

LITTLE HOOVER COMMISSION TESTIMONY

by Alex Morales

On behalf of
Association of Community Human Service Agencies of Los Angeles County
and Children's Bureau of Southern California

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Our testimony is rich and unique; it comes from the voices of those who directly serve or donate to society's most vulnerable children and families. Our voice represents the thousands who give their time and resources: be they employees or civic leaders who serve on non-profit agency boards, philanthropic donors, voters who become informed about our children, or foster & adoptive parents (community residents) who volunteer to daily love and care for children. In broad terms, we are referred to as the private sector. Our assets substantially provide the mainstay of support to vulnerable children living in out-of-home care who, for a temporary or long-term period of time, may not have a family or relatives in the position to safely nurture them.

I am speaking on behalf of the Association of Community Human Service Agencies (ACHSA), which represents over 70 child welfare, mental health, and juvenile justice agencies located throughout Los Angeles County. ACHSA is comprised of a vital network of community-based organizations that together serve more than 250,000 unduplicated lives every year, with combined total annual budgets in excess of three-quarters of a billion dollars. ACHSA's mission is to build healthy individuals, families, and communities through advocacy in pursuit of more effective service delivery systems. ACHSA advocates on behalf of its member agencies on fiscal, administrative, program, and public policy issues related to the County Departments of Children and Family Services, Mental Health, and Probation.

I am also sharing from my direct experience as the CEO of the Children's Bureau of Southern California, a non-profit, nationally accredited, child welfare agency with almost 100 years of service in the community. We have been providing foster care services since the mid 1920's, before government entered the picture. We started our adoption program immediately following World War II. The Children's Bureau privately raises over \$2.5 million dollars annually to support our work; the majority of these funds are dedicated toward the prevention of child abuse.

When policy makers, child advocates, or the media shout uninformed criticisms or generalizations, these often result in harsh blows to the private sector and weaken our capacity to harness continuous private sector support on behalf of children. The over generalization about failed foster care and group home systems or the media's sensationalized portrayal of exploitive or abusive foster parents, undermines the capacity of the private sector to generate support towards the resolution of society's most important concerns. Who wants to be a foster parent, or adoptive parent, vote in support of more taxes, or donate a dollar for a failing system?

Foster care does work! Thousands of very seriously hurt and troubled children are safely cared for in group homes and foster families, and reunited in timely ways with birth families or relatives, or given new families through adoption. Likewise, millions of dollars are privately donated by the community to pay for services, buildings, and equipment on behalf of these children and families to ensure the best quality care.

On the other hand, the foster care system needs substantial reform in critical areas. **The system is seriously compromised** at the federal, state, and county level **not because what exists doesn't work, but because it is incomplete.** Its single minded and single funded attention to the care of children who live out-of-home, while **it fails to recognize and fund the treatment and support of the parents** whose problems generated the need for the out-of-home care of these children, is its disastrous short-coming. **Such treatment for the parents, coupled with adoptions, is the backbone of a system designed to meaningfully deliver safe permanence for the child.** Recent plans to increase the involvement of parents and relatives in decision making are important. However, to not provide a treatment and support system for parents significantly limits their full value to their children's lives.

From this failure to treat and support the parents, many of the most serious consequences to children will follow. Particularly when children remain in care beyond 18 months, unable to go home to parents because they have not been changed, and/or are sadly returned to families that have not made substantive improvements, that the overwhelming damage occurs to the child and to the system. **Caseloads of county social workers become overburdened as children in the system are unable to safely exit.** The county child welfare functions, from child abuse investigations to adoptions, become bogged down at every step of the way.

Efforts to increase oversight and accountability of the current system without first attending to the treatment and support of the parents are doomed to failure. At best, oversight results in minor benefits through increased regulations and monitoring systems that will unfortunately add heavy personnel and financial burdens on government and the private sector with no additional resources. At worst, it results in collapsing systems with the increased weight of unfunded procedures, bringing public attention to the failures of the system without correcting them, thus weakening the commitment and hope of the general public.

What is desperately needed is improved partnership with the private sector toward the goal of realizing the system design reforms that are presented herein. Recently, productive discussions in Los Angeles County have been conducted in which the Department of Children and Family Services has sought to better harness the resources and expertise of the private sector. These critical collaborative efforts with ACHSA are to be applauded and continued with the expectation that they will yield great results. Such efforts include plans to pilot an improved emergency shelter care program, assessment program for out-of-home children and their families, and relative caregiver screening and support.

The following details our recommended changes that county and state government must make if they are to round-out and complete the foster care system to successfully serve vulnerable foster children and their families.

County Action:

1. **Harness and blend existing funding to create a coordinated and dedicated system of counseling and wraparound support services aimed at helping birth parents of foster children** resolve the difficulties that led to the removal of their child and would allow for safe and speedy return of the child. **Such parent/family services must be provided while the child is in foster care and continue through post reunification.** EPSDT should be a major funding stream to support this wraparound-like model. Non-profit Foster Family Agencies could be subcontractors to provide such a service to families of foster children in their care, and/or a children's outpatient mental health agency could provide this comprehensive in-home service package. The County should also harness Targeted Case Management Services as a Medi-Cal funding stream for needed case management services.
2. **Provide specialized permanency planning services targeted at the subset of children who have, within the past year, entered foster care for the first-time, but are likely to require long term foster care (beyond 2 years) IF they do not receive such services.** The County should implement such targeted services as a way of keeping these children from becoming trapped in long-term foster care. The County should utilize research wisdom to help with the early identification factors for this population of children.
3. Efforts to **pilot the L.A. County assessment program** must be realized. This program is very important to filling a serious void in the current system. But, we also hope that **such an assessment program would be linked by design and dollars to wraparound-like treatment services** that importantly include the parents as the target of remediation and support.
4. **Speed adoptions: increase the use of mediation; continue emphasis on concurrent planning; and better screen relative placements.** Birth parent releases for adoption that are obtained early through mediation can head off lengthy adversarial legal battles that often delay adoption finalizations. Concurrent planning is a valuable resource, allowing appropriate foster children to be on a parallel path of reunification and adoptions and thus decrease the time to permanence. Relatives are becoming an important adoptive option for children through KinGap. It is therefore helpful that relatives are appropriately screened upfront (similar to concurrent planning with foster/adoptive parents), so that when adoption is considered at a later date, the attachment of the child to their relative has been rightly supported.
5. **Efforts to create county contracts to achieve performance in which liability is transferred from the county government to the private sector are extremely dangerous and require a balance of reasonable protections for non-profits.** Non-profit agencies, whose work (foster care and group home services) is essentially an

extension of government, do not enjoy the immunity protection that government has and therefore they require thoughtful contractual protections. Unlike FFAs and group homes, the government has immunity for its discretionary decisions and provides significant insurance coverage for its staff as well as licensed foster parents.

6. **The County should seek to better integrate existing alcohol and drug treatment services with clients in the child protective system.**

State Actions:

7. **Support expansion of wraparound services.** Wraparound has been shown to be an effective approach in meeting child and family needs in creating permanency for children. The State should work with the Federal Government to secure the extension of the current Title IV E waiver and work with the President's New Freedom Commission on Mental Health to find ways to assure permanent funding. Maintaining the State wraparound standards is essential to assure the delivery of quality services. Additionally, funding for training and technical assistance needs to be maintained. Broadening the availability of wraparound beyond the "high-end" children can result in substantial long-term savings to the State.
8. **Provide FFAs and group homes with reasonable liability protection.** The State should create legislation and regulations to allow FFAs and Group Homes to be protected from unnecessary liability exposure. Efforts to create contracts in which liability is transferred from the county government to the private sector is dangerous without this understanding. The private sector is not protected in the same way that government is through their immunity for discretionary judgments. While the law holds the private sector accountable for prudent actions and negligence, the jury process often either undermines reasonable settlement negotiations or results in awards that are outside this legal parameter because of the highly emotionally charged setting in which a child is the victim. The State should consider giving the private sector immunity for that aspect of work that is exactly like that of the government. Secondly, **the state should create legislation to set caps on pain and suffering judgments of \$250,000** similar to caps in the medical malpractice arena. These caps would serve as a guide and balancing factor to jurors in the emotionally charged setting in which a foster child in a foster home or group home has been injured.
9. **Provide FFA's and group homes with enhanced insurance coverage.** FFAs and their foster families, as well as group homes, are experiencing a serious crisis in obtaining insurance coverage. There is only one insurance company in the state willing to write foster parent coverage, which is mandatory for an organization to obtain insurance coverage for the agency. Because this company is a "non-admitted" insurance provider in California, there would be no protection to the foster parents should the company go bankrupt or insurance coverage be dropped without notice. Furthermore, since there is only one company, non-profits are not in a negotiating

position to obtain or pay for this foster parent insurance. Likewise, there are only 3 companies that will write policies for foster family agencies and only 4 companies who will write policies for group homes. These companies are currently considering leaving this field because of the increasing liability exposure for the non-profit industry. The FFA and group home systems in California teeter on the cliff of uninsurability. **At the very least, the state should create legislation to allow certified foster parents of FFAs to be similarly covered by the State's trust fund that currently provides \$300,000 liability protection for each foster family licensed through the state.**

10. **The State can offer support for crisis psychiatric beds for level 12 and 14 group homes.** Developing crisis psychiatric residential beds on the sites of existing Level 12 or 14 campus-based group home programs would create an alternative to hospitalization. The beds would be used for short-term stabilization and would allow children to avoid hospitalization and placement disruption. This type of facility within a group home may be able to be licensed and funded as a Crisis Residential Treatment Service under Rehab DMH Unplanned Services. A pilot could be developed to test its feasibility.
11. **Create funding stream for post adoption services.**
12. **The State should create and integrate funding streams for alcohol and drug treatment** services for birth families in the child protection system. Such services could help prevent child abuse and/or treat the family whose child is currently awaiting safe reunification.
13. **The State should strengthen the funding stream for domestic violence services** as preventive, treatment, and identification elements to reduce the incidence of child abuse. Research has shown that child abuse is highly associated with spousal abuse.