

NATIONAL COALITION FOR CHILD PROTECTION REFORM

**53 Skyhill Road (Suite 202) / Alexandria, Virginia, 22314
Phone and Fax: (703) 212-2006 / e-mail: info@nccpr.org / www.nccpr.org**

**For release:
Monday, August 20, 2007, 12:00 noon**

**For further information, Contact:
Richard Wexler, Executive Director,
Office: 703-212-2006, Cell: 703-380-4252**

“PERENNIAL PANIC” PLAGUES ARIZONA CHILD WELFARE, NATIONAL NON-PROFIT CHILD ADVOCACY ORGANIZATION SAYS

The report discussed in this press release is available online by going directly to this URL: <http://www.nccpr.org/reports/arizona08202007.pdf> A summary of key findings and recommendations can be found at the end of this press release.

PHOENIX - Arizona's child welfare system functions in a state of "perennial panic," endangering children even as it needlessly destroys thousands of families, a national non-profit child advocacy organization and a former Arizona legislator said Monday.

The National Coalition for Child Protection Reform released a report Monday with 14 recommendations, including a "grand compromise" on funding to break what NCCPR Executive Director Richard Wexler called "the great Arizona stalemate" that has stalled all progress in child welfare.

Wexler and former State Rep. Laura Knaperek (R-Tempe) called for a "fully transparent" child welfare system, with all court hearings and most records open to press and public. And they supported Rep. Jonathan Paton's call for holding upcoming hearings on CPS in public.

"Days after taking office for her first term, Gov. Napolitano told Child Protective Services caseworkers to 'err on the side of protecting the child, and we'll sort it out later.' More than four-and-a-half years later, they still haven't sorted it out," Wexler said. "By the time the governor figured out that you can't err on the side of the child without erring on the side of the family, it was too late."

“There is nothing more important than protecting children. However, the philosophy of ‘when in doubt, remove the child’ is a recipe for disaster. It puts a target on children for physical, emotional, and educational risk,” said Rep. Knaperek, who has been fighting to reform Arizona child welfare for over 17 years. “The real victims are the kids; measured by the high rates of everything from abuse in foster care itself to teen pregnancy, arrest and youth unemployment.”

Wexler noted that his group, often called “the family values left” and Rep. Knaperek “start from very different places ideologically – but we’ve reached very similar conclusions. Protecting children is an issue that crosses ideological lines in unusual ways; that makes compromise possible. The dreadful state of Arizona child welfare makes compromise essential.”

Wexler said that problems in Arizona child welfare go back decades, to long before Gov. Napolitano issued her marching orders. “But though she acted with the best of intentions, her initial approach to child welfare made everything worse.”

Within months, the number of children torn from their homes skyrocketed. This “foster-care panic” backfired, Wexler said. “But it wasn’t just the children torn from everyone they knew and loved who suffered. Instead of making children safer, the panic overloaded workers to the point that they could investigate no case carefully enough. Workers overlooked increasing numbers of children in real danger, even as they tore other children from homes that were safe or could have been made safe with the right kinds of help.”

Wexler noted that in 2005, Carol Kamin, former President of the Children’s Action Alliance, a group he called “cheerleader-in-chief” for the foster-care panic, justified it by writing that “Our state has documented too many stories of children killed — or nearly killed — by abuse after CPS has left the children at home. In 2003... Arizona lawmakers ...

proudly reformed state policies and funding to prevent such tragedies from happening again.”

“But even as Ms. Kamin was writing those words, more children were dying,” Wexler said. “Indeed, in 2005, child abuse fatalities set an all-time record.” Such deaths rose from 36 before the panic to 50 in 2005, the most recent year for which data are available. Deaths of children previously known to CPS also set a record in 2005.

In fact, Wexler said, “I believe all of those who fomented the Arizona Foster Care Panic four years ago know it was a terrible mistake. As early as May, 2003, the rhetoric from the Governor’s office improved dramatically. But it was already too late. It is far, far easier to start a foster-care panic than it is to stop one.

“The results have been devastating for the state’s children.”

Wexler noted that the most comprehensive study ever done of outcomes for maltreated children, tracking more than 15,000 cases, found that rates of teenage pregnancy, arrest and youth unemployment were significantly higher for children placed in foster care than for comparably-maltreated children left in their own homes. He noted that a second study, released last year, reached similar conclusions.

“Fifteen thousand children are trying to tell us that the take-the-child-and-run approach, which has dominated Arizona child welfare for more than four years, is wrong,” Wexler said. “Don’t we owe it to them to listen?”

“Sadly, foster-care panics are not unusual,” Wexler said. “But in most other states, after a couple of years, people calm down look around and say the equivalent of ‘Oh, my God, what have we done?’ But in Arizona, whenever the panic might calm down, something happens to start it up again.”

Wexler said the locus of panic has shifted to Pima County, in the wake of three deaths of children “known to the system.” But even before those children died, Pima County was taking away children at a rate 50 percent above the state average and more than double and

triple the rate of systems around the country widely viewed as, relatively speaking, models.

“The take-the-child-and-run mentality that dominates child welfare in Arizona in general and Pima County in particular did nothing to save the lives of Brandon Williams or Tyler and Ariana Payne. Indeed, it made those tragedies more likely,” Wexler said.

This is Wexler’s third trip to Arizona since 2003. In April of that year, at Rep. Knaperek’s invitation, Wexler met with Arizona journalists, legislators, and staff from the Department of Economic Security. “At that time, we predicted that if the Governor and her allies did not reverse course immediately, the foster-care panic would engulf the system in chaos and more children would die. Unfortunately, we were right on both counts. Sadly, nothing NCCPR says in this report is hindsight.

“This was less a matter of predicting than reporting,” Wexler said. “We’ve seen foster-care panics do exactly the same to systems all over the country. Illinois endured the same kind of foster-care panic as Arizona. But in Illinois, they learned from their mistakes. They embraced safe, proven programs to keep families together. Today, children in Illinois are taken from their parents at less than half the rate of Arizona, and less than one-third the rate of Pima County. Yet independent, court-appointed monitors have found that, as foster care has plummeted, child safety has improved.

“Terrible tragedies still happen in Illinois, as they do in every system, but now they happen less often. What makes a system a model is not that it has accomplished everything it needs to, but that it does better than most.

“But Arizona has resisted learning from its mistakes – and, more than almost anyplace else in the country, Arizona has been unwilling to learn from the successes of other states. The states, it is said, are laboratories of democracy. But that only works when people are willing to read the lab results.”

Wexler said foster care panics backfire “because of a fundamental misunderstanding

of who gets caught in the CPS net.

“Contrary to the common stereotype, most parents who lose their children to foster care are neither brutally abusive nor hopelessly addicted. Far more common are cases in which a family’s poverty has been confused with child “neglect.” Other cases fall on a broad continuum between the extremes, the parents neither all victim nor all villain. What these cases have in common is the fact that there are a wide variety of proven programs that can keep these children in their own homes, and do it with a far better track record for safety than foster care.”

Where substance abuse is the issue, Wexler said Arizona should learn from a landmark study which found that even infants born with cocaine in their systems did better when left with birth mothers able to care for them than they did when placed in foster care. “For the foster children, being taken from their mothers was more toxic than the cocaine. And addiction to methamphetamine is just as treatable as any other addiction,” Wexler said.

“If we really believe all the rhetoric about putting the needs of children first we must put those needs ahead of everything – including how we may feel about their parents. That means drug treatment for the parents almost always is a better option than foster care for the children.

“Unfortunately,” Wexler said, “when the Governor ordered caseworkers to “err on the side of the child” she used what is, for children, the most dangerous phrase in the child welfare lexicon.

“When a child is needlessly thrown into foster care, he loses not only mom and dad but often brothers, sisters, aunts, uncles, grandparents, teachers, friends and classmates. He is cut loose from everyone loving and familiar. For a young enough child it’s an experience akin to a kidnapping. Other children feel they must have done something terribly wrong and now they are being punished. The emotional trauma can last a lifetime. One recent study of

foster care ‘alumni’ found they had twice the rate of post-traumatic stress disorder of Gulf War veterans and only 20 percent could be said to be doing well.

“How can throwing children into a system which churns out walking wounded four times out of five be ‘erring on the side of the child?’

“All that harm can occur even when the foster home is a good one. The majority are. But the rate of abuse in foster care is far higher than generally realized and far higher than in the general population. That same alumni study found that one-third of foster children said they’d been abused by a foster parent or another adult in a foster home. (The study didn’t even ask about one of the most common forms of abuse in foster care, foster children abusing each other). Switching to orphanages won’t help -- the record of institutions is even worse.

Wexler noted that in the years since the panic began, Patrick Traufler, Emily Mays and Dwight Hill all have died in Arizona foster care under suspicious circumstances.

“Our report includes 14 recommendations to help the state of Arizona reverse course, so no more children pay the price of panic.”

PERENNIAL PANIC

Why Child Welfare in Arizona Never Gets Better

KEY FINDINGS AND RECOMMENDATIONS

Findings:

- *The Arizona child welfare system functions in a state of perennial panic.* Four days after taking office in 2003, Gov. Napolitano ordered Child Protective Services workers to “err on the side of protecting the child, and we’ll sort it out later.” Four-and-a-half years later, they still haven’t sorted it out. The governor accelerated a “foster care panic.” Children are suffering enormously as a result.
- *With every caseworker terrified of having the next death of a child “known to the system” on her caseload, the number of children torn from their homes skyrocketed.* From October 2002 to October 2004, the number of children taken away soared by 40 percent, the largest two-year increase in the country at that time.
- *Arizona’s children are less safe now than they were when the panic began.* Though it was all done in the name of making children safer, the panic actually endangers children. That’s because with workers so overwhelmed with false reports, trivial cases, and children who never needed to be taken away, they have even less time to find children in real danger.
- *Cheerleaders for the panic promised that the surge in removals would reduce child abuse deaths. Instead, both total child abuse fatalities and deaths of children known-to-the-system increased.* Again,

PERENNIAL PANIC IN ARIZONA CHILD WELFARE/7

that's not surprising. The same thing happened in other systems plagued by panic – again, because with workers so overloaded, they have less time to find children in real danger.

- *Foster-care panics have swept through other states, but eventually people calmed down and realized the harm they'd done. In Arizona, the panic has not stopped; removals continue at the same obscene level today.* Arizona takes children at a rate more than double or triple that of systems nationally regarded as, relatively speaking, models. In these systems, independent, court-appointed monitors have found that reforms emphasizing family preservation have improved child safety.

- *Foster-care panics backfire because the children in the system are not who most people think they are.* Far more common than children beaten raped and tortured are children whose parents' poverty has been confused with neglect. Other cases fall between the extremes, the parents neither all victim nor all villain.

- *The largest study ever done of outcomes for maltreated children found that, on average, children left in their own homes did better than comparably maltreated children placed in foster care. Other studies have found similar results.* That doesn't mean no child ever should be taken away. It does mean that foster care is an extremely toxic intervention that should be used sparingly and in small doses. But for more than four years, Arizona has been prescribing mega-doses of foster care.

- *In another study, even infants born with cocaine in their systems were found to do better left with birth parents able to care for them than when placed in foster care.* The separation from the mothers proved more toxic than the cocaine. That means, for the children's sake, drug treatment for the parents almost always is a better option than foster care for the children. And addiction to methamphetamine is just as treatable as any other addiction.

- *The child welfare system is plagued with incentives, many of them financial, that encourage the misuse and overuse of foster care and discourage alternatives.*

- *The Governor's demand that CPS investigate every case was a huge mistake.* Just as the panic might have eased, workers were deluged with 5,000 more cases per year that used to be diverted to private agencies offering voluntary help. Now 40 percent of cases investigated by CPS are minor. In every other state to use such a "differential response" system it has worked without compromising safety. Arizona's version was flawed from the start, but it should have been fixed, not abolished. (NCCPR did not oppose the "investigate every case" mandate in 2003, however, because the reformer running the Department of Economic Security at the time, Dave Berns, said he wanted it. We felt his track record entitled him to the organizational structure he preferred. We were both wrong.)

- *Reform in Arizona has been stymied by a left-right stalemate.* Conservatives think DES can be stopped from needlessly taking away more children by starving the agency. It can't. Taking away children always will be the last thing to be curbed. But when liberals wring more money out of the Legislature, they throw almost all of it away on hiring more workers to take away more children. So the state winds up with the same lousy system only bigger. Arizona needs to spend more, but spend smarter.

Recommendations:

- *Enact a Grand Compromise on child welfare funding in Arizona.* In 2008, the legislature should add double the amount of money the governor asked for in 2007, meaning \$54 million in new child welfare spending. But every penny should go into safe, proven alternatives to substitute care. No new money should go to taking away children and holding them in foster care.

- *Restore differential response and do it right this time.*

- *Make concrete help available to ameliorate the worst aspects of poverty.* Things like housing assistance, day care and other help with basic needs.

- *Create a statewide Intensive Family Preservation Services program for every family that needs it.*

The program should rigorously follow the model established by the first such program, Homebuilders,

PERENNIAL PANIC IN ARIZONA CHILD WELFARE/8

in Washington State. Such programs have a far better track record for safety than foster care.

- *Expand the Family to Family program.* This program is an initiative of the Annie E. Casey Foundation, which also helps to fund NCCPR. The program has a proven record for keeping families together and placing more children who must be taken away with extended families and in their own communities – while improving child safety.
- *Make drug treatment available, on demand, to any parent who wants it.* In particular, parents who need it should have access to inpatient programs where their children can live with them.
- *Accelerate the reduction in use of shelters, group homes and other institutions.* Arizona has become exceptionally reliant on the worst form of “care” for children, institutionalization. No matter how pretty the grounds are or how much the staff cares, it’s still institutionalization and it still does enormous harm to children. In particular, Arizona needs to stop using parking place “shelters” as first stops for young children.
- *Change financial incentives that encourage prolonged foster care and discourage finding safe, permanent homes for children.*
- *Make the system fully transparent.* All court hearings in child maltreatment cases and almost all documents should be subject to a “rebuttable presumption” of openness. Over the past 25 years more than a dozen states have opened court hearings in child welfare cases; not one has closed them again. That’s because all the fears of opponents proved groundless. As one judge put it: “Sunshine is good for children.” Upcoming legislative hearings also should be public.
- *The child abuse hotline should not accept anonymous calls.* The hotline still should allow people to report maltreatment without revealing their names to the accused, except under very limited circumstances. But the hotline should insist on a verifiable name and address. Anonymous calls are the least reliable, and the most likely to divert workers from finding children in real danger.
- *Raise the standard of proof at all child welfare hearings to “clear and convincing.”* It should take more evidence to consign a child to foster care than it does to determine which insurance company pays for a fender-bender.
- *Create an institutional provider of defense counsel for families with support staff to do their own investigations and recommend alternatives to CPS case plans.*
- *Expand the scope of upcoming hearings.* Legislative hearings have been called to examine the deaths of Brandon Williams and Tyler and Ariana Payne. Those cases deserve full public scrutiny. But so do the deaths in foster care of Emily Mays, Dwight Hill and Patrick Trauffer. The extent to which lawmakers and the public demand answers should not depend on where a child happened to die.
- *In all places where it appears, the phrase “best interests of the child” should be replaced with the phrase “least detrimental alternative.”*

ABOUT NCCPR: The National Coalition for Child Protection Reform is a non-profit organization whose members have encountered the child protection system in their professional capacities and work to make it better serve America’s most vulnerable children. A complete list of NCCPR’s Board of Directors is available at www.nccpr.org. Funding for NCCPR’s national advocacy activities comes from the Annie E. Casey Foundation. We thank the Foundation for its support, but acknowledge that the views expressed here are those of NCCPR alone and do not necessarily reflect the opinions of our funders.