CHILD PROTECTION PROGRAMS IN FLORIDA

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

DECEMBER 14, 1998

Serial 105–99

Printed for the use of the Committee on Ways and Means

U.S. GOVERNMENT PRINTING OFFICE

60–952 CC WASHINGTON : 1998

COMMITTEE ON WAYS AND MEANS

BILL ARCHER, Texas, *Chairman*

PHILIP M. CRANE, Illinois
BILL THOMAS, California
E. CLAY SHAW, JR., Florida
NANCY L. JOHNSON, Connecticut
JIM BUNNING, Kentucky
AMO HOUGHTON, New York
WALLY HERGER, California
JIM MCCRERY, Louisiana
DAVE CAMP, Michigan
JIM RAMSTAD, Minnesota
JIM NUSSLE, Iowa
SAM JOHNSON, Texas
JENNIFER DUNN, Washington
MAC COLLINS, Georgia
ROB PORTMAN, Ohio
PHILIP S. ENGLISH, Pennsylvania
JOHN ENSIGN, Nevada
JON CHRISTENSEN, Nebraska
WES WATKINS, Oklahoma
J.D. HAYWORTH, Arizona
JERRY WELLER, Illinois
KENNY HULSHOF, Missouri

CHARLES B. RANGEL, New York
FORTNEY PETE STARK, California
ROBERT T. MATSUI, California
BARBARA B. KENNELLY, Connecticut
WILLIAM J. COYNE, Pennsylvania
SANDER M. LEVIN, Michigan
BENJAMIN L. CARDIN, Maryland
JIM MCDERMOTT, Washington
GERALD D. KLECZKA, Wisconsin
JOHN LEWIS, Georgia
RICHARD E. NEAL, Massachusetts
MICHAEL R. MCNULTY, New York
WILLIAM J. JEFFERSON, Louisiana
JOHN S. TANNER, Tennessee
XAVIER BECERRA, California
KAREN L. THURMAN, Florida

A.L. SINGLETON, *Chief of Staff*
JANICE MAYS, *Minority Chief Counsel*

SUBCOMMITTEE ON HUMAN RESOURCES

E. CLAY SHAW, JR., Florida, *Chairman*

DAVE CAMP, Michigan
JIM MCCRERY, Louisiana
MAC COLLINS, Georgia
PHILIP S. ENGLISH, Pennsylvania
JOHN ENSIGN, Nevada
J.D. HAYWORTH, Arizona
WES WATKINS, Oklahoma

SANDER M. LEVIN, Michigan
FORTNEY PETE STARK, California
ROBERT T. MATSUI, California
WILLIAM J. COYNE, Pennsylvania
WILLIAM J. JEFFERSON, Louisiana

Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, public hearing records of the Committee on Ways and Means are also published in electronic form. **The printed hearing record remains the official version.** Because electronic submissions are used to prepare both printed and electronic versions of the hearing record, the process of converting between various electronic formats may introduce unintentional errors or omissions. Such occurrences are inherent in the current publication process and should diminish as the process is further refined.

CONTENTS

	Page
Advisory of December 2, 1998, announcing the hearing	2

WITNESSES

American Federation of State, County, and Municipal Employees (AFSME), Local 3041, Carol Ann Loehndorf	46
Broward County Foster Parents Association, Linda Day	67
Children's Home Society of Florida, Kathryn R. O'Day	70
Dave Thomas Foundation for Adoption:	
Dave Thomas	6
Jan Hefner	6
Florida Department of Children and Families:	
Linda F. Radigan	18
Johnny L. Brown	33
Florida Dependency Court Improvement Program, and Seventeenth Judicial Circuit of Florida, Hon. Kathleen A. Kearney	14
Handy, Inc., Eileen Donais	74
Jenne, Hon. Ken, Broward County, Florida	10
Meyer, Christine, Seventeenth Judicial Circuit of Florida	43
Sanderson, Hon. Debby P., Florida State House of Representatives	8
Talenfeld, Howard M., Colodny, Fass & Talenfeld, P.A.	37
Youth Law Center, Howard M. Talenfeld	37

SUBMISSIONS FOR THE RECORD

Jane Addams Hull House Association, Chicago, IL, Gordon Johnson, statement and attachments	85
Koenig, Hon. Julie, Circuit Court Judge, Seventeenth Judical Circuit of Florida, letter	87

CHILD PROTECTION PROGRAMS IN FLORIDA

MONDAY, DECEMBER 14, 1998

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:09 a.m., in the City Commission Chambers, Fort Lauderdale, Florida, Hon. E. Clay Shaw, Jr. (Chairman of the Subcommittee), presiding.

[The advisory announcing the hearing follows:]

ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HUMAN RESOURCES

FOR IMMEDIATE RELEASE
December 2, 1998
No. HR–20

CONTACT: (202) 225–1025

Shaw Announces Field Hearing on Child Protection

Congressman E. Clay Shaw, Jr., (R–FL), Chairman, Subcommittee on Human Resources of the Committee on Ways and Means, U.S. House of Representatives, today announced that the Subcommittee will hold a field hearing on child protection programs in Florida and other States. The hearing will take place on Monday, December 14, 1998, in the Fort Lauderdale City Hall, Fort Lauderdale, Florida, beginning at 10:00 a.m.

In view of the limited time available to hear witnesses, oral testimony at this hearing will be from invited witnesses only. Witnesses will include a State legislator, State and local social service administrators, judicial and law enforcement representatives, child welfare practitioners, and researchers. Any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing.

BACKGROUND:

The Subcommittee has jurisdiction over most Federal foster care and adoption programs. The first major reform of the child welfare system in almost two decades, the Adoption and Safe Families Act of 1997 (P.L. 105–89), was initiated in the Subcommittee and signed into law just one year ago. The legislation establishes new procedural requirements to promote child safety, to shorten the time a child spends in foster care, and to expedite the adoption process. One of the most important requirements makes a child's health and safety the paramount concern in any efforts made by the State to preserve or reunify families. The legislation also provided States with additional resources from the Federal Government including the expansion of family preservation programs and the promotion of adoption services.

The Subcommittee is traveling to Florida to determine what barriers exist to full implementation of the Adoption and Safe Families Act of 1997 and to exercise oversight over programs established to protect abused and neglected children. The hearing will provide an opportunity for the Subcommittee to hear directly from State legislators who, along with the Federal Government, provide funding for child protection programs, from judges and appointed legal advocates who adjudicate and represent abused and neglected children in court, and from child protection administrators and practitioners who provide services to maltreated children and their families.

In announcing the hearing, Chairman Shaw stated: "The Subcommittee is holding this hearing as part of our ongoing responsibility to monitor the effectiveness of child protection programs throughout the United States. The safety of abused and neglected children must be a paramount concern at all levels of government and in all parts of our communities. We are especially interested in how the major child protection reforms enacted as part of the 1997 adoption law are being implemented in Florida and what more needs to be done to keep children safe both in their own families and in the foster care system."

FOCUS OF THE HEARING:

The hearing will focus on what the Federal Government can do to help State and local governments provide assistance to troubled children and their families and to keep children safe in the foster care system. The Subcommittee is interested in learning about the problems that exist in Florida and elsewhere across the nation that result in leaving abused children in dangerous situations either by returning them to unfit biological parents or by placing them in a child protection system that fails to protect them.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Any person or organization wishing to submit a written statement for the printed record of the hearing should submit six (6) single-spaced copies of their statement, along with an IBM compatible 3.5-inch diskette in WordPerfect 5.1 format, with their name, address, and hearing date noted on a label, by the *close of business*, Monday, December 28, 1998, to A.L. Singleton, Chief of Staff, Committee on Ways and Means, U.S. House of Representatives, 1102 Longworth House Office Building, Washington, D.C. 20515.

FORMATTING REQUIREMENTS:

Each statement presented for printing to the Committee by a witness, any written statement or exhibit submitted for the printed record or any written comments in response to a request for written comments must conform to the guidelines listed below. Any statement or exhibit not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All statements and any accompanying exhibits for printing must be submitted on an IBM compatible 3.5-inch diskette WordPerfect 5.1 format, typed in single space and may not exceed a total of 10 pages including attachments. Witnesses are advised that the Committee will rely on electronic submissions for printing the official hearing record.

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee, must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears.

4. A supplemental sheet must accompany each statement listing the name, company, address, telephone and fax numbers where the witness or the designated representative may be reached. This supplemental sheet will not be included in the printed record.

The above restrictions and limitations apply only to material being submitted for printing. Statements and exhibits or supplementary material submitted solely for distribution to the Members, the press, and the public during the course of a public hearing may be submitted in other forms.

Note: All Committee advisories and news releases are available on the World Wide Web at "http://www.house.gov/ways__means/".

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202–225–1721 or 202–226–3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Chairman SHAW. The hearing will come to order. I first of all want to thank the folks here in Ft. Lauderdale, the city commis-

sion, the mayor, and the city manager for allowing me to come home. I spent many years behind this podium as a commissioner and as the mayor, so I feel very comfortable in this room.

I am also very pleased that my friend Phil English from Pennsylvania is here to be part of this hearing. He also serves on the Human Resources Subcommittee of the Ways and Means Committee.

Last of all, and certainly not least of all, I am very pleased to welcome all of our friends, Dave Thomas, and all of our other distinguished witnesses for this hearing. I see Ken Jenne is here with us among the others. Thank you, Phil, for coming to Florida for this hearing. I know it is a heavy duty leaving Pennsylvania in December to come to the State of Florida. We are delighted to see you.

The purpose of this hearing is to continue the Ways and Means Committee's examination of the Nation's child protection programs. The children being cared for by the child protection programs run by the States, counties, and cities of our Nation are the most vulnerable children in our society today. They have been abused or neglected by their parents. To protect them, the State assumes custody and places them either in foster homes or some other type of foster facility. Now removed from their parents, some of them are still vulnerable to further abuse or neglect unless government is vigilant in protecting them. But government does not always do a good job. That is why, like many other officials, child advocates and scholars, we on the Ways and Means Committee have been working so hard over the past 4 years to improve the Nation's child protection programs, and that includes adoption laws. The Federal role is to provide the broad framework for the program, to provide States with adequate funding to help low-income families, and ensure program accountability.

The Adoption and Safe Families Act which was written primarily by our Committee and passed by an overwhelming bipartisan vote in 1997 is an example of our commitment to improving child protection programs, in this case, by shortening the length of time children spend in the limbo of foster care and by providing States with financial incentives to increase adoption. Similarly, our legislation on racial discrimination in foster care and adoption placement which was enacted in 1996 is further evidence of our commitment to getting children out of foster care as quickly as possible.

In examining the Federal law and in examining the State laws and what some of the problems are, we found that many of the problems were caused by Federal law, which simply put barriers in the way of adoption. We have cleared away much of that clutter, and hopefully it will come up and give us great dividends in placing children in permanent adopting homes.

We are here today primarily in our role of ensuring accountability. Is the State of Florida implementing a child protection program that makes the safety of these children of paramount importance, and at the same time one that gets children into permanent settings as quickly as possible? Is the State of Florida aggressively implementing the Adoption and Safe Families Act and the interethnic adoption provision? If not, what can we do at the Federal level to ensure that Florida improves in its performance?

Here, I want to mention one issue that the Committee plans to examine very carefully this year. The Federal Government now provides States with a great deal of money, but the system by which we provide it is flawed. The system is flawed because we provide generous open-ended fundings for children who have been removed from their families but cap inflexible funds for providing the much needed services to prevent the unnecessary removal of children from their homes. To remedy this problem, I would like to provide States with more control over their funds. The States are doing an exemplary job with the flexibility we have given them with the new welfare reform legislation, and I believe they would do an equally good job in using more flexible child protection funds. But many advocates and policymakers want the Federal Government to maintain a strong regulatory role over the State and local child protection programs. Perhaps we can develop reforms that will ensure more flexibility and strong Federal oversight. I hope our witnesses will address these issues today.

Before hearing from witnesses, I want to make an important point about how I plan to conduct this hearing this morning. Broward County is now involved in a court suit concerning its child protection program. It is my fervent desire, and actually my commitment, to avoid making any comments on either side of this case, and I strongly suggest that our witnesses do the same. In fact, I request that our witnesses do the same. The court suit should be allowed to run its course without any interference from other branches of Federal or State government. We have invited witnesses representing all sides of this suit, but this is not the setting or the time to discuss this case itself. I am sure that all of you understand this and will abide by our wishes in this regard.

I will now recognize Mr. English for any opening statement that he might have.

Mr. ENGLISH. Mr. Chairman, in the interest of brevity, I will keep my remarks short. I just want to thank you for sponsoring this hearing, which is the latest in a series of field hearings and hearings in Washington that you have done on this subject. I am looking forward to seeing what is going on in Florida and comparing it with what we are trying to do in Pennsylvania. I think our problems are similar and I will be particularly interested to see how Florida is proceeding with these very, very difficult issues.

Mr. Chairman, I also want to congratulate you. I realize this is the last hearing that you are going to be chairing of this Subcommittee. If I may be permitted to say so, you have been a superb advocate as a Chair of the Human Resources Subcommittee, and a lot of us are looking forward to your work as Chairman of the Social Security Subcommittee in the new Congress. I believe that as a longtime Member, 4 years serving under you on the Human Resources Subcommittee, not only have I learned a lot, but also, we have done extraordinary things in Congress, and I want to congratulate you for that.

Chairman SHAW. Thank you very much for your kind remarks. I would like to say that I will be leaving the Subcommittee in good hands with Nancy Johnson. I believe she will be taking it as Chairwoman from the State of Connecticut.

Now we get to our hearing. Our first witness is no stranger to this Subcommittee. He has testified before our Subcommittee in Washington. He has become, I think, perhaps the national poster child for adoption, being the founder of the Dave Thomas Foundation for Adoption in Dublin, Ohio. I might say too with a great deal of pride that he is one of my constituents here in Fort Lauderdale. Dave, proceed as you wish. I understand that you are not going to be reading your full testimony yourself because of your voice, but if you would like to proceed.

STATEMENT OF DAVE THOMAS, FOUNDER, DAVE THOMAS FOUNDATION FOR ADOPTION, DUBLIN, OHIO; ACCOMPANIED BY JAN HEFNER, DIRECTOR, DAVE THOMAS FOUNDATION FOR ADOPTION

Mr. THOMAS. Thank you. Let me just say thank you very much for allowing us to be here. I would like to say, Chairman Shaw, you have done a wonderful job for adoption, trying to get these kids. All they want to do is have a permanent and loving home. Jan Hefner is the director of my foundation and she wrote these remarks and I am going to let her say these remarks. So go ahead and testify.

Ms. HEFNER. Mr. Shaw and Mr. English, good morning. As a matter of fact, these remarks are a compilation of things that Dave has shared with folks across the country, so we just wanted to bring a few of those to you this morning.

In essence, Wendy's and the Dave Thomas Foundation have tried to make the public more aware of the youngsters that are in foster care through public service announcements and Internet sites, adoption fairs, bus cards, and other kinds of media, and our local partners, our stores, our franchisees, they are a very, very important part of the team. We have all been working together to recruit parents, to educate judges and elected officials about these kids. We are very thankful to you, Mr. Shaw and your colleagues in Congress, for passing the Adoption Tax Credit as well as the Adoption and Safe Families Act.

Since you were gracious enough to invite me, as Mr. Thomas' remarks said, I would like to share a couple of comments. First of all, he feels very strongly that States and counties have a huge responsibility to be sure that not only the letter of the law is implemented, but also the spirit of the law. After all, if local officials make sure that the best interest of each child is number one, then your communities will be much safer, happier, and healthier.

Good and timely services for families have to be available right away so as many families as possible can stay out of the system altogether and stay together. Foster care is very important. It is a lifeline for children in crisis, but it is not meant to be permanent in any way.

We also believe that every child can be adopted, every child deserves a family. We just have to find the right one in a timely manner. Also, potential adoptive families need to be treated kindly and gently like the really important people they are. That goes for foster families also.

We must also pay attention to the court system. We need excellent tracking systems within the court and these need to be able to talk to the social service systems. If we do not have that kind

of connection, then we are going to lose a lot of the accountability and the ability to do the implementation of the spirit of the law.

We also need committed and well-trained judges who hold everyone accountable to do the right things for children. They are the gatekeepers, and we just hope that all of the judges in the State of Florida understand that. In fact, they are the ones who must hold folks accountable for this. We know that Judge Kearney has been doing a terrific job down here, and wish her well in her new position.

Finally, Mr. Chairman, we need to make sure that each one of us in our own special way in this beautiful community of Fort Lauderdale do what we can to make sure every child has a safe and loving home to start their life out right. That much we owe them.

Thank you, Mr. Chairman.

Chairman SHAW. Mr. English.

Mr. ENGLISH. I wonder if our two witnesses could generalize—I know this is a very broad stroke I am inviting you to give, but can you generalize for us, if we had a stronger adoption policy in this country, if we were doing a better job, as I think our policy—the direction our policy is now headed in, doing a better job of placements earlier on, can you quantify for us what impact it would have on communities like Florida?

Ms. HEFNER. The latest research that we are aware of from WESAT indicated that about 10 years ago if the youngsters that were in foster care had been placed much earlier with adoptive families, then it would save literally billions of dollars across the country. I am sure that is the case here in Broward County. It has got the second largest number of youngsters in care in Florida. So not only would you save the administrative costs of children in foster care, there is also the longitudinal issues. Hopefully, those kids will not then be involved in either the juvenile justice system or the adult system, or would they be homeless on the streets because they would, in fact, have a family that they can connect to. So there is not only the spiritual and moral issues, there are also financial issues.

Mr. ENGLISH. Thank you, Mr. Chairman.

Chairman SHAW. Thank you.

Dave, as I mentioned earlier, you are very active and not only are you an adopted child yourself a few years back, but you were very active in Washington on the passage and testified regarding the Adoption and Safe Families Act, as I recall. You were also at the White House with me for the signing. I think such moments in history should some way be memorialized and I have something I would like to present to you at this time.

What we have here is a signed copy of the act, together with the ceremonial pen with which it was signed into law by President Clinton.

[Presentation.]

Mr. THOMAS. Thank you very much.

[Applause.]

Chairman SHAW. Yes, sir.

Mr. THOMAS. Now all we have got to do is make it work.

Chairman SHAW. Right. You are a tough guy. He says now let us make it work. OK.

Mr. THOMAS. We have it, now we need to implement it. This was the first step.

Thank you.

Chairman SHAW. On our second panel, we have Hon. Linda—oh, Ms. Radigan will be coming later. Evidently, her plane is running late. We also have our hometown State representative, Debby Sanderson, from the Florida House of Representatives, also Chairman of the Appropriations Committee, which is no lightweight area, I can tell you that. We have got our new sheriff—not new any more—Ken Jenne, a very old friend of ours. Ken and I have worked together on everything from the Charter Commission through all the positions that he has held. If he will come forward. And Judge Kathleen Kearney whose name has already been mentioned this morning. She will be leaving us and leaving the Seventh Judicial Circuit of Florida for Tallahassee where she will be taking over tremendous responsibility under the Bush administration. We have the written testimony—if we do not, we will be getting it and putting the testimony in the record. If the witnesses would proceed as they see fit, if you wish to summarize—we are going to try to move the hearing along with a 5-minute rule. If it runs a little bit over, I cannot see anybody at this table that I would put the gavel on. So proceed as you wish.

Debby.

STATEMENT OF HON. DEBBY P. SANDERSON, FLORIDA STATE HOUSE OF REPRESENTATIVES

Ms. SANDERSON. Thank you, Congressman Shaw. It is a pleasure to be here this morning. I wish it were a happier subject. It is one that we struggle with in the legislature and certainly here at the district level.

I want to mention that appropriations have increased significantly over the last 7 years. The legislature appropriated this year the largest amount of resources in years. It was an increase of $75 million and 212 positions. Now that is statewide.

In the fall of 1997 there was a surge in the number of children placed in out-of-home care. This surge was not anticipated in the 1998 Budget Appropriations Act. We do not have a good child welfare information system and we are working on one. It is a very, very expensive situation. In Tallahassee it is called SACWIS, Statewide Automated Child Welfare Information Systems—that is the acronym—which is being developed. It is going to be a couple of more years before it is up. This may be one reason the State does not have, and is not able to react as soon as we would really like to because we do not have some of the information we really need. The allocation methodology may need to be changed. This is something, as you know as a Congressman, is politically very sensitive when you try to take dollars from one district or from one State to another.

Management decisions have been lacking at times. The district structure does not allow the department to correct problems very easily. The State is now adjusting to the Federal Adoption and Safe Families Act of 1997, which I think was a very good piece of legislation, but it has imposed certain restrictions and constraints on us.

We passed State legislation this past session to implement those Federal requirements. It calls for the safety and health of children as a paramount concern in decisionmaking in all stages of the proceedings. It requires all children in the dependency court system to have a permanency planning review hearing within 1 year from the date of the out-of-home placement. It provides additional grounds for expediting termination of parental rights in certain circumstances. This is an area that really, really needs to be worked on. We have many children languishing in the system today that the parents' rights are not terminated. They are not complying with any of the court orders and really have lost the ability to be good parents and we need to get these children placed. The legislature will have an opportunity to address these changes budgetarily this upcoming session which starts March 2, 1999.

Privatization of the child welfare system may bring many challenges and unknown resource demands. This is a massive undertaking by the department as directed by the legislation of 1998. Sadly, children are going to die regardless of how many resources the State may put into these programs. As I have mentioned, we have had significant budget increases, and where they affect District 10, of that, 70—let us see, of the 212 FTEs, full-time equivalents, District 10 has received 28 percent of those. These are new people coming on board child protective, which is 48.5 of the 172 positions, new counselors, and 38 percent, which are 8 of the 24 supervisor positions.

Investigations have increased by more than 15 percent since 1993. The number of family builders—the number served by the Family Builders Program, which is an intervention program that we have tried, have increased over 152 percent over the last 5 years. In District 10, the increase was 149 percent. So they are utilizing it, but still it is obviously not the total answer.

The length of stay has been shortened from 22.4 to 19.4 months in care. Adoption placements statewide have increased by over 44 percent since 1990, which I think is a good sign, but we need to step that up. In District 10, the rate of children entering adoptive home, supervision for 1,000 maltreated children went from 10.8 in 1994 to 18.3 in 1997–98. That's a 69-percent increase in just 4 years.

In 1998, a review of 53 foster homes in District 10 chosen because of overcrowding, abuse reports or concerns by the judges, the guardian ad litems or department staff indicated that only 4 percent were unacceptable with regard to safety, cleanliness, and maintenance. Fourteen were unacceptable because of overcrowding. I think 14 percent is awfully high. Children appear to be cared for in all the homes. The results were even better in a similar review of 50 homes just completed.

The budget that I chair and have the responsibility of chairing is $12.6 billion. It is tremendous, it is the largest part of the Florida budget. There are so many demands, Medicaid has grown tremendously in this State. The Medicaid serves over 10 percent of the State's population. So in other words, a tremendous number. Since 1996 expenditures have risen more than 574 percent and the number of individuals covered has increased by 180 percent. In 1996, the average cost per client in the Medicaid Program has in-

creased from $2,215 to $4,530. That is an average. In the absence of Federal reform, the State is likely to face continued growth in Medicaid expenditures. We are drowning in this and really need some help on the Federal level, which you have been very helpful with in the past year with the budget reconciliation.

Infrastructure and structured management determines the success of any program. We need to reallocate existing foster care dollars. For instance, the population at risk versus the reported number is very difficult, particularly without SACWIS up and running. The number of cases versus the number reported are what we need to base this on. It is very possible that some of the children in this district were misplaced in more expensive foster care, therapeutic homes versus regular foster care because of lack of slots. It is a very slot-driven situation that we have.

Some management decisions have been made by other than the legislature, such as those made by local district attorneys. I am not casting aspersions on any specific district attorney, but they have latitude of moving their budgets a little bit here and there. So there are some things—Federal lawsuits that we have just been pounded with are also a problem and that is a concern that I have with this new lawsuit that has been placed on us. Do we really want the Federal courts running our foster care system?

We have no information on the length of stay by district and by category of foster care, only the length of stay over all. That needs to be much more specific. We need to find out what is driving an increase in the caseload and causing it to spike so appreciably.

The Federal adoption legislation that you were so key and responsible on helping to pass requires emphasis on the best interest of the child first and that 12-month planning versus 18 months. I know that Judge Kearney felt that 12 months would be sufficient to do that and she was comfortable with that.

My last comment is that the birth parents are the ones that are really responsible for these children and something has got to be done to have parents realize what a treasure children are. I was never blessed with any of my own, but it gave me the opportunity to put my energies for children other than my own. It is not the foster parents' responsibility, it is the birth parents' responsibility, and that has somehow got to be driven home. I do not know. We cannot do it legislatively. How we can make parents more responsible, not to abuse their children, to take care of them, love them and nurture them? I know we are trying with many intervention programs and hope to be more successful as we go on. This is an enormous program and it takes everyone in this room and everyone outside of this room to solve it.

Thank you for the opportunity.

Chairman SHAW. Sheriff Jenne.

STATEMENT OF HON. KEN JENNE, SHERIFF, BROWARD COUNTY, FLORIDA

Sheriff JENNE. Mr. Chairman, I want to thank you and Mr. English for having the foresight to schedule this hearing in Broward County and address what clearly has become a crisis in our community. I do want to talk a little bit different than probably some of your other speakers. I want to speak about the role of law

enforcement, specifically the Broward Sheriff's Office, can play in protecting our children.

I want you to know that I am thankful for those who gave us a very strong wakeup call that we all needed. It was all of our responsibilities to provide a safety net for society's most vulnerable. There are clearly right now some gaping holes in that net when it comes to our children. Unfortunately, there is no quick and easy solution to this problem, no Band-Aid that can stop the bleeding at this moment, but we all must prepare together for major surgery of the system.

One way the Sheriff's Office can help repair the system is by assuming the responsibility of protective investigations, not the placements but the investigations. This is right now the responsibility of the State Department of Children and Family Services. These investigations are the ones that determine whether the child should be removed from an unsafe environment and whether any criminal activity is occurring. So we are just talking about protective investigations right now.

Let me take a moment to address what currently happens when an investigator calls for help. The Federal law is clear where the investigator's duty lies. You mentioned this earlier, Mr. Chairman, in your remarks, but I think it warrants reiteration. The duty of the investigator is to do whatever is in the best interest of the child. The child's welfare is, and will continue to be, of paramount importance to an investigator.

What will be emphasized in any training that takes place, should we assume those responsibilities? The first thing I think law enforcement ought to do upon receiving a call from an 800 hotline is extensive background on the people who live in the household. Have there been prior calls to the hotline from this household? Who lives in the house? Are there criminal backgrounds? By conducting this background research, we would arm every investigator with crucial information he or she needs to make an informed decision that is in the best interest of the child. That is not being done now.

Other steps would be to include providing investigators with the tools they need to perform these jobs effectively. It is hard to imagine, but most of these—the work of these investigators are outside of the office, yet they do not have portable computers; they do not have cell telephones; they do not have communication radios. They spend every moment of their day in their cars transporting children, yet there are no guarantees of safety and reliability because the cars are their own personal vehicles. There is no accountability regarding automobile insurance when they are transporting these kids in the State's custody. The Sheriff's Office will provide inexpensive types of vehicles to these investigators. We would also enhance the training requirements for the investigators by adding a 40-hour investigator course on topics such as child interview techniques, case management preparation and an overview of the criminal statutes and evidence of collection scenes—crime scenes.

Mr. Chairman and Mr. English, I want to emphasize to you that that type of training is absolutely essential. How to interview a child is much different than how to interview an adult. How to take evidence is so important, yet we do not have it today. I believe

that this is not only an appropriate role for a law enforcement agency, but I think it is a necessary one in today's society, not just here in Broward County. Police officers and sheriff's deputies are clearly equipped, trained, and experienced to perform these functions. Our infrastructure lends itself to doing them thoroughly and efficiently. We have the tools by nature that are at our disposal that the Department of Children and Families, (DCF) does not have. Perhaps more important is the level of responsibility and accountability that we demand of our investigators. It is the same level of accountability we demand throughout the Sheriff's Office for everything from crime rates to clearance rates and to community outreach. Our employees are responsible for the public safety of 1.5 million people in this county. It is time we demand more from those individuals who are explicitly responsible for protecting the welfare of our children.

This office, and I think other law enforcement agencies, sheriffs' offices throughout this State are willing to do it and the structure can be put into place quickly. But to do this job, we have to tell you it will cost more money for those computers, for those cell telephones, for better training. We estimate that it will take approximately $2 million more annually to conduct those protective investigations. I suspect you will find this to be a common theme throughout the State, particularly in the urban centers where caseloads are overwhelming and the need for proficient reliable investigative work is high.

Our children, like all of us, need to live in a safe, healthy environment and we should say to all of us, shame on us for letting their welfare become a high risk situation that takes a grand jury report to remind us this should be our highest priority. It should remain our highest priority year in and year out, not just when the news media bring a rash of tragedies to our attention.

In closing, I want to say once again, Mr. Chairman, to you and to Mr. English, thank you for bringing this Subcommittee here. I am sure, and I know it is true that our needs are great, but our resolve is also great to tackle this problem. I want to say once again how proud we are that you are here and leading this fight for us. Thank you.

[The prepared statement follows:]

Statement of Hon. Ken Jenne, Sheriff, Broward County, Florida

First, I'd like to thank Congressman Shaw and the other distinguished members of this subcommittee for having the foresight to schedule this hearing in Broward County and address a clearly pressing crisis in our community.

I want to talk with you today about the role that law enforcement—and specifically the Broward Sheriff's Office—can play in protecting our children.

And I want you to know I am thankful to those who gave us all the wake-up call we needed. It is all of our responsibilities to provide a safety net for society's most vulnerable. And there are clearly some gaping holes in that net when it comes to our children.

Unfortunately, there is no quick and easy solution, no band-aid that can stop the bleeding at this moment. But we all must prepare, together, for major surgery of this system.

One way the Broward Sheriff's Office can help repair the system is by assuming the responsibility of protective investigations, a responsibility currently under the state's Department of Children and Families. These are investigations that determine whether or not a child should be removed from an unsafe environment, and whether any criminal activity is occurring.

Let me take a moment to address what currently happens when an investigator responds to a call for help. The federal law is very clear where the investigator's duty lies (and Congressman Shaw mentioned this in his opening remarks, but I think it warrants reiteration).

The duty of the investigator is to do whatever is in the best interest of the child. The child's welfare is and will continue to be of paramount importance to an investigator. That will be emphasized in any training that takes place, should we assume these responsibilities.

The first thing we would do upon receiving a call from the 800 hot-line is extensive background on the people who live in that household:

- have there been prior calls to the hotline regarding this household?
- who lives in the house?
- do they have criminal backgrounds?

By conducting this background research, we would arm every investigator with crucial information he or she needs to make an informed decision about what's best for the child.

This is *NOT being done now.*

Other steps we would take include providing investigators with the tools they need to perform these jobs effectively.

The vast majority of their work is done outside the office, yet they don't have portable computers, cell phones or communication radios. They spend all day in their cars and often transport children, yet there are no guarantees on the safety and reliability of their personal vehicles, and there is no accountability regarding automobile insurance when we are transporting children in the state's custody! The Sheriff's Office would provide inexpensive unmarked vehicles to each investigator.

We would also enhance the training requirements for investigators by adding a forty hour investigator course on topics such as child interview techniques, case management and preparation, an overview of criminal statutes, and evidence collection at crime scenes.

I believe this is not only an appropriate role for law enforcement agency, but it may be necessary for law enforcement to perform these duties. And not just here in Broward County. Police officers and sheriff's deputies are clearly equipped, trained and experienced to perform these functions. Our infrastructure lends itself to doing them thoroughly and efficiently. We have tools at our disposal that DCF does not have.

Perhaps most important is the level of responsibility and accountability that we will demand of the investigators. It is the same level of accountability we demand throughout the Sheriff's Office for everything from crime rates, to clearance rates, to community outreach.

The Broward Sheriff's Office employees are responsible for the safety of a million and half people in this county, and we hold them to very high standards of performance. It's time we demand more from those individuals who are explicitly responsible for protecting the welfare of our children. The Sheriff's Office is willing to do it, and the structure can be put in place quickly.

But to do this job right will cost more money than is currently budgeted. We estimate it will take about $2 million more annually for us to conduct protective investigations the way they *should be conducted. I suspect you'll find this to be a common theme throughout the state, particularly in urban centers where the caseloads are overwhelming and the need for proficient, reliable investigative work is high.*

Our children—like all of us—need to live in safe, healthy environments. Shame on us for letting their welfare become such a high risk situation that it takes a grand jury report to remind us this should be our highest priority. And it should remain our highest priority year in and year out—not just when the news media brings a rash of tragedies to our attention.

In closing, I would like to once again thank this subcommittee for coming to South Florida. It is true that our needs are great, but so is our resolve to tackle this problem. We need your continued help and participation. Thank you.

Chairman SHAW. Thank you, Sheriff.

Ms. Kearney.

STATEMENT OF HON. KATHLEEN A. KEARNEY, JUDGE, SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA; AND CHAIR, FLORIDA DEPENDENCY COURT IMPROVEMENT PROGRAM

Judge KEARNEY. Good morning, Chairman Shaw and good morning, Mr. English. I want to thank you very much for the opportunity to appear here today with you. First let me indicate that I am here as a sitting circuit court judge at this moment. My testimony will be in light of that current position. I also chair the Florida Dependency Court Improvement Program which your Subcommittee assessed and funded. So I am here also in that capacity as chair of the Dependency Court Improvement Initiative here in the State of Florida.

Florida's child protection system and Broward County's in particular is in a state of crisis. No one can deny that. Countless children at this time are left in abusive homes on a daily basis due to inadequate risk assessment and investigation being done by the department. Sadly, countless more children are also abused and neglected in our foster care system here as a result of overcrowding and problems within that system. The purpose of this hearing though, as I understand it, is not to debate the genesis of that crisis or the nature of that crisis, but to provide you with potential solutions at the Federal level to assist us in our work on behalf of protecting children; therefore, I would like to limit my remarks this morning to three specific recommendations that can be done at the Federal level to assist us here at the State level.

The first remark that I have is that it is imperative that you fully implement the Adoption and Safe Families Act of 1997. This act totally revolutionized the national approach to child welfare and protection by putting the health and safety of children as the paramount concern, and also determining whether reasonable efforts have been made by the government before removing a child, reclassifying, redefining what reasonable effort is, and also reasonable effort at the time of reunification as that decision is made by the courts. Florida was the first State in the Nation to pass into law the Adoption and Safe Families Act when our legislature enacted in May of this year the Dependency Court Improvement Initiative that included all of the Adoption and Safe Families Act requirements. I would like to publicly thank Representative Sanderson, without whose leadership and initiative the Dependency Court Improvement legislation would not have passed, and it would have caused great harm and disservice to the children of Florida had that not taken place. Unfortunately though, the State of Florida has not implemented the recommendations of Adoption and Safe Families and, at this time, I have great concern about that.

The Adoption and Safe Families Act was passed in November 1997, so all States were on notice that at the first legislative session, they needed to pass into law the Federal requirement. So we have known since November that proper training on the ramifications of the new law needed to be done. We have known since May 1 when the legislation was passed here in the State of Florida that it was in fact enacted with an enactment date of October 1.

I am very concerned at this time on behalf of the judiciary because the training that has been provided within the department

to fully implement the act is woefully inadequate. It is my understanding that there has been a 1-hour videotape that has been shown to representatives of the department—and that is it as far as fully being able to be trained.

I have also received and have just reviewed the draft of the professional development centers. They are the entity responsible for training here in Florida of all caseworkers and retraining of existing caseworkers. I received a draft of their initial report for 1998, there is not one mention in that over 50-page report of the Adoption and Safe Families Act, nor is there a mention of the Dependency Court Improvement Act, which enacted it here in Florida. So I am very concerned that the principal training arm at this time has not trained and is not at this point prepared to train on the complete paradigm shift from what had been a family preservation model at all cost, to now the health and safety of children as the paramount concern. And I believe that first and foremost that you must require that the States provide to the Federal Government a report on the training initiative and a report on what the States have done to fully implement and adopt Adoption and Safe Families. Without that, I fear that the States will not effectively train their workers on this very vital and important mission and function. That would be my first recommendation.

The second recommendation I have for you is to allow access to the National Crime Information Center computer to the Department of Children and Families in Florida. Child abuse unfortunately is never limited to one State or one jurisdiction. Given the mobility of today's population, it is imperative that Congress enact legislation that gives State child protection agencies access to the NCIC. Right now, if I were to go out and conduct an investigation here in this community, unless I had a friend in law enforcement who through informal channels might be able to give me an NCIC report or I sent away to the Federal Bureau of Investigation to get it, which would take months, I will not be able to tell you if there is any other criminal history outside the State of Florida of any of the individuals in the home, including the alleged perpetrator. To force an investigator to investigate without that valuable tool is unconscionable. Florida has enacted the required legislation that would give us access to the NCIC, but it does require congressional approval at this time. I would strongly encourage you to see to it that that is done.

The third recommendation that I have this morning deals with the educational services that are given to children, both in shelter care and in foster care. Children who are placed in out-of-home care, whether that be with a relative, whether that be in shelter placement and ultimately in foster care if it is not safe to send them home, are frequently moved from school to school as they are moved from foster home to foster home. The teachers that initially have that child in class are often not consulted in any way about the child's special needs. Their records frequently do not follow them from school to school. There is no requirement that encourages the staff from the school district to have input in the case planning function of the Department of Children and Families. I would strongly encourage you to look at changing or perhaps amending the Individual Disabilities Education Act, known as

IDEA, to mandate that school districts and child protection agencies receiving Federal funds identify children that have been placed in shelter and foster care, share information pertaining to those children with one another, so that each child's individual needs can be more fully assessed and met. I would also encourage you to require that school personnel be consulted and provide input on the educational needs of the child in the child's case plan.

In closing, let me stress my intense gratitude to Representative Shaw for his leadership on a national level in making possible Adoption and Safe Families. Without your leadership, sir, it would not have happened and you will save millions of children because of your efforts.

Thank you so much.

[The prepared statement follows:]

COMMITTEE ON WAYS AND MEANS
Subcommittee on Human Resources

Testimony of Judge Kathleen A. Kearney
Fort Lauderdale, Florida
December 14, 1998

Thank you for allowing me the opportunity to testify before the Subcommittee on Human Resources of the House Committee on Ways and Means. I am a Circuit Court Judge of the Seventeenth Judicial Circuit of Florida and have been presiding over Juvenile Dependency court matters for more than a decade. I also serve as the current Chair of the Dependency Court Improvement Program of the Florida Supreme Court and as a member of the Governor's Child Abuse Task Force.

Florida's Child Protection System, and Broward County's in particular, is in a state of crisis. Countless children are left in abusive homes on a daily basis due to inadequate risk assessment and investigation. Sadly, countless more are also abused and neglected in shelter/foster care upon removal from their family of origin due to overcrowding, lack of adequate supervision and effective treatment. The purpose of this hearing is not to debate the nature or genesis of this crisis. The stated purpose is to examine whether federal foster care and adoption laws, regulations, and funding strike a reasonable balance between the need of state and local governments to have the flexibility necessary to conduct programs tailored to local conditions with the responsibility of the federal government to hold states and localities accountable for program outcomes.

My recommendations as a Circuit Court Judge are as follows:

Fully Implement the Adoption and Safe Families Act of 1997

The Adoptions and Safe Families Act (ASFA) of 1997 has revolutionized the national approach to child welfare and protection by stressing that the "health and safety of the child" is the paramount concern in determining whether "reasonable efforts" have been made on behalf of the government to prevent or eliminate the need for removal of a child from an abusive or neglectful home. Florida, in May of 1998, was the first state in the nation to pass into law the provisions of AFSA as part of its comprehensive Dependency Court Improvement Program (DCIP) legislation. Unfortunately, the State of Florida has not implemented the provisions of ASFA that are designed to more fully protect the health and safety of its children and allow them to have permanency and stability in their daily living situations.

It is a rare occurrence that families appearing before me for the first time have no prior Florida Protective Services (FPSS) reports. Usually, families have numerous prior referrals made to the Department of Children and Families alleging some form of abuse, neglect or abandonment of children with no action taken by the Department to provide comprehensive and appropriate services to prevent the need to remove the child from his/her home. By the time the Department finally does take action to protect the safety of the child, the damage to the child is so great that removal from the home is the only option left to the court. This does a great disservice to the child and to the family who have grown complacent believing that the Department would not intervene to protect the welfare of the child no matter how high the risk.

I have found that the Protective Investigators, Protective Services Counselors, and Foster Care Caseworkers have not been adequately trained in the mandates of ASFA and Florida's Dependency Court Improvement legislation despite the fact that five (5) months existed between the passage of the Florida legislation and its effective date. The Adoptions and Safe Families Act became effective on November 21, 1997, nearly ten (10) months prior to its implementation date in Florida. There is little, if any, recognition that the principle mission of any federally funded child protection agency is to insure the health and safety of children. The Child Welfare Standards and Training Council 1998 Report (Draft) to the Secretary of the Department, Speaker of House, and President of the Senate, does not even mention the existence of the ASFA and DCIP legislation, let alone the need to educate all current employees on this legislation's wide-ranging impact on the daily activities of Department caseworkers.

I strongly encourage Congress to *adopt rules and regulations that will require States to demonstrate that their child protection training programs are designed to emphasize and implement the Adoptions and Safe Families Act of 1997 and its concomitant state implementation statute.*

Allow Access to the NCIC to the Florida Department of Children and Families

Child abuse is never limited to one state or jurisdiction. Given the mobility of today's population, it is imperative that Congress *enact legislation that gives state child protection agencies access to the National Crime Information Center (NCIC) computer data base for investigative purposes.*

Currently, Department caseworkers do not have direct access to this invaluable information that is required to adequately assess the risk to the children that are the subject of a child abuse investigation. Caseworkers must rely on "informal" law enforcement contacts to provide national criminal histories in a timely fashion, or must wait for months to obtain a criminal records check from the Federal Bureau of Investigation. Children's safety should not, and cannot, be based upon the inability of a caseworker to obtain such basic information.

Expand the Individual Disabilities Education Act (IDEA) to Require the Provision of Adequate Educational Services to Children in Shelter and Foster Care

Children who are placed in out-of-home care, whether it be with a relative, non-relative, or a shelter home are also frequently removed from their school. Children that have been subjected to abuse and neglect have significant emotional and mental health needs that impair their ability to learn. There is no existing federal requirement that mandates that school districts identify children that have been removed from their homes based upon allegations of abuse, neglect or abandonment. There is no existing federal requirement that provides for the sharing of information between the school district and the child protection agency so that the needs of the child -- mental, emotional, physical, and educational -- can be adequately assessed and met. There is no existing federal requirement that directs school personnel to be involved in the assessment and case planning process, other than to indicate that the child should be placed as close to their former school as possible.

I recommend that Congress *expand the Individual Disabilities Education Act (IDEA) to mandate that school districts and child protection agencies receiving federal funds identify children that have been placed in shelter/foster care; share information pertaining to these children with one another so that each individual child's needs are more fully assessed and met; and require that school personnel be consulted and provide input on the educational needs of the child in the child's case plan.*

Respectfully Submitted at the Request of Representative E. Clay Shaw, Chairman, Subcommittee on Human Resources, United States House of Representatives, this 14th day of December, 1998 in Fort Lauderdale, Broward County, Florida.

Kathleen A. Kearney

Kathleen A. Kearney, Circuit Court Judge
17th Judicial Circuit of Florida, Juvenile Dependency Division

---

Chairman SHAW. Thank you, Judge, and on behalf of the Committee, I would like to congratulate you on your impending appointment as Secretary of the Florida Department of Children and Families. We certainly look forward to great things from you.

And now our final witness from this panel, who has just now flown in, I understand running a little bit late. We very much appreciate your efforts in getting here. Linda Radigan is the Assistant Secretary for Family Safety and Preservation of the Florida Department of Children and Families. Welcome. Thank you for being here.

STATEMENT OF LINDA F. RADIGAN, ASSISTANT SECRETARY, FAMILY SAFETY AND PRESERVATION, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

Ms. RADIGAN. Thank you, Chairman Shaw and Mr. English, for coming here to hold this hearing. This is very helpful to the Department of Children and Families, who rarely has the opportunity to travel to Washington to provide input on the very important and critical Federal funds that you provide to the State of Florida.

Of the over $400 million that is spent in Florida each year on the child protection system, just under half of that is from our Federal funding sources. You are clearly a primary partner in our protection of vulnerable children and families.

You have heard a lot of data already, and I will reiterate just a few points. In the package that I gave you is some statewide data as well as data on the three counties in south Florida, District 9, District 10, and District 11.

Overall, the child population in Florida has grown by 6 percent over the past 5-year period. During that same timeframe, the number of child abuse and neglect reports investigated by the State of Florida grew by 15 percent. Over the next 5 years, we are expecting both the child population and the number of children reported, who will require a child abuse investigation, to continue to increase by another 9 percent.

From 1994 through 1997, the number of children in Florida's foster care system remained fairly constant even though the child population and the reporting rate significantly increased. This is largely due to an infusion of resources from the Florida legislature, supported by our Federal-matching sources, to increase the number of foster care and adoption staff that provide the critical support and services that these children and families need.

As you have already heard, during that timeframe, the number of children who were successfully adopted increased quite dramatically and that had a large impact obviously on the number of children in foster care. The length of time for Florida's children in foster care decreased by 22 percent during those years, reaching a low of 17 months last year. The State also invested in family builder programs over the past 4 years, which did have for many children an avoidance of care in the foster care system.

The passage of the Federal Adoption and Safe Families Act was landmark legislation in terms of a renewed emphasis on child safety as a priority of child welfare and a renewed emphasis on achieving permanency more quickly for those children who live in foster care. As the result of the Dependency Court Improvement Project in this State, as was mentioned by Judge Kearney, Florida was in a position to move forward and adopt the Federal changes in its State law this past year. We appreciate the continued funding of the Dependency Court Improvement Project. That has resulted in linkages at the local level and statewide level that are very critical in improving the way in which we work together on behalf of children and families.

Last year, Florida saw an increase of 14 percent in its children in out-of-home care, and we believe that it is the result of a number of factors coming together at that point in time. We believe that the resources provided by the legislature in terms of additional foster care and adoption counselors have reached their limit in terms of the number of cases they are able to handle and process as well as the number of attorneys. The department will be working very closely with the legislature in the coming session to increase the number of professional counselors, foster care counselors, adoption counselors, dependency attorneys and judges in order to meet the increased expectations for judicial oversight and quicker permanency resolution for children in care. Those man-

power resources are critical to making this system work effectively and quickly on behalf of children and families.

With respect to our funding stream, with the tremendous growth in Florida's child population and the new demands of both our State law and the Federal law for judicial oversight, better case planning, better resolution, the ongoing entitlement nature of the Federal IV–E Program is vital to the further growth that Florida is anticipating. We also would welcome any additional efforts to simplify the regulations and allow more flexibility with the way in which we expend IV–E dollars for child abuse victims, so that not just those victims who go into foster care, but those child victims who could be diverted from foster care, have the opportunity to be served with IV–E dollars. When children can be safely diverted from out-of-home care, we would like to see the ability to use IV–E dollars to accomplish that.

The current IV–E waiver process is a very cumbersome one and we would recommend that the waiver process within the Title IV–E Program be more standard and routine as it is in the Medicaid Program where there are certain types of options that States can adopt. It takes less time and there is less ongoing paperwork and reporting associated with Medicaid waivers. At this point, only States who come up with a totally new and different idea for a IV–E waiver are eligible to receive that waiver. And there are many good waivers already in effect that we would like to utilize.

The Social Services Block Grant is one important funding source for Florida's child protection system, about $60 million of our current system is Social Services Block Grant money. The reduction over the past 3 years of more than $11 million in that particular block grant program has been a serious blow to our child protection system, and any further reductions would be a problem. Even in the context of some of the increases in the Title IV–E Program in terms of the part A funding for family preservation programs, they have not been enough to offset the Social Services Block Grant reductions.

A second major reform effort underway in Florida's child protection system, as you have heard mentioned earlier, is the intent of the Florida legislature to move toward the privatization of all services in the child protection system, ranging from caseworkers involved with providing services and supports to families to all foster care and adoption services. This is a critically important opportunity to revitalize the way in which communities are involved in the child protection system and to revitalize the way in which services are conceptualized and provided. It reflects a major shift in this State from the government being a provider of the service, to the government becoming a better purchaser of services.

The whole Title IV–E Program, when it was originally built was built for State-operated systems. The regulations and the claiming mechanisms are not well-suited to a government agency that is now purchasing these services from the private sector. While we certainly expect that the Federal Government would hold our State agency responsible for the integrity of the child protection services that we are purchasing, we very much need major changes that would support our purchase of services funded by IV–E from the private sector. There are actually many disincentives in the current

IV–E regulations for State agencies moving in this direction. For example, the training funding under the IV–E Program provides a 75-percent match for training of employees who are State employees, but will only provide a 50-percent match for employees who are providing the same services but who work in the private sector.

The current regulations are still quite extensive in terms of documentation that needs to be provided. It is our belief that given the nature of this work, the nature of our own State law, significant documentation requirements will always be needed when we are taking cases to court and potentially terminating parental rights. So we believe that this needs to remain a State level responsibility and burden with the Federal Government focusing more on the achievement of performance outcomes in the child protection system. And we welcome the efforts in the new ASFA legislation to develop performance outcomes and we are anxious to work with you on the establishment and implementation of a funding stream that truly requires States to achieve permanency. At this point, the—and I hate to confess this—but the Federal funding stream does not give us enough of a strong incentive to achieve permanency. It is too open-ended, and we actually receive Federal funding for children in foster care for too long. It should be expected that what you buy and what we buy at the State level from our districts is permanency resolution, not raising children in foster care.

We are very appreciative of any opportunities to make further changes in the current Title IV–E Program and would be very happy to offer any ongoing assistance that we can in this endeavor.

Thank you.

[The prepared statement follows:]

Statement of Linda F. Radigan, Assistant Secretary, Family Safety and Preservation, Florida Department of Children and Families

It is with pleasure that I am here today to provide testimony on Florida's Child Protection System, and the critically important partnership that we have with the federal government. I would like to begin by providing some data on major trends in Florida's system, as well as trends in South Florida in the counties of Palm Beach, Broward, Dade and Monroe.

The overall child population in Florida has grown by 6 percent over the past five years. In Palm Beach, it has grown by 8 percent; in Broward County by 11 percent, and in Monroe and Dade Counties by 7 percent. Over the next five years, the child population in these south Florida counties is projected to increase by another 9 percent.

The per capita reporting rate per one thousand children in Florida has remained fairly constant over the past five years, close to the 1997–98 rate of 31.6 reports of child abuse or neglect for every 1000 children in the general population. Although the reporting rates per capita are much lower than the statewide average in South Florida—last year they ranged from 17.5 in Dade/Monroe to 24.3 in Palm Beach County—there has still been a dramatic increase in the number of child abuse and neglect reports received and investigated each year. In Palm Beach County, reports investigated have increased by 15 percent from FY 93–94 through FY 97–98; in Broward County by 14 percent, and in Monroe and Dade Counties by 3 percent. Over the next five years, child abuse reports in these south Florida counties are projected to increase by another 9 percent.

From 1994 through 1997, the total number of children in Florida's foster care system remained fairly constant, even as the child population increased. This is because the state invested significant resources in foster care and adoption counselors. For those children who were in the foster care system, we have seen significant results achieving permanency goals. The number of children adopted increased by 17 percent. Each of the south Florida counties achieved similar increases in the number of foster children adopted over the last few years. Concomitantly, the length of

time that children spend in foster care has been decreasing. The median length of stay decreased from 22.4 months in 1991 to 17.5 months in 1997, a 22 percent decrease. The state also invested in intensive in-home services, and many children who would have otherwise been placed in out-of-home care were diverted.

The passage of the federal Adoption and Safe Families Act of 1997 (ASFA) was landmark legislation in terms of a renewed emphasis on child safety as a first priority of child welfare, and achieving permanency, quickly, for children placed in out-of-home care. Florida, after two years of intensive research and analysis as the result of the federally funded grant known as "The Dependency Court Improvement Project," had prepared a major rewrite of Florida's child protection statute. All of the required ASFA changes were incorporated into Florida's statutory rewrite. The renewed emphasis on child safety is clearly reflected in the increased number of children entering out-of-home care during the last fiscal year, an increase of 14 percent.

The Adoption and Safe Families Act of 1997, as well as Florida's own recent statutory changes, clearly anticipate increased judicial oversight of all cases. The time frames for permanency hearings have been shortened overall, and Florida now expects children placed with relative caretakers to receive the same judicial oversight and permanency resolution. With the greater intensity of casework and services needed, as well as shorter timeframes to achieve permanency, the Florida legislature in the coming session will be asked for significant resource increases to support the need for additional judges, lawyers, caseworkers, foster homes, and foster payments. Ongoing and additional federal support will be needed.

With the tremendous new demands and growth that Florida will continue to experience, it is critical that the entitlement nature of the Title IV–E funding be maintained. That guarantee is vital to the stability of child protection as we continue to build on our resources. However, as you review the issues surrounding child welfare, we would welcome any federal effort to simplify the regulations and allow more flexibility to spend IV–E dollars for all child abuse victims, not just those child victims who go into foster care, which in Florida last year was just 5.6 percent. There must be flexibility and incentives for diverting children from out-of-home care when it is an appropriate and safe option. The current IV–E waiver process is too cumbersome.

Unfortunately, the Social Services Block Grant, a primary source of child protection funding, has been reduced twice in the past three years, a reduction of more than $11 million in child protection. More Social Services Block Grant reductions to the Florida child protection system are on the horizon should Congress continue the current trend. The Florida legislature did not provide any state general revenue to offset these losses. The impact of these reductions is not fully known, however, any funding reduction in the child protection system is significant, particularly when the child population and incidence of family violence is increasing.

The second major reform underway in Florida is the intent of the 1998 legislature to privatize all of the services in the child protection system, ranging from caseworkers providing voluntary services to foster care and adoption services. This is a critically important initiative to rebuild local communities' understanding, knowledge and ownership of their children and families. The privatization of child welfare reflects a major change in the state government's role, a shift away from direct service provision to a role of contract negotiation, monitoring of outcomes, and quality assurance functions.

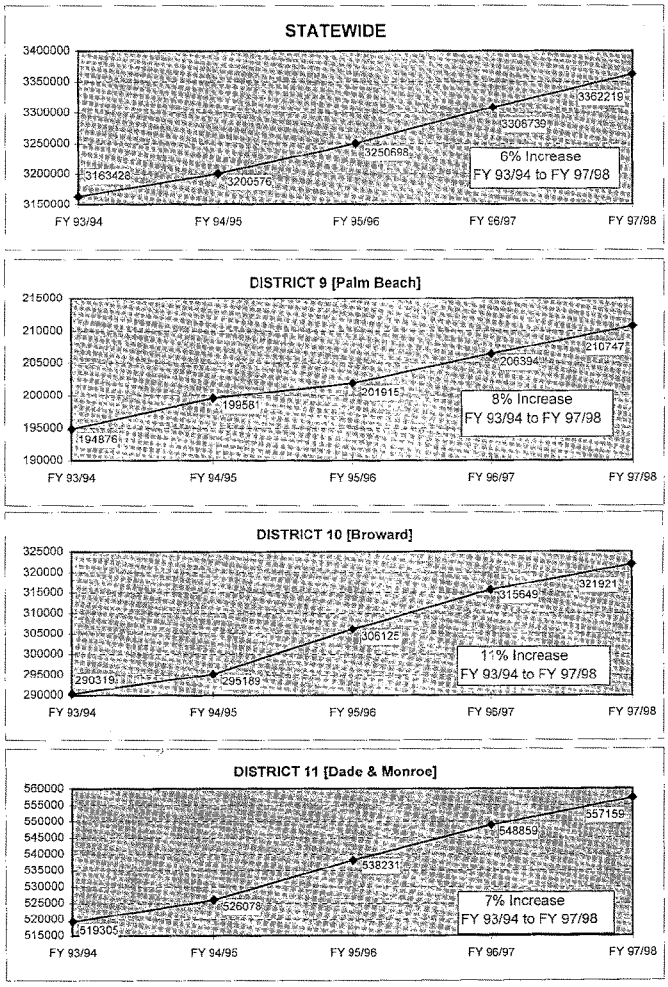
The Title IV–E program was designed for state-operated systems. The regulations and claiming mechanisms are poorly suited for a child protection system that is operated by private agencies. While it is expected that the federal government would hold the state agency responsible for the integrity of child protection services, major changes must be made in the regulations to allow for the provision of services and claiming of federal funds by the private sector, as well as government. Disincentives for privatization now exist in federal regulations. For example, private provider staff training in child protection earns a 50-percent federal match, while state staff training earns 75-percent. This requires more state support to fund the training system for non-state providers. This will require a major overhaul of current regulations. The current regulations are still too extensive. Title IV–E funds must be more flexible, such as with Titles IV–B and the Social Services Block Grant. There is a need to focus more on the achievement of permanency outcomes, than the reams of documentation that are now required by the federal government. We will not possibly achieve permanency and meet the requirements of our own state law without proper and extensive documentation, but this needs to remain a state-level responsibility and burden.

The Florida Department of Children and Families will be most appreciative of any opportunities to assist you, Congressman Shaw, and your committee members in

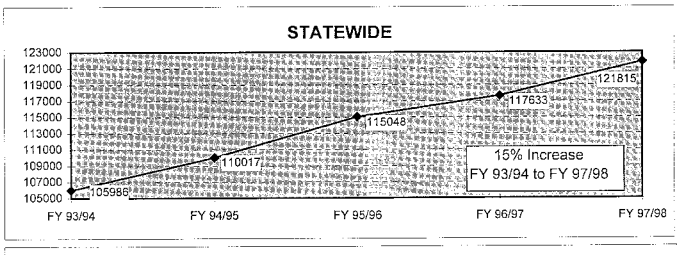
any revisions to the current Title IV–E program that you may consider in the next Congress. Thank you for your efforts on behalf of Florida's children and this opportunity to provide testimony today.

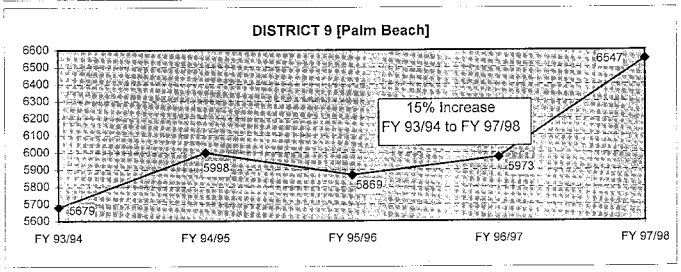
[The attachments are being retained in the Committee files.]

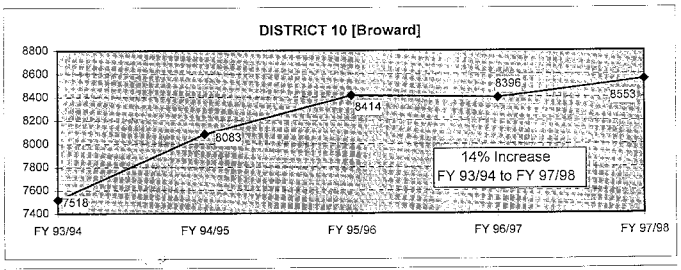
CHILD POPULATION [AGES 0-17]

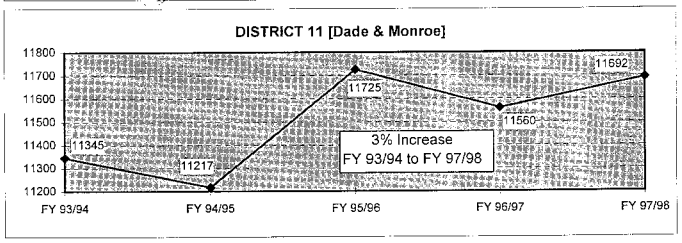


INVESTIGATIVE REPORTS

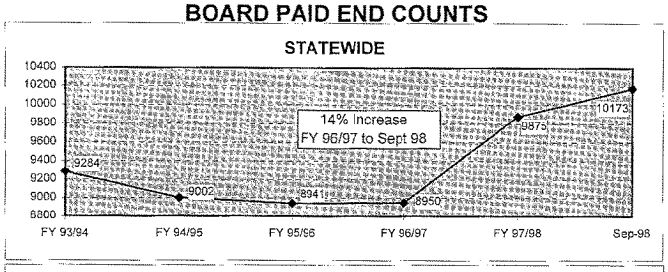


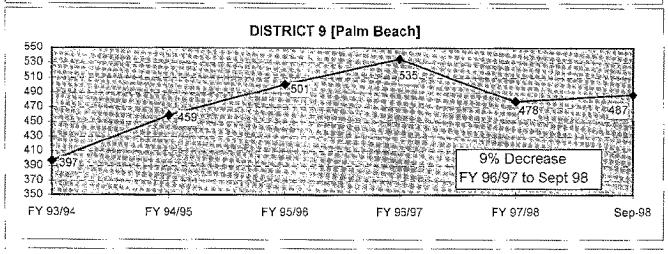


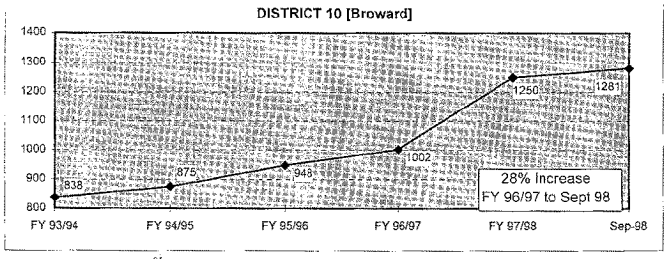


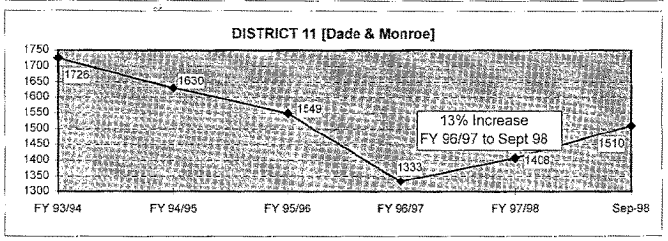


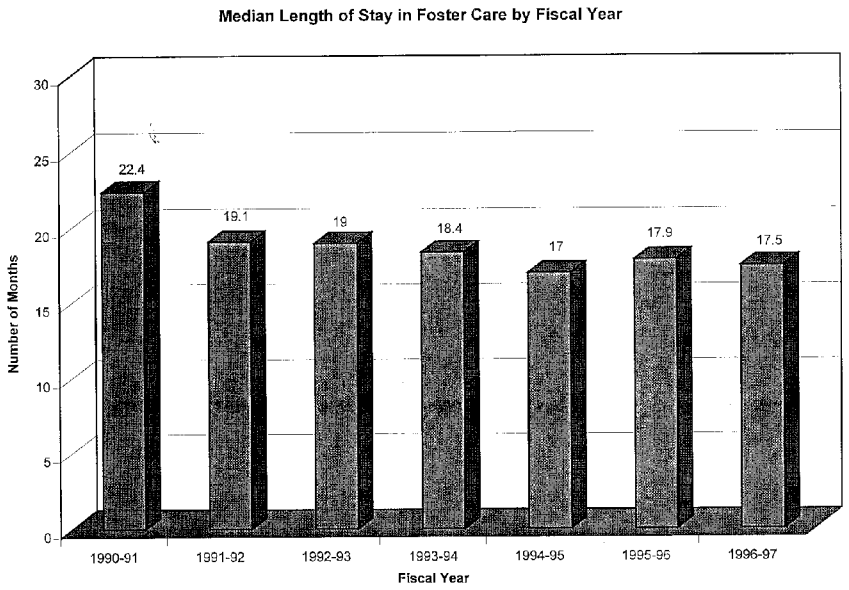
FOSTER CARE RESIDENTIAL GROUP CARE
BOARD PAID END COUNTS



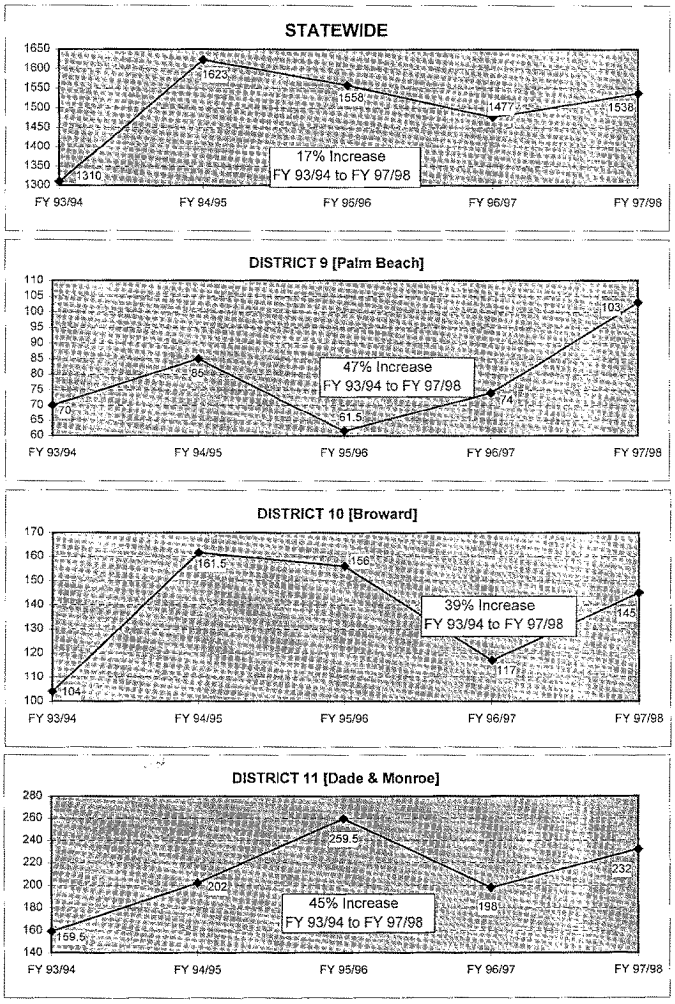







Median Length of Stay in Foster Care by Fiscal Year
Number of Months
30
25
20
15
10
5
0
22.4
19.1
19
18.4
17
17.9
17.5
1990-91
1991-92
1992-93
1993-94
1994-95
1995-96
1996-97
Fiscal Year

ADOPTION PLACEMENTS



Chairman SHAW. Thank you.

Mr. English.

Mr. ENGLISH. Thank you, Mr. Chairman.

This has been a very useful panel, and let me start with Representative Sanderson.

I noted in your testimony, you commented on the efficacy of putting cases into court, recognizing that there has been a lot of litigation filed against State and local child welfare agencies. And I would like you to expand on your testimony, and while you do that, Mr. Chairman, if it is appropriate, I would like to have included in the record a study of the outcomes of child-welfare-related law-

suits conducted for the Subcommittee by CRS and just recently concluded, if I could have that done.

Chairman SHAW. Without objection.

[The information was not available at the time of printing.]

Mr. ENGLISH. Representative Sanderson.

Ms. SANDERSON. Did you want me to address a specific lawsuit just as an example?

Mr. ENGLISH. That would be terrific, from your experience.

Ms. SANDERSON. OK, we are involved in one right now that is ongoing. Florida chose in 1996 to abolish that category and go to a waiver in order to serve additional individuals who needed to be served in this basic category. We knew that there is the ability to offer a less-expensive option for the State to provide for these people, more than adequate, and we chose that. There was not a plan that was ready to be implemented, and I think that's where probably the biggest portion of this came. But the providers—because it is a very provider, the whole system is very provider driven—we ended up with a situation in Federal court where the providers took us to court. We thought they were going to sharpen their pencils, they did not.

They have been ongoing and being paid that same amount of dollars year after year, probably $40 million more than when we made that initial decision, so we are still tied up in the court. That could have a $200 million impact on the State of Florida, just in that one category. That is the type of situation I am talking about.

Mr. ENGLISH. Do you think, in general, bouncing these sorts of cases into court actually improves the child welfare system or does it simply add complications to an already balkanized system?

Ms. SANDERSON. Well, I think you probably said it best in your last statement. Yes, it does tremendously complicate. It also still focuses the dollars on the existing people being served and it does not get to the waiting list. There was a fairly bogus waiting list that was being thrown at us, as to the numbers of people that needed to be served, and when that was toned down, it was appreciably less. Those were the type of people we were trying to meet, because if we are going to give Cadillac service to 2,000 or 2,100 and a couple thousand are out there that are not receiving any services—there are many people whose families have been raising these young people on their own and never even thought of coming to the State for assistance of any type. We would like to be able to allow them to do that and perhaps go to some kind of a voucher system to make sure it actually goes to the individual to be served, depending on the levels that they need it.

Mr. ENGLISH. Thank you. Judge Kearney, you have your work cut out for you in the next few years and it must be an exciting assignment. As you know, the Federal IV–E Program allows the States to claim training expenses as an open-ended entitlement with a Federal match of 75 percent. What more needs to be done in this area?

Judge KEARNEY. I am very involved in training at the judicial level, and I think it does take a significant amount of local leadership within the State in order to effectuate change by training. We will not implement Adoption and Safe Families unless every caseworker in the State of Florida is effectively trained on its ramifica-

tions and its impact. I do believe that the funds would be available. We do need to come up with a 25-percent match in order to do that, and it is an unlimited assignment as far as I can see. But right now, I do not see that we have aggressively gone after those training funds, nor have we set up an effective training program that should have been set up over 6 months ago in order to train every caseworker in the State of Florida.

Chairman SHAW. Would the gentleman yield?

Mr. ENGLISH. Certainly.

Chairman SHAW. Is this what you refer to in your testimony as an hour of videotape?

Judge KEARNEY. Yes, sir. When you think of the complete and total paradigm shift that you did by adopting this statute, this legislation, and forcing the States to enact it within their first legislative sessions—and Florida's was very quick. We started—our Committees were meeting in December, in January and February, and then we started session in March. We had 60 days' worth of sessions and I am telling you, if it were not for Debby Sanderson, I do not know how we would have gotten that act done, it literally passed the very last day of session.

But even then, we have now had since May 1, complete and total knowledge of the fact that Adoption and Safe Families was now law in Florida, and there has not been an effective training program at all.

Chairman SHAW. That training money also would be available to you, Sheriff, as far as your investigators are concerned, if you can come up with the other 25 somewhere.

Sheriff JENNE. It is interesting, Mr. Chairman, if I may—and Mr. English, if I may—if there is a 1-hour video training plan, we are looking at a 40-hour course before our people get in, as a minimum. And I think I wanted to emphasize that to you, that we think before—even though our people will have more propensity to be trained earlier on in this, that it is absolutely essential—and I want to go back to that point I made earlier that these investigators have to know how to talk to these children. It is not—that is a key element, that they know how to marshal the evidence, keep the evidence in check, and also be able to make these inquiries. This is a really complicated area, and dealing with these children is much more difficult—and should be, ought to be much more difficult—than it is with adults.

And going back to Mr. English's point, you really and truly need these moneys to do this and to get involved. And if it is only an hour video, it is not sufficient.

Chairman SHAW. If I may continue to impose on your time——

Mr. ENGLISH. Surely.

Chairman SHAW. What is the educational background that deputies would have, what is their educational background requirement presently?

Sheriff JENNE. Presently, it is a bachelor's degree. We would have either an associate or a bachelor's degree. Frankly, Mr. Chairman, I would like to emphasize to you that in this type of investigation, sometimes a bachelor's degree can be very deceiving. Sometimes people will want to say because one has a bachelor's degree, one is qualified to do these investigations. The truth is that

we believe that psychologicals, we believe that polygraphs, we also believe experience is the real key to this, and the maturity of the individual.

My experience, as you know—Mr. Chairman, I would not want to speak for you, but many times, a bachelor's degree is not an indication of maturity or knowledge of a subject, but rather an achievement of a particular level of education.

Chairman SHAW. Pay scale?

Sheriff JENNE. Pay scale, ours would probably be about $8,000 more a year. We think that that is absolutely essential.

Chairman SHAW. Is it presently around $25,000?

Sheriff JENNE. Yes, and we are looking at the low thirties, yes, Mr. Chairman.

Chairman SHAW. Debby, you wanted to jump in here, I believe.

Ms. SANDERSON. Thank you, Chairman Shaw, I wanted to add one thing. In reading the grand jury report, I was very alarmed to read that the training, where in the early eighties, the emphasis was on the best interest of the child, it then shifted in the early nineties back to reunification, and then best interest of the child for a number of years now; and yet the training is still reunification. And I think that is part of the problem we have been experiencing here too, where these children have not really been placed appropriately.

Chairman SHAW. Thank you.

Mr. ENGLISH. Judge, that last remark from Representative Sanderson leads me to something that was interesting and a little disturbing to read in your testimony, and that is, "There is little, if any, recognition that the principal mission of any federally funded child protection agency is to ensure the health and safety of children." What other mission is being espoused here? Is it family preservation at all cost?

Ms. SANDERSON. Yes, sir, it is. One of the things that has been most disturbing to me in over 10 years on the bench handling these types of cases—and also my former background is a sex-crimes, child-abuse prosecutor with the State Attorney's Office here before going on the bench—is to watch over time how the department would literally have 5, 10, 15, sometimes I have seen as high as 20 referrals to the Department of Children and Families before any action is taken on behalf of the child. We talk about the gatekeeping function, if you have read the grand jury report from Broward County, you will see that what appears to have been a gatekeeping function has been resource driven, to keep a child in an abusive home rather than to remove the child because it is expensive once we remove a child. Foster care is expensive, shelter care is expensive. Treatment and assessment are expensive. And so, if the child can be maintained within the home, and preferably, it appears, without services, that was the preferred way to do things. And that was what was encouraged. And you will see in the grand jury report, some supervisors even telling caseworkers they were not to remove children, so that they could keep them within the home. It is less expensive.

Unfortunately, what has happened over time is that by the time the cases finally do come to court, the children are so damaged, that they have been so abused and so neglected that the psycho-

logical trauma is so solid, that it takes years' worth of intense therapy, which is very expensive, to try to correct the problem. And also, many of those children by that time are not the adorable 5-year-olds that are readily adoptable, but instead, the 13-year-old runaways that are not able to be effectively helped. And as a result of that, we have thrown away a generation of children because of that.

So I see that, again, it gets back to the training initiative. If you fully train on what the law is, as well as risk assessment. On those children that can be safely maintained in the home, they should be there, with supportive services in place to assist the family. For those children that cannot, we should remove them at the earliest opportunity, force the family to be accountable as Representative Sanderson talked about, to have a partnership with the Department of Children and Families, the guardian ad litem program, the court, to fully assist that child and the family. But if it is not going to work, to stick to the timeframes that you have set forth, the timeframes that our Florida Dependency Court Improvement Act set forth, and then proceed to termination of parental rights to find an appropriate family for that child.

Mr. ENGLISH. Mr. Chairman, I have one other brief question, if I could be indulged.

Chairman SHAW. Go ahead.

Mr. ENGLISH. For Secretary Radigan—actually I was intrigued by your testimony on a number of levels, but in your testimony, you specifically mentioned the reduction of Social Services Block Grant funds, and as you probably know, this block grant is under the jurisdiction of the Ways and Means Committee, however, the cuts did not come out of our Committee, but were simply enacted to accommodate the President's budget submission to Congress. The fight to preserve these block grants is going to be engaged in the coming Congress. Unfortunately, what I have found is that the case has not been made effectively that this block grant represents a unique funding stream that is very important to local communities. From your perspective, I was wondering if you could share with the Subcommittee how this money is used in Florida and what the cuts would mean in terms of services.

Ms. SANDERSON. As with other block grants, with the gift of flexibility comes the defusing of how the money is used, so that as each State uses it differently, I think it is hard for the Federal Government to see the clear impact of these reductions. In Florida, most of the block grant is used in Florida's child protection system; the second most significant portion of the block grant is used for funding child care programs for at-risk and working poor clients; a small amount of the block grant goes to the Department of Juvenile Justice for juvenile justice programs; and very small amounts of funding in developmental services and in mental health.

Mr. ENGLISH. Thank you, Mr. Chairman.

Chairman SHAW. We will be exploring the expansion of the block grant funding in this next Congress. I know that Chairman Johnson will be interested in that, as I am. And we will also be looking for some of you to come up and testify before the Subcommittee in Washington. There is just so much to do, and I think we have al-

ready learned quite a bit from this panel and we very much appreciate your being here.

The record will remain open for a short time, if there is anything that you would like to any way embellish upon your testimony or if there are any questions that any Members of the Full Committee might have for you, we will certainly address them to you.

Thank you very much for your time.

One question before you leave. Representative Sanderson, let me just ask you a question real quick. If you were sitting in our position in Washington, what would you change about the law that would assist you in the appropriations process, other than more money? What can we do further? We have come a long way, particularly in adoption and foster care, we have made a lot of corrections to Federal law, but that is not to say there is not more we can do. Do you have any ideas?

Ms. SANDERSON. I think other than additional dollars, Congressman Shaw, if we had the opportunity to combine waivers sometimes, it would give us greater flexibility. The Medicaid issue is something that has always bothered me, the Federal Government says that we cannot require anyone to make copayments on this. We have tried to do this. With pharmaceuticals we put a $1 copayment on Medicaid pharmaceuticals, and Legal Aid was so nice to send out letters to every Medicaid recipient in the State of Florida and tell them that they did not have to pay it because the feds said they did not. We again were trying to expand our resources within existing dollars.

These are the types of things that would give us the flexibility that we need. When it comes to the Medicaid services that are provided for these little ones that are brought into our system, there does not seem to be any financial responsibility on the part of the parents that brought them into this world. And that has got to change, they are their children.

Chairman SHAW. Is there any State legislation which speaks to the training required of these people, the number of children that the caseworkers are supposed to be looking after?

Ms. SANDERSON. Yes, and we have tried to reduce that with additional dollars. That was the premise behind it, in addition to the training. What I mentioned in the grand jury report, when I find that they are still working toward reunification, which of course would be ideal, but not in all cases, and they are not doing that, and we have been putting millions of dollars in, which I know Secretary Radigan can testify to, over the last number of years. Right now, with all the mandates that we have, that are partially Federal and over 50 percent of our budget, and I am facing right now with these mandated situations, a $200 million deficit in my budget in the coming year. So that is not a pleasant thought.

Chairman SHAW. Thank you. Thank you all for being here, thank you very much.

I would like to recognize, we have got Mayor Naugle with us today. He is taking care of his shared child care responsibilities we see. We are pleased to have you and we wanted to thank you personally for allowing us the use of the hall here this morning.

I am going to try to start enforcing the 5-minute rule. We have got a large panel here and we have got a lot of work to accomplish this morning.

We have got Johnny Brown, who is the District 10 administrator of the Florida Department of Children and Families; Howard Talenfeld, who is—this is a law firm?

Mr. TALENFELD. Yes, sir.

Chairman SHAW. Here in Fort Lauderdale; Christine Meyer, who is the program attorney, the Guardian Ad Litem, Seventeenth Judicial Circuit of Florida; Carol Ann Loehndorf, who is the president of AFSCME Local 3041 in West Palm Beach; Linda Day, president of Fort Lauderdale Foster Parents Association; Kate O'Day, who is the vice president for Program Development and Evaluation, Children's Home Society of Florida; Eileen Donais—I hope I am pronouncing that correctly—who is the executive director of HANDY, Helping Abused and Neglected Dependent Youth, here in Fort Lauderdale. Welcome, all of you.

I believe we have got the testimony from all of you, which we will make part of the record, and we would invite you to summarize in any way you see fit.

Mr. Brown.

STATEMENT OF JOHNNY L. BROWN, DISTRICT 10 ADMINISTRATOR, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

Mr. BROWN. Thank you, Chairman, Mr. English, elected Representatives, ladies and gentlemen and guests, thank you for the opportunity to address what has been called Broward County's foster care crisis.

I have been asked to address some specific subjects here today, such as education opportunities for foster children, our district's staffing, the historic lack of resources for our county's foster care program, and the benefits derived from flexible funding. I will do that presently, but first, allow me to give you a little history.

In August 1997, when I took over the helm of District 10, I knew I had inherited a district that was in a state of gridlock, which it had six administrators in the last 10 years.

The culture of the child welfare division led employees to spend most of their energy finding excuses instead of looking for solutions. Fiscal year 1997–98 ended in a $4 million deficit in our out-of-home care budget. The staff was carrying caseloads 3.5 to 4 times the national average. Staff turnover of service counselors was 61 percent. There was no plan in place to address the looming crisis, no thought had been given to the future. That was left for me and my new management team.

It was not difficult to figure out why these things were happening—while funding for foster care in Broward County has increased 4 percent over the last 3 years, during that same timeframe, the district caseloads have grown a whopping 26 percent.

Last year, the Florida legislature gave us 52 new positions which will reduce the caseloads from 1 to 51 to 1 to 24 after our new employees finish their training in February. That is almost twice the recommended caseload for a foster care counselor.

In June 1997——

Chairman SHAW. Which is twice the caseload, the 1 to 25?

Mr. BROWN. The 1 to 24 is almost twice.

Chairman SHAW. It is still twice the recommended caseload.

Mr. BROWN. Almost.

Chairman SHAW. So we are at four times the recommended caseload?

Mr. BROWN. At this present time, but the national average is 1 to 15.

Chairman SHAW. Excuse me for interrupting, but thank you.

Mr. BROWN. In June 1997, District 10 had 1,129 children in its out-of-home care population and a budget of $7,369,000. In June 1998, we had 1,397 children in our out-of-home care population, 268 more children than the previous year and a budget of $7,319,000, which equates to a budget that was $50,000 less than the year before. In fact, in District 10 today, Broward County, we have 13 percent of the children in statewide foster care and only 9 percent of the resources. And when you are talking about a budget of over $100 million, the 4-percent difference becomes a substantial deficit. Our deficit today stands at almost $11 million and growing. Why?

As Judge Kearney said, because in Broward County, more children are coming into care at a faster rate and many of these children are coming into care experiencing severe emotional behavior and psychological problems. So additional resources have to be utilized to treat these children.

District 10 does not control its front door. We not only investigate child abuse and neglect allegations, we also provide the children in foster care with adoptions and a myriad of other services.

Ladies and gentlemen, as soon as I became the district administrator, we warned everybody about our crisis. We were warned by Mr. Talenfeld within a matter of 2 weeks after we were appointed to the position that he planned to sue us if we did not improve the services to foster children. The report before you contains the evidence to that fact. Our Health & Human Services Board sent up flares. We asked for help. But the demands for our services grew, and continued to grow, and our deficit grew and continued to grow, and here we are today.

This problem is not unique to Broward County or unique to the State of Florida. Time and time again, colleagues from all over the State—indeed all over the country—have shared similar stories with us.

Let me now address your specific concerns:

In section G of the briefing package before you is a letter outlining the joint efforts of the Broward County School Board and District 10 on behalf of its foster children. I am in debt to Howard Talenfeld for his intervention with the School Board and for the commitment to helping us forge and strengthen these ties of cooperation in our community to improve the quality of life and services to our foster children.

Thank you, Howard.

We were also able this past September to open a residential assessment center. The new program allows us to thoroughly assess the specific needs of children who come into care as well as the

needs of his or her family, so that our department can make proper recommendations for services to these families.

Chairman SHAW. Go ahead and summarize.

Mr. BROWN. Let me expand just briefly on the staffing. Currently we have 171 service counselors plus 63 investigators and that includes the new positions that Linda alluded to earlier. We have managed to make inroads on our turnover as well. In calendar year 1997, the turnover rate was 61 percent. Thus far this year, the turnover rate is half of that. But that still needs to be improved.

I do just want to briefly summarize since I have run out of time. In south Florida we pay our counselors $26,000 a year. That is not enough. As the Sheriff alluded to, he is going to try and pay his employees $8,000 to $10,000 more. We have been able to get more people coming into our positions with advanced degrees but it is going to be difficult to keep those people on board if we do not improve the pay scale.

I am gratified in reference to what was presented in the grand jury report. We think all of those recommendations are true. We have put together a group of stakeholders in this community to try and address the issues that were made in the grand jury's report. But I think here in this State, Mr. Chairman, we are all going to have to be honest with ourselves and admit the fact that we do have a crisis here, not only here in Broward County, but throughout this State, as to how we are taking care of our foster children. Our elected officials are going to have to admit that too and as Representative Sanderson indicated, resources is an issue that has to be addressed. And until we address the resources and until we improve the training for our staff, this system, this broken system is going to remain broken.

Thank you very much.

[The prepared statement follows:]

Statement of Johnny L. Brown, District 10 Administrator, Florida Department of Children and Families

Elected Representatives, ladies and gentlemen, and guests, thanks for the opportunity to address what has been called Broward County's foster care crisis.

I have been asked to address some specific subjects here today, such as educational opportunities for foster children, our district's staffing, the historic lack of resources for our county's foster care program, and the benefits derived from funding flexibility. I will do that presently. But, first, allow me to give you a little history.

In August 1997, when I took over the helm of District Ten, I knew that I had inherited a district in a state of gridlock that had six administrators (six!) in its last ten years.

The culture of the district led to employees spending most of their energy finding excuses, not looking for solutions. Fiscal Year 1997–98 ended in a $4-million deficit in the district's out-of-home care budget. The staff was carrying caseloads 3.5 to 4 times the national average. Staff turnover of service counselors was 61 percent. There was no plan in place to address this looming crisis. No thought had been given to the future; that was left to me and my new team. Here we are.

It wasn't difficult to figure out why these things were happening—while funding for Foster Care in Broward County has increased by only 4 percent over the last three years. During that same period of time, the district's caseload has grown by a whopping 26 percent.

Last year, the Florida Legislature gave us 52 new positions, which will reduce caseloads from 1 to 51 to 1 to 24 after our new employees finish their mandated three months of training in February. That is almost twice the recommended caseload for a foster care counselor, but it's a start.

In June of 1997, District Ten had 1,129 children in its Out-of-Home Care population and a budget of $7.369-million to care for these children. In June of 1998,

we had 1,397 children—268 more than the previous year!—and a budget of $7.319-million, a slightly *smaller* budget.

In fact, today in District Ten, Broward County, we have 13 percent of the children in care statewide and only 9 percent of the resources.

Our deficit today stands at almost $11-million dollars. And growing.

Why? Because in Broward County, more children are coming into care at a faster rate and many of these children come into care experiencing severe emotional, behavioral and psychological problems, so additional resources have to be utilized to treat them.

District Ten doesn't control its front door. We not only investigate child abuse and neglect allegations, we also provide the children foster care, adoption, and a myriad of other services.

Ladies and gentlemen, as soon as I became the district's administrator, we warned everybody about our crisis. The report before you contains evidence to that effect. Our Health & Human Services Board also sent up flares. We asked for help. But the demands for our services grew—and continue to grow—and our deficit grew. And continues to grow. And here we are.

This problem is not unique to Broward County, or unique to the State of Florida. Time and again, colleagues from all over the state—indeed from all over the country—have shared similar stories with us. The state of foster care in the United States mirrors the state of foster care in Florida. And it's not a pretty picture.

Let me now address your specific concerns:

In Section G of the briefing package before you is a letter outlining the joint efforts of the Broward County School Board and District Ten on behalf of our foster children. I am in debt to Howard Talenfeld for his intervention with the School Board and for his commitment to helping us forge and strengthen these ties of cooperation.

This memo and the commitments made in it mark the start of what I believe will be a meaningful turn around in the way our agencies have worked, or failed to work, as some have said, on behalf of the children we serve in common.

We were also able, this past September, to open the first Family Assessment Center in the state, which allows us to thoroughly assess the specific needs of each child who comes into care, as well as the needs of his, or her, family.

I touched briefly on staffing before.

Let me expand on that. Currently, we have 171 service counselors, plus 63 protective investigators, including the new positions I spoke about earlier.

We've managed to make inroads into our turnover rate, as well. In calendar year 1997, the turnover rate in service counselors was 61 percent. Thus far, in 1998, and as of September, the turnover rate has dropped by half—still way too much, by anyone's accounting. But it's a start.

We've been fortunate in Broward County to have a strong internship program. We have been able to attract employees with advanced degrees.

But in South Florida, it is very difficult to retain new and qualified staff whose salaries seldom exceed $26,000 per year and working conditions that are hard to imagine.

Ladies and gentlemen, I am grateful for the Grand Jury's report. I'm gratified that members of this community took the time and analyzed the facts and brought the subjects of my concerns—the children of Broward County—to the forefront. I have vowed not to let this Grand Jury report sit on a shelf and collect dust, and have already taken steps to organize the review committee the Grand Jury's report recommended. The letters of invitation to stakeholders have been sent and our first meeting is scheduled for January 6th.

But, as the Grand Jury Report makes only too clear, this crisis is not new.

I am heartened by the support I have received from the leaders in this community, going all the way to Washington, DC. From the Sheriff's Office, from the Broward County School Board, from the dedicated members of our own Health & Human Services Board, from my colleagues at the Coordinating Council.

And from you ladies and gentlemen, who have requested information and shown a willingness to understand the root causes of a crisis of this nature and help us to ensure this doesn't have an opportunity to occur again.

But words and encouragement are never enough.

Our efforts at making Broward County a model for privatization for the state have started—by April 1999, or earlier, protective investigations of child abuse and neglect will be conducted by the sheriff's office because they have the know-how and the resources to do a much better job. It's simply the right thing to do.

We are committed to the privatization of those services that can best be delivered by the private sector.

At this moment, we have submitted a grant request for two villages, to be run by private providers to house up to 160 of our hard to place older children.

We are about to receive $200,000 from The Ounce of Prevention to help us start a program called Neighbors to Neighbors, which has met with great success in Chicago and is about to be launched in Daytona. Representatives of the program met with our staff this past Thursday and the exchange was lively and fruitful.

It's still not enough.

I need a budget that is commensurate with the need at hand as well as with the future needs of our county's children. I am grateful for the new positions we received this year. But I need at least half as many *more* employees.

I also need—indeed, Florida and my fellow district administrators need—budgetary flexibility commensurate with the individual problems at hand, with the specific challenges of a specific district in mind. Let's face it—the needs of Broward County, or Dade County, are dramatically different from those of Pensacola, or the Panhandle Region, or even those of our friends on the West Coast.

But even that won't be enough.

I need our community to rise to the challenge and give us more foster homes—at least 400 more beds. So we can continue the job we've started. During this past Fiscal Year, we closed 64 homes and opened 119 new ones for a gain of 55 homes.

But that wasn't enough. We must do even better than that but we can't do it alone.

I sincerely appreciate you coming down here and I appreciate your openness and your courtesy toward my staff and me.

It hasn't been an easy year. But what we're going through is nothing compared to what the children in foster care go through every day, separated from their families, separated from their friends and schoolmates. Sometimes, re-abused in the places where we, in good faith, placed them thinking we were protecting them from harm.

I need your support and I need this community's support.

The solutions needed to solve this crisis of conscience have to come from Broward County and begin with the classic first step in problem solving—recognizing the existence of a problem and facing it head on.

Those of us who represent government have to admit we have a crisis in this state and in this country with the foster care system.

Only then can we can deliver, in a voice strong enough to be heard all the way to Tallahassee,—maybe all the way to Washington, DC, as well—a sound set of solutions to make the necessary changes to fix this broken system.

I am happy that Governor-elect Bush has appointed Judge Kearney, one of this country's leading child advocates, to lead our department. It shows our new Governor has a keen understanding of this issue.

As DCF Secretary, Judge Kearney is going to be a powerful voice for Florida's children, and she'll need your support, as well as the support of this community, as she goes about developing legislative priorities for our department in the coming months.

Ladies and gentlemen, to turn away from the opportunity this crisis has dropped in our community's lap again is unthinkable.

We risk losing a generation of kids who are looking to us with hope and with expectation that this time (this time!) our community, our state, our nation, and our district will live up to their responsibility toward its most vulnerable citizens, its young children.

Thank you.

Chairman SHAW. Thank you.

Mr. Talenfeld.

STATEMENT OF HOWARD M. TALENFELD, COLODNY, FASS & TALENFELD, P.A., FORT LAUDERDALE, FLORIDA; ON BEHALF OF YOUTH LAW CENTER, BROWARD COUNTY, FLORIDA

Mr. TALENFELD. Chairman Shaw, Mr. English, I want to thank you for the opportunity of placing children at risk over the priorities of other business in Washington today.

I was deeply saddened as a board member of the Youth Law Center and having served this State for 5 years defending class ac-

tion litigation, in having to file this litigation here in Broward County. But the facts remain, in the 14 months since Mr. Brown took over, notwithstanding his efforts, children are still being physically and sexually abused. We have a severe truancy problem where children are not in school and they are turning to drugs and alcohol and other types of at-risk behaviors. And District 10 here still has more than 100 children who are missing and definitely not in school today, as I speak to you.

Broward County is not alone. Twenty-four States and the District of Columbia have been subject to these suits which have been filed in the jurisdictions where children are suffering, unfortunately at the hands of the State who is supposed to be there to protect them.

I appreciate the opportunity to talk to you and share with you some of the Broward experiences so that we can make some recommendations to you with respect to the Adoption and Safe Families Act, titles IV–B and IV–E, and improvements that may occur on a Federal level to avoid the tragedies we are experiencing here in Broward County today. We are going to make three suggestions:

First, Congress must address specifically the issue of inappropriate child-on-child sexual activity in foster care. At the present time, since the filing of the class action litigation, we have become aware of approximately 50 instances of this child-on-child sexual activity. There is no centralized registry in the State of Florida that receives reports of child-on-child sexual activity, even though we have an abuse registry mandated by Federal law. In fact, right now here in Broward County, the only record, the only tracking system, is this four-page system which I can assure you does not contain each incident. The purpose of such tracking is critical.

Recently, as you are aware, the American Medical Association—Journal of the American Medical Association pointed out the seriousness and the severity of these problems, the substantial, lasting impact that they will have on children's lives when they were exposed to this, particularly children coming into care for other forms of neglect or abuse. And unfortunately, they point out that most of the time, the public authorities that are contacted are the police departments and not the social service agencies, for various reasons. And so we are suggesting to you, and underscoring to you, the necessity that tracking systems on a statewide level must exist to determine which children coming into care have these problems, so that we can provide treatment to them as well as protect other children.

Second, children in foster care must receive appropriate education. More often than not, they are several years behind, lagging with respect to grade levels, and most graduate to the streets instead of obtaining their high school diplomas.

Unfortunately, although there are Federal mandates that specifically talk about including educational records in a child's case plan and making sure that children maintain some stability in their education, there is no requirement that the schools and other educational organizations be involved in the case planning process. In fact, confidentiality has been used as a bar to prevent this. We must look to these children's educations as part of the foster solution. Although the foster care systems of most States look to their custodial arrangements at night, it only makes sense when chil-

dren are in school 25 hours a week that we look to the schools for their education and to help them as well. That is where we are putting our precious resources.

And the third point we want to make is that the States should not be allowed to give up on the children who are missing from care. As I alluded to earlier, there are approximately 100 children missing today in Broward County who cannot be found. They are not receiving their education. They are certainly in a position where they are at risk on the streets. Some of these girls are selling themselves, they are using drugs, they are using alcohol, but they have certainly lost the permanent opportunity for their education. When a child, one of our children, is lost, the newspapers headline it. Yet there were no pictures today of the 100 children in the newspapers who are missing from Broward County.

We greatly appreciate your leadership and we are hoping that you fill in the gaps that are missing with respect to the Adoption and Safe Families Act. You certainly have been a leader in that regard, but again, the job is very, very difficult and we are extremely hopeful that you will look to these three issues—the children who are being physically and sexually abused, children who are not in school right now and the children who are on the streets—when you look at performance standards for the States with respect to this Act.

Thank you.

[The prepared statement follows:]

Statement of Howard M. Talenfeld, Colodny, Fass & Talenfeld, P.A., Fort Lauderdale, Florida; on Behalf of Youth Law Center, Broward County, Florida

Representative Shaw and Members of this Subcommittee, I am privileged to be here today to testify on behalf of the Youth Law Center, a not for profit advocacy group which is seeking to protect the more than 1500 children in care of the Florida Department of Children & Families, District 10 serving Broward County, Florida.[1]

I. THE BROWARD COUNTY FOSTER CARE CRISIS

Broward County's foster care system is in a state of crisis.[2] The Youth Law Center became seriously concerned about this crisis when it received a complaint concerning child on child sexual abuse in District 10 and learned of a study District 10 commissioned which documented that 41% of children receiving targeted case management[3] in Broward County were known to have been sexually abused.[4] This study also documented that large percentages of such children were known to steal [63%], were truant [45%], and had special education needs [76%].

After a thorough investigation, on August 11, 1997, the Youth Law Center wrote District 10 [Broward County] expressing its concern that children in District 10's care and custody were regularly harmed by Florida's dangerous, over-crowded, and inadequately supervised foster care system. This letter put the department on clear notice that children in District 10's custody were in extreme danger.

After allowing 14 months for the department to solve these problems, on October 20, 1998, the Youth Law Center, on behalf of eight foster children, filed a federal class action suit alleging that Broward County's foster care system was unconstitutionally dangerous and that many of District 10's foster children have been physically and sexually abused, often by other children. These children have been confined in the states' custody in overcrowded, unsafe, and inadequately supervised and monitored foster homes and shelter facilities. These placements are made with inadequate screening and evaluation of children to determine whether the children present a danger to each other. Further, the District has failed to monitor children once they are placed in these homes due, in part, to overburdensome caseloads averaging almost 300% nationally recommended standards. Foster children are allowed to be truant, and the department has failed to locate and protect almost 100 District 10 children who are missing from placements and whose whereabouts are unknown.

These truant and missing children are at risk of drug and alcohol abuse, prostitution, and delinquency.

These dangerous conditions have not yet been resolved and are continuing today. On November 16, 1998, a Broward Grand Jury issued its interim report making similar findings regarding the conditions of foster care. More recently, on November 24, 1998, a juvenile judge convened an emergency review when he received information that as many as seven children in an over-crowded foster home were victims and perpetrators of child on child sexual assault. Several days later we learned that District 10 was unaware that a 13 year old boy and a 16 year old boy in a District 10 placement also engaged in child on child sexual activity. On December 8, 1998, we were notified that a 12 year old girl suffering from Cerebral Palsy alleged was sexually assaulted two years ago while living in a District 10 foster home. These tragedies and the misfortunes of the named Plaintiffs, are not isolated examples of children whose lives are scarred at the hands of their state caretakers.[5] Rather, they exemplify the harms suffered by many other foster children. Since filing the class action proceeding and without having access to Florida's central abuse registry, we have been made aware of at least 50 other alleged incidents of child on child sexual abuse and many other instances of alleged neglect and physical abuse.

II. The National Child Welfare Crisis

Broward County is not alone. Twenty-one states, or regions therein, and the District of Columbia are in federal class action litigation because they have allowed children to be injured and to languish in foster care.[6] Tragically, children who are the victims of neglect and abuse are often re-abused by the state which was supposed to protect them, educate them, and find permanency for them. Through these litigations, Plaintiffs are seeking to enforce United States Constitutional and federal statutory rights on behalf of children for the minimum protections guaranteed them. Despite spending close to $5 billion dollars nationally with almost $200 million going to Florida alone,[7] the child welfare crisis is a national emergency that requires immediate Congressional solutions.

III. Congressional Solutions

As a result of our Broward experience, we have identified three recommendations which are pertinent to your concerns regarding appropriate federal oversight.[8]

A. *Inappropriate child on child sexual activity in foster care must be addressed*

First, the State of Florida does not have a comprehensive system to track all reports of child on child sexual abuse so that such information can be used in making placement decisions and in providing appropriate treatment to victims and perpetrators. Although Florida adheres to the literal mandates of CAPTA,[9] Florida does not require the reporting of child on child physical and sexual abuse which occurs where the caretaker is not at fault.[10] "Therefore assaults among foster children are not included in [The Florida Protective Services System]."[11] Additionally, although 42 U.S.C. § 671(10) provides that state plans must "report to an appropriate agency known or suspected instances of physical or mental injury or sexual abuse or exploitation, or negligent treatment or maltreatment," this provision has not been construed by Florida to require such reporting of inappropriate child on child sexual behaviors to the centralized abuse registry.

No child can be safe in foster care if he or she is placed with another child who is a sexual perpetrator. In 1991, the Department of Health and Rehabilitative Services reported that "...approximately 9.5% (1,168) of the children in foster care had engaged in sexual behavior that was of concern to the foster care counselor," and "...foster care counselors identified 200 children who had sexually assaulted another child within the previous 12 months."[12] The October 1995 Qualifacts study, finding a 41% prevalence in the subject population in Broward County, confirms the exigency of the problem. In this month's Journal of the American Medical Association, Dr. William C. Holmes and Dr. Gail B. Slap, reviewed 166 studies from 1985 to 1997 concerning the sexual abuse of boys and confirmed the urgency of addressing this widespread problem.[13] Although this study found prevalence estimates which varied from 4% to 76% depending upon methodologies utilized, the study concluded, "[t]he sexual abuse of boys is common, underreported, unrecognized, and undertreated." "Sequelae included psychological distress, substance abuse, and sexually related problems ...Negative sequelae are highly prevalent and may contribute to the evolution from young victim to older perpetrator."[14]

Notwithstanding the high prevalence of child on child sexual abuse identified in the 1991 Florida study, the Florida Department of Health and Rehabilitative Services did not implement the "... key recommendation to improve early identification

of perpetrators prior to placement in foster care in order to decrease the risk of sexual assault in foster care." [15] Nor did this agency respond to the emergency sounded by the relatively recent Qualifacts study. Citing a 1984 review,[16] the authors of this month's AMA review wrote, "When public authorities were contacted about the abuse, reports were made to the police rather than child protective services.[17]

Such findings, both in Florida and nationally, underscore the necessity to identify potential victims and perpetrators for treatment and the protection of other children in foster care. An amendment to CAPTA requiring the states to identify both child on child physical and sexual abuse, will enhance the safety of foster care and protect many young, innocent children, such as the foster children in Broward County, from re-abuse.

B. *Children in foster care must receive appropriate educations*

Second, foster children are also being harmed because their educations are disrupted. Once children come into care, they are automatically removed from their schools and lose their friends, teachers and continuity in their education. More often than not, foster children go through as many schools as placements, usually lagging several years behind their appropriate grade level. Further, the October 1995 Qualifacts study has reported 45% of the population studied were truant and that 76% of the subject population need special education services. Few foster children graduate from high school.[18] In Broward County, as late as October 28, 1998, the Department had not provided the Broward School Board the names of District 10's foster children and the identity of their respective schools to address their educational and special educational [19] needs.[20] Instead of graduating high school, most foster children graduate to the streets.

There is no federal mandate requiring states or local school boards to ensure that children in the custody of the states have an educational case plan. 42 U.S.C. § 675(1)(C) only touches upon the education of foster children when it provides that a foster child's case plan include health and educational records and "assurances that the child's placement in foster care take into account proximity to the school in which the child is enrolled at the time of placement." Logically, it makes no sense for Congress to focus only on a foster child's custodial plans and virtually ignore the child's educational and emotional needs. This omission in federal law makes no sense when Florida child welfare workers are required to visit a child only once per month,[21] while state law mandates that teachers see children 25 hours per week.[22] Local school boards devote thousands of dollars per year for the education and special education [23] of children, money which should be also directed to addressing the national foster care crisis and the educational needs of foster children.

C. *States should not be allowed to give up on children who are missing*

Third, there is no effort in District 10 to find or serve missing foster children. The October 30, 1998, District Administrator's report identified that there were 96 children on runaway status, a marked increase over 1996 and 1997 when in corresponding months approximately 70 children were reported to be on runaway. Our foster children on runaway status are, for the most part, abandoned by District 10, and left to fend for themselves on the streets. As a result, they are not enrolled in school and are exposed to the dangers associated with Fort Lauderdale street life—alcohol and drug addiction, prostitution, sexually transmitted diseases, pregnancy and the commission of crime. Sadly, many of these children could be returned to a foster home or other residential placement if District 10 simply made the effort to pick them up.

Admittedly, these foster children present the greatest challenge to any foster care system, and there are no easy solutions. However, the children who run from foster care will tell you that they do so because they feel abandoned, rejected, neglected and abused by District 10. They do not believe they are any worse off on the streets than in the foster homes licensed by the district. District 10 and other child welfare systems must be mandated to develop meaningful procedures to locate these children, to place these children in uncrowded homes with foster parents who are trained to address their issues, and to provide caseworker support for these children and their foster parents.

Federal statutory law does not impose an express obligation to find or to serve missing foster children. Although the Runaway and Homeless Youth Act, 42 U.S.C. § 5701, *et seq*., provides funding to both public and private entities to assist in the development, building, and renovation of runaway and homeless youth centers, this act does not target children in the custody of the states.[24] 42 U.S.C. § 671 et *seq*. must be amended to ensure that states are required to locate and serve foster children who are missing. We cannot simply write these children off and abandon them like a trash heap on the streets.

IV. Conclusion

Although Broward County's foster care crisis is not unique, the plight of our foster children serves to emphasize three areas of state and local accountability which will make a difference in the national challenge. The identification of children who are abused by each other will reduce the incidence of re-abuse in foster care and promote the treatment of these children who are in need. The assurance that foster children will have educational case plans tailored to their needs will bring substantial resources into the battle. And, by requiring states to locate and treat missing foster children, we may avoid the permanent disruption of their education and their subjection to unknown dangers which in many cases is far worse than the neglect and abuse which required their removal in the first place.

[1] District 10 is the catchment area for the State of Florida Department of Health & Rehabilitative Services, now the Florida Department of Children & Families serving Broward County, Florida.

[2] Johnny Brown, District Administrator for District 10, admitted that the foster care system is in a "state of crisis." He acknowledged the problem, stating, "When you have overcrowded homes, you have problems with supervision...we still have a lot of work to do." Sally Kestin, Foster system failing kids, Sun-Sentinel, October, 19, 1998, at 1B.

[3] Targeted or Medicaid case management "means the service to assist an individual in accessing needed medical, social, educational and other services." Fla. Admin. Code Ann. r. 59G–8.300 (1998).

[4] Qualifacts Systems, Inc, "District 10 Broward County, 177 Children and Families Receiving targeted Case Management Services," October 1, 1995.

[5] These are examples from the complaint attached as Exhibit "A." Plaintiffs' Complaint-Class Action, *Ward v. Feaver*, Case No. 98–7137-Civ-Moreno.

[6] National Center for Youth Law, *Foster Care Reform Litigation Docket*, (1998).

[7] Letter from Representative E. Clay Shaw to Howard M. Talenfeld, November 23, 1998.

[8] Although we believe that unfunded federal statutory mandates imposed upon the states contribute to this crisis, we assume that the purpose of the December 14, 1998 hearing in Fort Lauderdale is to receive constructive suggestions concerning holding states and localities accountable for the tragedies rather than to hear trite requests for additional federal funding for family preservation and foster care programs.

[9] The Child Abuse Prevention and Treatment and Adoption Reform Act, 42 U.S.C.A. § 5106 (1998).

[10] In Florida, such reports are only received if "the alleged victim lacks supervision or has been neglected or abused by the caretaker." Fla. Admin. Code r. 65C–13.015(1998). "There are no current laws that require the reporting and tracking of sexual assault perpetrated by a child in the custody of the department." Department of Health and Rehabilitative Services, Office of Children Youth and Family Services, "A Study of Sexual Assault Among Foster Children in Florida" (February 1991), p. 5. *See DOA v. Department of Health and Rehabilitative Services*, 561 So. 2d 380 (Fla. 1st DCA 1990) (Sexual intercourse between 13 year old boy and 5 year old niece did not constitute child abuse pursuant to Section 415.503, Florida Statutes.)

[11] Department of Health and Rehabilitative Services, Office of Children Youth and Family Services, "A Study of Sexual Assault Among Foster Children in Florida" (February 1991), p. 5.

[12] *Id*. at I.

[13] William C. Holmes, M.D. and Gail B. Slap, M.D., M.S., Sexual Abuse of Boys: Definition, Prevalence, Correlates, Sequelae, and Management, JAMA, December 2, 1998 at 1855.

[14] *Id*.

[15] See note 12, *supra*.

[16] Finkelhor D. "Boys as Victims: Review of the Evidence," *Child Sexual Abuse: New Theory and Research*, New York, N.Y., The Free Press, pp. 150–170, (1984).

[17] Finkelhor postulated that male underrepresentation in commonly studied databanks from child protection agencies reflected both low overall reporting and preferential reporting to less commonly studied police records. *Id.* at 1855.

[18] Although the Department of Children and Families has not published a study on the graduation rates of foster children, our summary of the data which they produced regarding children who age out of the system rather than run away, confirms that no more than 30% receive a high school or other type of diploma.

[19] Individuals With Disabilities Education Act, 20 U.S.C. § 1400 *et seq*.

[20] Karla Bruner, Data on foster kids can't be located, The Herald, October 28, 1998, at 5B.

[21] Fla. Admin. Code Ann. r. 65C–13.010 (1998).

[22] Fla. Stat. § 228.041(13)(1998).

[23] Individuals With Disabilities Education Act, 20 U.S.C. § 1400, *et seq*.

[24] In addition, the Act provides funding to implement and sustain outreach programs to assist runaways with drug/alcohol abuse, education, living assistance, and a wide variety of other needs. This act does not make special provision for the identification, location, and return of the increasingly large number of foster care children who have runaway from their placements. Runaway and Homeless Youth Act, 42 U.S.C. § 5701, *et seq*.

[The attachment to this statement is being retained in the Committee files.]

Chairman SHAW. Thank you.
Ms. Meyer.

STATEMENT OF CHRISTINE MEYER, PROGRAM ATTORNEY, GUARDIAN AD LITEM, SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

Ms. MEYER. Chairman Shaw, Mr. English, it is an honor to address the Subcommittee and I appreciate the opportunity.

I am the program attorney for the Guardian Ad Litem Program here in Broward County. The Guardian Ad Litem Program is under the auspices of the judicial branch of State government. Here in Broward County, the program consists of approximately 700 volunteers and 21 paid staff members.

The court appoints the Guardian Ad Litem Program to approximately 3,000 abused, neglected, and abandoned children every year. The volunteer guardians are independent of all of the parties involved in a case. They are truly the eyes and the ears of the court. Most importantly, the guardians are the one face that these children can rely on in the system. Guardians meet with their children at least once a month, they monitor the case to ensure that the appropriate services are being delivered to these children, and they ensure that the parties comply with all court orders. They submit reports to the court and they attend the court hearing. Without these outstanding child advocates, these children's voices would go unheard.

Recently, a Broward County grand jury produced a comprehensive interim report describing extensive and systemic problems facing the Department of Children and Families. Given this state of emergency to our child welfare system, it is imperative that local programs are properly funded to meet the Federal mandate of children's safety and well-being remaining the paramount concern.

Now while the role of the Guardian Ad Litem Program is to represent the best interests of children, it is not to serve as watchdog over the Department of Children and Families. However, recently the Guardian Ad Litem Program has been faced with the situation of having to serve in that function.

I would like to just briefly describe to you a few recent cases where the Guardian Ad Litem Program has found it necessary to ensure the safety and well-being of a child who would have otherwise faced further risk of abuse.

The first case involves an abused child whose parental rights had been terminated. It was the guardian ad litem who informed the court that the department had placed this 11-year-old boy in a preadoptive home with an alleged sexual perpetrator. Although the department was aware of the allegations for over a month, the child was not removed from that home. Without the guardian's diligence, this child could have been adopted by a man who allegedly sexually abused four other young men.

In a criminal case to which the Guardian Ad Litem Program had been appointed, a 5-year-old girl was allegedly sexually abused by her stepfather. The department investigated this case for possible social service intervention. The guardian ad litem attempted to in-

form the department investigator that this stepfather was an alleged sexual perpetrator on two other children. The investigator responded to the guardian, "I do not want to hear about those other cases." Additionally, the stepfather had his parental rights terminated to his own children. The mother reported to the guardian that she continued to take her children to jail to visit the father. The guardian ad litem has been informed by this investigator that he will close this case for further action. It will be the Guardian Ad Litem Program who will bring this case into court for possible social service intervention.

In another Guardian Ad Litem case, it is a dependency case involving a 3½-year-old child who languished in the system for 29 months. It was the Guardian Ad Litem Program who retained a pro bono attorney for this child to initiate termination of parental rights. Otherwise, this child would never achieve permanency in this child's very short life.

Those are a few cases that are reflective of a much larger problem. These cases reflect that perhaps the Adoption and Safe Families Act is not being fully implemented at the State level. There appears to remain the philosophy of some in the system that family preservation is the paramount concern. Equally disturbing is the fact that some of our own State legislators are unfamiliar with the law and believe family preservation is still the paramount goal. As recently as last week, we had State legislative hearings and our own State legislators touted the importance of family preservation. It is imperative that our own State legislators fully support and implement the Adoption and Safe Families Act at the State level.

We are hopeful that one day all these children's voices will be heard and that the best interests and well-being of these children will continue.

The recommendation is that perhaps a local oversight committee be implemented to oversee the cases and the decisions made by the department as well as the recommendation that the State, at the State level, implement fully the Adoption and Safe Families Act.

Thank you.

[The prepared statement follows:]

Statement of Christine Meyer, Program Attorney, Guardian Ad Litem, Seventeenth Judicial Circuit of Florida

The Guardian Ad Litem Program is under the auspices of the judicial branch of state government. The Guardian Ad Litem Program in Broward County (Seventeenth Judicial Circuit) is comprised of approximately 700 volunteer guardians and 21 paid staff members. The court appoints the Program to approximately 3000 children in Broward County.

The Program is appointed to dependency cases where children have been abused, neglected, or abandoned and to criminal cases where children are the victims or witnesses to crimes. The Program also receives appointments to family law cases where there are allegations of abuse or neglect.

Volunteer guardians act as the eyes and ears of the court. Guardians are considered parties to the case and act independently of all others. At least once a month, guardians have personal contact with the children they represent, gather information from those involved in the children's lives, monitor the case to ensure that children are receiving appropriate services, ensure the parties comply with all court orders, submit reports to the court and attend court hearings. Without these outstanding child advocates, these children's voices would not be heard.

Recently, a Broward County Grand Jury produced a comprehensive Interim Report describing the extensive and systemic problems facing the Department of Children and Families (hereinafter referred to as the "Department"). Given the state of emergency our child welfare system is currently operating under, it is imperative

that local programs and organizations are properly funded to meet the Federal mandate of children's safety and well-being remaining the paramount concern.

While the role of the Guardian Ad Litem Program is to represent the best interest of children, it is not the Program's role to serve as watchdog over the Department of Children and Families. Nevertheless, the Guardian Ad Litem Program, in order to protect the children, has found it necessary to perform this function.

As a demonstration of the Guardian Ad Litem Program's critical role in the child welfare system, below are a few examples where the Guardian Ad Litem Program ensured the safety and well-being of a child who would have otherwise been at risk of further abuse:

1. In a dependency case where the parental rights were terminated, it was the Guardian Ad Litem who informed the court that the Department placed an eleven year old boy in a pre adoptive home with an alleged sexual perpetrator. Although the Department was aware of the allegations for over a month, the child was not removed from the home. Without the Guardian's diligence, this child could have been adopted by a man who allegedly sexually abused four other young men.

2. In a criminal case, a five year old girl was allegedly sexually abused by her stepfather. The Department investigated this case for possible social service intervention. The Guardian Ad Litem attempted to inform the Department Investigator that the stepfather was a accused of sexually molesting two other children. The Investigator responded, "I don't want to hear about the other cases." Additionally, the stepfather had his parental rights terminated on his three biological children. The mother reported to the Guardian Ad Litem that she continued to visit the stepfather in jail and would bring the children with her when she visited. The Department investigator decided to close this case. It is the Guardian Ad Litem Program that will bring this case into the dependency court system to ensure the safety and well-being of the children.

3. In a dependency case, after a 3 and one-half year old child languished in the system for twenty-nine (29) months, it was the Guardian Ad Litem Program who retained a pro bono attorney to move forward on a termination of parental rights case in order to achieve permanency for this young child.

4. In a family law case, there were allegations of drug abuse, domestic violence, and physical abuse of the four year old child. The Department received at least three prior abuse reports. As the result of one of the reports, the Department brought the child to the Child Protection Team (medical experts trained in evaluating child abuse). The Child Protection Team recommended the father attend Parent Effectiveness Training and Anger Management Classes. The father did not fully comply with the recommendations. Although the child stated that his father was physically abusing him, and a psychological report indicated "neither parent could be recommended as a custodian for the child," the Department decided the family did not need dependency court intervention. The Guardian Ad Litem did bring the case to the attention of dependency court, however, where the judge temporarily removed the child from the father's custody until he complied with the expert's recommendations.

5. In a criminal case, an eight year old girl was left at a mall by her mother who had a a history of mental illness. The child was not wearing pants or shoes and was filthy. Moreover, the Department had previously investigated two separate abuse reports. One report alleged that the mother left the child at a busy intersection when the child was three years old. The other report alleged that the mother cut her daughter with a knife and threw her 6 year old nephew on the ground. The Department left the child in the mother's and grandmother's custody and closed their investigation. Although the Department closed the investigation, the Department did bring this case to the court's attention after the Guardian Ad Litem Program made several calls to the Department expressing the Program's concerns. Upon the Department's recommendations, the Court initially ordered that the child remain with the grandmother. Ultimately, the Court removed the child from the grandmother after the Guardian informed the Court that the grandmother lived in a two bedroom apartment with seven other people. One child slept on couch while another six year old boy slept in a bed with two adults. Additionally, during a taped criminal deposition, the child stated that the grandmother told the child to lie and say she went to the mall by herself. .

As the above-described cases reflect, the Adoption and Safe Families Act is not being fully implemented and followed. There appears to remain the philosophy of family preservation. These cases represent a small sample of a much larger population. While local and state government should be held accountable for program outcomes, the lack of resources to properly implement these programs must be considered.

The Guardian Ad Litem Program's mission is to represent the best interest of abused, neglected and abandoned children. The Program has a lack of funding as well, and is unfortunately unable to continue in the role of watchdog over the Department. The concern is, however, who will protect these children?

Chairman SHAW. Thank you.
Ms. Loehndorf.

STATEMENT OF CAROL ANN LOEHNDORF, PRESIDENT, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3041

Ms. LOEHNDORF. Good morning. My name is Carol Ann Loehndorf and I want to thank you for the opportunity of appearing before you this morning. I am a family services counselor in a foster care unit in Palm Beach County and I am also the President of AFSCME Local 3041 which represents the social workers in both Palm Beach and Broward Counties.

Along with my full statement, I would like to submit to the record a recent national survey of AFSCME child welfare workers.

I enjoy working with kids and families, but I probably would not work for the Department of Children and Families if I were starting out now. Our caseloads are too big, our children's problems are much more severe and the State just does not give us enough money for the problems. Morale is at an all time low and staff turnover is very high.

In some ways, our child welfare system has improved since I started. We have a broader array of programs and better procedures. We are shifting away from a primary focus on reunification to pursuing more than one option simultaneously, which is a more realistic strategy. But inadequate funding means our programs do not work as well as they should.

One huge problem is the excessive caseloads, as high as 50 or more. But these official numbers actually understate workloads by counting some staff who do not manage any cases and trainees with only a few. They ignore inefficiencies such as shortage of transportation aides, which means that a social worker has to spend up to half a day transporting children for family business. And they ignore the fact that many of us work far more than our official 40-hour week because we simply cannot walk away from a child in crisis.

High turnover rates make an overwhelming situation worse. Only two of the counselors in my eight-person unit have been in the unit for more than 3 years. High turnover has at least three negative consequences—higher caseloads for experienced workers, loss of continuity for the children and a lack of experience to make effective judgment calls. It is almost impossible to describe the subtle cues and red flags I recognize every day from my years of experience.

At the same time, our children have much more complex needs. One of my most time-consuming tasks is getting the medical and psychological exams necessary to place a child in an appropriate setting. Then after I go through this process, there are waiting lists for these critical services. Children without these placements end

up in our offices. Right now, I have a 12-year-old foster child in my office on a daily basis. He is there because he was expelled from school and his foster mother works. I have been trying to get him back into school and into a therapeutic setting but this is taking a lot of time. This is a bad situation for him and it distracts me from my other children.

We also have a crisis in attracting enough foster parents because more of our children have severe problems and more women are working outside of the home. Burnout of foster families is a very real problem.

Even with all these obstacles, I would still feel good about my work with the department, but we feel like we are under siege. We have large caseloads and we need to have some kind of priorities on how to govern how we spend our time. Yet management passes this responsibility on to the frontline workers by default and then fails to support us if something goes wrong. I am equally likely to be accused of neglect by management if I miss a report deadline or if I miss a child's appointment.

Protective investigators receive criticism for not removing children quickly enough and then again for removing them too quickly. Our administration has been slow to invest in even basic resources to improve our efficiency or the safety of our jobs. For example, I can spend up to 15 minutes because I have to go to another office—I have to walk across the courtyard—just to photocopy something. Management has just recently installed locks on our doors, but only after several disruptive incidents and pressures from frontline workers. I myself have been threatened in my office by a father with a knife when he took his child from the office.

Our State government has responded by passing a new law privatizing all foster care services in Florida. In other words, they want to give the problem to someone else. But privatization is no solution and may compound our problem. By putting a private management company between the State and direct frontline operations, it will be even harder to implement State policy consistent with adequate accountability. Instead of privatizing, Florida needs increased funds to reach reasonable and safe caseload levels. We need more social workers and more money to pay foster parents and more intensive services.

But money is not enough. The department and the press need to stop scapegoating frontline workers when a child is injured or dies. The awful reality of child welfare is that no one can be right all of the time. About 5 years ago, a judge rejected my recommendation against reunification of a child with his parents. And that child was killed by his father. Even a judge can be wrong at times.

No one can do a good job in an environment of fear. We need supportive supervisors to be available to help in tough cases, revamped and expanded training including more out-in-the-field training and mentoring for new caseworkers and better managed, more efficient offices.

It is ironic that private agencies slated to take over foster care on January 1 are asking for immunity from lawsuits and assurances of payment increases as the number of children increase. In effect, the agency has admitted that it too will fail some individual children and that underfunding guarantees failure. If we had such

reliable funding increases, I truly believe that we would have had a better, more stable work force and better outcomes for children.

Thank you for your attention.

[The prepared statement follows:]

Statement of Carol Ann Loehndorf, President, American Federation of State, County, and Municipal Employees (AFSCME), Local 3041

Good morning. My name is Carol Ann Loehndorf. I want to thank the Chairman and the Subcommittee for giving me this opportunity to share with you my experiences as a front-line worker in Florida' child welfare system.

I started working for the State of Florida on June 3, 1963 and have spent about 20 of the past 35 years in child welfare and foster care. Currently I am a Family Services Counselor in the Foster Care Unit in Palm Beach County. I am also the President of Local 3041 of the American Federation of State, County and Municipal Employees (AFSCME), which includes social workers in Palm Beach and Broward Counties. I would like at this time to offer into the record a recently-completed national survey of AFSCMEs child welfare workers, "Double Jeopardy: Caseworkers At Risk Helping At-Risk Kids." It describes many of the same working conditions Ill be talking about today.

I enjoy working with my kids and their parents, but I probably would not choose to work for the Department of Children and Families if I were starting my career now. Our caseloads are too big; the children's problems are much more severe; and the state hasn't given us enough money to address these problems. Our salaries, which start at $26,000, don't reflect our professional status or, perhaps more importantly, the life and death judgments we must make each day. We also do not get the kind of training we need or the support we used to have from our supervisors and administrators. Morale has sunk to an all-time low, and staff turnover is very high in my unit and throughout the state.

The problems and challenges in child welfare are deeply rooted in our society as a whole, not just within the child welfare system. Unfortunately, some children will die while in the system no matter what changes are made or who is administering it because it is not humanly possible to make the right decision all the time. Approximately five years ago, in fact, I had the experience of having a judge reject my recommendation against reunification of a child with his parents, only to see him die at the hand of his father. Anyone, even a judge, can make an error in judgment in this work. Having said this, however, AFSCMEs front-line workers want to work with our elected officials, Department administration, judges, and child advocates to improve the system so we can do the best job humanly possible to protect our children.

CASELOADS AND TURNOVER

In some ways our child welfare system in Florida is better than the one I entered. Today, we have a broader array of programs and mechanisms in place which allow us to track and review cases more frequently with the goal of moving children through transition and either back into their home or into adoption more quickly. We also are moving toward concurrency planning where we will pursue more than one option for a child at a time. This shift away from a primary focus on reunification more accurately reflects the complexity of the situations we face. However, inadequate funding and staffing levels mean that our programs do not work as well as they could.

One huge roadblock standing in our way to delivering consistent, high-quality services is the enormous caseloads assigned to each social worker. Several grand juries have found that caseloads in Broward County are too high. The 1998 grand jury found that caseloads here average 50, which is just about the number of kids I have in Palm Beach and which is more than three times higher than what's recommended by the Child Welfare League of America.

This number, however, does not convey our situation in a meaningful way. It actually understates caseload sizes because it doesn't take into account the fact some personnel in this count perform administrative duties and do not manage any cases. It also ignores the fact that trainees with only a few cases are counted in the average. It ignores important inefficiencies in our operations. For example, we often transport a child for a parental visit—a task that can take an entire half a day—because we do not have enough transportation aides. Finally, it ignores the fact that many of us work far more than our official 40 hour work week because we simply cannot walk away from a child in crisis.

High turnover rates only make an overwhelming situation worse. Last year, the turnover rate in Broward County was 78 percent. In my own unit, we have eight social worker positions, but we are almost never fully staffed. Right now, we are down two because we have one vacancy and one new worker, who is still in training and is not yet responsible for any cases. Only two of us have been in my unit for more than three years; one has been with us two years; two have recently transferred from other child welfare units; and another has just completed her training but has virtually no field experience yet.

High turnover and inexperience have at least three negative consequences. When workers leave, those of us who remain have to pick up their cases until new employees are hired and trained, a process that can take several months or even longer. Our children lose continuity with their social worker, who may be the only stable influence at that moment in their lives. Finally, the social workers never build up the day-to-day experience they need to make the difficult judgment calls we face constantly. Its almost impossible to describe the subtle cues and red flags I recognize every day based on my years of work in the system. There's just no substitute for this experience, but precious few of our workers stick around to develop it.

KIDS' PROBLEMS WORSENING/SERVICES NOT AVAILABLE

What's worse, all this is happening while our children have much more complex needs, including violent behavior and hyperactivity. Many children on my caseload need therapeutic placement sites to help them adjust emotionally to being put into foster care. One of the most time-consuming tasks I face is securing the medical, psychological and psychiatric exams and diagnoses necessary to place a child in the appropriate therapeutic foster family, residential therapeutic group home, or psychiatric facility. Then, after I go through this process, many of these critical services have waiting lists and aren't available as quickly as we need them

Children without these placements end up in our offices. For several weeks now Ive had a 12 year old foster child in my office during the day because he was expelled from school and his foster mother works. Ive been trying to get him back into school or into a therapeutic environment, but this is taking a lot of time. We've had kids in our offices until midnight because that's how long it took to find them a place to spend the night. They often return in the morning because there's nowhere else for them to go. This is a bad situation for these kids. It also means we cant effectively help the other 45 or 50 children on our caseload.

We also are facing an extreme crisis in attracting enough foster parents because more of our children have severe problems and more women are working outside the home. We always have had more difficulty placing older children, but now we are facing a new shortage of foster homes for preschool children, and an increased demand for child care in foster families with two working parents. Not only in Broward County but also in Palm Beach and other counties, foster parents take in as many as seven children at a time. These pressures cause burnout among our foster parents. Sometimes we cant locate a foster family at all.

UNSUPPORTIVE ADMINISTRATION

Even with all these obstacles, I would feel good about the work I do if I were getting helpful support from the Department. Years ago, Department administrators saw their role as enabling social workers to do their jobs well and standing by them when they made a tough call.

Now, we feel like were under siege all the time. We cannot realistically do an effective job for all of the children for whom we are responsible. Inevitably some kind of priorities have to govern how we spend our time. Yet our management avoids this reality, placing this task on the front-line workers by default and failing to support them if something goes wrong. I am equally likely to be accused of neglect if I miss a report deadline or miss an appointment with a child. Management responds to problems by giving social workers additional paperwork. Investigations social workers feel like they're between a rock and a hard place, receiving criticism both for not removing kids quickly enough and for too quickly removing them.

Our administration has been slow to invest in even basic resources to improve our efficiency or to improve the safety of our jobs. For example, I have to spend up to 15 minutes going outside and across the courtyard to another office just to copy a piece of paper. We finally got a fax machine just this month. Recently, management installed locks on our doors, but only after several disruptive incidents and pressure from front-line workers. I myself was threatened by a father at knifepoint as he took his child from my office. Management has yet to recognize the importance of cellular phones when we go into unsafe neighborhoods.

PROPOSED SOLUTIONS

How can we start to address these problems? The response of our state government last summer was to pass a new law privatizing all foster care services in Florida—in other words to give someone else the operational responsibility.

Privatization will not solve, and in fact may compound, the fundamental problems which I have discussed. By putting a private management company between the state and direct front-line operations, it will be even harder to implement state policy consistently with adequate accountability.

Other states have done a better job than Florida without resorting to privatization. For example, Delaware recently passed a law which mandates that caseloads cannot exceed the Child Welfare Leagues standards by more than two, and which also requires sufficient funding for hiring enough staff to stay within these standards. Connecticut also has established maximum caseload sizes.

Instead of privatizing, Florida needs to give the child welfare system more funds to reach reasonable and safe caseload levels. This is not just a Broward County problem. I can say from my experience in Palm Beach that we need a lot more social workers, more money to pay foster parents, and more funding for the intensive services many of these kids need. (The State of Florida is eighth from the bottom in per capita state spending for child welfare according to 1996 figures from the Child Welfare League.) If we can lower caseloads and upgrade our equipment, we can finally get the chance to deliver quality services to the children and families we serve.

But money is not enough. The Department and the press need to stop scapegoating front-line workers when a child is injured or dies. No one can focus adequately on doing a good job in an environment of fear. We need administrative support to do our jobs well, including supervisors available to help in tough cases. Social worker training needs to be revamped and expanded, especially for new child welfare workers. Right now, new social workers don't get enough out-in-the-field training and mentoring, which is absolutely necessary for them to competently take over cases.

I found a real irony in a recent article in the Palm Beach Post which reported that

a private agency slated to take over foster care on January 1 has gotten cold feet because it wants immunity from lawsuits and assurances that the state will increase its payments at the same rate as the number of children coming into the system. In effect, the agency has admitted that, like the public sector, it will fail some individual children, and that it is concerned about not having enough money to serve adequately the children in its care. I will be very envious, I confess, if the funding guarantees requests are granted. If during my years with the Department we had received such reliable funding increases as our cases increased, I truly believe we would have a stable work force today and better outcomes for children.

Thank you for your attention. I will be happy to answer any questions you may have.

Survey Overview and Summary of Findings

Professional workers in child welfare agencies across the country assume an enormous responsibility. For too many of our nation's children, child welfare workers represent their greatest, and perhaps last, chance to be safe -- safe from their own parents. Why parents neglect and physically or emotionally abuse their children is a complex question, beyond the scope of this survey. But whatever the cause, by the time these workers enter the life of a child at risk, the child's health and safety is severely in jeopardy.

The workers who are the subject of this survey have an incredibly daunting job. They investigate allegations of abuse and neglect and make determinations regarding whether or not children should be removed from their families' homes. They provide ongoing protective services to families whose children are at risk of being removed from their homes due to abuse or neglect -- helping to arrange for services ranging from substance abuse and mental health counseling to homemaker services and respite care to after school programs and physical exams, or whatever else a family may need. They work with families and children who have been placed in foster care, in an effort to reunify the family, if possible, or to terminate parental rights and find an adoptive home for the child, if not. They recruit and train foster and adoptive parents. They develop case plans, fill out myriad forms and appear regularly in court. In the course of their work, they often must travel in unsafe neighborhoods and deal with angry parents and troubled children. . . The list goes on.

In order to learn more about the conditions under which child welfare workers must accomplish such tasks, the Public Policy Department at AFSCME has surveyed AFSCME affiliates which represent professional child welfare workers. Not only does this survey represent the first time any organization has undertaken to detail workers' perspectives on the child welfare system, it also represents the first national survey of any kind for many of the issues addressed. In addition to painting a clearer picture of the roughly 13,380 child welfare workers represented by 29 AFSCME affiliates in 10 states which responded to the survey and the systemic problems they face, the survey also highlights some of the creative solutions developed by AFSCME affiliates.

The survey covers such issues as salaries and qualifications, caseloads, training, and violence in the workplace. The results are alarming. Confirming the reports which workers have been making informally for years, the survey found:

- Violence in the workplace and in the neighborhoods where workers must go is a serious problem. Over 70% of the affiliates responding to the survey reported that front-line workers in their agencies have been victims of violence or threats of violence in the line of duty.

- Workers in well over half of the child welfare agencies represented in the survey carry average caseloads which exceed the recommended guidelines published by the Child Welfare League of America. Over 60% of the affiliates reported an increase in caseloads in recent years. Under 15% reported that caseloads have not risen.

- Time spent in court, filling out paper work and other documentation, and attending staff and case meetings consumes a sizable chunk of the workers' time, making it even more difficult for them to meet the demands of their heavy caseloads.

- The wages paid these professional workers -- virtually all of whom must have a minimum of four years of college -- are not commensurate with the job demanded of them. Most entry level salaries fall in the mid-$20,000 range.

- Training for many workers is inadequate, and workers lack a voice in shaping the training received.

A discussion of the survey results is presented below. The appendix contains tables and charts which break down the results presented in more detail.

Methodology

In February 1998, the Public Policy Department at AFSCME sent a survey to AFSCME affiliates representing professional child welfare workers in 17 states. Twenty-nine (29) surveys were returned from affiliates representing workers in 10 different states: Delaware; Hawaii; Illinois; Washington; New York City and 2 counties in upstate New York; Philadelphia, Pennsylvania; Minneapolis, Minnesota; a 4 county-area in Florida's western panhandle (consisting of Escambia, Okaloosa, Santa Rosa and Walton Counties); 10 counties in Ohio; and 9 counties in Wisconsin. The child welfare system in 5 of the states represented in the survey is administered by the counties (Minnesota, New York, Ohio, Pennsylvania and Wisconsin). In the other 5, the system is administered by the state (Delaware, Hawaii, Florida, Illinois and Washington).

The size of the bargaining units represented by the affiliates varies widely -- from a unit of 4 professional workers represented by AFSCME Local 3971, Council 8 in Athens, Ohio to a bargaining unit of roughly 4,200 professional workers represented by Local 371, Council 37 in New York City. Over all, 15 of the affiliates who responded to the survey represent less than 50 professional workers; 3 represent between 50 and 199 workers; 2 represent between 200 and 299 workers; and 8 represent 500 or more. The size of the bargaining unit represented by one Ohio affiliate is not known. Table 1 shows the number of professional child welfare workers represented by each AFSCME affiliate that responded to the survey.

The child welfare workers represented by affiliates covering state-wide or multiple-county bargaining units are concentrated in urban areas. In Illinois, Council 31 estimates that roughly 60% of the workers are located in Cook County (Chicago) and another 15% in the surrounding suburbs. Council 28 in Washington estimates that roughly 65% of its workers are based in the Seattle area. In Delaware, Council 81 reports that approximately 30% of the workers in that state are based in Wilmington, and another 25% in the surrounding suburbs. And in Florida, Local 2673, Council 79 estimates that roughly 45% of the workers are based in Escambia County (which contains Pennsacola) and another 30% are in Okaloosa (which contains the city of Fort Walton). It should be noted, however, that Escambia and Okaloosa Counties both cover an area which is approximately 55 miles long and 50 miles wide, and that workers cover both the urban and rural areas in these counties. The percentage of child welfare workers in Hawaii who are located in urban areas is not known.

The survey was not completed by front-line workers themselves and does not represent a rigorous scientific analysis. Rather, the survey was filled out by union representatives or staff in consultation with front-line workers. It paints a clear picture of who AFSCME's child welfare workers are and the systemic problems they face. It also highlights some of the creative solutions pursued by AFSCME affiliates.

Violence in the Workplace

The Daily Work of Many Child Welfare Workers Places Their Safety in Jeopardy. Child welfare workers face the possibility of violence every day -- in their offices, in the neighborhoods where they must travel, and by the families whose children are being, have been or may be removed. The survey confirms that such is indeed a reality for too many child welfare workers. Over 70% of the affiliates reported that front-line workers in their agencies have been victims of violence or threats of violence in the line of duty. Less than 15% reported that violence was not a problem.

Threats of serious physical harm were by far the most common type of incident reported, with over half of the affiliates reporting such threats. Over 30% of the affiliates reported incidents involving physical assault, which occasionally has resulted in hospitalization. Other reported incidents include vandalism, stalking, attempted rape and kidnapping.

Has the violence gotten worse? The respondents were fairly evenly split on the question of whether violence has gotten worse in recent years. Just under half (14 affiliates or 48%) feel that violence has gotten worse. Thirteen affiliates (45%) believe that it has not. Two (7%) did not respond to this question. Those who felt violence has gotten worse pointed to substance abuse; increased and more violent juvenile crimes at earlier ages; greater availability of weapons; and increased domestic violence and gang activity.

Management's Response. How has management responded to the threats workers face? The surveys suggest that, while a few employers remain indifferent to workers' fears, for the most part management is supportive. The degree to which management has instituted concrete safety measures, however, varies considerably.

Over 80% of affiliates reported that workers are encouraged to file an incident report when they have been assaulted or feel threatened, but less than half reported that incident reports are shared with other workers. What other specific measures have child welfare agencies taken to protect the security of their employees? Out of 29 child welfare agencies represented in the survey:

- 13 permit workers to buddy up with a co-worker, supervisor or law enforcement officer when they feel unsafe;
- 7 have reassigned the cases to another worker, have had management assume responsibility for the case or have allowed workers to refuse the assignment;
- 5 provide workers with cellular phones;
- 4 provide training on handling violent situations;
- 2 have required clients to meet with the worker in the office, as opposed to in the client's home;
- 1 began tracking incidents and 1 re-vamped its incident report;
- 7 have installed security doors at the agency office, e.g. with a buzzer system or key access, or have taken other measures to secure the building;
- 5 have hired a security guard;
- 2 have installed panic buttons;
- 1 installed bullet proof glass in the office;
- 1 has provided workers with bullet-proof vests; and
- 1 has provided workers with pepper spray.

A detailed breakdown of the various violence-prevention measures taken by the different agencies as reported by the respective AFSCME affiliates is shown in Table 2.

Local Strategies
AFSCME Wins Health and Safety Protections for Child Welfare Workers

AFSCME Local 3547, Council 8 in ***Ohio*** *has negotiated health and safety language in the contract covering child welfare workers which places a duty on the Employer to maintain a safe working environment. The Employer's failure to correct an unsafe working condition is subject to the grievance procedure. Local 1746, Council 8 negotiated the creation of Safety Committees consisting of representatives of labor and management. The Committees meet quarterly and workers receive their regular rate of pay for time spent participating on the Committee.*

Local 371 in ***New York City*** *also has negotiated comprehensive language governing health and safety in its collective bargaining agreement. Among other provisions, the agreement places responsibility on management to provide safe and sanitary working facilities for all employees. Violations of this provision are subject to the grievance procedure. If an arbitrator finds that the City has failed to insure safe and sanitary working conditions in violation of the contract and if, after a reasonable period of time, the City fails to take appropriate measures to remedy the problem, the contract empowers the arbitrator to order that the City take specific steps in order to do so.*

More Local Strategies
AFSCME Wins Health and Safety Protections for Child Welfare Workers

The contract negotiated by Council 28 in ***Washington*** *with the State's Department of Social and Health Services also permits any employee who believes that existing conditions or work practices represent a physical or health hazard to file a grievance. In addition, any employee who believes she or he is working in unsafe conditions may request an immediate inspection by a Union steward and management representative, and either party may request that an inspection be conducted by the Department of Labor and Industries.*

The agreement negotiated by Council 31 in ***Illinois*** *guarantees that workers at the Department of Children and Family Services who are injured in the line of duty and unable to work will continue to receive their full salary for up to one year.*

Salaries and Qualifications

The social workers who perform the extremely stressful work inherent in child welfare are highly educated, but unquestionably underpaid. The survey collected data on the minimum education and experience requirements and entry level salaries for social workers performing investigation and risk assessment of allegations of abuse and neglect as well as for workers carrying ongoing cases of children receiving in-home protective, family preservation and out-of-home services.

Education and Experience. Four years of college is required for entry level social workers by the overwhelming majority of child welfare agencies represented in the survey. Only Hawaii reported that all professional child welfare workers must have a masters in social work (MSW). In Hennepin County, Minnesota, most of the social worker positions require an MSW, while a few require a bachelor's degree. In New York City, only Child Evaluation Specialists, whose job it is to select appropriate foster and adoptive homes for children, must possess an MSW. Almost Forty percent (40%) of AFSCME affiliates reported that between 6 months and 1 year prior experience also is required. In 3 cases, however, new hires can avoid the experience requirement if they possess a more advanced degree.

Salary Levels. For social workers with a BA or BSW, starting salaries at the time of the survey ranged from $17,597 to $31,000. Most starting salaries fell into the mid-20s, with higher salaries generally being offered in urban areas and by states with a large portion of their workforce in urban areas. Maximum salaries for social workers with a college degree ranged from $25,625 to a high of $45,571, again with urban areas generally reporting higher maximum salaries than rural. It must be noted, however, that in many agencies workers seldom, if ever, approach the upper end of the salary scale; most remain at the lower end of the range. The results of this survey were similar to those reported by AFSCME's Research Department in a survey of child welfare salaries in 11 states and counties.

Eight agencies either require workers to possess an MSW for some or all of the professional child welfare positions or offer higher pay to those who have earned an advanced degree. Entry level salaries for these workers range from $27,620 to $33,500. Maximum salaries ranged from $31,115 to $55,620.

Tables 3-A and 3-B show a breakdown of the starting and maximum salaries for social workers with a BA or BSW and for social workers with an MSW, respectively.

Education

Is Education Rewarded? We asked whether or not employees are compensated for obtaining education beyond that minimally required for their jobs. Almost 1/3 of the affiliates said Yes, some form of premium pay is offered to workers who pursue post-graduate degrees.

Local Strategies
AFSCME Goes to Bat for Worker Education and Higher Pay

Recognizing the link between education and turnover, AFSCME Local 1768, Council 8 in ***Ohio*** *negotiated a four-tier salary structure for workers who get an advanced degree and/or pass a state license exam. Local 3547, Council 8 negotiated both a tiered salary structure and partial tuition reimbursement for workers who return to graduate school.*

Council 31 has negotiated in its state of ***Illinois*** *master agreement an Upward Mobility Program which enables child welfare workers to pursue a masters degree with full tuition prepaid by the employer.*

Caseloads

Child welfare workers perform challenging jobs. Whether a worker is investigating allegations of abuse or neglect, providing ongoing services to families whose children have been placed in foster care or are at risk of being removed from the home, or locating adoptive homes, every child and every family demands considerable time and attention if they are to be helped.

"Caseloads" is not a monolithic concept, as the type and mix of cases workers carry varies from agency to agency. Several factors make comparisons between different agencies difficult. For example, some workers handle only one type of case -- e.g. investigations, in-home protective services, out-of-home services, family preservation services, adoptions, recruitment and training of foster and adoptive parents, etc. -- while others may handle two or more different types of cases. In some jurisdictions, county child welfare workers serve as the primary caseworker for children in care, while in others the county workers oversee workers employed by private (almost exclusively non-profit) agencies, who in turn serve as the children's primary caseworkers. In addition, some agencies measure caseloads in families per worker, while others measure caseloads based on the number of children per worker. Finally, it is important to remember that caseloads do not always accurately reflect *workload*, as some cases invariably are more complex and require more time than others.

Below we report on average caseloads in four areas: investigations, in-home protective services, out-of-home services (i.e. for families and children removed from the home) and family preservation services. Family preservation workers provide particularly intensive services to families for a limited duration of time in an effort to help the family get back on its feet and stay together. However, it should be noted, different agencies define family preservation services more loosely than others. The figures assume each worker carries only one type of caseload. Where workers carry more than one type of case, we have done our best to adjust the numbers accordingly.

While unsurprising to anyone who works in child welfare, the survey results on caseloads are alarming. Caseloads for workers in many child welfare agencies are far too high.

Recommended Guidelines. The Child Welfare League of America (CWLA) published caseload guidelines for child welfare social workers in June 1993. CWLA recommends that workers investigating allegations of abuse and neglect carry at most 12 active cases per month. Workers carrying ongoing in-home protective services cases should carry no more than 15-17 families, while those providing intensive family preservation services should serve between 2 and 6 families at a given time. CWLA suggests at most 12 - 15 children in family foster care (out-of-home services) per worker.

Survey Results. Average caseloads for workers in far less than half of the agencies represented in the survey met the CWLA guidelines for any of the four types of cases. Just over 25% had average caseloads at or below the guidelines for investigations; 43% came in under the guidelines for in-home protective services; only 11% had average caseloads within CWLA's recommendations for out-of-home services; and under 30% had caseloads equal to or less than the guidelines for family preservation services. Of course, at any given time some workers will be carrying caseloads above

the average. In a few agencies, caseloads may exceed 40 and even 50 cases per worker.

Tables 4-A through 4-D compare the average caseloads for investigations, in-home protective services, out-of-home services and family preservation services reported in the surveys with CWLA's recommended guidelines.

The figures for out-of-home services and family preservation services warrant additional comment. Caseloads for out-of-home services may actually be worse because most affiliates reported workers' caseloads in *families* whereas CWLA recommends a maximum of 12 -15 *children* in foster care per worker. CWLA's methodology makes sense, since siblings often are placed in different foster homes. Thus, if a family has 2 children who both have been removed from their home but placed with different foster families, the worker will have considerably more work than if the family only has one child removed from the home. In comparing the survey results to CWLA's guidelines for out-of-home services, our survey assumes that each family only has one child in placement. This understates the problem of high caseloads, however, because some families undoubtedly have more than one child in placement, raising the average number of children (versus families) each worker carries.

As for family preservation, these workers, in theory, offer some families very intensive services for a limited duration of time. Because the services offered are intended to be considerably more intensive than ordinary in-home protective services, workers need to be able to spend significantly more time with the families in their caseload. However, almost 60% of the affiliates representing family preservation workers report caseloads for these workers which are as high as caseloads for workers handling regular protective services cases. Over 40% reported family preservation caseloads between 21 and 40 families -- clearly far too high to provide intensive intervention.

Additional Hurdles Faced By Workers Juggling Excessive Caseloads. Social workers face numerous constraints on the resources available to them and demands on their time which make it even more difficult to give each case the time and attention it deserves. Thirteen (13) affiliates, for example, reported that travel consumes between 10 and 20 hours per week of many workers' time. In addition to travel, the most frequently cited issues which take up large amounts of social workers' time include:

- Time spent in court;
- Filling out paper work and other documentation and a lack of clerical support;
- Attending staff meetings; and
- Transporting clients to medical and counseling appointments, family visits, court and other destinations.

Other factors identified include the increased complexity and service needs of cases; unfilled vacancies; time spent locating placements and other referrals for clients; monitoring visits between parents and children; and visiting children; placed out-of-county or out-of-state.

Few Agency-Specific Standards. Few child welfare agencies take even what may be the simplest first step in getting caseloads under control -- namely, establishing a maximum permissible level. Over 70% reported that no maximum standards exist -- let alone that sufficient staff have been hired to meet such standards. Only 5 affiliates -- in Illinois, Philadelphia and 3 counties in Ohio -- reported the existence of a ceiling on caseloads for all types of cases. Butler County, Ohio has established a ceiling for family preservation cases; Florida's Western Panhandle reported a ceiling for investigations.

Caseload Trends: Are We Making Progress? Unfortunately, not according to this survey, which shows that caseloads generally have been on the rise. Over 60% of the affiliates reported an increase in caseloads in recent years; only 4 reported a decline. The most commonly cited reasons for rising caseloads include high turnover or an increase in vacancies, an increase in the number of cases and a hiring freeze. Other reasons include court mandates, legislation, privatization and restructuring of services.

Where caseloads have declined, Illinois, Delaware and Philadelphia attributed the improvement, at least in part, to an increase in the number of full time employees, not a decrease in cases. Illinois also pointed to (1) a consent decree governing maximum caseload levels, which in turn prompted legislation addressing caseloads; (2) state legislation which removed "financial negligence" cases -- cases involving, for example, inadequate clothing or housing -- from the jurisdiction of the child welfare agency, which in turn resulted in a decrease in cases handled by child welfare workers; and (3) a restructuring of services in which caseloads and wrap-around services are organized geographically, thereby enhancing workers' efficiency.

Of course, a decline in caseloads does not always reflect a positive policy decision or an easing of workloads. In addition to an increase in the number of FTEs in Delaware, that State also directed a massive statewide closure of cases without completing normal policies and procedure. Cuyahoga County, Ohio (Cleveland) decreased caseloads in investigations simply by making workers complete their investigations and close cases faster. Caseloads declined in Milwaukee following the State's takeover of intake and investigations and the privatization of 60% of foster care services. Illinois also has experienced an increase in privatization. Lawrence County, Ohio increased the number of FTEs performing investigations and improved caseloads for these workers, but did so at the expense of FTEs in protective and out-of-home services, where caseloads increased.

Training

AFSCME's survey also confirms what anyone working in child welfare knows about the resources expended on worker training: too many agencies leave social workers ill-prepared for the extremely challenging jobs they face. While roughly 70% of the child welfare agencies represented in the survey do have ongoing training requirements for their professional staff, and while workers at almost all of these agencies meet their respective training requirements, over half of the affiliates reporting felt that the training professional child welfare workers receive is inadequate. Further, too often the benefits of training are short-lived, as training fails to keep pace with changes in agency policy and procedures or with changes in the "real world" in which these workers work. One affiliate, for example, reported that training on substance abuse still focuses on crack cocaine, despite the fact that crack use has fallen markedly while the use of other drugs has risen.

The amount of ongoing training workers actually receive each year is shown in Table 5. In addition, several states provide workers with a one-time intensive training, which in some cases is followed by ongoing annual training thereafter. Ohio law requires child welfare workers at all county agencies to complete 90 hours of "CORE" training during their first year of employment. In Delaware, new workers are supposed to get 6 months of training, including both classroom instruction and on-the-job training. During the period of on-the-job training, the new hires are to be given a smaller caseload and assigned to work with a more seasoned "buddy" to help them out. While AFSCME Council 81 in Delaware applauds the concept, in practice new workers often are given substantially more cases than was intended and their buddies often are overwhelmed by the demands of their own caseloads, and consequently do not have sufficient time to give in their role as mentor. Illinois requires all workers to take an intensive six-week refresher Clinical Practice Training, which Council 31 reports is very good. Washington State also has a 120 hour Basic Academy for child welfare workers. New York City requires new hires to complete a 20 day "CORE" training program within the first 6 months of employment. The City, however, provides no ongoing training for child welfare workers once the initial CORE training has been completed. Finally, Waukesha County, Wisconsin requires 20 hours of training during the first 2 years of employment, but, like New York City, provides no training thereafter.

Workers Lack a Voice in Shaping Needed Training. One reason behind most training programs' failure to meet the needs of workers may be the lack of input from front-line workers into their design. After all, who knows the jobs and needs of child welfare workers better than the workers themselves? Yet, only 2 affiliates reported that the union has had some (however minimal) involvement in the design or selection of the training program.

What Training Works Best? What kind of training do front-line workers think best prepares them for the job? Many affiliates identified mentoring by co-workers or a supervisor as being the most helpful. Several felt that a prolonged, intensive training period -- including social work theory and practice as well as hands on work in the field and case management techniques -- is particularly helpful for new employees. Others felt that training in interviewing techniques, court testimony and preparation, diffusing violent situations, developing assessment tools and activities, family dynamics and family counseling, substance abuse, mental illness, role plays and culturally sensitive training were important components of a good training curriculum.

TABLE 1

Number of Professional Child Welfare Workers Represented by AFSCME Affiliates Responding to the Survey by State and County

State	County	Number of Professional Child Welfare Workers
New York		
	New York City	4,200
	Onondaga County	170
	St. Lawrence County	43
Ohio		
	Butler County	39
	Clermont County	30
	Cuyahoga (Cleveland)	650
	Darke County	9
	Hamilton County (Cincinnati)	250
	Holmes County	5
	Lawrence County	11
	Noble County	4
	Portage County	16
	Tuscarawas County	15
Wisconsin		
	Dunn County	*
	Eau Claire County	26
	Green County	6
	Kenosha County	27
	Langlade County	8
	Manitowoc County	15
	Milwaukee County	640
	Monroe County (Sparta City)	11
	Waukesha County	85
Minnesota		
	Hennepin County	200
Pennsylvania		
	Philadelphia	600
#Delaware		170
#Florida W. Panhandle		650
Hawaii		500
#Illinois		3,000
#Washington		2,000
Total		13,380

* Survey respondent did not provide information

AFSCME Council 31 estimates that roughly 60% of the workers in Illinois are stationed in Cook County (Chicago) and another 15% are based in the surrounding suburbs. In Washington, Council 28 estimates that roughly 65% of the workers are based in Seattle. In Delaware, Council 81 reports that approximately 30% of the workers are based in Wilmington, and another 25% in the surrounding suburbs. And in Florida, Local 2673, Council 79 estimates that roughly 45% of the workers are based in Escambia County (which contains Pennsicola) and another 30% are in Okaloosa (which contains the city of Fort Walton). It should be noted, however, that Escambia and Okaloosa Counties both cover an area which is approximately 55 miles long and 50 miles wide, and that workers cover both the urban and rural areas in these counties.

Table 2

Measures Taken By Child Welfare Agencies to Prevent Violence

	Workers Have Been Victim of Violence or Threat	Complete Incident Report	Share Rpts w/ other workers	Improved Rpts or Tracking System	Violence Training	Cellular Phones	Permit Buddy System w/ Co-Wkr or Police	
New York								**New York**
New York City	Y	Y (1)	Y (1)				X	New York City
Onondaga Cty	Y	Y	N				X	Onondaga Cty
St. Lawrence Cty	Y	Y	Y					St. Lawrence Cty
Ohio								**Ohio**
Butler Cty	Y	Y	N					Butler Cty
Clermont Cty	N	Y	?					Clermont Cty
Cuyahoga Cty	Y	Y	Y	X	X		X	Cuyahoga Cty
Darke Cty	N	Y	Y		X		X	Darke Cty
Hamilton Cty	Y (2)	Y	Y		X	X	X	Hamilton Cty
Holmes Cty	No response							Holmes Cty
Lawrence Cty	Y	N	N				X	Lawrence Cty
Noble Cty	Y	Y	Y				X	Noble Cty
Portage Cty	Y	Y	N				X	Portage Cty
Tuscarawas Cty	Y	Y	N					Tuscarawas Cty
Wisconsin								**Wisconsin**
Dunn Cty	Y	Y	N			X	X	Dunn Cty
Eau Claire Cty	Y	Y	N					Eau Claire Cty
Green Cty	Y	?	?				X	Green Cty
Kenosha Cty	Y	Y	Y					Kenosha Cty
Langlade Cty	No response	Y	Y					Langlade Cty
Manitowoc Cty	No response	Y	?				X (3)	Manitowoc Cty
Milwaukee Cty	Y	N	N			X		Milwaukee Cty
Monroe Cty	Y	Y	Y					Monroe Cty
Waukesha Cty	Y	Y	N				X	Waukesha Cty
Hennepin Cty, MN	Y	Y	Y		X	X		Hennepin Cty, MN
Philadelphia, PA	Y	Y	N					Philadelphia, PA
Florida W. Panhandl	Y	Y (4)	N				X	Florida W. Panhandle
Delaware	Y	Y	Sometimes	X		X	X	**Delaware**
Hawaii	No response							**Hawaii**
Illinois	Y	Y	N					**Illinois**
Washington	Y	Y	N		X (5)	X (5)		**Washington**

(1) Workers in New York City are encouraged to file incident reports by the Union and the Union shares the report with other workers.
(2) AFSCME Local 1768, Council 8 in Hamilton County reports that harm is not a frequent occurance, but that child welfare workers consider the threat of violence to be part of the job.
(3) While a buddy system *per se* has not been implemented, police have been called on occassion in Mantinowac County
(4) It is the employee's choice whether to complete an incident report in Florida's West Panhandle.
(5) Some agencies in Washington have cellular phones which workers can use and some provide some training on violence.

Table 2

Measures Taken By Child Welfare Agencies to Prevent Violence

	Reassign Case or Permit Wkr to Refuse Assign.	Require Client to Meet w/ Wkr. in Office	Security guards	Secure Doors/ Bldg.	Other	
New York						**New York**
New York City	X					New York City
Onondaga Cty					X	Onondaga Cty
St. Lawrence Cty			X	X	X	St. Lawrence Cty
Ohio						**Ohio**
Butler Cty			X			Butler Cty
Clermont Cty						Clermont Cty
Cuyahoga Cty	X					Cuyahoga Cty
Darke Cty				X	X	Darke Cty
Hamilton Cty	X		X		X	Hamilton Cty
Holmes Cty						Holmes Cty
Lawrence Cty						Lawrence Cty
Noble Cty						Noble Cty
Portage Cty	X			X		Portage Cty
Tuscarawas Cty				X	X	Tuscarawas Cty
Wisconsin						**Wisconsin**
Dunn Cty					X	Dunn Cty
Eau Claire Cty					X	Eau Claire Cty
Green Cty	X			X	X	Green Cty
Kenosha Cty						Kenosha Cty
Langlade Cty						Langlade Cty
Manitowoc Cty			X			Manitowoc Cty
Milwaukee Cty						Milwaukee Cty
Monroe Cty	X (6)			X (6)		Monroe Cty
Waukesha Cty		X				Waukesha Cty
Hennepin Cty, MN		X	X		X	Hennepin Cty, MN
Philadelphia, PA						Philadelphia, PA
Florida W. Panhandle	X			X		Florida W. Panhandle
Delaware						**Delaware**
Hawaii						**Hawaii**
Illinois						**Illinois**
Washington			X (5)	X (5)		**Washington**

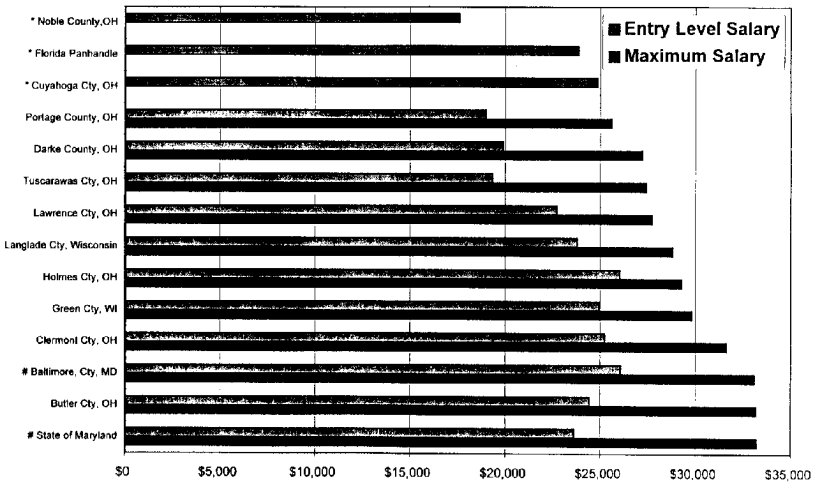
(5) Some agencies in Washington have hired security guards and/or secured the doors to the building.
(6) In Monroe County, AFSCME Local 2470, Council 40 reports that responsibility for cases involving violence is assumed by management and that the agency has made "small attempts" to secure the building.

Other Measurers

Other preventive measures taken include installing a panic button (Darke and Dunn), installing bullet proof glass (Darke), providing workers with bullet proof vests (Dunn) or pepper spray (Green), establishing a case-specific safety plan in the event of violence (Green) encouraging workers to make visits to high crime areas early in the day (Hamilton), and establishing a security policy (Tuscarawas) or a crisis team (Hennepin). At the time of the survey, St. Lawrence County was considering providing workers with identification tags and Eau Clair County was in the process of developing a policy for assistance.

TABLE 3-A

Entry Level and Maximum Salaries for Workers with a BA or BSW



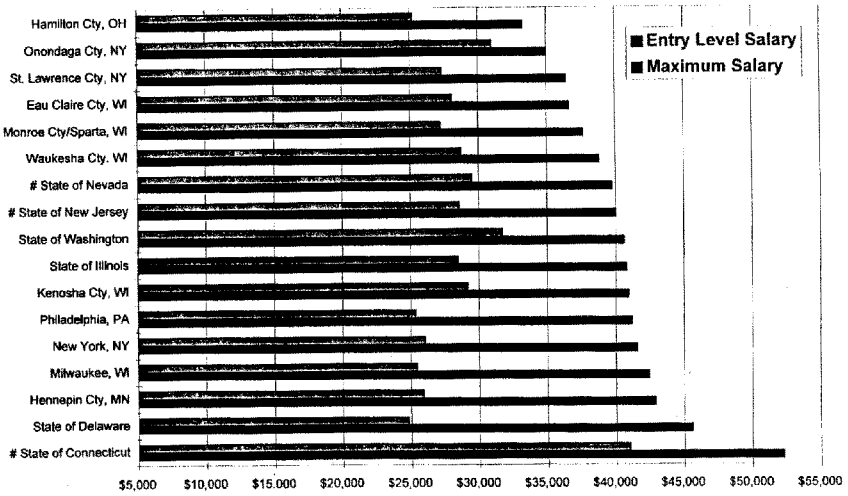
Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some survey respondents did not provide salary information. Also, note that in many agencies child welfare workers seldom, if ever, reach the maximum salary level.

* Survey Respondent did not provide Maximum Salary Level.

Not reported in survey. Salary information from these jurisdictions was taken from job specs and contracts on file at AFSCME.

Table 3-A (con't)

Entry Level and Maximum Salaries for Workers with a BA or BSW

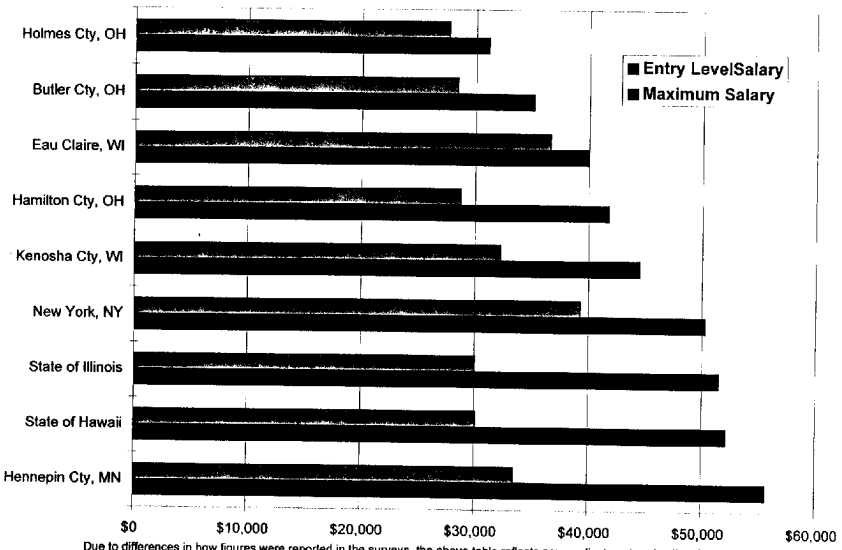


Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some survey respondents did not provide salary information.

Not reported in survey. Salary information from these jurisdictions was taken from job specs and contracts on file at AFSCME.

Table 3-B

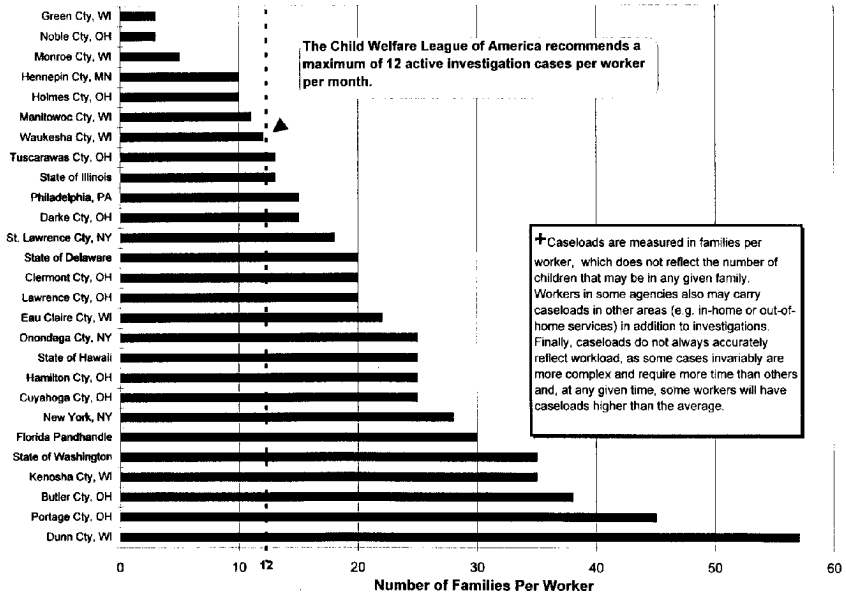
Entry Level and Maximum Salaries for Workers with an MSW



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy.

Table 4-A

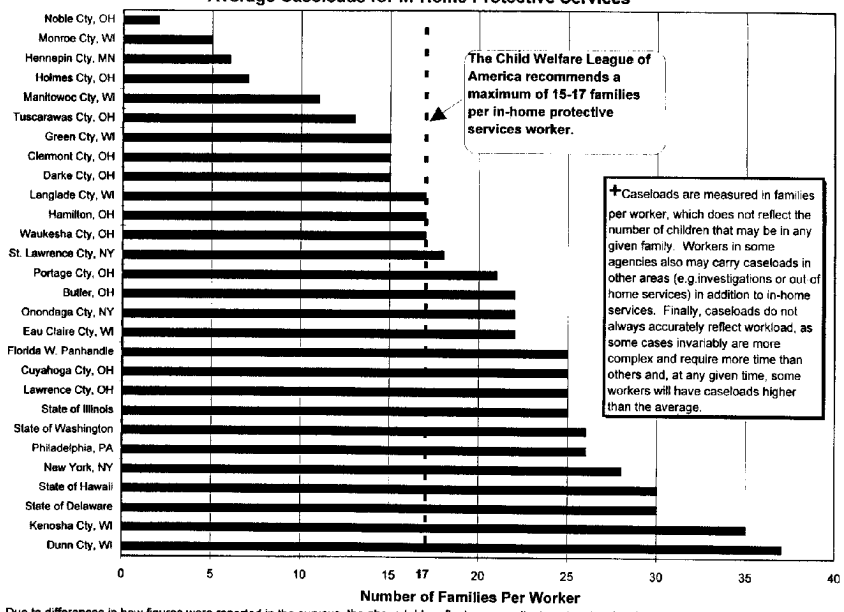
Average Caseloads for Investigations +



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some survey respondents did not provide caseload information for investigations.

TABLE 4-B

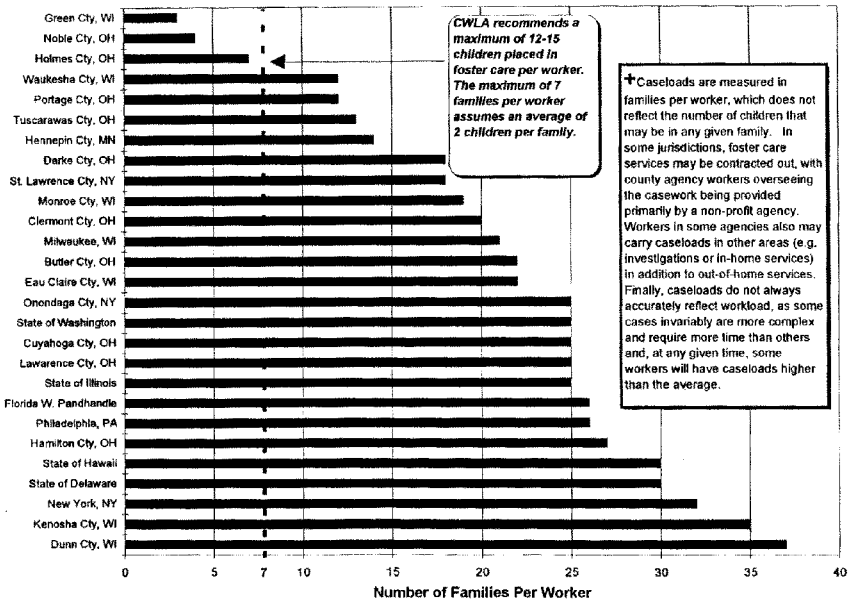
Average Caseloads for In-Home Protective Services +



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Where caseloads were reported in children per worker, Public Policy assumed two children per family. Some survey respondents did not provide caseload information for in-home services.

TABLE 4-C

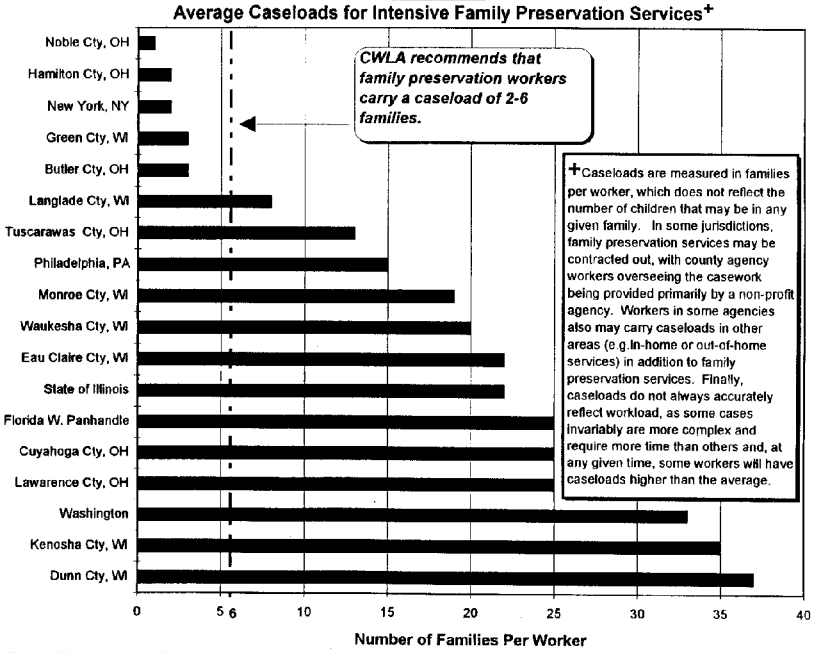
Average Caseloads for Out-of-Home Services+



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some survey respondents did not provide provide caseload information for out-of-home services.

TABLE 4-D

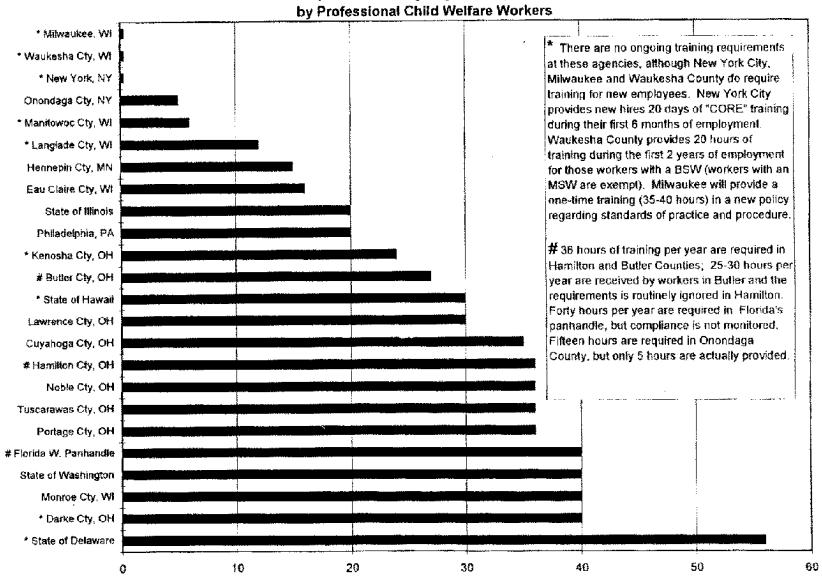
Average Caseloads for Intensive Family Preservation Services+



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some agencies do not offer family perservation services. Some survey repondents did not provide caseload information for family perservation services.

TABLE 5

Hours per Year of Ongoing Training Received by Professional Child Welfare Workers



Due to differences in how figures were reported in the surveys, the above table reflects some adjustment and estimation on the part of AFSCME Department of Public Policy. Some survey respondents did not provide information on hours of ongoing training received or required. For a few, the amount of training varies and the average is reported.

Chairman SHAW. Let me make one thing clear at this point, which I think is very important. And that is, to all the officials in Broward County and Tallahassee, all across the State of Florida, Federal dollars are available for training and maintenance payments on an open-end basis. If you have more children in foster care, the Federal share is ready and waiting as long as the State and local government puts up the matching money, and that matching money goes anywhere from 25 to 50 percent. It is an extraordinarily generous open-end program that the Federal Government has. And really there is no excuse not to take advantage of that. We are talking about kids.

Ms. Day.

STATEMENT OF LINDA DAY, PRESIDENT, BROWARD COUNTY FOSTER PARENTS ASSOCIATION

Ms. DAY. Chairman Shaw, Mr. English——

Chairman SHAW. Bring that microphone back just a little bit closer to you.

Ms. DAY [continuing]. I would like you to close your eyes and imagine yourself at home with your friends and suddenly someone takes you by the hand and tells you that you are going with them, you have 5 minutes to fill a black garbage bag. What will you take? How will you say goodbye? Feeling the pain of not knowing is the reality of over 300 foster children that have passed through my home. My family have been foster parents in Broward County for more than 20 years. We are seeing more children physically, sexually and mentally severely damaged entering foster care.

The first and most important issue is that we establish stability for our children by providing social workers that know their past history, follow them, and be there for them when they need them. Our children deserve to have social workers that have appropriate caseloads so they can devote the time needed to move these children quickly through the system. At this time, our caseworkers are carrying two to three times their normal caseloads and it becomes impossible for them to do their job. Because of the frustration to do the job correctly, many leave. I have been told by many they would have stayed but feared for the safety of the children on their caseload because they could not physically keep up with the current events happening in each case. We are in desperate need of more caseworkers to keep our children stable and safe.

Children who have been sexually abused need intense therapy at the moment they come into care. They need to be placed into homes or facilities that have had training to meet their needs and not placed into regular foster homes with other children. Why make these children victims again or create new ones? We are putting our children and our foster parents at risk.

It takes two working parents in most families to make a living and that includes our foster parents. If a child comes into care on Friday night, it is most likely that he may be moved on Monday morning because there is no day care available. Every move is damaging to our children. Why couldn't we incorporate day care in

our foster care system so our children could stay in their first placement? Stability is the key to healthy children.

Now tell me, how long would you stay up night after night trying to comfort a screaming baby going through cocaine withdrawal? Sometimes feeling beside yourself because you cannot stop the tremors of the pain gnawing in their little tummies. Or trying to reassure a 3-year-old that everything is going to be OK when they scream out in their sleep for their mommy. Our foster parents do this for ages 0 to 5 years for just $11.13 a day.

How long would you keep a child that rips the screens out of your windows, peels the wallpaper off your wall, urinates in the corner of the room and tells you to shut up, you are not their mom, and there is always that threat of that child running away. As foster parents, you answer countless calls from school on your child's performance and behavior. Our foster parents do this for ages 6 to 12 years of age for just $11.45 a day.

Dealing with normal teenagers is a task in itself. As foster parents, we are dealing with abused, neglected children who have already been burdened with all of the above baggage for years. Like with babies, you stay up night after night to make sure they are in their beds. You hear the pain of them not being with their families, or when they finally trust you, they tell you things that make your skin crawl. Our foster families listen to abusive language and have their belongings such as their cars, jewelry, and money taken. Our foster parents do this day after day for 13-year-olds and older for just $13.71 a day.

When reading this statement to a friend, she was appalled because just the week before, she had boarded her dogs for just $12.50 a day.

We need more foster homes, and I believe by having enough caseworkers, our foster parents could carry the load with their support. As it stands now, foster parents get burned out because they cannot reach a worker, there is no worker and when they need answers, it takes too long to get them.

Many of our foster parents do not have health insurance. I have talked to many working professionals that said they would become foster parents but if they would retire, they would lose their health insurance. Why could we not offer health insurance to our foster parents?

I guess what I am really trying to say is that we need to invest in our children now. Surely, it is going to cost, but what about in the future when these kids are in jail, on drugs, on the street, or making our loved ones victims? Why can we not invest for their future, our future, our children's future, and our grandchildren's future? Do we really want these troubled adults on the street with our families? Can you honestly say that you have done enough for foster care?

[The prepared statement follows.]

Statement of Linda Day, President, Broward County Foster Parents Association

Close your eyes and imagine yourself at home or with your friends and suddenly someone takes you by the hand and tells you that you are going with them, you have five minutes to fill a black garbage bag, what will you take, how will you say good-bye. Feeling the pain of not knowing is the reality of over three hundred foster children that have past through my home. My family have been Foster Parents in

Broward County for more than twenty years and we are seeing more children physically, sexually and mentally severely damaged entering Foster Care.

The first and most important issue is that we establish stability for our children, by providing Social Workers that can give them the past history, follow them, and be there when they need them. Our children deserve to have Social Workers that have appropriate caseloads so they can devote the time needed to move the children quickly through the system. At this time our Caseworkers are carrying two to three times their normal case load and it becomes impossible for them to do their job. Because of the frustration to do the job correctly, many leave. I have been told that many would have stayed but feared for the safety of their children on their caseloads, because they could not physically keep up with the current events happening in each case. We are in desperate need of more Caseworkers to keep children stable and safe.

Children who have been sexually abused need intense therapy at the moment they come into care. They need to be placed into homes or facilities that have had training that meets their needs, and not placed in regular foster homes with other children. Why make these children victims again or create new ones? We are putting our children and our Foster parents at risk.

It takes two working parents in most family's to make a living and that includes our Foster parents. If a child comes into care on a Friday night it is most likely that he may be moved on Monday morning because there is no Day Care available. Every move is damaging to our children. Why couldn't we incorporate Day Care in to the Foster Care System so our children could stay in their first placement? Stability is the key in healthy children.

Now tell me, how long would you stay up night after night trying to comfort a screaming baby going through cocaine withdrawal? Some times feeling beside yourself because you can not stop the tremors or the pain gnawing in their little tummies. Or trying to reassure a three-year-old that everything is going to be okay when they scream out in their sleep for their Mommy. Our Foster parents do this for ages 0–5 year olds, for just $11.13 a day. How long would you keep a child that rips the screens out of your windows, peels the wallpaper off the wall, urinates in the corner of their room tells you to shut up "your not their mom" and there is always the threat of that child running away. As Foster Parents you answer countless calls from school on your child's performance and behavior. Our Foster Parents do this for age's 6–12 year olds for just $11.45 a day. Dealing with normal teenagers is a task in itself. As Foster Parents we are dealing with severely abused neglected children who have already been burdened with all of the baggage from above for years. Like with babies you stay up night after night to make sure they are in their beds. You hear the pain of not being with their families or when they finely trust you they tell you things that make your skin crawl. Our Foster families listen to abusive language and have their belonging such as their cars, jewelry and money taken. Our Foster Parents do this day after day for 13 year olds and up for just $13.71 a day.

When reading this statement to a friend she was appalled because the week before she had just boarded her dogs for just $12.50 a day.

We need more Foster homes, I believe by having enough Caseworkers our Foster Parents could carry the load with their support. As it stands now our Foster Parents get burned out because they can not reach a worker or there is no worker and when they need answers it takes to long to get them.

Many of our Foster Parents do not have health insurance. I have talked to many working professionals that said they would become Foster Parents, but if they would retire they would lose their health insurance. Why couldn't we offer health insurance for our Foster Parent's?

I guess what I'm really trying to say is, that we need to invest in our children now. Sure it's going to cost but what about in the future when these kids are in jail, on drugs, on the street, or making our loved ones victims? Why can't we invest for their future, our future, our children's future and our grandchildren's future? Do we really want troubled adults on the streets with our families? Can you honestly say you have done enough for Foster Care?

Chairman SHAW. Thank you.

Ms. O'Day.

STATEMENT OF KATHRYN R. O'DAY, VICE PRESIDENT, PROGRAM DEVELOPMENT AND EVALUATION, CHILDREN'S HOME SOCIETY OF FLORIDA

Ms. O'DAY. Thank you. Linda and I decided that the Days have it today.

Chairman Shaw, Mr. English, thank you for the opportunity to address the Subcommittee.

The child protection system in Florida is under pressure to deliver critical results with very limited resources. In my written materials, I gave you some of those indications, I will not read them to you again. In response to this challenge, the Florida legislature last year did pass a bill to privatize foster care and related services, to transfer these responsibilities from the Department of Children and Families to competent community-based lead agencies. This is an important step toward establishing public-private partnerships and it needs your support to help it get on its feet and to keep it going.

I want to tell you about two things today. I want to give you an example of a private-public partnership that we initiated here in Broward County with Children's Home Society that has had tremendous benefits to our foster care system. And I want to make some recommendations to you about Federal funding to help support those initiatives.

About this time last year, I was contacted by a member of the Allegiance Health Care Corporation because they were opening corporate offices in Weston and they wanted to be a good community corporate citizen and to fund a community need. We immediately identified the need for foster care as being of critical importance to Broward County and the Allegiance Health Care Corp. gave us some funding, the United Way added to that funding and with about $100,000, we were able to hire some new workers and to partner with a community-based organization named Child SHARE. Child SHARE goes out into the churches and recruits foster parents who have a sense of mission and want to give back to the community, and then builds a support system around them that includes resources, respite care, babysitting and all kinds of other recognition.

We hoped to open 40 foster homes in 2 years. Since March 1998, we have been able to open 30 new homes, we anticipate having 49 new homes by the time we finish our next class this month in training foster parents. The state Department of Children and Families estimates that we need over 400 new homes here in Broward, so this is a tremendous addition to our foster care system. I am firmly convinced that these are the kinds of solutions that we are going to need to make a difference for children with the resources that we have.

Just like our foster parents hold us to high accountable standards, Federal funding needs to hold us to high accountable standards and we need to be able to work within those guidelines and to ensure that children in foster care get what they need. However, the current regulations for funding are in need of greater flexibility to allow States to apply Federal funding toward outcomes which are identified as critical by that State. Currently, States can capture reimbursement of eligible expenses through a process which

requires meeting various categorical eligibility characteristics. Linda Radigan alluded to this earlier for you. We can get around those requirements with waivers but they typically are cumbersome and take a long time to accomplish. One of the problems with negotiating for privatization in child welfare is that those regulations are not geared to private agencies and that is part of the problem with the agency in St. Petersburg who is trying to negotiate a contract with the department to initiate privatization on January 1, 1999.

Even where solutions can be identified statewide and that have long-range solutions attached to them, we cannot replicate projects in other parts of the country, so if we see an idea that is working somewhere else, we cannot see if it is going to work in Florida because each project has to be unique.

I do not have time allotted to me today to give you a lot of details about Federal financing, but I would like to offer you some guiding principles to consider as you are working on changes to Federal funding and mandates. Please consider supporting private-public partnerships with particular emphasis on matching private community funds that pay for system reform. It is important to ensure that there is enough funding for core services and let private dollars pay for enhancements to the system and help initiate new kinds of solutions.

Additionally, consider a waiver process that is more localized and allows for replication of existing projects in part or in whole. A process is needed where reviews and approval can be completed in as short a timeframe as possible, depending on the scope of the exemption requested.

Allow States to identify targets; for example, if we wanted to reduce the number of children per 1,000 requiring out-of-home care, and then build funding around systems that support the achievement of that outcome.

It is important that we begin to realize that child welfare is really a public health issue and needs to be treated from that model where you look at the prevention as well as the intervention if we are going to find a long-term solution to this.

I thank you for taking your time today to consider these important issues. I am pleased to see the recent focus locally and at the State and national level on the serious problems which affect so many of our youth. I am confident that as we continue to work together, we can build new approaches and systems to make life better for children who cannot live at home.

[The prepared statement follows:]

Statement of Kathryn R. O'Day, Vice President, Program Development and Evaluation, Children's Home Society of Florida

Thank you for the opportunity to address the Committee. We welcome you to Ft. Lauderdale, and appreciate your attention to the important issue of child protection. To introduce myself, I am Kate O'Day, Vice President of Children's Home Society for Program Development and Evaluation. I am a Licensed Clinical Social Worker in the State of Florida, and began my career in child welfare in 1980, working with a unit in one of our local police departments which dealt every day with child abuse and neglect. Over the past eighteen years, I have worked and managed programs and services in family preservation, runaway shelters, adult and adolescent substance abuse, adoptions, and foster care, among others. My career has spanned both government service and work in the not-for-profit sector. My work with Children's Home Society has included directing the programs and services here in Broward

County for the past four years. Currently, my position is responsible for addressing program and service needs in our communities throughout the State of Florida and to ensure that our services are having the intended impact on the clients with whom we serve.

The child protection system in Florida is under tremendous pressure to deliver critical results with limited resources. Child abuse reporting alone in Florida has increased by 15.5% since fiscal year 1993/94. There were approximately 3 reports of abuse/neglect for every 1000 children in Florida last year, which resulted in 121,777 reports to Florida's Abuse Hotline. After investigation, 79,641 of these children were identified as abused or neglected, and 12,000 of these were served in emergency shelter. During this same period, 12,632 children were served in board paid foster care, which again has seen an increase in its numbers; 7.8% more children this year than two years ago. The numbers of children in residential group care has increased by 36% over the same time period, with 2,427 children being served last year. Although the goal for many of these children is family reunification, many never return home and are eventually adopted out of the system. Statewide, 11,158 children received adoption subsidies in fiscal year 97/98, an increase of 16% over the past two years.

This hearing is being held here in Broward County because of the crisis we are facing with providing for children in out of home care. During the last fiscal year, the number of children in foster care in Broward County alone increased by 278 children—from 1,145 children on July 1, 1997 to 1,423 children on June 30, 1998. Our state Department of Children and Families has found serious problems in addressing these increased needs, and the results have been that children are residing in overcrowded and unsafe conditions in many cases, and not receiving the level of care they need and deserve.

In the wake of concerns over growing needs for service, increased demands on the state budget, and continuing high profile cases in which children have died in spite of repeated involvement with the child protection system, Florida's legislature last year passed a bill to privatize foster care and related services, transferring these responsibilities from the Department of Children and Families to competent, community-based agencies. Congress has also responded to the national conditions of child protection with important legislative reforms, which limit the time of children in care, among other things. If we are to succeed with this important initiative for privatization in Florida, and deliver services which meet the mark for Federal requirements, we will have to work together in new ways to reform our thinking at every level in the child protection system, from case work and service provision, to data tracking and outcome measures, and most importantly to this Committee, to resource allocation and funding. Furthermore, I am convinced that we must find the will and the way to effectively address the growing problem of child abuse only through a true partnership between the public and private sectors. These productive working relationships between governmental entities and the communities and people they serve require your support to help them get off the ground and to succeed.

Building a system which accomplishes the goals of child protection and family preservation is our collective responsibility. I have come here today to address you on two important issues which need to be considered in building a better child protection system. First, I want to tell you about an important private-public initiative, which has produced significant results here in Broward County for foster children. Secondly, I would like to invite you to consider increased flexibility in some aspects of Federal funding of adoption and foster care which would help those of us who are in the trenches working to solve these problems.

Children's Home Society of Florida has been a provider of licensed foster care in Broward County since 1967. By January of 1998, we were operating 21 licensed foster homes. Funding for these services was provided by a mix of private donations, the United Way, and "pass through" foster care board payments from the Department of Children and Families to the foster families.

In late 1997, a member of the Allegiance Health Care Corporation staff contacted one of the members of our local Board of Directors here. As they were opening new offices in Weston, the Baxter-Allegiance Foundation wished to identify a community need which it could then lend assistance to through funding. A conference call was arranged between the Allegiance staff, the Foundation Executive Director, and mysel. We identified the need for more foster homes in Broward County as being of critical importance, and agreed to submit a proposal for funding. In March 1998, we were awarded a two year grant of $98,291; $64,832 for the first year and a matching challenge of $33,459 for the second year. We proposed to hire two new foster family care workers and expand our capacity by about 40 homes over the two-year period. At about the same time, the local founder of Child SHARE, (which stands for Shelter Homes A Rescue Effort), approached us. We formed a partnership

with Child SHARE of South Florida to recruit and assist foster family homes for this expansion. Simultaneously, we applied to the United Way to increase our funding and support the expansion by Baxter-Allegiance and the partnership with Child SHARE. The community, through the United Way, responded by increasing our funding for family foster care by 42%, or $41,573.

The results have surpassed even our most optimistic projections. Since March 1998, we have added over 30 new foster family homes (for a current total of 55) and anticipate serving 70 at the completion of our next foster family training class this month. Many (but not all) of these families have come to us through the partnership with Child SHARE. This will more than meet the goals we identified to the Foundation for a two-year period, less than one year into the project. A total of $106,405 in private funds have made this possible. With our District Administrator estimating a need for over 400 new homes in Broward County to appropriately care for our children, 49 new homes is a very welcome addition to our system of care.

This is a true illustration of public-private partnerships, and allow me to tell you a little about how that partnership works. Child SHARE is an affiliate of the California based organization, which recruits and supports foster family homes through active involvement in local churches. Families which are recruited in this way are offered an extensive array of supports within their church community, including support groups, respite care, baby-sitting, furniture and equipment, and recognition and appreciation for what they are doing for all of our children. Child SHARE provides that community-level organization to raise awareness about the need for foster homes, recruit potential families, and give them an environment which embraces them in their efforts once they become licensed and have children in care with them. Children's Home Society's role in the partnership is that of a professional Foster Family Agency, which evaluates the potential foster homes, does all the background screens and ensures the family meets all the standards for licensing, and then provides professional casework as families are matched to children and receive the services they need—such support with the school system, health care, and counseling or recreational needs. Children's Home Society also provides a free monthly clinic to all of its foster families where well care services are donated by a local pediatrician, as well as ongoing training and support groups for problem solving with family logistics and parenting foster children.

People connections have made this partnership work. It so happened that one of Children's Home Society's foster families for many years was also a member of the congregation sponsoring the Child SHARE efforts. We arranged for a program to be presented in the evening to church members with a panel including foster parents, professional foster care staff, an adult child of foster care, the pastor, the Child SHARE staff member, and myself. The response from the congregation was overwhelming, and has not stopped. This experience has firmly convinced me that the community will support solutions it sees as effective, and when the results can be seen and touched, as with a child who is blossoming in foster care. The dedication of these families who come forth out of a sense of mission and the need to care for those in need is an inspiration to all of us who work with them.

Just like our foster parents, federal funding mandates need to hold all of us to a high quality of care as we work with children who cannot live at home. Standards need to be set and enforced to ensure that children get what they need in a timely fashion. However, the current regulations for funding foster care and adoption are in need of greater flexibility to allow states to apply Federal funding towards outcomes which are identified as critical by that state. Currently, states may capture Federal funding for reimbursement of eligible expenses through a process which requires meeting various categorical eligibility characteristics. States can qualify for exceptions to these requirements through the waiver process, but this poses problems itself in terms of time and flexibility. Waivers typically take more than a year for approval, which may not be responsive enough in a situation such as we have in Florida, where contract negotiations are currently underway for the first implementation of privatization to be implemented on the West Coast in District 5 by January 1, 1999. As Federal funding regulations impact on the ability of a qualified community-based lead agency to draw down Federal money, there is no route to a short term or temporary exemption process. Even where solutions can be identified statewide and in the long-range, the waiver process only allows for demonstration projects in each state, each of which must be unique. This means that a good idea in one area of the country cannot be replicated and compared with results elsewhere.

It is far outside the scope of five minutes of testimony before you today to outline a plan for making Federal funding more flexibile and exceptions or waivers more timely and easily granted. But I would like to offer you some guiding principles to consider as you are working on changes to Federal funding and mandates. Consider

supporting private-public partnerships, with particular emphasis on matching private community funds that pay for system reforms and to support basic program operations. I have found that donors are attracted to seeing their monies matched by other private donors as well as government sources. Additionally, consider a waiver process that is more localized, and allows for replication of existing projects in part or in whole. A process is needed where reviews and approvals can be completed in as little as thirty to sixty days, depending on the scope of exemption requested. Allow states to identify targets, (such as reducing the number of children per 1,000 requiring out of home care) and then build funding around systems which support the achievement of that outcome, rather than ensuring that procedural safeguards are in place for the current system.

I thank you for taking your time today to consider these important issues. I am pleased to see the recent focus, locally and at a state and national level, on this serious problem which affects so many of our youth. I am confident that as we continue to work together, we can build new approaches and systems to make life better for children who cannot live at home.

Chairman SHAW. Thank you. And our final panelist, Eileen Donais, we saved you until last because we wanted to end on a positive note.

STATEMENT OF EILEEN DONAIS, EXECUTIVE DIRECTOR, HANDY (HELPING ABUSED AND NEGLECTED DEPENDENT YOUTH), INC., FORT LAUDERDALE, FLORIDA

Ms. DONAIS. I will try my very best to do that. Thank you.

Thank you, Chairman Shaw and Mr. English, for inviting us here today. My name is Eileen Donais, I am executive director of HANDY, an acronym for Helping Abused, Neglected Dependent Youth. We are a 501(c)(3) nonprofit Broward corporation and our mission statement is as follows: We are dedicated to breaking the cycle of child abuse by helping the abused, neglected, dependent youth of Broward County who are placed in protective custody by the court. We provide emergency funds and network to fill the cracks in meeting their needs for items such as food, clothing, eyeglasses, specialized medical and dental services, scholarship and educational opportunities.

The organization has a very large and active board, over 500 members and an advisory council consisting of three judges and several other prominent community leaders.

Private fundraising, donations, and private grants generate our total budget. Hundreds of thousands of volunteer hours are contributed by this dedicated group of individuals who care so genuinely about the children we serve. HANDY was established in 1985 as the nonprofit arm of the State Guardian Ad Litem Program to accommodate needs identified and unfulfilled by the State and to provide a support system for them and State caseworkers.

I would like to cite some examples that further define this statement.

A 15-year-old young man is residing in a therapeutic treatment program in Jacksonville. His mother was stricken with a brain aneurysm and given only a very slight chance of recovery. Immediate funding was not available from the department. HANDY provided an airline ticket for him so that he would have those last fleeting moments here with her before she passed on.

The HANDY free clothing bank has become a total necessity to this community of children and families. Referrals come to us from

25 agencies. We are the only agency in Broward County to fill this tremendous need. The majority of children brought in off the street have nothing, as we know, but the clothing on their backs and our department store is here to truly help them. We furnish everything at no charge, from infant sizes to adult clothing, shoes, baby furniture and supplies, all donated by this huge wonderful community at large. Families are able to return at least four times per year. HANDY's funds are generously used to stock new undergarments and socks. During our past fiscal year, we served 4,900 clients at a used clothing store value of approximately $58,000. With a minimal staff, members, friends, corporate employees, and high school students also provide 5 days of staffing for this facility.

It is particularly significant to note that during the past 6 months, we have seen an increase of at least 50 percent in requests for beds and food. In the interest of the child's safety and well-being, HANDY is allocating dollars for both of those needs. Local merchants are supplying beds at deeply discounted prices, and HANDY, being a member of the Daily Bread Food Bank, is able to help families stock up on necessary foodstuffs and Publix gift certificates to supplement with something as simple as milk and bread for the weekend.

A longstanding partnership has developed with Lens Crafters and their Gift of Sight Program, where children can have an eyeglass prescription filled at no cost. Our board has two medical liaisons that assist in finding pro bono help for special medical and dental procedures. Some of that is extended care, such as a corneal transplant and a severely infected tattoo on a beautiful young lady. It is not uncommon for one of our dependency judges to phone us from their courtroom requesting emergency assistance to avoid eviction, restore electricity, or whatever crisis that may be affecting the child's quality of life. Of course, we are there to take action immediately.

HANDY is very committed to helping our children languishing in school to become better students and prepare them to receive a higher education to live in this global world. Our mentor programs for adolescents and teens is thriving and growing. In collaboration with the Broward County School Board and Broward Community College, this important project will continue to help and motivate these at-risk teens.

The long-term goal of HANDY is to counterbalance the current decrease in DCF Prgram funding for the increased number of abused and neglected children entering the court system. It is our fervent resolve to expand HANDY programs and services to serve each child that needs assistance. It is through this joining hands of public-private partnership that we can truly make a difference, one child at a time.

To every Federal-elected official, government official, State official, we would encourage you to speak on our behalf and on behalf of all of the children of the important development of these public-private partnerships.

Thank you very much.

[The prepared statement follows:]

Statement of Eileen Donais, Executive Director, HANDY, Inc., Fort Lauderdale, Florida

Handy, Inc. was established as a non-profit 501 c3 organization in 1985 by a small group of concerned citizens who saw the need to raise funds to fill a void that would help to complete the vision of the State Guardian ad litem program. It remained small until 1991 when Broward County community leaders created a membership organization and enlarged its scope. Today HANDY provides emergency funds and services that "fill the cracks" giving these children, who are wards of the state, a fighting chance to become whole again.

HANDY has received numerous awards, such as the J.C. Penney Golden Rule Award to founder Ed Pudaloff. Mr. Pudaloff also received the "Spirit of Excellence Award" last year from the *Miami Herald.* After founding the auxiliary, Kathie Jackson was named Broward County Child Advocate of the Year in 1995 because of HANDY's accomplishments.

HANDY is unique to Broward County as it is the only organization solely designed to work with the entire population of children who have fallen victim to abuse and neglect, as well as network with other organizations and individuals in our community, which serve them. In recent years, HANDY has been able to not only fulfill the emergency needs of these children, but also improve their low self-esteem and enhance their lives through various events and incentive-based educational programs.

The mission statement of HANDY is "We are dedicated to breaking the cycle of child abuse by helping the abused, neglected, dependent youth of Broward County who are placed in protective custody by the court. We provide emergency funds and network to "fill the cracks" in meeting their needs for items such as food, clothing, eyeglasses, specialized medical and dental services, scholarship and education opportunities." Following is a comprehensive outline of how HANDY accomplishes this mission.

The HANDY membership is over 500 and is open to any person in the community for minimal dues of $25 per year, or the option of a lifetime membership, which continues to grow. The HANDY Board is a cross section of working men and women and community volunteers who have diverse educational, profession and economic backgrounds. The Advisory Council includes three judges and several prominent community leaders, an accountant and legal advisor.

All funding for HANDY programs and services comes from dues, fundraising activities and events, Corporate support, and private foundation grants. We do not receive any state or federal funding. It is an efficiently run organization with a minimal paid staff so that as much money as possible continues to be directly distributed to the children. Total revenue from private fundraising for the fiscal year ending July 31, 1998 was $543,943. In addition, hundreds upon thousands of volunteer hours have been donated by HANDY members to raise funds and assist with social outlets for the abused and neglected population we serve.

The outline that follows encompasses the broad and in-depth services and programs that Handy offers and funds on behalf of the adjudicated dependent children, and those advocating on their behalf.

PROGRAM SERVICES:

- The HANDY "ABC" Birthday Club matches member sponsors with Guardian ad litem children to recognize their special day. Most of the youngsters have never received a gift yet alone recognition. It is a totally self-sustaining program facilitated by member's volunteer hours.
- Housing dollars are expended on an emergency basis for rent as necessary to ensure that a child has a safe place in which to live. Oftentimes the caretaker has fallen on an unavoidable hardship or illness. This funding is offered as a one-time temporary measure to keep a family intact while evaluating the overall future situation by state caseworkers.
- Emergency funds are also provided for utility, water and telephone bills after evaluating the immediate need and lack of funds from any other source. The criteria for such expenditures are largely based on the information in the previous paragraph. HANDY does have a "networking" provision in place with Florida Power & Light for serious situations that arise.
- Until the passage of recent legislation, HANDY has provided the funds for the State Adoption Filing Fee so that any family willing to adopt a child in their custody would not encounter expenses that may preclude an adoption decision. These fees have been refunded to us once finalization has taken place, but had we not "stepped up to the plate" for this one, it is reasonable to expect that perhaps that adoption would not have taken place.

• The "Holiday Wish List" specifically designed to grant the special wish of a Guardian ad litem child is one of the largest and significant undertakings of the entire year. HANDY member sponsor children, corporate donors take hundreds of wishes, and community individuals step in to help this cause. Each child receives that "special something" that their guardian has discussed with them, including bicycles for those deemed most necessary.

• Beds and cribs are in crisis need at this time. As the shortage of foster homes continues to prevail, more and more children are being placed with relatives or caregivers who themselves are very needy. HANDY is working with several local companies who are supplying and delivering this basic necessity at nearly wholesale prices. Furniture donations are also passed along to families in crisis. Special equipment is also purchased as needs are identified by the Guardian ad litem or others involved in assessing the child's needs.

• Medical, dental and eyeglass needs are fulfilled whenever possible and for the most part, pro-bono professionals are sought out to assist with this need. While Medicare dollars should be the proviso that is available to the children, many procedures are not covered by this insurance. The HANDY Board has two medical liaisons who "network" in the community to find this important assistance.

• Nutritious food is oftentimes not available when children are placed with a relative or other caregiver. HANDY is a member of the Daily Bread Food Bank and our volunteers help Guardians and caseworkers to receive bulk food. Oftentimes this is then supplemented with local food store certificates for items such as milk and fresh produce.

• The HANDY free Clothing Bank has become a total necessity to this community of children and families. Referrals come to us from 25 resources. There is no other agency in Broward County to fill this tremendous need. Abruptly removed from an abusive or neglectful situation, children are often taken into custody with only the clothes on their back. When placed in shelter or foster care, the state provides only $15 for emergency clothing and personal items. If a child is moved to a new placement, more often than not, their total belongings fit into a small trash bag. Our "department store" furnishes everything at no charge from infant sizes to adult clothing; shoes, baby furniture and supplies, all donated by the community at large. HANDY funds are generously used to stock new undergarments and socks. One full time person, and part time help staff this facility. A huge member volunteer staff assists weekly, as do corporate employees and high school students receiving community service hours. During our past fiscal year, we served 4,900 clients at a *used clothing store* value of $58,000.00. HANDY leases a 3,200 sq. foot facility in downtown Ft. Lauderdale only minutes from the County Courthouse.

When HANDY is unable to meet a need, for example, tennis shoes, we provide gift certificates from local discount stores. This service is also provided for items such as school supplies and household goods.

EDUCATIONAL OPPORTUNITIES & SERVICES:

HANDY Saturday S.T.A.R.S. (Steering Teens Toward Academic Rewards & Success) is a tutoring program, which targets the most critical age level, middle school and high school students. Each student is matched with a college student from our local universities. The tutors are contracted by HANDY to provide at least one hour of personal tutoring in the child's school on a weekly basis. The success of this program has been aided by collaboration with the Brossard County School Board and Brossard Community College. A partnership with the college employs our Program Administrator. Saturday field trips are arranged on a monthly basis. The children regularly participate in the "Challenge Ropes Course" to motivate them and raise their level of self-esteem. Other field trips include community service projects and field trips exposing the children to future job opportunities. The enrollment has doubled this past year, and a continual waiting list exists as their child advocates nominate them for this empowering program.

• Scholarships for college and vocational training are awarded monthly to any child who has ever been under court supervision. Interviews of prospective recipients take place monthly and HANDY also assists each student in reviewing their total financial aid package, e.g., Peel Grants, foster care tuition waivers. A cross section of dedicated community leaders serve on this committee and their expertise and contacts are invaluable to the student.

• "Computers for Kids," is a new project this year, whereby we are seeking donations in an effort to put computers in the homes of needy children who would benefit from the tutorial help and follow up to school computer training. This is now considered an essential part of their overall education. It is also our goal to supply a com-

puter to each of our local college students to ease the burdens they face everyday while trying to work and go to school.

The HANDY Summer Camp Program offers opportunities for local day camp and sleepover camps located throughout the State. Each and every child nominated by the Guardian ad litem, Caseworkers, or therapists is considered for an appropriate placement. This program is deemed as extremely important to a child's social development and interpersonal relationships. Camp counselors also become outstanding role models. HANDY receives many scholarships for camping programs and also allocates huge sums of money to insure its success. More than 300 children had this wonderful experience in the summer of 1998.

• School field trips, graduation gifts, tickets for prom parties (items that most children take for granted) are also funded by HANDY when a request is made, and provided the person advocating for the child feels that it is a deserving gift.

SOCIAL ACTIVITIES

The HANDY membership has always believed that it is important for the Guardian ad litem and children they represent to participate in as many social activities as possible. These opportunities benefit the communication between those involved and certainly enhance the child's social skills. When a State Supreme Court order evolved that no longer permitted a Guardian ad litem to transport children in their automobile, HANDY was undaunted in keeping these activities on track. HANDY now contracts private charter buses, staged at various county locations to transport the children and guardians to the activity. Some of these activities include—

• "Back to School Shopping Spree" HANDY members sponsored a child to receive a $100 local mall certificate and the volunteers arranged for fantastic store discounts. A huge pizza party was held for over 300 in attendance. After all, these kids do like to "look like the next guy."

• The 7th annual Lighthouse Point Yacht & Racquet Club Christmas Party will treat 65 youngsters ages 5–10 to an unforgettable day. Sponsored by fundraising of the ladies of Lighthouse Point Auxiliary and club management, the children will ride aboard yachts in their own Boat Parade, partake of a delicious lunch, entertainment, and best of all they will receive a brand new bicycle, compliments of JM Family Enterprises.

• Another highlight for the children is the attendance of many dependency court judges, who join in the festivities and fun along with the children.

• The annual Easter Picnic hosted by Florida Power & Light at their Port Everglades picnic grounds. A huge staff of HANDY volunteers hosts a fabulous day including a petting zoo; DJ, carnival rides, lunch, and their very own custom made Easter basket. Hundreds sign up well in advance and it is interesting to note that this is often the perfect opportunity for siblings to see one another, since they may live in different homes.

• Other ongoing Children's Activities include—Florida Marlin's Season Tickets, Museum of Discovery & Science Imax Theater, Green Glade Ranch Hoe-down & Barbecue, Dolphins Football Training Camp, Grand Prix Racecourse

The long term goal of HANDY is to counter-balance the current decrease in DCF program funding for the increased number of abused and neglected children entering the court system. It is our fervent resolve to expand HANDY programs and services to serve each child that needs emergency assistance, educational help, and social outlets that will help enrich their lives.

It is through this joining hands of public-private partnership that we can truly make a difference . . . . . one child at a time.

Chairman SHAW. Eileen, thank you very much.

Mr. English.

Mr. ENGLISH. Thank you, Mr. Chairman.

This panel has painted a detailed and in some ways very grim picture and I wonder if I could prevail on them to amplify on their testimony.

Starting with Mr. Talenfeld, I was intrigued by your testimony, and can you tell me, are you suggesting that the Federal child abuse definition excludes child-on-child sexual abuse? And do you

know specific instances where the law itself was an obstacle to identifying this kind of abuse?

Mr. TALENFELD. Florida has not implemented the Adoption and Safe Families Act in a manner which would include child-on-child sexual abuse as part of the type of referrals that are mandated to its central abuse registry. I can tell you that to obtain this information has been anecdotal, it has been based upon assignments from judges and court orders to represent these children that have been injured in care. And I wanted to alert your attention to the fact that we do not believe the States are gathering this information. None has been reported, to our knowledge, accumulating these data, to have any idea as to what percentage of the number of children in care have been victims of this type of abuse.

Mr. ENGLISH. Have you had or do you know of any specific instances where a centralized child abuse registry would not take action on this type of complaint?

Mr. TALENFELD. The answer to that question is corrective. If you would dial the numbers 1–800–96ABUSE and would not allege that a caretaker is at fault with respect to the child-on-child sexual abuse at hand, they would not receive your complaint.

Mr. ENGLISH. Is your concern that reports of this type of abuse are not made or that they are not investigated?

Mr. TALENFELD. There is no direct policy, at least at the State level in Florida, which mandates the centralized reporting of these abuses. So we believe in many cases, these are crimes that take place at night, that maybe a caretaker may have knowledge of, they do not know where to go. But the Journal of the American Medical Association points out in this month's article that most of these complaints are very sensitive, many of them go directly to law enforcement agencies, and there is no centralized place to receive them. We believe that CAPTA should mandate that these reports from whatever agency, from whatever source, go to the centralized agency because they are so hard to receive when they do come. And we need to have that capacity to not only identify the victims, but the perpetrators, to obtain treatment for both.

Mr. ENGLISH. Ms. Meyer, one might infer from the testimony that an important provision of the Adoption and Safe Families Act is to ensure that the safety of the child is the paramount concern and investigating allegations of maltreatment is being ignored. Do you see a continuing overemphasis on making every effort to keep families together even at the expense of a child's safety?

Ms. MEYER. In the experience of the Guardian Ad Litem Program and some of the cases that I described, the family preservation apparently seems to be the goal. I think Judge Kearney mentioned the 1-hour training video. Perhaps it is a training issue that needs to be addressed. It is probably more likely than not that a lot of the investigators who are out there in the field may not be aware of this recent legislation, may not be aware that the goal has been switched now to the safety and well-being of children. So it is disheartening to see it; however, I believe that the training of these individuals needs to be implemented immediately so that they are aware that there has been this shift and that they see that these children need to be the focus. But the experience has been that at this point, there are lots of cases that it is just not.

Mr. ENGLISH. Ms. O'Day, in your experience, how has the passage of the Adoption and Safe Families Act and the interethnic adoption provision changed the practice of child welfare in your agency? Specifically, do you see a change in social work practice and is concurrent planning increasingly used to plan for family reunification and at the same time for adoption?

Ms. O'DAY. Well, let me answer you. We have always tried to match children with families, whatever those characteristics might be, that would provide best for the children's needs. We have never been looking at demographic characteristics, for example, to make those matches. So I would not say it has tremendously impacted our adoption practice, but I would say it probably has more in the public sector.

To talk about reunification, you have to talk about concurrent case planning, which is what is needed to fulfill the Federal time guidelines. This means that when a child comes into care, you immediately begin intensive services with the biological family to ensure that they understand what tasks are before them to get their children returned to them, while at the same time you prepare a well-trained foster home that is prepared to make a permanent commitment to that child if it becomes necessary. So you've got both tracks going at once.

Previously you would wait to see if the biological family would fail out of their case plan and only then would you begin thinking about permanency. With concurrent case planning, you begin thinking about permanency from day one. But you have to afford biological families every opportunity to succeed because children really would rather live with their biological families than with a substitute family.

Mr. ENGLISH. Mr. Chairman——

Ms. O'DAY. I am sorry—we have a program called Homeward Bound that does this. We start visits between the biological family and the child from the day that they are removed and encourage a lot of contact, which tends to make the biological families do better. When the biological family cannot meet their case plan, then we are prepared to go forward with permanency.

Mr. ENGLISH. Mr. Chairman, you have been very generous in allowing me time. I would like to yield to you, I know you probably have quite a few questions.

Chairman SHAW. Ms. Loehndorf, how much training have you received?

Ms. LOEHNDORF. It is very hard for me to tell you exactly. I have been with the agency since June 3, 1963. So I have had a lot on the job and a lot more than a lot of the younger ones.

Chairman SHAW. How typical are you?

Ms. LOEHNDORF. Very untypical.

Chairman SHAW. There is a huge turnover, I assume.

Ms. LOEHNDORF. Yeah, in my unit right now, there are two or three slots that have just been revolving doors. The counselors that were trained, a couple of them quit before they even finished their training once they found out what they were really going to have to do. We have got two that are literally in training right now, there are only two of us that have been in that unit for a long time—over 3 years. One of the other ones has been there 3 years,

but I think three of them have actually got other experience with the agency.

Chairman SHAW. How many children are under your supervision now?

Ms. LOEHNDORF. I personally have close to 50 kids—a little over actually 50 kids. It is hard because——

Chairman SHAW. Is that typical?

Ms. LOEHNDORF. In my unit, what you have is the more experienced workers have much higher caseloads because what happens—and we just had this happen last week, which is why I have to go recount again. The other counselor who had been there a number of years, she left. So we just got another caseload divided out among those of us who are taking cases. The ones in training obviously cannot. So the higher caseloads stay with those of us who have been there, which puts us at a real disadvantage because when you are working with that many kids, something is going to get away from you. You are just not going to make everything you are supposed to do.

Chairman SHAW. You listened to Mr. Brown's testimony. Would you say that the problems in Palm Beach parallel the problems in Broward County?

Ms. LOEHNDORF. Yes, I would.

Chairman SHAW. Mr. Brown, what training is available right now if we were—you heard Ms. Meyer say that we should immediately implement this, you hear the Sheriff refer to the really skimpy training program that we have. And I assume that you can confirm that we are talking about an hour video? I would like for you to either confirm or deny that. And if you were trying to implement some greater training at this particular point, which the Federal Government, by the way, I think we fund that at 75 percent, what would you do?

Mr. BROWN. I agree with Judge Kearney and the other panelists here today. We have only provided minimum services or training to our counselors, and that compounds the problems that we have in this agency. I agree with the Sheriff, we need about 40 hours of in-service training every year ongoing for the existing counselors and probably twice as much for new people coming on staff, because most of these people come on staff with other types of degrees. And that's one of the problems in this system too. What we have tried to do in Broward County over the last year that I have been the district attorney with social work degrees and sometimes advanced degrees. But again, the thing that compounds the problems, Mr. Chair, is that you cannot afford to pay these people to keep them once you get them. So you get them here, you take them through 3 months of training and that is what we provide to these people, and then they come in and then they find the working conditions that have been placed upon them and the minimum pay that they are receiving and the lack of resources, and they leave.

Chairman SHAW. What is the turnover rate?

Mr. BROWN. It was 61 percent the first year and right now it has been over the last 9 months about 38 percent.

Chairman SHAW. What effect does that have on the kids that they serve, the fact that there is no stability, the fact that there

is a turnover, the fact that every time somebody knocks on the door, it is somebody else?

Mr. BROWN. It not only affects the kids, sir, it affects our presentation in court, it affects the attention we are able to give to the foster parents, it affects everything we try and do. You do not have a stabilized work force, you are constantly passing the cases to other people and you are constantly trying to meet all the goals that are mandated by policies and procedures and it is just impossible to do the job.

Chairman SHAW. So what we have are kids that are going from foster family to foster family, counselor to counselor.

Mr. BROWN. It is a catch-22.

Chairman SHAW. What is the average stay in foster care in Broward County? Have you implemented the 15-month mandate that the Federal statute has, which I think Debby Sanderson said was actually reduced to 12 months in the State of Florida.

Mr. BROWN. You know, sir, the rewrite of 39 happened during this past legislative session and October 1 we started the implementation of it. But to be honest with you, our department has not trained our staff properly. We are presently looking at those children that have been in care over 12 months, but we have only been in this change of chapter 39 a couple of months and we have not impacted those children that have been in over 15 months at this time. I would think in a couple more months, those cases will start being presented to the courts and hopefully we will be moving some of those kids to permanency.

Chairman SHAW. How many caseworkers do you have now?

Mr. BROWN. I have 171 caseworkers with the new appropriation that I received this past legislative session in the foster care arena. When I say foster care arena, we have blended protective supervision and foster care. And then I have 63 positions in the protective investigative unit that the Sheriff has alluded to taking over.

Chairman SHAW. Do you have any suggestions as to how Federal law might be adjusted to help you out here?

Mr. BROWN. Well, I think we have major problems with our categoric funding and I think that that needs to be addressed, because for example, this past week, the money has been allotted to us for our out-of-home care budget and this year we got $7,319,000. I said earlier that we had an $11 million deficit, so we are out of money in that category and we have very little flexibility of moving dollars around. So then we have to go back to the central office and the Secretary then has to go to the legislators to try and make the necessary changes in the budget so that we can pay our bills. I think that we need to be cognizant of the fact that we need more flexibility in moving money around so that we can operate and so we can develop the needed resources to protect children in this county.

Chairman SHAW. Does Florida law have flexibility to address the increased population that you are serving?

Mr. BROWN. No, sir. As a District Administrator, we can only adjust the budget by 10 percent. And if you are paying $2 million a month for services for children and you have a budget of let us say $7 million, it does not give you much latitude.

Chairman SHAW. Does all your money come from the State?

Mr. BROWN. Yes, sir.

Chairman SHAW. You get nothing locally?

Mr. BROWN. We get public-private donations, we have a——

Chairman SHAW. I am talking about government money.

Mr. BROWN. No, sir.

Chairman SHAW. All right, I want to thank all of you. Did you have anything further you wanted to ask?

Well, let me ask Ms. O'Day a question regarding what we have heard on both sides of the question of privatization. What changes do you see in Federal law with regard to privatization? I think somebody earlier, and I think it was an earlier panel, mentioned that the training money on privatization is 50 percent whereas for government funding is 75 percent. And I think that is something we should look to. Where are you seeing privatization across this country, what programs should we be looking at as things that are working? Where would you suggest we might want to look to see how this is all working out?

Ms. O'DAY. I do not think that we have arrived at a solution where privatization is concerned. I think that these are experiments that we are trying to deal with a tremendous problem that requires increasing resources and we are trying to do this within the resources that we can put to the problem.

We do need more flexibility from the Federal funding and we need the Federal funding to incent, that is to provide incentives for the system to move children out of care and have good outcomes for them while they are in care. We need to be tracking how children are doing, are they doing well in school, are they reaching their developmental milestones, are they able to leave foster care and become productive citizens? So we need to be focusing more on outcomes and the Federal funding needs to incent those outcomes. There is definitely a role for the government in child welfare, we cannot turn the whole system over to the private sector and expect the private sector to solve all those problems themselves. But the government needs to do monitoring, it needs to do data collecting, it needs to do incenting and the private sector needs to be free to innovate, to bring private resources on board to enhance the system and to work for more flexible and creative solutions.

Chairman SHAW. But you do not have an exact one to point to?

Ms. O'DAY. I cannot give you a model where privatization has been implemented and we can say that is it, it is perfect, we want to try and do it just like that. No, the Child Welfare League is working with looking at some of those early initiatives. Some of the privatization projects are still too new, the data are not in yet, we do not really know how they have done. We do know that in Kansas, a lot of the private agencies lost millions of dollars the first year out because there were not effective cost estimates. We do not really know—they have not really tracked how many children are involved and exactly what it cost and how to reduce those costs.

Chairman SHAW. I would just open up one further area that no witness has really spoken to and I will just throw this out to anyone who wants to catch the ball, or maybe it is not even within anybody's experience, but is there anything we are doing about these kids once they reach 18? Some of them, probably a good percentage maybe have a year or two of high school left or something

of this nature. Are we addressing that problem? Can somebody jump in and tell me what we are doing?

Ms. LOEHNDORF. If the child is 18 years of age and they are still involved in school or in going with higher education, they can stay in and we continue their cases and we continue paying their board payments, or if they go into the independent living program, we continue with that as long as they are in——

Chairman SHAW. So there are resources out there for those that want to continue their education.

Ms. LOEHNDORF. Yes.

Ms. O'DAY. If they can stay in the system that long. The problem is that a lot of times there is turnover and with the lack of appropriate care, they drop out of the system themselves by running away. As Mr. Talenfeld has alluded to, and I have worked with these kids at Covenant House, they solve their own problem by saying you guys do not know how to take care of me, I know how to take care of myself. And so they do not get those benefits because they do absent themselves from the system.

Chairman SHAW. Let me just throw one further thing out. We heard this in a hearing in Washington and I told this story already once this morning and I warned the people that I told it to that they may be hearing it again, because it is something that really had a profound effect on me.

The adopting agency of the State, this woman was testifying before our Committee and told us the story, it went like this: A little girl 3 years old being introduced to her new adopting parents, stood there and looked at them for a moment and then put her hands on her hips and looked them straight in the eye and said, "Where have you been?"

Now if that does not put a tingle through you, if that does not tell you that our job is to get these kids into permanent homes when we know that they are not going to be able to get back to their family, and you see that they would be in danger in getting back to their family—that is what our job is, and do it as quickly as possible. It is a national disgrace, it is not a Florida disgrace, not a Broward County disgrace, it is a national disgrace that these kids have been allowed to stay in foster care so long when there are potential parents out there who are ready, willing and so anxious to embrace them, to have a family themselves. This is something we cannot tolerate.

At the Federal level, we have taken down all the barriers that we know of to adoption. It is now up to the States. In fact, we have mandated it to the States as part of the funding, to shorten this time. We have got to get these caseworkers in and we have got to get all of these people in and retrained as to exactly what it is that we are going to do and what we are about. And that is what is so important.

You all are doing the Lord's work and God bless you. Thanks for being with us today.

[Whereupon, at 12:23 p.m., the hearing was adjourned.]

[Submissions for the record follow:]

Statement of Gordon Johnson, President and Chief Executive Officer, Jane Addams Hull House Association, Chicago, Illinois

ADDENDUM TO THE DECEMBER 14, 1998 CHILD PROTECTION HEARING IN FORT LAUDERDALE, FLORIDA

News headlines are filled with the evidence that our national child protective systems are in crisis.

• Increasing numbers of children with more acute needs are entering the system.

• In far too many instances children suffer great harm or death at the hands of the system designed to protect them.

• Biological families have multi-layered problems, including rising instances of drug use and addiction, that are difficult to address within short periods of time.

• Public foster care systems are overwhelmed and underfunded. Case workers carry case loads far in excess of prudent professional standards. Foster parents cycle through the system, burned out and fed up by a lack of responsiveness and bureaucracy.

• Children cycle through numerous foster placements, often failing to receive needed treatment and services.

• Many children, particularly older children, those with special needs and large sibling groups, languish in foster care for years with no permanent placement plans.

• The shortage of foster homes leads workers to split children apart from their brothers and sisters when they enter the system, thus increasing the trauma these children are already enduring.

• Older youths who have been in the foster care system for years are pushed out of that system when they reach the cut off age. They are left to find their own way to an independent lifestyle with little or no preparation or support.

In short, the public system that we, as a society, have put in place to protect our children is failing them and their families. These are not simple problems and there are no simple, easy solutions. However, organizations like Chicago-based Jane Addams Hull House Association in the private sector have some of the solutions to some of the problems; solutions that are effective and cost-efficient.

Jane Addams Hull House Association has developed two programs in Illinois that are specifically designed to meet the needs of two populations of children that are often not addressed by typical public child welfare systems: older youths and large sibling groups.

Older youths, who have typically been in the foster care system for years, are often simply abandoned when they reach an age where they are legally no longer in the care of the public child welfare system. With no training, support or guidance they have an inordinately difficult time making the transition to independent, self-sufficient adults. Sadly, many simply do not make it, ending up in jail or on the streets.

Sibling groups are often separated when they are taken in to protective custody because the child protective systems in this country have not made specific provisions to keep them together. Separation from their brothers and sisters heightens children's sense of loss and makes it more difficult for them to adjust to new situations and people. It also makes working with biological families more difficult and less effective. Where reunification with their biological family is not possible, these siblings, once separated, face the possibility of remaining permanently separated either through adoptions by different families or simply by languishing in separate foster care placements for years.

Jane Addams Hull House Association designed two programs to specifically meet the needs of these youth and children. New Directions is an independent living program that provides a supportive environment while teaching youth the skills they need to become self-sufficient. Neighbor to Neighbor is a foster care program specifically designed to keep sibling groups together in their own communities and to either reunite them with their biological parents or find permanent homes in which the siblings remain together.

JANE ADDAMS HULL HOUSE ASSOCIATION NEW DIRECTIONS INDEPENDENT LIVING PROGRAM

The New Directions Program is designed to help troubled teens learn to live independently and build responsible, self-sufficient lives. The program serves approximately 200 youth ages 17 to 21 who are currently in the custody of the Illinois Department of Children and Family Services but are soon going to "age out" of the system and be left to make their own way in the world.

The Problem:

• Many of the youths served by New Directions have been in foster care or residential treatment facilities for substantial periods of time.

• These youths have typically bounced around a series of placements, have little contact with their biological families and few support systems to help them as they must make the transition to being totally self-sufficient.

• Left to make these transitions totally on their own, many youths have trouble getting or keeping a job or continuing their education, and others get into trouble with the law.

The Solution:

New Directions provides a supportive environment and individualized training for these teens as they make this major life transition. Through an extensive network of educational and job placement programs, medical and psychological services and a professional staff available around the clock, New Directions provides the hands-on support these youths need.

• According to an individualized care plan, each teen is placed in a furnished apartment near transportation to work or school. Program participants must be in school or have a job.

• A case manager provides adult supervision and instruction in such basic skills as grooming, shopping, managing money, job interviewing and socializing.

• The teens receive weekly stipends for food and utility bills until they have adjusted to their new environments and are financially secure.

• The program also accommodates adolescents with special medical needs or those who are pregnant or parenting.

The Results:

Most of the young men and women have made substantial progress—returning to or graduating from high school, completing their GED, attending college or pursuing careers.

Since 1991, more than 1,269 teen wards of the state have benefited from New Directions, and its companion programs, Pregnant and Parenting and the Hull House Association Advocacy and Transitional Living Program.

84% of the New Directions graduates are still in school or working, have received their degree, are living on their own, and have not fallen back to dependence on state programs.

New Directions was recognized in a recent Price-Waterhouse study as being among the top ten national programs meeting the needs of this at-risk population.

JANE ADDAMS HULL HOUSE ASSOCIATION NEIGHBOR TO NEIGHBOR PROGRAM

Hull House Association has designed a program that successfully keeps sibling groups together in stable foster care homes within their own communities. The program currently serves 100 children on the south side of Chicago.

The problem:

• Despite a federal mandate to keep siblings together, most of the 500,000 kids in foster care nationwide are separated from their siblings, with no idea when or if they will ever be reunited or even see each other again.

• The pressures of more and more kids coming into the child welfare system, mean that the emphasis is on simply finding open slots for kids, not on finding placements that can keep all of the kids in a sibling group together. Foster homes are filled up piecemeal, based on open slots and preferences of the care givers.

• Being separated from their brothers and sisters is incredibly traumatic for children. It increases the problems they have in foster care. Many siblings are never reunited, leaving life-long scars for these children.

The solution:

Hull House Association set out to design a program that could effectively keep sibling groups together. DCFS provided the funding for Neighbor to Neighbor. The program has several basic features that make it effective at keeping kids together:

• We hire foster parents as employees of Hull House Association and give them the time and support they need to deal with the special needs of sibling groups. We make them a part of the therapeutic team making decisions about the children in their care. As employees of Hull House, they understand that the mandate is to provide care for entire sibling groups.

• We view foster care as a supportive system—not a substitute system—for children and their families. We work intensively with biological families, offering an array of services and resources to provide the best possible opportunities for families to be reunited. Where reunification is not possible, we work towards healthy, stable permanent placements that keep sibling groups intact.

• We keep families in reserve to take entire sibling groups. We do not fill up slots piecemeal.

• We streamline care and make it more effective; for instance therapists and case managers working with these children and families can work with them together in one place, rather than scheduling multiple visits in locations all over the city and state.

The results:

Researchers from the University of Chicago recently completed an independent evaluation of the program and the results show that this program is very successful at:

• Keeping brothers and sisters together in their neighborhoods

• Stabilizing their placements so they do not cycle through an endless series of foster homes. The retention rate for Neighbor to Neighbor foster care givers averages 90 percent. On average, only 9 percent of children are moved from one foster home to another once they enter Neighbor to Neighbor; even when this is necessary, the siblings remain together.

• Working successfully with foster and biological families toward reunification; the reunification rate for this program is more than double the average.

• Streamlining care; making it more efficient and effective

We believe this program could serve as national model for keeping sibling groups together. We need to commit ourselves to devising and funding foster care programs that truly work to reduce the loss and trauma these children experience.

[Attachments are being retained in the Committee files.]

HON. JULIE KOENIG
CIRCUIT COURT JUDGE
SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY COURTHOUSE
Fort Lauderdale, FL 33301

December 15, 1998

Congressman E. Clay Shaw
Fort Lauderdale, FL 33301

Dear Congressman Shaw:

The current foster care system and the dependency court have been the subjects of numerous

newspaper articles. In order to synopsize my conversation with Steve Effman and Johnny Brown regarding improvement of the dependency/foster care system, I would like to suggest the following:

I. Children spend approximately 42 months in foster care both statewide and in Broward County. If we could reduce the time to 12 months (according to the statutory guidelines), we could reduce our foster care population by 70%. We can do that by doing as follows:

a. All foster care status hearings should be heard by General Masters (who should be experienced dependency attorneys).

b. Each dependency case which involves a child of 4 years or younger should have a status hearing every 2 months in order to determine if the childs parents are remediating the conditions which caused the dependency, and if the childs special needs are being met. If no significant remediation is made by the parent(s) after

6 months, a termination of parental rights petition should be filed and served within 10 days.

c. Each dependency case with a child over 4 years should have a status review every 3 months. If no significant remediation is made by the parent(s) within 9 months, a TPR petition must be filed and served within 10 days.

d. A sufficient number of General Masters who are experienced dependency attorneys must be hired to have a status hearing of 15–30 minutes every 2–3 months on every foster care case.

e. Case managers who work for the dependency divisions must be hired to oversee the cases and determine if judicial orders are carried out. Case managers will also bring C&F case

worker failure to the immediate attention of GM / Judge and perform on site status investigations (one Case Manager per Judicial Officer).

f. Termination of Parental Rights trials must be scheduled as soon as the TPR petitions are drafted and must be put on *every civil judges* docket until the emergency situation currently existing is remedied. All TPR trials are to be expedited on judicial dockets.

g. All dependency/foster care cases must be identified by the clerk and case managed by the GM/Judge in order that the Judges know at all times which cases are currently pending.

II. Children in foster care receive no financial support from their parents. The State pays their medical, board etc. without requiring the parents to pay child support.

a. Child support General Masters should be available at every detention and status hearing to set child support for both parents, to determine paternity if the child is born out of wedlock, and to *enforce child support.* A DOR attorney must represent the State at this hearing.

b. Children of divorce or paternity cases receive support from the absent parent or by law the absent parent is incarcerated for failure to pay child support if said parent has the financial ability to pay. Incarceration is often the ultimate persuasion for non-supporting parents to pay. I suggest that in dependency cases, the parents will either pay(and remediate the conditions which caused the dependency) or fail to pay and be jailed. Parents who have no motivation to remediate and pay will surrender their parental rights rather than be jailed, thus freeing children from the system.

c. More money from dependency child support increases services to children. If both parents each earned $650 per month the board rate of $300 per month could be assessed according to child support guidelines. This would bring approximately $36 million dollars into C&F. The legislature has established a Foster Care Child Support Trust fund; for the first nine months of the 1995–96 fiscal year $100,000 was collected.

d. Currently the Department of Revenue does not establish or enforce child support for

dependent children in foster care.

III. Children in foster care receive little community support.

a. Establish a high profile, active, hardworking board who knows how to publicize the needs of foster care children and make foster care children more visible in a positive way in the same way cancer or the disease of the month is supported. This board would need to be educated about foster children in order that they in turn educate the public about the needs and availability of children for fostering and adoption. We need a high profile board to market these children to the public. (For example: every soccer, T-ball, basketball, baseball community team could sponsor a foster child, but we need community leaders to assist this process.)

b. This Board should also act as in a quasi supervisory role regarding C&F and how they meet the needs of foster children. The board will have contacts with professionals in the community who may provide pro bono services.

IV. Foster parents are skewed demographically to low income families. The mean statewide foster family income is approximately $25, 000. Children who are adopted by their foster parents or out of foster care receive State paid financial stipends until the child reaches his 18th birthday.

The State of Florida currently supports all foster children (except my daughter) who have been adopted.

a. Recruit a more financially heterogeneous population of foster parents.

b. Immediately go to every public school at the next teachers workday to recruit foster parents.

1. Teachers generally love children, but most teachers don't understand how foster care/adoption works.

2. Teachers have expertise in child training; many teachers have room in their homes and their hearts for a child.

3. Teachers often have many resources not available in the general population.

4. Very few foster children ever complete high school in Broward County.

c. Recruit psychiatric social workers, nurses, doctors, and health care professionals for special needs children.

V. Adoption of children from foster care needs to be marketed to the general public in a positive and professional manner.

a. Broward County parents are going to Russia, China, Yugoslavia and Central and South America to adopt at great expense because they cant find a U.S. child to adopt. Adopting a child from overseas frequently costs $25,000.

b. Thousands of children in foster care need to be adopted.

c. Children in foster care for the 44 months average have bonded with their foster parents or are virtually unadoptable because of behavior problems.

d. If we can meet the needs of a dependent child and free him for adoption in 6–12 months, we will have to find immediate adoptive placements. We need these new adoptive parents to be able to support the adoptive child financially as opposed to the State paying the childs support until he is 18. We *need to involve* private adoption attorneys with foster children in order to garner more adoptive parents.

This outline is a product of many years as a teacher, dependency attorney, child support enforcement attorney, and a family law Judge as well as all the doctoral coursework for an Ed. D in administration. If we utilize strong remedies, we need strong remediators. I suggest that C&F review the list of their best workers and attorneys over the past 15 years who may have quit in desperation and invite them to assist in the change of the system.

Sincerely,

JK/ps

cc: Chief Judge Dale Ross
Court Administrator Carol Lee Ortman
District X Administrator Johnny Brown
Senator Walter Skip Campbell
Representative Eleanor Sobel
Representative John Rayson
Representative Steve Effman
Representative Kenneth Gottlieb
Representative Debbie Sanderson

○