California's

As the number of children in foster care escalates to more than 100,000 in California — and their problems become more severe — policymakers struggle with how to reform a hugely expensive, complex system where thousands of children often languish for years, bouncing from home to home and, too often, ending up on the streets or in jail.

by Sigrid Bathen

Built in 1965 on a tree-studded chunk of semi-rural acreage wedged between a major freeway and two busy streets, the Sacramento Children's Receiving Home, like many other children's shelters in California, provides temporary shelter to abused and neglected children with increasingly horrific stories to tell. Unlike the chaotic, troubled lives of the children here, the setting on this sunny autumn morning is almost bucolic. And, unlike other children's homes throughout the state, this one, which houses 70 children for an average of 30 days, has plenty of room to grow — if the money were available to build.

For the casual observer, it's almost possible to forget, for the moment, what these kids have been through, that most of them have been brought here in police cars or by children's protective services workers, removed from filthy, abusive, drug-using homes and families where the term "dysfunctional" seems somehow almost quaint. Many bear the scars of injuries inflicted by their parents or caretakers — bruises, cigarette burns, hair pulled out in clumps, broken bones, bloody eyes, elbows arthritic from being hit so often. Not to mention malnutrition, disease, what children's health care workers call "lower general health."

Despite the huge costs of foster care — which can easily run $6,000 or $7,000 per month, sometimes more, for "difficult to place" children in group homes and treatment centers — inadequate funding is frequently cited as the reason why the state's foster care system is such a mess. Funding varies by county — a nightmarish fiscal brew of federal, state and local funds — and child welfare workers in financially strapped county governments must deal with crushing caseloads, under huge pressure to make the difficult, literally life-and-death decisions of whether to remove a child from the home, when to follow up on earlier reports of possible abuse, when to allow an abused or neglected child to return to the family. The system periodically reaches the public consciousness, usually when a child dies, failed by a system ostensibly designed to protect children.

"To be honest," Los Angeles Superior Court Judge Michael Nash, presiding judge of that county's massive juvenile court system, told an October legislative hearing on foster care and juvenile crime, "it's a wonder that anyone gets any attention from any system."

As the need for foster care grows exponentially, limited government and private-sector resources are stretched to the breaking point, and beyond. Small family foster homes — often the preferred placement, particularly for young children, because such homes provide a more home-like setting — have been dwindling in number as reimbursement rates have lagged far below

lost children

Do ye hear the children weeping,
Oh my brothers. . .The young children
Oh my brothers, they are weeping bitterly,
They are weeping in the playtime of others
—*Elizabeth Barrett Browning*

Illustration by Meg McAneny

Photos: Courtesy of the Sacramento Children's Home. Above, children on produce truck, 1927.

those paid to group homes. The number of foster children in the care of relatives, many of them grandparents, has skyrocketed in recent years to nearly half the total number of children in foster care, spurring a spate of bipartisan "kinship" policies and legislation to provide support services to "relative caregivers," as well as to ease the path to adoption for children whose immediate families are beyond repair.

It can cost more than five or even 10 times as much to house children in group homes, which are designed for kids with more serious problems — often older kids who have "failed" in small family foster placements — and offer specialized professional services provided by paid staff. Much of the push toward better support for relatives and small family foster homes — as well as toward family reunification that actually works — is economically driven. There are enormous governmental costs associated with child abuse and neglect, foster care and its frequent corollary, juvenile and, later, adult crime.

Critics of the group home industry — including the Los Angeles County Grand Jury, which recently issued a scathing report on group homes in Los Angeles — say too much money is dumped into too many mediocre or substandard facilities, with limited government oversight or follow-up on the thousands of kids in such homes. Although representatives of group homes say such reports — and there have been many, by governmental and private agencies, over the years — single out the "bad apples" common to every industry, state officials don't dispute the grand jury's findings. "We're sure they found what they found," said Patric Ashby, chief of foster care for the state Department of Social Services. "There are also many group homes around the state that are doing an excellent job."

Circa 1930.

The escalating numbers don't account for the thousands of kids who are homeless and on the streets in California, often committing crimes to survive. In the reams of data on foster care and juvenile crime presented at the October special hearing of the Assembly Human Services and Public Safety committees, the Los Angeles Youth Network, which has served runaway and homeless youth since 1986, cited estimates that more than 12,000 such youth "currently survive on the streets of Los Angeles County," panhandling for cash, "squatting" in abandoned buildings and freeway

underpasses, using drugs and alcohol and selling sex to survive. Many congregate in the Hollywood area, and many are "graduates" of the foster care system, often having been in multiple — and clearly unsuccessful — placements, the ultimate victims of what child welfare experts call "foster care drift."

Citing statistics that abused children are 67 times more likely than children who are not abused to "run afoul of the law," Assemblyman Robert Hertzberg (D-Sherman Oaks), chairman of the Assembly Public Safety Committee, says "front-end" juvenile crime prevention efforts must begin much earlier. "Children who have been abused or suffered severe neglect need to be assisted with appropriate treatment at whatever point they enter the juvenile court system," said Hertzberg. "The failure to do so can result in an ongoing cycle of abuse passed on to the future children of these children."

Gardening, circa 1910.

Dawn Kusumoto, legal counsel to the Public Safety Committee, who has seen the system from the inside as a lawyer representing children in dependency court hearings in Los Angeles, says public policy must change its focus to early and intensive family preservation whenever possible. This would sharply reduce caseloads for overburdened social workers so they can properly monitor families in crisis, as well as provide community programs for kids on the street, and support services to kids who reach the magical age of 18 and are cut loose from foster care to fend for themselves. "The state has never properly intervened," she says, "and there has been inadequate monitoring. It's a lot cheaper to do family preservation than to put all these kids in group homes. But if you're going to leave a child in the home, you have to be sure that the worker has a small caseload so they can be out there doing regular site visits."

And for those families beyond repair, decisions about the care of their children must be made quickly and decisively. "The age of the kids [in foster care] has greatly lowered, particularly in the late '80s and early '90s with cocaine and crack," says Assemblywoman Dion Aroner (D-Berkeley), chairwoman of the Assembly Human Services Committee. "We were taking in thousands of babies and we didn't have a clue as to what to do with them." More flexible funding mechanisms for using federal dollars have allowed states and counties to focus more directly on dysfunctional families, she said. "On the other hand," she adds, "when the family is dysfunctional, you can't wait for this baby's lifetime."

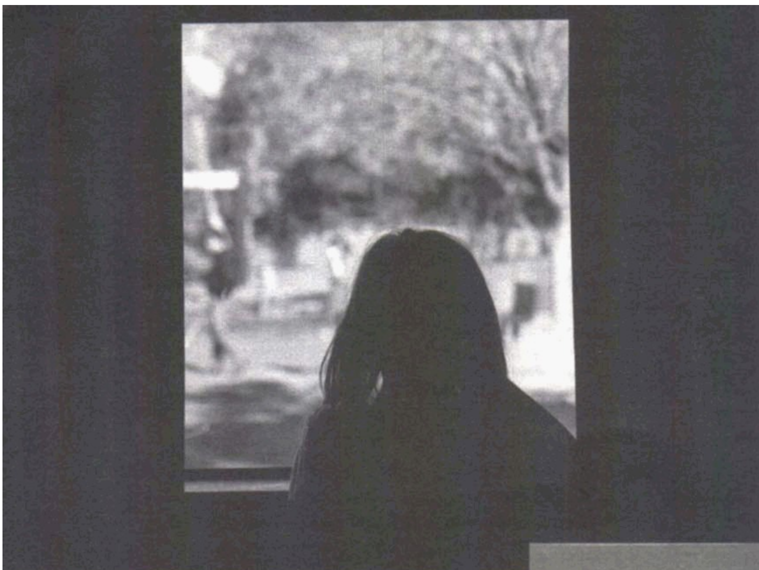
Understanding the child dependency and foster care "system," which critics say is actually a collection of systems (see chart, page 14) often at odds with each other, is an exercise in frustration. Most children in foster care are there because of neglect or abuse, although some are orphaned or their parents incapacitated. When a report of child abuse or neglect is made — through social services "hot lines," by legally mandated reporters such as teachers or health care professionals, by neighbors, even other family members — the system grinds into action, involving a veritable army of social workers, police officers, health and child care workers, lawyers and judges in a process that can drag on, in various incarnations, for months, years even. There may be multiple resolutions — efforts at "family preservation" and reunification may fail, sometimes repeatedly, and the child may be bounced among foster placements, enduring repeated court appearances in a badly clogged juvenile court system.

Because that system operates under the cloak of confidentiality, much of what happens occurs behind closed doors. Getting information — clear numbers, housing reimbursement amounts, the status of a child in the system — presents a daunting task. John Hubner and Jill Wolfson, *San Jose Mercury* reporters (Hubner is a former probation officer) who wrote the recently published a landmark study of foster care, "Somebody Else's Children" — after convincing a Superior Court judge to allow them unusual access to confidential cases and hearings — describe the system as "a complex web of individuals bound together by esoteric laws and mind-boggling funding structures ... wrapped deep in a cocoon of confidentiality."

Alan Watahara, president of the California Partnership for Children and the Children's Lobby, a longtime children's advocacy group that led efforts to reform foster care when a spate of horror stories about abuse and neglect of foster children in group homes hit the media in the 1970s, says the system that resulted is "piecemeal," disjointed and inconsistent. "The reason you have so many critics of the foster care system is that it's not really a system," he says. "It's really a connection of separate functions and entities that operate in a world of their own. Each has an incredible number of kids and bureaucracies, and the public only sees the horror stories of a kid who has died or been re-abused. Taken out of context, it looks like the foster care system has failed, and that's true to an extent. But it really is an indictment of the larger system — the whole process of identifying and treating kids."

"The problems that the foster care system is experiencing today are not unlike the problems of 10 or 15 years ago," he adds. "The recommendations we made eight years ago are the same ones we're making today. The difference is that in 1987 we had 46,000 children in foster care, now it's 108,000. That is an astronomical increase." And the differences between the kids of 1987 and 1997 — and their families — are dramatic. "The kids are much more damaged," says Watahara. "They are younger, and they've experienced more abuse, more neglect. The opportunity to return these kids [to their families] is more difficult. The families that they're coming from are much more dysfunctional. And the system can only process so many kids at one time. They can only take in the most egregious cases."

It is at crisis facilities like the Sacramento receiving home where the overwhelming needs of this ragtag army of battered and neglected children are most apparent, emerging from the cloak of confidentiality as living reminders of the horrors they have experienced and the failures of the government programs designed to protect them. On this



This page: Children at the Sacramento Receiving Home.

beautiful fall morning, counselors, social workers and child care staff monitor children at play on well-used play equipment scattered around the huge oak trees that dot the six-acre campus, as teachers work with children in cramped, though well-staffed classrooms inside. Despite the constant turnover among children, teachers and other staff stay here for years, decades even, attracted by the small pupil-teacher ratio and the opportunity to make a difference in the lives of children largely deprived of regular schooling, medical care or the rudiments of a stable home life.

They will stay in the receiving home until a more permanent foster placement can be arranged — in a small family foster home or group home, depending on the age of the child, the severity of his or her problems, and, often paramount, available space — or returned to the family, ideally with intensive oversight by child welfare workers. Placement decisions are among the most difficult for social workers and judges because vacancies are limited, and "placement failure" so common. A foster family may find they can't deal with the severity of a foster child's problems or a child may not "fit in" with other children at a group home, and another placement must be found. Or, if the child has been sent home and is "re-abused," it's back to the receiving home and a whole new round of bureaucratic decision-making, presumably on the child's behalf.

Despite their years of experience, employees in these places are still shocked when the kids want to go back to the only homes they've known, even when neglect and abuse have been severe. "They have probably been living with parents who have no rules," says David Ballard, executive director of the Sacramento Receiving Home, who holds a master's degree in social work and has worked in the system in Los Angeles and Sacramento for more than two decades. "They come from a life of physical and emotional abuse, but they'll say, 'He's my dad,' and want to go home." Although family reunification or permanent foster placement are the goal for these kids, many return, sometimes repeatedly. Some of the older employees say they're beginning to see the children of children who were there years before, the desperate cycle repeating itself for yet another generation.

At all of these children's homes — whether they be 70-bed residential group facilities with teams of social workers, counselors and teachers, or small private homes with a couple of kids — it is the very small children who most challenge human comprehension of the realities of child abuse. In its voluminous annual "Children's Budget," the prestigious Children's Advocacy Institute reported that, at 75 per 1,000 children, "California has the highest rate of reported abuse among the 10

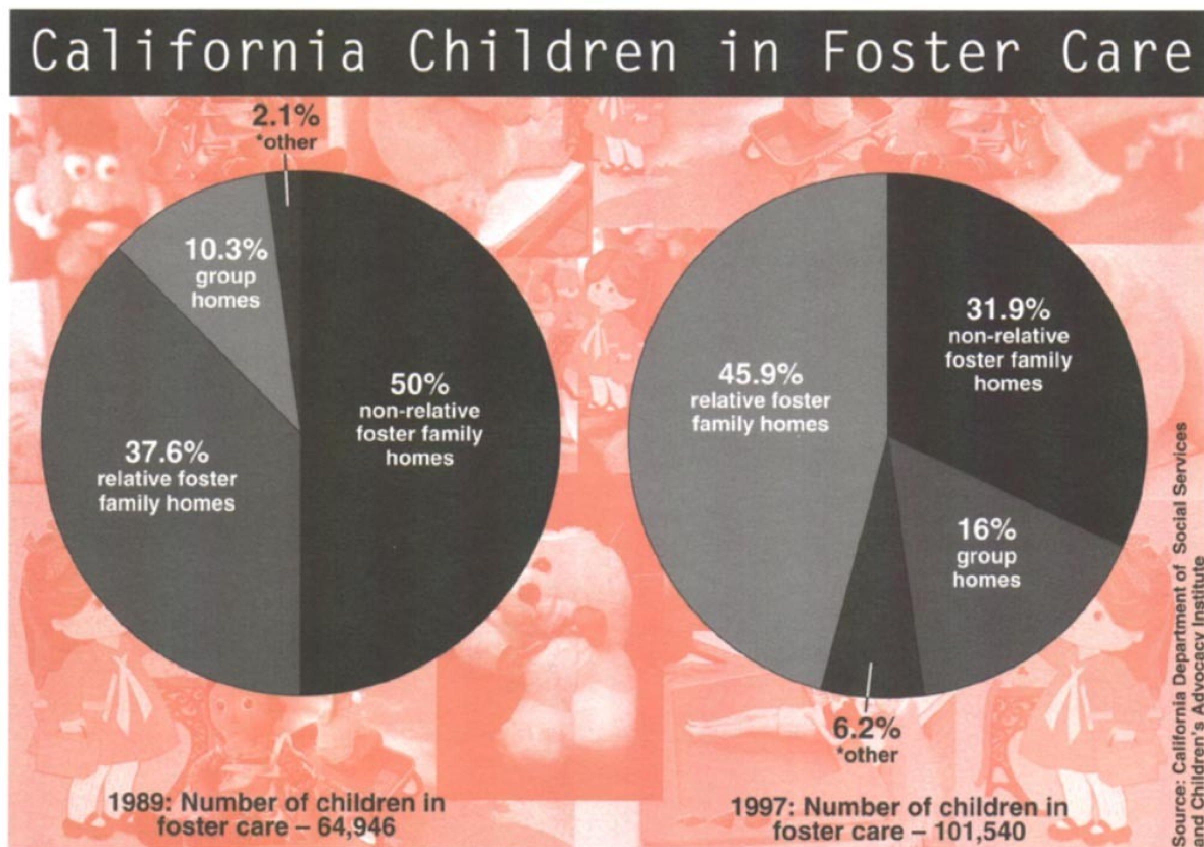
largest states — almost 50 percent above New York, its nearest competitor." Each year, the institute noted, the number of child abuse reports in California increases — up to nearly 700,000 in 1994, a 394 percent increase over the previous 15 years.

Although the vast majority of children in foster care are there as a result of severe neglect or because parents are unable to care for themselves or their children, many are victims of physical and sexual abuse. According to a January 1996 report by the Legislative Analyst's Office on child abuse and neglect in California, half of the children in foster care in 1994-95 "had been removed from their homes due to general or severe neglect." And, the analyst noted, "while physical and sexual abuse comprise nearly half of the types of child abuse/neglect reports received," sexual and physical abuse was involved in less than one-fourth of the children placed in foster care. Anecdotally and statistically, child welfare experts believe that number is increasing, and they point out that the line between "severe neglect" and abuse is sometimes a thin one, and the victims are often the very young.

At the Sacramento receiving home, where children aged two to 17 are housed, the little ones stay for several days or even months (the average stay is 30 days) in the "acorn" dorm (older kids are "willows" and "oaks"). They play on pint-sized play equipment and sit at little tables and sleep in little beds donated by a local business, wear ordinary children's clothing that is often donated, stacked neatly in piles like the laundry of a large family of perpetually small children. They smile at visitors and hold up fingers to indicate their ages, the 11 of them holding hands to walk down the hall to lunch. One tiny dark-haired girl with a winning smile who looks to be about two or three wants visitors to hold her. Her mom has a long history of mental illness, her father is long gone, and other relatives couldn't take her when her mother was hospitalized and she and her sister were removed from a filthy apartment where there was no food.

Although the parents' mental health problems are a major factor, the reason most often cited for the huge jump in the foster care population is wildly increasing drug use by parents. In Sacramento County, after media coverage of the deaths of several children whom protective services workers did not remove from their homes despite reports of abuse or drug use by the parents, county authorities aggressively went after parents with a history of drug use and removed hundreds of children from their homes. "We have been inundated with kids coming from those homes," says Ballard. "At least, while they're here, they aren't getting hurt and they certainly aren't going to die." Sexual abuse of children also is increasing.

Children's shelters like the receiving home generally don't house infants, and the increased attention paid by law enforcement and CPS workers to drug-using families is sending more infants diagnosed as drug-addicted at birth to



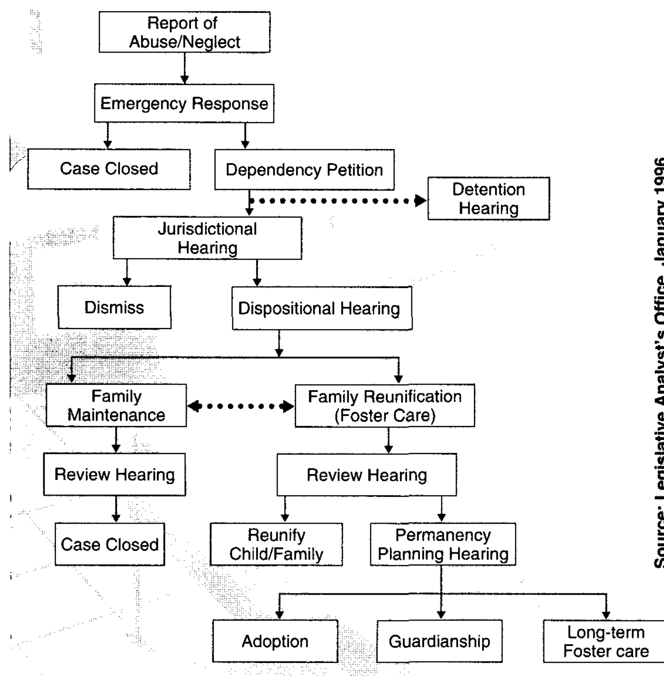
*Other includes emergency shelters, receiving homes, medical facilities and miscellaneous placements.
Note: Numbers based on cases on the last day of the month. Does not include children from the juvenile justice system in foster care as a condition of probation, most of whom are placed in group homes. In June of 1989, that number was 5,420, with 87% in group homes. In June of 1997, that number was 5,519, of whom 86% were in group homes.

foster care. Again, the preferred placement is in a small family foster home, but the difficulty of caring for these terribly damaged babies — who may scream constantly and are often loathe to be touched — severely limits the availability of small foster homes. As a result, babies are being placed in group-home settings which, because of their more impersonal nature and semi-institutional atmosphere, child welfare experts say are not usually the ideal placement for small children.

The lack of foster homes for the very young has sparked a scramble to start small family-like homes for infants and small children. An example, across town from the receiving home in Sacramento is a new facility, the Sacramento Crisis Nursery, operated by the Sacramento Children's Home, a century-old former "protestant orphanage," now a children's residential treatment center for severely disturbed children aged six to 17. Part of an increasing trend among foster agencies to offer a range of services for children of different ages and needs, the Children's Home operates numerous satellite facilities, generally in large retrofitted former family homes in residential neighborhoods.

The brainchild of director Sue Bonk, former assistant director of the Sacramento Child Abuse Prevention Council, the nursery is licensed for six infants and children to age six, with plans to expand to 10 children — a fraction of the need. Bonk struggled for several years to find funding for the nursery and eventually put together an imaginative pastiche of private donations and public funding, encouraging local businesses and service groups to "adopt" a room in the house, or the backyard, and renovate it. On this day in early October, the nursery houses the children of three families: three children of a homeless mother who is believed to be developmentally disabled; two children of a woman facing criminal charges of receiving stolen property; and the child of a homeless woman who is allowed by the owner to sleep in the back of a store at night, but must roam the streets during the day.

A Child's Path Through the System



Source: Legislative Analyst's Office, January 1996

The dearth of small family foster homes in California is partly attributed by child welfare experts to the low fees paid to such families and to the increasing problems faced by children in foster care, at younger and younger ages. "We assist foster families with less money than it takes to house a dog at the kennel," says Assemblyman Jan Goldsmith (R-Poway), who introduced a bill last session that would have provided a 25 percent increase in the payments to small foster families. It would have been the first increase since 1990, when the reimbursement was raised by $23, to $345 per month for infants and $484 for adolescents. The Legislature approved only a 6 percent increase, and the bill was signed by Governor Pete Wilson. "I see absolutely no reason to put a baby in a group home," says Goldsmith, "but that is done in some counties because they don't have enough foster families."

In California, much of recent legislative attention has focused on the increasing incidence of "relative care," mainly grandparents often stretched to their economic, emotional and physical limits in caring for their children's children. Goldsmith also carried a bill to allow county child placement agencies access to the state Department of Justice's Child Abuse Central Index to run background checks of foster parents who are relatives. Other recently approved legislation includes Aroner's "kinship adoption" package to expedite the permanent placement of foster children living with relatives by providing alternatives to traditional adoption and modifying the adversarial nature of juvenile court proceedings — which require a finding in such cases that the biological parents are unfit and severing all ties with them. Another kinship bill by Assemblyman Kevin Shelley (D-San Francisco) provides grants to counties to expand support services for relative caregivers, who often receive no training or help beyond a monthly stipend. All were signed by the governor.

The most frequently heard word among children's advocates and legislators concerned about foster care is "wraparound," which refers to a systematic, community-based set of services to families in crisis. A bill, signed by Wilson, by Senator Hilda Solis (D-El Monte) will expand a pilot project in Santa Clara County, to provide intensive support services — from mental health care to drug counseling — for children and families on the verge of going into expensive group homes or other forms of foster care.

Some critics predict even greater incidence of abuse and neglect — and even more demands on the bulging foster care system — as welfare reform takes hold in California. "As these cuts are occurring, more people will be falling through the cracks," says Robert Fellmeth, a University of San Diego Law School professor who heads the Center for Public Interest Law and the Children's Advocacy Institute. "We expect to see more neglect cases, especially in the zero-five population who don't have a teacher around to report [possible abuse]. I have no problem with removing a kid from the home of drug-addicted parents. I am opposed to removing children from parents who care but have fallen on hard times. I think that is starting to happen and will

increase dramatically over the next five years."

If there is any unanimity among child protection experts, it is that community-based services to families in crisis must be improved if families are to be kept together — with special emphasis on alcoholic and drug-addicted parents. At the USD law school clinic where students work on actual cases of children removed from the home because of abuse and neglect, Fellmeth estimates that three-fourths of the cases in the clinic are drug- and alcohol-related. He especially recalls one recent case involving a family of five young children of an alcoholic, drug-addicted mother who hangs out in bars when she isn't in bed asleep.

David Ballard, Sacramento Receiving Home Director

"The nine-year-old girl had assumed the role of the mother," Fellmeth recalls. "She has not been going to school for the last year because she has been taking care of her brothers and sisters [aged two to six]. And she was doing a very good job. She stopped school, she worked all day, she cleaned the house. She had *become* the mommy. She dressed them every morning, made sure the five- and six-year-old got to school, then went out and tried to find food wherever she could." Teachers reported the family to child welfare workers.

And then, the "system" may systematically destroy what remains of the family.

"The siblings will be split up," says Fellmeth, "and the younger ones may have a chance at adoption. The older ones will be moved around a lot ..."

Despite all the best efforts of the army of foster parents, child welfare workers, lawyers, police, probation officers and judges who comprise the child dependency and foster care system — and the growing political pressure to do something about a system so clearly in crisis, with emphasis on early intervention that is swift and decisive — families like this one will continue to fall through the gaping cracks in the system, and children will continue to "drift" through foster care like so many lost souls looking for a permanent home, any home. It's a vicious, circuitous cycle, one which lawmakers have confronted with considerable frustration over the years, and which is gaining increased recognition as the source of all variety of expensive and troubling social ills, from illiteracy to crime.

"I have seen the finest, and I have seen the worst," says Aroner of her legislative journey through the foster care system. "I have seen significant improvements in what we do that are not often recognized, because the youngsters are so much more troubled. ...And there are no revolutions in the state Legislature — it's an incremental battle."