

Our Broken Home

Everyone likes to blame the DCF.
But the rest of us have failed the children, too.

By MARTHA STONE

November 23, 2003

Everyone agrees that Connecticut's child welfare system is imperfect. But repair lies beyond the Department of Children and Families, reaching the juvenile justice and mental health systems, the legislature and the community as a whole.

The names of the children in this story have been changed to respect the confidential nature of their circumstances. Their words remain their own.

"But I promise if you let me stay here, I will eat all my ice cream at dinner." Luis was in his third foster home in as many days. He is only 5 years old, and for the last three nights he had awakened in a new bed in yet another strange home. This placement he told me he liked. Within a few days, he was calling the foster parent "mom," and he especially liked the dogs and the other boy his age. In fact, he liked it so much that his foster parent told me he promised to eat all his ice cream at dinner if she let him stay there.

But after two weeks, the foster parent told the state Department of Children and Families she had to "give him back." Like a shirt you buy at the store and you don't want anymore. Like a dog you take home from the pound on a trial basis. But this is a little boy, with a past, and memories and feelings and emotions and hopefully a future ... sometimes we wonder.

So Luis moved yet again, this time to one of DCF's "Safe Homes" - set up as a temporary home to take care of first-time placements for abused and neglected children for only 30 to 45 days. Never mind that Luis had been in foster care before. Never mind that Luis has been there for six months, watching the summer come and go, watching the leaves come and go. This home is "safe" in that he won't be moved every night. It's "safe" from foster parents who might harm him. But is it "safe" for his emotional well-being? Is it "safe" to let a 5-year-old grow up in an institution waiting months for a "forever" family?

"Nobody cares about us. Nobody listens to us. I am losing my self-esteem in here." The night Kenesha told us this, she had been locked up in the New Haven Juvenile Detention Center for two-and-a-half months. Her placement history reminded us of a pingpong ball: from detention to home to a hospital to detention to home and back to detention, waiting to go to a hospital once again. But she was only 13 and she hadn't committed any crime. She was a "status offender" who had ended up in detention for violating a curfew and running away. When the judicial branch closed down the community detention center for girls in Hamden last summer because of poor conditions, all the girls were transferred to the virtually all-male facility in New Haven.

Most of the kids there, like Kenesha, are kids of color. Most of the kids, like Kenesha, have been there before.

Most of the kids, like Kenesha, have families who haven't been able to take care of them. Kenesha is no different from the 67 other kids waiting in detention for somewhere to go. There is no dispute that she doesn't need to be in a locked secure juvenile detention facility, but no residential placement is available for her, no community placements exist for her, and she can't go home.

"I haven't seen my lawyer, haven't talked to him. I don't even know what he looks like." Joey volunteered to be in the video we were making on this subject, titled "Who Will Speak for Me?" He thought by speaking out it would make it better for other kids. He was frustrated, and rightfully so. The person who is supposed to be there for him, his lawyer, hadn't spoken to him in months. He couldn't even tell us what he looked like.

The video was made two years ago, with the hope that the legislature would listen and make improvements in the system. Joey is not unlike hundreds of other kids today whose court-appointed attorneys don't take the time to come see them. Because of the ridiculously low pay and lack of training, many attorneys don't come to see their child clients or get to know what they want or what they need.

The juvenile court is supposed to be there to protect them, and yet it is treated like the stepchild of the Superior Court. It makes some of the most important decisions that affect the most vulnerable among us, yet the

court lacks a sufficient number of trained judges to hear the cases in a timely manner, forcing children who need either to be returned home or adopted to languish for months in limbo before a judicial hearing can be scheduled.

“What did I do wrong that I have to stay in this place?”

“No, Edwin, it wasn’t you who did anything wrong,” I kept trying to reassure him that night that I had driven from Hartford, his hometown, to take him out of his residential facility some 45 miles away to celebrate his birthday. It was your mother who abused you and neglected you and made you be the father figure in this family where no one was ever present to help you through your 13 years. It’s not your fault that when your mother went to prison, no one in your family stepped up to the plate to take care of you and your sisters. And it’s not your fault that there weren’t any foster homes that would take all three of you, and so you ended up in two foster homes split apart from them, and then eventually at the Safe Home where all the other kids were four to 10 years younger than you.

It isn’t your “fault” that you had to go to a community hospital and then a shelter, then to Connecticut Children’s Place, the residential treatment center in East Windsor, and then to a facility so far away that you felt like you were being banished from the only community you have ever known.

Instead of getting better at this “treatment” facility, Edwin’s behavior deteriorated. Instead of just being a victim of abuse and neglect, which is the way he started in his placement, he picked up juvenile justice charges for fighting with the other kids there, out of frustration, anger, alienation. It was on our watch that this troubled child so transparently slipped into being a youth in the juvenile justice system. Are we on our way to watching him become a 16-year-old criminal in the adult system? Now, as I write this, Edwin has been moved back to Connecticut Children’s Place. Is it your fault, Edwin, that you have been in nine different places in a little

over a year when all you really wanted was to be in a home?

“Why can’t I go home? I’m not doing very well.”

I wasn’t going to add another story. I had already finished a draft of this article and was doing the final editing. But it is now 6 p.m. on Friday, Nov. 14, and I am angry. My 12-year-old client, Malik, who needs mental health treatment, just got removed from his home two hours ago, and I am calling him at the DCF office where he sits and waits because they have no place to put him and he has nowhere to go. I see Malik every day. He lives across the street from my office and we have been working over the last week to try to get him some help from DCF and from the school system.

The legislature passed an act two years ago to ensure that kids like Malik wouldn’t have to be committed to DCF’s care and be removed from their home to get mental health treatment. So why does Malik now find himself sitting in a bureaucratic office 2 miles away while his mother is calling me on one phone line saying all she did was call DCF for help for him and Malik is on the other, voicing his despair?

These are the stories of our kids. There are thousands of them going through the system at any one time, some in DCF’s child welfare system, some in the juvenile justice system, many in both. They have lived through lives that we can’t even imagine. They have a resiliency that is inspirational to the toughest among us. They have looked to the foster care system and the mental health system and the court system for protection. And yet as they speak to us, are we listening to them? And if we hear them, are we taking any action - now - before their childhood or adolescence is gone and they lose hope for their future?

I have represented the plaintiff class of children in the DCF lawsuit filed more than 14 years ago that resulted in a court agreement overhauling the child welfare system, so I am familiar

with the complexities of the system. I have dealt with five DCF commissioners, five training academy directors, six foster care directors and over a decade of motions alleging DCF’s noncompliance in this case, so I have learned systemic reform does not come without a lot of patience and perseverance.

I have represented the youth in the class-action lawsuit involving the conditions of confinement within the juvenile detention centers and the inability of these kids to get mental health treatment. I have seen firsthand the fragmentation of our state systems for kids. And having represented the individual kids themselves in juvenile court, I have witnessed the emotional pain we are inflicting upon them and their families.

“What is most important for children in the child abuse, mental health and juvenile justice systems is that the state develop a comprehensive vision and plan.”

The recent developments regarding the DCF court agreement are certainly encouraging. We can legitimately pin a lot of our hopes on the virtual takeover of the system by the federal court, and there is no question in my mind that the federal court monitor, Dr. D. Ray Sirry, will make a tremendous difference in improving the DCF system. He is thoughtful and insightful and has unique knowledge about how to make major improvements to a multifaceted system.

But the challenge to give these children what they need cannot turn on one person. The reforms that are needed go deeper than we have been willing to acknowledge and call for a commitment from all of us. My blueprint for change could be endless. Instead, I offer a few concrete suggestions to try to alter the landscape. What is most important for children in the child abuse, mental health and juvenile justice systems is that the state develop a comprehensive vision and

plan, whose under-pinnings are grounded in a visceral understanding of the interdependence of all three.

Challenge No. 1: The Courts

- The judicial branch must allocate enough juvenile court judges to hear the cases in a timely way. These judges must get appropriate training and stop rotating every year. They need to comply with the federal Adoption and passed by Congress in 1997 to expedite permanency planning for children and allocate enough time to have meaningful hearings. They must appoint trained attorneys, pay them sufficiently, and establish a rigorous monitoring system to ensure competent representation. They need to try a unified family court model like those established in Colorado, Indiana or Kentucky, where one judge hears all the cases related to a particular family.

- The judicial branch needs to get serious about the problem of disproportionate minority confinement. Even when controlling for other factors, there are too many children of color in our juvenile detention centers. We need to acknowledge that Connecticut's top ranking in this regard should be worn as a badge of shame.

Others have addressed this problem: By using objective criteria to assess children in need, Multnomah County, Ore., has reduced the number of children mistakenly incarcerated in the juvenile justice system. A program in Santa Cruz, Calif., studies individual neighborhoods to see when and where resources might be applied to reduce crime and keep kids out of trouble. Service providers in both programs more often speak the language and understand the culture of their clients.

The state's own Commission on Racial and Ethnic Disparity recently released similar recommendations for use of "objective criteria" and "decision-point mapping," which analyzes, by race and ethnicity, how police, judges, probation officers and others make their decisions affecting children in the system.

- Build a new Bridgeport juvenile court but dramatically downsize the planned Bridgeport detention center and save those dollars for a wider array of programs and services that might help keep more kids in their own communities, instead of in residential programs or jail. They can look to Pennsylvania, Minnesota, Florida and California for restorative justice models that focus on healing and accountability rather than retribution and punishment. Or to Florida and New York, which have implemented culturally sensitive mental health services especially to meet the needs of Latino families.

- They need to subject their contracted facilities to as rigorous a review as DCF licensed facilities get and institute a much more sophisticated quality assurance system to monitor their contracted providers.

Challenge No. 2: Department of Children and Families

- Caseworkers and administrators must finally decide that child abuse does not fit neatly into a Monday-through-Friday, 9-to-5 schedule and change the work week. The agency must stop putting parents and children on waiting lists for services and then expect that they can reunite in a short period of time.

- They must pay more than lip service to developing a behavioral health system that looks at the whole family, understands its culture, assesses its strengths and its needs, and determines what community resources are available. Follow the lead of Milwaukee's "wrap-around" programs that build creative services around the kids rather than trying to match the kids to already existing service "slots" that don't necessarily address their needs.

- To rectify the shortage of foster homes, what about learning from other states, such as Washington or California, where they have successfully recruited police officers and teachers to be foster parents? DCF can easily loosen its rigid and unrealistic foster care licensing requirements that severely limit the pool of appropriate and willing foster parents in the community.

- And they must follow the lead of Missouri, which developed a triage system to handle serious child protection cases differently from cases in which community-based resources might be able to address a child's situation. This has resulted in a child protection system that is more responsive and more respected in the community. It would go a long way toward improving the relationship between DCF and the minority community.

- Most importantly, they can embrace wholeheartedly the court monitor's new plan, which should be a visionary and innovative blueprint for DCF to follow, if they have any hope of exiting from federal court jurisdiction.

- For the juvenile justice population, they must finally adopt a joint plan with the court support services division of the judicial branch. Don't have both agencies weigh in with primarily residential options when the kids need to return to their communities. They must finally develop specialized foster care, like in Oregon, that is tailored for youthful offenders who can't go home, or small facilities, like in Florida, that use intensive behavior management rather than locked cells and transfers to adult court.

- If they truly understood the interdependencies of their juvenile justice, child abuse and mental health mandates, they would open up their voluntary mental health services program and expand their existing KidCare program for the juvenile justice youth.

Challenge No. 3: Department of Social Services, Department of Mental Health and Addiction Services, Department of Mental Retardation, Department of Education

- The answer isn't to dismantle DCF and create more bureaucracies. We need pooled funding, a "Children's Cabinet" representing relevant agencies, a coordinated plan among the agencies. They have fancy memoranda of agreement signed by the agency heads at the top, but not

enough cooperation and compliance at the bottom.

- 36 percent of foster care children do not get timely, federally mandated health screens, while 25 percent go without timely medical or mental health treatment. When we know these children have a high incidence of poor health and a desperate need for mental health care, then DCF and the Department of Social Services must jointly develop a quality assurance plan to reduce those numbers.

- When we know there is a correlation between children with special education needs and those in the juvenile justice system - where has the Department of Education been? They need to dramatically increase their presence at the table and develop joint initiatives with DCF and the court support services division to provide truancy and special education services that could prevent children from ending up in the juvenile justice system.

- When we know that 50 percent of the child welfare cases involve parents with substance abuse problems, we need DCF and the Department of Mental Health and Addiction Services to develop a seamless system so these parents can gain immediate access to gender-specific and culturally competent assessment, treatment and, most especially, relapse services. When we know that some parents have serious cognitive limitations, we need DMR to exhibit some flexibility.

Challenge No. 4: The Legislature

- The legislature has to put more resources into Connecticut Community KidCare, the community mental health system they committed to two years ago, but from which they cut funds this last legislative session. Legislators need to demand culturally competent and gender-specific services from DCF and the court support services division and then impose an independent accountability mechanism to ensure that the millions of dollars they are pouring into these agencies are actually achieving the outcomes and quality for the children and families they purport to serve.

- Legislators need to give the Connecticut Juvenile Training School in Middletown to the Correction Department for use by adult inmates, and follow the lead of Louisiana, which just decided to close its maximum security prison for kids and shift the money to community-based alternatives. Or emulate Missouri, which boasts one of the lowest juvenile recidivism rates in the country as a result of turning its back on large-scale training schools in favor of small residential settings housing groups no larger than 12. They need to make juvenile detention overcrowding as high a legislative priority as prison overcrowding.

- Create a Children's Cabinet. Mandate a Children's Budget, like Louisiana and San Diego, to highlight that allocations to child abuse prevention are so meager as to be negligible, and demand from the appropriate state agencies a coordinated prevention plan.

- Maybe, more radically, we need to be like at least 16 other states in this country and in some circumstances open up the child protection side of the juvenile court to the public, so everyone can really see what is going on.

Challenge No. 5: The Community

- Each one of us must decide how we can contribute to this effort. It is not enough to look at the cute pictures of the children that appeared in this magazine ["The Heart Gallery" on Nov. 2] and say we wish we could take them home. If we can't take them home permanently, can we be a foster parent, or provide respite care and take one child one weekend a month? What about being a mentor to one of these kids? Can we support, rather than fight, the zoning efforts when a group home of five or six kids wants to move into our neighborhood? Even a clothes, toy or suitcase collection during the off-season can ensure that these children will get at least one new shirt or toy on a day other than Christmas, and they won't have to move their belongings in garbage bags as they travel from one strange placement to another.

- Perhaps the community's greatest legacy can be its ability to influence how the legislature prioritizes these issues. Just like with the UConn stadium or the recent smoke-free environmental initiatives, one call or one e-mail to one legislator can help to ensure that child abuse, mental health and juvenile justice are given the highest rank on the legislative radar screen.

"You have to speak out. If you don't speak out, no one will know anything is wrong."

In addition to "Who Will Speak for Me?" we just completed a second video. This time we titled it, "I Will Speak Up for Myself." It shows children in the foster care system teaching other similar children what their legal rights are. It is meant to have the children feel empowered. At the end of the video, Michael, quoted above, urges his fellow youth in foster care to speak up for themselves.

But if we teach these children to speak out, will we actually do anything for them now? My litmus test when providing legal representation and advocacy to these children is whether I would tolerate the delays or gaps in services or egregious failings if it affected my own two children. If the answer is no, then my passion and my outrage easily fuel my unrelenting efforts.

Connecticut doesn't need to reinvent the wheel in terms of what works. There are plenty of models across the country begging for scrutiny. We just need to stop being so parochial and give up our image as "the land of steady habits." We need to stop creating task forces whose pages fill up drawers with empty promises. These children deserve creative and consistent efforts - and some immediate relief.

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