

CHILDREN'S RIGHTS

“Legal advocacy can spark accountability over government and transform the way children are treated by public systems. Tennessee is a prime example.”

– IRA LUSTBADER,
LITIGATION DIRECTOR
AT CHILDREN'S RIGHTS

Brian A. v. Haslam Fact Sheet

In 2000, Children's Rights, along with a team of local counsel in Nashville, Knoxville and Memphis, brought a legal reform campaign against the state of Tennessee on behalf of all children in foster care, alleging major systemic problems which were harming the very children the state was supposed to protect.

THE TENNESSEAN

THURSDAY, MAY 11, 2000 • NASHVILLE

Agency, Children Sue State Over Foster Care



In 2000, Brian A. was a nine-year old boy who spent **seven months in a dangerous and overcrowded emergency shelter** in Memphis. He was housed there with older boys accused of violent crimes and sexual assaults, and **without basic mental health treatment, casework services or appropriate schooling** — because DCS had nowhere else to place him.

In 2000, Tracy B. was a 14-year-old girl in her **15th inappropriate foster care placement after only one year** in government custody because the state lacked an appropriate place for her to live.



In 2000, Denise E. was eight years old. She had been placed in foster care after being removed at birth from her mother. **She was visited one time** by a case manager during her first week of life, but **never afterwards**, and had not received any services to monitor her care, needs or development.

When Tennessee child welfare officials made the critical decision to remove children — like Brian, Tracy, and Denise — from their homes, it became their responsibility to protect them and take care of them while in the state's custody, not cause them further harm. In 2000, Children's Rights set out to make it **RIGHT** and do **JUSTICE** by Tennessee's foster youth.



Every day, children are harmed by America's broken child welfare, juvenile justice, education and healthcare systems. A national watchdog organization since 1995, Children's Rights demands government accountability and systemic reform on behalf of America's most vulnerable population — including over 670,000 voiceless and invisible children who spend time in state foster care annually. Through relentless, strategic advocacy and legal action, we demonstrate that dangerous, failing government systems don't have to be the norm... not on our watch.

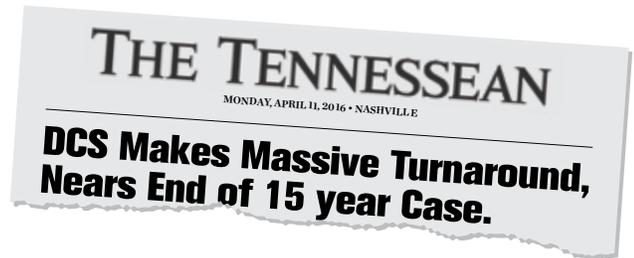
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Defending America's
Abused and Neglected Kids

Brian A. v. Haslam Fact Sheet

In 2001, the Department of Children's Services (DCS) committed to an ambitious, multi-year reform process to comprehensively improve its child welfare policies, practices and outcomes. Today, Tennessee has sustained their performance on more than **140 mandated benchmarks**, transforming what had been a problem-plagued child welfare system into one that, while not without challenges, embraces best practices and is appropriately considered in many areas to be a national model.



THE STATE OF CHILD WELFARE IN TENNESSEE: FROM "OUT OF CONTROL" TO "NATIONAL MODEL"

THEN

OVERWORKED: Caseloads over **40** children were not unusual. One region had caseloads as high as **80** children per social worker.

OVERBURDENED: Children were routinely warehoused in emergency shelters and holding facilities for upwards of **6** months at a time.

OVER-INSTITUTIONALIZED: In 2001, Tennessee placed **22%** of children in congregate care facilities.

OUT OF REGION: **35%** of children were placed out of their region, at a great distance from their parents and siblings.

UNMONITORED: DCS was unable to produce basic data about children in its custody, such as their locations, prior placements, case plans and permanency goals.

OVERSTAYING: **36%** of children in custody stayed in foster care for over two years, and **17%** for over four years.

UNADDRESSED RACIAL DISPARITIES: The state made less effort to secure appropriate placements, services and permanent homes for African-American children in state custody than they did for Caucasian children.

UNDERPREPARED: There were few programs and openings within programs that prepared youth for living independently, leaving them ill-equipped to live on their own upon exiting foster care.

UNSTABLE HOUSING: **23%** - over 2000 children - had **10** or more placements while in foster care.

UNDERVALUED FAMILIES: The state routinely failed to work with families towards reunification. **41%** of foster children with a goal of reunification had less than monthly visits with their parents. Children were also frequently separated from siblings.

UNADOPTED: Ongoing delays in the adoption process unnecessarily extended children's time in custody. In 2000, there were **only 425 adoptions** with 9000 children in care.

2017

→ Case managers now carry between **10-20** children, and **86-91%** of children now receive at least 2 case manager visits per month.

→ Emergency shelter use has ended. Between January and June 2016, **only 9** children stayed in temporary placements of any kind beyond 60 days.

→ **85%** of first placements and **88%** of predominant placements are now family settings, limiting group care placements to **15%**.

→ **86%** of children are placed within region or within 75 miles of the home from which they were removed.

→ The Department now benefits from an **innovative automated information system** that is leveraging advances in web-based technology to support both front-line and management staff as well as track and report on all children in state custody.

→ **22%** of children in foster care spend 2 or more years in custody, and **only 9%** spend more than 3 years.

→ DCS regularly engages in targeted recruitment efforts to increase African American resource homes, offers subsidized guardianship instead of terminating parental rights and maintains a diverse workforce with cultural competency training.

→ Now **94%** of youth have or are slated to have at least one of the following upon exiting care: a high school diploma or GED; transitional services; full-time employment; vocational training or post-secondary education. In 2011, DCS extended foster care programs and services to age 22, and currently almost half of all foster children who reach 18 use extended care.

→ **Only 1%** of children have 10 or more placement moves in foster care, and **90%** had 2 or fewer placements over the past year.

→ **98%** of children on track to reunification visit at least 1x per month, **78%** are visiting at least 2x per month, and **82%** of siblings are placed together. Over 40% of children entering care are now found a permanent home within the first 12 months (overwhelmingly through family reunification).

→ From 2012 to 2016, with approximately 6000 children in foster care, there were **over 1100 adoptions every year**.

Fighting to transform America's broken child welfare systems is one of the most important social justice movements of our time. Children's RIGHT to a safe and healthy childhood counts. Children's RIGHT to maintaining family relationships counts. Children's RIGHT to a fair shot at life counts. And these children are counting on us and YOU to protect their RIGHTS.

www.childrensrights.org

