

Connecticut in Context

An update on Connecticut child welfare from the National Coalition for Child Protection Reform

By Richard Wexler, NCCPR Executive Director
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Overview

On October 4, 2016, Connecticut's "Child Advocate," Sarah Eagan, issued a report on the case of Dylan (not his real name) a little boy beaten and starved nearly to death after being placed in the home of his mother's cousin.

The report documents terrible failures by workers for the state Department of Children and Families, including a supervisor who bragged about her own laziness.

But Eagan went on to paint in the broadest of strokes, repeatedly claiming that the case was proof of systemic failure. On that point, Eagan is dangerously wrong. Her broad-brush allegations threaten to curb reforms that have improved the lives of thousands of Connecticut's most vulnerable children – with no compromise of safety.

Her irresponsible methodology, which inherently stacks the deck, threatens to undermine Connecticut's success in moving away from the worst form of substitute care – group homes and institutions – and toward the form of care that has been proven, time and time again, to be the safest: kinship foster care.

At least one other former child advocate in another state has proven there are far better ways to approach the job.

Indeed, the biggest failure of all in Dylan's case went unnoticed by Eagan. The biggest failure, made clear by the excellent reporting of *The Day* in New London, was ever taking Dylan and his siblings from their mother in the first place – instead of providing her with the help she needed to keep those children safely in their own home.

Eagan's approach also threatens to distract attention from another serious and real problem – the issue aptly summed up as "trading custody for care." As is discussed below, the solution to that is demanding that DCF provide more real, comprehensive help to these families without requiring them to give up custody. But help does not equal institutionalization. There are better alternatives.

The Minority Leader of the Connecticut State Senate, Len Fasano, has gone further than Eagan, demanding the resignation of DCF Commissioner Joette Katz.

Apparently Fasano is a graduate of the John G. Rowland School of Child Welfare Demagoguery. His comments threaten to set off still another foster-care panic, a sharp, sudden spike in needless removal of children from their homes. That would cause enormous harm to children across the

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state. That's what former Gov. Rowland, did – twice (before resigning in disgrace and going to jail).

If anyone should have the decency to resign for the sake of the children it's Fasano. But if he had that kind of decency he wouldn't be playing politics with children's lives in the first place.

Fortunately, both Katz and Governor Dannel Malloy have a commendable history of standing up to this kind of grandstanding.

As Katz told the [*Hartford Courant*](#):

Historically, when DCF had a bad outcome, everything would change. The next week, 500 children would be removed. We don't do that. We know that wasn't good for the kids.

And as you think about who should go and who should stay, consider this: How much does each player have to gain politically by taking her or his position? In the case of Katz and Gov. Malloy the answer is: nothing. **Politically they have everything to lose and nothing to gain. But they're doing the right thing anyway. How often does that happen in government?**

In contrast, it's far easier to demonize all birth parents – and now extended family – and/or yell “off with their heads!” – that's what Rowland used to do, and that's what Fasano is doing now.

An [*editorial*](#) in the *Courant* concluded this way:

[I]t's hard not to wonder if there are more children in Connecticut supposedly under DCF protection who are lying in their beds, starving, with broken bones.

The tragic answer is: Probably yes. That's also the answer next door in Massachusetts, where they take away children at a rate at least 60 percent higher than Connecticut, overuse institutions and underuse kinship care. In that state the governor has chosen the Rowland approach: political expediency at the expense of what really works to save children. Massachusetts now is in the midst of a Rowland-style foster care panic.

That's also probably the answer in every other state – states that take away children at even higher rates, and states where the rate of removal is lower.

The only acceptable goal for child abuse tragedies is zero. But it is a goal for which our reach always will exceed our grasp. So while the answer to the *Courant's* question is probably yes – **the full answer is: Probably yes – but there probably are fewer such children than in the past, and there will be fewer still if Connecticut's reforms are allowed to continue.**

If – if – Dylan's case tells us anything about systemic issues at DCF it is this: The solution to the problems of reform is more reform.

Why Connecticut should not turn back

A child welfare reformer in another state once said that trying to turn around a failed child welfare system is like trying to fix a bicycle while riding it. I would add: riding it up a mountain.

Joette Katz is about one-third of the way up the mountain. Connecticut child welfare is a lot better now than it was before Katz took over. I haven't always agreed with her decisions, but in child welfare, she is a profile in courage. The governor deserves a lot of credit for backing her up.

The idea that Connecticut child welfare has improved significantly is not just my view. The independent monitor overseeing DCF's performance under a decades-old consent decree has said as much. That is all the more remarkable since the group that brought that lawsuit, the group that calls itself Children's Rights, has no interest in safely keeping families together, and the consent decree does not require DCF to make any such effort.

But by focusing, for the first time in decades, on curbing the needless removal of children from their homes and on increasing the use of kinship care, DCF has made the entire child welfare system better.

You can get a sense of how bad things *used* to be [from this report on Connecticut child welfare](#) that my group released in 2010.

One of the things we focused on was Connecticut's rate of removal – comparing the number of children taken from their homes to the number of impoverished children in each state. Back in 2010, and for long before that, Connecticut was an outlier, taking away children at a rate well above the national average. The problem was compounded by the fact that Connecticut overused the worst form of care – group homes and institutions – and underused the least harmful form of substitute care – kinship care.

In the most recent year for which data are available for all states, 2014, Connecticut reduced its rate of removal to roughly the national average. And DCF is doing a much better job of reducing institutionalization and increasing kinship care.

What happened to child safety during this time? It improved.

The federal government measures safety by looking at the percentage of abused or neglected children who had a second abuse report substantiated within six months. In 2010, 7.4 percent of children were victimized again. In 2014 it was 6.3 percent.¹

There are other ways to answer the question about safety, and other crucial questions about the performance of DCF – but, for reasons discussed below, Sarah Eagan's approach won't provide the answers.

Kinship care is safer

Because Dylan's abuse occurred in a kinship foster care placement, and because DCF has been increasing the use of kinship care in Connecticut, much of the scapegoating in this case has focused on kinship care.

But kinship care is not just more humane and more stable than stranger care. Study after study has shown that kinship care is *safer* than stranger care. You can find out more about the studies on kinship care [here](#): [And here](#). [And here](#). [And here](#). Even in the case of Dylan it was actually another kinship caregiver who apparently saved Dylan's life.

In addition, data from Florida, which keeps close track of the use of psychiatric medication on foster children, show that kinship foster parents are far less likely to resort to doping up children on that kind of potent, sometimes dangerous medication than either stranger care parents or group homes and institutions.

The Florida Department of Children and Families found that when foster children are institutionalized, nearly 20 percent of them are medicated. When they're placed in foster homes with strangers, it's 18 percent. But when foster children are placed in kinship care, only 3.9 percent are prescribed psychiatric meds.²

The one real danger in emphasizing kinship care

There is, in fact, one real danger in emphasizing kinship care. It may make workers too complacent about removing children from their own homes. They may exert less effort to keep a family together on grounds that removing the child is not so bad because he'll be with a relative. Perhaps that helps explain why Dylan himself was moved when he could have remained safely in his own home had the right kinds of help been provided.

The fundamental flaw in Eagan's approach

The fact that kinship care is the safest option for most children does not excuse the behavior of caseworkers in Dylan's case.

Conversely, it is also inexcusable to take the terrible blunders in Dylan's case and make broad generalizations about DCF performance. But that is what Sarah Eagan is doing.

It makes sense to examine a system's worst failures to try to learn from what went wrong and reduce the chances of such a failure happening again. That's what the National Transportation Safety Board does when a plane crashes.

But it's also important to provide context. When the NTSB investigates such a crash and finds pilot error, the NTSB does not go on to assume that the entire Federal Aviation Administration is failing and all planes should be grounded.

Just as air travel is the safest mode of transportation, keeping children in their own homes is the safest answer in child welfare for the overwhelming majority of children. The research documenting this is [summarized, with citations, here](#). And when foster care is necessary, as noted above, kinship care typically is the safest form of foster care.

So extrapolating from horror stories tells you nothing about overall system performance.

The whole premise of an office issuing blanket condemnations based on such cases is irresponsible. The way to discover how an agency *typically* fails is to look at a random sample of *typical* cases; a sample large enough to be statistically significant.

What would such a sampling find? Almost certainly an agency that continues to make serious errors in all directions – leaving some children in dangerous homes even as it takes others from homes that are safe, or could be made safe, if the families got the right kinds of help.

A random sample would find abuse in some kinship care homes. But given what we know from [study after study](#) of abuse in substitute care, it almost certainly would find more abuse in stranger care homes, and more abuse still in group homes and institutions.

A random sample also probably would find something else: An agency that is making all of these mistakes less often than it used to.

A child advocate who did the job right

It is rare for “Child Advocate” offices to take this kind of approach. But it has been done. When he was the first Child Advocate in New Jersey, Kevin Ryan made it his mission to look for failings in all directions. He went on to a highly successful tenure running New Jersey’s Department of Children and Families – as shown by the progress made under his leadership in implementing, yes, a consent decree. He has since gone on to play a role in court-mandated oversight of three child welfare systems, Michigan, Oklahoma and Texas. (All as a result of suits brought by the same group that sued Connecticut.)

A detailed discussion of how Ryan did the job of Child Advocate, and how most others in that job fail, is in [this post to the NCCPR Child Welfare Blog](#).

Unfortunately, instead of seeking a random sample of cases, Sarah Eagan is targeting kinship care. And even there, she is seeking 12 specific files, presumably cases where she already believes DCF failed, not a random sample.

So once again she is stacking the deck.

Don’t say no, just “yes, but...” it to death

In child welfare, people opposed to reform rarely say no, they just “Yes, but...” it to death. So, the *Courant* reports: “Eagan stressed that she wasn’t saying that DCF should stop ‘kinship’ placements, only that they be done safely.”

But one could say exactly the same thing about stranger care placements, group home placements and placements in institutions – and they have a worse record for safety. Why, then, does Eagan target only kinship care placements?

Similarly, a *Courant* news story claims that “One criticism has been that DCF has become obsessed with placing children with relatives.” In fact, the majority of placements still are with strangers, group homes and institutions. That’s not much of an obsession.

And during all the years of foster-care panic under Rowland, where were the politicians complaining about DCF’s “obsession” with tearing apart families?

The great pendulum myth

Sadly, in some parts of the state the debate has devolved to one between politicians who want to fire Joette Katz and politicians who say they don’t want to fire her but maybe “the pendulum has swung too far” – again, something politicians didn’t say when the mantra in Connecticut child welfare was take-the-child-and-run.

But in Connecticut the pendulum swings only from taking away too many children to taking away *far* too many children. Even now, Connecticut’s rate of removal is not some incredibly low extreme – it’s the national average. And that average is well above the rate in states that are, relatively speaking, models for keeping children safe.

For example, [As The New York Times explains in this story](#), Alabama has become a national model for keeping children safe – with independent court monitors vouching for it. But the rate of child removal in Alabama is nearly 40 percent below the rate in Connecticut. (A member of NCCPR’s volunteer Board of Directors was co-counsel for plaintiffs in the lawsuit that led to the Alabama reforms.)

And when it comes to kinship care, yes, Connecticut finally is above the national average – but that average includes states that place almost no children with relatives. The national average has, itself, been slowly increasing precisely because the research on the benefits of kinship care keeps piling up.

As common, and as wrong, as the pendulum metaphor is the false claim that child protection and family preservation are opposites that need to be “balanced.”

On the contrary, the reason to support family preservation is because it’s the *safer* option for the overwhelming majority of children. You can’t have child protection without family preservation.

Where DCF really did fail

Eagan’s report is correct in noting many failures specific to Dylan’s case. But she left out the one that led to all the others.

Eagan's approach to evaluating DCF blinded her to this glaring failure: Dylan and his siblings never should have been taken from their mother in the first place. The case of Dylan and his siblings is a perfect example of the kind of typical case that almost certainly did not need to result in child removal – had the right kinds of help been available.

That is made clear from the excellent reporting of *The Day*, which took the time to seek out Dylan's mother and her lawyer, discuss the case with them, and review available records, at length. See [this story](#) and [this one](#) and [this one](#).

It's hard to imagine a case better suited to an Intensive Family Preservation Services (IFPS) intervention. Agencies in Connecticut claim to provide this service, but it is not clear if their programs rigorously follow the model, known as Homebuilders, that has been proven successful. There's a brief description [of that program here](#) and [a review of the research here](#).

Had IFPS or other forms of intensive in-home help been tried, there is an excellent chance that this whole litany of tragedy could have been avoided: The trauma endured by the children by being separated not only from parents but also from each other, the multiple placements, and the abuse in foster care. It's quite possible that none of it had to happen.

This does not prove that DCF has a systemic problem with needless removal of children – any more than this one case proves a systemic problem with kinship care. The systemic problem is indicated by the fact that Connecticut still takes away significantly more children than systems that are nationally recognized as, relatively speaking, models for keeping children safe.

The other failure: Trading custody for care

The Connecticut Health I-Team (C-HIT) released [an important in-depth story](#) about a serious and real problem at child welfare agencies across the country: parents forced to give up custody of their children in order to get them mental health care. (As it happens, one of those parents, Lisa Vincent, is the lawyer for Dylan's mother.)

There is no excuse for requiring parents to trade custody for care. The savings achieved by DCF through reducing what is both the worst and the most expensive form of care, institutionalization, should not become some kind of general interest slush fund to fill holes in the state budget. The funds should be directed right back into child welfare services, including the intensive help these children need.

But that help does not automatically have to mean institutionalization. There is nothing a so-called "residential treatment center" can do that can't be done, far better, with truly intensive home-based "wraparound" services. That can be hard to believe – until you read the research, [summarized here](#), and watch wraparound pioneer Karl Dennis give an example, [in this video](#).

But the help has to be real and it has to be intense. It can't be a "counselor" dropping by a couple of times a week.

I know that Sarah Eagan has spoken out on this issue. But I suspect that, thanks to the C-HIT story, this problem would be getting a lot more attention right now, had the Child Advocate's report on Dylan not drowned it out.

Why wrongful removal matters

People like Sen. Fasano probably would say it doesn't matter if children are taken needlessly, we have to "err on the side of caution" – as John Rowland said in 1995 - or "err on the side of safety" – as John Rowland said in 2003.

But the problem with needless removal is not that it hurts parents, though of course it does, the problem is that it hurts children. And there is no phrase in the child welfare lexicon more dangerous to children than "err on the side of the caution/safety."

- 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. (This is exactly why kinship foster care cushions the blow.) 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.

The typical cases that dominate the caseloads of child welfare workers are nothing like the horror stories. Far more common are cases in which family poverty has been confused with "neglect." Other cases fall between the extremes – **and the case of "Dylan" and his siblings is a perfect example of one of those "in-between" cases.** So it's no wonder that [two massive studies](#) involving more than 15,000 *typical* cases found that children left in their own homes fared better even than comparably-maltreated children placed in foster care. Have Ms. Eagan and Sen. Fasano read these studies?

- That harm occurs 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. As has been noted above, [multiple studies](#) have found abuse in one-quarter to one-third of foster homes. The rate of abuse in group homes and institutions is even worse. (Again, the rate of abuse in *kinship* foster care is lower.) Have Ms. Eagan and Sen. Fasano read *these* studies?

As reporting by *The Day* makes clear, Dylan's case illustrates all of this. The children have been moved over and over, in itself an enormously harmful experience for young children. And, apparently, at least two of the children were abused in stranger care homes.

- But even that isn't the worst of it. The more that workers are overwhelmed with false allegations, trivial cases and 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's why foster care panics, like the ones set off by Rowland when he was governor, make all children less safe.

None of this means no child ever should be taken from her or his parents. But foster care is an extremely toxic intervention that should be used sparingly and in small doses. Connecticut, finally, is bringing down the dose.

It's a long way to the top of the mountain. But Joette Katz is leading DCF in the right direction.

¹ U.S. Department of Health and Human Services, [Child Maltreatment, 2014](#)

² Florida Department of Children and Families, Office of Child Welfare, Data Reporting Unit, [Count and Percent of Children in Out-of-Home Care With One or More Current Prescriptions for a Psychotropic Medication, Ages 0 to 17, by Placement Setting Statewide by Region by Agency As of 08/31/2016](#)