

Foster-care panic in Los Angeles

ENTRIES INTO FOSTER CARE SOAR DURING LAST FIVE MONTHS OF 2009, REVERSING A YEAR-AND-A-HALF OF PROGRESS

An analysis from the National Coalition for Child Protection Reform
By Richard Wexler, NCCPR Executive Director, April, 2010

In 2009, using a new California law, the *Los Angeles Times* obtained case files on deaths of children previously known to the county child welfare agency, the Department of Children and Family Services.

The newspaper published its first story based on the files in April. But it didn't ratchet up the coverage until the end of July. That also was when *Times* reporters began hinting that the problem was DCFS efforts to keep families together.

In August, NCCPR joined local advocates from a new grassroots organization, DCFS-Give Us Back Our Children, at a news conference. We also met with journalists, including reporters at the *Times*. (The material NCCPR distributed during those meetings is available on our website here: <http://www.nccpr.org/lafor2009vx.pdf>)

We said that such reporting almost always leads to a foster-care panic, a spike in the number of children taken from their parents, and such panics do enormous harm to children. We said we believed such a panic was underway in Los Angeles at that moment.

We also explained that any such panic would be even more harmful in Los Angeles than in most major metropolitan areas. That's because even before the panic, Los Angeles had been taking away children at a higher rate than most of the others. Indeed, among the top five metropolitan areas, only Philadelphia takes proportionately more children.

In addition, after declining from 1999 through 2003, entries into foster care steadily increased through 2007. A small decline in 2008, which continued through July 2009, gave some cause for hope – but

the Los Angeles County Foster-care Panic dashed those hopes and reversed that progress.

The Los Angeles Foster-care Panic of 2009 represents a failure both of political will and journalistic integrity.

When NCCPR first said the panic was underway, DCFS denied it. DCFS also sought to divert attention from the number of children it was taking by focusing on a completely different figure, the number of children in foster care on any given day. (For details on why that's the wrong number to watch, see page 8).

But now we know: There is a foster-care panic and it started just when we said it would. As is discussed below, The Los Angeles Foster-care panic of 2009 represents a failure both of political will and journalistic integrity

Don't ask, don't tell

For months, DCFS and the *Times* had what amounted to a *de facto* don't-ask-don't-tell policy. The *Times* refused to ask if the number of children torn from their families had increased, and DCFS refused to tell.

So NCCPR filed its own request for the data, using the California Public Records Act.

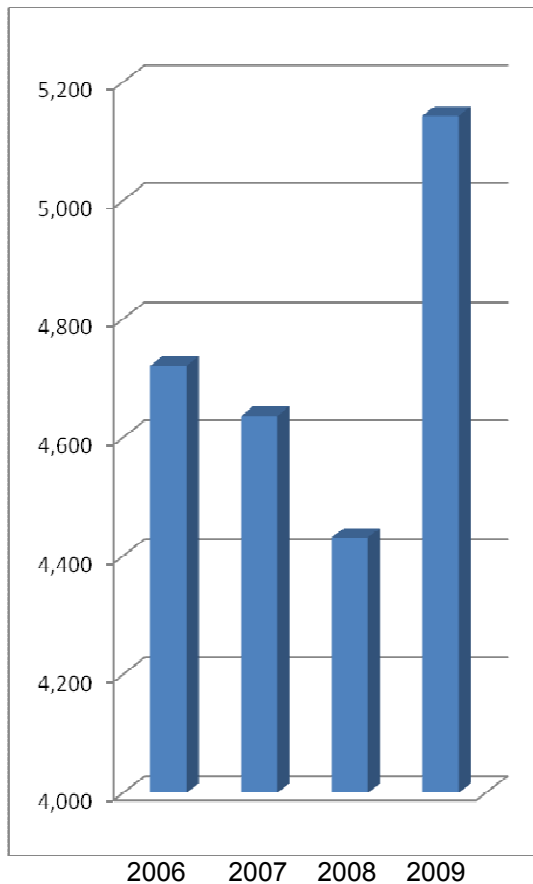
Sadly our prediction has proven to be

accurate.

One-sided, out-of-context news coverage by the *Los Angeles Times* combined with a lack of strong leadership by the Department of Children and Family Services has caused a foster-care panic in Los Angeles County.

The data reveal that from August 1 through December 31 2009, the number of children torn from their families by DCFS soared 16 percent over the same period in 2008. In contrast, until August, entries had declined by five percent compared with the same period during previous year, and the 2008 figure was lower than 2007. (See graph below)

**Entries Into Foster Care,
Los Angeles County,
August 1 through December 31**



Source: Los Angeles County DCFS.

How the panic harms children

Those who falsely equate child removal with child safety may be pleased by these data; but their joy will come at the expense of the very children they say they want to protect. The foster-care panic has done nothing to make the county's children safer – indeed, it has put them at greater risk:

- The standard federal measure of safety, reabuse of children, has remained virtually unchanged even as entries into care have escalated.

- There is no evidence that Los Angeles children are safer than children in Chicago or Miami, which take proportionately fewer children and where independent evaluations show that, as entries into care have declined, child safety has improved.

- As removals have escalated there has been no pattern in the small changes in the number of deaths of children previously known to DCFS. Experts on all sides of the issue acknowledge that small changes in fatality rates tell us nothing about a system's overall record at keeping children safe.

Though the *Times* played up what may have been a small increase in 2009, that increase occurred in a year when the number of children taken away increased. The change is too small to actually blame on the panic, but, at a minimum, the escalation in families torn apart certainly has done nothing to curb fatalities.

On the contrary, all those additional children needlessly torn from everyone they know and love, all those additional children bounced from foster home to foster home, some of whom will emerge unable to love or trust anyone, all those children abused in foster care itself, where the rate of abuse is far higher than in the general population, are suffering for nothing.

Wrongful removal also overloads caseworkers, making it even less likely that they will find children in real danger. That's

why foster-care panics make all children less safe. And that's why nationwide, the only child welfare systems that really have improved safety are those that reformed to emphasize family preservation.

The year 2008 was the year Los Angeles County finally began to turn the corner and start doing just that. The progress was continuing in 2009 – until the panic brought it to a halt.

Media-fueled panic

Foster-care panics almost always start the same way. A newspaper decides to pay close attention to one or more deaths of children previously known to a state or local child welfare agency.

What happens next varies. Both media and politicians always play a role. But in some communities the panic is predominantly politician-driven. Local pols rush to scapegoat efforts to keep families together. That happened in New York City in 1996, Florida in 1999 – still the nation's worst statewide panic - and Washington DC in 2008. The media simply covered the politicians without digging deeper.

But in other cases, the panics are media fueled, with the newspaper leading the effort to scapegoat family preservation. That's what happened in Illinois in 1993, New York City in its second panic in 2006, Philadelphia in 2007 – and Los Angeles in 2009.

DCFS unquestionably shares responsibility, but the *Los Angeles Times* owns this foster-care panic – and the consequences.

The problem is not the fact that the deaths were covered – accusing critics of wanting less coverage is a straw man media often use to deflect criticism when they get this story wrong. On the contrary, the deaths deserved all the attention they got, and more. The failings of the *Times* revolve less around what was in the stories than what was left out.

Month by month, stories about these terrible tragedies became ever more explicit in falsely scapegoating efforts to keep families together.

The *Los Angeles Times* owns this foster-care panic – and the consequences.

Then the *Times* falsely implied that the number of deaths of children “known to the system” had soared, claiming there has been a “series” of deaths. In one story, the *Times* falsely claimed that “deaths among abused and neglected children have mounted in recent months...”

In fact, the number of such deaths has stayed about the same for a decade. Indeed, the number was higher when the county was taking away even more children. What increased was attention to those deaths by the *Times*.

Inference peddling

Times reporters repeatedly engaged in what can best be called inference peddling.

For example, *Times* stories repeatedly portrayed family preservation as a “risk.” The stories referred to a waiver from federal funding restrictions that allows money normally reserved for foster care to be used for better alternatives as a “wager.” That left readers to infer that, however emotionally harmful to children, at least foster care is safe.

Any such inference is wrong. The evidence is overwhelming that, for the overwhelming majority of children, family preservation is the safer option and it is the grave risks of foster care that make it a bad bet for most children. (For details, see

NCCPR Issue Paper #1:

<http://www.nccpr.org/reports/01SAFETY.pdf>).

When that point was reinforced by the tragic death of Viola Vanclief, who was killed in foster care, the *Times* responded with more inference peddling.

At least two stories about the case included this misleading paragraph, which leaves the impression that foster care still was safer than leaving children in their own homes:

The death comes as [DCFS Director Trish] Ploehn's department is facing scrutiny in the deaths of children under its watch. All but two of the more than 30 cases to come to light in the last two years have involved children killed while in the custody of their own parents.

But the reason for that ratio of fatalities is not because foster care is safer. The reason more children die in their own homes than in foster care is simply that far more children *live* in their own homes than in foster care.

One could just as easily have said that the rate of child abuse deaths in Los Angeles foster care is nearly ten times the rate in the general population – which, in fact it is. But that would have been equally misleading – for a reason for which we all should be grateful: the number of child abuse fatalities and, especially, fatalities in foster care, is low enough to fluctuate enormously due to random chance.

For example, had Viola Vanclief escaped with her life – or if it turns out the death really was an accident – the rate of child abuse deaths in foster care over the past two years suddenly is cut in half.

It is entirely fair to point out, however, that several studies have found the overall rate of abuse in foster care to be alarmingly high, far higher than generally realized, far higher than in the general population, and far higher than indicated by official figures, which involve agencies like DCFS essentially investigating themselves.

The independent studies find abuse in at least one in four or one in three foster homes - and probably more. The rate of abuse in institutions is even worse. (For details and citations, see again, *NCCPR Issue Paper #1* <http://www.nccpr.org/reports/01SAFETY.pdf>).

Viola Vanclief may have paid the ultimate price for foster-care panic.

In fact, Viola Vanclief may have paid the ultimate price for foster-care panic.

Then, in a sidebar listing more than a decade's worth of high-profile child abuse fatalities, the *Times* omitted all of the deaths occurring in foster care.

The result of all this is entirely predictable. Indeed we predicted it last August: Caseworkers, terrified of being on the front page, rushed to tear apart families needlessly and removals soared, reversing a year-and-a-half of progress.

Trapped in a “master narrative”

The late William Woo, editor of the St. Louis Post-Dispatch warned reporters to be on guard against their own “master narrative.” A master narrative is not something handed down from above. It's not some kind of media conspiracy. Rather, a master narrative is simply the preconceived notions reporters bring with them to a story. The best reporters guard against being trapped by a master narrative. They constantly question their own assumptions.

After spending month after month pouring over the horrifying details of children brutally murdered by their own parents, it's understandable that the *Times* reporters would form a master narrative that scapegoats efforts to keep families together.

What is inexcusable is the reporters' failure to question that narrative, and their exclusion from their stories of anything that contradicts it.

Not only did the *Times* refuse to report the panic, as far as we can tell, it refused even to find out whether it had occurred. NCCPR had to file our own California Public Records Act request to obtain these data.

Such failures are not unique to the *Times*. Since most reporters typically encounter child welfare systems after a child “known to the system” has died despite repeated warnings, most reporters jump to the same conclusions. Those conclusions are reinforced by the fact that agencies like DCFS can hide almost all other mistakes behind “confidentiality” rules. When exceptions to those rules are made at all, it's usually for fatality cases.

So not only are the same mistakes repeated by newspaper after newspaper, the mistakes are rewarded when the journalists get awards – handed out by judges who usually are other journalists who come to the story with the same master narrative.

Although the Pulitzer Prizes for work done in 2009 have come and gone, the *Times* is bound to pick up an award or two for a form of child welfare reporting so common it's usually just called “the fatality series.”

All this helps explain why, while NCCPR's warning about foster-care panic was reported prominently by the competing *Los Angeles Daily News*, reporters at the *Times* systematically shut out of its coverage

any context and any point of view which contradicted their master narrative – except for token comment from the one source people are least likely to believe – DCFS itself.

Information the *Times* denies to its readers includes:

- Case histories of children wrongfully removed from their homes.
- How the rate-of-removal of children in Los Angeles County compares to other large metropolitan areas.
- Which systems nationwide perform relatively well in keeping children safe and why.
- Research on the terrible outcomes for children who endure years of foster care, such as the study cited here: <http://nccpr.info/80-percent-failure/>
- Research showing that in typical cases, not horror stories, children left in their own homes typically fare better in later life even than comparably-maltreated children placed in foster care. (Our analysis and links to the full studies, are available here: <http://nccpr.info/the-evidence-is-in-foster-care-vs-keeping-families-together-the-definitive-studies/>).
- A major new study showing that increasing entries into foster care does nothing to reduce child abuse fatalities – but emphasizing prevention and curbing the worst effects of poverty does. (Our analysis, and a link to the full study, are available here: <http://nccpr.blogspot.com/2010/01/reposting-family-preservation-and.html>).
- The fact that experts on child abuse fatalities, including Los Angeles' own Deanne Tilton Durfee, no friend of family preservation, say small changes in rates of fatalities tell us nothing about how well, or how badly, a child welfare agency protects children.
- The very existence of the foster-care panic itself.

Not only did the *Times* refuse to report the panic, as far as we can tell, it re-

fused even to find out whether it had occurred. NCCPR had to file our own California Public Records Act request to obtain these data. (Although DCFS Director Trish Ploehn failed to follow through on an earlier promise to provide the data, after the public records request was filed, DCFS cooperated fully, with staff working hard to fulfill it swiftly.)

Though *Times* journalists were well-aware that the grassroots group of families, DCFS Give Us Back Our Children, had been formed to fight for more family preservation, they were shut out of the *Times* except for one story in February, 2010. That was when Ploehn made comments suggesting DCFS was abandoning family preservation. In other words, supporters of family preservation were given a voice in the *Times* news columns only when *Times* reporters believed they were writing family preservation's obituary.

And sadly, that may turn out to be true. Though Ploehn denies her agency is curbing efforts to keep families together, the data obtained by NCCPR show that's exactly what has happened.

It could have been even worse

Bad as the Los Angeles County Foster-care panic has been, others have been worse. The percentage increase in placements was higher in Florida, Arizona, Nebraska and Washington D.C. among others.

What probably curbed the Los Angeles panic is the simple fact that Los Angeles County has to pay the full cost.

Almost everywhere else in the country, the federal government pays a large part of the cost for every eligible child placed in foster care (typically about half of foster children are eligible). It's an open-ended entitlement, and it creates an absurd incentive: Though alternatives to foster care cost less in total dollars, foster care *sometimes* can cost a state or a county less because the federal government is picking up so much of the tab.

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Foster-care panics are popular with politicians who look like they're "cracking down on child abuse." They're popular with journalists who wrongly equate child removal with child safety. As long as the federal government is paying a large share of the cost, there is no incentive to do anything else.

But Los Angeles negotiated a waiver from federal funding rules. For five years, starting in 2008, Los Angeles agreed to accept its foster care money as a flat grant. In exchange, Los Angeles is free to use the money on better, safer alternatives instead of only on foster care. And if Los Angeles reduces foster care it can keep the savings, as long as those funds are plowed into more help for families.

This waiver – the one the *Times* derides as a "wager"- almost certainly is why entries into foster care finally declined in 2008.

Florida, which negotiated a statewide waiver and began using it a year earlier, has made impressive progress, with independent evaluators concluding that, as foster care was reduced, child safety improved. (Florida's progress was featured in this *New York Times* story:

http://www.nytimes.com/2009/07/25/us/25florida.html?_r=3&ref=us and see this post to

the NCCPR Child Welfare Blog for a discussion of the Florida waiver and a link to the latest evaluation:

<http://nccpr.blogspot.com/2010/04/financing-foster-care-and-family.html>).

Los Angeles has done less with its waiver. But a report from Casey Family Programs shows signs of progress (The report is available here:

<http://www.casey.org/Resources/Publications/WhatFlexibleFundingMeans.htm>) The first full evaluation of the California waivers (Alameda County also has one) is due out soon.

But while the waiver almost certainly curbed the panic, the panic also almost certainly has reduced the effectiveness of the waiver.

The role of government

No foster-care panic is entirely the fault of politicians or media, and the fault this time does not rest solely with the *Times*.

Ploehn and other DCFS leaders should have sent a message to the frontlines that caseworkers would not be abandoned by agency leadership if the *Times* or anyone else tried to scapegoat them.

DCFS needed to send one message loud and clear: “If you are lazy or incompetent and that contributes to a tragedy, you will be accountable, up to and including dismissal. You will be held equally accountable if similar lapses lead to children being removed needlessly from their homes. But if you exercise sound judgment, do everything you are supposed to do that it is possible to do, given your workload, and either kind of tragedy still results, we will support you every step of the way.”

DCFS never sent that message. Instead, DCFS dived into a bunker and began withholding information to which the media are entitled, no matter how some journalists may misuse it.

The problem has been compounded by what may be the worst political governing body in American child welfare, the Los Angeles County Board of Supervisors. Their serial grandstanding has plagued efforts to fix child welfare for well over a decade. It is well-known that, to paraphrase a

line originally used about New York Senator Charles Schumer, the most dangerous space to stand in Los Angeles is between certain members of the Board of Supervisors and a television camera.

The solution to the problems of journalism is more journalism.

One of the few strengths of *Times* coverage has been pointing out past grandstanding by the Board. Unfortunately, the *Times* then turns around and gives the supervisors a huge platform to grandstand all over again. And, though by Board standards, during this most recent crisis, Board members have been relatively restrained, they’ve still done their share of preening and posturing.

Toward more and better journalism?

It’s been said that the solution to the problems of democracy is more democracy. Similarly, the solution to the problems of journalism is more journalism. The Los Angeles Foster-care panic will end only when journalists fill in the blanks left out by the *Los Angeles Times*, providing the crucial context that *Times* coverage has omitted.

That’s a tall order in a time of massive layoffs and buyouts.

And even were conditions better, odds are the *Times* itself wouldn’t change.

On the contrary, the *Times* is likely to respond to this critique in the same way DCFS has responded to the *Times*: by diving into a bunker. Odds are *Times* journalists either will refuse any and all comment, or misrepresent this critique, and the relevant data, in order to “stand by their stories.”

That’s the thing about big, lumbering bureaucracies when they make mistakes. They all tend to respond the same way.

Entries into foster care in Los Angeles County:

What we asked for ...

In March, 2010, NCCPR filed a California Public Records Act request with the Los Angeles County Department of Children and Family Services seeking month-by-month data on the number of children removed from their homes in Los Angeles County from January, 2003 through the most recent full month available.

We chose that starting point because data collected by the University of California at Berkeley Child Welfare Dynamic Report System* (http://cssr.berkeley.edu/ucb_childwelfare/Entries.aspx) show 2003 was when entries were at their lowest point in more than a decade. Those data showed increases in entries through 2007 and a small decline in 2008, the most recent full calendar year available.

DCFS was unable to provide such data prior to January 2006, and the agency says the data after December 2009 are not yet available.

These data are for *entries* into foster care, that is, the number of children actually taken from their homes each month. That is not the same as the “snapshot number” which shows the number of children in foster care on any given day. The snapshot number can rise or fall for reasons unrelated to DCFS’ propensity to take away children. For example, the snapshot number can decline if a child welfare agency rushes children into adoptive homes, or even if an unusually large number of children “age out” of the system with no place to go.

DCFS has sought to deflect attention by focusing on the snapshot number – but that’s a shell game. In determining how prone a child welfare system is to break apart families and in determining whether a foster care panic is underway, it’s the entries that count.

NCCPR sought month-by-month data because the best way to detect changes is to compare entries to the same time period in previous years. Because the *Los Angeles Times* escalated its coverage of deaths of children “known to the system” in late July, 2009, we expected to see a foster-care panic beginning in August of that year.

During the years where the Berkeley data and the DCFS data overlap (2006 through 2008) both sets of data show exactly the same trend – an increase in 2007 and a decrease in 2008. But the raw numbers from the two sets of data cannot be combined into one chart from 2003 through 2009.

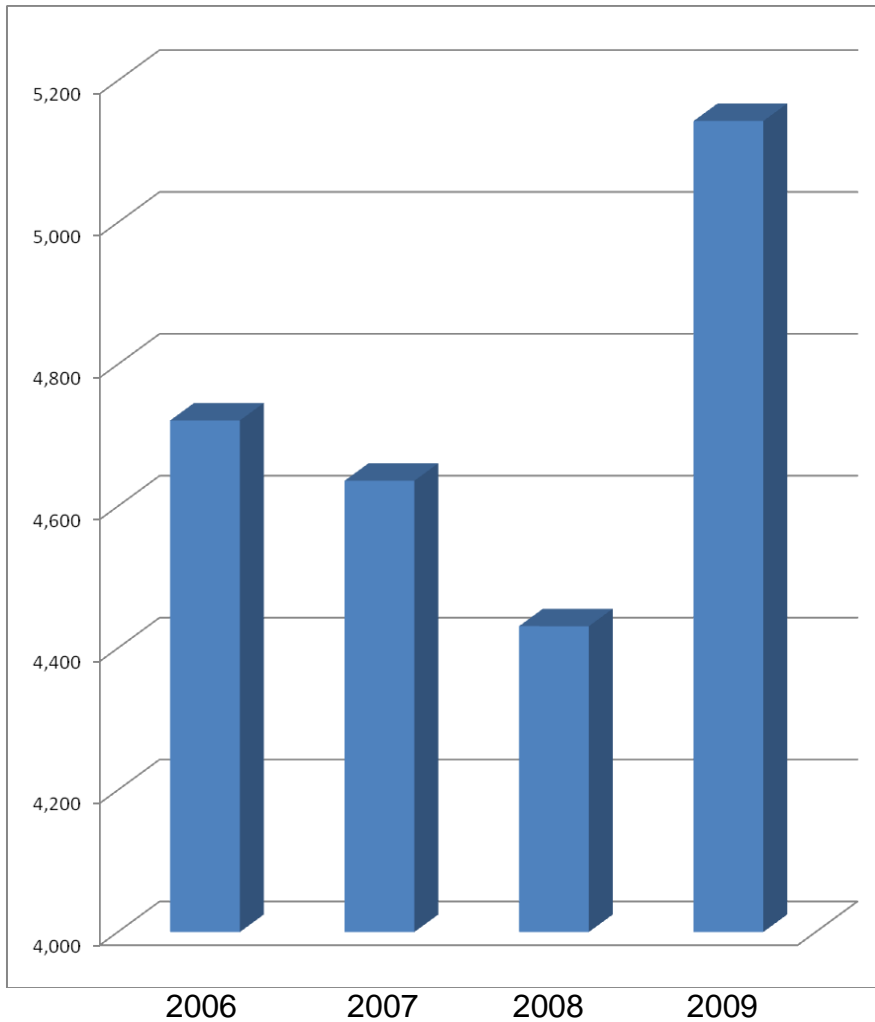
That’s because of a difference in how DCFS and Berkeley define an entry into care. For each year of overlap, the Berkeley figure is between 717 and 763 entries lower than the figure DCFS supplied to NCCPR. This is because, to DCFS’ credit, in responding to this request, they defined entries even more broadly than federal regulations require. It also is reasonable for Berkeley to use the federal definitions, in order to allow for a reliable comparison of California to other states and to compare counties within California. But this means that, to try to combine the two and switch from the Berkeley figure to the DCFS figure would be unfair to DCFS, suggesting a greater increase in entries than actually occurred.

See the following pages for a summary of the results. The full month-by-month results are available from NCCPR on request.

**When it comes to the amount of data and ease of use, this database is the national leader in providing comprehensive statewide and county-by-county child welfare data. It is a superb resource.*

...and what we found

Entries Into Foster Care, Los Angeles County, August 1 Through December 31



See the following page for details.

After years of increases, Los Angeles County reduces entries into care in 2008, and the progress continues through July of 2009:

LOS ANGELES COUNTY ENTRIES INTO CARE, JANUARY THROUGH JULY, 2006 THROUGH 2009

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Total	Change
2006	924	923	963	799	1,028	1,058	915	6,610	
2007	1,039	912	968	1,014	1,161	1,002	951	7,047	+6.5%
2008	797	927	890	1,032	955	963	940	6,504	-7.5%
2009	892	800	919	829	903	908	929	6,180	-5.0%

But then in August, 2009, the foster-care panic begins

LOS ANGELES COUNTY ENTRIES INTO CARE, AUGUST THROUGH DECEMBER, 2006 THROUGH 2009

Year	Aug	Sep	Oct	Nov	Dec	Total	Change
2006	1,097	922	990	958	754	4,721	
2007	1,111	957	1,072	790	706	4,636	-1.8%
2008	950	971	955	762	793	4,431	-4.5%
2009	1,143	1,123	1,066	961	850	5,143	+16%

LOS ANGELES COUNTY ENTRIES INTO CARE, FULL YEAR 2006 THROUGH 2009

Year	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Change
2006	2006	924	923	963	799	1,028	1,058	915	1,097	922	990	958	754	11,331	
2007	2007	1,039	912	968	1,014	1,161	1,002	951	1,111	957	1,072	790	706	11,683	+3%
2008	2008	797	927	890	1,032	955	963	940	950	971	955	762	793	10,935	-6.5%
2009	2009	892	800	919	829	903	908	929	1,143	1,123	1,066	961	850	11,323	+3.5%

Source: Los Angeles County Department of Children and Family Services in response to a California Public Records Act request filed by NCCPR.

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