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Child welfare gone haywire

Cuyahoga agency took children from homes at a furious pace
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Story by Joel Rutchick and Kera Ritter Plain Dealer Reporters

The four empty beds in Christian Turner's house serve as agonizing reminders of the day seven years ago when county social workers took her kids away. They have been foster children ever since. Turner gets to see them for two hours every other week, competing for quiet time with other families in a crowded downtown room provided by Cuyahoga County's Department of Children and Family Services (DCFS).

No one would dispute that theirs was a troubled family. Chris has been prone to depression for years. Augusta, her husband, began a four- year prison term for aggravated burglary a month after she gave birth to their youngest child. But the story of the Turner family also provides a snapshot of how Cuyahoga County's child-welfare system went haywire eight years ago, how it disrupted the lives of thousands of children - perhaps unnecessarily - and saddled taxpayers with millions of dollars in what now appears to be questionable foster-care costs.

Multiple factors were at play. Because of the stakes, most child- custody decisions are gut-wrenching. And in urban centers like Cleveland, they often are complicated by issues like poverty, absentee fathers and substance abuse. But in the mid-1990s, the difficulties were compounded by the combination of a child-welfare agency hobbled by "a climate of fear and paranoia" and a poorly run Juvenile Court. It was only after the resulting explosion in foster-care costs became unbearable three years ago that DCFS operations started to right themselves. But families like the Turners are still suffering the consequences.

In 1997, despite their struggles, case records show that nobody had accused Chris or Gus Turner of abusing or neglecting their children. The Turners say they have provided the basics: food, clothing, shelter and love. But with Gus recently imprisoned, and Chris overwhelmed with depression, she sent her five kids, from 6-months to 9-years-old, to her mother's house and checked into a hospital for two weeks.

Turner's mother says she asked DCFS for financial assistance and help finding day care. The agency took the kids away instead, insisting that Turner was unable to care for them and arguing that her mother didn't want to keep them. Chris Turner, her mother and her attorneys say that's not so. And Turner has been fighting for seven years - in vain, so far - to get them back. Her depression, it seems, couldn't have come at a worse time.

In 1997, just as the Turner family was asking DCFS for help, the agency was gripped by a sickness of its own. What has been described as a culture of hysteria had engulfed the Jane Edna Hunter Social Services Building. An extraordinary string of child deaths rocked the agency in the early- to mid-1990s, generating finger-pointing and second- guessing by the media and elected officials. That aggravated record-high staff turnover, fueling an influx of social workers with little or no experience.

The combination produced a dangerous mindset among an increasingly untested staff, according to current and former DCFS officials. Rather than risk censure for making a costly mistake, they say, social workers concluded that it was safer for them to just take the kids. The result was a six-year foster-care tidal wave that swept up the Turner kids and thousands of others. Beginning abruptly in 1996, records show that DCFS started taking kids away from their families at a furious pace, overwhelming its foster-home network and burdening taxpayers with huge increases in costs.

DCFS Director James McCafferty acknowledges that many of the thousands of additional foster-care placements may have been unnecessary. "Kids came in [to foster care] who didn't have to," said McCafferty, who didn't take the DCFS reins until 2001. He declined to estimate how many. The influx was so intense that officials had to send increasing numbers of Cleveland children to foster homes out of town.

The flood of foster children also overwhelmed a seriously inefficient Juvenile Court. The court is responsible for deciding which children DCFS can put in foster care and which should be severed from their families and put up

for adoption. Unable to keep track of its cases, to find key participants, to properly record proceedings or to follow up on its own orders, the Cuyahoga County Juvenile Court aggravated the problem.

By the end of 2001, despite steep increases in the number of kids reunited with their families and adopted into new ones, more than 6,200 Cuyahoga County kids were in foster care. That's up from 4,100 in 1995. Nearly 2,000 children were waiting to be placed in permanent homes, and hundreds were destined to remain stranded in foster care until they turned 18. Meanwhile, taxpayers spent \$95 million to house them in 2001, up from \$55 million in 1995.

In fact, it wasn't until those skyrocketing costs threatened to break the county's budget that the child-custody numbers started to plummet. After peaking in 2001, they fell so rapidly to pre-1996 levels that questions are now being raised about how many of the thousands of children removed from their homes during the surge were taken unnecessarily.

Chris Turner believes her children were. Despite records showing that Turner has done virtually everything demanded of her over the past seven years, her kids are still in foster-care limbo. And she still hasn't been able to convince the county to send them home.

In the process, Turner has been passed from social worker to social worker. She has been examined by at least three psychiatrists, passing muster each time. Her case file was lost in the bureaucracy for more than a year. Taxpayers have spent more than \$350,000 taking care of her five children for the last seven years. And she still doesn't understand why they were taken away in the first place.

"They can't say I did something wrong to my kids," Turner said. "All I did was get sick." Child deaths framed a decade of debate

Agencies like DCFS have a dual role: to stabilize families and to keep children safe.

That said, experts agree that child deaths alone are not the best measure of an agency's effectiveness. Even model agencies are going to grapple with child deaths that - in retrospect, at least - appear to have been preventable.

Still, there's nothing like the tragic death of a child - especially one that could have been saved - to stir the wrath of critics.

That's what happened in 1991 when 10-year-old Eric Tully hanged himself after county officials chose not to remove him - despite numerous reports that he was being abused at home.

That death set the tone for a decade of conflict - between the sometimes clashing objectives of reuniting troubled families and keeping kids safe.

Goaded by Eric's death, county commissioners retooled the county's child-welfare operation, created DCFS and wooed Judith Goodhand, a top assistant at the highly regarded Lucas County child-protection agency, to become its first director.

Goodhand was a firm believer in keeping children with their biological families when possible. She saw it as a cheaper, and more beneficial, alternative to foster care.

Before long, however, the outcry over another dramatic death created more turmoil.

In August 1993, Goodhand's social workers left 21-month-old Denise Rome with her mother, even after discovering suspicious marks on the toddler's body.

Just days later, Audrey Rome beat her daughter to death.

Intense media criticism followed, with a Plain Dealer editorial cartoon depicting Denise's tombstone as a cost of family preservation.

Foster-care placements spiked briefly.

Then in late 1995, more than two years after Denise's death, records show, a television station revived the Rome controversy by accusing Goodhand of altering the DCFS report on the child's death and of using confidentiality to cover up a murder.

Goodhand, who calls the story "an absolute hoax," challenged its validity along with other county officials.

But by that time, several more child deaths - many unrelated to abuse or neglect - had already turned up the heat inside DCFS.

By January 1996, records show that Goodhand and her agency had become preoccupied with death.

Memos on child deaths circulated the agency. Top deputies issued detailed new procedures for reviewing every death involving a DCFS client - even if the child died of natural causes. And blame replaced support as the order of the day.

"It wasn't a nurturing environment like in the past," social worker Donna Butler recalled. "It became accusatory."

Foster-care placements took off. After hovering around the 2,000 mark for each of the previous six years, child removals soared to 3,200 in 1996.

DCFS made some policy changes that may have contributed to the spike, and the agency did become more aggressive dealing with drug-addicted families. But fear over child deaths appeared to be the real driving force behind the numbers.

"Placements go up because caseworkers get scared," Goodhand said. "Workers verbalize it, 'Better be safe than sorry.' And 'safe' means remove the child."

But 1996 was only the beginning. Newly elected Cuyahoga County Commissioner Timothy McCormack took office in January 1997 with child deaths on his mind.

He immediately launched his own investigation into the death, six months earlier, of 4-year-old Kia Taylor. Her aunt, who had legal custody of Kia and three of her sisters, had starved her.

Commissioners suspended a worker for 10 days for not following procedure, even while saying her mistakes did not contribute to the child's death.

Still, McCormack concluded there were ample warning signs, and that DCFS could have done more to save her.

When two brothers died in a fire in April that year, McCormack said publicly that the boys should have been in a foster home. Other county officials accused him of breaking the law by releasing confidential information about the case to the media, damaging the agency in the process. No legal action was taken.

In May, Melanie DeMeo scalded her 10-month-old baby to death. Commissioners fired an agency supervisor, the 11th disciplinary action in a year. McCormack called it a sign of a failing department.

Television stations and The Plain Dealer reported on the deaths for weeks.

And the prevailing attitude at DCFS became, "I'm going to cover my behind," Butler, the social worker, recalled.

"You were afraid that if you left the child in the home and the child died, your name would end up in the paper," she said.

Workers acknowledge they also became quicker to judge and more likely to view parents as lost causes.

Danielle Nystrom, who believes her two sons were wrongly taken from her in 1999, has been battling for years against what she regards as entrenched, negative attitudes at DCFS toward her and mothers like her.

A court-appointed psychologist in Nystrom's case has recently concluded that the 29-year-old mother may be right. It was "vindictiveness" on the part of DCFS employees that had undermined Nystrom's efforts to get her children back, the psychologist wrote in a report. The agency had worked against her instead of helping her.

In another case, records show that Sabrina Otis lost her five children for three months because she couldn't get the county to sign off on a subsidized-housing security deposit. DCFS agreed to help Otis get housing, records show, but then took her children the next day. She had to go to court to get them back.

Official says criticism was well intended

Cuyahoga County's symptoms describe a classic case of "foster-care panic," said Richard Wexler, executive director of the National Coalition for Child Protection Reform.

Although it's certainly not true in all instances, Wexler acknowledges that some abuse cases are so heinous that the child should be taken from the home and never returned. But social workers don't get into trouble for removing too many kids, he said. They are only disciplined when they don't remove a child and something goes wrong.

"They are not damned if they do, damned if they don't," Wexler said. "They are only damned if they don't."

Commissioner McCormack defends his vigorous child-safety position of the late 1990s. "Were we doing the best we could [at the time] to keep kids alive? Absolutely not," he said recently.

McCormack said it was never his intent for children to be put into foster care unnecessarily. But after reviewing the child-custody numbers from the years after he took office, McCormack agreed that his frequent criticism contributed to the siege mentality at DCFS.

"I didn't know there was a better way," he said. "I had to do something."

As McCormack repeatedly denounced DCFS in 1997, fear and discontent were spreading among the agency's staff. Feeling overworked and unfairly castigated for child deaths, social workers picketed outside DCFS headquarters.

Bosses joined in as well. Of the agency's 75 supervisors, 64 signed a letter saying they lacked the resources to do their jobs and that death reviews and unfair discipline had created "a climate of fear and paranoia."

Workers were leaving by the dozens. Half the weekend staff of the child-abuse hot line quit.

Even Goodhand had had enough. She resigned from DCFS in July 1998. Annual turnover reached 27 percent.

Replacement social workers tended to be much younger, less experienced and even more cowed by the atmosphere than those they succeeded, said Patricia Rideout, formerly one of Goodhand's top deputies.

And many didn't know the difference between poverty and neglect, said Paul Taylor, a social worker and former president of the workers union. "You can't bring in your own values and morals and apply it to the clientele. If you were born in Pepper Pike, how do you know what life is like in Central?"

"As long as the basic needs are met, people should not be separated from their families," Taylor said. "It takes experience to see that thin line."

From the beginning, the problem in Chris Turner's case has been finding the right perspective on that thin line.

Turner was still hospitalized for depression when the social workers took her kids on Aug. 15, 1997.

She was released three days later. But the agency alleged that Turner's mental health problems left her unable to care for her children. Turner disagreed, but she accepted a plan to regain custody and made rapid progress.

By July 1998, Turner's psychiatrist told DCFS that she was ready to handle her kids again.

A month later, after she completed parenting classes with distinction, Catholic Charities Services told DCFS that with proper support, "Ms. Turner could manage to keep her family together."

Turner even moved into a nicer four-bedroom house.

As the year drew to a close, there was still no reunification, even though Turner's three youngest children all between 1 and 5 years old were struggling in foster care. Behavioral and developmental problems had surfaced, agency documents show. And DCFS confirmed receiving allegations of abuse in the children's foster home.

Those allegations were never confirmed, and the foster parents denied them to DCFS. But the agency split up the children anyway and moved them into new homes. Turner's two oldest children, now 13 and 16, live in a different foster home.

Despondent, Turner checked into a hospital again in December 1998, but she was out in less than a month.

She resumed attending classes at Cuyahoga Community College, working full-time as a security guard and maintaining her mental health, according to letters from two psychiatrists.

By then, Turner's social worker her fourth had moved to take the children away permanently. Despite the parenting-class recommendation that Turner "could manage to keep her family together," the social worker questioned Turner's abilities, arguing that she still had severe mental-health problems that made her incapable of caring for her kids.

At least twice since then, psychiatrists and others have said she is capable of having her family reunited. But DCFS has persisted in trying to permanently "sever" her parental rights.

Her permanent-custody case arrived in Cuyahoga County Juvenile Court which must approve orders to send children home or put them up for adoption in 1999.

Court employees promptly lost her file. It didn't turn up again until 18 months later.

Court delays cases; kids stay longer in foster care

The Cuyahoga County Juvenile Court has slowed down thousands of other cases as well.

It was "an enormous impediment," Goodhand said in a recent interview. "A significant number" of children were needlessly kept in foster care because of "bottlenecks in the court."

DCFS records from the late 1990s reveal numerous longstanding problems there.

For instance, parents often weren't properly notified of abuse or neglect allegations or of court hearings, a miscue that could lead to delays of at least 30 days. The court's own study in 2002 suggested that thousands of cases had been affected.

In some cases, critics say, court employees would simply leave the critical paperwork on a parent's doorstep without ever verifying that it was received.

"They would just drop it. If it blew away, it blew away," said Cheryl Alikhan, a lawyer who handles Juvenile Court cases. "So it wasn't a surprise when we got to court that the parents wouldn't be there."

Records show that DCFS social workers frequently failed to show up as well because their notices to appear arrived after the scheduled hearing date.

A 2002 study showed that proper notice was being issued in only about one case out of 20. It wasn't until then 30 years later than in most courts that the Juvenile Court started using certified mail to serve notice of complaints.

Service glitches and other court delays pushed thousands of cases beyond the legal time limit for resolution, forcing officials to refile them from scratch.

In March 1999, the prosecutor's office estimated that, in one three-month period alone, Cuyahoga County lost more than \$350,000 in federal foster-care reimbursements as a penalty for repeated refilings.

Even more galling were repeated delays in sending kids home even when everyone agreed it was best.

Typically, a Juvenile Court magistrate would approve the DCFS decision allowing a child to go home. But a judge had to sign off. And the order had to be officially recorded by the clerk and sent to DCFS and other parties.

Even though judges rarely overruled such orders, kids often had to wait months while the paperwork inched its way through the bureaucracy.

In a September 1998 memo, DCFS estimated it was wasting more than \$2 million a year in needless foster-care costs while waiting for go-home orders to become official.

About the same time, DCFS reported that dozens of children had been waiting two months or longer to go home, and some had been waiting more than 10 months. Records show that delays like these were typical.

Such foul-ups also help to explain why children in Cuyahoga County typically spend 342 days in foster care before going home or being put up for adoption three times as long as those in Franklin County.

In early 1999, an exasperated assistant county prosecutor, Yvonne C. Billingsley, railed in a memo about the court's "inefficiency, misadministration of justice and the incompetence of some of its employees."

Billingsley wrote to her bosses that in addition to leaving hundreds of kids in limbo, the court's failures "represent a violation of the rights of both the parents and children that we serve, the majority of whom are this county's poor, undereducated and underemployed.

"I am embarrassed and ashamed as a member of the legal profession."

Billingsley and others say the court has improved substantially. Notification and record-keeping are better than in the past. But the court is still not nearly as efficient as it ought to be, they say. And some of the hurdles it has created for families continue to haunt them.

It was more than five years ago when Billingsley penned her scathing critique.

By then, not unlike Chris Turner, Danielle Nystrom and her family were deeply ensnared in a Juvenile-Court disaster of their own.

Nystrom's two sons, now 8 and 6, have spent most of their lives in foster care largely, it now appears, because of court incompetence and a history of questionable, even mean-spirited, decisions at DCFS.

After a Juvenile Court judge ruled in 2001 that Nystrom's parental rights should be severed and her sons put up for adoption, it took her 16 months to get the decision reversed.

That's largely because the court never recorded a critical hearing at which her fitness as a mother was challenged.

Nystrom and her lawyer had to reconstruct the hearing with interviews, and then battle back legal challenges from the county, before they could get a decision from a higher court.

All the while, her sons were growing up in somebody else's home. Another judge has since ruled that Nystrom deserves to get her sons back.

Mom: agency took kids for wrong reasons

When DCFS first took the boys in January 1999, social workers alleged neglect specifically inadequate parenting, unstable housing and a history of domestic violence.

Nystrom suspects it had as much to do with DCFS attitudes about her own volatile past.

Both of her parents had gone to prison for child abuse, court records show, and the county placed Nystrom with her grandmother. She ran away as a teenager, dropped out of high school and later had a brief, stormy relationship with a man who beat her, court records show. Another man had fathered her children, but did not provide child support and waived his parental rights.

By late 1999, Nystrom was well along in meeting DCFS requirements to get her kids back: She had successfully completed parenting classes, had finished domestic violence training and had just signed a lease for a two-bedroom apartment that the agency deemed appropriate.

But DCFS moved to permanently take her kids instead. Her employment was unstable, the agency contends, and she was immature and irresponsible. DCFS also cited concerns, given her history of abusive relationships, that Nystrom had a new boyfriend.

"They had their minds made up," she said in a recent interview. "They didn't give me a chance."

An appeals court reversed the decision to sever Nystrom's rights essentially giving her a second chance to regain custody of her kids.

Back in Juvenile Court, court-appointed psychologist Sandra B. McPherson reported to a different judge that DCFS had demonstrated "vindictiveness" in undermining Nystrom's visitation with her children and her efforts to regain custody.

On one visit, in the atrium of the agency's headquarters, a social worker took offense at Nystrom's then 5-year-old son being allowed to kiss a 2-year-old girl.

"I think it's inappropriate to let your child walk up to a stranger and their family and start kissing their children," the social worker testified.

The worker also objected when Nystrom allowed her kids to play with other children in the atrium, instead of using the time to bond with them.

And giving them a bag of candy during an early morning visit was another example of "poor parenting."

DCFS Director McCafferty denies that the agency was out to get Nystrom.

But psychologist McPherson also indicated that a DCFS worker tried to negatively influence her evaluation of Nystrom. McPherson wrote that the worker called her office with a litany of accusations about Nystrom's fitness as a parent, detailing allegedly inappropriate remarks Nystrom had made during visits with the children.

In her report, McPherson concluded that some of the county's allegations were "clearly specious" and that the social worker's allegations of poor parenting by Nystrom didn't hold up.

In November, Visiting Judge Judith Cross agreed, and found that Nystrom's life was in order. She had kept a suitable apartment for five years, had been in a relationship with the same man for four years and was a certified bloodwork technician.

Cross said that Nystrom was committed to her children, that they had a strong bond with her and that the family should be reunited immediately.

One problem stood in the way. The two boys had bonded so well with their foster parents that they needed time to get ready to return home.

Through no fault of Nystrom's, Cross ruled, the children had been in county custody so long that they had to stay in custody awhile longer to learn how not to be in custody.

That was eight months ago. Nystrom's two sons are still in foster care.

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