it can expedite the process of termination of parental rights by allowing workers to find out more quickly when a family *can't* be preserved -- and giving judges the confidence to make a termination decision knowing that the agency really did try to keep the family together.

The argument that there are children trapped in foster care who should be adopted and the argument that there are children trapped in foster care who should be in their own homes are not mutually exclusive. There are children in foster care who should be exiting in both directions.

But the claim that family preservation impedes adoption is nonsense. So is the claim that it was extremely difficult to terminate

parental rights before the law was changed. All that is needed is minimal competence on the part of child protective workers.

This was demonstrated by an American Bar Association project in Upstate New York. The ABA's National Center for Children and the Law taught lawyers and workers how to present a decent case in court. Without offering one iota of additional help to families before moving to terminate, the termination rate soared.<sup>7</sup>

We have always believed there is a place for efforts to increase the number of adoptions as part of child welfare reform. But as long as the rush to cash in on adoption bounties causes a further neglect of efforts to keep families in their own homes, it will only make things worse.

Contrary to critics' claims, most people in child protection work are almost obsessed with a substitute care fantasy, in which children are rescued from their "evil" birth parents and placed in substitute settings, which, in the imagination of the workers, are always ideal.

For most workers and most agencies, termination of parental rights is the dessert in the child welfare meal, family preservation is the broccoli. ASFA gives workers and agencies all the dessert they want without ensuring that they eat their broccoli first.

*Revised, September 26, 2005*

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1. Between 1997 and 2000 adoptions of foster children increased from 31,030 to 51,000. They've stayed at about 50,000 per year ever since. (1997 to 2002: U.S. Department of Health and Human Services, *State-by-State Adoption and Foster Care Statistics*, available online at <http://www.acf.hhs.gov/programs/cb/dis/index.htm> 2003: U.S. Dept. of Health and Human Services, *National Adoption and Foster Care Statistics*, chart available online at <http://www.acf.hhs.gov/programs/cb/dis/afcars/publications/afcars.htm>)/2. As of March, 1998, four months after ASFA became law, there were 520,000 children in foster care, (U.S. Department of Health and Human Services, AFCARS Report #1, available online at <http://www.acf.hhs.gov/programs/cb/dls/afcars/publications/afcars.htm>. By September 30, 2003, the most recent data available, that figure was 523,000 (HHS chart, note 1, Supra). //3. Martin Guggenheim, "The Effects of Recent Trends to Accelerate the Termination of parental Rights of Children in Foster Care -- An Empirical Analysis in Two States," *Family Law Quarterly*, p.139. //4. Statement of Marcia Robinson Lowry, Children's Rights, undated, presented before a hearing of the House Ways and Means Committee, Subcommittee on Human Resources, Nov. 6, 2003. //5. National Adoption Information Clearinghouse *Disruption and Dissolution*, [http://naic.acf.hhs.gov/pubs/s\\_disrup.cfm](http://naic.acf.hhs.gov/pubs/s_disrup.cfm) //6. Troy Anderson, "Government Bonuses Accelerate Adoptions," *Daily News of Los Angeles*, December 8, 2003. //7. Debra Ratterman of the ABA's National Legal Resource Center for Child Advocacy and Protection described the project at the 1991 Annual Conference of the N.Y.S. Citizens Coalition for Children.

## Just Say No to the Orphanage

Although the idea of going "back to the orphanage" gained a great deal of attention when former House Speaker Newt Gingrich brought it up, the notion has quietly been pushed by child savers for many years.

Gingrich, at least, was honest about his agenda: He wanted to take children away from their parents just because they are poor. The child savers claim no such intent, but their proposals amount to the same thing.

Supporters of orphanages base their arguments on three false premises: First, they say, we must have more orphanages because there are not enough foster parents for all the children who need them. But as we have shown in previous issue papers, we do not have too few foster parents, we have too many children needlessly taken from their own homes.

Thousands of children who could be safely in their own homes now languish in foster care. Get these children out of the system and there will be plenty of room in foster homes for the children who really do need substitute care -- and there will be no need to build any more orphanages.

Orphanage backers also claim that institutionalizing children gives them "stability." But orphanage staff often work in shifts, and even in places that employ so-called "house parents," they typically quit every year or two.<sup>1</sup> For a child, that makes living in an orphanage every bit as unstable as a succession of foster homes.

The third false premise is the Boys Town myth. Child savers say today's orphanages will be better than yesterday's and we should no longer precede the word "orphanage" with the word Dickensian. This myth has been fed by media that flocked to what they thought were the nation's few well-run institutions (some of which turned out not to be models after all). Of course there are model orphanages. There also are model jails. But they are called models precisely because they are unusual.

To find out what is in store for most children if we go back to the orphanage, we need go back no further than 1987. That was the year New York City set up 17 mini-orphanages for infants and toddlers. The city called them "congregate care facilities" but they soon acquired another name: Baby warehouses. In the two years between the time they were set up and the time the state ordered them closed:

Two children died of infectious diarrhea because of unsanitary diapering practices. A third child died because -- like 91 percent of the children -- he was not properly immunized.

There may have been more deaths, but the record keeping was as shoddy as the sanitation. Inspectors found that "all but five of the shelters have had consistent problems with roaches, flies, mice, or rats. Food practices are often unsafe." Disease was not the only hazard. Inspectors also found "unshielded wall outlets, broken cribs, playpens, and highchairs, play areas with broken glass, toxic chemicals leaking from containers within easy reach of toddlers. Children were cared for in eight-hour shifts by untrained workers who often did not even know their names. At one of the baby warehouses, the children were spoken to only when they did something wrong."<sup>2</sup>

Sixteen years later, a new study of group homes and institutions in New York, this time for teenagers, found similar hideous conditions. According to *The New York Times*, "the report paints a **daily life full of barbarisms**... [emphasis added].

"Teenagers recount being raped, having their rooms set on fire, being pressed to join gangs and routinely having their few nice possessions stolen. Insiders and outsiders ... agree that staff members not only fail to protect children but also engage in violence and intimidation themselves."<sup>3</sup>

These institutions are not aberrations. **An Indiana study found that children in "group homes" are 10 times more likely to be physically abused and 28 times more likely to be sexually abused than children in their own homes.**<sup>4</sup>

There have been other tales of terror from America's modern orphanages. Among them:

- SOS Children's Village in Florida, repeatedly has been cited by orphanage proponents as proof that orphanages can work. But between 1999 and 2001 33 reports were filed with Florida's child abuse hotline alleging abuse of children at the 50-bed facility; 21 were "substantiated" or "indicated." During the same time period 13 "house parents" and 14 "parent assistants" quit or were fired. (So much for orphanages providing "stability.")<sup>5</sup>

- Another facility touted as a national model, the main campus at Maryville, near Chicago, has been revealed as a place of terror for many of the children confined there, according to documents obtained by the *Chicago Sun-Times*. The newspaper reports that "the place is often up for grabs, with staff struggling to handle suicide attempts, sex abuse, drug use, fights and vandalism..."<sup>6</sup>

In 2001, police were called to Maryville 909 times.<sup>7</sup>

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## Orphanages (continued)

After a 15-year-old left her Maryville "cottage", was gang raped by other Maryville residents and escaped from her attackers, she says the kindly staff at her "cottage" wouldn't let her in until they had filled out a report about her "running away."<sup>8</sup>

Maryville claims it's cleaned up its act, but the State of Illinois has drastically reduced the number of children at Maryville's main campus and will limit future admissions to older foster children who volunteer for an "educational enrichment" program.

There are many other examples:

- A 1997 Los Angeles County Grand Jury report found, according to the *Los Angeles Times*, that "Many of the nearly 5,000 foster children housed in Los Angeles County group homes are physically abused and drugged excessively while being forced to live without proper food, clothing, education, and counseling..." [emphasis added]<sup>9</sup>

A year later, the *Times* found that "children under state protection in California group and foster homes are being drugged with potent, dangerous psychiatric medications, at times just to keep them obedient and docile for overburdened caretakers... Under the influence of such drugs, children have suffered from drug-induced psychoses, hallucinations, abnormal heart activity, uncontrollable tremors, liver problems, and loss of bowel control..."

The *Times* found that it happens to children as young as 3 "and even a 22-month-old knew the word 'meds.'"<sup>10</sup>

- Mission of the Immaculate Virgin on Staten Island became so well known for brutality that youths would run away and sleep on the subway rather than spend even one night there.

According to *New York Newsday*, "Adolescents returning from temporary placements ... described a pattern of incidents in which longer-term residents raped, robbed, or assaulted newcomers while night-shift staff slept on the job."<sup>11</sup>

- Linden Hill and Hawthorne Cedar Knolls, two institutions in Westchester County, New York were, according to *New York*

*Newsday*, "plagued by violence, unchecked sex, and poor supervision. ..." Said one counselor: "They have lost sight that the program is no longer safe to kids. It's outrageous."<sup>12</sup>

- At the JDM Residential Treatment Center near St. Louis, according to a former director, "there were days when there wasn't any food. The whole thing was just a way to make money off the state."<sup>13</sup>

A study of teenagers who had been through a representative cross-section of orphanages reported that the teenagers found institutions to be a significantly worse option than their own families, care by relatives, adoption, or even foster care.<sup>14</sup>

The North American Council on Adoptable Children aptly summed up the study findings: "The teens felt "less loved, less looked after, less trusted, less wanted ... Teens described a powerful code of behavior dictated by institutional peer-group subculture, encompassing drugs, sex, and intimidation."<sup>15</sup>

And that study is typical. A comprehensive review of the scientific literature on orphanages reveals that even the model facilities do serious emotional harm to children.<sup>16</sup>

When it comes to orphanages, we're not talking about rotten apples, we're talking about rotten barrels.

To know which is more likely to emerge from the "back to the orphanage" movement -- luxury orphan resorts or baby warehouses -- we need only look at how America has handled the mass institutionalization of other populations who are feared and despised.

The "back-to-the-orphanage" movement is based on the premise that the same governments and private agencies that have given us the prison system and the juvenile justice system, and have dotted the landscape with hideous warehouses for the mentally ill and the mentally retarded, somehow will come up with loving, humane institutions for children who are disproportionately black and overwhelmingly poor. But orphanages are institutions for the poor, and institutions for the poor are almost always poor institutions.

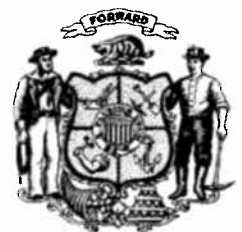
Revised, December 3, 2003

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# WISCONSIN STATE LEGISLATURE



DuluthNewsTribune.com

Posted on Wed, Feb. 08, 2006

## Audit finds questionable spending in child welfare program

**TODD RICHMOND**  
Associated Press

**MADISON, Wis.** - A social services agency used tens of thousands of state and federal dollars meant for helping abused and neglected children in Milwaukee County to buy gifts for staff members and rent a suite at Milwaukee Brewers games, an audit released Wednesday found.

The report by the state Legislative Audit Bureau found six agencies under state contract to help run the Milwaukee County child welfare program racked up \$677,694 in questionable costs in 2004.

One contractor, Lutheran Social Services, was responsible for the lion's share - almost \$570,000, according to the audit. About \$540,000 of that amount came from filing duplicate claims with the state, the audit said.

"That's a real concern," said Rep. Sue Jeskewitz, R-Menomonee Falls, co-chairwoman of the legislative Joint Committee on Audit. "It wasn't caught at Lutheran Social Services or at the department (of Health and Family Services). We're going to have questions asked about the accounting system."

Lutheran Social Services officials defended the rest of their spending, which included buying nearly 1,300 fleece jackets, 280 shirts, 350 watches and 1,200 keylights for staff members, according to the audit.

"We'd like to talk further with the audit bureau and clarify this. We definitely believe they (the expenditures) are allowable," Lutheran Social Services chief executive David Larson said.

The audit also found the state bureau that oversees Milwaukee County's child welfare program exceeded the 60-day time limit for investigations into allegations of child abuse in more than 30 percent of its cases.

The report identified four cases where the bureau didn't ensure children's safety, including one instance where children were allowed to live in a condemned house for more than four months. In another, an infant died after his mother left the child with a family friend, and the friend's two teenage children abused the child to death, the audit said.

Child welfare programs in Wisconsin typically are run by the counties. The state took over the Milwaukee County program in 1998 after a class-action lawsuit alleged the county's foster care system routinely failed to protect children. The Bureau of Milwaukee Child Welfare, a subdivision of the state Department of Health and Family Services, now oversees operations there.

The audit found Lutheran Social Services, the social ministry arm of more than 800 Lutheran churches in Wisconsin and northern Michigan, made \$16,344 worth of religious expenditures, such as communicating the organization's role to congregations and visiting congregations to participate in worship, according to the audit. Federal regulations prohibit program funds from covering such costs.

The organization also used state dollars to treat bishops to a suite at three Milwaukee Brewers games, the audit said.

Burnie Bridge, administrator of the state Division of Children and Family Services, said Lutheran Social Services has agreed to return the money it received for the duplicated claims. Agency financial personnel are poring over the rest of the questionable spending "line by line," she said.

"We're trying to determine if they're appropriate or not appropriate. If they're not, we'll recoup any of those payments," Bridge said.

Lutheran Social Services regional vice president Edward T. Kohl said the gifts to staff members were meant to compensate them for their "minimal" salaries.

Larson, the organization's CEO, said the so-called religious expenditures went to pay people to recruit volunteers for the child welfare program from congregations, and the bishops who attended the Brewers games helped find volunteers. The cost of the suite was not drawn totally from the child welfare programs but spread around programs throughout the organization,

Larson added.

The audit also found:

\_La Causa, also under state contract, spent \$32,971 in state and federal dollars on legal fees unrelated to child welfare.

\_The University of Wisconsin-Milwaukee, another contractor, spent about \$700 on coffee mugs.

\_Innovative Family Partnerships spent more than \$46,000 on an employee severance package.

\_Children's Society of Wisconsin spent about \$2,000 on career counseling for an employee, an employee farewell party and lobbying.

\_Wisconsin Community Service Network couldn't provide receipts for about \$1,025 in spending.

Jeskewitz said she plans to hold a hearing on the audit's findings, but didn't know when.

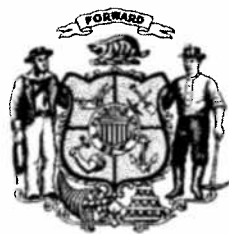
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# WISCONSIN STATE LEGISLATURE



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## Child welfare funds spent on gifts, state audit finds

### Case managers still leave in large numbers

By MARY ZAHN  
[mzahn@journalsentinel.com](mailto:mzahn@journalsentinel.com)

Posted: Feb. 8, 2006

Private child welfare agencies in Milwaukee County spent thousands of dollars intended for services to abused and neglected children and their families on gifts for their employees, including fleece jackets with corporate logos, shirts, watches, coffee mugs, gift cards and baseball tickets, a state audit released Wednesday showed.

Auditors also discovered a \$541,604 overpayment to the private agency that handles foster care services. All of the agencies in the audit provide services under contract with the state-run Bureau of Milwaukee Child Welfare.

Other problems cited in the audit include:

- A significant number of child abuse investigations - 30.9% of the total - taking longer than the 60 days allowed by state law.
- Delays in services to children in foster care and their families. From mid-February through late June 2005, only 27.4% of court-ordered services were in place shortly after the children were removed from their home.
- A lack of coordination and collaboration among case managers, who continue to quit their jobs in large numbers.

"Number one is the protection and care of these children," state Sen. Carol Roessler (R-Oshkosh) said Wednesday. "There has to be greater accountability.

"How is it that the audit bureau has to find a half a million double payment by the department? How could that even happen? To me it was breathtaking."

Roessler said that she and state Rep. Suzanne Jeskewitz (R-Menomonee Falls), who co-chair the Joint Legislative Audit Committee, will hold a hearing on the audit findings in the next several months.

Sen. Spencer Cogs (D-Milwaukee) said he would ask that the hearing be in Milwaukee

Rep. Tamara Grigsby (D-Milwaukee), who is also a member of the advisory Milwaukee Child Welfare Partnership Council, said significant improvements have been made to the child welfare system, but that "there is a lot more work that needs to be done."

Many of the problems, she said, stem from staff turnover. Of about 215 case managers employed in January 2005, 113, or about 53%, had left their positions by the end of the year.

Burnie Bridge, administrator for the state Division of Children and Family Services, said the audit was being taken seriously and would be used to improve services.

Many initiatives have already begun in the past nine months, she said, including raising case manager salaries to reduce turnover.

#### Red Flags For Auditors

Some of the private agencies' questionable or unallowable expenses cited in the audit:

- ☑ \$541,604: double payment
- ☑ \$46,214: severance package for employee
- ☑ \$32,971: legal bills unrelated to child welfare
- ☑ \$16,334: church-related expenses
- ☑ \$6,525: grocery store gift cards
- ☑ \$2,852: 170 fleece jackets for staff
- ☑ \$703: 200 coffee mugs with logo

Source: Legislative Audit Bureau.

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Problematic cases cited in the audit will be reviewed with an eye toward improvement.

Of 73 high-risk cases of abuse or neglect reviewed by auditors, all but four appeared to have been handled appropriately, they wrote. They included one case in which children were allowed to live in a condemned house for more than four months and another in which an infant died as a result of abuse. In one case, the report notes that a family had four different case managers in less than one year.

Among the audit's findings:

- Lutheran Social Services, which provides foster care services, received a duplicate payment of \$541,604 for services it provided in December 2004. Auditors said they discovered the overpayment in October 2005 and notified state officials.

Edward Kohl, regional vice president for Lutheran Social Services, said that the overpayment would have been discovered when his agency reconciled its accounts in December and that it is being paid back.

- More than \$5,550 in child welfare money was spent by Lutheran Social Services for fleece jackets, shirts, watches, key lights and sweat shirts for employees. In addition, 200 coffee mugs were given to child welfare employees who were in training at the Helen Bader School of Social Welfare at the University of Wisconsin-Milwaukee.

Kohl said that the gifts were given to employees to help with morale and staff retention and that such expenses under state contracts are allowed.

Lie Gwat-Yong, project administrator for the UWM child welfare training program, said the coffee mugs were a reward for supervisors who participated in problem-solving exercises on incentives and motivation.

- More than \$16,000 in church-related expenditures from Lutheran Social Services were paid for by child welfare money. That included expenses for three Milwaukee Brewers games, two of which were for clergy. The cost for the food and tickets and the suite totaled \$1,210, authorities said.

Kohl said that the agency's church-related staff has broad responsibilities that include child welfare duties.

"The Brewer games were an opportunity to bring clergy together to support the work that we do," he said.

- A program called Safety Services, which is aimed at keeping children who are at risk of abuse or neglect in their own homes by providing services through private contractors, was also criticized. In more than 11% of the cases reviewed where families received these services, children ended up in foster care within 12 months of the services ending.

"The staff of safety service contractors indicated they were sometimes told by their supervisors to close cases because contract payments were ending," auditors wrote.

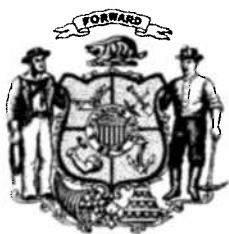
Service providers are paid \$1,194 per case each month for four months regardless of how long they remain open. Auditors found that services to these families, on average, had declined to less than three months.

From the Feb. 9, 2006, editions of the Milwaukee Journal Sentinel  
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# WISCONSIN STATE LEGISLATURE



# Audit finds questionable spending in child welfare program

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February 9, 2006

MADISON - A social services agency used tens of thousands of state and federal dollars meant for helping abused and neglected children in Milwaukee County to buy gifts for staff members and rent a suite at Milwaukee Brewers games, an audit released Wednesday found.

The report by the state Legislative Audit Bureau found six agencies under state contract to help run the Milwaukee County child welfare program racked up \$677,694 in questionable costs in 2004.

One contractor, Lutheran Social Services, was responsible for the lion's share - almost \$570,000, according to the audit. About \$540,000 of that amount came from filing duplicate claims with the state, the audit said.

"That's a real concern," said Rep. Sue Jeskewitz, R-Menomonee Falls, co-chairwoman of the legislative Joint Committee on Audit. "It wasn't caught at Lutheran Social Services or at the department (of Health and Family Services). We're going to have questions asked about the accounting system."

Lutheran Social Services officials defended the rest of their spending, which included buying nearly 1,300 fleece jackets, 280 shirts, 350 watches and 1,200 keylights for staff members, according to the audit.

"We'd like to talk further with the audit bureau and clarify this. We definitely believe they (the expenditures) are allowable," Lutheran Social Services chief executive David Larson said.

The audit also found the state bureau that oversees Milwaukee County's child welfare program exceeded the 60-day time limit for investigations into allegations of child abuse in more than 30 percent of its cases.

The report identified four cases where the bureau didn't ensure children's safety, including one instance where children were allowed to live in a condemned house for more than four months. In another, an infant died after his mother left the child with a family friend, and the friend's two teenage children abused the child to death, the audit said.

Child welfare programs in Wisconsin typically are run by the counties. The state took over the Milwaukee County program in 1998 after a class-action lawsuit alleged the county's foster care system routinely failed to protect children. The Bureau of Milwaukee Child Welfare, a subdivision of the state Department of Health and Family Services, now oversees operations there.

The audit found Lutheran Social Services, the social ministry arm of more than 800 Lutheran churches in Wisconsin and northern Michigan, made \$16,344 worth of religious expenditures, such as communicating the organization's role to congregations and visiting congregations to participate in worship, according to the audit. Federal regulations prohibit program funds from covering such costs.

The organization also used state dollars to treat bishops to a suite at three Milwaukee Brewers games, the audit said.

Burnie Bridge, administrator of the state Division of Children and Family Services, said Lutheran Social Services has agreed to return the money it received for the duplicated claims. Agency financial personnel are poring over the rest of the questionable spending "line by line," she said.



"We're trying to determine if they're appropriate or not appropriate. If they're not, we'll recoup any of those payments," Bridge said.

Lutheran Social Services regional vice president Edward T. Kohl said the gifts to staff members were meant to compensate them for their "minimal" salaries.

Larson, the organization's CEO, said the so-called religious expenditures went to pay people to recruit volunteers for the child welfare program from congregations, and the bishops who attended the Brewers games helped find volunteers. The cost of the suite was not drawn totally from the child welfare programs but spread around programs throughout the organization, Larson added.

The audit also found:

- La Causa, also under state contract, spent \$32,971 in state and federal dollars on legal fees unrelated to child welfare.
- The University of Wisconsin-Milwaukee, another contractor, spent about \$700 on coffee mugs.
- Innovative Family Partnerships spent more than \$46,000 on an employee severance package.
- Children's Society of Wisconsin spent about \$2,000 on career counseling for an employee, an employee farewell party and lobbying.
- Wisconsin Community Service Network couldn't provide receipts for about \$1,025 in spending.

Jeskewitz said she plans to hold a hearing on the audit's findings, but didn't know when.

### Child welfare audit turns up questionable spending

**RED FLAGS:** A state audit of Milwaukee County's child welfare system turned up \$677,000 in questionable spending by six agencies under contract to deliver services.

**GIFTS:** One contractor, Lutheran Social Services, was responsible for almost \$570,000, according to the audit. About \$540,000 of that amount came from filing duplicate claims with the state, the audit said, but Lutheran Social Services also bought hundreds of fleece jackets, shirts and watches for staff members and rented a suite for Milwaukee Brewers games.

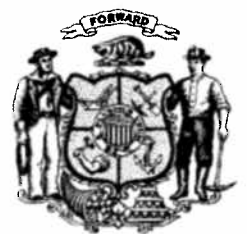
**RESPONSE:** Lutheran Social Services officials say the gifts were part of boosting staffers' morale and offsetting small salaries. The organization said it provided the suite to bishops to thank them for recruiting volunteers.

*Associated Press*

<http://www.gmtoday.com/news/front/topstory09.asp>



# WISCONSIN STATE LEGISLATURE





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## Editorial: Time for better oversight

From the Journal Sentinel

*Posted: Feb. 10, 2006*

Big holes remain in the safety net for abused and neglected children in Milwaukee County, according to a new state audit. Sadly, some are previously noted holes the state has failed to mend.

Yes, the study by the Legislative Audit Bureau identifies a plus side: The number of placements and the length of stay in out-of-home care did go down. This is a positive because ripping kids from their families is traumatic and should be avoided except when keeping them there would yield more abuse and neglect. What's more, kids need stability and should stay in temporary arrangements, such as foster homes, for as short a time as is practical.

But the report is mostly dreary. The state Department of Health and Human Services must figure out how not to keep having the same results. A chief problem now is lack of ongoing, independent monitoring of the child welfare program. The Doyle administration must put such monitoring in place.

The administration has passed the point where it can legitimately blame its predecessors for the dismal outcomes. It now owns this problem and should take drastic steps to fix it, before it returns to bite the state.

*Advertisement* Of course, many abused and neglected kids will later lead law-abiding lives. But criminals disproportionately start their lives abused and neglected.

Too often the state still takes too long to probe complaints about dubious parenting. Turnover among child welfare caseworkers remain high. Coordination with other programs, such as Medicaid and Wisconsin Works, remains weak.

In one area, the situation seems to have deteriorated: Fewer parents are getting services now than previously to enable them to improve. The private agencies handling those services and managing the cases aren't making the required quarterly reports, and the state has failed to request them.

In a small share of cases, workers failed to take the proper action to protect children. Finally, the audit points to \$678,000 in questionable charges by six contractors, including a duplicate payment of nearly \$542,000 to Lutheran Social Services.

In response to a private lawsuit under Gov. Tommy Thompson, the state took over from Milwaukee County the administration of the child welfare program and contracted out much of the work to private agencies. This arrangement has yet to prove itself.

The audit lists recommendations the state should follow. For instance, it must improve the timeliness of investigations, reduce even more the time children spend in out-of-home care and step up the delivery of services to parents.

But enacting those recommendations will obviously take structural changes. Otherwise, they would have been done by now. What this program sorely needs is real, continuous, independent oversight - which can monitor progress and red-flag problems between audits.

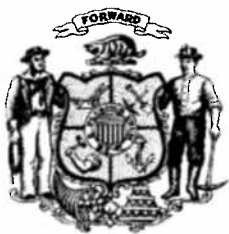
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## Foster care system gets mixed report

### Case managers stay, but more children return

By MARY ZAHN  
[mzahn@journalsentinel.com](mailto:mzahn@journalsentinel.com)

*Posted: Aug. 21, 2006*

The latest report on Milwaukee's foster care system includes both good and bad news.

*Advertisement* On the plus side, turnover among case managers responsible for monitoring the care of abused and neglected children in foster care - which was well over 50% last year - has been dramatically reduced in the first six months of this year, according to a state report released Monday.

But the report also says the percentage of abused and neglected children coming back into the system in the first six months of this year has almost doubled, and related reports show a dramatic reduction in the number of licensed foster homes.

The measures of stability are considered critical for the 2,742 children in foster care from Milwaukee County.

"The number of children coming back into foster care raises a huge red flag," said Eric Thompson, senior staff attorney with Children's Rights, a New York-based advocacy group. "These are children who have been revictimized after being returned home."

Thompson's organization settled a federal lawsuit in 2002 that alleged the foster care system in Milwaukee County routinely failed to protect children. The periodic report released Monday is required under that agreement.

Denise Revels Robinson, director for the Bureau of Milwaukee Child Welfare, which did the report on its own operations, said she was pleased that staff turnover had stabilized and said they are targeting new foster parents through a faith-based initiative. Many of the children being returned to the system after being reunified with their families involve large sibling groups, she said, adding that those cases are being studied.

"Overall we are seeing progress," Revels Robinson said of the report. "One of our biggest challenges is the increasing needs of adolescents and our ongoing need for quality foster homes. We are being very diligent."

Thompson praised the reduced turnover rates but said his organization filed for binding arbitration last week to force the state to continue paying for raises given last year. In the first six months of last year, 57 of about 212 case managers who started the year quit their jobs by June, as compared with 30 of about 204

- case managers for the same time this year, records show.

"We are saying this has to be a top priority for state government," Thompson said.

Continued salary increases for case managers will be included in her 2007-2009 budget proposals to the governor's office, Revels Robinson said. The money for the September 2005 case manager raises came from cuts within the state Division of Children and Family Services but only funds them through June 2007, she said. Those increases had been included in Gov. Jim Doyle's last budget request but were eliminated by the Joint Finance Committee.

Among the report's other findings:

- Five children were abused or neglected in out-of-home care as compared with 14 in the same time period last year. Revels Robinson attributed the reduction to a crisis intervention team foster parents can call on, and increased training and monitoring.
- The number of licensed foster homes went from 1,166 in June 2005 to 799 in June of this year. In the first six months of this year, Revels Robinson said, 89 people who applied to be foster parents were denied licenses. The major reasons, she said, included unstable income, a criminal background, prior abuse or neglect referral or a lack of cooperation with the licensing process.

"We are raising the bar on foster parents," Revels Robinson said. "We really want to increase the quality and have a very targeted recruitment effort."

- The percentage of children coming back into the system within one year after being reunified with their families went from 7% in the first six months of last year to 13.9% in the same time period this year.

Most of these cases involve a parent relapsing into substance abuse or ending up in prison, Revels Robinson said.

- There has been little change in the percentage of children in foster care who have had three or fewer placements, which has hovered between 72% and 73% in recent years. As of the end of June, 633 children had four or more placements, and of those, 52 had 13 or more placements.

The majority of these cases involve teens who chronically run away, according to Revels Robinson. Her agency is looking at new ways to address the problem, she said.

- The number of children receiving timely dental and medical screens while in foster care has continued to increase and now ranges from 79% to 86% of all children in care.

"We have made great progress, but we are not where we need to be," said Linda Davis, who is co-chair of the health committee for the Partnership Council, an advisory board to the Bureau of Milwaukee Child Welfare. "The report is a mixed bag."

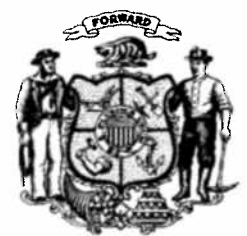
For more information on becoming a foster parent, call (414) 264-5437 (264-KIDS).

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Helene —

La Cause financier Status  
Retention of case workers?

Reporting of services?? — 2003?

Why do kids return? Monitoring?

Calculating performance standards?

Fixed case rate regardless of services —  
Q. I would think that this is  
a potential for less services —

\$500,000 of payment to Kuchera

64% out of home placement —

1. Foster care
2. Kinship —
3. Where are the rest?

Safety services —

\$4,776/family — No Matter how long

→ served or how long case remains —