

NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

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Defending America's
Abused and Neglected Kids

INSIDE:



TODAY Show's
Natalie Morales
pays it forward
to CR



Commissioner
Bonnie Hommrich
helps Tennessee
reach all court-
ordered milestones

IN FOCUS:

Hope for Texas' Forgotten Children

"I felt like I was being punished."

That's how Samantha, now 22, described her five years in Texas foster care.

She was removed from her home days before her 13th birthday, after reporting that her uncle was molesting her, she told Children's Rights. Then she was moved through about 13 placements — including foster homes, psychiatric hospitals, group homes, emergency shelters and residential treatment centers — all hours from her mother and community, she said. In one group home, she complained of severe pain in her arm from being restrained, but staff refused to bring her to a hospital.

"I was telling them that it was broken and they said that if I had broken a bone, I would be screaming and the pain would be unbearable," Samantha said. A couple months later, after she was moved to a new placement, a doctor finally reset and put a cast on her arm — it had fractured in three places. Samantha doesn't remember anyone investigating the incident, or asking her questions about it. "I never knew if things were followed up on ... caseworkers always changed," explained Samantha. She recalls having about seven different caseworkers before aging out at 18.

"I was just feeling like I was being passed around to everybody," she said.

She's not alone.

Samantha is one of thousands of young people who have spent time in Texas' beleaguered system of Permanent Managing Conservatorship (PMC). The Lone Star State gives caseworkers 12 to 18 months to either reunify children with their birth families or



Samantha said she was moved through about 13 placements and seven caseworkers during her years in Texas state care.

find them adoptive homes before they enter PMC, a status unique to Texas. Once in PMC, the attention paid to their cases drastically diminishes. There is often a sense that the clock stops ticking, and kids have little hope for stable families. Instead, far too many — like Samantha — literally grow up in state care, shuffled between a variety of foster and institutional placements, poorly supervised by the state.

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ON THE FRONTLINES

FROM CR'S EXECUTIVE DIRECTOR

The word “victory” conjures images of monumental achievement. With significant events on the horizon, from the 2016 summer Olympics to a hotly contested presidential election, triumph of all kinds is on the minds of many.

It is at Children's Rights as well — but for us, victories aren't measured with votes or gold medals. Our milestones, though monumental, are of an entirely different kind. And while they create change in foster care systems across the country, their impact is measured by the individual:

- The boy who is able to remain with his brothers and sisters, rather than being torn from them.
- The girl who is able to attend, and thrive in, one high school — rather than switching homes and schools every year.
- The child who is in foster care only briefly before being safely reunified with family or adopted into a loving home.
- And perhaps the biggest of all: the child who is able to break down barriers and learn to trust, because he is finally placed with a family who supports him unconditionally.

These victories might be invisible to the world at large, but collectively their impact is massive. So we are proud to bring two recent successes to light in this edition of *Notes From the Field*.

After an intensive campaign that weathered changing leaderships and several bumps in the road to reform, Tennessee's Department of Children's Services (DCS) has reached its goals to fix foster care. The state, which has been under a consent decree that resulted from CR's legal advocacy, has made important strides like lowering caseloads and stopping the placement of kids in emergency shelters. DCS now must maintain these measures for at least a year to exit court oversight — and early signs point to the state accomplishing this.

The state of Texas has a long way to go before it resembles Tennessee, but a federal court judge's incredibly strong ruling in favor of our plaintiff children will pave the way to a safer, smarter foster care system. Although the state continues to fight the case, that hasn't stopped U.S. District Judge Janice Graham Jack from appointing two experts who will recommend a plan to help the children who, according to Jack, “almost uniformly leave State custody more damaged than when they entered.”

We owe much of this victory to a person who, with his colleagues, has proven to be the most dedicated of allies: Paul Yetter of the Houston-based law firm Yetter Coleman LLP. A force to be reckoned with, this stellar attorney's formidable skills are matched only by his commitment to the most vulnerable children of his state. I am proud to announce that he will accept, on behalf of his firm, the Children's Rights Champion Award at our annual benefit this October.

There are few more deserving of accolades, except the former foster youth who so bravely testify about their lives in the courtroom, at our events and during our annual *Fostering the Future* campaign. Giving voice to their experiences is one of the most important things we do. Take Amanda. She wrote last year about being put in a kinship placement where an older relative sexually abused her several times a week until she was 10 — when he started selling her to his friends. Sharing her story wasn't easy for Amanda. But she recently reached out to tell us:

“I feel so free, like I made it. Words can't express how thankful I am ... Children's Rights changed my life.”

And that is the biggest victory of all.

Sandy Santana
Executive Director

CR INSIDER

Christy Irons doesn't just pay lip service to nurturing abused and neglected kids. The daughter of longtime foster parents and the wife of an adoptee, it was almost inevitable that Christy would do her part. A member of CR's Advisory Council, the mother of nine and her husband have adopted eight of their children, including three with special needs. When she speaks about fostering, it is with experience, passion — and a good dose of humor.

Why did you join the CR Advisory Council?

Because the organization forces governments to do better than they claim they can. Thanks to CR, my home state of South Carolina is establishing workload limits for caseworkers and is ending the use of motels and child welfare offices for overnight placements, with more changes on the horizon. The legislative route takes forever; CR gets results a little more quickly, which I appreciate.

Your funniest day:

My now 13-year-old was 4 when he first came to us. He was an excellent swearer. We were working on manners; he yelled

out from the bathroom, "Hey lady, come in here and wipe my a-- please." I explained that this wasn't appropriate language. His response: "But I said please!"

Biggest mishap:

With nine kids you need a big vehicle. We drive a Transit with an extra row of seats. It's not that hard to manage, but it is tall. One day I ripped an awning off of a store...

How do you cope?

I am an amazing scheduler. We have three whiteboards: chore list, morning schedule and money earned. Also, I have great



friends — every few weeks we meet at the Mexican restaurant and sit around for hours. And my parents are very helpful. They fostered for so long, the things the kids do aren't so shocking to them.

As this month's CR Insider, what do you want the public to know?

We, the human race, are offering little more to these kids than our inactive horror. So many adults are capable of helping but don't. And these kids are not crying out for mansions and ponies. Or fancy phones or designer clothing. These voiceless children simply want humane treatment. So I'm always, always asking for more foster and adoptive parents.

Comedian Monroe Martin Joins Young Bloggers to #FosterTruth

"I went from having freedom to having a strict bedtime, eating with a bunch of strangers and showering in communal showers. It felt like prison, except I did nothing to deserve to be there in the first place."

These are the words of comedian Monroe Martin (Netflix' Master of None, NBC's Last Comic Standing), who, in CR's 4th Annual *Fostering the Future* campaign, gives a raw, moving account of growing up in state care. Like so many others across the country, Martin's path from foster care to success was an uphill climb. He bounced between 14 homes in 15 years. He endured physical abuse, was separated from his sister and was overmedicated with powerful psychotropic drugs. But despite a seemingly endless amount of roadblocks, Martin overcame and beat the odds.



Martin and 29 others, including artist Ronald Draper and model MelissaRoshan (MelRo) Potter, are contributing gripping first-hand accounts throughout the month of May.

The result is a powerful, hard-hitting range of experiences: "I was shuttled around to over 23 different foster and group homes ... as a result of the trauma and horrific abuse I experienced before and while in the system, I suffered from PTSD and believed that I was not valuable," writes MelRo. For bloggers like Draper, state care was a saving grace. "Really, I am a by-product of *everything that is right* with foster care. I want to give hope to those who still need hope, and shine a little light where there still needs to be light."

Last year, our campaign received 1.25 million views on social media. Together, with your help, we expect to double that number this year. Please help us reach our goal and #FosterTruth by following our bloggers' stories on www.fosteringthefuture.com and sharing them via CR's Facebook page, Twitter and Instagram accounts.

TODAY Show Pays It Forward to CR

Over the years, TODAY Show anchor Natalie Morales and Children’s Rights Lead Counsel Sara Bartosz developed an ongoing e-friendship after bonding over cheeseburgers. When pregnant Morales mentioned she “craved cheeseburgers” on the program, Bartosz reached out to congratulate her on the pregnancy.

After keeping in touch electronically for seven years, Morales, inspired by Bartosz and her efforts to make a difference in the lives of youth in foster care, decided it was finally time to meet face-to-face on air in December. In a segment called “Pay it Forward,” Morales chose to highlight CR’s work on behalf of abused and neglected children, and put a spotlight on the critical issues facing youth in state care across the country.

“I’ve been waiting seven years for this moment,” Morales told Bartosz. “I’ve learned so much from you. You’re that person on the front lines, in the courts, litigating and trying to make sure that the states are taking care of those kids in the system.”

Bartosz responded, “The government can do magical things for children and for families, but without accountability, there’s broken lives, kids who grow up in foster care and turn 18 without a home, without a mom or dad. We’re in the courts trying to make sure that happens as infrequently as possible.”



To demonstrate why CR’s work is so important, Morales interviewed three inspiring young adults — Steffanie, Demetrius, and Kimberly — who recounted their experiences to Morales. In six years Demetrius lived in “25 to 30 different foster homes,” but said, “I never gave up even though it was hard. I am who I am today because of everyone who invested in my future.” Steffanie, who spent nine years in foster care, suffered ongoing sexual abuse at the hands of a foster father, but finally found a “family — [that] has so much love, so much kindness.”

The moving segment touched viewers and raised more than \$300,000 for CR’s work. But that’s not all. Morales

had a surprise in store for Bartosz, and presented her “superhero” foster care advocate with a special gift — a PSA-style video for CR, featuring herself, actress Victoria Rowell and the three former foster youth — which she showed live on air. The PSA has since gone into national rotation and has aired more than 4,000 times on over 40 stations.

“This gift is incredibly impactful, not just to CR, but to vulnerable children across the country whose stories often go unheard,” said CR Executive Director Sandy Santana. “We’re grateful to have been given a nationwide platform to share these compelling stories of pain, and ultimately hope, in an effort to raise public awareness for our kids.”



Natalie Morales interviews Demetrius about his experience in state care.



From left to right: Steffanie, Natalie Morales, Demetrius, Victoria Rowell, Kim

IN THE COURTROOM



*“We have witnessed a massive turnaround for a child welfare agency that was once routinely harming the children it was supposed to help.”
– Sarah Russo, CR senior staff attorney*

At one time, children placed in **Tennessee** foster care often faced dangerous and uncertain futures, due to a vast shortage of foster homes, high caseloads and other systemic deficiencies.

Today kids are having a very different experience in care. The state’s Department of Children’s Services (DCS), which for some time had grappled with numerous failings, has reached all of its court-ordered milestones. Caseloads are down. Caseworker visits are up. The state ceased using emergency shelters. More sibling groups are being placed together. And more kids are reunified with their families or placed in other permanent loving homes.

This is no small feat. Children’s Rights and Tennessee co-counsel reached a landmark settlement with state officials in *Brian A. v. Haslam* that required DCS to achieve 140 benchmarks to transform its child welfare system. While the road wasn’t always smooth, in April, Chief U.S. District Judge Todd J. Campbell determined that DCS has now met all of those requirements.

“Thanks to the dedication of key leaders, we have witnessed a massive turnaround for a child welfare agency that was once routinely harming the children it was supposed to help,” said Sarah Russo, senior staff attorney for CR. Russo commended DCS Commissioner Bonnie Hommrich and her predecessor, Jim Henry, “who jump-started the final stages of this impressive reform effort.”

The state now enters a yearlong hold period, during which they must sustain their performance on every measure. Commissioner Hommrich seems up for the challenge. “We are elated at what we’ve accomplished,” she told *The Tennessean*. She promised that her agency would keep making improvements even after the legal case ends.

REFORM WATCH

There is renewed optimism for children in **Michigan** foster care: The Department of Health and Human Services (DHHS) and CR have reached a new agreement that acknowledges the state’s progress and focuses on critical improvements needed to ensure child safety and well-being.

While Michigan has made some important strides — like cutting the number of kids waiting to be adopted and safely reunifying more children with their birth families — there are still a number of vital areas in which DHHS still must improve performance.

These include reducing caseworker caseloads, increasing visits between caseworkers and children, maintaining sibling relationships, recruiting foster homes, licensing kinship homes, improving access to medical care and overseeing the use of psychotropic medications.

“Both parties know that more work is needed, and we view it as a positive that we’ve come to terms on how to get it done,” said Sara Bartosz, lead counsel for CR. “There is now an energy and focus that should propel future reform and, in turn, keep Michigan’s children safe.”

IN FOCUS: Hope for Texas' Forgotten Children

(continued from page 1)

"It's not complicated. When children go into state custody, they should be safe. In Texas, that is clearly not the case, and it has been like this for decades," said Paul Yetter, of the Houston-based law firm Yetter Coleman LLP. "Hearing the stories of these young people is heartbreaking, but they give us resolve to do whatever it takes to find a way to reform the system, so children in the future won't be subject to the same abuse."

In 2011, attorneys from Children's Rights, Yetter Coleman LLP and Haynes and Boone LLP decided enough was enough, and filed a class action lawsuit — *M.D. v. Perry* — on behalf of 12,000 children languishing in PMC. In December 2014, the firms, along with A Better Childhood, brought the case to trial. Former foster children, caseworkers and child welfare experts testified about long-term, pervasive problems like overwhelming caseloads, too few foster homes and poor oversight of licensed providers hurting kids in the very system intended to protect them.

One former foster youth, Patricia, testified that she attempted to report sexual abuse in a foster home: "My caseworker at the time, she handed me a number and said, 'if anything ever happens, call.' I tried to call, I tried to report it and it was like, 'okay, we'll investigate it,' and then nothing ever happened."

Another former foster youth, D.J., testified that he had been through "35, 40" placements and 20 to 30 caseworkers since he entered Texas foster care at age 12, with six months being the longest he stayed in any one place. He said he was not prepared when he aged out: "I didn't have a circle of support, I didn't have ID, driver's license, I didn't have anything, nothing."

Stories like these, along with disturbing evidence of dangerous structural failings, led to a watershed 255-page opinion concluding that Texas runs an unconstitutional system that is subjecting the very children it is charged with protecting to an unreasonable risk of harm.

"The reality is that DFPS has ignored 20 years' of reports, outlining problems and recommending solutions. DFPS has also ignored professional standards," Senior U.S. District Judge Janis Graham Jack wrote in her decision.

"Texas's PMC children have been shuttled throughout a system where rape, abuse, psychotropic medication, and instability are the norm," she wrote.

Dallas Morning News columnist Jaquelynn Floyd referred to Judge Jack's decision as "the saddest legal document I have ever read."

"To cite that 'the system is broken' is a grotesque understatement," Floyd wrote. "Failures in Texas' overburdened,

jury-rigged foster care apparatus would be intolerable if they happened to jail inmates or prisoners of war — and they are happening right now to thousands of helpless, friendless, utterly dependent children in this state."

In her decision, Judge Jack highlighted how the Department of Family and Protective Services (DFPS) burdens workers with caseloads exceeding professional and national standards. She called out the state for frequently placing children in dangerous foster group homes that permit foster parents to serve up to 12 children of various ages without the additional safeguards that other group living arrangements have. Unrelated children of different ages and genders often sleep in the same room with no nighttime awake supervision. "The record is full of physical abuse, sexual abuse, suicide attempts, and poor supervision at foster group homes," she wrote.

*"Our house wasn't the greatest, but it definitely wasn't as bad as foster care was."
— Cheyenne, former foster youth*



Judge Jack recounted the harrowing experience of D.I., one of the suit's named plaintiffs, who at 8 years old was placed in a foster group home. Over the period of a month he was sexually abused at least three times by two teenage boys. The lone caregiver at the placement had no idea this was happening and was asleep during the assaults. During a psychological evaluation months later, D.I indicated that "lots of times" he thought about hurting and even killing himself.

Judge Jack also found that DFPS, through its Residential Child Care Licensing (RCCL) Division, fails to properly oversee facilities where children live and doesn't adequately investigate allegations of abuse and neglect. "A typical investigation error rate for a child welfare system is 2% or 3%. RCCL's is 75%," she wrote. "This is staggering, and it means that many abused children ... go untreated and could be left in abusive placements."

In addition, Judge Jack found that Texas lacks enough placement options throughout the state to ensure kids live in appropriate settings. "The Court did not need to read a volume of studies to figure out that placing children hundreds of miles from all that is familiar, separating siblings, housing children in facilities that are inappropriate for their needs, leaving children in facilities where they have been abused, and placing sexualized children in the same room as other children without proper oversight, all present substantial risk of serious harm," she wrote.

Despite the overwhelming evidence that children are being hurt, Texas has continued to appeal the ruling, even as its foster care system is in turmoil. Kids are sleeping in DFPS offices because there are not enough homes, child abuse investigators are resigning and Commissioner John Specia — the agency's seventh commissioner since 2004 — announced he is leaving. And young people continue to speak out about the atrocities they endured in state care.

Recently, one young woman, Cheyenne, 19, told Children's Rights that when she entered foster care she was split up from her seven younger brothers and sisters — some of whom, she said, were abused in care. "They would come to family visits with cigarette burns on their hands, busted lips, bruises all up and down their legs, knees all cut up," she said of two of her brothers.

"I did have hopes that we would be treated better," she said. "Our house wasn't the greatest, but it definitely wasn't as bad as foster care was. And I think all of us went into care hoping that we were going to be put in these amazing families that loved us and that wasn't the case."

With Judge Jack's landmark decision, now there is hope that Texas foster care will be temporary, stable and safe and that future generations will have better experiences in care than Cheyenne, her siblings and countless others.

Judge Jack ordered the state to immediately stop putting children in "unsafe placements, which include foster group homes that lack 24 hour awake-night supervision."



"There is a spotlight on Texas CPS now. The problems have come to light and they cannot be ignored."
— Amy Zachmeyer, former caseworker

She also selected a pair of independent "Special Masters" — child welfare veteran Kevin Ryan and nationally known court-appointed master Francis McGovern — to recommend a plan to reform Texas foster care and oversee its implementation. The plan should include the following goals: establishing and maintaining a 24-hour child abuse hotline; improving programs for young people who age out of foster care; hiring and maintaining enough caseworkers to ensure caseloads are manageable; tracking child-on-child abuse; and conducting a needs assessment to determine the types and geographic distribution of placements needed for kids.

Amy Zachmeyer, a former caseworker, now working for the Texas State Employees Union, described the ruling — and the remedies ordered by Judge Jack — as "monumental."

"There is a spotlight on Texas CPS now. The problems have come to light and they cannot be ignored," she said.



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www.childrensrights.org

DID YOU KNOW?

Nearly 90 percent of children in Texas' system of "permanent foster care" have been moved through five or more homes. Some have had 20 or more.

Kids in Texas foster care often live far from their communities and support networks — about 60 percent have been placed outside their home counties.

Even though the Child Welfare League of America recommends caseloads of 12-15 children, nearly 70 percent of Texas workers with at least one child in "permanent foster care" have higher caseloads.

To make a gift to Children's Rights, visit
www.childrensrights.org
and click "Donate Now."