

The Price of Panic

Florida's children

and the legacy of foster-care failure

This is the version of NCCPR's fourth Florida report released statewide. NCCPR also released another version of the report, with additional information specific to the Fort Myers area. That report is available here: <http://www.nccpr.org/reports/everybodysproblemfinal13811.pdf>

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A report from the National Coalition for Child Protection Reform

By Richard Wexler, NCCPR Executive Director

July 18, 2006, Updated July 25, 2006

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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. **Board of Directors: President:** *Martin Guggenheim*, former Director of Clinical and Advocacy Programs, New York University Law School. **Vice President:** *Carolyn Kubitschek*, attorney specializing in child welfare law, former Coordinator of Family Law, Legal Services for New York City. **Treasurer:** *Joanne C. Fray*, attorney with extensive experience with litigation involving the care and protection of children and termination of parental rights, Lexington, Mass. **Directors:** *Elizabeth Vorenberg*, (Founding President) former Assistant Commissioner of Public Welfare, State of Massachusetts; former Deputy Director, Massachusetts Advocacy Center; former member, National Board of Directors, American Civil Liberties Union; *Annette Ruth Appell*, Associate Dean, William S. Boyd School of Law, University of Nevada, Las Vegas; former member of the Clinical Faculty, Children and Family Justice Center, Northwestern University Law School Legal Clinic, former Attorney and Guardian ad Litem, office of the Cook County, Ill. Public Guardian; *Marty Beyer, Ph.D.*, clinical psychologist and consultant to numerous child welfare reform efforts; *Ira Burnim*, Legal Director, Judge Bazelon Center for Mental Health Law, Washington, DC; former Legal Director, Children's Defense Fund; former Staff Attorney, Southern Poverty Law Center; Prof. Paul Chill, Associate Dean, University of Connecticut School of Law; Prof. Prof. Dorothy Roberts, Northwestern University School of Law, author *Shattered Bonds: The Color of Child Welfare* (Basic Civitas Books: 2002); Witold "Vic" Walczak, Legal Director, Greater Pittsburgh Chapter, American Civil Liberties Union Foundation of Pennsylvania; Ruth White, Director of Housing and Community Development Policy, Catholic Charities USA; former Director of Housing and Homelessness, Child Welfare League of America. **Staff:** *Richard Wexler*, Executive Director. Author, *Wounded Innocents: The Real Victims of the War Against Child Abuse*. (Prometheus Books: 1990, 1995).

Funding for this report, and NCCPR's other National Advocacy Activities, comes from the Annie E. Casey Foundation and the Open Society Institute, part of the Soros Foundations Network. We thank them for their support, but acknowledge that the views expressed in this publication are those of NCCPR alone and do not necessarily reflect the opinions of our funders.

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OVERVIEW

Franche Delhomme, age eight, and his seven-year-old brother Michael paid the price of panic.

If they thought nothing could be worse than losing their Boynton Beach home to Hurricane Wilma they were wrong.

Their parents were never accused of beating them, or torturing them, or molesting them - - or harming them in any way. But after the hurricane destroyed their home, the Florida Department of Children and Families nearly destroyed their family.

Solely because the low-income working family now lacked safe housing, the children were thrown into foster care.

DCF did not lift a finger to help the family find housing. And when the father's employer went to bat for them, making countless phone calls to the DCF, the City of Boynton Beach, and other agencies, the City helped - even the Federal Emergency Management Agency helped. DCF just threw up more roadblocks, declaring the first temporary lodging the family found to be too small.

It was more than a month before they were able to find housing that satisfied DCF.¹ Were it not for Delhomme's employer, the children *still* might be in foster care.

* * *

From almost the moment she was born, Krinna Patel paid the price of panic.

Born in Tampa to a mother visiting from India, Krinna faced the trauma of separation from that mother during what may have been the most important days of her life - - her first.

These are the days when infants form crucial bonds with their mothers. Disrupting that relationship can damage a child for life.²

But during these crucial first days, Krinna Patel was not with her mother. She was with strangers. She had been confiscated at birth because her mother, who is from India and speaks little English, misunderstood questions from a DCF worker in Tampa.

The worker asked Krinna's mother, Parita, if she had a home and income? "No, not here," she replied. "I'm a visitor."

That was true. Parita was staying with friends in Tampa before returning home to her husband in India. But her answers were enough to prompt DCF to take away her baby for two months. Parita was charged with "prospective neglect."

But even had there been no misunderstanding, why would DCF automatically take a newborn from a mother without a job or housing - - instead of helping her to *find* a job and housing? Why would DCF take children from hurricane victims solely because the family was without a home?

Because, says DCF, it's standard operating procedure. According to *The Tampa Tribune*:

Under DCF guidelines, a child is removed after the department has determined a child has no stable housing and may be in an unsafe situation, DCF spokesman Andy Ritter said. ... "Our main objective is to protect kids and make sure they are safe," he said. "Part of that is making sure they live in safe housing. ... When parents prove to the courts that they had stable

*housing and solved any other existing problems, they get their child back."*³

* * *

More than seven years after former DCF Secretary Kathleen Kearney took an already bad system and plunged it into chaos, and nearly four years after she was forced to resign in disgrace, children in Florida continue to suffer from the legacy of Kearney's take-the-child-and-run approach to child welfare.

Florida continues to tear children from their parents at a rate roughly 35 per-

In 2005, a child in District 13 in central Florida was more than seven times more likely to be taken from his parents than a child in District 11, Miami. But it is the Miami district that has, by far, the best safety outcomes in the state.

cent above the national average, with an apparent record number of removals in 2005.

And deaths of children previously known to DCF continue to occur at a rate 36 percent higher than before Kearney took office – with such deaths setting a record in 2004.

But as power shifts from Tallahassee to the districts under privatization, striking differences have emerged among those districts.

Using data from DCF's online "Dashboard" and data obtained through a public records request, NCCPR has performed the first district-by-district comparison of the rates at which districts remove children, and the most up-to-date comparison of safety outcomes.

The results are striking. There is a clear correlation between the rate at which children are torn from their parents, and whether children are safe - -but the correlation is the opposite of what Kearney expected.

Districts that take proportionately fewer children generally had the best safety outcomes, while districts which took proportionately more children tended to do worse job of keeping children safe. (See the tables on pages 14 and 15, and Appendix B).

For example, in 2005, a child in District 13 in central Florida was more than seven times more likely to be taken from his parents than a child in District 11, Miami. But it is the Miami district that has, by far, the best safety outcomes in the state.

Much of Miami's success was due to the leadership of former District Administrator Chuck Hood. His reward was constant attack by those who still cling to the take-the-child-and-run mentality. Hood resigned in February.

The fact that reducing wrongful removal of children improves child safety is not as surprising as it may sound.

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." Indeed, as the case of Krinna Patel revealed, it is DCF's stated policy to take children from any parent who lacks a job or housing.⁴

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.

Some of those in-between cases involve drug abuse. And that raises another

question: Why even bother with parents – usually mothers -- in these cases? But the reason to “bother” is not for the sake of the parents, but for their children.

University of Florida researchers studied 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 babies were tested using all the usual measures of infant development: rolling over, sitting up, reaching out. Consistently, the children placed with their birth mothers did better.⁵ For the foster children, being taken from their mothers was more toxic than the cocaine.

It is extremely difficult to take a swing at “bad mothers” without the blow landing on their children. If we really believe all the rhetoric about putting the needs of children first, then we need to put those needs ahead of everything – including how we may feel about their parents. That doesn’t mean we can simply leave children with addicts – it does mean that drug treatment for the parent is almost always a better first choice than foster care for the child.

And by using drug treatment and other alternatives, districts free up time for caseworkers to find the relatively few children in real danger who really should be taken from their parents.

One can’t make children safe simply by taking fewer of them from their homes. But the Florida data, and results from around the nation, show that reducing the number of children taken away is an essential *prerequisite* for improving child safety.

Unfortunately, as soon as a district learns the lesson, it seems, it forgets again, when a high-profile child abuse tragedy sets off a foster-care panic.

THE PANIC IN DISTRICT 8

That’s what’s happening right now

in District 8, which includes Fort Myers and Naples.

As recently as last year, District 8 had one of the very best records in Florida for keeping children safe, even as it took away proportionately fewer children than almost any other district.

But even in District 8, not enough was being done to keep families together.

This was made achingly clear when the Fort Myers *News-Press* spent some time watching cases in court – not the high-profile fatality cases, but the *typical* cases that fill the workdays of DCF caseworkers.

Reducing the number of children taken away is an essential *prerequisite* for improving child safety.

Among them:

- A child is denied the love of his perfectly fit father, while Dad is forced to spend a year jumping through endless hoops.

- Another father must keep his children away from their mentally ill mother forever, and shut her out of his own life, instead of being assisted to get her the mental health care she needs.

- Children lose their good, loving, dedicated mother for a year, solely because she left them in the care of the oldest — age 13 — to go to work.⁶

So there was still plenty of work to be done.

And then, Michelle Fontanez died.

The 13-year-old came to the attention of the regional Child Protection Team after she attempted suicide. And that’s when her story came out – a story of sexual abuse, she said, at the hands of her stepfa-

ther, dating back to age five.

And there was plenty of evidence to support her allegations, including child abuse investigations in other states and elsewhere in Florida. But according to an audit by DCF, Michelle's caseworker never did the relevant checks. And when she found out that there had been errors in a criminal records check, DCF says, she didn't have it redone.

But for many people the most horrifying detail in the tragic case of Michelle Fontanez may be this: When a Child Protection Team social worker told Michelle's DCF caseworker about the 13-year-old girl's not wanting to return home to her mother and stepfather – and noted that this child, who'd attempted suicide once, might do so again, Michelle's DCF caseworker allegedly replied: "Not my problem."⁷

DCF did no more than ask the stepfather to move out. He moved across the street.

Not long after, Michelle Fontanez no longer was anyone's "problem." She was raped and murdered, allegedly by her stepfather.

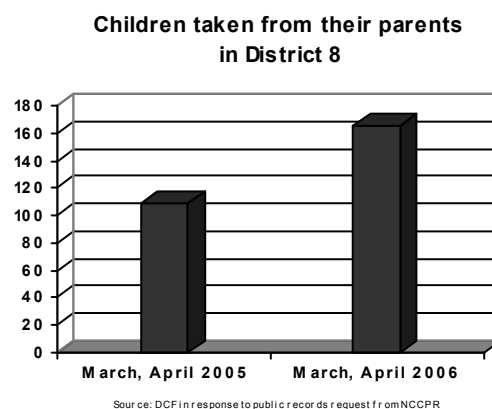
The caseworker reportedly says she can't remember if she made the "not my problem" remark.⁸ But the way this allegation came to light lends it credence: It does not come from someone running to the media; rather it was buried in case notes, obtained thanks to the tireless efforts of reporters at the *News-Press*. Their reporting has focused an entire community's attention on agency failings.

But if that is where the story ends, it will only compound the tragedy. Not only will it fail to lead to real improvement, it will actually leave the system worse than it was before. Indeed, right now, the child welfare system in District 8 almost certainly is worse than it was before Michelle died.

That's because a foster-care panic is underway in District 8. Huge numbers of

additional children are being taken, needlessly, from their homes. DCF data obtained by NCCPR through a public records request show that the number of children taken from their parents in March and April 2006, the first two months after Michelle Fontanez died, is up 50 percent from the same period in 2005.

There is no evidence that children are 50 percent safer. On the contrary, the children of District 8 almost certainly are less safe.



THE PANIC IN DISTRICT NINE

The children of Palm Beach County also almost certainly are less safe than they were a year ago.

Deaths of children known-to-the-system were in the news every few months, in 2005. There also are indications that many in Palm Beach County's child welfare establishment were chafing at the reform-minded district administrator's efforts to keep families together.

These two factors may have been enough to set off a foster-care panic in Palm Beach County a year ago that has not yet abated. The number of children taken from their parents in 2005 was 30 percent higher than the year before. Two of those children were Franche and Michael Delhomme – the children whose parents' only crime was to

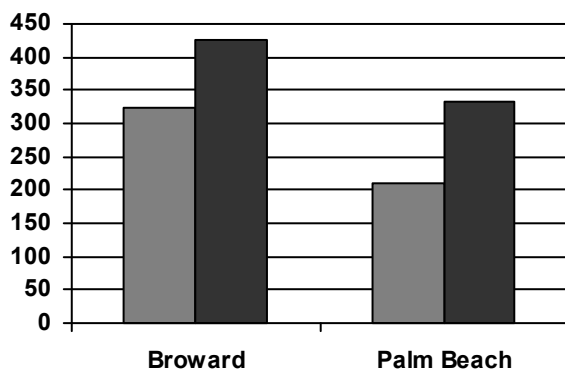
be made homeless by a hurricane.

And the pace of panic worsened after December 2005, when three-year-old Jaquez Mason died. It happened in Broward County, near the border with Palm Beach County.

From January through March 2006, the number of children torn from their homes in Palm Beach County soared 50 percent compared to the previous year. And children have suffered enormously for it.

The Palm Beach Post reports that children – even babies – are being sent as far away as Orlando – not to homes, but to parking place “shelters” – the worst possible placement for a young child. According to the *Post*

The Panic in South Florida:
Children removed from their homes,
first three months of the year



Source: DCF, in response to public records request from NCCPR

■ Jan-Mar 2005 ■ Jan to Mar 2006

“Social workers don’t like to leave children too long in emergency shelters where shift workers have to stand in for real families. Many have seen the toddlers who call strangers “Mommy” or wrap themselves around any visitor who pays attention to them sobbing when they are peeled away. Out-of-county shelters can be even harder on children because they are farther away from their parents and everything they know. But even some of the smallest have no other place to go.”⁹

When a baby or toddler wraps himself around anyone who will pay him a little attention and calls her “Mommy” he is losing his ability to truly love anyone.

In fact, this understates the problem. When a baby or toddler wraps himself around anyone who will pay him a little attention and calls her “Mommy” he is losing his ability to truly love anyone, because every time he tries to love someone, that person goes away when the shift changes, or the volunteer who was there last week isn’t there this week. It’s even worse than the well-known problem of children bouncing from foster home to foster home. DCF is setting some of these children up to become adults unable to love or trust anyone.

Institutionalizing babies is barbaric – and unnecessary. Unfortunately, the *Post* wrote about this solely in the context of trying to get more people to be foster parents. The paper has not explored the question of whether all those additional removals were really necessary. The omission is even more glaring, considering that, as recently as 2005, Palm Beach County was another with a relatively low rate of removal and relatively good outcomes in terms of child safety.

OTHER PANICS

The same fatality may have led to a 30 percent increase in children taken from their homes in Broward County, and a 50 percent increase in Miami – but the spike in Miami lasted for only two months, January and February.

In contrast, the panic in Bro

Who pays the price of panic?

Child welfare systems are built on a foundation of myths. And of all those myths, perhaps the most pernicious is the one that it is only parents who suffer when children are needlessly taken from them.

In fact, it is children who pay the price of panic. It is children who suffer sometimes-lifelong emotional trauma, and may emerge from foster care unable to love or trust anyone. And it is children who often wind up abused in foster care itself.

Sometimes, children really are brutally abused. Sometimes foster care really is the least detrimental alternative. But often children are taken from parents whose only crime is poverty. In other cases, the parents have real problems, but there is no need to punish their children by throwing them into foster care, a system that one recent study found churns out walking wounded four times out of five.¹⁰ Krinna Patel is one child who paid the price of panic. Consider some other recent cases:

• **The children of Wanda Daniels of Fort Myers paid the price of panic.** Daniels committed no crime. Certainly her children didn't. Yet they were sentenced to more than a year in at least two separate foster homes, deprived of their mother and each other. Their mother was not a drug addict. She didn't beat them or torture them or starve them.

Her children lost their mother because of one offense: She worked for a living.

One day, she left her six children home alone. The youngest was 18 months. But the oldest was 13 years. For that, the family was torn apart.

And no one, it seems, lifted a finger to help. For more than a year, there is no indication that anyone provided the day care that was the only thing needed to keep the family together. Judge James Seals apparently just waited to see if Daniels would fail, and was surprised when she didn't. The Fort Myers *News-Press* was there when the family that never should have been torn apart finally was put back together:

"OK, are you ready for us to get out of your life?" says the judge who never should have been in her life in the first place.

The story continues:

Seals tells Daniels how proud he is of her and wishes her luck. Later, he'll confess that at first, he wasn't optimistic.

"She was just this little woman with these huge responsibilities," he says.

"Had you asked me, I'd have said Paul Bunyan couldn't handle it, but she said, 'Oh, yes I will,' and sure enough, she did what she had to," — which is what Seals hopes and prays for every day, he says.

"Mighty Mouse, I call her."

And in a touch worthy of George Orwell, Seals says: "The most rewarding thing about this is when the system works [and] children go back home to their parents."¹¹

• **The two young sons of a Mexican couple in Pasco County paid the price of panic.** They were taken away after they were found wandering away from home. DCF also alleged that the parents, who work for a concrete business, have problems with alcohol abuse and domestic violence. But there is no allegation that either parent abused the children. So these problems probably could have been solved with alcoholism treatment and, if necessary, ordering one of the parents out of the home. Instead, the children were confiscated, and the parents got the usual DCF cookie-cutter "service plan" – counseling and parent education.

But perhaps those of us who want plans custom-tailored to families should be careful what we wish for. Because this time the judge added something else: To get their children back, the parents would have to learn English.

The attorneys supposedly representing the parents did not object.

“Who’s going to decide that they know enough to get their kids back,” asked Margarita Romo, director of Farmworkers Self-Help Inc. in Dade City. “There’s no way that you can translate the love that a parent has for a child.”¹²

• **A little boy in Fernandina Beach paid the price of panic**, when the DCF hotline failed to screen out a report involving him. The five-year-old boy was not the alleged victim – he was the accused. In fact, he was a repeat offender. The first grader allegedly pulled down another boy’s pants in a school bathroom. And he allegedly placed his hand, palm up, on a chair just as a girl was about to sit there. She never did.

The school guidance counselor and principal demanded that the boy’s teacher call the DCF hotline and report the five-year-old as a possible sexual predator.

“I said ‘let me talk to the mother first’” the teacher would later testify. “Then [the guidance counselor] said ‘No, you may not talk to the mother because the mother may be in on it too.’”

The teacher refused, so the principal made the call. The teacher was suspended and the school board tried to fire her, but backed down when an administrative law judge ruled for the teacher. But at least the teacher is an adult.

The child also suffered. School principals are “mandated reporters” and, under what was once known as the “Kayla McKean Law,” the hotline is not allowed to screen out calls from school officials, no matter how absurd.

So the following weekend, a DCF worker and a sheriff’s detective arrived at the home of the five-year-old. He was not removed from the home – but one can only imagine the terror he endured. (And, of course, the time money and effort spent on this investigation was, in effect, stolen from some other child in real danger). The parents pulled their son out of the school. But the school district says it won’t change its policy on when – and whom – to report to the hotline.¹³

ward may be the last straw for reform there. Though Broward had a relatively low rate of removal in 2005, it was up from the previous year and the year before. In fact, between 2002 and 2005, removals increased by nearly 30 percent - - and that was before they spiked again in the first three months of 2006.

Combine that with a profound hostility to kinship care on the part of Broward’s privatized “lead agency”¹⁴ and the stage is being set for a rollback of reform and a return to the days when Broward had one of the state’s worst child welfare systems.

District 2 in the Panhandle saw a 30 percent increase in removals in 2005, and it is not clear if the panic is continuing this year.

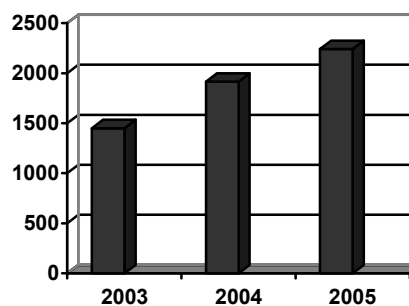
And in the Jacksonville area, District 4, a panic has been underway for nearly a year and a half. Removals soared starting in December 2004. In the following 12 months they increased an average of more than 40 percent. And in some months they doubled. The panic has abated only slightly in 2006.

In District 13, discussed in more detail later in this report, the number of children torn from their parents soared 54percent in two years. Fortunately, starting in December 2005, removals dropped significantly.¹⁵

But shipping infants off to far away institutions isn’t even the worst consequence of such panics.

Foster-care panics backfire. Workers wind up so overwhelmed with children

The Panic in District 13:
Children removed from their homes



Source: DCF in response to public records request from NCCPR

who don't need to be in foster care, that they actually have less time to find the children in real danger - - the children like Michelle Fontanez and Jaquez Mason.

That lesson has been taught over and over throughout the country - especially in Florida. But child welfare is a field with a very slow learning curve.

So all the progress made in District 8 and District 9, and the reforms in District 10 now are in jeopardy. Even more children are being needlessly torn from everyone loving and familiar. In the past few months, the chances of another tragedy like the death of Michelle Fontanez or Jaquez Mason actually have increased.

THE KEARNEY LEGACY

Florida has never had a good child welfare system. But starting in late November, 1998, two events made Florida's bad system much, much worse.

The first event was the tragic death of Kayla McKean in Lake County, which provoked an outcry all over the state. With every caseworker terrified of having the next Kayla McKean on her caseload, the response could be boiled down to a single sentence: "Take the child and run."

Then things got worse. In January, 1999, the state's new Governor, Jeb Bush, named Broward County Judge Kathleen Kearney to run the Department of Children and Families. In NCCPR's extensive experience following child welfare systems, we have never encountered a child welfare system leader more fanatical about tearing children from their parents. Among Kearney's first acts: changing the name of what was then the Division of Family Safety and Preservation. She erased the last two words. Neither of her successors has had the courage to restore them.

As one DCF official working for Kearney put it: "I don't dare say 'reunifica-

tion' in her presence."¹⁶ (Full details concerning Kearney's crusade, and the harm it did to children, are in NCCPR's three previous reports on Florida child welfare, available at www.nccpr.org).

Kearney got what she wanted: The number of children torn from their parents in 1999 shot up 50 percent compared to the previous year. It was the largest single-year increase we know of ever to occur in any state. And though Kearney has been gone for several years, her tragic legacy remains. Statewide, Florida continues to remove children at about this same high level, a rate roughly 35 percent above the national average. Indeed, in 2005, removals appear to have set a record. (See table below and Appendix B).

It was all based on the most seductive false premise in child welfare - - the notion that child removal equals child safety. Sure, it is argued, parents might suffer if their children are wrongfully taken, but "we have to err on the side of the child." In fact, there probably is no phrase in the English language that has done more harm to children than "err on the side of the child."

NUMBER OF CHILDREN REMOVED FROM THEIR HOMES IN FLORIDA (by federal fiscal year):

1998:	13,980
1999:	21,118
2000:	18,765
2001:	18,673
2002:	20,800
2003:	20,549
2004:	19,932
2005:	22,323

Sources: 1998: Child Welfare League of America, National Data Analysis System ndas.cwla.org, using department of Health and Human Services AFCARS database. 1999-2003: HHS, AFCARS database, *Foster Care FY1999-FY2003 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/entryexit2002.htm, 2004: Same source, but data are not posted on the HHS website. NCCPR obtained them through a federal Freedom of Information Act request. 2005: DCF in response to public records request from NCCPR.

- 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.

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?”

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.”¹⁷ 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, far higher than official statistics indicate, 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).¹⁸ And this study involved systems probably better than Florida's.

In Florida, a lawyer who represents children in Broward County said in a sworn affidavit in 1998, that over a period of just 18 months he was made personally aware of 50 instances of child-on-child sexual abuse of Broward County foster children. The official number during this same period: seven – because until what the lawyer called “an epidemic of child-on-child sexual abuse” was exposed, the child abuse hotline didn't accept reports of such abuse.¹⁹

And in 2001, NCCPR revealed that the year before, an internal DCF audit of cases in each district found that in Miami-Dade and Monroe Counties, there was evidence that foster parents abused the children entrusted to them in nearly one-third of the records sampled. Furthermore, in only 30 percent of these cases was there evidence that DCF made “an appropriate change in the placement” after the abuse was discovered.²⁰

And even the case record reviews don't tell the whole story because, again, DCF looked only for abuse by foster parents. They didn't even ask about foster children abusing each other.

Both Broward and Miami have improved in recent years, by doing far more to keep children out of foster care. But abuse in foster care remains a serious and real problem in every child welfare system.

Just last month, a series of incidents involving abuse in foster homes prompted DCF to investigate the performance of the Sarasota Family YMCA, the “lead agency” providing foster care in Sarasota, Manatee and DeSoto counties.

The investigation found that people with criminal records live in nearly 30 percent of foster homes administered by the Y.

In fact, a criminal record can include minor crimes that occurred years or decades ago – it should not be an automatic barrier to being a foster parent.

But the report said the Y was more

interested in the quantity of foster homes than the quality, and that criminal record checks sometimes were sloppy and inaccurate.

The response from the Y's president: Overall, he said, "it's not a bad report."²¹

(Sarasota has always been DCF's privatization "showpiece" – the experiment that was rigged to succeed. At least it was supposed to be. See "Sarasota: The Triumph of Mediocrity" in NCCPR's third Florida report, *Emerging from the Shadows*, for a discussion of that region's failure).

Switching to orphanages won't help -- the record of institutions is even worse.²²

Indeed, while it is possible to have a good placement in a foster home, the harm of institutionalization is, in and of itself, so great that even "good" institutions are bad for children. It takes three pages just to list the studies on how harmful it is to put a child in "congregate care."²³ And Florida has a particularly depressing record of seeing its "good" institutions go bad.

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 the child"?

- But even that isn't the worst of it. The worst part of a foster-care panic is: It backfires. Contrary to conventional wisdom, and contrary to what "gut instinct" would suggest, foster-care panics actually make children less safe.

Foster-care panics were followed by increases in child abuse fatalities in Illinois in 1993 and New York City in 1996. Both those places learned from their mistakes. They embraced safe, proven programs to keep families together and, as a result, child safety in both places improved.²⁴

And it was because of what happened in Illinois and New York City that NCCPR -- and only NCCPR -- predicted what would happen to children when Kearney's panic began in 1999. . Three years before the world learned about Rilya Wilson, we predicted that the panic would collapse the system, and we predicted that more children "known to the system" would die. Unfortunately, we were right on both counts.²⁵

Contrary to conventional wisdom, and contrary to what "gut instinct" would suggest, foster-care panics actually make children less safe.

Indeed, fatalities were the first indication that the panic was backfiring -- and continues to backfire.

In the four years before the panic -- 1995 through 1998, there were an average of 25 deaths of children previously known to DCF. In the years from 1999 through 2004, the number soared to an average of 34. And in 2004, the most recent year for which data are available, deaths of children known-to-the-system hit a record: 48.

But fatalities actually are not the best measure of how well a child welfare system is doing at keeping children safe - - for a reason for which we all should be grateful. Though each is a terrible tragedy, compared to the total number of children in a state or locality, the number is low enough such that, in all but the largest jurisdictions, it can fluctuate due to random chance.

We see a pattern in fatalities in Florida, Illinois and New York City because each is a very large jurisdiction, and the pattern was apparent over several years. It would

be foolish to try to measure progress within any one district based on fatalities.

There are better measures. And these measures also show the extent to which Florida's children paid the price of panic.

CHILD ABUSE AND NEGLECT FATALITIES AMONG CHILDREN PREVIOUSLY KNOWN TO DCF:	
Year	Fatalities
1995	19
1996	21
1997	34
1998	26
<i>Average 1995-1998: 25</i>	
<i>Late November, 1998: Kayla McKean dies.</i>	
<i>January, 1999: Kathleen Kearney is named DCF Secretary.</i>	
1999	29
2000	30
2001	35
2002	29
2003	35
2004	48
<i>Average 1999-2004: 34.3</i>	
Sources:	
1995-1998: Florida Department of Children and Families, <i>Child Abuse and Neglect Deaths: Calendar Year 1999</i> (released March 2001). 1999, 2001-2004: State Child Abuse Death Review Team, <i>Annual Reports</i> , available online at http://www.flcadr.org/reports.html . 2000: Florida Department of Health, Florida Child Abuse Death Review System, presentation to Florida Legislature, Nov. 29, 2001. (This source is used because the Team failed to post its 2000 report on the website, mistakenly posting the 2001 report twice instead).	

THE REAL LESSONS FROM THE OPPAGA REPORT

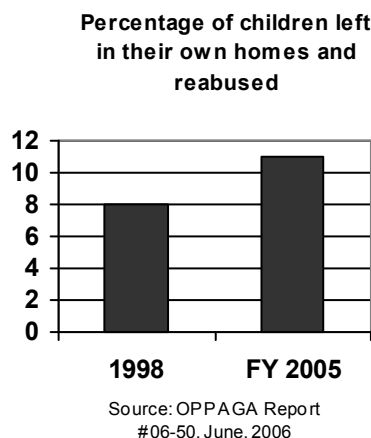
This became clear last month, when the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) released the most recent of its reports on Florida child welfare.²⁶ The report was billed as an assessment of privatization, since it compared the last year be-

fore privatization began, 1998, to the present. But 1998 also was the last year before the *panic* began. So in truth, OPPAGA's report really measures the price of panic. The price was high.

OPPAGA used one of two key measures of child safety that are better measures than fatalities -- because they are less subject to fluctuations due to random chance.

OPPAGA measured the rate of re-abuse - - that is, what proportion of children who are subjects of "substantiated" allegations of abuse, but left in their own homes, are reabused within a specified time frame (Florida uses six months).

The results were grim. **Statewide, from 1998 through fiscal year 2005, the percentage of children left in their own homes who were reabused shot up by nearly 50 percent.**



OPPAGA also found a sharp rise in the proportion of children forced to endure multiple placements -- that is, forced to bounce from one foster home or group home to another. This is one of the most harmful parts of the entire foster care system.

During the Years of Panic, the proportion of foster children forced to endure multiple placement more than doubled - - rising from eight percent in 2000 to 17 percent in 2004.

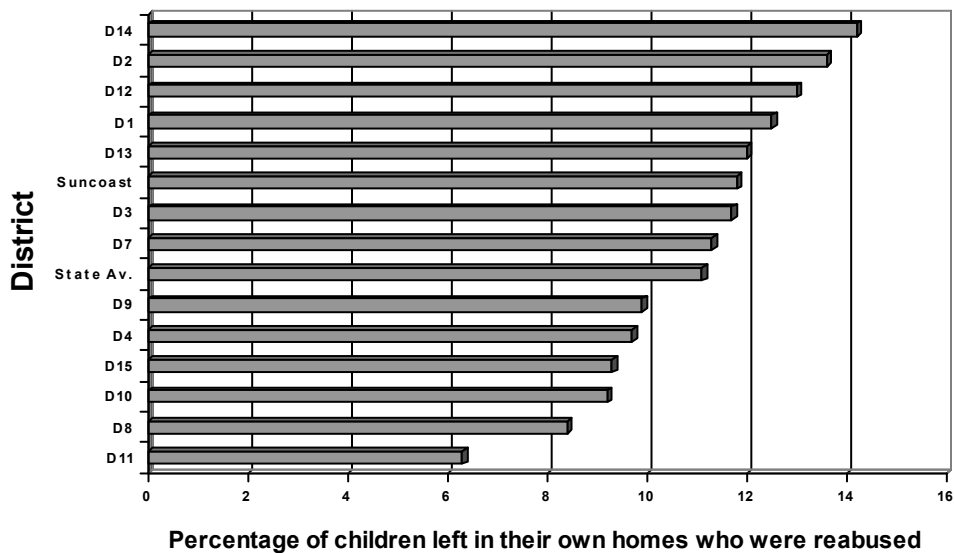
Keeping children safe: The track record

There are two key measures commonly used to evaluate if a child welfare system is keeping children safe. One is the rate of reabuse - - that is, what proportion of children who are subjects of “substantiated” allegations of abuse but left in their own homes are reabused within a specified time frame (Florida uses six months). The second measure is foster care “recidivism” – the percentage of children returned home from foster care who must be placed again, within a specified time (for this measure, Florida uses 12 months). The lower the percentages of children who are reabused or returned to foster care, the better a system is doing at keeping children safe.

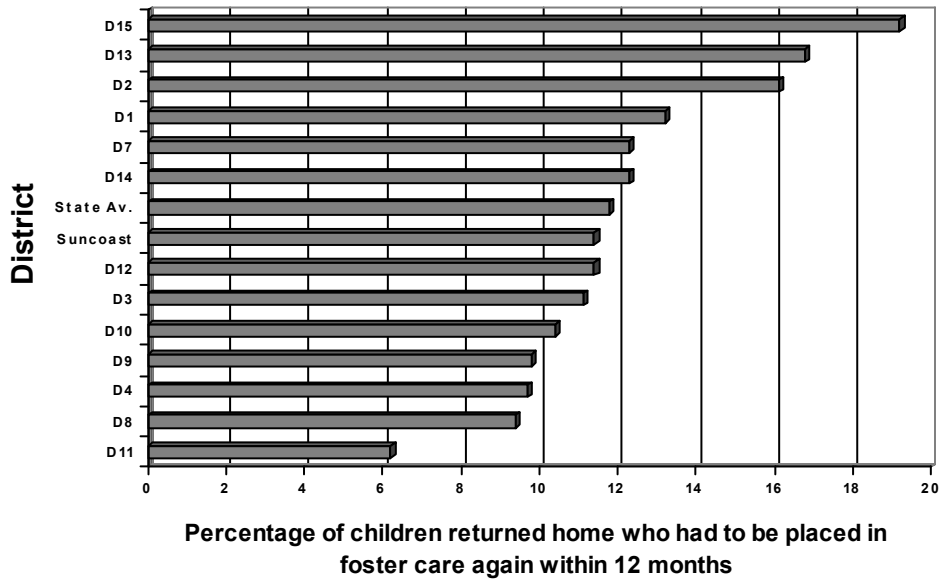
The three charts below reveal a clear pattern: In most, though not all, cases, districts that took away proportionately fewer children tended to have the best safety records. Districts which took the most children tended to do poorly on keeping children safe. Thus, while a child is more than seven times more likely to be torn from his parents in District 13 than in District 11, it is District 11 which has, by far, the best safety outcomes.

Complete data and sources can be found in the tables accompanying Appendix B, the *NCCPR Florida Rate of Removal Index*.

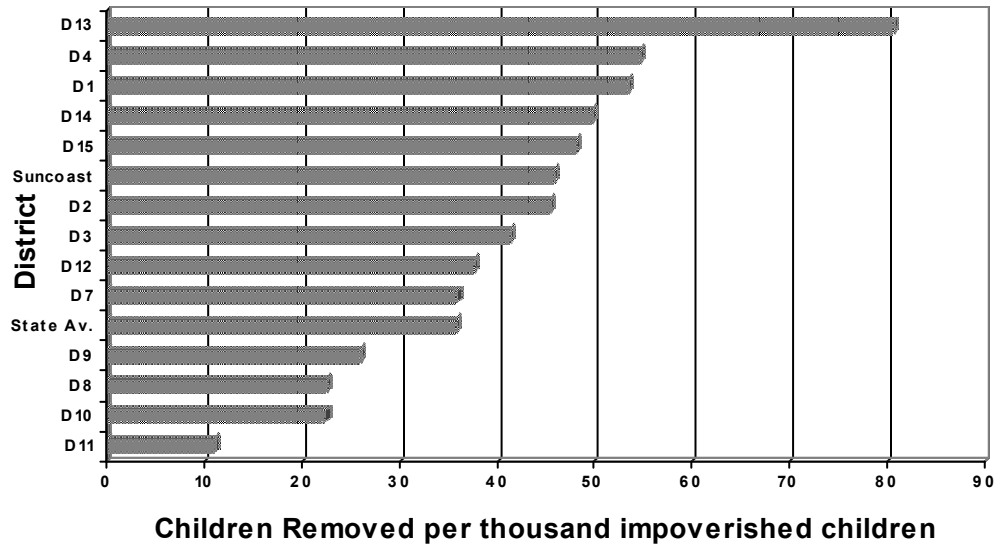
Reabuse, Jan. through Sept., 2005



Foster care recidivism, 2005



Rate of Removal, 2005



This, too, is likely to be a consequence of the panic. Though there are said to be more vacancies in foster homes now, the OPPAGA report also acknowledges that the vacancies may not be for the children who need placement the most. So with far more children entering the system, it is harder to find them a suitable placement - so they are forced to move from home to home.

The districts that took away proportionately fewer children, tended to have lower rates of reabuse of children left in their own homes.

Incredibly, some districts are claiming that placements in so-called “assessment centers” shouldn’t “count” because they are brief. But to a young child a few days can be an eternity. As the fate of those babies in Palm Beach County makes clear, warehousing young children in parking place “shelters,” even for a few days, is a barbaric practice – and it is unnecessary. Of course such placements should “count” – you may be sure they “count” to the child.

Child welfare systems that don’t take away too many children can use an approach called “first placement, best placement” – they have enough options to find the best place for a child immediately.

The second key safety measure is foster care “recidivism” – the percentage of children returned home from foster care who must be placed again, within a specified time (for this measure, Florida uses 12 months). OPPAGA found this figure was not available before the panic. But NCCPR’s analysis of more recent data show that the districts with lower rates of recidivism also tend to be the ones, that take away

proportionately fewer children.

We found the same was true with reabuse of children left in their own homes. As the three charts on Pages 14 and 15 make clear, the districts that took away proportionately fewer children, tended to have lower rates of reabuse of children left in their own homes.

THE UNLUCKY CHILDREN OF DISTRICT 13

For example, in 2005, the district that took away, proportionately, the most children was District 13. For every thousand impoverished children living in District 13, DCF took away 80 children. That’s a rate well over double the state average. It’s a rate three-and-a-half times the rate in District 8 and more than seven times the rate in District 11 (Miami).

Yet District 13 also had some of the worst safety outcomes. District 13 had the fifth worst rate of reabuse. A child in District 13 was nearly 50 percent more likely to be reabused than a child in District 8 and nearly twice as likely to be reabused as a child in District 11. And District 13 had the second worst record for foster-care recidivism. A child returned home from foster care in District 13 was more than 70 percent more likely to have to return to foster care than a child in District 8. A child in District 13 was nearly three times more likely to have to return to foster care than a child in District 11.

And it wasn’t always this bad. District 13 is still suffering from a foster-care panic that began in 2004, sending removals soaring by 54 percent. The good news is that starting in December 2004, the district got a grip: Removals have dropped 30 percent over the same period the previous year.

The data from District 13 also illustrate a key problem with the OPPAGA report: One of its measures of success actually may indicate failure.

OPPAGA notes that, statewide, more children are exiting the system within twelve months. That may be progress, as the report says, but it may simply be a mirage, caused by the panic. It may simply be one more indication that many of those children exiting quickly never should have entered the system at all.

If you suddenly take away huge numbers of additional children because you're in a panic over not winding up on the front page of the local paper, then quickly realize you never needed to take away a lot of the children and ship them back home - much the worse for the experience -- your average length of stay will go down. But instead of success, this indicates failure.

Conversely, a district that actually lives up to the universal rhetoric about only removing children as a "last resort" is likely to remove children only in more serious cases which will take more time to resolve. Average length of stay may go up -- for good reason.

Evidence that this is happening comes from the fact that the district that is "reunifying" the highest percentage of children within 12 months is the one which probably never should have taken most of them in the first place - - District 13.

WHY PANICS BACKFIRE

Why would it happen? Why would responding to the death of a child in his or her own home by taking away more children – in order to “err on the side of the child” – backfire? Why would it increase the danger to children?

Because the “err on the side of the child” myth ignores the real reason for almost all high-profile child abuse tragedies: Overwhelmed, undertrained, underprepared caseworkers.

Most caseworkers are not jack-booted thugs who relish destroying families.

Most are dedicated, caring professionals trying as hard as they can to help the children on their caseload. Very, very few would ever say that a child's suffering is “not my problem.” But they are generally underprepared for the job. A bachelor's degree in anything is all that's required in most states.

If you suddenly take away huge numbers of additional children because you're in a panic over not winding up on the front page of the local paper, then quickly realize you never needed to take away a lot of the children and ship them back home - much the worse for the experience -- your average length of stay will go down. But instead of success, this indicates failure.

The stress is high and the pay is low, so turnover is high. Then these underprepared, inexperienced caseworkers are given overwhelming caseloads and sent out to make life and death decisions. So of course they will make bad mistakes in both directions. With little time to investigate any case properly, workers will leave 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.

Most of the time, when a child “known to the system” dies and it turns out the case file has more “red flags” than a Soviet May Day Parade, it's because a caseworker lacked the skill or the time to check

every lead that should be checked and ask every question that should be asked. And what is overloading the workers often is children who never needed to be in the system in the first place.

The “err on the side of the child” myth ignores the real reason for almost all high-profile child abuse tragedies: Overwhelmed, undertrained, underprepared caseworkers.

A foster-care panic simply overloads workers some more. With more reports passed on from a hotline barred by law from screening out even the most absurd allegations from some “mandated reporters” and workers terrified to leave children in their own homes, that hypothetical half-an-hour to make the life-and-death decision on whether to remove a child becomes a hypothetical 15 minutes. With even less time to make good decisions workers make even more mistakes in both directions - - leaving even more children in danger, even as the number of children torn from their parents soars.

That’s how a foster-care panic backfires. And that’s why children are in more danger in Districts 8 and 9 now than they were a few months ago. Because Districts 8 is, indeed, in the midst of a foster-care panic. District 9 still appears to be as well.

As noted at the beginning of this report, **the number of children taken from their parents in District 8 during the two months after Michelle Fontanez died -- March and April 2006 -- shot up 50 percent compared to the same period in 2005. And removals in District 9 from January**

through March also were 50 percent above where they were the previous year.

(In the case of the panic in Southern Florida, it seems to have abated in Broward and Miami, where it was not nearly as great to begin with) but as of April, 2006, it still was going strong in Palm Beach County.

THE RED QUEEN SCHOOL OF MANAGEMENT

It can be difficult to resist a foster-care panic. From the frontline caseworker to the district administrator, everyone knows that the best way to protect his or her job – but not children – is to take-the-child-and-run.

Consider a feature of almost every high-profile fatality: The Ritual Sacrifice of the Caseworker.

Sometimes, after a child known-to-the-system dies, caseworkers deserve to be fired. That may well be the case in the death of Michelle Fontanez. Even if she never said “not my problem,” if everything else alleged about the caseworker is accurate, then her dismissal was justified.

But what about her supervisor? Yes, the supervisor apparently signed off on the idiotic notion that Michelle would be safe if her stepfather simply moved out of the house (as it turned out, he moved only across the street). What we don’t know, yet, is: What did the supervisor know and when did he know it? Perhaps his dismissal is justified too, perhaps not.

It is less clear why the supervisor’s supervisor - - the man in charge of all child abuse investigations in the district – had to go. Given his track record, some of the best safety outcomes in the state, it’s hard to see how District 8’s children will be safer without him.

A much clearer example of the Red Queen school of personnel management appears to be taking place in Palm Beach County, after another high-profile fatality

there.

Consider the case of supervisor Michele Fuhrman, who had been with DCF for more than 20 years. According to *The Palm Beach Post*:

DCF bosses regularly judged Fuhrman's work as outstanding. As an investigator, she routinely came to work at 6:30 a.m. to field calls and joined the rapid response team, which meant that she could be called in at any hour to investigate critical incidents of child abuse.

"Michele's honesty, caring attitude and excellent child safety assessment skills stand out the most," a supervisor wrote in 2002.

Over one 17-month period from 1999 to 2000, Fuhrman investigated 336 cases, many of them time-consuming and complex, according to her file. She volunteered to take the most difficult cases and often pitched in to help others with their own cases.²⁷

But Fuhrman also happened to be the supervisor of a worker who had a highly-publicized death of a child on her caseload. This case was more ambiguous than the case of Michelle Fontanez, though it's clear the caseworker should have asked more questions. But it is not at all clear that Fuhrman could have known this. (And even if she could have known and should have known, that should be balanced against what was, apparently, more than 20 years of exemplary service to children.)

DCF demoted her, then forced her to resign.²⁸ What, then, is the message to the frontlines? Probably this: Everything you've done for decades, no matter how much you accomplish, no matter how many children you save, means nothing if one child on a subordinate's caseload dies and the Monday-morning quarterbacks in Tallahassee think you should have seen something you overlooked.

And again, it's hard to see how the vulnerable children of Palm Beach County will be better off with Michele Fuhrman gone.

The result of all this has been aptly

described as "defensive social work." Terrified of having the next Jaquez Mason or Michelle Fontanez on their caseloads, workers rush to tear away more and more children. Because they know that no matter how much the children suffer as a result of being torn from everyone loving and familiar, at least *their* jobs are safe.

Everything you've done for decades, no matter how much you accomplish, no matter how many children you save, means nothing if one child on a subordinate's caseload dies and the Monday-morning quarterbacks in Tallahassee think you should have seen something you overlooked.

This doesn't mean that no worker or supervisor connected to a high-profile tragedy ever should be disciplined. Rather, it means that DCF should be able to draw distinctions, instead of responding to every high-profile case by, in effect, screaming: "Off with their heads!"

YOU'RE ONLY DAMNED IF YOU DON'T

This is also where one common complaint of caseworkers is wrong. It's the one where they say they're "damned if we do and damned if we don't." That's simply not true. In all the years I have been following child welfare, I have never seen a caseworker fired, suspended, demoted, or even slapped on the wrist for taking away too many children. All of these things have

happened to workers who have had a child on his or her caseload die in the child's own home. When it comes to taking away children, caseworkers are *not* "damned if they do and damned if they don't" – they're *only* damned if they *don't*.

The same applies to judges.

That's one reason the easiest way to know that a child welfare agency is being disingenuous is when they start talking about checks and balances as though they really exist, offering up lines like "we can't take away children on our own; a judge has to approve everything we do."

The easiest way to know that a child welfare agency is being disingenuous is when they start talking about checks and balances as though they really exist.

In fact, in every state, those overworked, undertrained, inexperienced caseworkers have the power to remove any child from his or her home on the spot, with no opportunity for the family to defend itself first and no waiting for a judge. In some states, the caseworker can remove the child herself, in other states she must have law enforcement do it, but the decision rests entirely with the child welfare agency. From that moment forward, the family must fight to get the child back.

In Florida, once the child is taken, there is supposed to be a hearing within 24 hours. But the hearing is largely a rubber-stamp exercise. On one side is a lawyer for DCF who is fully familiar with the case and does this kind of work for a living. On the other side is a usually-impoverished, often bewildered parent. At best, the parent may

get a lawyer at the hearing itself – meaning the lawyer has no real way to defend his client. At worst, the lawyer may not even be appointed for another month. And then it is likely to be a lawyer with a huge caseload and few resources.

As for the judges, they're in the same position as the caseworkers: Any judge knows that if he listens to the parent, sends the child back home and then something goes wrong, his entire career may be in jeopardy. If, on the other hand, he listens to the lawyer from DCF and keeps the child in foster care, the child may suffer all sorts of harm, but the judge is safe.

The deck remains stacked throughout the process. In a criminal proceeding, the defendant must be proven guilty beyond a reasonable doubt. But the standard DCF must meet to take away a child and put him or her in foster care is "preponderance of the evidence," the lowest standard in American jurisprudence – the same standard used to determine which insurance company pays for a fender bender.

NO GOOD DEED ...

The incentives for panic that apply to caseworkers and judges go all the way to the top. The District Administrator in District 8 also resigned in the wake of Michelle's death. Again, given the overall track record of the district, it's hard to see how that will make things better for children.

It might, however, scare his successor and other district administrators away from safe, proven alternatives to the Kearney-style take-the-child-and-run approach to child welfare.

And so might the fate of the most successful District Administrator anywhere in Florida in recent years: Chuck Hood.

Hood took over what is probably the most difficult district in the state to run: District 11, which consists of Miami-Dade and

Monroe Counties. Miami-Dade has the highest poverty rate of any large county in the state. And, of course, it was the county from which Rilya Wilson disappeared.

Hood stepped in when many others wouldn't go near the job. He turned the district into what is, relatively speaking, a model. Every district in the state and, for that matter, every child welfare system in the country, has very serious problems. But Hood's district stands out for having, by far, the best safety outcomes and the lowest rate-of-removal in Florida.

And what was his reward for this good work? He caught hell for it from a kind of Kearney-DCF-in-exile; advocates who clung to the Kearney take-the-child-and-run approach and used every high-profile tragedy to attack Hood's work.

In one case, Hood deserved criticism: He failed to stand up to Tallahassee when the state sought to impose cuts in aid for foster children aging out of the system.²⁹ But when it came to what matters most – keeping children safe, Hood turned one of the state's bigger failures into what is, relatively speaking, a notable success.

But, under constant fire for all his good work, Hood resigned in February. A lot of people inside and outside child welfare in Florida owe the man an apology.

Hood's counterpart in Palm Beach County, Ted Simpkins, also resigned in February. That raises questions about whether he, too, was under enormous pressure to reverse reform efforts even without the death of Jaquez Mason – and whether that pressure helps account for the panic in District 9.

CHILDREN'S BEST HOPE: THE WAIVER

After years of careening full-speed backwards, DCF took one bold step in the right direction earlier this year.

The federal government lavishes billions of dollars each year on foster care.

Much of it can't be used for anything else. And the foster care money comes as an open-ended entitlement. For every eligible child, the federal government reimburses 50 to 83 cents of every dollar spent to keep that child in foster care. In Florida this adds up to an estimated \$140 million per year.³⁰

The federal government offers far, far less for safe, proven alternatives to foster care – and that funding is not an entitlement.

As a result, the feds wind up spending at least nine times as much on foster care as on alternatives.³¹ And the system creates a perverse incentive: Though alternatives cost less in total dollars, it may sometimes cost a state less to throw a child into foster care.

But Florida has agreed to a “waiver” of these rules. In exchange for giving up the open-ended entitlement, DCF will take its foster-care money as a lump sum – and it will be free to spend the money on child abuse prevention, family support, family preservation, reunification and adoption – as well as foster care. Michigan and up to 20 counties in California, including Los Angeles, accepted similar waivers.

This could mean a significant infusion of dollars for everything from day care and rent subsidies to Intensive Family Preservation Services programs and drug treatment – if the money is spent wisely.

But to really make the waiver work, another set of financial incentives also must change – the incentives for private “lead agencies” and their subcontractors.

It is common for foster-care “providers” to be paid on a *per diem* basis. That is, the agency supervising the foster home or the agency running a group home or institution is paid for each day they hold on to each child. So while the agency is told to try to find every child a permanent home, it is penalized for doing so -- and rewarded for prolonging foster care.

When Illinois, another heavily privatized system, changed these incentives, the number of children in foster care plummeted – *and independent, court-appointed monitors found that child safety improved.*

Florida must ensure that every contract with a “lead agency” and every lead agency subcontract with various “providers” include financial incentives that reward finding safe, permanent homes for children – and penalize the agencies for letting children languish in foster care.

And then, DCF will have to stick to the terms of the contract in the face of the intense political pressure lead agencies can exert because of their well-connected boards of directors and support from local legislators.

THE “LEAD AGENCY” ROLE IN WRONGFUL REMOVAL

Representatives of privatized “lead agencies” rush to point out that they don’t literally take children from their homes themselves. That’s done either by DCF or, in some jurisdictions, law enforcement.

But lead agencies still play a vital role. A lead agency can work aggressively to create an infrastructure of prevention and family preservation – thereby giving DCF workers a wide range of options short of removing a child. Or a lead agency can become mired in a take-the-child-and-run mentality and invest most of its money in substitute care.

A lead agency can invest its prevention money primarily in “counseling” and “parent education” the cookie-cutter services that often do more to make the helpers feel good than to actually help impoverished families, or they can move that money into “hard services” like housing assistance and day care.

When a child really must be placed in foster care, a lead agency can aggressively seek out relatives, because kinship

care almost always is not only better for a child’s emotional well-being than what should properly be called “stranger care” it also is, on average, safer than stranger care.³²

Lead agencies can, in fact, make or break reform.

Or a lead agency can brag about its bias against relatives, as the lead agency in Broward County has done.³³

A lead agency can co-operate with reform-minded DCF district administrators who want to avoid needless foster care, and put pressure on those who still believe in the discredited, Kearney-style “take-the-child-and-run” approach. Or a lead agency can use its considerable political clout to undermine reform, by falsely linking every tragedy to efforts to keep families together.

Lead agencies can, in fact, make or break reform.

TOWARD REAL REFORM

What, then, can be done to finally reverse the legacy of Kathleen Kearney and reduce the chances of such panics happening all over Florida over and over again?

Comprehensive solutions were included in NCCPR’s third report on Florida Child Welfare, *Emerging from the Shadows*, available at www.nccpr.org. At that time, we offered a “12-Step Program to Fix DCF.” We have now updated those recommendations and included them as Appendix A in this report. But in addition to the policy changes, there are some things that can be done, from within DCF and outside, to curb the panics underway now.

- *As soon as district administrators see that a high-profile death is setting off a*

foster care panic, they need to create new safeguards. District administrators should create special Removal Review Teams. Made up of a district's most capable caseworkers and supervisors, the teams should have to review, and sign off on, every request to remove a child, in order to be sure that safe alternatives truly are not available. (In cases where a worker insists there is an emergency and removal must take place immediately, the team should meet within three hours to review the decision. The team should be on call nights and weekends for this purpose).

This should have both the substantive effect of reducing needless removals and it will send an important symbolic message - letting workers know that it is just as harmful to needlessly take a child away from everyone he or she knows and loves as it is to leave a child in a dangerous home.

- *Support frontline staff.* DCF needs to send a message to the frontlines: "We will hold you accountable when you betray a child's trust, or when you are lazy or incompetent. But we also will back you up when tragedies occur even though you did everything right. And we'll even support good caseworkers and supervisors who make honest mistakes - as all human beings do."

And DCF must show that workers are accountable for mistakes in all directions. The district must be as hard on workers whose failings lead to needless removal as it is on those whose failings lead to children being left in dangerous homes.

- *Panics are news.* They should be treated as such. Since a panic is enormously harmful to children, it is as worthy of news coverage as any other act of child abuse. It should be a constant subject of

news coverage, and district administrators should be under as much pressure to stop the panic as they are to prevent the next child abuse tragedy from every other cause. Caseworkers should be as concerned about landing on the front page for needlessly taking away children as they are about making a mistake and leaving a child in a dangerous home.

CONCLUSION

A caseworker whose job it is to protect children allegedly said that Michelle Fontanez' fears and the risk to her safety were "not my problem."

If she made that remark, outrage at her abdication of responsibility is not enough. Of course it was her problem - but it was ours as well.

If common decency is not reason enough to make the fate of vulnerable children our problem, consider some practical realities.

Children who are brutalized in their own homes and children needlessly placed in foster care have one thing in common: Often, they have a great deal of difficulty later in life. As noted earlier, one study found that "alumni" of foster care had twice the rate of post-traumatic stress disorder as Gulf War veterans and only 20 percent could be said to be doing well.

We will pay for their homelessness, and their mental health care and, sometimes, their crime.

So if saving a child's life or a child's soul isn't reason enough, the dollar cost alone means that fixing child welfare, in Florida and across the nation, is everybody's problem.

APPENDICES AND ENDNOTES ON FOLLOWING PAGES.

APPENDIX A:
NCCPR's UPDATED 12-Step Program to Fix DCF
July, 2006

In 2002, NCCPR released a "12-Step Program to Fix DCF." We have now updated that Program. (For example, the original Step 1 called for replacing Kathleen Kearney as DCF Secretary). In addition, we have included contact information for experts on some of the various approaches we recommend.

Step 1: Make sure that every contract with every "lead agency" and every subcontract with every "provider" of child welfare services contains financial incentives that encourage those agencies to return children safely to their own homes and, where that truly is not possible, find them adoptive homes, preferably with relatives. Financial incentives should penalize agencies for allowing children to languish in foster care. This will allow DCF and private agencies to take full advantage of Florida's gutsy decision to accept a waiver from federal funding restrictions, freeing more than \$140 million formerly reserved for foster care to be used for safe, proven alternatives as well. Illinois has changed financial incentives for private agencies with great success. **CONTACT:** *Ben Wolf, American Civil Liberties Union of Illinois. (312) 201-9760, ext. 420.*

Step 2: Restore the full name of what was once the Division of Family Safety and Preservation. (Former DCF Secretary Kathleen Kearney erased the last two words).

Step 3: End the culture of secrecy. DCF should seek legislation allowing it to comment on individual cases whenever information has been made public by any other party. Arizona has such a law and several other states have more limited, but significant, disclosure provisions. The law also should create a rebuttable presumption in favor of disclosing records, not only in fatality cases but also in cases where birth parents allege their children were wrongfully taken.

DCF already has taken a commendable step forward by posting key outcome data on its website in the form of the DCF "Dashboard." This step made Florida a leader in making crucial data readily available to the public. But one key indicator is missing: the number of children taken from their parents each month. Although DCF responded quickly, thoroughly, and courteously to NCCPR's public records requests for these data, they should be on the Dashboard along with the child safety measures already there. And Dashboard data should go back for as many years as they are available.

Step 4: The DCF Secretary, district administrators, representatives of "lead agencies" and some supervisors and caseworkers, should take a "best practices" tour of systems around the country that are, relatively speaking, national models. They should visit places like Pittsburgh, Pa. and Alabama, which are doing child welfare right, and bring the lessons from those places back to Florida. **CONTACTS:** *Alabama: Ira Burnim, Legal Director, Bazelon Center for Mental Health Law (202) 467-5730, ext. 129. Their lawsuit helped turn Alabama into a national leader. Mr. Burnim also is a member of the NCCPR Board of Directors. Paul Vincent, Child Welfare Policy and Practice Group, Montgomery, Ala. (334) 264-8300. Mr. Vincent ran the child protection system in Alabama when the lawsuit was filed. He worked closely with the plaintiffs to develop and implement the reform plan. He also is evaluating the privatized system in Broward County. Ivor Groves, independent, court-appointed monitor (850) 422-8900. Pittsburgh: Karen Blumen, Allegheny County Department of Human Services, Office of Community Relations (412) 350-5707.*

Step 5: Bring a national advisory panel to Florida to help DCF reform, in the way the Special Child Welfare Advisory Panel for New York City, created under the auspices of the Annie E. Casey Foundation, helped to turn around that city's child welfare system. A similar panel is helping New Jersey implement reform. It may be possible to get such a panel to advise individual districts as well. (The Casey Foundation also helps to fund NCCPR). **CONTACT:** *Gretchen Test, Annie E. Casey Foundation, (410) 546-3678.*

Step 6: Make provision of hard services to ameliorate the worst aspects of poverty a routine part of the work of DCF and private lead agencies. No child should be removed from his or her home because parents lack decent housing or day care or other basics. DCF also should ensure that In-

tensive Family Preservation Services are available to every family that needs the program and the programs rigorously follow the model established by the first such program, Homebuilders, in Washington State. **CONTACTS:** *Charlotte Booth, executive director, Homebuilders (253) 874-3630, cbooth@institutefamily.org, Susan Kelly, Center for the Study of Social Policy, former director, Families First, Michigan. (734) 547-9164, susan.kelly@cssp.org*

Step 7: Bring the Family to Family program to Florida. This initiative of the Casey Foundation involves far more than just Family Team Meetings. **CONTACT:** *Gretchen Test, see Step 5.*

Step 8: Take a national model program that already exists in a few Florida neighborhoods, Community Partnerships for Child Protection, and expand it statewide. **CONTACT:** *First Coast Family Center, Jacksonville. (904) 348-3251*

Step 9: Impose a moratorium on all new construction of or expansion of existing orphanages – which is the proper term for group homes, “shelters” “residential treatment centers” and all other institutionalization or “congregate care.” (While DCF may not be able to stop people from building them, DCF should refuse to help fund new or expanded orphanages, refuse to allow lead agencies to fund them, and refuse to send children to them). Though it is impossible to keep a precise count, NCCPR is aware of more proposals to institutionalize children coming from Florida than from the rest of the states combined. Institutionalization is, by far, the worst option for children. Get the children who don’t need to be in foster care back into their own homes and there will be plenty of room in good, safe foster homes for the children who really need them – and no need for more institutions. DCF should help lead agencies establish “wraparound” programs to keep children who otherwise would be institutionalized in their own homes or therapeutic foster homes. Wraparound programs do everything that group homes and institutions do – but they do it better and cheaper.

Step 10: Make drug treatment geared to the needs of parents, usually mothers, available immediately to any parent who wants it. Where inpatient treatment is needed, it should be offered through programs that allow parents and their children to live together. (DCF should offer to assist anyone proposing to build or expand an orphanage to build a family drug treatment campus instead).

Step 11: The Legislature should repeal provisions of the law formerly known as the “Kayla McKean Act” which bar the DCF hotline from screening out patently absurd or frivolous reports from some categories of “mandated reporters.”

Step 12: Quality legal representation must be available to all children and all parents who must face DCF. That means lawyers for children, not just guardians *ad litem*. And it means institutional providers of legal help for parents with low caseloads and adequate support staff, including social workers to do their own examination of cases and recommend alternatives to DCF “service plans.” Such representation is likely to pay for itself by reducing needless foster care. Washington State has such a program in several counties. **CONTACT:** *Joanne Moore, Director, Washington State Office of Public Defense, (360) 586-3164*
<http://www.opd.wa.gov/Parents%20Representation%20Program.htm>

OTHER CHANGES NEEDED AT DCF:

- All interviews conducted by DCF or law enforcement personnel in the course of child maltreatment investigations should be, at a minimum, audiotaped. For interviews conducted at DCF offices or similar settings, videotape is preferable. Information from any interview that is not taped should be inadmissible in all court proceedings.
- The standard of proof in all court proceedings should be raised from the current “preponderance of the evidence” standard to “clear and convincing” The standard also should apply when a worker decides to “confirm” alleged maltreatment.
- Raise pay for caseworkers and supervisors.

APPENDIX B: THE NCCPR *FLORIDA* RATE-OF-REMOVAL INDEX

Released July 18, 2006

For the past three years, NCCPR has published a rate-of-removal index which compares the propensity of *states* to adopt a “take-the-child-and-run” approach to child welfare. The index compares the number of removals of children in each state during the most recent year for which data are available to a Census Bureau estimate of the number of children living in poverty in that state. The result is the number of removals of children from their homes for every thousand impoverished children in that state.

But with Florida child welfare becoming increasingly decentralized, a statewide figure is not enough. Using data obtained through a public records request, NCCPR has prepared the first comparison of the propensity of districts *within* Florida to take away children. We have compared these data to key measures of child safety, available from the online “Dashboard” at the Florida Department of Children and Families website, <http://dcfdashboard.dcf.state.fl.us/>

The data reveal a striking pattern: The districts that do the best job of keeping children safe, tend to be those which take away, proportionately, the *fewest* children from their parents. And the districts with the highest rates of child removal often have the worst safety outcomes.

Most notable is the performance of District 11 (Miami-Dade and Monroe Counties). This district has, by far, the lowest rate of removal and, by far, the best safety outcomes.

This does not mean that one can simply reduce removals and thereby make children safer. Rather, reducing removals is a *prerequisite* for keeping children safer, because it helps free up time and resources to find children in real danger.

NCCPR also obtained month-by-month entry into care data for every district dating back to January, 2003. These data show a knee-jerk response to the death of a child “known to the system” can set off a foster-care panic.

Thus, in the months after the death of Michelle Fontanez made headlines in District 8, removals of children from their homes soared 50 percent. That is doubly tragic because, before the panic, District 8 was tied for the second lowest rate of removal in the state – and the second-best record for child safety. As this report is released, all of that is in jeopardy. Similarly, another district doing relatively well was District 9, Palm Beach County. But removals started to climb a year ago, and from January through March 2006, removals there shot up 50 percent compared with the same period the year before.

THIS IS NOT THE “SNAPSHOT NUMBER”...

The measure of a district’s foster care population usually seen in news accounts is the so-called “snapshot number” indicating the number of children in foster care in a district on one particular day each year. That is a very important number, but it is a less accurate measure of a district’s propensity to remove children.

A district may have a high snapshot number even if it takes away very few children, if it hangs on to those it takes for a very long time. (That is, in itself, a serious problem, but not a measure of the district’s propensity to take away children in the first place). Conversely, a district can have a low snapshot number and still take away many children, but take them for only a very short period of time. Thus, a district which takes away many children in January, but returns most of them by August will have a low number if the “snapshot” is taken in September. (This also is why another measure of success, average length of stay in foster care, should be viewed with caution. A district with a low average length of

THE PRICE OF PANIC/28

stay may have achieved this simply by taking away far too many children and then returning a lot of them after only a very short time in foster care – much the worse for the experience. Just that appears to be the case in Florida’s District 13, which has the state’s best record for returning children home quickly - - but also the worst record for taking them away in the first place).

Also, a district which took away a great many children a decade or more ago and let them languish in foster care may have a low snapshot number now simply because those children are “aging out” of the system at 18 – hardly a testament to a system’s success.

...RATHER, THIS INDEX USES REMOVALS OVER THE COURSE OF A YEAR

So instead of measuring the foster care population on any given day, the *NCCPR Florida Rate-of-Removal Index* relies on DCF data, obtained through a public records request, listing the number of children removed over the course of a given year.

HOW THE INDEX IS COMPILED

We could have simply compared the number of children removed over the course of a year to a district’s total child population. But then all the districts with high rates-of-removal and high child poverty rates would complain that this was unfair because we didn’t consider the single largest risk factor for actual abuse (not to mention the factor most often confused with “neglect”) – poverty. So, in order to factor that out, and come closer to an apples-to-apples comparison, we compare removals to the number of impoverished children in each district, according to the 2000 Census.

RANKINGS

Data are presented in order of district number and in order of each district’s propensity to remove children, with the district that took, proportionately, the most children, ranked first. Rankings also are given on the safety outcomes. Note that in every case, the lower a district ranks, the better its performance. In this comparison, it is far better to rank 14th than first.

SAFETY DATA

As a group that believes strongly in family preservation, we feel that a high rate-of-removal almost always is a sign of a bad system. But a low rate-of-removal is not necessarily a sign of a good system. A low rate-of-removal can be accomplished either by embracing safe, proven programs to keep families together, or by ignoring children in real danger. Fortunately, the Florida data offer clues about this as well.

There are two primary means for measuring how a child welfare system does in keeping children safe.

- One is to track how often, when maltreatment is substantiated and the child is left in his or her own home, the child is maltreated again. Florida tracks the percentage of such children reabused within six months.

- The other measure is foster-care “recidivism.” That is, how often, when a child is returned home from foster care, must that child be placed in foster care again. Florida tracks the rate of such recidivism within 12 months of a child’s return home from foster care.

TIME FRAMES

Though rate of removal data are available through April 2006, this comparison uses data only from calendar year 2005, in order to provide a closer comparison to the timeframes for the safety data.

Re-abuse data are available only through September, 2005, so the figures in this table are for the period January through September 2005. Data for foster-care recidivism are for all of 2005.

THE “PANIC DETECTOR”

The final table arranges the rate-of-removal data for each district month-by-month each year from 2003 through April 2006. Where there is a sharp rise in removals during the same month from one year to the next for at least three months in a row (or, in some cases, at least three months out of four or more) that suggests a foster-care panic. We also consider a panic in progress if removals have gone down from the previous year, but are still significantly higher than two years previously. Figures that meet these criteria are in bold and the boxes are shaded. We’ve also noted cases in which annual increases exceed 30 percent in single year or 50 percent over two years. And, because it was so unusual, we noted, in bold face without shading, the two-month spike in removals in Miami in January and February 2006. (We noted the two-month spike in removals in District 8 as a panic because they are the most recent two months for which data are available).

COMPARING THE FLORIDA DATA TO NCCPR’S NATIONAL RATE-OF-REMOVAL INDEX

Comparing the Florida data to the national data should be done with caution. NCCPR’s national Rate of Removal Index uses more up-to-date figures on child poverty, figures we were unable to obtain at a district level. Statewide, from 2000 through 2004, the number of impoverished children in Florida increased from 626,457 to an estimated 690,333. Thus, the statewide figure on the table below is 35.7 children removed from their parents for every thousand impoverished children in the state. Use the higher figure for the number of impoverished children and it comes out at 32.4 – still 35 percent above the national average. Thus, readers who want to compare a *district’s* total to other states or the national average should understand that this will be a rough estimate, and the Florida district may look a little worse than its actual performance. In addition, the Florida figure is for calendar year 2005, the data in our national index are for federal fiscal year 2004, the most recent for which data for all states are available.

Similarly, the child poverty rate may have increased more in some districts than in others. Thus, districts with very close rankings are best thought of as “tied.” But variations in the growth of child poverty are unlikely to affect which districts are outliers – the ones that take far more, or far fewer, children than average.

OTHER CAVEATS

- The data in the main table don’t reveal trends over time. A district that still has a rate of removal at or a little above the state average, but has been steadily and safely reducing needless removal of children (such as District 12, for example) may be a better “role model” than a district which removed relatively few children in 2005, but now is in the midst of a foster-care panic. Trend data back to January, 2003 are available in the supplemental data tables.

- One cannot say, based on these data, that district X “took Y percent of its poor children from their parents in 2004.” That would be inaccurate because, while the overwhelming majority of children taken from their parents are poor, not all of them are. Thus, we are comparing a pool of children – those removed from their parents – which is mostly poor, to a general population that is entirely poor. One can say only that, for example, according to this index, in 2005, DCF in District 13 appeared more than seven times more prone to resort to foster care than their counterparts in District 11 – and District 11 has far better safety outcomes.

Main table and supplemental data on following pages.

NCCPR FLORIDA RATE-OF-REMOVAL INDEX, CALENDAR YEAR 2005

District	Children living in poverty, 2000	Children removed from their homes, 2005	Rate of Removal /Rank	Reabuse, Jan-Sept., 2005 /Rank	Foster care recidivism, 2005/ rank
District 1	27,591	1,473	53.4/03	12.5/04	13.2/04
District 2	29,258	1,328	45.4/07	13.6/02	16.1/03
District 3	24,509	1,014	41.4/08	11.7/07	11.1/09
District 4	43,163	2,356	54.6/02	9.7/10	9.8/11
District 7	66,010	2,371	35.9/10	11.6/08	12.3/05
District 8	28,195	635	22.5/12	8.4/13	9.4/13
District 9	34,513	897	26.0/11	9.9/09	9.8/11
Dist. 10	58,815	1,315	22.4/13	9.2/12	10.4/10
Dist. 11	128,054	1,422	11.1/14	6.3/14	6.2/14
Dist. 12	16,068	606	37.7/09	13.0/03	11.4/07
Dist. 13	27,802	2,241	80.6/01	12.0/05	16.8/02
Dist. 14	29,199	1,455	49.8/04	14.2/01	12.3/05
Dist. 15	17,075	822	48.1/05	9.3/11	19.2/01
Suncoast region	96,205	4,418	45.9/06	11.8/06	11.4/07
Statewide Average	626,457	22,353	35.7	11.1	11.8

NCCPR FLORIDA RATE-OF-REMOVAL INDEX, CALENDAR YEAR 2005, BY RANK

District	Children living in poverty, 2000	Children removed from their homes, 2005	Rate of Removal/Rank	Reabuse, Jan-Sept., 2005/Rank	Foster care recidivism, 2005 / rank
Dist. 13	27,802	2,241	80.6/01	12.0/05	16.8/02
District 4	43,163	2,356	54.6/02	9.7/10	9.8/11
District 1	27,591	1,473	53.4/03	12.5/04	13.2/04
Dist. 14	29,199	1,455	49.8/04	14.2/01	12.3/05
Dist. 15	17,075	822	48.1/05	9.3/11	19.2/01
Suncoast region	96,205	4,418	45.9/06	11.8/06	11.4/07
District 2	29,258	1,328	45.4/07	13.6/02	16.1/03
District 3	24,509	1,014	41.4/08	11.7/07	11.1/09
Dist. 12	16,068	606	37.7/09	13.0/03	11.4/07
District 7	66,010	2,371	35.9/10	11.6/08	12.3/05
Statewide Average	626,457	22,353	35.7	11.1	11.8
District 9	34,513	897	26.0/11	9.9/09	9.8/11
District 8	28,195	635	22.5/12	8.4/13	9.4/13
Dist. 10	58,815	1,315	22.4/13	9.2/12	10.4/10
Dist. 11	128,054	1,422	11.1/14	6.3/14	6.2/14

Sources:

Children removed from their homes: Florida Department of Children and Families response to NCCPR public records request.

Safety measures: Florida Department of Children and Families "Dashboard" available online at <http://dcfdashboard.dcf.state.fl.us/>

Impoverished children: Census bureau via Annie E. Casey Foundation Kidscount database, www.kidscount.org

ENTRIES INTO CARE, MONTH-BY-MONTH, 2003

District	Jan-03	Feb-03	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Total
1	131	92	108	104	128	95	94	140	109	142	94	97	1334
2	74	74	53	93	65	68	78	84	100	127	82	71	969
3	78	75	86	89	84	89	78	90	77	76	64	46	932
4	164	144	137	153	162	121	127	150	145	170	121	126	1720
7	183	194	236	170	161	159	162	252	291	247	167	130	2352
8	62	55	57	73	57	74	59	63	74	61	56	71	762
9	75	62	63	94	83	89	81	72	95	82	62	76	934
10	75	81	76	88	120	110	76	90	79	103	81	68	1047
11	202	161	158	224	258	211	189	185	171	191	132	144	2226
12	69	91	79	63	82	61	43	66	67	70	28	27	746
13	137	95	130	106	140	96	132	98	127	144	135	110	1450
14	156	92	109	142	117	95	141	115	135	150	87	108	1447
15	53	57	53	58	63	62	66	61	58	72	46	65	714
Suncoast	381	323	345	414	395	318	451	354	420	391	342	255	4389
State Total	1840	1596	1690	1871	1915	1648	1777	1820	1948	2026	1497	1394	21022

Data Source: DCF HSn Data Repository as of June 28, 2006

ENTRIES INTO CARE, MONTH-BY-MONTH, 2004

District	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Total
1	138	105	123	132	136	138	75	137	102	93	107	110	1396
2	104	61	98	107	63	58	92	105	78	92	55	96	1009
3	58	65	68	92	74	49	63	56	75	46	81	64	791
4	138	175	125	165	149	149	118	171	101	151	108	184	1734
7	192	172	208	174	189	169	188	223	154	200	152	205	2226
8	59	75	57	47	41	64	48	42	40	43	55	33	604
9	73	59	51	45	80	51	43	57	48	54	69	50	680
10	127	136	154	96	93	126	83	107	87	121	69	92	1291
11	116	109	127	123	165	143	92	95	95	131	113	113	1422
12	58	45	46	57	34	38	38	43	32	36	38	40	505
13	138	161	166	180	158	150	218	169	132	130	121	192	1915
14	137	114	139	96	93	76	100	56	61	87	127	149	1235
15	69	75	81	58	38	34	53	64	22	49	92	78	713
Suncoast	317	344	380	358	329	376	277	308	328	359	226	332	3934
State Total	1724	1696	1823	1730	1642	1621	1488	1633	1355	1592	1413	1738	19455

Data Source: DCF HSn Data Repository as of June 28, 2006

ENTRIES INTO CARE, MONTH-BY-MONTH, 2005

District	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Total
1	139	89	151	111	92	116	121	141	137	108	134	134	1473
2	116	131	127	102	114	103	108	114	129	95	116	73	1328
3	112	71	100	66	75	91	67	115	102	69	81	65	1014
4	261	223	244	196	220	158	148	147	208	204	199	148	2356
7	220	148	222	197	176	168	163	239	252	231	175	180	2371
8	63	66	51	58	59	65	46	52	60	18	42	55	635
9	74	68	67	65	70	73	77	73	108	66	83	73	897
10	130	94	100	123	135	96	119	132	128	82	97	79	1315
11	97	111	181	113	113	135	104	107	149	113	96	103	1422
12	46	44	69	31	63	52	51	41	66	63	42	38	606
13	231	226	224	182	236	157	189	207	187	180	136	86	2241
14	129	132	160	150	116	133	126	130	119	84	90	86	1455
15	90	75	98	62	61	44	54	88	74	50	63	63	822
Suncoast Region	344	328	419	374	441	349	377	409	504	320	244	309	4418
State total	2052	1806	2213	1830	1971	1740	1750	1995	2223	1683	1598	1492	22353

Data Source: Florida DCF HSn Data Repository as of June 28, 2006

ENTRIES INTO CARE, JANUARY THROUGH APRIL 2006

District	Jan-06	Feb-06	Mar-06	Apr-06	Total
1	164	149	158	131	602
2	82	121	135	105	443
3	84	76	95	92	347
4	198	177	234	206	815
7	192	215	184	172	763
8	56	59	81	84	280
9	118	108	108	90	424
10	148	123	155	85	511
11	156	158	136	112	562
12	56	32	55	56	199
13	139	182	167	140	628
14	109	91	87	150	437
15	75	71	50	53	249
Suncoast	380	369	385	378	1512
State Total	1957	1931	2030	1854	7772

Data Source: DCF HSn Data Repository as of June 28, 2006

NOTES

- ¹ Will Vash, Family torn apart finally under one roof, *The Palm Beach Post*, December 24, 2005.
- ² Ray Helfer, "The Perinatal Period: A Window of Opportunity for Enhancing Parent-Infant Communication: An Approach to Prevention," *Child Abuse and Neglect: The International Journal*, 11, 1987, p.566.
- ³ Chris Echegary, "DCF Takes Custody of Girl Born to Woman Visiting U.S.," *Tampa Tribune*, June 11, 2005, Sherri Ackerman, "DCF Drops Its Case Against Indian Mother," *Tampa Tribune*, July 21, 2005.
- ⁴ Ibid.
- ⁵ Kathleen Wobie, Marylou Behnke et. al., *To Have and To Hold: A Descriptive Study of Custody Status Following Prenatal Exposure to Cocaine*, paper presented at joint annual meeting of the American Pediatric Society and the Society for Pediatric Research, May 3, 1998.
- ⁶ Amy Bennett Williams, "Custody dramas play out in court," "Dad wins custody after long road," "Five years' worth of battle takes its toll on family," *The News-Press*, January 8, 2006.
- ⁷ Amy Williams, "Records reveal girl left in peril," *The News-Press*, June 20, 2006.
- ⁸ Jeff Cull and Amy Williams, "Workers fired in girl's case," *The News-Press*, June 24, 2006.
- ⁹ Kathleen Chapman, "Palm Beach County struggles to find foster homes," *The Palm Beach Post*, June 27, 2006.
- ¹⁰ Casey Family Programs, *Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study* (Seattle, WA: 2005).
- ¹¹ Amy Bennett Williams, "Custody dramas play out in court," *The News-Press*, January 8, 2006.
- ¹² Colleen Jenkins, "Judge's order includes learning English," *St. Petersburg Times*, March 22, 2006.
- ¹³ Sian Perry, "Teacher contests schools," (October 8, 2004) "Southside teacher to be rehired, with back pay," May 7, 2005, *Fernandina Beach News Leader*.
- ¹⁴ Larry Rein, "More homes needed to take in children," *South Florida Sun-Sentinel*, January 30, 2006.
- ¹⁵ Detailed data for all districts are in the tables accompanying Appendix B.
- ¹⁶ Michael T. Dolce, Esq., *A Better Day for Children: A Study of Florida's Dependency System With Legislative Recommendations*. The study is undated, but it was released in 2000.
- ¹⁷ Casey Family Programs, Note 10, supra.
- ¹⁸ Ibid.
- ¹⁹ Affidavit of David S. Bazerman, Esq, *Ward v. Feaver*, Case# 98-7137, United States District Court, Southern District of Florida, Fort Lauderdale Division, Dec. 16, 1998, p.4,
- ²⁰ This information comes from a series of charts headed "Status of ASFA Reviews," prepared by DCF in August, 2000, based on a sample of cases in all regions except Districts 1,3,5,7 and 9. For a detailed discussion of these data, see NCCPR's second report on Florida child welfare, *The Lengthening Shadow*, available at www.nccpr.org
- ²¹ Anna Maria Della Costa, "Marginal foster parents approved," *Sarasota Herald Tribune*, May 18, 2006.
- ²² Citations for a series of studies on abuse in foster care and institutions are available in NCCPR Issue Paper #1, available at www.nccpr.org See also the numerous newspaper exposes of group homes and "residential treatment centers" cited in NCCPR's three previous reports on Florida child welfare.
- ²³ Richard Wayman, J.D., *Clinical studies, survey review, and pediatric research, on risks and harm to children and youth subjected to large residential institutions* (Minneapolis, MN: 2000), available from NCCPR.
- ²⁴ Some may be surprised at the reference to New York City, since deaths of children "known to the system" were much in the news there earlier this year. But what is less well-known, because it's almost never mentioned in news accounts, is that deaths of children "known to the system" actually have declined in New York City since the reforms. In addition, a better measure of safety, re-abuse of children left in their own homes, declined by 28 percent.
- ²⁵ The prediction was noted in Fred Grimm, "Foster system braces for panic," *Miami Herald*, July 4, 1999.
- ²⁶ Office of Program Policy Analysis and Government Accountability, *Child Welfare System Performance Mixed in First Year of Statewide Community-Based Care*, Report No. 06-50, June, 2006.
- ²⁷ Kathleen Chapman, "DCF supervisor who managed case of infant who died resigns," *The Palm Beach Post*, July 1, 2006.
- ²⁸ Ibid; personal communication.
- ²⁹ Carol Marbin Miller, "Dade's DCF chief resigns amid growing foster care feud," *The Miami Herald*, February 18, 2006.
- ³⁰ The reimbursement amount varies by state. It's the same proportion a state gets in reimbursement for Medicaid expenditures. Not every child is "eligible." The federal government will provide this aid if the child's birth parents are so poor that the family would have qualified for AFDC back when AFDC still existed, in 1996.
- ³¹ A very generous estimate of spending on alternatives to foster care in federal FY 2002, under the one federal program targeted for this purpose, based on a Government Accountability Office study, is \$384 million. (U.S. Government Accountability Office: *Child Welfare: Federal Oversight of State IV-B Activities Could Inform Action Needed to Improve Services to Families and Statutory Compliance*, May 23, 2006, see chart, p.7). The Urban Institute estimates that, during that same year, the federal government spent \$3.4 billion on foster care though the funding stream that can be used only for that purpose. (Cynthia Andrews Scarcella, et. al, *The Cost of Protecting Vulnerable Children IV* (Washington, DC: The Urban Institute, December, 2004), chart, p.13.
- ³² University of Illinois Children and Family Research Center, *Family Ties: Supporting Permanence for Children in Safe and Stable Foster Care With Relatives and Other Caregivers* (October, 2004), available online at http://www.fosteringresults.org/results/reports/pewreports_10-13-04_alreadyhome.pdf.
- ³³ Rein, note 14, supra.