

Tapeworm in the System

SUMMARY OF KEY POINTS AND RECOMMENDATIONS

ISMAEL AHMED'S BUDGET VS. ISMAEL AHMED'S TASK FORCE (Full Report, pages 5, 10-11, 37-40.)

- **Echoing recommendations first made by NCCPR in its report, *Cycle of Failure***, DHS Director Ismael Ahmed's Child Welfare Improvement Task Force repeatedly calls on DHS to take fewer children from their parents and do more to reunify families when children must be placed in foster care. But the recent Executive Order slashing current spending and Ahmed's proposed budget for FY 2010 move in the opposite direction, slashing Michigan's already meager funding for prevention and family preservation.
- **The cuts are not required by Michigan's fiscal problems.** This is clear because even as prevention and family preservation are cut, Ahmed found the money for big increases in rates for providers of the worst form of "care" for children – institutionalization.
- The proposed budget also goes on a child abuse investigator/foster care caseworker hiring binge – even though **most of this hiring is not really required by DHS's settlement of a lawsuit** brought by the group that so arrogantly calls itself "Children's Rights." The lawsuit says DHS must cut caseloads – but that can be done far more effectively by spending the same money on prevention and family preservation.
- **All this means that the Task Force was a sham**, and a betrayal of those who served on it in good faith. It apparently was intended to divert attention from Ahmed's real agenda – giving powerful private agencies – the state's "foster care-industrial complex" – whatever they want.

TOO MANY CHILDREN IN THE WORST FORM OF CARE (Full Report, pages 3-9, 12-13.)

- Data submitted by Michigan to the federal government show that, on any given day, **more than 15 percent of Michigan foster children are institutionalized**, compared to a national average of 10.2 percent. In Illinois, a national

leader in keeping children safe, it's only 8.2 percent.

- **Institutionalization is, by far, the worst option for children.** It takes five single-paced pages just to summarize and cite the studies concerning the harm of orphanages. (Full Report, Appendix A). And so-called residential treatment centers don't work either.
- A review of the scholarly literature by the office of the U.S. Surgeon General found only **"weak evidence" for the success of residential treatment.**
- A second review, by the University of North Carolina, found "when community-based services are available, **they provide outcomes that are equivalent, at least [to residential treatment centers]."**
- Another study found that when children aged ten and older left residential care, for 59 percent of them **their next stop was detention, a psychiatric hospital, another residential placement or an unknown destination - because they'd left residential care by running away from it.**
- A study looking at what happened to young people seven years after leaving residential treatment - **found the results were even worse.** Seventy-five percent of them were back in the only places they understood – institutions. They were in psychiatric centers, and jails.
- Even the former head of the giant national trade association for public and private child welfare agencies, the Child Welfare League of America, acknowledged the lack of evidence that residential treatment works. **Former CWLA President Shay Bilchik admitted that they lack "good research" showing residential treatment's effectiveness and "we find it hard to demonstrate success."**

INSTITUTIONS IMPEDE ADOPTION (Full Report, pages 20-21, 23-24.)

- When children really can't live with their parents, the best option is adoption. But when

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Michigan foster children are adopted, 93 percent are adopted by their extended family or their foster parents. If they don't get to live with a family, that family can't get to know them, love them, and adopt them. That's why **institutionalization dooms many children never to find a permanent home.**

THE RESIDENTIAL TREATMENT EXCUSE MACHINE (Full Report, pages 14-20.)

- **The claim that there always will be some children who need to be institutionalized is misleading – at best.** The number is so tiny that the overwhelming majority of institutional beds could be closed, with the money spent to support the same children in their own homes or foster homes, with better results at less cost.

- **Several institutions around the country have had crises of conscience** and done just that. First, they admitted to themselves and state governments that their programs didn't work. Then they shut down most of their residential treatment beds, and reformed to serve more children more effectively at less cost in their own homes and foster homes.

- **The claim that institutions are needed because the children there have been placed in foster homes and “failed” there is not true.** When children can't live in homes it's because the parents or foster parents never got the help to make the placement work – because institutions scarf up all the money that can be used for that help. **The reasoning of the foster care-industrial complex is circular, and it is cruel:** Deny families the support they need to make a placement work, then justify your institution's enormously-expensive existence on grounds that the children couldn't stay in families.

- The claim that institutions shouldn't be called institutions because they don't look ugly the way they used to – so now, supposedly, they are “home-like” - is false. It's the *people* in a child's life that make a home, not the buildings. **Children know the difference between “home-like” and home.**

THE SPECIAL HELL OF PARKING PLACE SHELTERS (Full Report, pages 22, 25-28.)

- **No child ever needs to be institutionalized immediately after being torn from everyone the child knows and loves, that only makes everything worse.**

- First-stop parking place “shelters” are exercises in adult self-indulgence and adult self-

delusion, turning real flesh-and-blood children into human teddy-bears who exist to make the adults around them believe they are doing good, when actually they do harm.

- **The claims that these places “stabilize” children so they can be “assessed” and wind up in a better placement are false.** A comprehensive study of these shelters found that children sent there fared worse than those sent directly to foster homes. **Innovative lawsuit settlements in Alabama and New Jersey ban almost all placements of young children in “shelters.”**

THE CHILDREN WRONGED BY “CHILDREN'S RIGHTS” (Full Report, pages 28-32, 35-36.)

- Although we have long felt that suits brought by the group that so arrogantly calls itself “Children's Rights” [CR] resulted only in limited gains for children, until Michigan they'd always sued systems so bad that even such a suit was better than nothing. So **before Michigan, NCCPR never had opposed such a suit, and spoke in favor of some of them.**

- **But CR sued Michigan just when it was finally starting to improve,** thanks to former DHS director Marianne Udow. And the suit read as though it was aimed at derailing those improvements.

- **Once a defender of the weak in the child welfare system, in Michigan CR's lawsuit reads like one brought on behalf of the strong.** Whether intended or not, the lawsuit “complaint” reads like a thinly-disguised attempt to transfer resources away from birth families and into the pockets of private agencies and middle-class strangers serving as foster families to poor people's children.

- As is discussed in detail in NCCPR's first report, the suit, and subsequent settlement, are forcing grandparents providing “kinship care” to comply with ten pages of onerous licensing requirements, most unrelated to health and safety. **This risks forcing a mass expulsion of children from the homes of loving grandparents.**

- On balance, **the settlement is better than the original lawsuit,** but it does almost nothing to curb the power of the foster care-industrial complex. The best hope for making the settlement work rests with the monitor named to enforce it, Kevin Ryan, who did excellent work beginning a transformation of child welfare in New Jersey.

Summary of key recommendations

ALL RECOMMENDATIONS, AND FULL DISCUSSION OF EACH, CAN BE FOUND IN NCCPR'S FIRST REPORT ON MICHIGAN CHILD WELFARE, CYCLE OF FAILURE

available online at <http://www.nccpr.org/reports/michiganinfo1976.html>

Before listing the recommendations, a word about money – actually, two words: It's there.

Michigan can afford every recommendation in these reports – because there is no shortage of funds for child welfare. Rather the money is being squandered on investigating false reports and trivial cases and on needless foster care and institutionalization.

Because Michigan turned down an innovative waiver from federal funding restrictions, a portion of the savings from reducing foster care and institutionalization revert to the federal government. Even so, the state share is sufficient to fund serious reform of child welfare.

Help for families

- Stop the war against Michigan's grandparents. DHS should immediately seek renegotiation of the clause in its consent decree with the group that calls itself "Children's Rights" requiring formal licensure of all kinship care homes. If CR will not negotiate, the state should go to federal court and seek to reopen that part of the decree.

- Michigan should dramatically streamline its entire foster care licensing process.

- Grandparents and other relatives should be offered aid to meet minimum standards. *For example, if grandparents live in a home that truly is unsafe, they should be given the aid they need to fix the home or move elsewhere.*

- Whether or not they are licensed, relatives should be given financial support equal to that paid to strangers.

- **Ban the placement of young children in institutions and cut overall institutionalization at least in half within five years, by building a comprehensive infrastructure of Wraparound and other alternative services.**

- Michigan should meet the settlement requirements for reducing worker caseloads by hiring prevention workers, family preservation workers and drug treatment workers, not more investigators and foster care workers.

- Stop using surplus federal Temporary Assistance for Needy Families funds for any family except a birth family and that family's

extended family members, and, long term, Michigan should phase out the use of TANF as a child welfare slush fund. *TANF funds should be used only for their original purpose: concrete help to assist low income families in becoming self sufficient.*

- Understanding that much of what is labeled child neglect is, in fact, poverty, DHS must reorient its emphasis from often meaningless counseling and parent education programs, which serve largely to make the helpers feel good, to hard services to ameliorate the worst aspects of poverty.

- Michigan should fully fund its pioneering Families First Intensive Family Preservation Services program.

- The Legislature should remove the "boilerplate" language in the state budget that discourages neighborhood-based placements – and may encourage DHS to violate federal law and its own consent decree.

- Michigan should expand the Family to Family initiative to every county.

- Michigan should fully fund the "Parent Partners" program and make it available statewide.

Funds for these various initiatives could be made available by curbing vastly more expensive institutional placements, improving screening of calls to child abuse hotlines and using funds now committed to hiring investigators for family preservation workers instead. But Michigan also should seek more funding for prevention and family preservation. Here's how:

- Michigan should beg the Obama

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Administration for a second chance at a waiver like the one it foolishly turned down in 2006. This would allow about \$100 million currently restricted to foster care to be used for better alternatives as well.

- DHS should fast-track a statewide performance-based contracting system to end the perverse incentive private agencies now have to hold children in foster care indefinitely while their *per diem* payments roll in.

- Michigan should provide sufficient funding to make drug treatment geared to the needs of parents, usually mothers, available immediately to any parent who wants it. This must include in-patient programs where parents can live with their children.

- DHS should create a Michigan Child Welfare Brain Trust to tap into the wisdom of outstanding experts who once worked for DHS Michigan but were recruited by other states and for other child welfare endeavors.

Due process

Improving “services” to families is not enough. Comprehensive reform of Michigan child welfare also requires meaningful due process protections for families. Therefore:

- Quality legal representation must be available to all parents who must face DHS. Those resources must include social workers who can offer alternatives to DHS cookie-cutter, no-services “service plans,” and parent advocates similar to those in the Wayne County Parent Partners program.

- The Michigan Legislature should significantly narrow the definition of “neglect.”

- The Michigan Legislature should pass legislation clarifying what should, in fact, be obvious: If a non-custodial parent pleads to neglect, that should have no impact on the rights of the custodial parent.

- The legislature should reexamine the huge number of grounds for termination of parental rights in current Michigan law. It should streamline these grounds and require findings of

specific, serious failings on the part of parents. In particular the catch-all clause described earlier in this report should be repealed.

- The Legislature should specifically prohibit the fact that a termination of parental rights petition has been filed from being a factor in determining whether children will be allowed to visit their parents.

- The legislature should repeal the law requiring DHS to automatically petition for termination of parental rights, in most cases, whenever a parent who has lost a child to TPR in the past has another child.

- Before a call is accepted by a child abuse “hotline” and referred for investigation, the caller must be able to demonstrate that s/he does, indeed, have “reasonable cause to suspect” maltreatment. That requires a uniform, rational method for screening hotline calls. As part of this screening mechanism, anonymous calls should not be accepted.

- Reverse the current presumption that most child welfare records are closed and allow DHS to comment freely on any case made public by any other source.

- The Michigan Supreme Court should declare a statewide Family Reunification Day.

- All interviews conducted by DHS personnel in the course of child maltreatment investigations – not just interviews with children – should be, at a minimum, audiotaped. For interviews conducted at DHS offices or similar settings, videotape is preferable. Information from any interview that is not taped should be inadmissible in all court proceedings.

- The standard of proof in all court proceedings should be raised from the current standard in most states, including Michigan, “preponderance of the evidence,” to “clear and convincing.”

- In all places where it appears, the phrase “best interests of the child” should be replaced with the phrase “least detrimental alternative.”