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D.C. Child Welfare by the Numbers: The 97% Solution

Fall 2008: An eight-year old boy, Brian,* is taken from his mother because the boy’s uncle allegedly beats him. Even though the uncle does not live with the child, the child stays in foster care for two-and-a-half months until the government gets around to admitting they have no evidence that the child is in danger. They drop the case and send him home.

Fall 2008: A 15 year old boy, James, is forced into foster care for 5 weeks after his step-father dies. He lives with strangers even though the boy’s grown sister, acknowledged by all to be an appropriate caretaker, is ready, willing, and able to take him in. After five weeks, CFSA sends him home.

Fall 2008: A seven year-old boy, Lamar, is taken from his mother because his grandfather – who does not live with the mother -- allegedly beats him. The boy lives with strangers for six weeks, even though two loving, capable, professional aunts are available to take him in. He sees his mother only two hours each week. He is finally allowed to live with one aunt, with whom he stays for another six weeks – until the judge determines the boy was not abused. After three months, he goes back home.

The Mayor held a news conference on December 18 to trumpet a variety of numbers that supposedly demonstrate “great strides” and a “dramatically strengthen[ed] safety net” at the D.C. Child and Family Services Agency. I want to share a few other numbers with you, drawn from cases handled by my students at UDC law school in just the past three months, and remind you how important it is to look behind the numbers to the humans involved in these matters – yes, to put the "children" back in child welfare.

• **97**: this number represents the percentage of children in CFSA care who are black, even though **70** is the percentage of black children in DC. Incredibly, racial disproportionality is *increasing*; it is even higher than the **95%** reported in 2007.

• **100**: this represents the percentage of the children involved in my clinic's cases in the past three months who are black. This also represents the percentage of children involved in the cases who were taken from their families.

* All children’s names have been changed.
• Research demonstrates conclusively that maltreatment rates among black and white families are not different, so the disproportion of black children in the system means that children are taken from their families and placed in foster care for reasons relating to race, not because of maltreatment.

• 16: this represents the number of children in my students’ cases who were taken from their families by CFSA;

• 10 children (or more than 60%) were returned within three months, when CFSA or the Court realized the children could be protected safely at home;

• 7 of these children were returned within a week!

If CFSA had investigated these children's families adequately before taking the children away, the children would have avoided the life-changing trauma inflicted on them unnecessarily, taxpayers would have saved the thousands of dollars unnecessarily expended to warehouse the children in foster care, and CFSA could have focused on investigating and providing services to children and families who actually need attention.

Which brings us to . . .

• 1750. This, of course, is the dreaded "backlog" of incomplete investigations, supposedly the enemy whose elimination makes everything hunky-dory in CFSA. Well, whether it is Banita Jacks' daughters, Renee Bowman's daughters, or Amari Hall, we know that calling an investigation "closed" or "completed" can be dangerous. When the Mayor says “we have gotten out from under the huge backlog,” we ask: Were the investigations thorough and meaningful, or quick-and-dirty?

• In the mad rush to attack the backlog, it’s clear from the numbers above that CFSA seized most children much too quickly.

• It’s likely that CFSA’s slipshod investigations also overlooked the families who need support and the children who really do need protection.

• CFSA hurt children by tearing them from their families; did CFSA also leave children in harm’s way by speeding through the investigations?

We can tell you:

• The stale investigations were completed by social workers detailed from all over the agency – but those employees had to give short shrift to the duties they were supposed to be fulfilling in their regular assignments.

• Children stayed in foster care longer than necessary because CFSA staff didn’t promptly investigate relatives’ applications to care for the children.
• A lawyer described the adoptions division of CFSA as a “ghost town,” because so few social workers were available in that unit. Did another pre-adoptive parent like Renee Bowman slip through unnoticed, without CFSA finding out that she had a criminal record and significant financial problems?

Simple math tells us that as more and more children are investigated, application of CFSA’s non-rational, racially-skewed removal practices will adversely affect more and more children, who will be hurt by being torn away unnecessarily from their caregivers.

More numbers? How about . . .

• 1, which is the number of emergency plans CFSA is required by federal law to create.

• 467 represents the number of days it is overdue.

• 2,255 represents the number of children in foster care, each of whom is in danger until the agency knows where the child will be going in an emergency, knows the likely contact information, and has arranged for continuation of the child’s medications.

• 2 is the number of hours each week children are allowed to see the parents from whom they were taken, and only under supervision.

• CFSA insists that visitation be supervised for virtually every child, and most judges accede to that demand. But children and families are not all cut from the same mold. Especially when we know that many children should not even be taken from their families at all, a stingy, one-size-fits-all visitation policy exacerbates the harm inflicted on children.

• Oh, by the way, 64 is the percentage of children with a court-ordered goal of reunification who don’t even see their parents once a week, according to CFSA’s own figures for September 2008. That’s 285 children.

• And 550 is the number of children in foster care whose brothers and sisters live in different foster homes. 44 percent of those children don’t see their siblings the minimally-required amount of twice a month. That translates to 242 children. Remember, at least 60% of these children should not have been put in foster care, and should not be apart from their parents and siblings in the first place!

• 71. This is the number of hours a child is in CFSA’s custody, purportedly due to an “emergency,” without the parent being able to meet with a lawyer.
• 1 is the number of hours a parent is allowed to prepare with a lawyer for the first court hearing, which determines whether the child will stay in foster care and whether the case will move forward.

• 71 and 1 only apply to low-income parents, of course, because you and I can go out and hire a lawyer immediately if our child is taken. (The likelihood of a child being taken from a middle-class white family is virtually nil, however, so I’m not worried.) If the parent is poor, however, the court will only allow him or her to speak with a lawyer an hour prior to the first court hearing.

• 3 is the number of minutes a student was given to review the government’s abuse Petition before the first hearing in one case. 0 is the number of minutes students were allowed in several other cases.

And finally, two concepts: Secrecy and accountability. As journalists, you know better than anyone that these concepts are mutually exclusive. In D.C., however, the devastatingly broken child welfare system operates behind a dark iron curtain that hurts children, but protects politicians, judges, lawyers, and social workers. All court hearings are sealed. All court records are sealed. So you can’t know what happens in the courtrooms where these decisions are made. You can’t watch, and we can’t tell you.

The best summary of the dangers of secrecy to children in the child welfare system comes from a longtime Minnesota social worker, who wrote in 1997, “Sometimes decisions that are literally life and death to children are made without full knowledge or deliberation due to the inattention of the judge, the fraternity mentality of the attorneys or the incompetence of the social worker.” One year later, Minnesota opened its family courts.

When lawyers, social workers and judges are shielded from scrutiny, as in the District of Columbia, only the children get hurt. Lawyers may without compunction or sanction fail to meet with child and adult clients from one hearing to the next, social workers may leave children in foster care for weeks or months after a willing relative has come forward, and judges may act in derogation of applicable law. And politicians and other policy-makers, whose decisions have made those failures all-but-inevitable, are shielded from answering to the public, which deserves to know how its money is being spent and its most precious resource protected. In a transparent system, however, adults can't afford to shirk their responsibilities or abuse their power. Yes, sunshine gives children, like flowers, a chance to grow.

Fall 2008: A seven year-old boy, Philip, lives in a group home for 30 days, and then in foster care with strangers for 2 months, even though his four siblings, who are taken when he is, are returned to their mother after 4 days. The government agrees early on that his grandmother would be an appropriate caregiver for the boy. Nonetheless, the government refuses to let the boy live with her until they complete their paperwork, an “expedited” process that is supposed to take 72 hours. CFSA repeatedly loses paperwork his grandmother submits, makes up imaginary legal requirements, and misses deadline after deadline to inspect her home. After 30 days of living in a group home with other children, the boy’s life is again disrupted unnecessarily, when he is moved from the group home to a foster home -- simply so CFSA can report compliance with
the 30-day limit on group home placements imposed by the LaShawn v. Fenty Consent Decree. In the new foster home, the boy’s foster mother abuses him, leaving bruises from a beating with a belt. The boy is moved to yet another foster home -- despite everyone's agreement that he should have been living with his grandmother weeks earlier! Finally, after 2 1/2 months, the judge sends the boy to live with his grandmother.

Philip’s story is much more human than this cold synopsis. He felt fear and sorrow and loneliness. He was confused and disconsolate at being kept from his siblings. He tried to live a life that included school and television and playing – though he missed playing with his brothers and sisters, and didn’t know the children in the group home or in his new neighborhoods. Philip, and all of the Philips and Brians and James’ and Lamars, have complicated, nuanced lives, like all of us. Children shouldn’t be reduced to cold abstractions simply to maintain a dangerous veil of secrecy.

While the District’s rigid secrecy laws remain in place, Philip’s full story can’t be told. Until it is, however, there will be dozens and hundreds and thousands of children taken from their parents because of their race, not because they are maltreated. There will be countless more children unable to see their parents and siblings. Young lives will be disrupted needlessly, and children will suffer unnecessary trauma. And children will continue to be treated like . . . numbers.