

NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

FALL
2013



Defending America's
Abused and Neglected Kids

INSIDE:



Alicia Keys and Swizz Beatz join former foster youth at CR's annual benefit



Judge rules Texas kids can press on with lawsuit against child welfare system

IN FOCUS:

When Institutions Are Called Home

Guards told Sean when to wake up, when to clean his room, and when to eat. The teenager wasn't even permitted to leave his "home" without a staff member.

"It was akin to being inside a prison ... you lose your sense of freedom," he said of his time spent in an institution for youth grappling with severe mental health and behavioral issues.

But Sean said he was simply a kid thrust into a child welfare system that lacked enough foster families.

He entered state care after allegations of abuse at home, then spent three years languishing in institutions where kids picked on him for being openly gay. He had to attend institutional schools where he was doing 1st grade math, when he should have been in high school, he said.

Unfortunately, experiences like Sean's are not rare.

About 15 percent of the roughly 400,000 children in U.S. foster care live in congregate care settings, according to federal data. Nationwide, about 34,000 live in residential treatment facilities, psychiatric institutions and emergency shelters, and another 24,000 reside in group homes. In some states, such as Colorado, Wyoming and Rhode Island, 30 percent or more of kids in care live in group homes or institutions, according to the Kids Count Data Center, an Annie E. Casey Foundation project that tracks statistics on children.

Although there are times when it is appropriate for children to be cared for in facilities, many kids with complex needs and histories of severe abuse and neglect can live in home-like environments.



Sean said he spent three years in institutions, while caseworkers struggled to find him a foster family.

"The opportunity to grow up in a stable, loving family setting is everything to a child," said Marcia Robinson Lowry, executive director of Children's Rights. "One of the driving themes of our work is to give children the opportunity to be part of a family, and to limit the use of facilities and institutions to only those extraordinary situations when it is absolutely needed, and when services cannot be provided otherwise."

Continued on page 8



ON THE FRONTLINES

FROM CR'S EXECUTIVE DIRECTOR

Over four decades of fighting to reform failing child welfare systems, I've been surrounded by inspirational attorneys, advocates, caseworkers, foster and adoptive parents and survivors of state care who are constant reminders of why our work is so critical.

This year, their inspiration was more than evident at our Eighth Annual Benefit.

We honored some remarkable people with the Children's Rights Champion Award: attorney Frederic Dorwart, whose commitment to Oklahoma's abused and neglected children is unmatched; actor Rosie Perez, who endured unthinkable experiences as a ward of the state and has made a string of contributions to inner-city youth; and Emmy-Award winning casting director Sheila Jaffe who, along with CR Board Member Darryl "DMC" McDaniels, founded the Felix Organization, which enriches the lives of children in foster care.

We were grateful for the presence of Deanna and Alyssa W., Tre'Shawn Parrish, LaTasha C. Watts and Dylan McIntosh, all of whom have experienced abuse and neglect and were brave enough to share a part of their lives with us.

But one of my favorite moments of the benefit was seeing Jeanette Miller. I first met Jeanette when she was 15. She was among the hundreds of New York City children who had been shipped to highly questionable out-of-state facilities because New York didn't have appropriate foster homes for them. In Jeanette's case, she was housed in a dilapidated institution in Florida. She was heavily medicated, depressed and didn't need to be there.

Jeanette endured so much in her young life, it wasn't a surprise when her son Joshuah ended up in New York City foster care. The shock came when Jeanette did everything she was told to win him back, and the city still kept him in a home where he was being harmed. Jeanette called Children's Rights and we intervened so they could be reunited, giving mother and son ten years together that they wouldn't otherwise have had—and sparing Joshuah the possibility of being institutionalized.

Of course we'd like to think that Jeanette's experience was an anomaly—that in this day and age, Joshuah wouldn't have shared her fate. But, as you'll read in *When Institutions Are Called Home*, far too many children in foster care do.

Yes, some kids need extra help. But the vast majority, even those who have special needs, would thrive in family-like settings. States end up warehousing kids because they fail to recruit an adequate number and array of foster homes, or because teens in foster care, rightfully angry about the hands they've been dealt, are deemed unmanageable at the first signs of deteriorating behavior.

From there, the pattern can become frighteningly predictable. Kids are drugged, fall behind in school, don't get all the psychological support they need. And most horrifying: at times, when oversight should be at its highest, some children are physically and sexually abused by staff or by other children.

That is why Children's Rights is taking its latest fight to Texas where, according to the state's own records, serious incidents of abuse and neglect have been documented in poorly supervised group homes and institutions, where kids in long-term foster care are highly likely to be placed. Children's Rights has noted shocking accounts of staff improperly restraining residents, choking children, hitting youth with objects and sexually abusing kids. This is simply unacceptable.

Ensuring that foster care systems are getting children permanent, loving families has been the lynchpin of our work since Children's Rights was founded. With your support, we will continue to ensure that Texas and other states do right by America's abused and neglected kids. It was my promise to Jeanette, and it's my promise to you.


Marcia Robinson Lowry
Executive Director

CR INSIDER

Children's Rights Board member John "Jay" Neukom – partner in the law firm Quinn Emanuel Urquhart & Sullivan, LLP – values giving back to society. Turns out, it runs in his family. Together, Jay, his father and three sisters established the Neukom Family Foundation, which supports non-profit organizations in the fields of health, human services, education, justice and the environment. The foundation is one of CR's largest funders. Jay recently took time to discuss why supporting CR is important to him.

CR: You and your family are very philanthropic. Why?

Jay: My father instilled in us that we all have a duty to participate in our society and to help make it better. That means not just raising your own family and not just showing up to work every day and doing your duties well, but looking for ways to help make our society more fair and richer with opportunities for everyone.

CR: We are fortunate that the Neukom Family Foundation has been so generous. Why has the foundation donated to CR?

Jay: Children's Rights is dedicated to advocating for a segment of the population that has no ability to stand up for itself. It is exceptionally well run,

and leanly staffed with extremely smart lawyers. Organizations that have big front offices are less appealing to us—the smaller the team, the more efficient they are. We have confidence that the dollars we give to CR are being used wisely, and going where they are needed most.

CR: Do you think litigation is an effective tool for fixing child welfare systems?

Jay: Yes, I believe the law can be used by lawyers for really noble ends. There is a great tradition of that in our country. We've had civil rights litigation, and we have voting act litigation still going on today. The work that CR is pursuing right now—to defend the rights of kids in foster care—is important and yields life-changing results.



CR: Why are you concerned about kids in foster care?

Jay: These are children, and they have nobody watching out for them, and it is our duty to care. Somebody needs to stand up in the crowd and say this needs to be changed. That is what CR is doing. I am just so proud to be affiliated with this organization.

Honoring a Quiet Crusader



The Eighth Annual Children's Rights benefit allowed us to recognize remarkable individuals committed to improving the lives of children (see *Successful CR Benefit Inspires Crowd, Raises Funds*, page 4). One such man holds a particularly special place in our hearts: attorney Fred Dorwart, head of the Tulsa, Oklahoma law firm Frederic Dorwart, Lawyers.

When CR fought an incredibly tough battle to overhaul Oklahoma's dangerous foster care system, Fred stood by us every step of the way, putting the full weight of his firm behind the case. Collectively the firm donated 4,000 hours, but Fred refused to accept one dime for legal costs. He also served as a key strategist, helping navigate the tricky waters of a system that had long lacked any accountability.

Fred's enormous contributions to his home state were evident from the roster of notables who flew in to honor him—friends from the University of Tulsa, the George Kaiser Foundation, even his high-school debate coach. Yet Fred is nothing short of humble. Once, when walking out of the courtroom, he bristled when thanked for his work. "Don't thank me," he admonished. "These are our kids."

He was just as modest when accepting his award. "Now, Oklahoma's children live in hope. With the passage of time, thanks to Children's Rights, they will live in safety." But we know the truth: those kids, along with CR, owe Fred Dorwart a tremendous debt of gratitude.

Successful CR Benefit Inspires Crowd, Raises Funds

“Inspiring.” “Moving.” “Hopeful.”

These are just a few of the sentiments expressed by the more than 250 guests who attended our Eighth Annual Children’s Rights Benefit on October 7—and the reasons were clear.

Former foster youth, parents and advocates spoke powerfully about what drives their passion for changing foster care, bringing many attendees to tears.

“I want to help the kids that have to go through what I did,” said keynote speaker Dylan McIntosh, who suffered abuse in both his biological and foster homes. “The foster care system should focus on finding good foster parents, the ones that change lives for the better.”

LaTasha C. Watts told the crowd that she became homeless after leaving foster care at 18. “Due to the lack of resources, I really had to struggle, but now I am an advocate for foster youth to help them age out of foster care successfully.”

In the end, the heartfelt event raised more than \$550,000 to help CR improve the lives of kids in dangerous foster care systems. But not before CR honored three amazing people for making a difference: Frederic Dorwart, founder of Oklahoma-based Frederic Dorwart, Lawyers (see *Honoring a Quiet Crusader*, page 3), actor Rosie Perez and Emmy-Award winning casting director Sheila Jaffe.

Notable attendees included producer Kasseem ‘Swizz Beatz’ Dean, singer Alicia Keys, actors Lorraine Bracco and Vincent Pastore, Chairman and CEO of BET Networks Debra L. Lee and hip hop icon and CR Board Member Darryl “DMC” McDaniels. Swizz closed out the night by deejaying the after-party, where guests danced the night away.



1. Dylan McIntosh 2. Megan Shattuck and Alan Myers 3. Lorraine Bracco and Vincent Pastore 4. Alicia Keys and Alyssa W. 5. Viola Miller and Tre'Shawn Parrish 6. Anne Strickland Squadron, Barry Berg, Elena Prohaska Glinn and Marcia Robinson Lowry



7. Rosie Perez 8. The Parrish family and Debra L. Lee 9. Mark Lopez, Jay Galluzzo, Marcia Robinson Lowry, Daniel Galpern and Alan Myers 10. Swizz Beatz 11. Rocco 12. Sheila Jaffe and Darryl "DMC" McDaniels 13. The Miller family 14. James Stanton and Marcia Robinson Lowry 15. Danielle Gletow and Stephanie Conni 16. Joe Belluck 17. Frederic Dorwart

CR Fights for Boy Who Was Sexually Assaulted in South Carolina Institution

When John Doe's grandparents became too elderly to raise him, he found himself in the care of South Carolina's Department of Social Services (SCDSS). The agency was charged with finding him a safe, loving home.

Instead they pulled the rug out from under him.

They placed the 11-year-old boy in the Boy's Home of the South (BHOTS). While the group home is now virtually closed and said to be in the midst of a massive reorganization, at the time it was known to be a hotbed for child-on-child assault. The staff was aware of it, and SCDSS had been notified more than once.

Those are the allegations in Children's Rights' latest lawsuit, filed in late spring with co-counsel Hite & Stone and the Camden Law Firm. The complaint describes unacceptably lax policies, combined with officials turning a blind eye to child-on-child violence at an institution licensed and supervised by SCDSS — all of which paved the way for the Abbeville County boy to be attacked and sexually assaulted at the facility in March 2011.

According to the amended complaint, officials at SCDSS and BHOTS not only knew that Doe was at risk, they failed to care for him after the assault. Doe didn't receive desperately needed mental health treatment for months, even though he attempted to slit his wrist with a razor from a pencil sharpener a week after the attack. The filing names South Carolina



Photo courtesy of Raymond McCrea Jones/The New York Times/Redux

Governor Nikki Haley as a defendant, along with SCDSS Director Lillian Koller, as well as other SCDSS officials and staff at BHOTS.

South Carolina's poor track record for recruiting enough foster homes could have played into Doe's fate. According to federal data, in 2010 and 2011 South Carolina was ranked 50th among all states, the District of Columbia, and Puerto Rico for the percentage of children in foster care age 12 and under who were housed in group homes and institutions. SCDSS failed to find a relative to care for Doe and, because of a lack of family foster homes, placed him in an emergency shelter and then at BHOTS.

"It is unconscionable that this young boy landed in such a facility in the first place," said Marcia Robinson Lowry, executive director of Children's Rights. "While SCDSS acknowledged that most children fare better in home-like settings, the agency apparently has not prioritized the reduction of congregate care, putting kids in settings that are inappropriate for many and can leave youth vulnerable. Foster care is supposed to improve children's lives, not destroy them."

Since CR, Hite & Stone and the Camden Law Firm filed an amended complaint in Abbeville County Court, the case has been turned over to the U.S. District Court in South Carolina. A trial is expected in spring of 2014.

For more information about this case, please visit www.childrensrights.org/southcarolina.

IN THE COURTROOM

In **Texas**, a federal judge ruled that children in permanent foster care can move forward with their class-action lawsuit against the Department of Family and Protective Services (DFPS). The suit claims the state has violated their constitutional rights and subjected them to harm.

In a 107-page decision, Senior U.S. District Judge Janis Graham Jack found that “There is ample evidence on the record that caseworkers are overburdened, that this might pose risks to the children and that DFPS and other State officials had actual or constructive knowledge of these risks.”

Children’s Rights and Texas co-counsel Haynes and Boone, LLP and Yetter Coleman LLP have asserted that the state fails to monitor children’s safety, putting them in understaffed group homes and unlicensed homes of relatives or inappropriately placing them in congregate care. This leads to high rates of abuse and neglect, frequent and repeated moves between placements, and unnecessary separation of children from their siblings and communities.

Recently a U.S. district judge ruled in favor of **Massachusetts** in the case of *Connor B. v. Patrick*. Children’s Rights brought the case on behalf of children in foster care because of several well-known failings within the state’s Department of Children and Families. These issues existed for years, and far too many children have suffered harm as a result. CR awaits the court’s written opinion and will consider appellate options. The organization will remain vigilant to ensure that the state makes good on its promise to improve its child welfare system.



Children’s Rights is fighting so Texas kids, like David, end up in permanent, loving families.

REFORM WATCH

Most of our lawsuits end with settlement agreements and a mandate for massive reform. Children’s Rights, along with independent monitors, ensures the reform goals won on behalf of children and families are met.

Children’s Rights is keeping a close eye on **Oklahoma**, which needs to put its efforts on the fast track to meet its initial goals. The state did see one recent success: caseworkers completed 94.7 percent of monthly visits with children, coming close to reaching the 95 percent benchmark.

Connecticut decreased the number of children sent to out-of-state institutions by 89.5 percent.

New Jersey increased visitation between caseworkers and children, ensuring that most of the time there are at least two face-to-face visits with children per month during the first two months of an initial placement in state custody. The state improved its performance from 53 percent to 84 percent.

In **Atlanta**, frontline workers completed more than 98 percent of their required visits with children, and kids with the goal of reuniting with their birth families met with those family members an impressive 95 percent of the time.

IN FOCUS: When Institutions Are Called Home

(continued from page 1)

Lowry has been fighting for young people in foster care to live with families for decades. In the 1970s, as an attorney for the Children's Rights Project for the New York Civil Liberties Union, she took on the city's child welfare system over inequality in the availability of services for black children.

The case was the subject of the book *The Lost Children of Wilder*, which follows the story of Shirley Wilder, a girl sent to a reformatory where she was raped by other youth, then put in solitary confinement for fighting back. Staff there hit kids, and only gave them one roll of toilet paper per month.

Years later, children like Shirley are still driving Lowry to challenge the status quo of bureaucratic state systems, and push for kids to live in safer, more appropriate settings.

Children's Rights fought for AJ, who at 13 was placed in a Tennessee mental hospital, where she heard adults on the other side of the hall "screaming all night, every night."

"I was scared to go to sleep. I was scared to go out of my room, scared to eat. I was terrified of everything at that point," AJ said.

CR also represented a 5-month-old infant who suffered a skull fracture when he was dropped by a worker holding two babies in an overcrowded Oklahoma shelter.

And the organization is advocating for a 6-year-old Texas boy forced to live in a cinderblock room with only a bed and some clothes. He once asked his attorney for a hug, telling her "they're not allowed to touch you here."

Most recently, CR joined local advocates to file a case on behalf of an 11-year-old boy who was sexually assaulted at a South Carolina institution, then denied the mental health services he desperately needed to heal (*see page 4*). He had been in a facility where nobody was required to watch the children at night and officials turned a blind eye to child-on-child assaults. The only reason he was there was because of a lack of foster homes.

"Unfortunately, the minor child in this case was placed in a dangerous situation by the very people who were supposed to protect him," said local co-counsel Heather Stone, of Hite & Stone, Attorneys at Law. "It appears that this tragic event is not likely to be an anomaly, as there are serious problems with the foster care system in South Carolina that impose grave risks on the state's most vulnerable citizens. South Carolina must do better for its children."

THE EFFECTS

Children who live in institutional settings are at greater risk of developing physical, emotional and behavioral problems that can lead to school failure, teen pregnancy, homelessness, unemployment and incarceration, and are less likely to find a permanent home than those in traditional foster homes, according to the National Conference of State Legislatures.

Gabrielle, who spent 8 months in a residential treatment center, said she met kids who had been institutionalized for as long as 6 years, and saw the devastating effects it had on their independence:



If a child can't return to their family, then you hope they will fall in love with the first foster family they are placed with and that family will fall in love with them ... That simply cannot happen in an institutional setting.



- Viola Miller, former Commissioner of the Tennessee Department of Children's Services

“When you are in an institution, everything is done for you. There is no room for growth. When you get out, how do you know what to do?”

Addie entered foster care at just 4 years old. With no foster home available, Addie and her siblings were taken to a juvenile detention center, where she and her sister were separated from their brothers and “disrobed, deloused, and cleaned.”

“We were sent out to ‘play’ in a field with a very high chain link fence with barbed wire around the top,” she told CR.

THE HOPE

Kids deserve more, and foster care systems can do better.

“If a child can’t return to their family, then you hope they will fall in love with the first foster family they are placed with and that family will fall in love with them, and it becomes a forever family. That simply cannot happen in an institutional setting, because there are no parents there,” said Viola Miller, former Commissioner of the Tennessee Department of Children’s Services.

Miller was an instrumental force in reducing the use of congregate care in Tennessee, which she said “would not have been possible without CR’s advocacy.”

To move kids out of institutions, the state lowered caseloads, developed more homes for older children and large sibling groups, recruited relatives to care for kids, bolstered support services for kids in homes, and switched to a performance-based contracting system to reward providers when children reenter family settings, said Miller.

FINDING SUPPORT

Sean, the young man who lived in a facility he compared to a “prison,” simply because there were no foster homes available, told CR his third institution wasn’t as bad. It was less restrictive, and he was able to earn the trust of staff members and be rewarded for it. But it still didn’t compare to living with a loving foster family.

“The second I walked in the door, I felt the positive energy coming from her,” Sean said of his foster mother.

Sean is now a graduate student at the University of Chicago, and stays in constant contact with his foster mother and her extended family. “They are my second family. They are my support system, should anything happen to me,” he said.

Children’s Rights believes all kids need these kinds of adults in their lives.

“We aren’t giving up on these kids,” Lowry said. “Every child deserves the safety and stability of a family.”



When you are in an institution, everything is done for you. There is no room for growth. When you get out, how do you know what to do?



– Gabrielle

THE RESULTS:

CR Compels States to Decrease Reliance on Institutions

- **New Jersey** slashed the number of children sent to out-of-state institutions for mental and behavioral health treatment by 99 percent, from more than 300 kids in 2006, to just three in 2013.
- **Connecticut** decreased the number of institutionalized children aged 12 and younger by 80 percent, from 201 kids in January 2011, to 41 in August 2013.
- In 2000, one in five children in **Tennessee** foster care—more than 2,000 in all—were living in orphanage-like institutions. But by 2011, only about 330 youth were living in group facilities, and 92 percent of kids in foster care were living in family settings.

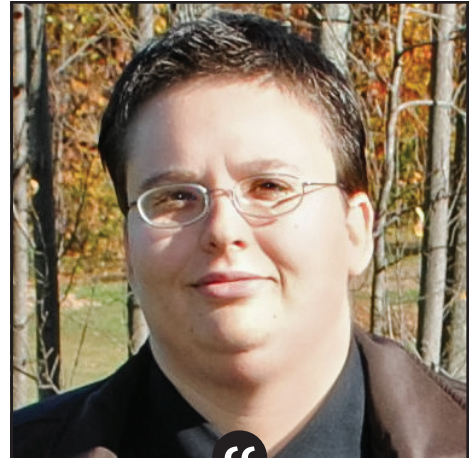
IN THEIR OWN WORDS:

When Institutions Are Called Home



I was transferred from group home to group home ... It's disturbing that workers stood idly by and watched as pimps targeted young girls in the group homes.

- LaQuanna



Group homes were scary ... No one is really watching what goes on. All they care about is whether you try to run away or not.

- AJ

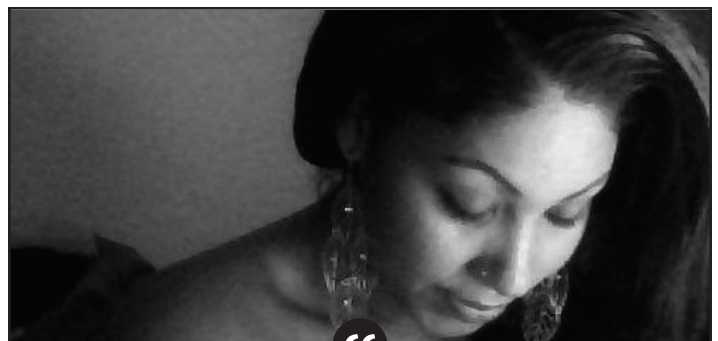
They told me I would see a therapist when I was there. I was there for eight months, and I saw the therapist twice.

- Gabrielle



I spent three months in a psych hospital. It wasn't a bad place to be. They treated us well, we ate well. But most of us weren't mentally ill. I'd say 90 percent of us were kids with regular problems just acting like teenagers.

- Emalee



I wasn't getting the right treatment and help to deal with all that I had been through ... I was in group homes where I felt like a guinea pig. I lost three years of my life being drugged up on meds to see if they controlled any of my feelings or problems.

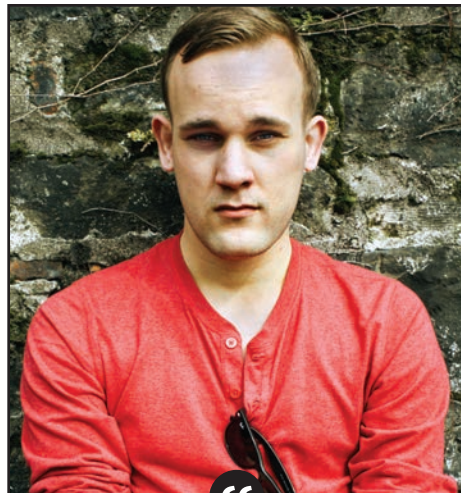
- Valena



“

After I left that second institution, I had to catch up on my reading level because I was so far behind ... [and] I asked my social worker if he could buy me a math book ... I shouldn't have had to play catch up.

- Sean



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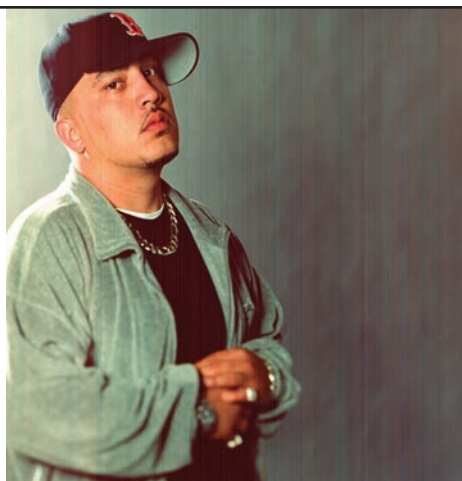
I was one of the quiet ones, but it was dangerous for other children. I saw staff antagonize two kids to their breaking points. They beat up one and locked another in a room for several hours for 'acting up.'

-Dylan

“

I was 14 years old and put in a group home ... After several months I grew tired of resident staff withholding money, locking up food and constantly inflicting various forms of abuse. I ran away.

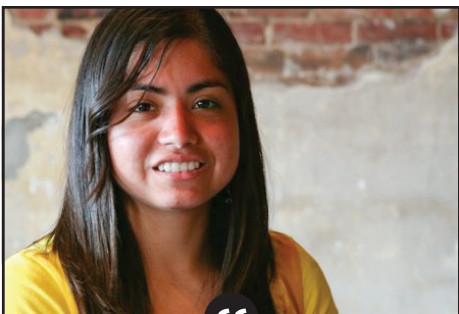
- Dameon



“

I remember the first night I slept at the shelter that ended up being my 'home' for nine months. I cried. I was lost. I felt abandoned ... I woke up to staff, to other residents, hearing about medication, curfews.

- Edgar



“

The most painful time ... being put into quiet rooms to calm down. Just a room locked up with a window. I'd be in restraint chairs, in restraint beds. It made me feel crazy and it made me feel like I wanted to act up more.

- Janirys



“

I've seen staff instigate fights to where ... they'll let the kids fight with each other, fist fight.

- Shannon





Defending America's
Abused and Neglected Kids

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DID YOU KNOW?

Nationwide, about 58,000 foster children are living in residential treatment facilities, psychiatric institutions, emergency shelters and group homes. Many can have their needs met in less restrictive environments.

Kids who live in institutional settings are more likely to experience school failure, teen pregnancy, homelessness, unemployment and incarceration, and are less likely to find a permanent family than those in foster homes.

Foster homes are a more efficient use of taxpayer dollars than institutions. In fact, congregate care placements cost three to five times the amount of family-based placements.

As you consider your year-end donations, please don't forget the hundreds of thousands of abused and neglected children who depend on us. To give online to Children's Rights, please visit **www.childrensrights.org** and click "Donate Now."