



Children's Law Center of Los Angeles

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Testimony before the Assembly Select Committee on Urban Youth

"A View of the Foster Care System in California"

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March 5, 2004

Each year, close to three quarters of a million of California's children come into contact with our child welfare system. More than half are age five or under. Los Angeles is home to the country's largest child welfare system, accounting for an astounding one in ten foster children nationwide. As a community, we "parent" 30,000 abused and neglected children and spend over \$4.5 billion annually on programs designed to assist families and children.

Unfortunately, that financial investment in children and families often doesn't do enough to change for the better the young lives we are trying to protect and nurture. Indeed, life for too many youth in foster care is characterized by movement from placement to placement, disruption of schooling, and the severing of ties with all that is familiar to the child (often including siblings and family). It is thus not surprising that foster youth find it difficult to keep up -- 75% of children in foster care are working below grade level in school, almost half do not complete high school, and as few as 15% attend college. Nor is it surprising that these troubled youth become troubled adults; within two to four years after young people emancipate from foster care, 51% are unemployed, 40% are on public assistance, 25% become homeless, and one in five are incarcerated.

Children's Law Center of Los Angeles ("CLC") is a nonprofit, public interest law corporation created over a decade ago and funded by the Los Angeles Superior Court to serve as appointed counsel for our County's abused and neglected youth. We serve as the "voice" in the foster care system for the vast majority (over 80%) of the 30,000 children under the jurisdiction of the Los Angeles County dependency court.

CLC attorneys represent children who are at risk of abuse or neglect in juvenile dependency proceedings and advocate for the critical services and support these children so desperately need. On a broader organizational level, CLC strives to identify areas where systemic reforms are needed and to work to bring about those more far-reaching changes. Given our organization's status as the largest representative of foster youth in California, if not the nation, we are uniquely positioned to help propel reforms on a local, state, and national level.

There are a variety of areas where a new approach to our state's longstanding and less than successful way of doing business could enhance the ability on both a state and local level to address the needs of abused and neglected youth in foster care. With not simply new leadership in our state, but also the mandate to improve our practices stemming from California's failure to meet nearly every category assessed in the state's recent federal child

welfare system review, the time is ripe for change. The most critical areas in need of attention are summarized below.

1. The Need for More Flexible Funding Mechanisms and Reform of the “Front Door” of the System

Current restrictions on funding favor entry of children into foster care rather than the development of supportive prevention and diversion programs. In particular, under the current federal child welfare financing system there are inadequate resources devoted to programs and services aimed at maintaining abused or neglected children and providing services to the family, when appropriate, in the home. Indeed, there is a *disincentive* to serve children within their home under existing funding eligibility requirements that tie monetary allocations to the placement of children in out of home care and the length of time a child spends in care. Consequently, there are relatively few programs or child welfare services -- either long term or on an emergency basis -- that a social worker can access to provide immediate stabilization and then maintenance of a child within his or her family of origin.

Child welfare funding received by our state can and should be restructured in a manner that would enable local jurisdictions to fully fund child welfare services, whenever those services are needed. Specifically, the State should support the pending federal Title IV-E waiver request that will release the current federal funding straitjacket and allow for use of the largest source of federal child welfare funds in a manner that better attends to the needs of children and families.

A more flexible funding stream -- even absent the dedication of any additional resources or funds to our state -- would allow for the creation of effective and comprehensive methods of diverting families from the foster care system, while also stimulating greater innovation aimed at supporting families. Increased flexibility in the use of resources would also allow counties and the state as a whole to develop and access a wide variety of community resources to respond to the safety and permanency needs of all children and families in the most timely, effective, efficient and least intrusive manner. Such a cost-neutral restructuring of financing for child welfare services would enable counties to develop a more effective and fact-driven differential response at the front end of the foster care system, based on a rational assessment of both risk to the child and family strengths.

2. Greater Support for the Educational Needs of Foster Youth

The educational progress and attainment of children in foster care is a crucial factor in ensuring that the children our County undertakes to “raise” reach their full potential. While a quality education is a key component of every child’s successful transition to adulthood, a sound educational foundation is especially crucial for children who spend long periods of their childhood in foster care.

With the passage last year of Assembly Bill 490 (Steinberg), California took a significant first step in addressing on a statewide level some of the barriers and challenges inhibiting educational attainment for foster youth. AB 490 will give these children the opportunity to



maintain school stability and continue in their school of origin during a critical time in their life when they most need a stable school environment, create a manageable system for expediting access to records and immediate enrollment of the child in the appropriate school when a change in school is unavoidable (thereby avoiding the all too common occurrence of foster youth being out of school for days or even weeks at a time), and will provide long overdue opportunities for academic success for children in foster care.

This recent enactment reflects a significant move by our state in the right direction. Much more, however, remains to be done. The State needs to ensure that there is enhanced accountability and tracking of school attainment by all parts of the foster care system. Moreover, in order to ensure that the objective of school stability underlying AB 490 is fully implemented, resources will have to be made available to enable children to be transported to their school of origin even after a placement disruption occurs. Finally, without improved mechanisms for collaboration among all governmental bodies responsible for attending to these issues on a statewide level, the unacceptable record of poor educational performance for the youth we undertake to parent will not improve.

3. The Needs of Crossover Youth

Despite the best efforts of child welfare service providers, some foster children eventually find themselves involved with the criminal justice system. Under California's separate delinquency and dependency court jurisdiction -- an approach at odds with that employed by nearly every other state in the country¹ -- there is a limited ability to provide critical ongoing services to children who have crossed over into the delinquency system. The child's history of abuse, mental and emotional problems, and family difficulties remain, even when the child moves from the child welfare to the delinquency system. Yet when a child "crosses over" into delinquency, the child is less likely to receive desperately needed services and attention that could benefit both the youth and society.

Artificial barriers in California that lead to the funding of services for children based on their status rather than their need must be torn down. This will allow systems to serve the child, rather than basing services on the child's designation.

California's statutory framework prevents a delinquent child with a preexisting dependency case from being simultaneously supervised by both court systems. Because this statutory framework results in a complete severance of dependency jurisdiction when the youth crosses over into delinquency, many former dependent youth remain under the jurisdiction of the Delinquency Court longer than necessary based on concerns that the termination of probation jurisdiction will leave the child without adequate care, housing, and supervision.

In an effort to address these concerns, consideration should be given to legislative reform. A pending legislative proposal (AB 129) seeks to alter California's framework and would create

¹ In a review by our staff of approaches used by other states, we determined that only California and Colorado require separate jurisdiction and terminate dependency jurisdiction when a child crosses into the delinquency system.



opportunities to experiment on a pilot basis with a new approach, thereby bringing California into alignment with other states.

4. Mental Health Needs of Foster Children

Not surprisingly, children in out-of-home placements disproportionately suffer from mental health disorders. Experts estimate that 30 to 85 percent of youngsters in out-of-home care suffer significant emotional disturbance and report that adolescents living with foster parents or in group homes have a four times higher rate of serious psychiatric disorders than youth living with their own families. See Ellen Battistelli, Child Welfare League of America, Factsheet: The Health of Children in Out-of-Home Care (May 17, 2001).

The mental health needs of foster children are often overlooked until they begin to exhibit extreme and harmful behavior. Even then, the lack of coordination between the child welfare, mental health and school systems results in fragmented and disjointed provision of services. Children are not properly assessed, no one provider is given the clear responsibility of monitoring the mental health needs of these children, and when mental health services are finally made available, they are often either inadequate or too late to be of meaningful benefit to the child.

Until all foster children receive prompt assessment and individualized mental health services from the outset, we will continue to see children who leave the dependency system more damaged than when they entered care. Constant placement disruptions, placements with well meaning but ill-equipped caregivers, and insufficient mental health services all exacerbate the problems and challenges faced by these already fragile children. With each failed placement and each delay in receiving treatment, the child requires a higher and more restrictive level of care. The resulting cost to the State in both resources and human lives will continue to grow exponentially until *all* of the involved agencies develop meaningful ways to work together to address the mental health needs of children in foster care.

5. Addressing the Needs of Teens in Foster Care

While the goal of permanency for every child remains high on any priority list, it is imperative that the child welfare system not forget the thousands of older teens who remain in out of home care and will likely remain in the foster care system through emancipation. There are several areas where a new approach and better services should be considered if these youth are to have a fighting chance for a stable and successful adult future.

First, children residing in foster care must be allowed and encouraged to participate in age appropriate enrichment and social activities. To address these concerns, the “quality of life” mandates of AB 408 must be implemented. Appropriate state regulations consistent with both the letter and the spirit of the new law should be developed at the earliest possible date.

Second, the current services provided to dependent teens who are pregnant or become parents are woefully inadequate. There are far too few placements available for these young



parents and their children and the existing placements often do little to provide the guidance and support that any new parent needs. Teens parents who were themselves abused and neglected present not only a great challenge to our child welfare agencies but also a great opportunity. If we can work in partnership with them rather than merely waiting for them to fail, we can ensure that the next generation won't need our services and create a brighter future for these young families. Moreover, child welfare must rethink the business as usual approach taken when a child is born to a mother who is herself a dependent. Innovative approaches designed to reach the young parent in a language she can hear, and assigning to this caseload social workers adept at working with the unique needs of these clients, are essential components of any effort to improve outcomes for teen parents and their children.

Third, our dependency court system needs to redouble its efforts to ensure that the youth whose lives we impact have the opportunity to attend court proceedings in their dependency cases. In too many jurisdictions, children are not made aware of their opportunity to attend court proceedings and *all* parties (including the bench officer) are stripped of the ability to hear from the youth whose interests are at the core of the decision making. For many youth, being present at their dependency case proceedings enables them to understand and come to terms with decisions that will impact the rest of their life. Inconvenience, a desire to keep cases moving, and/or the view that we need to "protect" children from hearing about the very events that they lived through, should not stand in the way of involving youth -- when they desire to be present -- in these court hearings.

Finally, we need to do more to provide permanence for foster youth, whether that means placement with a supportive relative, identifying an adoptive home, or simply implementing the mandate in AB 408 (Steinberg) that foster youth who emancipate from care be connected to one adult who has played a part in that youth's life. Minimal costs associated with requiring child welfare workers to identify an adult who can provide emotional support and guidance to older youth in foster care is far outweighed by the global savings that will result when fewer Californians are homeless, receiving public assistance, or incarcerated. Any effort to repeal AB408 is ill advised and inconsistent with the Governor's stated goal of improving outcomes for children and families in need.

6. Promoting Relative Placements

When children cannot be safely maintained with a parent it is best, whenever possible, to place the child with a relative. While we support the ASFA goal of ensuring that children placed with relatives are no less protected than children placed in licensed foster homes, current regulations relating to approval of relative placements are unduly restrictive, can result in the placement of youth with costly private providers in lieu of relatives, and should be restructured to allow for a case-by-case analysis.

Allowing for a more individualized approach to assessment of a relative's suitability to care for a child will reduce the number of children in foster care, promote maintenance of children within their extended family, and further both the physical and emotional well-being of an already traumatized child. When a child must be removed from the care of a parent,



placement with a relative rather than a stranger allows the child to cope with his or her predicament in a familiar and comfortable setting. Moreover, relative placements often enable sibling groups to remain intact, thereby providing another anchor for displaced children. Legislative change statewide and new approaches on a local level are needed to craft improved mechanisms for keeping youth with relatives, whenever possible.

7. Adequate Support of the Dependency Judicial System

Californians must give priority to initiatives designed to support and enhance the functioning of the dependency judicial system. Qualified hearing officers are an essential component of that system. We need to adequately fund the third branch of government and support the recruitment and retention of the highest caliber bench officers. Moreover, dependency court hearing officers can and should play a meaningful role in ensuring that children are not languishing in foster care, that case specific services are provided in a timely fashion, that families are reunited as quickly as possible, and that measurable outcomes and indicators of child well-being (such as academic performance) are tracked. Without this focused attention to outcomes there will never be either an acceptable standard of accountability or the types of outcomes these youth deserve.

Second, bench officers must be armed with outcome focused data tracking that enables the court to manage their cases and meaningfully track the progress of children through the system. Communication networks that enable stakeholders and sources of data to "talk" to each other need to be explored and developed.

Finally, essential to the functioning of the courts and the child welfare system is effective advocacy. Attorneys appearing in dependency court must be well trained and must be held to the same high standards as is expected in other parts of our justice system. In order to attract "the best and the brightest," those who choose to represent abused and neglected children and families must be valued, supported, and respected. Cost saving measures that result in poorly compensated counsel and excessive caseloads are unacceptable and will result in greater expense over time through poor quality representation, decreased efficiency, high turnover, and poor outcomes for children.

Thank you for affording me the opportunity to offer my perspectives in regard to ways California can better serve our neediest and most vulnerable children. These are the children of our community and our future. They deserve our very best efforts.

