

Children's Rights Foster Care Reforms Produce Better Results for Tennessee's Kids

Seven years after Children's Rights negotiated the settlement of a massive class action aimed at improving Tennessee's treatment of thousands of children in foster care, the state's child welfare agency is moving past many of the pervasive problems that prompted advocates there to enlist Children's Rights' assistance in seeking long-needed reforms.

A progress report released in December praises the Tennessee Department of Children's Services (DCS) for undertaking "a broad and ambitious reform effort, committed to improving the functioning of all parts of the organization"—and says the agency has produced "demonstrably better results for children and families in a number of areas."

Before Children's Rights and a coalition of Tennessee attorneys took action in 2000, the state-run child welfare agency was warehousing children in orphanage-like institutions and group homes at one of the highest rates in the nation. Since the settlement of the case in 2001, the report says, it has cut its reliance on institutional and group placements in half.

For the past three years, according to the report, DCS has placed 90 percent of the children entering its custody in foster homes with real families—not institutions. It's ensuring that fully 85 percent of the siblings who enter foster care together remain together in



Jeremy Green, a former Tennessee foster youth

their foster placements. And it's increasing the rate at which children are moved out of foster care and into permanent homes.

"There is no question that the abused and neglected children who depend on the Tennessee child welfare system to protect them are better off now than they were before Children's Rights brought their case before the federal court," says Ira Lustbader, associate director of Children's Rights and the lead attorney on the case.

"Children need and deserve to grow up in real families, not as wards of the state," says Lustbader. "For more and more children in the

custody of Tennessee, that's becoming a reality."

Tennessee still has a way to go before it reaches full compliance with the requirements of the court-enforceable settlement agreement. The December report, issued by the independent monitors appointed by the court to track the state's progress, notes a troubling 18-month decline in the number of foster homes available to take in children—increasing the likelihood that children will be placed in homes that fail to meet their needs, and then bounced around to additional homes when those placements don't work out.

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FROM THE EXECUTIVE DIRECTOR

The route to the reform of a child welfare system can be a fairly direct path or a long, circuitous journey.

Under the best of circumstances, improving a complex system is difficult, even when Children's Rights successfully secures a court order mandating that the reforms take place. But when a state's leadership or its child welfare agency is resistant to change—or incapable of implementing the reforms—the course of reform is even longer and more arduous.

Some child welfare system leaders—and the elected officials to whom they report—have embraced Children's Rights court orders as opportunities to shore up the political will and ensure the resources necessary to bring long-needed change to long-neglected systems. In Tennessee, Mississippi, New Jersey, and other places, these court orders have become the blueprints by which child welfare systems—and, with them, the lives of the children and families they serve—are being thoroughly transformed for the better.

As Tennessee's child welfare commissioner said in a recent video interview about our reform campaign there (available on our website), "There's no way we would have made the kind of progress we've made at the speed that we've made it without Children's Rights and the pressure of the court order."

The route to reform in Tennessee was not without its rough patches—but as the lead article in this newsletter shows, big changes have been made, and life is better for Tennessee's abused and neglected children as a result.

In some circumstances, however, the route to reform may be considerably rougher. Right now, Children's Rights is engaged in an intense legal battle in the District of Columbia, where officials have asked the federal judge to release their child welfare system from court oversight—even though progress in that child welfare system has stalled and children are still not receiving the protection and care they need. The District had previously made progress toward reform, but frequent changes in leadership slowed and then reversed some of that progress. Rather than doing the hard work necessary to implement long overdue reforms, however, District officials have chosen legal combat.

It shouldn't take a legal battle to ensure the protection of vulnerable kids. We would always much rather work in partnership with the people who run these child welfare systems, sitting across the table—in Tennessee, Mississippi, New Jersey, and yes, the District of Columbia—and discussing what needs to be done to ensure that their child welfare systems are functioning properly, and that the children we represent are getting the protection and services to which they are entitled.

But sometimes defending children's rights means going back to court and fighting hard on their behalf. And if that's what it takes, that is what we're always ready to do.

Marcia Robinson Lowry
Executive Director



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Children's Rights is a national watchdog organization advocating on behalf of abused and neglected children in the U.S. Since 1995, the organization has used legal action and policy initiatives to create lasting improvements in child protection, foster care and adoption.

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Campaign to Reform Oklahoma Child Welfare System Clears Important Hurdle

Following months of preliminary court filings and nearly a full day of argument in open court on Children's Rights' campaign to reform Oklahoma's exceptionally dangerous child welfare system, a federal judge rejected in January a legal challenge from the state and ruled from the bench that the case may proceed.

rights of the more than 10,000 abused and neglected children dependent on its child welfare system by failing to provide adequate protection and care.

According to the lawsuit, children in Oklahoma's custody suffer abuse and neglect in their foster care placements at a

the state's motion to dismiss the case, allowing the child plaintiffs' constitutional claims to go forward. A separate hearing to determine whether the case may proceed as a class action on behalf of all of the children dependent on Oklahoma's child welfare system is scheduled for March 30.

“WE NEED THIS LAWSUIT AND THE KIDS NEED TO WIN IT,”
SAYS ONE OKLAHOMA CHILD WELFARE WORKER.

“This is a significant victory for many thousands of abused and neglected children across the state,” said Marcia Robinson Lowry, executive director of Children's Rights, “and a vital reaffirmation of the body of law that Children's Rights relies on to defend the rights of kids across the country.”

Children's Rights joined a team of Oklahoma attorneys in filing a major lawsuit against the state's Department of Human Services (DHS) in February 2007, charging DHS with violating the constitutional

rate that has made the state child welfare system one of the three most dangerous in the nation for many years running. The suit also accuses the state of holding children in overcrowded, understaffed shelters and group homes, disrupting their lives further by bouncing them from one inappropriate foster home to another, and leaving them at risk of great harm by failing to adequately monitor their safety and well-being in their foster care placements.

At the January 7 hearing, Children's Rights successfully persuaded the judge to deny

On the latter point, Children's Rights has received support from the Oklahoma Public Employees Association, which represents hundreds of the state's child welfare workers. The organization recently filed a brief with the federal court strongly endorsing class action status, describing the difficulty of working under “crushingly excessive” caseloads without adequate support or resources, and drawing a direct connection between the agency's failures and the bleak outcomes that many children in its custody face.

“We need this lawsuit and the kids need to win it,” says one worker quoted in the brief. “If that doesn't happen, nothing will ever change.”

ON THE WEB:

www.childrights.org/oklahoma

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Additionally, the state needs to do a better job of ensuring that children in foster care who are slated for reunification with their biological parents get to visit with their families and maintain vital family ties. Monthly visits—critical to both reducing the trauma that children suffer when they are removed from their homes and increasing their chances of returning home for good—are currently happening in only 39 percent of these children's cases.

And while the reforms initiated as a result of Children's Rights' case have succeeded in improving the conditions under which

Tennessee's child welfare workers do their jobs—vastly improving training and reducing workers' caseloads to levels they can manage—the December report says the overall quality of DCS's case practice needs to be significantly improved.

Nevertheless, the report paints a picture of a child welfare agency on the mend—and committed to making good on the rest of its obligations under the court-ordered reform plan, even in the face of difficult fiscal conditions.

“Governor Phil Bredesen and the leadership of DCS have made impressive progress

in spite of statewide budget cutbacks, and they deserve credit for their commitment to maintain the improvements they have implemented,” says Lustbader. “Now they will have to work hard to address the challenges that remain, and Children's Rights will continue to keep a close eye on them as they do.”

ON THE WEB:

www.childrights.org/tennessee

Collaboration Between Children’s Rights and Wisconsin Officials Produces Breakthrough in Foster Care Reform Effort

For months, the news out of Milwaukee was dominated by the horrifying story of Christopher Thomas, a 13-month-old boy who was beaten to death last November by his aunt, with whom he had been placed by the Milwaukee child welfare agency.

The case caused an uproar that reverberated across the state. The director of the child welfare agency stepped down; the private agency that had handled Christopher’s case quit the child welfare business entirely. Hearings were held, and swift action was promised.

And then, in January, a new story broke. Children’s Rights announced a new agreement with the state of Wisconsin—an action plan aimed at fixing the Milwaukee child welfare system’s problems and bringing about better results for Milwaukee’s families and kids.

“It’s an important step toward renewing the reform process we started years ago,” said Marcia Robinson Lowry, executive director of Children’s Rights. “The state has made a commitment to take every reasonable step to ensure that the children in its custody remain safe, and that every child’s stay in foster care is as short as possible.”

more than 100 cases per worker in some instances to less than 20 today, which produced an equally dramatic upswing in face-to-face visits between caseworkers and the children assigned to them.

But as the Christopher Thomas case showed, there is still more work to be done, and Children’s Rights’ new agreement with the state is aimed at bringing the Milwaukee child welfare agency into full compliance with the requirements of the court order, which remains in effect. The new agreement requires BMCW to monitor private child welfare service providers more closely. It mandates expanded efforts to recruit foster families, and increased support for foster families and relatives who step in when children in their families suffer maltreatment. BMCW must improve training for its staff, and focus on moving children out of foster care by either safely reunifying them with their parents or finding them adoptive homes.

The agreement was developed through a new collaboration between Children’s Rights and state officials. In return for expanded access to information about the Milwaukee child welfare system, Children’s Rights policy staff analyzed the data and

“We are optimistic that it won’t come to that,” said Lowry. “We will, of course, continue to monitor Milwaukee’s progress—and we’ll take further action if the required improvements are not made. But for now, we believe Milwaukee is once again on its way toward fixing the persistent problems that have put too many children in harm’s way.”

AT A GLANCE: Key Provisions of the New Plan

Under the terms of the corrective action plan negotiated by Children’s Rights, the Bureau of Milwaukee Child Welfare must:

- Improve monitoring of agencies serving kids in the child welfare system.
- Consult with national experts to assess children’s needs and develop a foster-family recruitment and retention plan.
- Increase available foster homes by a net gain of 185 (for a total of 875 by the end of 2009).
- Improve mental health assessment and crisis services for children, and support for relatives who provide foster care.
- Improve training for child welfare workers and judges, add key staff positions, and address other child welfare workforce issues.

WISCONSIN HAS MADE A COMMITMENT TO **KEEP CHILDREN’S STAY IN FOSTER CARE SAFE AND AS SHORT AS POSSIBLE.**

Children’s Rights brought a class action against the state in 1993 on behalf of all of the abused and neglected children who depend on the state-run Bureau of Milwaukee Child Welfare (BMCW) for protection and care.

The federal court order that resulted from that case produced significant results— notably a drastic reduction in caseloads for Milwaukee child welfare workers, from

met with dozens of child welfare service providers, attorneys, advocates, foster families, and others involved in the Milwaukee system to identify barriers to reform and strategies for overcoming them. The findings of this assessment formed the basis for the new corrective action plan. And the agreement carries the full force of the federal court order that resulted from Children’s Rights’ class action, so its terms can be enforced in court if necessary.

➤ ON THE WEB:
www.childrensrights.org/milwaukee

Children's Rights Fights Hard to Get DC Child Welfare Reforms Back on Track

A new court battle is looming in Washington, DC, as the administration of Mayor Adrian Fenty seeks to end the court oversight Children's Rights brought to its child welfare system 18 years ago—despite the District's continued inability to adequately protect and care for the more than 2,500 children dependent upon the city's troubled Child and Family Services Agency.

As this newsletter reported in previous issues, Children's Rights filed a motion asking the federal judge in a long-running reform class action to hold District officials in contempt in July 2008 when it became clear that they had no workable plan to address a backlog of overdue abuse and neglect investigations that had spiraled out of control—and many other problems indicative of a child welfare agency in need of serious repair.

The agency had previously made important progress under the terms of a court order secured by Children's Rights after trial in 1991, mandating improvements throughout the District's child welfare system.

And there was reason to believe that the negotiations that followed last summer's contempt motion would refocus District officials on fixing the agency's problems: In October, CFSA agreed to a court-enforceable emergency plan to reduce its backlog of investigations, find permanent homes for dozens of children languishing in foster

care, and stabilize its workforce, which had been hemorrhaging employees following several highly publicized child deaths.

But now that the child welfare agency is on its way toward fulfilling the terms of that emergency plan, District officials have made several confrontational moves, filing a series of motions and briefs asking the court to approve a six-month plan leading to the end of court oversight in December

The District's new plan promises to find permanent homes for only 18 children in foster care over the next six months, and includes no targets for reducing the number of times children are bounced from one foster home to another; no targets for providing mental health and other services to meet the urgent needs of children in foster care; and inadequate standards for providing health and dental services to foster children.

“WE’RE GOING TO KEEP UP THE FIGHT UNTIL THE DISTRICT DOES WHAT’S NECESSARY TO PROTECT ITS ABUSED AND NEGLECTED KIDS,”

*SAYS MARCIA ROBINSON LOWRY,
EXECUTIVE DIRECTOR.*

2009—even though the plan has been rejected by the independent monitor appointed by the court to track the District's reform efforts, and would fail to bring CFSA into compliance with several court-ordered requirements aimed at better serving DC's children and families.

“It's difficult to imagine a more blatant expression of contempt for both the federal court's orders and Mayor Fenty's responsibilities to the District's kids,” says Marcia Robinson Lowry, executive director of Children's Rights. “Rather than taking the steps necessary to fulfill those responsibilities, Fenty is seeking to simply do away with the court order.”

Children's Rights has renewed its earlier motion for contempt against the District, and the federal judge in the case will hear arguments on the matter in early May.

“We're going to keep up our fight,” says Lowry, “until Mayor Fenty and his administration put their attention and energy where it's really needed: not on continuing to resist the federal court's involvement in the reform effort, but on doing what's necessary to protect the city's abused and neglected kids.”

SUPPORT THIS REFORM CAMPAIGN

Use the enclosed envelope to make a gift today



Join Children's Rights in Honoring National Foster Care Month in May 2009

Since 1988, a coalition of advocates has led an effort to raise awareness about the challenges and hardships faced by the more than 500,000 children in foster care in the United States.

The statistics are alarming:

Seventy thousand kids in America have languished in foster care for more than five years.

The average child in foster care gets moved around between two to five different homes over a period of just two and a half years.

And more than 25,000 children age out of foster care every year—turned out into the world with neither permanent families nor the resources they need to thrive as adults.

It's in these children's names that Children's Rights takes up its campaigns to reform America's failing child welfare systems. And we have succeeded in bringing about major improvements in the lives of many thousands of children in foster care across the nation.

Visit our website at www.childrensrights.org to learn more about our work—and what you can do to help—and watch for more information soon about how you can join Children's Rights in honoring National Foster Care Month this May.

NEWS IN BRIEF

Children's Rights Launches Study of Permanency Barriers for NYC Foster Kids

Although foster care is supposed to be a temporary situation, for too many children it's a dead end. In New York City, exceptionally large numbers of children languish in foster care for years—and many age out without ever regaining the stability of a permanent family through either reunification with their biological families or adoption.

Children's Rights has undertaken a major study to identify the barriers that keep children from attaining permanency in New York City, with the support and participation of the New York City Administration for Children's Services (ACS), the Legal Aid Society Juvenile Rights Practice, and other organizations.

Currently in the midst of an intensive review of the cases of 150 children whose "permanency goal" has been designated as either reunification with their biological families or adoption for at least two years, Children's Rights policy staff is also conducting interviews and focus groups with child welfare workers, foster and biological parents, judges, and attorneys for children, parents, and ACS.

Children's Rights will issue a report on its findings in the summer of 2009 and undertake advocacy efforts aimed at getting its recommendations implemented. The project is funded with support from the Robert Sterling Clark Foundation, the Ira W. DeCamp Foundation, the Stella and Charles Guttman Foundation, and the Marion E. Kenworthy-Sarah H. Swift Foundation.

Connecticut Tackles Permanency and Health Needs of Kids in Foster Care

Under a new court order secured by Children's Rights in July 2008, Connecticut's Department of Children and Families (DCF) has begun to address the unmet health and permanency needs of thousands of children in state custody.

A new progress report issued in December shows that DCF has reduced the number of young children in foster care living in institutions and non-family group homes by 20 percent since August 2008, cut its backlog of children overdue for required health screenings by 75 percent, and undertaken intensive case reviews aimed at finding permanent homes for children who have been languishing in foster care for long periods of time.

Improvements in these areas were key requirements of a corrective action plan negotiated by Children's Rights over the summer of 2008 to address the state child welfare agency's noncompliance with a longstanding court order, also secured by Children's Rights, mandating the agency's wholesale reform.

But December's report also raises concerns about DCF's performance in other areas, including recruitment and retention of

foster families, planning for the treatment of children in foster care, and providing appropriate services to children in state custody. According to the report, DCF fails to develop appropriate plans for approximately one-third of the children in its care—and fails to provide necessary services to more than half.

"The Connecticut child welfare system has come a long way in implementing the reform plans we have negotiated," says Ira Lustbader, associate director of Children's Rights, "but the problems that remain are serious, and we're going to keep applying pressure until DCF's leadership does what's needed to solve them."

Georgia Launches Aggressive Effort to Find Permanent Homes for Children Stuck in Foster Care

A federal judge has approved an aggressive new plan negotiated by Children's Rights and state officials to reduce a backlog of hundreds of children who have languished for years in Atlanta foster care.

The plan requires Georgia's Division of Family and Children Services (DFCS) to work with national experts to review the cases of all children in the backlog and develop plans for moving them as quickly as possible into permanent homes.

The state must also establish a specialized Permanency Unit to coordinate the efforts of the disparate offices and individuals working on children's permanency issues, and identify private agencies with relevant expertise that could be contracted to provide assistance in the intensive effort to get children out of foster care and into safe, stable, permanent families.

Nearly 650 children have languished in the custody of the state-run Atlanta child welfare system since before October 2005, when Children's Rights negotiated the settlement of a class action seeking widespread reforms. Achieving permanency for the children in DFCS's backlog was a key requirement of the settlement.

In August 2008, Children's Rights took DFCS to court on the matter, charging the agency with failing to take adequate steps to find permanent homes for children trapped in foster care and seeking a finding of contempt from the federal judge in the case. Subsequent negotiations led to the development of the new action plan.

The national child welfare operating foundation and direct services provider Casey Family Programs will assist DFCS in implementing the plan.

"We hope that, with the assistance of national experts, the Atlanta child welfare system will finally be able to make some real progress in finding permanent homes for these kids," says Ira Lustbader, associate director of Children's Rights. "But we're prepared to go back to court on the children's behalf if DFCS continues to let them down."

DONOR PROFILE **Rahil D. Briggs**

Regular readers of *The New York Times* may recognize Rahil D. Briggs, a member of the Children's Rights Junior Council, from a story the paper featured in February on some remarkable new initiatives at the Children's Hospital at Montefiore Medical Center in the Bronx.

Briggs is the director of two preventive mental health programs at Montefiore: Healthy Steps, a program funded by the Altman Foundation that provides extra developmental, behavioral, and mental health support to first-time mothers and their children from birth to age three, and a universal screening program at the clinic that evaluates all children for early signs of developmental and mental health problems.

The programs aim to help economically disadvantaged families remain strong against the harsh dynamics of life in impoverished communities, nourishing familial bonds, ensuring children's psychological health—and, Briggs notes, striving to prevent the abuse and neglect that too often results in children's placement in foster care.

DR. BRIGGS IS A DRIVING FORCE IN A GROUNDBREAKING PROGRAM AIMED AT **PROTECTING THE PSYCHOLOGICAL HEALTH OF YOUNG CHILDREN IN IMPOVERISHED COMMUNITIES.**

The *Times* story highlighted the intensive personal care Briggs provides for the families in the program, sometimes traveling to their homes to work through issues that, if left untended, could metastasize into deep and intractable psychological ills.

And indeed, her work in the field has been tireless. In addition to heading the two programs at Montefiore, Briggs, who holds a Psy.D from New York University, serves as an assistant professor of pediatrics at Albert Einstein College of Medicine (AECOM), is a licensed bilingual infant and toddler psychologist at AECOM's Center for Babies, Toddlers, and Families, and co-founded the Baby Doctors (www.thebabydoctors.com), an in-home consul-

tation service for infants and toddlers in New York. She has published numerous book chapters and manuscripts in peer-reviewed journals, and the *New York Times* story is but one of many instances in which the mainstream media has featured her expertise.

Briggs became involved with Children's Rights in 2007 at the invitation of Sarah Rosenwald Varet, co-founder of the Children's Rights Junior Council. The group brings young professionals together to support Children's Rights' work through fundraising events and other outreach efforts. Briggs attended one of these events, heard Junior Council members and Children's Rights Executive Director Marcia Robinson Lowry speak about the results the organization has produced in its campaigns to reform failing child welfare systems across the United States—and was deeply impressed.

Briggs's professional career has brought her into close contact with children at every stage of involvement with New York City's

child welfare system, and the experience, she says, has mostly led to frustration.

"In my efforts to advocate for children's best interests, to help parents navigate the maze of responsibilities they must fulfill, and to help foster parents understand the implications of the trauma the children in their care have suffered, too often I have run up against a wall," Briggs says. "I've been able to help children and families in all kinds of other systems, but in foster care there are just too many intricacies and inconsistencies."

"It's been the singular force in my career that I have found impossible to manage or change," she says.



What made Children's Rights stand out, says Briggs, was its track record of bringing about real improvements in child welfare systems and in children's lives.

"Finally, here was an organization that truly understands how to address the sorry state of foster care systems throughout the United States—and how to bring about tangible, positive results," Briggs says. "Children's Rights is changing the one system that had proven daunting from my professional perspective."

Briggs has been a committed member of the Junior Council and supporter of Children's Rights ever since that first encounter. In addition to personal contributions each year to the organization's annual benefits and Junior Council events, she has worked to significantly expand and develop its active network of young donors.

"The involvement of a younger generation of supporters is vital to Children's Rights' continued success, now and into the future," says Lowry. "We are grateful for all of the great work that the individual members of our Junior Council do on our behalf, and I am particularly honored to have the support of someone as dedicated to changing children's lives as Dr. Briggs is. Her work is an inspiration, and I am proud that she is a member of the Children's Rights family."

SUPPORT CHILDREN'S RIGHTS:

Three Ways to Learn More and Get Involved



ESPN SportsCenter anchor Hannah Storm and the Winner sisters of New Jersey at the Third Annual Children's Rights Benefit

COME TO A BREAKFAST BRIEFING

Our next event, "Children's Rights Now: A Progress Report on Our Reform Campaigns," will be held on Tuesday, April 7, in New York City.

To register or find out more, visit www.childrensrights.org/briefings.

ATTEND A FUNDRAISING EVENT

The Fourth Annual Children's Rights Benefit, featuring some very special guests to be announced soon, will take place in October 2009.

Find out more at www.childrensrights.org/benefit.

MAKE A GIFT

Use the envelope enclosed with this newsletter to make a gift right now—or contribute via our website at www.childrensrights.org/donate.

Foster care reforms produce better results for Tennessee children Campaign to reform failing Oklahoma child welfare system proceeds Donor Profile: Rahil Briggs, child psychologist News in Brief: A new study of permanency challenges in New York City, renewed reform efforts in Connecticut, Georgia, and Wisconsin, and more.

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