

# NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

FALL  
2015



## INSIDE:



Kasseem 'Swizz Beatz' Dean presents Alan Myers with Children's Rights Champion Award



South Carolina to make critical changes for kids in foster care

## IN FOCUS:

### When 'Forever Families' Don't Last

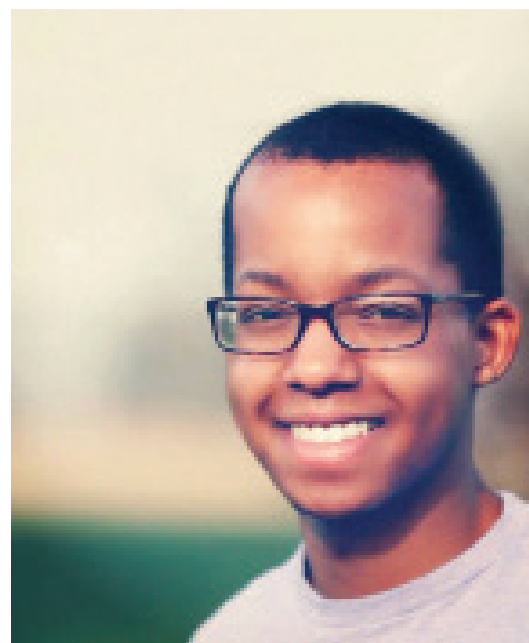
At 6 weeks old Julius was adopted from foster care into a family that was supposed to take care of and protect him forever.

"But it was the furthest place from safe that you could imagine," he told Children's Rights. His adoptive father beat him, sometimes with a baseball bat, other times a two-by-four, and he was forced to watch his siblings suffer horrendous abuse, he said.

Julius' life took a sudden turn when he was about 9. His adoptive mother's voice, threatening his brother, was recorded on her doctor's voicemail. A few hours later, child protective services workers were at their door to take Julius and his siblings away. "We went from home to home, because no one wanted four kids," he said. "Then we were split up. It was heartbreaking not being with them. We had always been there for each other and tried to protect each other. If I didn't have my brothers and sisters, then who did I have?"

While most children adopted from foster care join loving families that last, too often kids like Julius are placed into "forever homes," only to have their stability shatter. Studies show that 10 to 25 percent of adoptions "disrupt" before they are legally finalized, but accurate, comprehensive statistics on those that "dissolve" after finalization are harder to come by. Just over a year ago, New York-based Lawyers For Children took a point-in-time count and determined that 150 kids on its caseload had broken adoptions, according to Betsy Kramer, director of the organization's public policy and special litigation project.

Experts say adoptions dissolve for a variety of reasons, such as allegations of abuse or neglect,



After Julius was removed from his abusive adoptive parents, he was bounced between foster homes and split from his siblings before being adopted by "a good, safe family."

the failure to bond as a family, a lack of post-adoption services, children not receiving help for mental or behavioral health challenges or aging or ailing adoptive parents. Some kids — like Julius — end up back in care, others with family members or on the streets. And in some extreme cases, adoptive parents simply "rehome" or give away their children to people who have not even been properly vetted, a practice that often ends in tragedy.

In one such case that made national headlines this year, Arkansas Rep. Justin Harris and his wife adopted two young sisters from state care, then said they struggled to cope with the girls'



# ON THE FRONTLINES

## FROM CR'S EXECUTIVE DIRECTOR

Imagine being taken from your mother because her boyfriend is sexually abusing you. You're supposed to be safe and secure in foster care, but for the next six years you go through the same number of homes, where you are beaten, verbally abused or molested.

Then you're adopted, the best thing that could happen to you. Your parents are kind, loving and have your best interests at heart. You are theirs forever.

Until you're not.

This is not a hypothetical. Crystal's adoptive parents were a "storybook family" until they had their own biological child, and "then I was the pebble in their shoe." Crystal found herself at a tough residential treatment center for the rest of her teenage years — while her parents continued to receive her adoption subsidy.

Sadly, Crystal is far from an anomaly. While there is no precise count, advocates agree that there are hundreds of "dissolved" or "broken" adoptions every year. We delve into the problem in *When Forever Families' Don't Last*, the cover story in *Notes From the Field*. As National Adoption Month comes to a close — and with it many touching and inspiring stories of families coming together — it is equally important to shine a light on kids whose adoptions, and thereby very lives, are falling to pieces.

Thanks to the support of our partners throughout the country, we are able to fight for our most vulnerable youth every day. And we have no more committed a backer than Alan Myers. A member of our board of directors for 18 years — 14 as chair — he has been instrumental in helping us expand our advocacy and position CR as a leading national voice. We are proud to highlight him in this issue.

We are also pleased to feature a victory for the children of South Carolina, where we filed suit earlier this year. Typically it can take time for a case to progress. Not only are we already in settlement discussions with South Carolina, but the state has agreed to make urgent reforms in the interim: For one, they will no longer place youth under 6 in shelters simply because there is no place to put them.

I am honored to work with such a skilled team of creative and passionate attorneys who are negotiating quickly and effectively for the children who need them most. We are dogged in our mission. We will not give up the fight until every child in this country has stability, equality and a bright future, something we can only achieve with your continued support. As we enter our third decade of life-saving work, we are thankful that we have allies like you by our side. Happy holidays!

Sandy Santana  
Executive Director

# CR INSIDER

*Alan Myers' high standards and commitment to excellence are well known, not just professionally, but at Children's Rights as well. The CR Board Chair recently was honored at the organization's tenth annual gala:*

**CR:** A million dollars is a lofty goal. Did you ever worry that we wouldn't get there?

**Alan:** I had moments of doubt, but they were fleeting. When I accepted the honor of being this year's Children's Rights Champion, I knew I had the backing of an extremely dedicated board of directors, a group of loyal and committed donors and a talented staff.

**CR:** What has most profoundly affected your activism over the years?

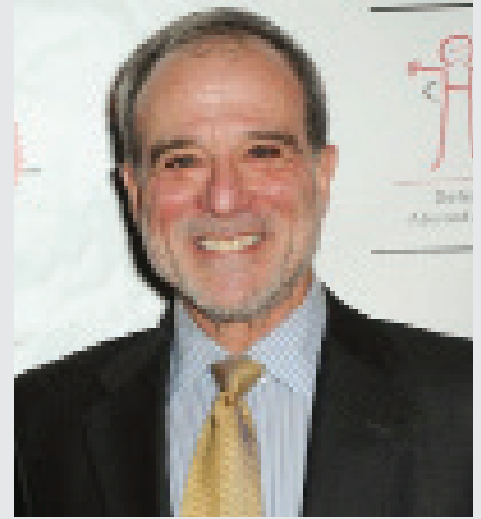
**Alan:** Having grown up during the civil rights era, it offends me when we talk about the United States as a country of equal opportunity as if the injustices of that era are now safely behind us. It is simply not true for those who have been dealt a bad start in life for whatever reason. It's like saying, "I'm going to run

a 100-yard dash with you, but you have to wear ankle weights." We must continually strive to level the playing field.

**CR:** Too often we hear of young people who are failed by the system. What story has affected you the most?

**Alan:** They all deeply affect me. From the Jackson boys, who were starving and found digging through their neighbor's trash, to Emalee, whose head was slammed through a wall by a foster parent, there is no way to turn a blind eye to any one story. Moreover, their collective impact is simply gut-wrenching. CR's work will continue until no child is lost in foster care.

**CR:** Why CR? Certainly you've had the opportunity to support many organizations.



**Alan:** Advocating for children is my passion. Albert Camus said: "Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?" There are many worthwhile charities, but CR's advocacy has changed the life trajectory of tens of thousands of vulnerable children. It has been a privilege to help in this effort.

## LGBTQ Youth Face Grim Reality in State Care



Photo credit: Jackie Snow

Molly Gochman, Currey Cook and Christina Wilson Remlin participate in a panel discussion on LGBTQ youth in state custody systems.

Lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth often flee abuse in foster care only to face homelessness and exploitation. Even in New York City, birthplace of the modern gay rights movement, some 78 percent of LGBTQ youth are removed or run away from foster care placements because of the hostilities they face.

This alarming reality was brought to light at a panel discussion on September 18, where members of Children's Rights and advocacy group Lambda Legal joined a small crowd in Manhattan to discuss the wide-ranging vulnerabilities of LGBTQ youth in state custody systems. The event was hosted and moderated by artist and philanthropist Molly Gochman.

While there have been significant strides made for the LGBTQ community over the past year in the United States, panelists emphasized that no federal protections currently exist for those in juvenile justice systems or state care.

"When you're talking about children in foster care, you're already talking about an incredibly vulnerable group," said Christina Wilson Remlin, senior staff attorney at Children's Rights. "The system itself is silent and in being silent

it condones discrimination, abuse and neglect of these young people."

Panelists also emphasized the need for better training and policies.

"As shocking as it may be, nowhere does it say you cannot discriminate against a young person in out-of-home care because of their sexual orientation," said Currey Cook, senior attorney with Lambda Legal and director of the Youth in Out-of-Home Care Project.

"You would think that these foster care systems are taking these children in protecting them and helping them heal ... but instead kids are being tortured," said Sandy Santana, executive director of Children's Rights. "This is a critical human rights issue. We are looking to shine a very bright light on systems that have discriminatory and non-affirming policies for LGBTQ youth."



# CR Raises Over \$1 Million at Annual Benefit

A crowd of nearly 300 gathered on October 20 at Children's Rights' Tenth Annual Benefit to celebrate two individuals — CR Board Member Alan Myers and The Honorable Bryanne Hamill — both of whom have been instrumental in transforming the lives of our nation's most vulnerable kids.

Myers, a committed and passionate champion for abused and neglected children, was honored with a Children's Rights Champion Award, while The Honorable Bryanne Hamill was recognized for her exemplary work on behalf of children and families both as a family court judge and a member of New York City's Board of Correction.

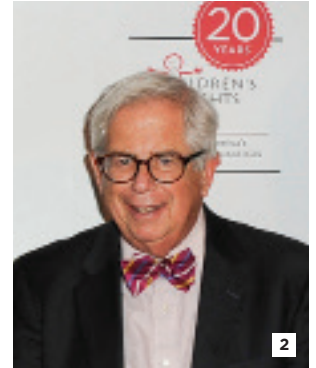
CR also commemorated its 20th anniversary at this year's event, which raised more than \$1 million to help CR continue to defend the rights of vulnerable young people in state care.

Notable attendees included co-chairs Kasseem 'Swizz Beatz' Dean, Alice Rosenwald and Peter Serating, host Michaela Pereira of CNN and speaker Julius Kissinger, a young man who ultimately found his forever home after surviving physical abuse at the hands of his first adoptive family.

"Few people understand just how truly common the phenomenon of broken adoptions is," Pereira, who was adopted, told the audience before introducing Kissinger to the stage. "I can't stress it enough — I got lucky to land with an excellent family."

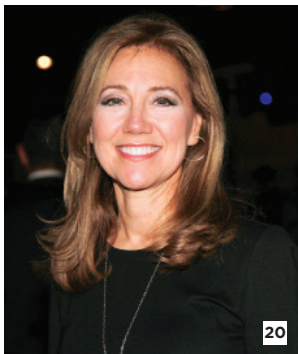
Kissinger gave a moving account of enduring nearly 10 years of abuse with his first adoptive family, then bouncing between foster care placements for years before finding a loving home.

"I share my story because I want people to know that no matter how bad things are, there is always hope," said Kissinger. "I was fortunate enough to be adopted into a wonderful family, but I also realize that there are hundreds of thousands of kids who are still in state care — kids who are being split from their siblings, moved from home to home and made to feel like they do not matter. That is why I am here today, standing with Children's Rights, to fight for the kids who are still in foster care."



1. Sandy Santana 2. Lawrence Fox 3. Dan and Cori Galpern 4. Kasseem 'Swizz Beatz' Dean, Doug Davis and Ceci Kuzman 5. Alan Myers and Sandy Santana 6. Ameil Sloley and Nigel Drepaul 7. The Honorable Bryanne Hamill and Alice Rosenwald 8. Anne Strickland Squadron and Elena Prohaska Glinn





**9.** Joe Belluck, Julia Davis and Enid Maran **10.** Jenny and Jay Galluzzo **11.** Barbara Cohen and Catiria Delgado **12.** Megan, Matt, Carol and Jim Shattuck **13.** Lewis Tepper and Kimberly Rimer **14.** Josh Pristaw, Josh Sternoff, Bethany Pristaw and Hannah Blumenthal **15.** William, Josephine and Rocco Bray **16.** Kemp Steib, Courtney Corletto and Ferebee Taube **17.** Michaela Pereira, Monroe Martin and Julius Kissinger **18.** Peter Serating, Dan Galpern, Alan Myers, Jay Galluzzo and Michael Borofsky **19.** Grady Spivey, Nina Sumers Myers and Elliot Sumers **20.** Silda Wall Spitzer  
Credit for 1, 3, 8, 9, 15 and 16: Marko K/Guestofaguest.com

# IN FOCUS: When ‘Forever Families’ Don’t Last

(continued from page 1)

mental and behavioral challenges. Harris said the state refused to help, so the couple gave the girls to a family they knew. Since then, the man who took the children has been sentenced to 40 years in prison for raping one of the sisters.

## “WHAT DO WE NEED?”

“There is probably no greater pain than thinking you have found a family that will be yours forever, and realizing that is not the case,” said Sandy Santana, executive director of Children’s Rights. “Too many children who have already been abused or neglected and separated from their birth parents are being re-traumatized. It is devastating for them to lose yet another family after the pain and grief they have already suffered.”

At 21, Jaquan, who experienced a broken adoption, said he still struggles with the idea of trust and knowing how to love. “I feel love has a limit. If you never got it young, you will be confused when you get older,” he said. “You will be questioning everyone’s motives.”

Jaquan said he was adopted into a home where he was hit with extension cords and bottles, before he was kicked out at 16 or 17. He was working, attending school and trying to pay rent when he applied for welfare to help make ends meet. But he said he was denied assistance because his adoptive mother was still receiving subsidies to support him. Before that, he had no idea she was getting paid to care for him and his siblings, he said. “We always wore clothes that were donated to us ... Where did all that money go?”

Dawn Post, co-borough director at the Children’s Law Center — a Brooklyn-based organization working to shed light on broken adoptions, improve data collection and push for changes to help kids — wants people to think about, “How do we make these adoptions better? What do we need?”

To start, Post said, better education for pre-adoptive parents on how children work through trauma, quality mental health treatment for kids and more thorough processes for matching children with the right families could all help.

Adriana Luciano, staff attorney at Children’s Rights, who is joining Post and other advocates to work toward legislative changes to reduce broken adoptions in New York City, said post-adoption services, like mental health counseling, are sorely needed. “By the time adoptions are on the brink of failing, families have already hit their breaking points and are throwing up their arms,” Luciano said. “If we could ensure they have somewhere to turn before a situation reaches crisis level, many of these families could stay together.”



*“If we could ensure they have somewhere to turn before a situation reaches crisis level, many of these families could stay together.”*

– Adriana Luciano, CR staff attorney

And young people have ideas of their own. Jaquan believes children should be regularly checked on after adoptions are finalized and subsidies should follow the child, no matter where they live. And Julius thinks more thorough background checks on his adoptive parents, as well as follow up after his adoption, could have helped in his case.

## “I WAS ABLE TO THRIVE”

After bouncing between foster homes, Julius arrived with his final family — one he said was different. “I trusted them because they genuinely cared about me, advocated for me and supported me,” he said. Julius was adopted again at 15, and said, “because of their love, I was able to thrive.” His parents got him involved in sports and church and helped him catch up in school. And with their support, he testified against his former parents — they were sentenced to life in prison. Now 21, Julius is in college, and feels “like I have what every kid should have — a good, safe family.”



# IN THE COURTROOM

In our last issue we reported on our newly filed lawsuit in **South Carolina**, a state that has long struggled with a severe lack of foster homes, excessive caseloads and the mass institutionalizing of kids in care — in fact, the state has the highest rate nationally for institutionalizing children 12 and under.

While legal advocacy is an effective tool to leverage change, it can take time. But thanks to our zealous, creative legal team, which is partnering with exceptional local counsel — the South Carolina Appleseed Legal Justice Center and Matthew T. Richardson, partner at the Wyche P.A. law firm — South Carolina has agreed to critical improvements for its child welfare system even as we negotiate a comprehensive settlement in the case.

This interim relief requires South Carolina's child welfare agency to:

- end its practice of placing kids 6 and under in group facilities, including shelters;
- phase out the use of child welfare offices, hotels and motels for housing children;
- stop keeping youth in juvenile justice facilities simply because there is no place to put them;
- conduct a study to develop appropriate workload limits for caseworkers; and
- perform a statewide assessment to determine the needed range of placements.

"It is gratifying to get this type of meaningful relief for our clients so early in litigation," said Ira Lustbader, litigation director for Children's Rights. "While there is much work to be done, it is significant that the state will no longer make kids wait for certain key changes."



# REFORM WATCH

Whether it's through a current lawsuit or a settlement agreement, Children's Rights, co-counsel and independent monitors ensure that the needs of vulnerable kids in state care are at the fore.

**Tennessee** is closer than ever to making all of the required improvements to its child welfare system. The state has achieved an impressive 90 percent of its obligations in the ongoing reform lawsuit, including increasing visits between case managers and children, ensuring foster homes are not overcrowded and helping to maintain sibling connections.

**Milwaukee** has made foster care a safer place. The system cut the percentage of children who were abused or neglected in care to just .11 percent in the first half of 2015.

**Connecticut** has reduced the number of children receiving behavioral or mental health treatment in out-of-state institutions to an all-time low. By June, just 10 children were residing in such facilities.

The 1st Circuit Court of Appeals ruled that a federal court "abused its discretion" in connection with its dismissal of CR's **Rhode Island** lawsuit. The district court refused to allow plaintiffs to meet with counsel and obtain essential evidence and "impermissibly tilted the playing field" against the children we represent. This is a major victory in our campaign to improve conditions for the 1,800 kids in the state's dangerous child welfare system.



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## IN THEIR OWN WORDS

**Former foster youth recall how it felt when their adoptions ended.**

*"A few days before my 12th birthday I was taken to the local pastor's house, and I would never see or talk to the only family I ever knew ... It was the ultimate feeling of abandonment."*

- James

*"I will never forget the day that we were removed ... I came home to find several cars awaiting me and my siblings. All of us were separated and put into different foster homes."*

- Destiny

*"To be taken away from my adoptive mother felt like a repeat of losing my biological parents again. I internalized this experience and blamed myself for everything."*

*I was angry."*

- Demetrius

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