

# HOUSTON CHRONICLE

## **Texas foster care system under fire**

### **Former children of the system tell of being beaten and sexually abused**

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**By Melissa Fletcher Stoeltje, reporter, SAN ANTONIO EXPRESS-NEWS**

CORPUS CHRISTI - Crystal Bentley, 23, entered the Texas foster care system when she was 2 and wouldn't leave it until she aged out at 18.

In the intervening years, as she was shuffled from place to place, she was repeatedly beaten and sexually abused - sometimes by the adults entrusted with her care, sometimes by their biological children, sometimes by other foster kids or her own relatives, Bentley testified in court Wednesday.

A rotating cast of Child Protective Services caseworkers who were supposed to watch out for her safety often didn't show up for monthly visits, she said. When they did visit, it was usually for a cursory handful of minutes during which they failed to detect what was happening to her.

"I would hint that something was going on, but when they asked me if I was being sexually abused, it was always right there in front of my abusers," Bentley testified. "What could I say?"

Bentley's testimony Wednesday came on the third day of a trial in a class-action lawsuit brought by Children's Rights, a New York-based advocacy group on behalf of 12,000 children in long-term state care in Texas. Other witnesses told the court about staff cuts that weakened oversight of more than 10,000 foster homes and facilities.

If the group prevails, as it has in more than a dozen states, a federal judge can order Texas to enact a host of reforms.

The suit, being heard by Senior U.S. District Judge Janis Graham Jack, alleges the state violated the children's civil rights through myriad deficiencies: moving them around repeatedly, placing them in unsafe care and keeping them there too long.

Similar criticisms have been lodged against CPS in its role of protecting children within their family homes. An Express-News investigation showed the constant caseworker turnover and management problems have contributed to the repeated abuse of children and even death.

## **A legal cudgel**

While the Texas Department of Family and Protective Services, which oversees foster care, has instituted recent reforms in the wake of a rash of high-profile child deaths in foster care, the lawsuit aims to force more change through a legal cudgel.

Children's Rights, which is presenting its side of the case this week, said it has filed similar lawsuits in 19 states, resulting in 15 settlements or judgments in its clients' favor.

Before Bentley testified, another former foster youth, Jordan Arce, 19, spoke of his own history of multiple placements in the system, including one in a group home.

Though a straight-A student with no history of behavioral or emotional problems, the state placed him in a facility where the other children struggled with a host of such issues.

"I would lock myself in the closet, just so I could study, read, talk to myself," he said. "After I left, I struggled a lot with just connecting to other people."

A former foster-care caseworker from the Lubbock region testified that her unit was routinely overwhelmed with too many cases.

"The children in foster care hate CPS," said Katie Voelkel. "They're tossed from place to place, caseworker to caseworker, until they lose trust. They have no stability."

Daryl Chansuthus, a high-level child welfare expert who helped reform and improve the child protection services system in Tennessee, testified on behalf of Children's Rights.

Using data that was compiled within DFPS, Chansuthus testified that the number of full-time staff in the Residential Child Care Licensing Unit, in charge of investigations and inspections, declined precipitously from 136 in 2009 to just 89 in 2014.

When foster homes or facilities are found to have "deficiencies," many of which put children at real risk, inspectors are supposed to follow up to make sure they are corrected within 15 days. Chansuthus noted that, in 2011 and 2012, such follow-ups were not done in a timely manner about 40 percent of the time. And when they were done, often inspectors simply followed up with an email or phone call, instead of visiting the facility or home.

### **'Unable to Determine'**

Chansuthus, again using internally generated data, also found that required assessments that looked at risk to children in homes and facilities were only done around half of the time in 2012.

In his cross examination, the state's lead attorney, Tom Albright, asked Chansuthus if the many internal and external reviews that DFPS has undergone in recent months, such as the Sunset Advisory Commission, as well as a top-to-bottom self-audit, didn't represent attempts at making the system better. And he noted that the Texas foster care system features "redundant protective measures," such as separate inspections done on foster homes by the private agencies that license them, as well as a separate residential contracting arm that does periodic inspections as well.

"Isn't that sort of like a second set of brakes on a jet?" he said.

Children's Rights attorney Sara Bartosz countered with DFPS data showing that in 111 investigations of suspected physical abuse of kids in long-term care, 75 percent ended with findings of "Unable to Determine" that were later found to be incorrect.

"Does that sound like a redundant protective measure to you?" she asked the witness.

But Chansuthus' most devastating testimony came when she pointed to the "tracking logs," where the department documents what, if any, action it has taken on implementing recommendations - generated by DFPS' own internal unit - to fix flaws in the system.

They were completely empty.

Still, the most riveting testimony came from the former foster children, some of whom described living in foster group homes where children of different ages, genders and need levels coexisted, often crammed in small rooms, the result often being child-on-child physical or sexual abuse.

Darryl Jackson, 18, said he was shifted among 30 or 40 foster homes and facilities while in long-term care. He lived in foster group homes there were run like "jails," and others that lacked any supervision. He lived in larger residential treatment facilities where he was put in restraints, thrown to the ground by staff, knocked out. No one attended to his injuries, he said. Because of all the moving around, he failed ninth grade twice.

When his caseworkers visited at all, some would simply stand at the door, ask him several questions, and then leave.

"My experience in foster care ruined me as a person," he said.