

Legacy of Failure

AN ANALYSIS OF CHILD WELFARE IN CONNECTICUT

September, 2010

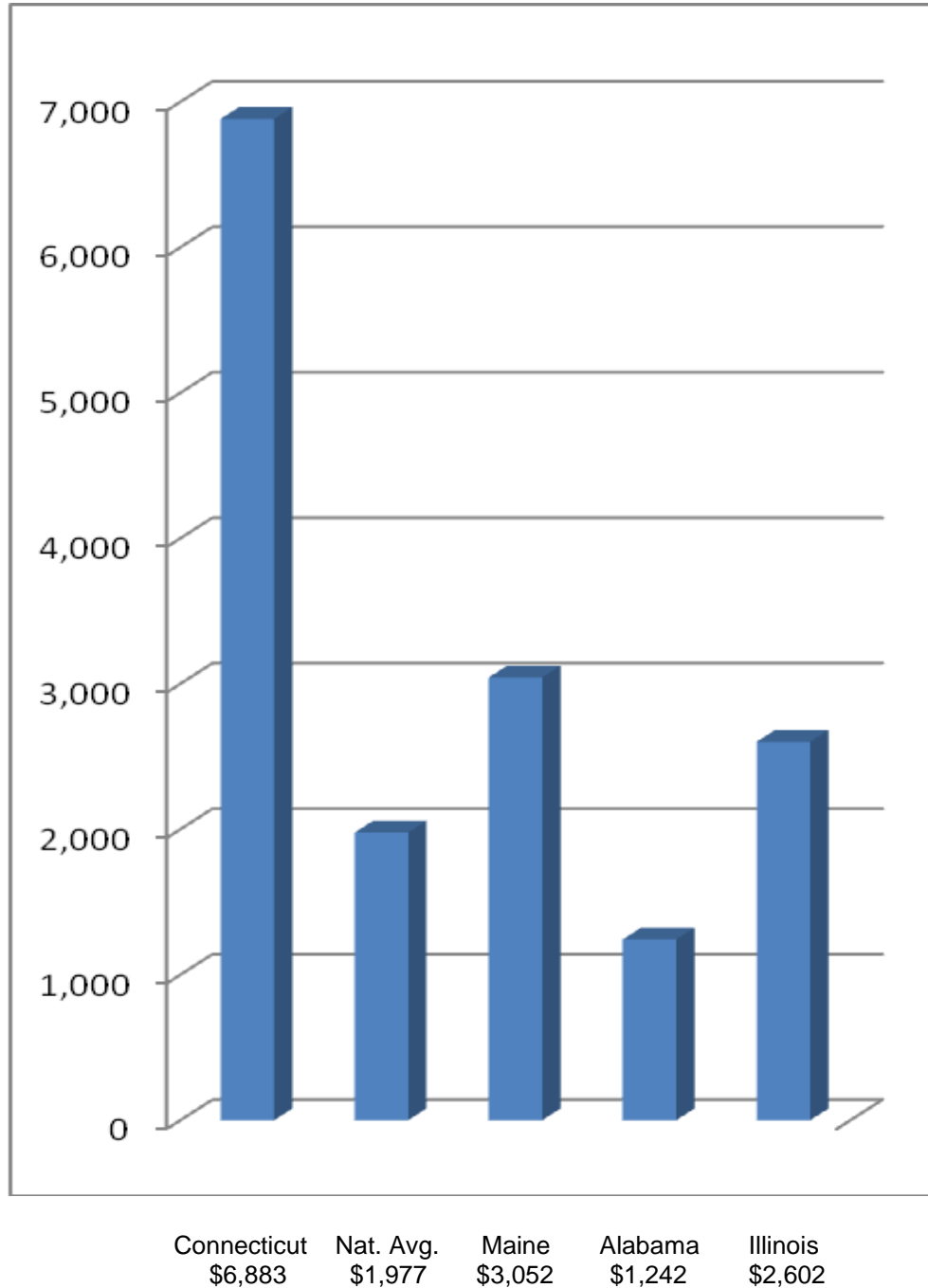
On the following pages, you'll find several NCCPR publications analyzing Connecticut's ongoing failure:

- **How Connecticut Compares:** Three graphs comparing Connecticut on spending, entries into care, and institutionalization
- **Legacy of Failure: Why Connecticut Stagnates as Other States Improve.** Our overview of the system
- **The Price of Panic:** What Connecticut can learn from foster-care panics in other states
- **Forgotten Outrages: A Timeline of Child Welfare Failure in Connecticut**
- **Recommendations for Reform: Ten Ways to Fix Connecticut Child Welfare**
- **Appendix: Why factoring in poverty is essential when measuring rates of child removal.**

And see also our post to the NCCPR Child Welfare Blog (<http://www.nccprblog.org/2010/09/connecticut-and-cr-are-back-in-court.html>) with more information about the state's class-action lawsuit settlement.

How Connecticut Compares: **Spending**

CHILD WELFARE SPENDING PER IMPOVERISHED CHILD, SFY 2006*



*This comparison is done by non-government researchers once every two years, and there is a long lag time between when data are solicited and received and when these reports are released. As a result, SFY 2006 data are the most recent available. While most, if not all, states have faced budget cuts since then due to the recession, those cuts are not likely to have a large impact on the relative ranking of the states. For further details on methodology see the complete *Guide to Child Welfare Spending* included with this material.

Sources:

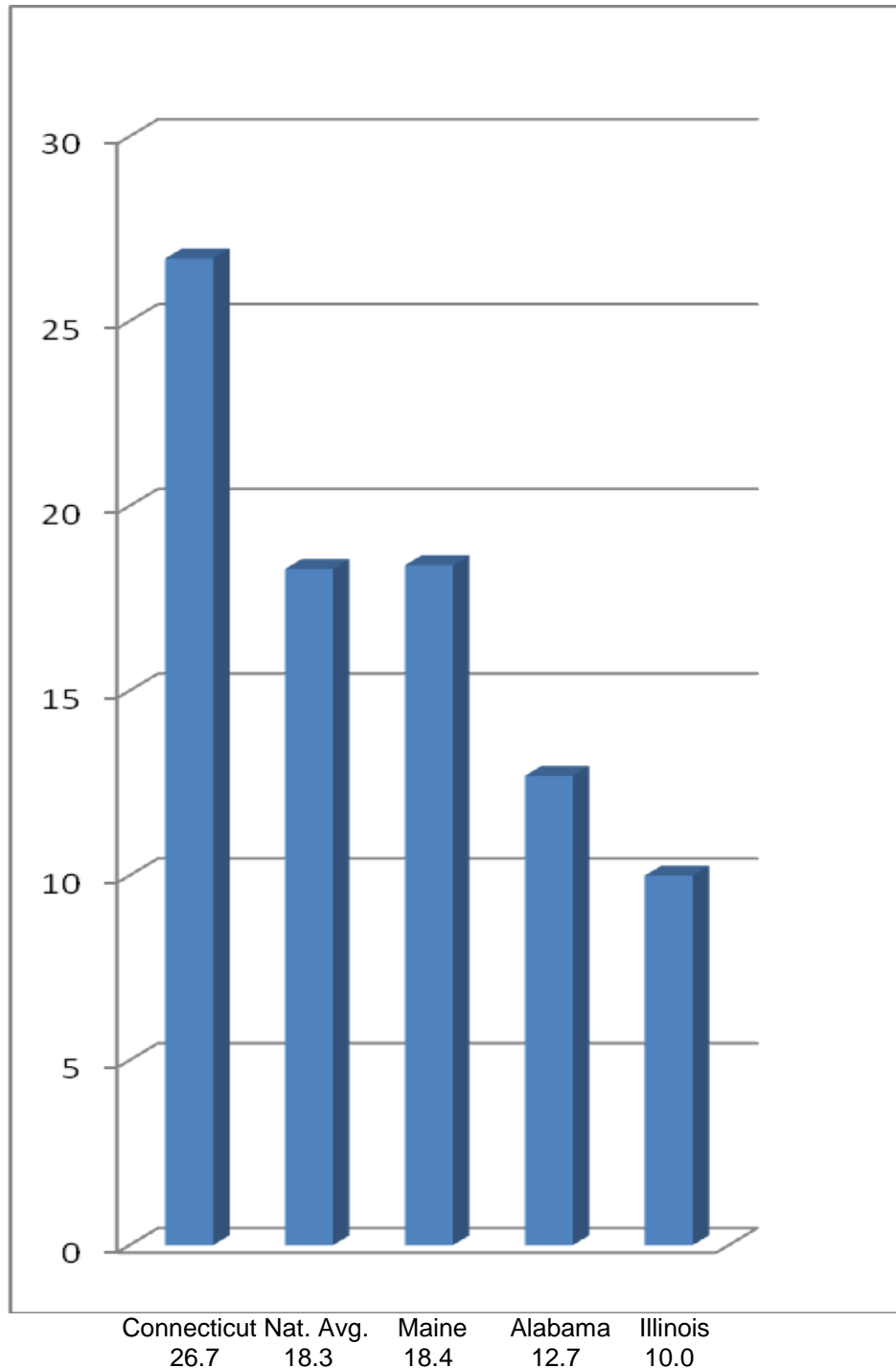
Impoverished child population: U.S. Census Bureau.

Spending: Kerry DeVooght et. al, *Federal, State and Local Spending to Address Child Abuse and Neglect in SFY 2006*. Washington, D.C.: Child Trends, December, 2008). Available online at http://www.ChildTrends.org/Files/Child_Trends-2009_02_17_FR_CWFinancePaper.pdf

Per impoverished child calculation was done by NCCPR.

How Connecticut Compares: **Entries into Care**

NUMBER OF CHILDREN TAKEN FROM THEIR HOMES AND PLACED IN
FOSTER CARE PER THOUSAND IMPOVERISHED CHILDREN, FFY 2009



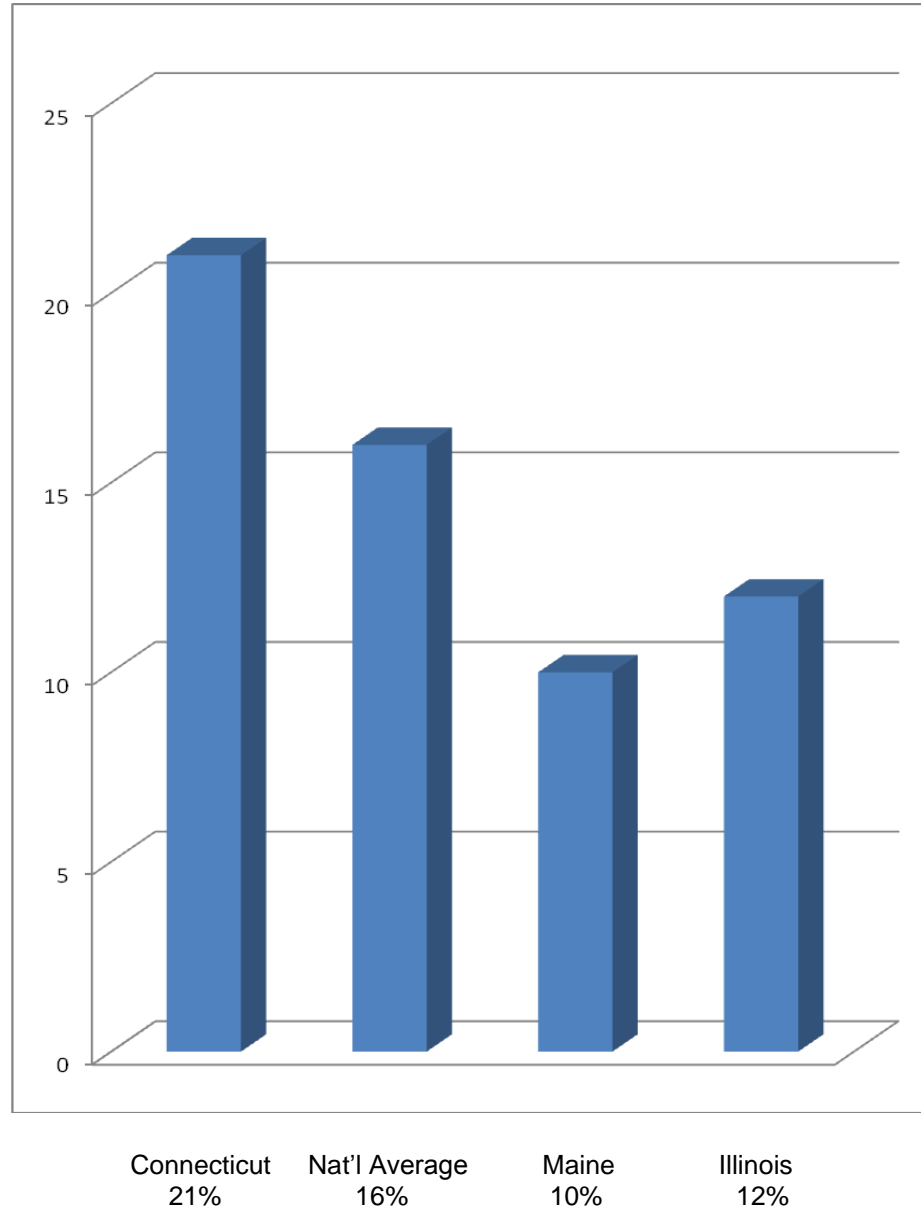
Sources:

Impoverished child population: U.S. Census Bureau, *Current Population Survey, Annual Demographic Survey*. As recommended by experts on poverty statistics, NCCPR uses a three year average for this figure. 2009 data are available here: , http://www.census.gov/hhes/www/cpstables/032010/pov/new46_100125_03.htm To get totals for 2008 change 032010 to 032009 in the URL above. To get totals for 2007, go here: http://pubdb3.census.gov/macro/032008/pov/new46_100125_03.htm

Removals: U.S. Department of Health and Human Services, Administration for Children and Families, *Foster Care FY 2002 - FY 2009 Entries, Exits, and Numbers of Children In Care on the Last Day of Each Federal Fiscal Year*, available online at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/statistics/entryexit2009.htm

How Connecticut Compares: **Institutionalization**

PERCENTAGE OF CHILDREN IN GROUP HOMES AND INSTITUTIONS



Sources:

Connecticut: Juan F. v. Rell Exit Plan Quarterly Report January 1, 2010 - March 31, 2010, (Table, p. 32). Available online at http://www.ct.gov/dcf/lib/dcf/homepage/pdf/1st_qtr_2010_report.pdf

We divided the total in this chart for May, 2010, by federal data for the number of children in foster care for the most recent date available, September 30, 2009. Those data are available online at:

http://www.acf.hhs.gov/programs/cb/stats_research/afcars/statistics/entryexit2009.htm **This method may understate the problem in Connecticut. In August, 2009, there were nearly 100 more children in group homes and institutions. Had we compared that figure to the September, 2009 total, the percentage in group homes and institutions would have been 23 percent.**

National Average: U.S. Department of Health and Human Services, Administration for Children and Families, *The AFCARS Report, Preliminary FY 2009 Estimates as of July 2010*. Available online at:

http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report17.htm

Maine: Jonathan Walters, *Fixing a Broken System: Transforming Maine's Child Welfare System*, (Baltimore: Annie E. Casey Foundation, 2009), p.11, available online at

http://www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Other/FixingaBrokenSystemTransformingMainesChildWelfare/AECF_FixingABrokenSystemFinal_Final.pdf

Illinois: Illinois Department of Children and Family Services, Executive Statistical Summary, July, 2010, available online at <http://www.state.il.us/DCFS/docs/execstat.pdf>

Recent data were not available for Alabama.

Legacy of Failure

WHY CONNECTICUT STAGNATES AS OTHER STATES IMPROVE

Connecticut's children still suffer from the harm done to them by foster-care panics in 1995 and 2003.

They deserve better in 2010

Nearly 20 years ago, three states, Alabama, Illinois, and Connecticut, signed consent decrees with organizations that were suing them over the failure of their child welfare systems. Two of those states emerged as national leaders, their child welfare systems, though still seriously flawed, widely recognized as, *relatively speaking*, models. Alabama, the state one might have thought most likely to fail, was so successful that its turnaround was showcased on the front page of *The New York Times*.¹

Other states also have made notable progress. New Jersey has made significant improvements under a consent decree. Maine, a state that, less than a decade ago, was as bad or worse than Connecticut, has undergone a transformation so successful it was recognized by Harvard's Kennedy School of Government. Even Florida, once the national symbol of child welfare failure, has made a turnaround dramatic enough to attract the attention of the *Times*.²

But the third state to settle a lawsuit in 1991 remains mired in mediocrity, or worse. That state is spending on child welfare at one of the highest rates in the nation – higher than all those success story states – yet its vulnerable children, and its taxpayers, get nothing but continued failure in return.

That third state, of course, is Connecticut.

Part of the difference in outcomes has to do with who sued each of the three states. But part of it has to do with the fact that Connecticut is a state with no learning curve, a state in which not only the Depart-

ment of Children and Families, but also elected officials keep making the same mistakes over and over.

Connecticut's children continue to pay the price for these mistakes. That price will only escalate if the current DCF leadership and lawmakers allow the state to descend into still another “foster care panic” – at least the third in 15 years.

Going back at least to 1995, DCF and politicians have confused child removal with child safety. They have reacted to high-profile horror stories by demanding an approach to child welfare that can be boiled down to a single sentence: Take the child and run. Over and over, DCF and politicians have set off foster-care panics, huge spikes in removals of children from their homes. And over and over this has done enormous harm to the state's vulnerable children.

Meanwhile, Alabama and Illinois moved in the opposite direction, making their children safer by rebuilding their systems to emphasize family preservation. Indeed, all of the relatively successful states take away children at a lower rate than Connecticut.

- When entries into care are compared to the number of impoverished children in each state, Connecticut tears apart families at a rate 40 percent above the national average and more than double the rates in Alabama and Illinois. (See *How Connecticut Compares*).

- Connecticut uses the best form of substitute care, placement with a relative

instead of a stranger, at a rate below the national average and far below the rate in better systems.

- In contrast, Connecticut uses what is, by far, the worst form of “care” – group homes and institutions, at a rate 30 percent above the national average.

One time, a DCF spokesman explained that a caseworker was not punished for submitting an affidavit that misled a judge because, at the time, DCF had no policy barring its caseworkers from misleading judges.

- Three times since 1995, twice in rulings from the bench, three different judges have blasted DCF for deliberately misleading them about cases. One time, a DCF spokesman explained that a caseworker was not punished for submitting an affidavit that misled a judge because, at the time, DCF had no policy barring its caseworkers from misleading judges. But three years later, DCF did it again. On that occasion, the judge called reports from a DCF caseworker “disingenuous,” “misleading” and “intellectually dishonest.” (See *Forgotten Outrages*.)

- Connecticut spends on child welfare at a rate vastly higher than the national average, and vastly higher than either Alabama or Illinois – but the money is largely wasted on all that needless foster care and institutionalization. (See *How Connecticut Compares*).

Now, there is an excellent chance Connecticut will repeat its mistakes once again. Blind outrage over a case in Torrington threatens to terrify caseworkers into tear-

ing apart even more families needlessly. That would be a disaster for many reasons, but the most important is simply this: Foster-care panics make all children less safe.

Indeed, while it is extremely hard to detect patterns in child abuse fatalities, and it is impossible in a state the size of Connecticut, we know this much from what’s happened in much larger systems: Over and over again, foster-care panics have been followed by increases in child abuse deaths. (See *The Price of Panic*).

We propose an alternative course for Connecticut. NCCPR offers recommendations to break the state’s cycle of child welfare failure, recommendations that have the potential to make the state another national leader.

The most dangerous phrase in the child welfare lexicon

No one was better at fomenting foster care panic than Connecticut’s former Governor, John Rowland. Once at the very beginning of his tenure and once about a year before resigning to avoid impeachment, Rowland exploited tragedy to make himself appear to be the great crusader against child abuse. He blasted DCF for not taking away enough children. And he used one or another version of the most dangerous phrase in the child welfare lexicon, demanding that workers “err on the side of caution” (1995) or “err on the side of safety” (2003).

In fact there is nothing cautious and there is nothing safe about tearing apart a family without being sure it’s necessary. On the contrary, it is profoundly reckless and profoundly dangerous.

- 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. For a young enough child it can be an experience akin to a kidnapping. Other children feel they must have done something

You're only damned if you don't

DCF caseworkers are not jack-booted thugs who relish destroying families. By and large they are dedicated, idealistic people who want to do what's best for vulnerable children. They also typically are undertrained for the enormous responsibilities they face. They are probably inexperienced, because turnover in these jobs tends to be high. And sometimes, especially during foster care panics, they have excessive caseloads. All of this makes it almost impossible for even the best worker to make good decisions. They wind up making bad decisions in all directions, leaving some children in dangerous homes even as they take others from homes that are safe or could be made safe with the right kinds of help.

But in terms of what will happen to the caseworker personally, all wrong decisions are not created equal. The common argument from caseworkers that they are "damned if we do and damned if we don't" is disingenuous.

We are aware of no child protective services caseworker anywhere in the country who ever has been criminally prosecuted, fired, demoted, suspended, or even slapped on the wrist for taking away too many children. All of these things have happened to workers who left one child in a dangerous home where something went wrong.

Similarly, agencies themselves sometimes try to duck scrutiny by applying what can best be called the *Goldilocks and the Three Bears* defense: "If some people say we take too many children while others say we take away too few, then we must be just right."

But the logic of fairytales doesn't apply to the real world of child welfare. No child welfare agency comes under months of intense critical scrutiny for taking away too many children. No heads roll over it. It is only the highly-publicized deaths of children "known to the system" that get top agency administrators into trouble.

When it comes to taking children from their parents, DCF and its workers are not damned if they do and damned if they don't. They're *only* damned if they don't.

terribly wrong and now they are being punished. 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."³ How can throwing children into a system which churns out walking wounded four times out of five be "erring on the side of the caution"

Two more studies, of 15,000 cases, are even more devastating. Those studies found that even maltreated children left in their own homes with little or no help fared better, on average, than *comparably-maltreated* children placed in foster care.⁴ So whenever anyone tells you that rushing to tear children from their parents is "erring on the side of the safety" please remember the 15,000 children who would gladly tell you otherwise if they could.

As former Connecticut Juvenile Court Judge Frederica Brenneman has said:

"Removing children because it is better to be 'safe than sorry,' a slogan that I believe has no place in child protection, may be a good way to avoid black headlines. It is also a good way to traumatize a child for life."⁵

- 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 revealed by official statistics, which involve agencies like DCF investigating themselves.

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). The record of institutions is even worse – and that's particularly disturbing in Connecticut, with its overreliance on institutionalizing children.

Furthermore, the more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes, as agencies are tempted to overcrowd foster homes and lower standards for foster parents. If a child is taken from a perfectly safe home only to be beaten, raped or killed in foster care, how is that "erring on the side of safety"?

There is nothing cautious and there is nothing safe about tearing apart a family without being sure it's necessary. On the contrary, it is profoundly reckless and profoundly dangerous.

- But even that isn't the worst of it. Caseworkers often make bad decisions in all directions – leaving some children in dangerous homes, even as more children are taken from homes that are safe or could be made safe with the right kinds of services. The more that workers are overwhelmed with children who don't need to be in foster care, the less time they have to find children in real danger. So they make even more mistakes in all directions. That is almost always the real explanation for the horror-story cases that make headlines.

None of this means no child ever should be taken from her or his parents. Rather, it means that foster care is an extremely toxic intervention that must be used sparingly and in small doses. But for decades, Connecticut's child welfare system has prescribed mega-doses of foster care – and every time there's a high profile case, politicians rush to demand that DCF up the dose still further.

Why family preservation works

The reason the only states that have succeeded at reforming their child welfare systems are states that do more to keep families together is that 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."

Several studies have found that 30 percent of America's foster children could be home right now if their parents just had decent housing.⁶ And single parents, desperate to keep their low-wage jobs when the sitter doesn't show, may have to choose between staying home and getting fired, or going to work and having their children taken on "lack of supervision" charges.

In Connecticut, funds intended to help low-income families afford child care in these cases actually have been diverted to fund child abuse investigations and foster care (See page 8.)

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 the Torrington case fits on this continuum is discussed at the end of this report.)

Hiding behind confidentiality

Compounding the problem are "confidentiality" laws that do nothing to protect children and everything to protect both DCF and politicians. That's the real reason such laws are so hard to change.

DCF uses confidentiality to hide its mistakes – in all directions. The problem

isn't just that DCF can refuse to share information about high-profile cases like the recent case in Torrington. DCF also can use confidentiality to scare reporters away from telling the stories of families who say their children were taken needlessly. DCF and agencies like it around the country can be counted on to say: "Oh, there's really so much more to the case, and we *wish* we could tell you, really we do; but we just can't, confidentiality, you know."

"Removing children because it is better to be 'safe than sorry,' a slogan that I believe has no place in child protection, may be a good way to avoid black headlines. It is also a good way to traumatize a child for life."

--Frederica Brenneman, former Connecticut Juvenile Court Judge

But confidentiality also serves the interest of politicians. Legislators can blast the agency for "letting children die" or "leaving children in danger" knowing that the agency is prohibited, by laws those same legislators enacted, from telling its side of the story. In August, Connecticut legislators blasted DCF for not discussing the Torrington case publicly when, in fact, Connecticut law – a law the state's lawmakers can change at any time – does, indeed, restrict what DCF can say.⁷

Real accountability can be achieved only when agencies can talk about every case, not just the horror stories, and when all court hearings in these cases, and most records, are available to the press and the public.

Too little kinship care

When children really must be taken from their parents, multiple studies have found that placing them with relatives – kinship care – is more stable, better for children's well-being and, most important, *safer* than what should properly be called stranger care.⁸ Nationwide, an average of 24 percent of children are placed in foster care with relatives.⁹ Progressive systems place at least one-third of children with relatives. In Illinois, for example, 40 percent of foster children are with relatives.¹⁰

In Connecticut, it is likely that no more than 18 percent of foster children are placed with relatives, and the figure may be even lower.¹¹

Too much institutionalization

All of the problems have been compounded by Connecticut's penchant for institutionalizing children.

But institutionalization is, by far, the worst option for children. The harm is so great, and the research so clear that it takes three single-spaced pages just to list the citations for the studies. (We've included these pages with this report).

And while many latter-day orphanages have rebranded themselves as "residential treatment centers" there is overwhelming evidence that residential treatment does no good and often is harmful. (For full details and citations see *Residential Treatment: What the Research Tells Us* on our website at <http://bit.ly/cZUHzi>.)

The younger the child, the greater the harm. That's why the federal government judges child welfare agencies, in part, on their ability to keep children under age 12 out of such places.¹²

And there is no need to institutionalize children. There is nothing a "residential treatment center" does that can't be done

better, and at less cost, through programs like Wraparound, which bring everything a troubled child and family may need right into a home or a foster home.

But, while nationwide, 16 percent of foster children are in “congregate care” on any given day, in Connecticut it’s at least 21 percent. (See *How Connecticut Compares*.)

Just last month, Connecticut Voices for Children singled out this obscene rate of institutionalization as one of the most important problems in Connecticut child welfare, noting that “Historically, Connecticut has had one of the highest rates of use of congregate care for young children in the nation.”¹³

A classic example of the Connecticut “institutionalize-your-troubles-away” mindset are its mini-orphanages which carry the Orwellian name “Safe Homes.”

The brainchild of former DCF Commissioner Kristine Ragaglia, they were based on all the myths promoted by what we have come to call the foster care-industrial complex, the network of private providers that lives off of a steady supply of foster children. The “Safe Homes” supposedly would allow children to be “stabilized” and “assessed” so they’d wind up in better placements and be more likely to remain with their siblings.

And, just as advocates of family preservation predicted at the time, none of that happened. Instead they turned out to be, in the words of the *Hartford Courant*, “a costly failure.”

But that wasn’t the *Courant*’s conclusion. It was the conclusion of a comprehensive study of “Safe Homes” commissioned by DCF itself. The study found that outcomes for children parked in “Safe Homes” actually were worse than for children who missed out on the “stability” and “assessment” and went straight into foster homes.¹⁴ The study found that the one thing “Safe Homes” are good at is wasting money – they cost a fortune.

When the *Courant* revealed the results of the study, DCF took immediate action: The agency removed the study from its website.

The study found that the one thing “Safe Homes” are good at is wasting money – they cost a fortune.

But perhaps the apotheosis of Connecticut’s obsession with institutionalization is Riverview, a state-run psychiatric hospital for children. Riverview became mired in scandal over the use of physical “restraints” – a polite term for anything from grabbing an unruly child to tying him down to a bed with leather or Velcro straps to administering “fast acting medication.”

A report from the Child Advocate found that even as other institutions around the country are trying to reduce the use of restraints, at Riverview, their use has doubled in the past 18 months.

And how much does it cost to warehouse children, dope ‘em up, and tie ‘em down in the name of helping them? A mere \$860,000 per child per year. But why stop there?¹⁸ Hold a child at Riverview for 14 months, and the cost will top \$1 million. That’s got to be some sort of record.

If all this were actually helping the children it would be worth every penny. But there’s no evidence that Riverview is doing the children any good. The children would get far more help, at less cost, by using Wraparound programs to bring all the help the children need right into their own homes or foster homes.

In fact, for \$860,000-per-year-per-child, a psychiatrist and support team could move right in and live with the family.

Still waiting for a magic wand

DCF's response to any criticism over its obscene rate of institutionalization reveals the agency's lack of vision and courage. DCF frames the issue solely as the ultimate lose-lose proposition: foster homes vs. institutions.

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So, when the *Courant* revealed that DCF still was using "Safe Homes" years after the agency knew they were a costly failure, Longtime DCF spokesman Gary Kleblatt said:

"Safe Homes have fulfilled a need in the present system. We can't just wave a magic wand and call up 200 new foster homes."¹⁹

Four years later, when asked about the Connecticut Voices for Children report, Kleblatt still hadn't found his magic wand:

"We are doing our darndest to find [foster parents]," Kleblatt told the *Ct. Mirror* website. "but no one has shown us or given us that magic wand to find them."²⁰

But other states have proven that it doesn't take magic to curb institutionalization and reform a child welfare system. It takes vision, imagination and the courage to face up to the fact that taking away too many children drives all the other problems in the system.

In New Jersey, a consent decree bans

the placement of young children in group homes or institutions – and the state has been remarkably successful. Today, of all foster children under age 10, only three percent are in any form of congregate care.²¹ The same settlement bans parking any child under age 13 in a so-called "shelter" – like Connecticut's "Safe Homes" and the state has been remarkably successful there as well. Between July 1 and December 31, 2009, one child under age 13 was placed in a shelter. Not one percent – one *child*.²²

In contrast, as of March, 2010, 235 children under age 13 were trapped in some form of institution in Connecticut.²³

Connecticut Voices for Children also singled out the huge problem of placing children out of state, far from everyone they know and love. In Connecticut, 278 children are institutionalized out of state. New Jersey, with two-and-a-half times the child population of Connecticut has only 44 children placed out-of-state.²⁴ Illinois, with nearly four times the child population of Connecticut has only 58 children placed with strangers out of state, and only 24 of them are in group homes or institutions. And in those few cases, the placement across a state line is actually closer to a child's home than one in Illinois.²⁵

Another state that refused to wait around for magic is Maine.

Less than a decade ago the Maine child welfare system was at least as bad as Connecticut's. The proportion of children trapped in foster care was among the highest in the nation. By 2009, the transformation in Maine was so dramatic that the system was a finalist for Harvard's prestigious Innovations in American Government awards.

The transformation has been stunning.

By 2009, Maine was taking away 30 percent fewer children than it did in 2001.²⁶ The number of children trapped in foster care on any given day has been cut nearly in half. And the rate of child removal in Maine

now is 30 percent below the rate in Connecticut. And, since 2003:

- Maine, a state which once was among the most hostile in the nation to kinship care, now has nearly tripled the proportion of children placed with relatives; Maine now exceeds the national average.

- Most remarkable: The proportion of Maine foster children who are institutionalized has been cut by at least *73 percent*.

In November, 2003, Maine had 28 percent of its foster children in group homes and institutions – a figure even worse than Connecticut – and only ten percent with relatives. By April, 2009, that had reversed – 27 to 30 percent were with relatives and only ten percent were in so-called “congregate care.”²⁷

It didn’t take magic. All it took was a governor willing to send the mediocrities who’d been running the Maine system packing and replace them with reformers dedicated to rebuilding the system around safe, proven ways to keep families together.

Even the author of the Harry Potter books knows you can’t solve these problems by waiting around for a magic wand. J.K. Rowling founded an organization known as Lumos. Its mission – through hard work, not magic – is to “end the systematic institutionalization of children across Europe.”²⁸

The cost to taxpayers

The highest price for all this failure is paid, of course, by the children; both those needlessly torn from everyone they know and love and those in real danger who are overlooked by workers overwhelmed with false allegations and trivial cases.

But taxpayers also suffer when they’re suckered into throwing away money on failed approaches, instead of making the best possible use of every penny.

At NCCPR, we’re tax-and-spend liberals and proud of it. We can think of no more important problem at which to “throw

money” than child welfare. But it is a crime against children to take funding they desperately need and throw it away.

The great paradox of child welfare is that the worse the option, the more it costs: Foster homes cost more than safe, proven alternatives to foster care. Group homes cost more than foster homes. And institutions cost more than group homes.

The great paradox of child welfare is that the worse the option, the more it costs.

Connecticut’s obsession with institutionalizing children helps explain why it spends on child welfare at one of the highest rates in the nation – a rate more than triple the national average. For all the good it’s doing, a lot of that money could be piled up on the steps of the State Capitol and burned – at least then it might keep a homeless family warm.

This incredible waste of funds on institutionalization makes even more shameful the fact that Connecticut actually has taken money intended to help poor people become self-sufficient and diverted it into foster care and child abuse investigations.

The money is from the federal Temporary Assistance for Needy Families program, which replaced “welfare as we knew it” in 1996. Surpluses from cutting the welfare rolls are supposed to help impoverished families with things like job training and child care. Instead, in a move that is no less appalling for its being legal, \$129 million in TANF surplus money was diverted in 2006 to fund foster care and child abuse investigations – contributing to a severe shortage of day care for low income families.²⁹

This means money that could go to helping a family find child care and avoid

being charged with “lack of supervision” for leaving children home alone in order to work, instead goes to fund the investigation into that family, the removal of the children, and payments to the strangers taking care of them while they’re in foster care.

Just like DCF, the group that calls itself “Children’s Rights” ignores the elephant in the room.

Connecticut does not need to spend more on child welfare – but it desperately needs to spend smarter.

The limits of the consent decree

One reason Alabama and Illinois made so much progress while Connecticut did not is partly beyond Connecticut’s control.

Alabama was sued by the Bazelon Center for Mental Health Law, which carefully studied why previous suits had failed, and crafted a suit based on rebuilding the system to keep families together. (The Bazelon Center’s Legal Director is a member of the NCCPR Board of Directors.)

Illinois was sued by the American Civil Liberties Union of Illinois. When their original approach didn’t work, they reopened the consent decree and took a similar approach to Alabama.

Connecticut, in contrast, was sued by a group that calls itself “Children’s Rights” (CR).

But just like DCF, CR ignores the elephant in the room. The McLawsuits it files in state after state routinely ignore the issue of wrongful removal. In some cases CR has moved to stop states from curbing the needless removal of children, and in

Connecticut, CR’s executive director applauded the actions that set off the foster-care panic in 1995. (See *Forgotten Outrages*.) (The exceptions occur when other organizations help CR craft better settlements than it would come up with on its own, as happened in New Jersey.)³⁰

So with no pressure from either plaintiffs or defendants to take on the issue, the lawsuit, like many others filed by CR, drags on forever, with little real change.³¹

But as we note in our recommendations for reform, DCF can change that.

Cases like Torrington

Most of the time, the cases that set off foster-care panics are clear-cut. Typically, they involve a child who was murdered by parents in cases where the file reveals more “red flags” than a Soviet May Day parade. Almost always, in such cases, those red flags are missed because workers are too busy chasing down false allegations, trivial cases or cases in which family poverty is confused with neglect.

But the Torrington case is different. There were lots of flags, but they were yellow, not red. They called for intensive intervention, but not necessarily removal of the children from the home.

So while there is no question the behavior of DCF in the Torrington case was idiotic, it wasn’t idiotic for the reasons some politicians believe.

Here was a case where DCF claimed in May that there was so much danger to the children that they had to be taken away – but DCF could wait two months between the time they reached this conclusion and the time they actually did it.

One can argue about whether they were wrong to wait or wrong to conclude removal was necessary, but one way or another, they were wrong.

Part of the problem is the tacit assumption that there are only two options in

such cases, options that boil down to “all” or “nothing”: Either take-the-child-and-run or close the door and go away. But in cases like this one, cases where the flags were yellow instead of red, there should have been other choices.

In a case like the one in Torrington, a good child welfare agency would have tried providing the family with a program like Intensive Family Preservation Services.

Under this program, caseworkers with caseloads no larger than three families may spend several hours a day in a home for six weeks, providing not just “counseling” and “parent education” but also concrete help. The counseling may take place while the parent and the worker are, together, cleaning up the home.

After six weeks at this level of intensity the worker makes a recommendation – either 1) link the family to less intensive help, or 2) this family really is hopeless and the children should be removed. Had this been tried in the Torrington case in May, chances are excellent that either the family now would be able to care for the children or the children would have been removed – before the incident that triggered the current firestorm ever took place. Details about these programs are in the Issue Papers on our website. (<http://nccpr.info/issue-papers/>)

Toward the “least detrimental alternative”

But that still leaves one fundamental question unanswered: Why bother trying to help a family like the one in Torrington stay together? Why leave children with parents who ever allowed things to get that bad?

The reason to bother is not for the sake of the parents, but for the children. The trauma of removal from the home (not to mention the risk of abuse in foster care) is so great that, in a situation where there may be no good options, trying to keep this family together almost certainly would have been the least bad.

The Torrington case is a reminder of the urgent need to heed the warnings of the late Yale child welfare scholars Joseph Goldstein and Albert J. Solnit, and their colleague, the late Anna Freud. They understood the inherent harm of state intervention into a family is so great that an entire new term is needed to guide the thinking of decision-makers.

They argued that decisions should be made based on *the least detrimental alternative*.

That was good advice when these scholars first suggested it, nearly 30 years ago, and it is good advice today.³²

See following page for endnotes

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The Price of Panic

OTHER STATES LEARN THAT FOSTER-CARE PANICS MAKE CHILDREN LESS SAFE

In April, 1993, three-year-old Joseph Wallace was killed by his mother. Joseph was "known to the system." For months, the story was on the front page of the *Chicago Tribune*. Politicians rushed to demand that the state tear apart more families.

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 effectively were abandoned amid false claims that such efforts contradict "child protection."

By 1996, a child was more likely to be trapped in foster care in Illinois than in any other state. But instead of saving lives, child abuse deaths went up. They rose from 78 before the panic to 82 the first year after, to 91 a year later.¹

That's not surprising. The foster-care panic overwhelmed the system to the point that it created a backlog of more than 5,000 uncompleted investigations.² In the first two years after the panic, the Illinois foster care population soared by 44 percent. 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.³

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.⁴

The decline has continued. Illinois reversed course, embraced family preservation and cut its foster care population dramatically. And at the same time, safety outcomes have improved.⁵

But during the Years of Panic in Illinois, there were other tragedies as well:

- 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.⁶

- 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.⁷

The foster-care panic took a bad system and made it, in Wolf's words, "unquestionably worse."⁸

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 politicians demanded that the child welfare agency take away more children -- even though deaths of children previously known to the child welfare system had declined by more than 40 percent since 1991.⁹ Once again, they set off a foster-care panic, overwhelming the system.

The result: Thousands of children were forced to sleep, often on chairs and floors, in a violence-plagued, makeshift shelter created from city offices,¹⁰ 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,¹¹ and the decline in child abuse deaths ended.

Between 1996 and 1998, deaths of children previously "known to the system" increased by 50 percent. 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. Like Illinois, New York City learned from its mistakes, reversed course and embraced efforts to keep families together. They had significant success -- until the death of Nixzmary Brown in 2006 led to backsliding, and another increase in deaths.¹²

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"

(over)

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 ..."¹³

increased, from an average of 25 per year in the four years before the Florida Foster-Care Panic to an average of 37 per year in the seven years after.¹⁴

Florida also learned. That state has reversed course and independent evaluations show that, as the state has begun taking away far fewer children, child safety has improved.¹⁵

Connecticut also saw an increase in child abuse deaths following its foster-care panic in 1995.¹⁶ But what sets New York, Illinois and Florida apart is the simple fact that these systems are so huge that it is harder to dismiss the increases as coincidences.

Nevertheless, the data don't prove that child abuse deaths always will go up after a foster-care panic. But those who favor a take-

the-child-and-run approach premise their entire argument on the assumption that if child welfare systems rush to take away more children, such deaths, and other cases of severe maltreatment, will decrease.

In fact, when better measures of overall safety are used, including evaluations by independent court-appointed experts, it's clear that the only child welfare systems that really improve safety are those that embrace safe, proven approaches to keeping more families together.

Illinois, Florida, and to some extent even New York City, learned from their mistakes. Why, then, does Connecticut keep repeating those mistakes over and over?

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FORGOTTEN OUTRAGES

A timeline of child welfare failure in Connecticut, and a comparison to two national leaders

Some outrages are remembered for a long time. When a child “known to the system” dies, or some other case captures enormous media attention, people don’t easily forget. But the day-to-day outrages, the ones that corrode the psyches of untold numbers of children, are more easily forgotten. And mistakes that are forgotten get repeated over and over again.

So it’s worth remembering the day-to-day outrages that have plagued Connecticut child welfare for decades.

1991: Three states, Alabama, Illinois and Connecticut, settle class-action lawsuits against their child welfare systems. The Alabama suit emphasizes rebuilding the system to emphasize family preservation. (The Alabama suit was brought by the Bazelon Center for Mental Health Law. That organization’s Legal Director is a member of the NCCPR Board of Directors.) The Illinois suit is revised in 1995 to do the same. Thanks to the consent decrees, these states ultimately are recognized nationwide for having what are, relatively speaking, model child welfare systems. Independent monitors find that the reforms have improved child safety.

Connecticut’s settlement makes no mention of doing more to keep families together.

1993: *The death of a child “known to the system” in Chicago starts a foster-care panic; a huge surge in removals of children from their homes. By 1997, more than 50,000 children are in foster care in Illinois, and a child is more likely to be trapped in foster care in Illinois than in any other state.*

1995: *After declaring that the foster-care panic has made the Illinois system “unquestionably worse,”² plaintiffs’ lead counsel and the state renegotiate the Illinois consent decree. The new decree incorporates approaches pioneered in Alabama, and shifts the emphasis to keeping families together.³*

1995: The death of Baby Emily Hernandez, following two other tragedies, sets off a foster-care panic, fueled by the response of former Governor John Rowland and his newly-hired DCF Commissioner, Linda D’Amario Rossi.

- Among the cases in which family preservation should not even be tried, says Rossi, are cases “where drugs have been an issue...” She makes no mention of drug treatment. (See 1998).
- Rowland’s press secretary declares that “heads will roll” and the governor himself, using a variation on the single most dangerous phrase in the child welfare lexicon, instructs caseworkers to: “err on the side of caution.” But he confuses child safety with child removal. Rowland also orders a review of thousands of cases in which DCF investigated a family but did not remove the children, to see if they should be

taken away. There is no similar review of cases in which children are in foster care to see if they should go home.⁴

- The president of the Connecticut Association of Foster and Adoptive parents warns of children needlessly removed for lack of concrete help, citing children placed with her when their mother was homeless and didn't know how to budget her money.⁵

- Appalled at the panic and its consequences, Judge Robert F. McWeeney says that, in a single week, he returned seven children home after finding that DCF never should have taken them away in the first place. That's twice as many as he'd returned that way in the previous *two years*.⁶

In a comment that would presage rulings by two other judges during the next 12 years, the judge suggests that DCF caseworkers are misleading courts to get them to rubber-stamp removals. Says McWeeney: "...[Caseworkers] have asked the court to take custody of a child, and when you come into court a week later, there really isn't as much there as was presented."

- In an op ed column for the *Courant*, NCCPR warns that Connecticut is making the same mistakes as Illinois, and risks the same harm to children.⁷

- The panic does, however, gain an endorsement of sorts from the lawyer running the group that calls itself "Children's Rights" (CR), the group that sued DCF. Says Marcia Lowry: "What is most remarkable to me is the degree to which New York is prepared to tolerate the abuse of children and the death of children while Connecticut finds it shocking and demands that action be taken."⁸

But the real results of Rossi and Rowland's failure are summed up by the *Hartford Courant* eight years later: "...child protection workers began removing children in record numbers, only to leave many languishing in foster care for months and sometimes years, while waiting for permanent homes."

And with workers so overwhelmed with all the new cases, they may be missing more children in real danger. Child abuse fatalities increase in the years following the panic.⁹ Though it is impossible to truly know in a state as small as Connecticut if the panic caused it to happen, we do know that there is no evidence that the panic made children safer.

1996: *The independent, court-appointed monitor overseeing the Alabama consent decree concludes that children in Alabama are safer than before the system switched to a family preservation model. The monitor writes that "the data strongly support the conclusion that children and families are safer in counties that have implemented the R.C. reforms."*¹¹

1996: Children swept up in the Connecticut foster-care panic languish in foster care as the overwhelmed judicial system effectively grinds to a halt. Courts are unable to process the flood of new cases and sort out which children can safely go home and

which cannot. An independent study commissioned by the state concludes that the backlog of cases in the juvenile courts “has reached a critical point.”

1998: A University of Florida Medical Center study demonstrates the urgent need for family preservation – and drug treatment – in cases where, to use Rossi’s phrase “drugs have been an issue.” The study compares two groups of infants born with cocaine in their systems. One group was placed in foster care, the other with birth mothers able to care for them. After six months, the actual physical development of the infants was better when they were left in their own homes. For the foster children, being taken from their mothers was more toxic than the cocaine.¹²

1999: At the urging of former DCF Commissioner Kristine Ragaglia, Connecticut opens a series of mini-orphanages under the Orwellian name “Safe Homes.”

2002: Then-Deputy DCF Commissioner Thomas Gilman admits that caseworker inexperience and “external pressure” caused an increase in needless removals of children after Baby Emily died. “Whenever you get a death in the system, the numbers of reports go up and the number of substantiations go up. It’s not necessarily a good thing, but a reaction to that tragedy.”¹⁴

2003: A comprehensive evaluation of “Safe Homes” concludes they are, in the words of a *Courant* story “a costly failure.”¹⁵ Contrary to what DCF promised, they don’t increase the chances of keeping siblings together, and they don’t improve stability for foster children. In fact, children in “Safe Homes” actually endure more placements – and they are more likely to suffer long-term institutionalization. Their only “accomplishment” is to waste money.¹⁶

But DCF doesn’t tell anyone about the study. It’s revealed by the *Courant* three years later.

2003: *As foster care rolls plummet in Illinois, the leader of the court monitoring team declares that Illinois children are safer than when the state had far more children in foster care.*¹⁷

2003: Al-Lex Daniels dies, and former Governor Rowland proves he’s learned absolutely nothing. He issues a memo to every DCF caseworker again instructing workers to “err on the side of safety” which again means “take the child and run.” As the *Courant* reports: “State investigators are asking courts to remove children from their homes at skyrocketing rates following the highly-publicized beating death of a 10-month-old Hartford boy last month. Child advocates fear it is the start of a foster care panic that may be doing the children more harm than good.”¹⁸ Rowland dismisses the harm of needless removal of children as an “inconvenience.” The day after Rowland sends out his memo DCF workers set a record for requests to take away children.¹⁹ Entries into foster care, which had been declining slowly since 2000 soar by 25 percent in a single year.²⁰

Compounding the problem: Longtime DCF spokesman Gary Kleeblatt falsely claims that children can’t be removed without prior approval of a judge. He suggests that

because judges supposedly must approve the removals in advance, that means the removals must have been justified.

DCF workers can hold a child in foster care for up to four days “without prior authorization from a judge.”²¹

2004: In a blistering decision echoing concerns expressed by Judge McWeeney in 1995, Judge Carmen Lopez rules that a DCF caseworker deliberately distorted the facts of a case in order to persuade a court to remove a child during the 2003 foster-care panic. Judge Lopez says the worker sought to “manipulate the facts” and “mislead the court” during a hearing where neither the parent nor the parent’s attorney was present to tell the other side of the story. She urges DCF to explain to caseworkers the penalties for perjury. Longtime DCF Spokesman Gary Kleblatt said the worker was not disciplined because, at the time, DCF had no policy requiring affidavits “to disclose all the relevant facts including those that support the parents’ position” but that would be the policy in the future. (See 2007).²²

2004: Enmeshed in a scandal related to construction of a hideous institution to warehouse juveniles, Gov. Rowland resigns, rather than face impeachment.

2004: The group calling itself Children’s Rights (CR) and DCF negotiate a streamlined consent decree, known as an “exit plan.” But the exit plan still does not address reducing the number of children taken from their homes in the first place.²³

2005: The New York Times runs a front-page story with this headline: “Once Woeful, Alabama is Model in Child Welfare.”²⁴ The story documents the success of that state in reducing foster care and improving child safety.

2006: For the first time, a child abuse death during the administration of Gov. M. Jodi Rell gets extensive media attention. Although Rell orders a review of open cases disturbingly similar to one ordered by Rowland in 1995, Rell chooses her words far more carefully.²⁵ Though entries into care go up, reversing two years of modest declines, the increase is smaller, about eight percent.

2006: The *Hartford Courant* reveals that funds that should be used to help impoverished families become self-sufficient have been diverted instead into what amounts to a child welfare slush fund. The money is from the federal Temporary Assistance for Needy Families program, which replaced “welfare as we knew it” in 1996. Surpluses from cutting the welfare rolls are supposed to help impoverished families with things like job training and child care. Instead, in a move that is no less appalling for its being legal, \$129 million in TANF surplus money is diverted to fund foster care and child abuse investigations – contributing to a severe shortage of day care for low income families.²⁶

TANF surplus funds should be used for things like helping a family find child care and avoid being charged with “lack of supervision” for leaving children home alone in order to work. Instead, Connecticut diverted that money to fund the investigation into such families, the removal of their children, and payments to the strangers who care for those children while they’re in foster care.

2006: The *Courant* reveals the existence of the study showing that “Safe Homes” are a costly failure.²⁷ DCF responds immediately: It removes the study from its website.

Longtime DCF spokesman Gary Kleeblatt tells the *Courant* that “Safe Homes have fulfilled a need in the present system. We can't just wave a magic wand and call up 200 new foster homes.”²⁸

2006: CR and DCF negotiate a modified exit plan to replace the exit plan to replace the original consent decree. But this document still doesn't address the problem of taking away children needlessly in the first place.³⁰

2007: *At the recommendation of the independent monitor, a federal judge decides Alabama has made enough progress to exit from its consent decree.*

2007: Three years after DCF promises to stop distorting facts in its documents, still another judge excoriates DCF for distorting facts in its documents. Judge Francis J. Foley III called the DCF worker's reports “disingenuous,” “misleading” and “intellectually dishonest.” Longtime DCF spokesman Gary Kleeblatt says this caseworker wasn't punished either. But, he says, the case was “discussed” in the office where the caseworker worked.³¹

2008: CR seeks a partial federal takeover of DCF.

2008: CR and DCF agree to a “corrective action plan” to supplement the modified exit plan which replaced the exit plan which replaced the original consent decree. This document doesn't address Connecticut's high rate of removing children from their homes either.

2009: Having maintained for well over a decade, all over the country that it cannot sue on behalf of children not yet in foster care, CR sues on behalf of children not yet in foster care. But the suit seeks only to maintain one limited program, one of the few involving cases in which the reach of DCF extends into the middle class.³⁵ This begs the question why, after all these years, CR still hasn't sought to amend its consent decree and all the plans that followed, to compel DCF to stop taking away so many children, in particular, impoverished children, needlessly.

2010: CR sends notice to DCF contending the agency remains out of compliance with parts of the consent decree.³⁶

2010: Connecticut Voices for Children singles out the state's high rate of institutionalizing children as a particularly serious problem. Longtime DCF spokesman Gary Kleeblatt indicates he's still looking for his magic wand. “We are doing our darndest to find [foster parents],” he tells the *Ct. Mirror* website, “but no one has shown us or given us that magic wand to find them.”³⁷

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RECOMMENDATIONS FOR REFORM

Ten Ways to Fix Connecticut Child Welfare

1. DON'T ALLOW ANOTHER FOSTER-CARE PANIC. A take-the-child-and-run response to high-profile tragedies plunged the Connecticut child welfare system into chaos in 1995 and 2003, and stalled minimal progress in 2006. Don't let it happen again.

A foster-care panic can't be stopped with a law or a policy; it requires leadership. It requires DCF leaders to send a message to the frontlines: We'll hold you accountable if you screw-up, but we will be as vigorous in defending you if something goes wrong and it's not your fault. We will show that we know the difference between accountability and scapegoating.

And elected officials need to send a message that the harm to a child from needless foster care can be just as bad, sometimes worse, than leaving a child in a home that's been the subject of reports of maltreatment.

2. REVISE THE CONSENT DECREE. DCF has been seeking to get out of the consent decree with the group that calls itself Children's Rights. That would be a mistake. But the new governor and new leadership at DCF should seek a radical change in direction. The consent decree should be renegotiated to emphasize requiring DCF to do far more to keep children safely in their own homes.

3. LET DCF COMMENT ON SPECIFIC CASES. Several states allow their child welfare agencies to comment on any case that already has become public. Arizona law, for example, gives its state child welfare agency broad latitude to "confirm, clarify and correct" any information about any case that has become public knowledge.

Such legislation would not force DCF to comment. But at least there then would be no question that, if DCF remained silent, it was stonewalling of its own volition. This also might make journalists more willing to override DCF's "veto of silence" when parents complain to reporters about children being wrongfully removed.

Equally important: DCF would be able to defend itself when it is right.

4. OPEN ALL COURT HEARINGS AND MOST RECORDS IN ALL CHILD WELFARE CASES. It's been said that justice must be seen to be done. By that standard, there is no justice in child maltreatment cases in Connecticut. With the exception of an experiment in Middletown, all court hearings in these cases are closed.

Since 1980, at least 17 states have opened all court hearings in child welfare cases to the press and the public. Not one has closed them again. That's because the fears of opponents of open court hearings proved groundless.

Open hearings are vital not only to help protect the rights of individual children and families, but also so the public can see the routine harm DCF does through needless removal — day-to-day outrages that otherwise are hidden from public view. Open hearings are essential to

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counter the stereotypes about families and the misimpression that the only error DCF makes is leaving children in dangerous homes. And in any free society, the burden of proof always must rest with those who want to keep the business of government secret.

5. PROVIDE HIGH-QUALITY DEFENSE COUNSEL FOR INDIGENT PARENTS. It is ludicrous to claim that children are protected from needless removal when their impoverished parents often are, literally, defense-less. Building on the work of the office of the Chief Child Protection Attorney, Connecticut needs to create a system which guarantees indigent parents a lawyer from the moment the child is removed – or the moment an agency decides to go to court to place a family under its supervision, even while leaving the children at home. Connecticut needs to create an institutional provider of defense counsel with resources at least equal to those available to the lawyers who represent DCF.

This is not an issue of getting “bad” parents off. On the contrary, in Washington State, which uses this approach in many counties, even the Attorney General’s office, which represents that state’s equivalent of DCF, favors the model because cases that don’t belong in the system get out of the system quickly and families are more likely to get the help they need. Similarly, in New York City, such a system was created with the full support of the city’s equivalent of DCF.

6. BRING CONNECTICUT’S CHILDREN HOME. Over three years, bring all the children institutionalized out-of-state back to Connecticut. Illinois has almost no children institutionalized outside its borders; New Jersey has only 44 children placed out-of-state. There’s no reason Connecticut can’t do as well.

7. OVER THREE YEARS, BAN THE PLACEMENT OF YOUNG CHILDREN IN INSTITUTIONS. Institutionalization is, by far, the worst form of “care” – it corrodes the psyches of children and typically leaves them prepared for nothing in later life except more institutionalization.

8. CUT OVERALL INSTITUTIONALIZATION TO NO MORE THAN THE NATIONAL AVERAGE WITHIN TWO YEARS, THEN FURTHER REDUCE IT TO 12 PERCENT OF ALL CHILDREN IN FOSTER CARE WITHIN FIVE YEARS. This can be done by building a comprehensive infrastructure of Wraparound and other alternative services. Illinois already institutionalizes only about 12 percent of its children, Maine institutionalizes only ten percent. Five years is plenty of time for Connecticut to get to where Maine and Illinois are already.

9. DO NOT ALLOW TANF TO BE A CHILD WELFARE SLUSH FUND. A state that spends on child welfare at a rate more than triple the national average does not need to raid the Temporary Assistance for Needy Families program. That money is supposed to be used to help impoverished families become self sufficient.

10. MISLEADING A JUDGE SHOULD BE A FIRING OFFENSE. When a judge finds that a DCF caseworker deliberately misrepresented a case, the caseworker should be fired. Period.

There are more recommendations in NCCPR’s Due Process Agenda and in our publication, Twelve Ways to do Child Welfare Right. Both are available at www.nccpr.org

Stripping away the camouflage

WHY FACTORING IN POVERTY IS ESSENTIAL WHEN MEASURING RATES OF CHILD REMOVAL

The biggest single factor in child maltreatment is poverty. Poverty can increase stress that leads to more actual maltreatment. But also, poverty itself often is confused with “neglect.”

For example, Connecticut defines “neglect” as: “the failure, whether intentional or not, of the person responsible for the child's care to provide and maintain adequate food, clothing, medical care, supervision, and/or education.”¹

There is hardly an impoverished child in Connecticut who, at some point, couldn't be labeled “neglected” with a definition like that.

As a result, child protective services agencies simply don't operate much in wealthy communities. So if a state has a lot of wealthy communities, that camouflages the extent to which the agency intervenes in the lives of those it touches most – poor people.

The only way to know how a child welfare agency really behaves, and compare it fairly to other states, is to focus on how it behaves toward poor people.

Options for comparisons

If you compare entries into care to a state's impoverished child population, you are comparing a universe of children most of whom are poor to a population in which everyone is poor. Clearly, such a comparison is imprecise.

But comparing entries to total child population creates the bigger problem noted above: It camouflages the behavior of child welfare agencies in relatively wealthy states.

To illustrate consider first two hypothetical states, and then some real data from Connecticut.

The hypothetical

In this hypothetical, both states have the same number of impoverished children. But state B has far more children living above the poverty line. State B also has a child welfare agency that is far more prone to take away children. (Perhaps a high-profile case was in the news recently).

So let's assume that in 2009 State A took away 80 children, while State B is twice as aggressive and took away 160.

Let's also assume that while not *all* children removed from their homes are poor, the vast majority are – say, 75 percent. (There are some limited data suggesting this percentage may not be far off).² There is no reason to believe the *proportion* of children taken from affluent parents is higher in affluent states.

As the table on the next page illustrates, under this scenario, if you compare to total child population, State B looks more restrained when, in fact, State B is more aggressive.

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COMPARING RATES OF REMOVAL/2

	State A	State B
Children below poverty line	10,000	10,000
Children above poverty line	100,000	500,000
Children removed	80	160
% of children removed who are poor	75%	75%
Rate-of-Removal (per thousand) compared to impoverished child population	8.0	16.0
Rate-of-removal (per thousand) compared to total child population	.72	.31

Using real data from Connecticut: Westport and Bridgeport

We are not aware of any data that show entries into care by locality in Connecticut. But there is a surrogate measure of sorts, the number of children who DCF workers “substantiated” as being maltreated. And that indicates the difference in the extent of involvement of DCF in affluent and poorer communities.

According to the 2000 census there were 7,190 residents under age 18 in Westport: (<http://westport.areaconnect.com/statistics.htm>). According to DCF, 37 children in Westport were substantiated as victims of child maltreatment in 2000, ([http://www.ct.gov/dcf/lib/dcf/agency/pdf/tp_2000\[1\].pdf](http://www.ct.gov/dcf/lib/dcf/agency/pdf/tp_2000[1].pdf)). That’s one out of 194.

Bridgeport had 39,672 residents under age 18 in 2000. (<http://bridgeport.areaconnect.com/statistics.htm>) Of those, DCF said 1,177 were substantiated victims of child maltreatment in 2000; [http://www.ct.gov/dcf/lib/dcf/agency/pdf/tp_2000\[1\].pdf](http://www.ct.gov/dcf/lib/dcf/agency/pdf/tp_2000[1].pdf). That’s one in 34.

(DCF has much more recent substantiation data, town by town, we went all the way back to 2000 only because those were the most recent total child population data we could find).

So, yes, DCF goes into homes in affluent communities, but not nearly as often as it does in poor communities. And that means, in states that have comparatively more towns like Westport, the behavior of their child protective services agencies in places like Bridgeport is camouflaged if you compare entries only to total child population.

¹ Connecticut Department of Children and Families, Definitions of Neglect, available online at <http://www.ct.gov/dcf/cwp/view.asp?a=2556&Q=316956#Neglect>

² The federal government reimburses states for a large percentage of the costs of foster care if the child’s birth parents are not just poor, but extremely poor – so poor that, were this still the year 1996, that family would qualify for the former Aid to Families With Dependent Children program. Obviously, 14 years of inflation means plenty of families are poor without being that poor. And yet, nationwide, roughly half of all families losing children to foster care are so poor that they qualify under this extremely strict measure of poverty. Add in those who are poor, and those who are near poor, and you probably reach at least 75 percent of the children taken from their homes.