

# NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

SPRING  
2015



Defending America's  
Abused and Neglected Kids

## INSIDE:



CR launches  
campaigns to  
improve foster  
care in Arizona and  
South Carolina



An end to solitary  
confinement for  
those 21 and  
younger in NYC

## IN FOCUS:

## No Place to Call Home

"You never get to feel safe. You never get to make friends. You are always anxious, because you never know when something is going to go wrong."

That is how Mackenzie — who remembers being moved 26 times during nearly a decade in state care — said it felt being shuffled through a series of foster families, group homes, hospitals and residential treatment centers while child welfare workers struggled to find her a home that could meet her needs.

Once, when "CPS didn't have anywhere else to put me," her caseworker sent her to an unlicensed home, where she slept in the same bed as the parents. She was 15, she told Children's Rights, and "clothing was optional." Another time, she said, workers could not find room in a treatment center with high-level mental health care, so she spent "almost a whole month" in a hospital that was only supposed to keep her for three to five days. Later, she lived in a bedbug-infested group home with "holes in the walls."

According to a recent *LA Times* article, "demand for foster beds exceeds supply by more than 30% nationally." That means experiences like Mackenzie's — though alarming — are unfortunately all too common for the 640,000 kids who spend time in U.S. foster care every year. Throughout the nation, kids are bounced between homes, sent far from their support systems, separated from their siblings and put in restrictive institutions simply because states do not have enough foster care placements.

"Imagine suddenly being stripped of every person you ever knew or loved, then moving



Kristopher says foster care would have been better if he had been placed with a supportive family instead of in group homes and residential treatment centers.

over and over again and never finding somewhere that felt like home," said Sandy Santana, interim executive director of Children's Rights. "Foster care systems are putting thousands of our children through this right now. As a country, we should be outraged."



# ON THE FRONTLINES

## FROM CR'S INTERIM EXECUTIVE DIRECTOR

On any given day, there are approximately 400,000 children in U.S. foster care. We will meet few, if any, of them. State systems determine where they live, who they see, where they attend school and countless other details of their lives. If they are fortunate, they are safely reunited with their parents, placed in stable and supportive foster homes or adopted by loving, permanent families. But far too many are pushed through a labyrinth of shelters, family homes, group homes and residential treatment centers, leaving them with uneven educations and uncertain futures.

This should be a cause for sustained national outrage. Yet foster children are invisible to most of us and lack the political power to lobby for change. So when advocates stand in the gap, agitating to no avail, when budgets continue to be misallocated or cut on the backs of children, a lawsuit is often the only remaining instrument of change.

That is why Children's Rights, along with local counsel, recently took a stand in South Carolina and Arizona. Early this year we filed class actions on behalf of the states' foster children to address several longstanding problems which, until now, have seemed intractable — and have harmed thousands of kids.

The named plaintiffs in the cases include Zahara, who, at just 5 years old, was placed in a secure facility for children with severe mental health needs. She was put on powerful psychotropic medications and waited months for visits from her grandparents and brother. She described the half year she spent at the facility as the “worst time in [her] life.” She has now been moved through 13 placements and had at least six caseworkers.

And there is B.T., 14. Arizona's goal for him is adoption, but after spending half his life in foster care, being moved through a series of family homes, group homes, shelters and hospitals and experiencing one failed adoption, B.T. says, “I feel like I get tossed around like a bag of chips.” The Department of Child Safety has denied him much-needed mental health care, despite B.T. threatening to kill himself at just age 6.

Our cases tell these tragic stories, but we also hear of remarkable resilience. We are grateful to the brave young people who are contributing to our third annual *Fostering the Future* campaign this May. The blog-a-day public-education venture, timed to National Foster Care Month, includes first-hand accounts of those who have been impacted by foster care — and while the majority describe years of struggle, so many offer a message of hope to those still in the care of the state. The campaign grows in reach every year, spreading the word about a desperate need to further reform child welfare systems.

Over the past few months, we have also begun leveraging our child welfare experience in new and exciting ways. In December, we added our expertise to a chorus of advocates seeking the end of solitary confinement and improved conditions for adolescents and young adults at Rikers Island. The following month, the New York City Board of Correction codified the city's pledge to eliminate solitary confinement for 16- and 17-year-olds.

We had a strong start to 2015 and look forward to reporting on victories to come. And we thank you for your role in helping transform the lives of thousands of abused children. We may never meet them, but by supporting Children's Rights, you help ensure that not one of them is invisible.

Sandy Santana  
Interim Executive Director

# CR INSIDER

*Children's Rights Board member Megan Shattuck — president of talent at Teneo, a global corporate advisory firm — took time to discuss why supporting CR is important to her.*

**CR:** Why did you decide to join the CR Board and what fuels you to be involved with child welfare reform?

**Megan:** The heart of the mission is what drew me to Children's Rights. Thinking about young kids in difficult situations — who want bright futures but are struggling with feeling safe and loved — it's impossible not to think about the impact that has on too many children. It's important to me to be a part of an organization that's looking to help kids be better positioned to make a positive impact on the world and lead happier lives.

**CR:** Having worked at CNN for nine years, do you feel that child welfare issues get enough media coverage?

**Megan:** We live in a 24/7 news environment and breaking through that is hard. I think there's a huge opportunity to shine a light on children who not only deserve

better and have tremendous potential but are already incredibly strong kids doing something extraordinary every day.

**CR:** What is your biggest takeaway, having served on the CR board since 2013?

**Megan:** Hearing the personal stories is heartbreaking — children are so vulnerable. I was surprised to learn there aren't more organizations like Children's Rights given the number of children in tough circumstances. It's been gratifying to see how many people working within child welfare welcome Children's Rights and its mission. This is an organization that stays with the cases and children all the way through.

**CR:** You also serve on the board for Arch Street, a teen center in Connecticut. Have children's issues always been important to you? Why?



**Megan:** Yes, I grew up all over the world (Indonesia and Saudi Arabia, among other places) and saw a lot, including children living in very difficult circumstances. It's important to not only shed light on those who don't have a voice but to also facilitate true change. Children should feel safe and loved, and to be a part of two organizations with that mission is a great privilege.

## CR Campaign Puts Spotlight on Life in Care



Blogger Elena Taylor

On May 1, Children's Rights will launch our third annual *Fostering the Future* campaign to amplify the voices of those whose lives have been touched by state care.

The blog-a-day project has seen tremendous success in past years — our writers have raised awareness across the country and even around the world. CR is excited to build on that momentum by sharing even more diverse perspectives this year.

One blogger, Elena Taylor, was shuffled through seven foster homes and three group homes, and suffered as a result of not receiving appropriate mental health treatment. "I was being overmedicated. At one point I was given too much Zoloft, and was sent to an inpatient and outpatient treatment program ... I had to fight hard to keep excelling in school."

Another writer, Jamie Schwandt, remembers foster care as an escape

from the cycle of drugs and violence at home. "The more distance I put between myself and my biological family, the more I began to see that I could make a brighter future for myself with the help of the foster care system."

You'll also hear from Rita Soronen, president and CEO of the Dave Thomas Foundation for Adoption, who has worked for over 30 years on behalf of abused and neglected children. In her blog, she tells the story of her organization helping to place a boy in his forever home, after he was kicked out of his grandparents' house for identifying as transgender.

We'll be posting these highly personal accounts of foster care on [www.fosteringthefuture.com](http://www.fosteringthefuture.com), and sharing them via Facebook and Twitter. Please take the time to read them and pass them along to others to help us raise awareness about life in state care.



# CR Tackles Long-Standing Problems in South Carolina, Arizona Foster Care

At Children's Rights, we see common threads when we examine the failings of foster care systems. The stories from young people across the country are, at times, harrowingly similar.

The parallels between South Carolina and Arizona became evident as we researched child welfare in those states. Both are falling far short when it comes to recruiting desperately needed foster homes (*see cover story*). They are severely remiss in providing health care that is both mandated and critical — particularly therapeutic services. And they need to do more to preserve families, whether it be keeping siblings together in foster care, or ensuring that kids are close to their biological homes.

Perhaps most disturbing of all, officials in both states have been aware of these issues, and their detrimental impact on children, for years.



These deficiencies led to Children's Rights filing two federal class actions — one with South Carolina Appleseed Legal Justice Center and Wyche P.A. partner Matthew T. Richardson on January 12, and one with the Arizona Center for Law in the Public Interest three-and-a-half weeks later.

"When you watch officials repeatedly acknowledge that state practice and policy are actually harming already-traumatized children, there is no choice but to act," said CR Litigation Director Ira Lustbader. "Failing to place kids in the right kinds of homes, failing to provide them with mental health care — this is extremely damaging to kids who are in desperate need of a safe haven."

Of course, there are unique aspects to each state's system. In Arizona, there are only about 400 therapeutic foster homes; meanwhile approximately 1,000 teenagers in foster care have been clinically diagnosed as emotionally disturbed. State data shows that, between October 2010 and March 2013, over a thousand investigations into reports of maltreatment in state care had not been completed on time. And as of September 2013, the state

failed to place all siblings together at least a third of the time.

As for South Carolina, its Department of Social Services has the highest rate nationally for institutionalizing children 12 and under, according to federal data. From 2007 to 2012, the agency denied therapeutic placements to over 3,600 children whom the agency identified as needing them. The state also struggles with caseloads: According to a 2014 report, 58 percent of workers had excessive caseloads. Nineteen percent were assigned more than 50 children, and some workers were even responsible for over 75, though South Carolina standards call for a range of 14 to 20 children.

Since the time of filing, both states have considered budgets that do not go far enough to protect the kids in their care — and Arizona's, which recently passed and has been cut by millions, actually stands to leave many more children vulnerable to abuse and neglect. As we await developments in both cases, CR remains certain that legal action is the best shot at improving the lives of young people in foster care who deserve and desperately need change.

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*— Ira Lustbader, CR litigation director*

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# IN THE COURTROOM

Children's Rights is in the midst of a hard-fought battle to bring reform to Texas' ailing foster care system.

In December, the trial of *M.D. v. Perry* was conducted before Senior U.S. District Judge Janis Graham Jack. Together with **Texas** law firms Yetter Coleman and Haynes and Boone LLP, CR presented numerous witnesses, including former caseworkers, children's family court attorneys and former foster children themselves. They recounted how deficiencies like burdensome caseloads, too few foster homes and poor oversight of licensed providers hurt children in the very system intended to protect them.

The former foster youth vividly recalled how unstable placements caused them lasting emotional harm, and made their transitions into adulthood extraordinarily challenging. D.J. testified that he had been through "35, 40" placements since he was a baby, with six months being the longest he stayed in any one place. He said he was given no preparation before he aged out of state care. "I didn't have a circle [of] support, I didn't have ID, driver's license, I didn't have anything, nothing."

Patricia told the court that when she tried to report being sexually abused in a foster home, she was told, 'okay, we'll investigate it,' but "nothing happened." She said she would consider her "experience of being sexually abused at a very young age typical of foster care."

Crystal said while she was in care, she was abused by foster parents and children, and barely saw her caseworkers. "I know that there [are] children who are in foster care right now who are experiencing what I experienced ... things can change for them."

Closing arguments for the class action lawsuit are scheduled for May.



CR staff take a rare break in Corpus Christi during the 2-week-long trial of *M.D. v. Perry*.

# REFORM WATCH

Children's Rights testified about the dangerous developmental effects of solitary confinement on youth under 25 in **New York City** jails, serving as one of the voices propelling a landmark decision made by the city's Board of Correction.

This advocacy is very much in line with CR's mission, as news reports show 48 percent of the 5,400 children arrested and detained in New York City in 2010 had previous foster care involvement.

CR Attorney Julia Davis testified about the impact of solitary confinement on adolescents and young adults who have already experienced significant trauma in their lives. "The research is clear. [Solitary confinement] has life threatening risks to older youth, including mental illness or worsened mental illness, anxiety, rage, insomnia, self-mutilation, suicidal thoughts and suicide."

But according to news reports, boys and young men at Rikers were being kept in isolation 23 hours a day and locked away for weeks, months, or, in some cases, over a year.

As a result of mounting criticism from Children's Rights, the Legal Aid Society, the Urban Justice Center, Children's Defense Fund and many others, New York City officials announced a plan to ban solitary confinement for people 21 and younger. They are also reducing the maximum amount of time anyone age 18 or older can spend in solitary confinement from 90 to 30 days.

# IN FOCUS: No Place to Call Home

(continued from page 1)

## “YOU DON’T BUILD SUPPORT SYSTEMS”

One former foster youth, Kristopher, told CR he was moved 25 times between the ages of 10 and 18, and went to roughly the same number of schools. He lived mainly in group homes and residential treatment centers, and felt it was challenging for workers to find him a foster family because he is gay. At 15, he said, he was moved to Houston, and although he lived in several different placements in the city, he stayed in the same school for a year and a half. Then the home he was living in was shutting down, and he was going to be moved away.

“I had a job. I had friends. I had people who knew my name when I went places,” he recalled. “I made a decision that these were things that were more important to me than going to some random emergency shelter for three months, then having to move again and again and again.” Kristopher said he left care for the streets of Houston and found he had to turn to sex work to survive. When he tried to donate blood for money, he learned he was HIV positive. “I shouldn’t have had to deal with those things ... I should have been able to find a placement in Houston,” he said.

Kristopher, now 25, said he didn’t fully understand the impact of his upbringing until he got older. “When you need to know things like how to do laundry, cook something or get an apartment, this is when you call people you can count on, but when you don’t stay in one place long enough, you don’t build that trust with people. You don’t build support systems,” he said.

Turbulence and uncertainty in childhood can have consequences that last well into adulthood, according to a Pew Charitable Trusts report that examines the effects of languishing in foster care. “Children who spend many years in multiple foster homes are substantially



When states lack foster homes, young people are sometimes placed in shelters.

more likely than other children to face emotional, behavioral, and academic challenges. As adults, they are more likely to experience homelessness, unemployment, and other problems,” the report states.

## “I WOULD HAVE DONE GREAT”

It is critical for child welfare systems to maintain a full array of placement options, so when young people, like Kristopher and Mackenzie, must enter foster care, they can live in safe homes where they can thrive. As Kristopher told CR, “I think I would have done great had I gone into a family that would have been able to work with me to heal from the traumas I was having and was accepting of who I was.”

Through aggressive reform campaigns, CR is compelling child welfare officials to recruit more loving foster families so kids can have better experiences in care. The organization’s advocacy has already made a difference in the lives of children

in states like Connecticut and Tennessee. In Connecticut, kids are moving through fewer placements, more are living in homes with families instead of in institutions and more brothers and sisters are together. In Tennessee, children are also moving less often, fewer are living in institutions and more are living in homes close to their own communities.

But the fight is not over. Earlier this year, CR launched a pair of reform campaigns on behalf of children in South Carolina and Arizona — two states where drastic foster home shortages are harming kids.

One 16-year-old girl named in the South Carolina lawsuit has moved through at least 12 placements in about eight years, including abusive foster homes. She wants a family, but instead is languishing in a restrictive group facility where she is held in solitary confinement if she misbehaves because, as her caseworker told her, the state does not have enough foster homes.





Mackenzie, center, was adopted at 17. She says, "I never really had a home or somewhere to belong. Now I do."

In Arizona — where Mackenzie is growing up — child welfare officials have admitted the lack of foster homes is so severe that some kids spend nights in state offices, sleeping on cots or air mattresses. In September 2014, the state had only 5,669 spaces in licensed foster homes available for the 9,418 children in care who were not living with relatives. One 6-year-old boy named in CR's lawsuit has been in foster care for less than two years, but has already attended eight different schools and lived in 11 different placements — including a

Spanish-speaking home, though he doesn't speak the language.

### "I HAVE PEOPLE WHO LOVE ME"

"It is heart wrenching to hear kids in foster care say they feel like trash," said Santana, CR's interim executive director. "But we know there are good people out there who are willing to care for them and play lasting roles in their lives. Child welfare systems need the resources to allow recruiters to go out there and find them."

After years of instability and feeling "completely alone," Mackenzie was adopted in November, at the age of 17.

"I never really had a home or somewhere to belong. Now I do," she said. "I have people who love me and care about me, and I know that they will never leave me and they will never forget about me. I will always have someone to go to if I am hurt or scared or need help."

## THE RESULTS:

## CR Advocacy Leads to Change

- In 2000, foster homes were so scarce in **New Jersey** that some children lived in placements where others had been abused. But a recruitment effort has led to kids being placed with families that best fit their needs, and at times the state has had the capacity to serve more than twice the number of kids in care.
- Metropolitan **Atlanta** has significantly reduced its use of overcrowded foster homes. In 2004, more than 200 kids lived in homes with more than five other children,

and some lived with as many as 11 other kids. By 2014, 98 percent of children in care lived with families that had fewer than two other foster children or five other children total.

- Placement stability for children in **Tennessee** foster care has vastly improved since 1998, when nearly a quarter of children went through 10 or more placements. During 2013, 93 percent of children in care had two or fewer placements within the previous 12 months.



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## DID YOU KNOW?

**D**emand for foster beds exceeds supply by more than 30 percent nationally, according to a recent news report.

**F**rom 2007 to 2012, South Carolina's child welfare agency denied therapeutic placements to over 3,600 children, though the agency itself said the kids needed them.

**A**rizona lacked licensed foster homes for 3,749 children last September, leaving some to sleep in state offices.

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