

The Unseen Crisis

Coalition of Residential Excellence - Don Forrester, LMSW

[Reflections, Observations, Challenges and Concerns]

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Enhanced foster care with live-in cottage parents can assist in safely meeting the need for residential placement for children not needing treatment services, but requiring out-of-home care for protection, safety, and support. Currently, under provisions of the Family First Prevention Services Act, the use of IV-E funds for procurement of this type of care is limited to two weeks. Consequently, under current legislation, Enhanced foster care is not a viable option. One of the purposes of this paper is to highlight the need for change.

The foster care capacity crisis currently leaves children sleeping in worker's offices and hotels due to a lack of available foster homes. The reality exists that across the nation there simply are not enough foster homes or kinship care resources to serve the numbers of children for whom placement must be secured to ensure their safety.

The placement shortage is exacerbated by the looming deadline of September 30, 2021. On October 1, 2021, all states are required to come into compliance with FFPSA. Currently, 27 states have a waiver from FFPSA due to a shortage of other available resources to meet the placement needs for children due to abuse/neglect.

Judge Juanita Stedman provides a comprehensive and poignant overview regarding the detrimental impact elimination of Enhanced Foster Care will hold for older teens that are often not a good fit for a traditional foster family home. She is very supportive of enhanced foster care with a live-in cottage parent model.

Judge Juanita Stedman - Executive Director - Together Georgia

[Written Testimony Shared with Committee Staff April 2021]

Let me first say that I was a Juvenile Court Judge for sixteen years and that experience has made me a huge supporter of the cottage model. Further other Child Welfare leaders including our State's director supports and sees a need for this model.



Like most, I was surprised when I read through the Family First Prevention Services Act (FFPSA) when it passed in 2018 and it did not include a recognition of the need for enhanced foster care provided by live-in caregivers. As we all know this care is very similar to a single foster home in that it provides a normalized home-like environment for children.

These are not just any children but often older teens, children with complex mental health and trauma history's and more. For a Judge, these are often the very hardest children to place with many having a history of numerous placements. Children who we all know do not fit or stay in other placements and I assure you will not stay in those other placements. Think the foster care to prison pipeline.

Cottage home care provides a licensed facility for foster children who live in a single home style residence under the care of live-in house parents. No more than two children may share a bedroom. For them, this becomes the family they never had and will often continue to be their "forever home"

The Cottage Home Care provides the following:

- equips children with full- time cottage parents who are available to provide supervision and nurture around the clock*
- enables sibling groups to stay together*
- provides a myriad of check and balance systems to ensure safety*
- provides enrichment opportunities for the children in the home*
- offers a layer of support for the biological parents of the children. The agency and the house parents work with the bio parents and their children to ensure that if at all possible the children are reunited with their family.*

While FFPSA is well-intended legislation, it is my humble belief it does not take into consideration the children who are placed in Cottage Home Care. These are children that have not had the benefit of prevention services which might have prevented their removal in the first place or children who are removed at an older age or a sibling group and do not "fit" the profile of a child(ren) who will do well in regular Foster Care.

In Georgia, there are roughly 1300 children in congregate care. When Georgia fully implements FFPSA in October, some of them will be placed in QRTP's and some will hopefully be returned to their families with 4E Services. The children I have been talking about are the "other". They too should have a place on the Continuum of Care. As a former Juvenile Court Judge, it is my opinion there will always be these children who everyone in Child Welfare knows will do well in Cottage Home Care and for some this is the only placement that answers their needs and gives them the opportunities that all children are entitled.

What of the 1300 children that fall into this category? I do not know the exact number but would say more than half. Georgia has excellent Cottage Home Care agencies. Let me be bold and say FFPSA was shortsighted not to include this placement as an approved funded placement. We owe it to these children.

*Judge Juanita Stedman
Executive Director - Together Georgia*

Perhaps the litmus test for the efficacy of the enhanced foster care model is the favorable endorsement of those who sense they were privileged to call it home.

The Impact of Enhanced Foster Care

The stories are many, but I am choosing to share two as illustrations of the merits of Enriched Foster Care.

Sean A. Milner - Longest Tenured Resident

Sean A. Milner, the executive director of The Baptist Children's Village in Mississippi, was the recipient of the Catherine Hershey Award's , "Administrator Of The Year" in 2019. Sean became the 11th executive director of The Baptist Children's Village in November 2016.



In that role, he is now providing other children the level of compassion and love that he couldn't understand as a child, but it comes naturally to him now as an adult wanting to make a difference in the life of a child from a hard place.

Before coming to The Baptist Children's Village as executive director, Milner was a successful attorney in Clinton, MS, served on the Mississippi State Ethics Commission and numerous other community boards including a Christian school.

Though Sean doesn't remember the experience other than the recounting of it by his mother, when he was three years of age, his father took the family, including all five kids, to a park in California to play. While his mother sat on a park bench holding his youngest brother who was five days old, the father opted to "go pick up lunch" for the family. His father left and never returned.

His father didn't tell his mother that he had checked the family out of the hotel or that she didn't have a car or that she didn't have any money. She was a mother alone with five children and not two thin dimes to rub together. She turned to churches and charity for the resources to take the family by train back to her family's home in Mississippi.

Sean doesn't remember the anguish of living through that experience, but his memory as a five-year-old is crystal clear. His mother, living with the guilt and shame of her alcoholism, cried out for help in the only way she knew possible.

Sean clearly remembers the sound of the gunshot as his mother attempted to end her life. He remembered propping her up next to the kitchen cabinet and holding her while his older brother ran two miles to the nearest neighbor's home to call for help.

A short time later, in the spring of 1969, he and his four siblings arrived at The Baptist Children's Village. It was a setting that would subsequently serve as his home for the

next eighteen years. In accounting for the length of his stay, he said: “When you do the math, it appears that I was in care at least two years longer than possible”. A person doesn’t generally know from meeting Sean that he failed the third and the seventh grades. Consequently, he repeated those grades in school. He suggested that failure never defines a person. It could simply be an opportunity to hit the reset button and do it differently going forward.

In reflecting on his experience, Sean said: “There are some things you need to know. You need to know that I did a lot of dumb things as a kid. I did a lot of things that were wrong. You need to know that I didn’t need to be reminded of the guilt. I lived with a sense of guilt. I lived with a sense of wrong-doing.

The thing he couldn’t understand was the house parents and staff who simply quietly and supportively didn’t browbeat him for the wrong in his life, but opted instead to sit quietly with him and simply say with compassion that they were sorry for what he was going through.

He didn’t understand their love when he experienced it. Yet the staff who were consistently compassionate are the staff he mostly remembers. They are the staff that made a meaningful difference in his life. They are the staff that provided him with a sense of hope.

While at The Baptist Children’s Village, Milner graduated from W. P. Daniel High School in New Albany and received his undergraduate degree in Psychology from Mississippi College in 1987 with a minor in English. He completed his Doctor of Jurisprudence degree from The Mississippi College School of Law in 1993. He and his wife, Elizabeth, are the parents of two adult children, Rebecca and Nathaniel.

Michelle Kissinger. PhD - Alumna of Residential School



Michelle Kissinger, PhD, spent two decades in business administration and management. She currently works as an independent scholar and writer focused on the history of the care of dependent children in the United States. She has a book in process about the first women that graduated from Milton Hershey School - a cost-free, private co-residential school and home for children from lower-income families located in Hershey, Pennsylvania.

Michelle’s single-mother had a challenging childhood that didn’t get any easier in adulthood. Following a financially devastating fire in 1947 on their second-generation farm in Montgomery County, Pennsylvania, Michelle’s maternal grandparents divorced and her mother bounced between the homes of her mother, her father, and her paternal grandparents. Michelle’s mother ran away from home when she was 16 and traveled 3 1/2 hours away to Waverly, New York, where she lived for a while with a local pastor. She gave

birth to Michelle's brother when she was 21 and Michelle was born six years later. Neither biological father provided physical or financial support for their children.

The trio lived in a mobile home court owned and operated by Michelle's alcoholic grandfather. Her great-grandparents lived there as well and Michelle spent time with them while her mother worked as a horse caretaker for a wealthy family. When Michelle was 5 1/2 her mother was thrown from a horse and the impact severed her spinal column leaving her paralyzed from the waist down. Initially, Michelle and her brother were taken in by their grandfather and his wife. Just a few months later, however, Michelle was turned over to the county child and youth services for placement. Despite having numerous family members in the area - including her absent biological father, Michelle became a ward of the state and entered foster care. After three placements in two years, she was reunited with her mother and brother. (He avoided foster care by staying informally with family friends.)

The next three years were what Michelle calls the darkest years of her life. While her mother had received physical rehabilitative care she had not received any psychological care to help her adapt to her new life without the use of her legs. Unable to work, Michelle's mother subsisted on welfare, food stamps, and workers' compensation payments. In 1978, their annual household income was \$3,792 (\$15,917 in today's dollars.) Struggling to accept her financial and physical limitations, Michelle's mother was filled with rage and often verbally and physically abusive. With so few resources, there was little to no food in the house and the heat was often turned off. Michelle is quick to point out her mother's admirable attributes as well: she was fiercely independent, resourceful, and despite the chronic physical pain, did not succumb to substance abuse. These qualities were obscured, however, by the harmful presence of a male friend who was a frequent visitor and who verbally, physically, and sexually abused Michelle's disabled mother in her presence. Michelle's brother, meanwhile, was careening off course. Now a teenager, he spent most of his time with neighborhood friends drinking, doing drugs, and running afoul of the law. He dropped out of high school and his drug use accelerated culminating in his premature death from an opiate overdose when he was 33.

Needless to say, this was not an environment that was conducive to a pre-teen girl growing and developing. Michelle often missed school and when she did attend had trouble focusing and wouldn't communicate with her teachers. She had frequent violent outbursts towards her classmates who ostracized and bullied her for the way she smelled, her ill-fitting clothes, and her social quirks. Fortunately, friends of the family were attentive and suggested to Michelle's mother that she might do well at Milton Hershey School which had recently begun admitting girls. This was a big ask since Michelle served as her mother's hands and legs. Michelle did the grocery shopping, handled household chores, and often assisted with her mother's personal medical care. Despite this loss of help, Michelle's mother agreed and enrolled her daughter at the end of the fifth grade.

Michelle's enrollment day marked the start of seven life-altering years. With her food, clothing, shelter, medical care, education, and extracurriculars provided free-of-charge to her impoverished mother, Michelle was finally able to focus on just being a kid. During her time at MHS she flourished and laid the foundation for her secondary education, career, and family life. She earned her bachelor's degree from Alverno College, Milwaukee, Wisconsin; her master's of business administration from Alvernia University, Reading, Pennsylvania, and her PhD from Eastern University, St. David's, Pennsylvania. She has had a varied career as a business administrator and manager in multiple industries. In addition to her independent scholarship and writing that she pursues today, she is a court-appointed special advocate for neglected and abused children in her county. It would be dishonest to say that Michelle didn't wrestle with the effects of her chaotic and traumatic childhood. But her time at Milton Hershey School was transformative in that it provided a safe place to heal, grow, and learn. She is also quick to point out the sense of belonging that she has experienced as a student and alum. Her longest and closest relationships are with students and house parents that she met at Milton Hershey School.

Strengths of Enriched Foster Care Model

One of the strengths of the enriched foster care model is the availability of "full-time" cottage parents to be available to provide nurture, supervision, and structure to children for whom they are responsible. Unlike a typical foster home where at least one foster parent works outside the home, the enriched foster care model provides the financial resources to enable cottage parents to primarily dedicate their time to ensuring the needs of the children in their cottage are met without the encumbrance of maintaining other employment and having a myriad of work demands that preclude one from being available.

Two of the four Congressional findings highlighted in Senator Hatch's bill, S. 1518 – "Improving Outcomes For Youth At Risk For Sex Trafficking Act of 2013 included:

- Within the current foster care system, children and youth are routinely denied the opportunity to participate in normal, age or developmentally appropriate activities such as joining 4-H and other clubs, participating in school plays, playing sports, going to camp, and visiting a friend.
- A lack of normalcy and barriers to participation in age or developmentally appropriate activities, which are endemic features of the current child welfare system, contribute to increased vulnerability for trafficking, homelessness, and other negative outcomes for children and youth in foster care.

Based on my experience and familiarity with the landscape of children's homes, the assertion was not true of basic care facilities in Texas in 2013. Routinely, children were encouraged to participate in after-school extracurricular activities, engage in sports, band, orchestra, drama, debate, etc. In addition, children were afforded opportunities to take driver's education at school, date, and embrace a normal childhood. Children

with an interest in holding a part-time job during the summer or in the school year were permitted to do so.

In addition, children had access to the community through church and community-sponsored activities such as little league, public swimming pools, theaters, and special events.

That is not to say that provision of those amenities subsequently were not wrought with challenges and difficulties, many of which came through State licensing standards and enforcement.

State Licensing Standards and Enforcement

For many years in Texas after 1976, there were different licensing standards for different categories of care. At the time, in state statute, the Child Care Licensing Act of 1973 (now chapter 42 of the Human Resources Code) defined a foster family home as one serving one-to-six children, a foster group home serving from seven-to-twelve children, and an institution serving more than thirteen children. Consequently, under the category of institutions, there were separate minimum standards for institutions providing basic child care, residential treatment centers, halfway houses, and emergency shelters.

In each of those categories of care, the child-staff ratio was one-to-eight for children over the age of five and one-to-four for children under the age of five. For many years, the ratio was a campus-wide ratio during daylight hours. The ratios were specific to cottages during nighttime hours.

Consequently, children were free with cottage-parent permission to avail themselves to any number of activities on campus without direct supervision by their cottage parent (i.e.: recreational activities, choir, ceramics, etc).

At some point, all of the institutional categories of licensing standards were merged into one set of standards, with an addendum added for specialized categories beyond basic care. The child care ratios were then reconfigured to include groups of children assigned to a cottage regardless of the time of day or night.

From a licensing enforcement perspective, that brought with it a few problems to negotiate, but overall all the programs where I had responsibility made it work. The same was true on the emphasis the state and federal government devoted to criminal background checks for individuals having contact with children in care.

I know of facilities in Texas that had overly zealous licensing representatives who held the belief that standards included the need for criminal background checks to be included for any high school student's dates before they could be granted permission to go on the date.

The Reasonable and Prudent Parent Standard

Enhanced Foster Care includes integration of normal childhood activities and enrichment opportunities through the implementation of the Reasonable and Prudent Parent Standard.

The Reasonable and Prudent Parent Standard is the standard of care that a parent of reasonable judgment, skill, and caution would use to maintain the health, safety, and best interest of the child and encourage the emotional and social growth and development of the child.

According to Minimum Standards: “Normalcy is the ability of a child in care to live as normal a life as possible, including engaging in childhood activities that are suitable for children the same age, level of maturity and developmental level and developmental level as determined by a reasonable parent standard.

“Children in care must participate in childhood activities including unsupervised childhood activities as much as possible”.

[Note: Rep. Dave Camp [R-Mi] introduced – H.R. 4980 Prevent Sex Trafficking and Strengthen Families Act in 2014. It passed and became Public Law No: 113-183 (09/29/2014) Passage of that Legislation included the Reasonable and Prudent Parent Standard].

The American Bar Association elaborates: “...*Foster children need to develop life skills that will guide their development later on in life. One way these life skills are obtained is giving the foster child the same opportunities as children who are not in foster care. The reasonable and prudent parent standard calls for the foster parent to consider factors in making decisions on behalf of the child. Foster children should be given the same opportunities as children not in foster care. These could include:*

- *Having an impromptu visit at a friend’s house*
- *Playing in a pickup basketball game*
- *Going on an out-of-state trip to a camp or dance event*
- *Other activities that non-foster children participate in as part of growing up.*

The foster parent needs to use their judgment in giving opportunities to the foster children and should not worry about being sued for allowing children to participate in normal activities based on the child’s age and developmental abilities.

The reasonable and prudent parent standard should not infringe on parents’ rights. Parents should be included in decision making especially around education and health care.

Need for Normalcy - Congress recognized the need for normalcy and found the inability to participate in age or developmentally appropriate activities affects children’s

healthy development and decision making. It also increases the likelihood that foster children will be victims of sex trafficking, become homeless, and have other negative outcomes in foster care.³

Children in foster care need to be able to participate in regular childhood activities and foster parents need to make daily decisions on issues such as:

- After-school clubs and activities
- Reasonable and age-appropriate phone and computer use
- Reasonable curfews and rules for dating and socializing
- School or community-based sports
- Civic activities, such as volunteering, Girl Scouts or Boy Scouts
- Cultural activities—theatre, dance, or arts
- Attending a community event such as a festival or holiday celebration
- Social activities with friends and peers, including unsupervised social activities, such as:
 - Going to the movies
 - Trips to the mall
 - Athletic events
 - Dating
 - Visiting friends' houses
- Use of cell phones, Internet and social media
- Job opportunities
- Travel, yearbook photos, driver's licenses and learner's permits

Healthy development - Adolescent brain research shows how important it is for youth to have experiences and relationships to become successful adults.⁴ Adolescent brains continue to develop and this growth is just as important as growth during early childhood.⁵ An adolescent's brain is still developing; that development governs reasoning, planning, decision making, judgment, and impulse control.⁶ Adolescents are making their way into adulthood but are still experiencing mood swings and growing pains as they mature, try new experiences, and seek independence.⁷ It is important for foster parents to apply a reasonable and prudent standard as they help foster children in their care move through adolescence.

Societal costs - The cost of not providing normalcy is high. Foster youth need to have life skills as they move toward adulthood. Without normal opportunities to grow and learn in a family setting, with reasonable limits, they may not have the skills to navigate adulthood. Youth also need to have permanent connections to adults; those connections may be adults the youth interact with in sports, the community, or other activities”.

Foster children need to have the same opportunities as children who are not in care. Those opportunities will allow children the chance to develop bonds with other youth

and adults; those adults may be the positive bonds that will help the youth become successful later on in life. The child welfare agency, foster parents, attorneys and the court should help the foster child participate in age and developmentally appropriate activities so the child can have as normal a life as possible. The reasonable and prudent parenting standard can help the foster child have a positive outcome in foster care and adulthood”.

End Notes:

3. Committee Reports, 113th Congress (2013-2014), [House Report 113-441](#).
4. Juvenile Law Center. *Promoting Normalcy for Children and Youth in Foster Care*, 2015, 5.
5. Lawrence Steinburg, Ph.D. *Age of Opportunity*, 2014, 10-11.
6. Jim Casey Youth. *The Adolescent Brain: New Research and its Implications*, 2015, 20.
7. Jim Casey Youth, 2015, 11; “Beyond Raging Hormones.” *Harvard Mental Health Letter*, 2005.

[https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/october-2016/the-reasonable-and-prudent-parent-standard/]

Co-Parenting

One of the primary strengths of Enhanced Foster Care is that the model doesn't attempt to replace parent(s).

Best practice is always a work in progress. In the 1970s and 1980s a lot of children in children's homes had minimal contact with their parents. Children's homes paid rhetoric to the importance of a child's family but protectively attempted to shield them from the source of previous abuse and neglect. Consequently, a generation of children emerged that had no real ties to family.

Learning from that experience, it became clear that unless the family is served, children are not really served. Today agencies provide more of a **co-parenting approach** to working with children. Families are more actively involved in the lives of their children and parents have access to the enriched foster parents providing a home for their child.

More of a
Co-Parenting
Approach

Trauma-Informed Care

Trauma-Informed Care is perhaps the single most important breakthrough to impact the professionalism and quality of care to children from hard places in the past twenty years. Instead of processing a child's behavior through the lenses of compliant vs non-compliant, providers now have a better understanding of the impact of chronic complex trauma.

Rather than defiance, a child's response may mirror something quite different. An understanding of adverse childhood experiences and how they impact brain development, and functioning provides a better understanding of the deficits that children must overcome in order to process information, develop the ability to trust, form attachments and live in a world of felt safety.

Trauma-informed care has provided those working with children a better understanding of the needs of children from hard places and the particular impact of chronic complex trauma experienced in utero and early childhood through age four. Chronic complex trauma experienced in the first four years of life impairs brain development that provides the tools for self-regulation, social functioning, learning, sensory processing, and attachment.

Through trauma-informed care, we now have a better understanding of behavior and tools at our disposal to equip children to find their voice and express their needs. We also are knowledgeable of the Search Institute's identification of forty positive supports and strengths that young people need to succeed. The developmental assets are divided into two categories: relationships and opportunities that are needed in their families, schools, and communities (external assets). The other half, deal with social-emotional strengths, values, and commitments that are nurtured within young people (internal assets). The assets equip youth to form relationships and make good choices. It should be noted that Enhanced Foster Care and Residential Schools are able to provide these supports to the children they serve.

For a number of years, the implementation of trauma informed care has been a requirement of minimum standards in most states. It should be noted, Enhanced Foster Care and Residential Schools are able to provide these supports to the children they serve.

A Check and Balance System to Ensure Safety



One of the other strengths of an Enhanced Foster Care model is the innate check-and-balance-system that offers a shroud of protection to children. Children in placement have access to many people during the course of a week (i.e.: administrative staff, casework staff, counselors, recreational staff, tutorial staff). Multiple individuals are available with whom a child can confide if anything is amiss. In addition, all of those child care professionals have been trained to look for and identify signs of abuse.

One of the distinct disadvantages of foster care in contrast to enhanced foster care is the absence of a check-and-balance system that affords youngsters multiple opportunities to interact with other adults who can provide advocacy and protection.

That being said, I believe foster care is a critically important resource in the continuum of care for children from hard places. For a thirty-year period, as a licensed child care administrator and licensed child-placing agency administrator, every residential program I worked with included a foster care component to augment having all the resources needed to match the needs of children with the strengths available in the continuum of care.

The foster parents we attempted to recruit and subsequently approved, were families who had much to offer a child in need of a home. We looked for applicants who had a passion or sense of calling to share their life and that of their family, extended family, and friends with a child in need of a home until they could be reunited with their family. Thankfully, many fall into that category.

However, that is not to say that everyone who gravitates to child care or foster parenting does so because of their primary interest in enriching the life of a child. Over the past two-to-three decades, the landscape of foster parents also includes individuals whose primary interest is establishing a small family business. They are not primarily interested in integrating a child or two in their already full and enriched life but are more focused on the need for foster care reimbursement to cover the costs of their living expenses.

I've known of child-placing agencies who've attempted to recruit foster families by leaving foster care brochures in food stamp offices and laundromats. They appealed to families that needed the foster care reimbursement to pay the rent, keep the lights on, and put food on the table.

Please don't hear me say that impoverished families are categorically not a good resource for children. Many can shower a child with nurture and support. However, the biggest difference is the motivation of a family to want to be a resource. Integrating one or two children into a family is significantly different from attempting to be a resource for six children with the intent to use reimbursement payments to support the family's financial needs.

USA Today -“Florida took thousands of kids from families and then failed to keep them safe”. The exposé is a very disturbing report about abuses in the Florida foster care system. For example:

“In Lee County, child welfare workers placed 20 foster children with a couple over the course of six years despite multiple abuse allegations that DCF declined to explain. The stream finally stopped last year after police were approached by two boys who testified they had been whipped with belts and locked in cages.

“In St. Johns County, child welfare workers sent more than 70 children to a foster family even though the foster father had a report of child abuse on his record dating back to 1996 – and a rap sheet that included felony drug possession, driving under the influence and disorderly conduct for brawling with a neighbor.

“Last year, the foster father was sentenced to 25 years in prison for sexually abusing one of his foster daughters over a seven-year period beginning when the child was just 5”.

“Florida took thousands of kids from families and then failed to keep them safe” by Pat Beall, Daphane Chen, and Josh Salmon, USA Today Network – October 15, 2020
<https://www.usatoday.com/in-depth/news/investigations/2020/10/15/flooded-foster-kids-florida-failed-find-safe-homes/3624505001/> “

The Crisis Ahead

By October 1, 2021, Title IV-E funds dedicated to the care of children not needing treatment services for serious emotional or behavior disorders will be primarily limited to foster homes.

That is currently already the case in those states who did not request a waiver through September 30, 2021. Children needing treatment services for serious emotional or behavioral disorders can be served in other settings if the facility is a Qualified Residential Treatment Program (QRTP).

In addition, Qualified Residential Treatment Programs (QRTP) are on a timeline to get their population of children with “serious emotional or behavior disorders” ready for discharge within 12-months unless the head of the State agency validates the need for continued treatment.

Orchestrating change to avert the crisis will require active participation by everyone who knows and values the favorable difference enhanced foster care and residential schools can make in the lives of children and families from hard places.

While there are many across the United States favorably applauding families over enhanced foster care or residential school settings for children needing protective services, the jury is still out on whether the shift in child welfare policy orchestrated by the enactment of the Families First Prevention Services Act (FFPSA) will validate the outcomes proponents assert.

While I’m not aware of anyone that would NOT advocate for ALL children to have a forever family where they are the recipients of love, nurture, support, and well-being, the reality exists that ours is not a perfect world, and not every parent has the capacity, interest or motivation to provide for the safety and well-being of their child.

I clearly remember a two-year-old that was placed in an emergency shelter over which I was ultimately responsible, even though I was not directly involved. When child protective services staff contacted the shelter requesting placement, they were candid

in identifying the child's needs which were many, but because they were familiar with our shelter, believed we had the staff and capability to provide for the child's needs.

The child had been hospitalized for weeks and was ready to be released. His mobility was compromised due to the full body cast that surrounded his small frame which had been battered and broken from the physical assault by the mother's boyfriend.

From the information that had been shared with me by the shelter supervisor, I questioned that our facility was an appropriate placement resource. I asked to be present when the child was brought for placement. CPS staff were alerted before they came, that we would assess our ability to serve the child once we saw him and had additional information. In addition, I wanted our staff to have complete information concerning the child and his needs and to have input in the placement decision.

Two children's protective service workers accompanied the child to the shelter. When I arrived, the child was lying on a pallet in the open living area. He seemed pale and lethargic. His eyes were open, but they appeared listless and vacant.

As it turned out, I was the only staff person who questioned our ability to meet the child's needs. Everyone else was eager to shower this child with attention and provide the support and care that he needed. Consequently, I yielded to their judgment.

Because of our staffing pattern and utilization, the child was almost under constant one-on-one direct supervision. I checked in with the shelter frequently during the next week to inquire about his progress. When I saw him next, he was not the same lethargic little boy with listless eyes. He was animated, verbal, and smiling.

His stay in our program was extended to the full 90-days that were permissible in extenuating circumstances. When he left our care, he was no longer in the body cast.

We later learned that he was returned to the care of his mother where he was subsequently hospitalized again with a head injury from abuse. I never received information concerning the outcome of that hospitalization.

Sadly, that same pattern replicates itself again and again in our current FFPSA child welfare environment. I will provide more factual information regarding the re-emerging pattern later in this publication.

The Great Divide

As a society, we seemed to have gravitated toward the mindset that the only opinion that has value is the one we hold. Consequently, when there are differing opinions, we intuitively discount any frame of reference other than our own. It rings true in the interactions we witness between democrats and republicans and is equally true of those embracing what they refer to as the 21st Century Child Welfare System where

children are left intact with their families in contrast to the methodology where children are removed from abusive situations for personal safety and well-being.

The clash between those opposing the use of any resource other than foster care for children that must be removed for safety concerns goes back many years. The topic of the White House Conference on the Care of Dependent Children, in 1909, was a protest against the use of institutional care for dependent and neglected children.

The lofty hope that prevention services provided upfront to families in crisis can deter the need for families to be separated is an admirable goal. It was articulated this way by Senator Ron Wyden on August 4, 2015, as he made this appeal at a Senate Finance Committee Hearing on preserving families and reducing the need for foster care:



“This morning in America, there’s likely to be a single mom with two kids, multiple part time jobs, and a big worry. She works long hours to provide for her family, but even then, it’s a struggle to pay the bills and keep food on the table. And because her work schedule changes week to week, she’s forced to leave her children unattended at times. A neighbor might place a concerned call to Child Protective Services. Once that happens, social workers have to choose between two bad options – breaking up the family, or doing nothing at all to help.

“Here’s why that needs to change. Whenever you ask anyone who has been through the child welfare system about what could have helped them the most, the answer is often, ‘helping my mom ... helping my dad ... helping my family.’ But that’s just not in the cards when social service workers have nothing to offer but foster care.

“Today, kids predominantly wind up in foster care because their families, like that single mom, are caught in terribly desperate circumstances that lead to neglect. Most youngsters in foster care aren’t there because of physical or sexual abuse,” the Senator added.

“Maybe mom or dad needs help covering bills for a month, substance abuse treatment, or connections for child care. Oftentimes, a youngster’s aunt, uncle, or grandparents could step up, especially if they have some assistance. In my judgement, every one of those avenues should be explored before breaking a family apart. In fact, it can save resources in the long-run without compromising on safety,” Wyden said...”

While I concur completely with Senator Wyden’s sentiment, I also know from years of experience in working with children from hard places, that circumstances do exist where it would represent an egregious omission of prudent judgment to fail to remove a child from harm’s way.

A comprehensive child welfare program must include both family support programs and protective services which ensure safety and well-being for children who’ve been subjected to life-threatening abuse and neglect.

Senator Wyden also stated that: “most children in foster care are not there because of physical or sexual abuse.” As a former child welfare worker, that assertion is not consistent with my experience or observation.

Of course, the Family First Prevention Services Act does not set criteria for “imminent risk of entry into foster care.” The definition is left for each state to determine.

For example, in Texas, the risk is defined as: “The reasonable likelihood that a child will be abused or neglected, as defined in the Texas Family Code, in the foreseeable future.

The decision to provide services is based on the assessment of risk, and not on the findings of the allegations. Services are provided when it is necessary to protect a child from immediate harm regardless of whether or not abuse or neglect has already occurred.

Risk assessment is an analysis of the family's ability to protect a child from abuse or neglect. In conducting a risk assessment, a worker explores risk factors, family strengths and resources, and safety issues in order to make decisions on how to protect children”.

According to a study by Harvard University, Psychology Today reports that 1-in-5 Children live in homes with parental substance abuse. The study reports that children whose parents use drugs and misuse alcohol are three times more likely to be physically, sexually, or emotionally abused and four times more likely to be neglected than their peers.

Three times more likely to be physically, sexually or emotionally abused and four times more likely to be neglected

[Christopher Bergland - July 18, 2016]

<https://www.psychologytoday.com/us/blog/the-athletes-way/201607/harvard-study-pegs-how-parental-substance-abuse-impacts-kids>

We need to keep in mind that When Child Welfare Works – Children Don't Die following reports and investigations concerning abuse.

While I applaud the intent of primary prevention and early intervention, the reality exists that despite the name, the Family First Prevention Services Act did not initially provide funding for primary prevention.



To be eligible for services, the child had to incur abuse or neglect to the extent that removal from the home was an option before the child was eligible to receive services. It figuratively was like “closing the gate after the horse has bolted.” Reportedly, the subsequent Families First Transition Services Act provided resources for primary prevention.

I don't anticipate the day will eventually come when the removal of children to ensure their safety and well-being will no longer be necessary. As long as abuse and victimization of children occur to the extent that a child's life or safety hangs in the balance, the decision to leave the child with his/her family must not be a prescribed plan of action.

How was the course charted to embrace what many refer to as the 21st Century Child Welfare System where children are left intact with their families?

As previously mentioned - S. 1518: *"Improving Outcomes for Youth at Risk of Sex Trafficking Act of 2013"* included the following findings by Congress:

- Within the current foster care system, many young adults are housed in congregate care facilities or group homes, which often are targeted by traffickers.
- Within the current foster care system, children and youth are routinely denied the opportunity to participate in normal, age or developmentally appropriate activities such as joining 4-H and other clubs, participating in school plays, playing sports, going to camp, and visiting a friend.
- A lack of normalcy and barriers to participation in age or developmentally appropriate activities, which are endemic features of the current child welfare system, contribute to increased vulnerability for trafficking, homelessness, and other negative outcomes for children and youth in foster care.
- In order to combat domestic sex trafficking and to improve outcomes for children and youth in foster care, systemic changes need to be made to the current child welfare system that focus on— the reduction of youth in congregate care facilities and group homes.

I vividly remember reviewing the legislation after it was filed in 2013 and being incensed at the aforementioned Congressional findings. At the time, I had invested 43 years in services to children from hard places and was very familiar with the landscape of children's homes in Texas. Early in my career, I worked in residential child care licensing for 15 ½ years and in the course of that time, was involved in licensure and regulation of children's homes and child-placing agencies.

The aforementioned "Congressional findings" are directly related to "health, safety and well-being for children." If the assertions factually and accurately portrayed the landscape of residential care for children across our nation, it would be an egregious omission of justice to let it continue.

The reality is the assertions were alien to the landscape of children's homes in Texas. Knowing that most states require licensure and regulation of children's homes, I assumed that they too, would ensure the "Congressional findings" were not true in their state.

Thankfully (my value and not that of those opposing group care), the legislation did not successfully pass through Congress. Had it done so, it would have set precedence where any State agency charged with ensuring health, safety, and well-being for children would have had no option but to prohibit the care of children in children's homes and residential schools.

Subsequently, legislation was re-introduced every subsequent Congressional session to limit the use of group care for children through 2018. Fortunately, no subsequent legislation included the same denigrating assertions or "Congressional Findings" regarding children's homes that were included in S. 1518: "Improving Outcomes for Youth at Risk of Sex Trafficking Act of 2013", but the intent of the legislation was the same. All bills introduced failed to successfully make their way to passage through the regular legislative process.

Under the cloak of darkness and a veil of secrecy, the House of Representatives posted their Continuing Budget Resolution (CR) for public disclosure at 10:00 p.m. on Monday, February 5, 2018. The current CR to fund the government's operations was set to expire at midnight on February 8, 2018.

The House of Representatives attached numerous bills to the CR that failed to be favorably enacted through the normal legislative process. One of those bills was the Families First Prevention Services Act. It was included in the Bipartisan Budget Act of 2018.

While many applaud the FFPSA legislation with the belief that undue harm comes to children when they are separated from their parents, others are of the mindset that the best way to predict behavior is to look at previous behavior. With opioid and other forms of addiction becoming commonplace, so is the realization that parents under the influence often forfeit the ability to responsibly care for their children.

So how well is the 21st Century Child Welfare System Really working?

Currently, there appears to be a lack of recognition on the part of those in Congress that children in need of protective services continue to be left in harm's way. Due to a lack of appropriate available resources, children needing removal from families where they are at risk, continue to sleep in worker's offices or hotel rooms because foster homes are unavailable or Enhanced Foster Care is not a consideration under FFPSA requirements.

In addition, the pandemic is exacerbating the capacity crisis. Numerous articles have highlighted the difficulty of recruiting and maintaining foster homes in a COVID-19 environment.

Reportedly, according to the 2020 CHAMPS report, the Foster and Adoptive Parent Recruitment Plans developed by the majority of states does not include a comprehensive approach to creation of a sustainable agency-wide recruitment and foster family homes because of capacity issues.

Today's reality underscores the lack of appropriate foster family homes or kinship care resources for children currently needing non-treatment-related services in out-of-home care.

The following states are not yet subject to provisions of FFPSA because they opted to request a waiver until September 30, 2021. States currently relying on group care (ie: children's homes) include Alabama, Arizona, California, Connecticut, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, Montana, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia.

On September 30, 2021, when all waivers expire and every state is required to be in compliance with FFPSA, the issue of lack of appropriate foster homes for children not needing treatments services may prove to be the crisis that few are talking about.

The Most Egregious Outcome

The most egregious outcome is that children continue to experience life-threatening injuries or die after being left in homes where multiple child abuse investigations have been made by both law enforcement and child welfare workers.

There was a day when our nation operated on the notion: "It Shouldn't Hurt To Be A Child". Today there seems to be an absence of recognition that every abused child must be provided a safety net.

The headline is alarming: **"1,122 Illinois children with connections to DCFS have died in the last decade"**

Most at risk are children under the age of three. Reportedly, this age group is most at risk of dying despite involvement by DCFS.

March 15, 2021

WRSP/WCCU Fox 55/27 Illinois Reporter : Jordon Elder

<https://www.youtube.com/watch?v=139SKCDsgAI>

Death of Ana Loera - Age 13

A murder charge was filed against Arizona parents accused of child abuse and concealing the death of their 13-year-old adopted daughter. The remains were found in the attic of their home by firemen after neighbors reported the fire.

Over a week before the fire, an 11-year-old adopted daughter called law enforcement to report she had been left alone for two-days and was hungry and afraid. She reported severe abusive treatment including having her head slammed against walls. She was removed from the home by child protective service. Reportedly, no other children were present at the time of removal.

Subsequently, two other adopted children (age 9 and age 4) were removed 8 days later.

The AP News report does not address how this family came to adopt 4 children or why there was a lapse of 8-days before the 9 and 4 year old were removed.

AP News [April 2, 2021](#)

<https://apnews.com/article/phoenix-child-abuse-43798746f4b508dc9f46dde5c>

Death of Malik Davis - Age 3 Months

Malik Davis' death was ruled a homicide resulting from blunt force injuries to his head. Reportedly, the Illinois Department of Children and Families Services is investigating the death and said they have had contact with the family before.

[March 13, 2021](#)

<https://chicago.suntimes.com/crime/2021/3/13/22329315/death-of-elgin-infant-ruled-homicide-autopsy>

Two Year Old Child Abuse Victim

A 2-year-old is hospitalized at a Jackson, Mississippi, hospital. Reportedly, the child was returned to her family by a family judge in Hinds County in November 2019.

According to WLBT News, “The commissioner of the Mississippi Department Of Child Protective Service, made a statement: ‘We deal with human beings and human behaviors. Unfortunately, human behavior is hard to predict. In any instance when a child is hurt or harmed after being returned from our custody to their parent, it is heart breaking for everyone involved. It is the outcome we regret the most and one that we never want to see happen. Nothing weighs heavier on the heart on the mind of a social worker than for a child to be harmed’”

There is no word on the condition of the child.

By Maggie Wade | **February 3, 2021** WLBT 3

<https://www.wlbt.com/2021/02/04/year-old-being-treated-child-abuse-jackson-hospital/>

The Death of Gabriel Eason – age 2

Reportedly, police investigated reports of child abuse, but lacking evidence and corroboration, closed the case weeks before a 2-year-old boy died from what authorities described as prolonged beatings, according to court documents.

A detective wrote in his arrest affidavit: “Throughout the past year, each of the three children were abused.” Court documents show that six months before Gabriel’s death, a day care center teacher notified D.C. Child and Family Services, which led to a police investigation.

Reportedly, another child, age 3, was taken to the hospital with life threaten injuries on the same day as Gabriel’s death.

A plethora of abusive treatment is included in the news report.

Peter Herman **November 11, 2020**

https://www.washingtonpost.com/local/public-safety/child-abuse-arrest-mother-washington/2020/11/11/fd73bfc2-1f8c-11eb-ba21-f2f001f0554b_story.html

Twenty-Seventh Annual Report **November 15, 2020**

Arizona Child Fatality Review Program | Twenty-Seventh Annual Report

There were 100 abuse/neglect deaths in 2019 (43 abuse, 74 neglect).*

[Note: The number of abuse and neglect deaths will not total 100 because a child could have been a victim to both abuse and neglect]

There was a 33% increase in the abuse/neglect mortality rate from 2018 to 2019.

100% of abuse/neglect deaths were preventable.

#1 cause: Blunt Force Trauma (n=30) #2 cause: Suffocation (n=14)

#3 cause: Undetermined (n=10)

In 2019, 100 deaths were due to child abuse/neglect. In 66 of the 100 deaths, there was current or past history of involvement between the families and a CPS agency. In 16 of these 100 deaths the families had an open case at the time of the child's death.

<https://azdhs.gov/documents/prevention/womens-childrens-health/reports-fact-sheets/child-fatality-review-annual-reports/cfr-annual-report-2020.pdf>

Arizona Mother - Age 22 - Admits to killing her 3 children - ages 3, 1 & 7 months

Reportedly the mother had a methamphetamine addiction and was observed by others as acting strange for several days.

She moved to Phoenix from Oklahoma in 2019. Reportedly, her children had been removed from her because of her methamphetamine addiction.

By **AZ Family** | **January 22, 2020** at 1:27 PM MST

<https://www.kold.com/2020/01/22/report-arizona-mom-sang-young-children-she-smothered-by-covering-their-mouths-noses/>

Death of a baby and horrific conditions for 4 siblings

January 22, 2020 Arizona Capitol Times

A week ago, Phoenix police responded to a report of child abuse. This was not the first call for this address, and when the officers arrived, they found five children, ages 6, 4, 1, and two newborns. They were infested with lice, wearing diapers wet with urine and soiled with feces. They had insects crawling out of their ears.

One of the infants couldn't breathe due to a brain bleed. The toddler had multiple skull fractures. Police immediately removed four of the children for medical treatment.

The fifth child, a baby born just weeks ago, was not taken for help. This baby was taken to the morgue.

Death of Dylan Groves - Age 2 months

Following his birth, Dylan was placed in Scioto County Children's Services due to the presence of drugs in his system. He remained in foster care for 12 days before he was returned to his father on a trial basis as part of a reunification program.

The child's body was subsequently found buried in a 30' well-two-miles from the family's home. The State alleges the case was mishandled and did not follow agency policy. A Child Fatality Administrative Case Review cited a lack of compliance with the State requirements.

By Jim Wihelm - The Columbus Dispatch - Posted **October 10, 2019**

Colorado Child Welfare Ombudsman highlights the need for changes: **Despite reforms, the number of children dying of abuse and neglect in Colorado hasn't subsided**

146 children died in Colorado from abuse or neglect in the previous 5 years.

A 4-month-old girl died in June 2018 after she was propped up with a bottle and left alone for hours, then found cold with milk running out of her mouth and nose. An autopsy found methamphetamine residue in her hair. 13 reports had been made to CPS in the 3 years before the baby died. CPS never opened an investigation.

In each of the past several years, about 60% of child fatalities from abuse or neglect happened in families that had already been reported to child welfare authorities, according to a Colorado Sun review of state data

Reportedly, Compared to many other states, Colorado has a higher percentage of child deaths that occurred in families already known to child welfare.

A 7 year old's body had been encased in concrete. The little boy had stopped attending school, despite the previous child abuse reports that had been made, no one checked on the child. They thought he was being home-schooled.

Jennifer Brown – Colorado Sun

3:00 AM MST on **February 27, 2020**

<https://coloradosun.com/2020/02/27/colorado-child-abuse-and-neglect-fatalities/>

Death of Anthony Avalos - Age 10

Anthony, an honor roll student and the fastest runner in his 4th grade class, never made it to the 5th grade. The attending physician, when he arrived at the emergency room with a fatal bleeding in his skull, noticed signs of prolonged abuse.

Anthony had sporadically been under the supervision of Los Angeles County Department of Children and Family Services for a 4-year period [2013-2017]. During that time frame, at least 13 calls were made to the child abuse hotline.

By Garrett Therolf | Writer | **September 4, 2019**

<https://www.latimes.com/california/story/2019-09-03/anthony-avalos-death-gabriel-fernandez-dcfs-workers>

Death of Armani Hill - age 4

The child died as a result of a beating . A three-year-old sibling was also beaten and hospitalized in critical care. This followed opening and closure of an in-home case where a social worker would make regular visits. The day after the case was officially closed, the death occurred.

Previously, two different reports of abuse that justified investigation within 24-hour were received by the department. Reportedly, the investigation was initiated days after the agency's own policy mandates

Sarah Fowler - Mississippi Clarion Ledger - **June 11, 2019**

<https://www.clarionledger.com/story/news/2019/06/11/child-abuse-fatal-beating-armani-hill-social-worker-visits-ms-investigated-reports-before-death/1407675001/>

Death of A J Freund - Age 5

The cause of AJ's death was brain damage as a result of multiple blunt force injuries, according to the McHenry County Coroner's Office.

Reportedly, police visited AJ Freund's house 17 times before his brutal death.

The Illinois' Department of Children and Family Services had worked on AJ's case since he was born with opiates in his system.

Ryan W. Miller USA Today **May 3, 2019**

[5https://www.usatoday.com/story/news/nation/2019/05/03/aj-freund-punished-soiling-underwear-before-death-court-records/3660794002/](https://www.usatoday.com/story/news/nation/2019/05/03/aj-freund-punished-soiling-underwear-before-death-court-records/3660794002/)

Closing Comments

It shouldn't hurt to be a child. I find reports of egregious wrongdoing and harm to children in any kind of setting very disturbing. It is true when the abuse occurs in a child's own family and even more disturbingly true when the abuse occurs in an out-of-home setting where a child has been placed for protection and safety.

A comprehensive child welfare program must include both family support programs and protective services which ensure safety and well-being for children who've been subjected to life-threatening abuse and neglect. For at least two decades, the rhetoric of those opposing separating children from their parents because of abuse/neglect unless it is the last resort has been the harkened cry of many.

According to the aforementioned USA Today publication:

“Florida took that approach and put resources into counseling parents or placing abused and neglected children with extended family members whenever possible.

“For most of the previous decade, state officials measured their success by how few kids were taken from their parents.

“But after the Miami Herald published a series of stories in 2014 revealing nearly 500 children had died when DCF left them in abusive homes, legislators pushed to change the fundamentals of Florida’s child welfare law.

“With the backing of child advocacy groups, lawmakers unanimously passed reforms that included adding more investigators to crack down on abusive and neglectful parents and creating a critical response team to speed up interventions.

“The new message: Child safety comes first, even if it breaks up more families”.

[“Florida took thousands of kids from families and then failed to keep them safe” by Pat Beall, Daphane Chen, and Josh Salmon, USA Today Network – October 15, 2020

<https://www.usatoday.com/in-depth/news/investigations/2020/10/15/flooded-foster-kids-florida-failed-find-safe-homes/3624505001/>]

We need to keep in mind that When Child Welfare Works – Children Don't Die following reports and investigations concerning abuse/neglect. In addition, when at-risk children are removed from their families, they must be placed in a setting where their safety and well-being are assured.

As shared earlier, one of the strengths of Enriched Foster Care is that the check-and-balance system incorporates a multiple of professionals who are trained to be alert for any sign of impropriety or harm. Many of the children currently in the Enriched Foster Care settings have bounced from foster home to foster home before being placed in an Enriched Foster Care setting where they experienced a sense of security and did not feel threatened that an attempt was being made to replace their parents.

Tragically, scores of children are killed annually or die from neglect while they are involved with children's protective services or within 12 months of involvement.

[<https://azdhs.gov/documents/prevention/womens-childrens-health/reports-fact-sheets/child-fatality-review-annual-reports/cfr-annual-report-2020.pdf>] [<https://www.youtube.com/watch?v=139SKCDsgAI>] [<https://coloradosun.com/2020/02/27/colorado-child-abuse-and-neglect-fatalities>]

Over 87,000 Americans lost their lives to overdoses during the one year between September 2019 – September 2020. This is the highest number of Americans lost to overdoses ever recorded. A study by Harvard University reports that children whose parents use drugs and misuse alcohol are three times more likely to be physically, sexually or emotionally abused and four times more likely to be neglected than their peers.

[https://www.safeproject.us/?gclid=Cj0KCQjwsqmEBhDiARIsANV8H3YZsmHj53gzZr4ZvPalj5TRJxa6N42kwsIAS-N3LKf3kxBFjYKDP8aAjRAEALw_wcB] [<https://www.psychologytoday.com/us/blog/the-athletes-way/201607/harvard-study-pegs-how-parental-substance-abuse-impacts-kids>]

Enhanced Foster care with live-in cottage parents provides a check and balance system to ensure safety for children, keep siblings together, and provide a normalized home environment with the involvement and support of their families. The reality exists that across the nation, there simply are not enough foster homes or kinship care resources to serve the numbers of children for whom placement must be secured to ensure their safety.

Suggested Resources:

“Hillbilly Elegy: A Memoir of a Family and Culture in Crisis” by J.D. Vance

“Educated” by Tara Westover