

State of California

LITTLE HOOVER COMMISSION

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After managing reform in human service agencies for the past 10 years, first in Florida and most recently in California, I have reached certain basic conclusions about what elements are vital to the reform of the Foster Care system in America. It is upon these that I base my testimony before you today. I consider these to be issues that must be addressed if we are to permanently improve quality-of-life for the children that call foster care 'home'. I refer to them as 'back-to-basics' reform components. While these issues by no means represent all that needs to be done, I believe them to be the foundation upon which meaningful and sustained reform is built, and without which no successful reform is possible. Time permitting I shall touch on what I consider to be seven of the most vital reform components. I must stress that my comments and opinions are colored by the fact that my experience lies in the reform of large urban systems of care, and that my California knowledge is limited largely to LA County's system of care.

Firstly, some general observations that are specific to the questions posed to me by the Commission:

THE STATUS OF REFORM

California is making progress in reforming its Foster Care system. I have attached a brief status report on LA County accomplishments over the past two years. In addition California remains at the forefront of the national reform movement, and has despite significant challenges, managed to maintain a system that ranks amongst the best in the world.

The State can and must do more to provide leadership, planning, and oversight on the issue of improved outcomes, and must accelerate the development of meaningful and measurable child specific quality-of-life/care outcomes.

Local governments in California face few barriers in reforming Foster Care, other than those of their own making. A lack of resources will always plague child welfare and consequently I do not consider a lack of resources grounds for delay or inability to reform systems of care. Most importantly everyone must understand that reform is an incremental process that must be carefully and responsibly controlled and managed.

THE GOALS FOR REFORM

Foster Care reform, like all reform, must be measured, paced, and incremental. It must also be based on sound long range planning and honest, fact-based cost and feasibility analysis. Most importantly consensus must be achieved on the long term strategic goals – i.e. what exactly is to happen in year one, year two, year three, etc., together with what the cost of implementing those strategic goals is, and where the funding will come from. At this time California's reform goals are not clearly articulated, a long-term strategic plan does not exist, consensus has not been reached on either the goals or the reform journey itself, and fiscal impact and feasibility analysis has not been done.

Articulating the desired goals is beyond the scope of my limited testimony, however, more than enough information and analysis exists regarding what those goals should be. What does not exist is order in the 'goal chaos'. Frustration and anger have generated thousands of ideas, suggestions, mandates (usually unfunded), recommendations, audits, plans, and indictments of the current system. Most of which conclude that the 'system is broken beyond repair'. I strenuously disagree. The 'system' is just fine, but many of the parts that drive it are worn out, outdated, in need of service and repair, poorly maintained, unsupported, and generally neglected. It must be stressed that other parts are in excellent condition, and need little or no attention at this time, other than to be maintained and supported.

FOCUS ON QUALITY CARE

Tailored, comprehensive care that is integrated around the needs of children and families does not in my opinion exist. Progress towards such a system is painfully slow and is very poorly planned at all levels. What the State should and could be doing is beyond the scope of what I can cover in my testimony today. This area desperately needs leadership, coordination, planning, and a sense of urgency.

LEADERSHIP

Reform begins and ends with effective leadership. In my opinion much of the chaos and lack of improvement in Foster Care can be directly attributed to a lack of courageous and focused leadership. Children's needs do not drive the reform agenda. The agenda, to the extent that it exists is driven by special interests, industry interests, politics, adversarial key stakeholders, lawsuits, unreconciled agendas, an inability to work collaboratively, a lack of comprehensive long term strategic planning, and a lack of trust. Most startlingly, there exists a genuine belief that a system as complex and delicate as the Foster Care system can be micro-managed by armies of committees, key external stakeholders and interested parties.

Foster Care represents a text book example of how not to run a service delivery system. Tragically this inability or unwillingness to lead at many vital levels, and to create a space in which effective and responsible management can thrive, has devastating consequences for the children whose very lives depend on focused and mature leadership, and on effective management.

Reform takes courage, time, a steady hand, and a willingness to upset the status quo.

VITAL REFORM COMPONENTS

- I. **ASSESSMENTS:** Prompt, meaningful, strength-based, multidisciplinary child and family focused assessments, which must contain service and placement recommendations that form the basis for case planning and permanency determinations.
- II. **QUALITY-OF-CARE/LIFE STANDARDS AND CARE MANAGEMENT:** Uniform, well-defined, measurable, child focused quality-of-care standards that focus on quality-of-life for children, and a performance-based care management process that regularly monitors that children are receiving the necessary care and support they need to thrive.
- III. **CAREGIVER MANAGEMENT:** Improved recruitment, screening, training, support, and monitoring of caregivers.
- IV. **STAFFING:** Vastly improved staff recruitment, screening, training, retention, and support.
- V. **CASELOADS:** Substantially reduced caseload sizes.
- VI. **TECHNOLOGY:** Full and effective use of state-of-the-art technology for care management.
- VII. **PLANNING:** An end to crisis driven reform processes, and a change in the adversarial character of the reform process that Foster Care systems' failures has provoked.

Time does not permit me to make in-depth recommendations in all these areas. However, I have listed some recommendations as a starting point for further analysis, debate and consideration. In addition I am forwarding a number of documents to the Commission that may be of interest to The Commission in its deliberations.

I. ASSESSMENTS

When children and their families first come into contact with our child welfare system they should immediately receive meaningful, strength-based,

multidisciplinary (at a minimum health, mental health, developmental, substance abuse, and education) child and family focused assessments (Assessment). The Assessment should include placement, treatment, and service recommendations upon which the case plan must be based. Without Assessments, decision making about vitally important things like placement options, treatment options, and service needs is random, uncoordinated, baseless, ad-hoc, and ineffective. Most importantly immediate and extended family members and children / youth are denied opportunities for meaningful participation and choices. In the absence of an Assessment, social workers who often lack necessary training, are left to flounder around using 'hit and miss' placement, treatment, and service approaches in very complex areas like mental health. Caregivers frequently take children into their care without any knowledge or understanding of what their needs are. The results of which are evident throughout our Foster Care system.

The current process in place, or lack thereof, places hugely unreasonable demands on social workers. It severely compromises the health and safety of our children and keeps them in care way too long. It provides no benchmark against which to measure future quality of life for each individual child, either in care or after the child returns home or is adopted.

Recommendations

- Require that all children and families receive an Assessment within the first five days after risk has been established.
- Require that placement, treatment, and service plan recommendations be part of the Assessment.
- Establish a procedure, funding permitting, for doing an Assessment on all children already in care by a date certain.
- Establish statewide minimum standards for Assessments.

II. QUALITY-OF-CARE / LIFE STANDARDS AND CARE MANAGEMENT

Despite much attention, debate and rhetoric about the issue of quality-of-life for children in care, there is rampant confusion about what that means, how it can be measured, and how we can assure that each individual child is receiving it. If truth be told quality-of-life for children takes a back seat to bureaucracy, politics, warring advocates, caregiver lobbying, competing fiscal priorities, mismanagement at many levels, poor planning, and general inertia on the issue because of its seeming complexity. I have yet to see uniform foster care contracts, agreements, or instruments that clearly articulate what specifically caregivers are expected to provide and do for children, and how they will be held accountable for doing it.

Recommendations

- The State must rapidly develop short, concise, basic, non-bureaucratic quality-of-life/care standards, by not forsaking the good for the perfect, and ensure that they are in place for every child in foster care in California no later than January 1, 2003.
- No child should ever be placed without such standards being agreed to in writing by the caregiver.

III. CAREGIVER MANAGEMENT AND SUPPORT

Together with the staff of child welfare agencies, caregivers are the most important strands in the safety and quality-of-life safety net for children in care. They are the people that ultimately provide or do not provide the love, care, nurturing, attention, and support that enables children to thrive, or become casualties and victims of the system itself.

Just as it is no secret that almost anyone can work in child welfare, so too it is no secret that almost anyone can become a caregiver in the Foster Care system. I have heard and seen too many horror stories and personally met too many people not to know that this is true. Our oft-stated commitment that children are our number one priority is not reflected in our caregiver management and support system. The Foster Care system has many wonderful, committed, heroic caregivers to whom society owes a deep debt of gratitude. These caregivers receive no recognition, are often vilified along with the entire foster care system, and do not have any performance excellence incentives or rewards. But, Foster Care also has many people/organizations who consider the children in their care no more than a rent check. These caregivers abuse, neglect, dehumanize, devalue, and disregard our children – and yet they remain ‘in business’.

Recommendations

- Increase the standards that must be met in order to become a caregiver in the State of California.
- Increase the training required, and require that training not only be attended but that a passing grade is achieved. I have personally witnessed more than one caregiver sit through training while reading the newspaper right in front of an instructor. I have also witnessed them sign in to get the credit and then leave.
- Stop the tragic designation of children as ‘troubled, slow, mentally ill, etc.’ by caregivers who do so purely to receive higher rates. Rate setting must be rigorous, and rigorously enforced. The Assessment (see Number I) should form the basis upon which the rate is determined.
- Develop incentives for innovative local initiatives, like the establishment of

local community-based selection panels (made up, for example, of retired school teachers, principals, nurses, law enforcement officers, doctors, etc.) to be involved in the process of screening, interviewing, and selecting prospective foster parents/caregivers. The care taking of our vulnerable children should be a community-owned issue.

- In the absence of funding for increased monitoring, develop incentives for local community retirees and volunteers to visit local foster / group / FFA homes to make sure that children are well cared for.
- Strictly enforce Quality-of-Life Standards when adopted, and make the process of de-certification and licensing more rigorous and prompt. If we were half as worried about the due process rights of our children as we are about those of their caregivers, our children will be significantly better cared for.

IV. STAFFING

The staff of child welfare agencies, at all levels, are the people that are charged with and ultimately bear responsibility for the care and safety of children who enter the Foster Care system. While we in society like to talk in lofty terms about our commitment to children one need look no further than this issue to see how empty that rhetoric really is. For example:

- It is no secret that almost anyone can get a job in child welfare, and that the recruitment, screening, and hiring process does not reflect the premium we say we place on children.
- Training, especially for front-line staff and management, is woefully inadequate, and in many jurisdictions absolutely no grading or examination process of any kind exists.
- The level of support for staff once they are hired is marginal at best. Structured quality mentoring and on-the-job training rarely if ever occurs.
- Society is dismissive and disrespectful of the profession, and 'blame and shame' is the approach frequently favored by elected officials, child advocates, the media, and consequently by the public-at-large.
- The attrition rates amongst human services staff, especially front-line social workers, is high and growing steadily higher. Factors most frequently cited are stress, poor working conditions, high caseloads, a bewildering array of mandates and paperwork, a lack of recognition and appreciation, and the blame and shame environment.

Recommendations

- Establish state standards for the recruitment, screening, background checking, training, and retention of staff working in child welfare agencies, and ensure that criminal background checks are conducted no less than every two years while employed.
- Increase the training time for child welfare staff, intersperse fieldwork with

academic study, and prohibit the assignment of a 'full' caseload until all training is completed and the employee has a minimum of two years of on-the-job experience. (Los Angeles County has designed a one-year training academy).

- Ensure that adequate mandatory training is received in vital areas like mental health, substance abuse, domestic violence, sexual abuse, etc.
- Create incentives to attract retired staff with excellent performance records to act as mentors to CSWs during their first two years on the job.
- Require that all counties have a rigorous grading / examination process in place for all training. Set a minimum 'passing grade'.
- Bar social workers dismissed for lying / misrepresentation / falsification of records in one county from working in any other county in California.

V. CASELOADS

Caseloads, and all the attendant workload associated with those caseloads, are unmanageably high, and do not allow for the kind of quality care and attention that children need and deserve. Until such time as the federal government and State of California, and every other state, deal with the issue of these high caseloads no meaningful systemic reform and quality-of-care standards can be sustained and maintained. Not dealing with the caseload issue makes a mockery of our commitment to children.

The current situation creates fertile ground for the unethical and irresponsible blame and shame game that has become so popular amongst elected officials and advocates. No social worker, with very limited exceptions, should ever carry more than 20 cases under any circumstances, and no inexperienced social worker (with two or less years of experience) should ever carry a full caseload under any circumstances. To do otherwise is to knowingly create a scenario in which social workers can not possibly do what we require of them, despite which we publicly humiliate, blame and shame them when they fail.

Recommendations

- Lower the state yardsticks, and make all necessary sacrifices to do so.
- Increase the ratio of administrative support staff to social workers.
- Stop blaming and shaming social workers who, but for their unreasonable caseload sizes, would produce good quality work and who are hard working, committed, dedicated, and passionate child welfare workers.
- Create incentives for performance excellence and innovative approaches to effective case management.

VI. TECHNOLOGY

The degree to which the technology needs of the child welfare system in American have been neglected borders on criminal. Further, the degree to which most child welfare advocates and elected officials are ignorant of this issue and its impact on the lives of children in foster care is deeply disturbing. Children pay a devastating price for this neglect of a vital tool in their care management. Data and case management systems range from non-existent to outdated and obsolete. Development work is slow, bureaucratic, expensive, poorly planned, and under-funded. Systems are not integrated, and inter and intra agency communications range from non-existent to poor.

Already overwhelmed child welfare managers and staff are forced to manage the care of thousands of children (in Los Angeles County approximately 50,000 children) with severe systems and technology deficits. Children literally get lost in our systems of care because without state-of-the-art technology it is impossible to keep track of the millions of annual events, entries, and issues that are vital to their care, placement, treatment and quality-of-life monitoring. Instead of dealing with this issue, elected officials routinely express 'shock and surprise' when things go wrong, and then proceed to blame and shame the agency and its staff, while heaping more directives on already overwhelmed managers and staff.

What is equally disturbing is that even when systems with great potential do exist, like CWS/CMS, neither the federal government nor state government mandate the full use of them, or allocate the necessary resources necessary to achieve full utilization. This leads to a labor-intensive system of dual record keeping - manual and automated – neither of which is ever fully accurate.

Children's medical and health/mental health information, their treatments and diagnoses, their school records, and their placement and treatment information – is all vitally necessary in managing their care and quality-of-life. Rarely if ever does such vitally important information flow smoothly from agency to agency, from social worker to caregiver, from service provider to social worker, and from agency to court. Virtually never does it flow from the system to the child and family to assure choice, informed decision making, and involvement. As if technology deficits are not enough, a complicated and confusing 'confidentiality web' has been spun around children's care, which does nothing more than choke the lifeblood out of vitally necessary communication and teamwork. I have yet to meet a child that has been harmed by the responsible sharing of information between system's partners and their agents. Social workers not only carry the daily burden of this dysfunction and deficiency, but must also bear the blame for it.

Recommendations

- The Governor and/or Legislature should appoint a high level Child Welfare Technology Taskforce (with private sector technology experts on it) to analyze the current situation. The Task Force should (with private sector donations) hire a consultant to do an honest and objective baseline-assessment of the state of technology use and competency in child welfare. The Task Force should make recommendations to both state and federal legislators for short and long term strategies to remedy existing deficits. This Task Force should explore ways in which the private sector can assist child welfare agencies - not only technically, but by funding innovative local initiatives that need not be tied in to expensive and slow developing state/federal systems.
- Elected officials, at both the state and local level, should educate themselves about technology deficits in child welfare. Local County Boards should be required to evidence their understanding of the issues and their commitment to dealing with them by submitting to the State detailed strategic plans for addressing deficits at the local level. These plans should address systems integration at the local level, and how child welfare agencies will be supported to meet their data and technology needs at the local level.
- Development work on CWS/CMS must be accelerated and adequately funded, and the use of web-based technology to augment CWS/CMS must be explored rapidly and aggressively.
- Bureaucratic barriers to technology innovation and reform must be eliminated.

VII. PLANNING vs. CRISIS

In child welfare a collective and anecdotally driven 'everything is in crisis' mode has firmly taken hold, which fuels crisis driven policy and decision making, and consequently management, and which creates chaos and fear in the Foster Care system. This message, which the media eagerly spreads due to its 'drama factor', has so thoroughly saturated the debate on Foster Care that there is no longer a responsible middle ground to managing reform. Consequently we are routinely redoing things, dismantling things, discarding things, complicating things, micro-managing things, over-regulating things, redesigning things, and blaming and shaming everyone and everything associated with the Foster Care system. Collectively everyone in and around the system is suffering from 'the sky is falling' fatigue.

The negative consequences of this ever-present 'cloud of crisis' can not be overstated. The end-result of which is a never-ending blizzard of:

- Under and unfunded mandates.
- Recommendations with no fiscal impact and feasibility analysis.
- Non fact-based decision and policy making.

- Unnecessary layers of bureaucratic paperwork and ‘command and control’ directives.
- Crisis driven micro-management demands that bury already overworked staff and managers under a dizzying onslaught of assignments, unnecessary procedure, and paperwork.
- Negativity, bad press, loss of confidence in the system, loss of public support and assistance, poor morale amongst staff, high turnover rates in the profession, and a sense of shame felt by the children in the system.
- Draconian corrective actions and remedies that are disproportionate to the problem identified.

None of which improves the system of care, enriches quality-of-life for children in it, stabilizes the system, or supports measured and incremental reform. It is little wonder that so little gets done that meaningfully changes the landscape we all so desperately want to change. Instead of managing this crisis down and putting an end to it, it has been allowed to feed on itself. Fueled a lack of leadership at the elected official, advocacy, and senior management levels, by lawsuits, by the media, and by the use of anecdotal nuclear rhetoric, for which the children in the system pay a devastating price.

The ultimate price for this chaos and crisis in human terms is incalculable, in fiscal terms statewide it exceeds, at my estimate, what we spend on early intervention programs within the child welfare system in the State of California.

Recommendations

In recognition of the fact that resources, both human, monetary and time, are finite a body or bodies, or an agency, must be created to:

- Develop a meaningful short and long-range strategic reform plan with achievable goals, and achieve at least some level of consensus amongst key stakeholders regarding the pace, order, prioritization, funding, and monitoring of reform efforts.
- Review, analyze, and classify all child welfare system of care recommendations, proposed reform initiatives, and proposed legislation at both the state and local levels.
- Do fiscal and feasibility analysis on all recommendations, reform proposals, and proposed legislation.
- Align and prioritize recommendations, reform proposals, and legislative proposals, and place them on a strategic planning timeline for implementation based on their cost and priority in terms of achieving key outcomes for children.
- Ensure that reform proposals, recommendations, and legislative proposals are data-driven and fact-based.

- Ensure that recommendations, proposed legislation, and proposed reforms meet the 'does this meaningfully and measurably improve the quality of life of children in the system' test.
- Use a strategic and fiscally sound process to protect our fragile, under-resourced, and besieged Foster Care system from overload and crisis driven directives and management.

Efforts must be made to change the negative dynamic surrounding the foster care system, both in California and nationally. Positive reforms, trends, results, and good things that happen daily in the system should not be ignored, misrepresented, or dismissed. Recognition and reward for performance excellence must exist in a meaningful way at the state and local level, and the men and women that serve in the system must be valued, appreciated and recognized. The most tragic outcome of the current blame and shame approach is that the children, the caregivers, the providers, and the dedicated men and women working in the system who give so much each day, are all made to feel ashamed of a system that is after all, despite its flaws, the finest child welfare and child protection system in the world.

Sadly, no system of care more powerfully demonstrates a lack of coordinated planning, measured and fiscally sound reform, and a 'death of common sense' and 'democracy gone mad' shotgun reform approach than the child welfare system. Our children deserve strong, courageous and effective leadership, and greater levels of collaboration, partnership, consensus, and respect among the people advocating at all levels on their behalf. We all bear equal responsibility for what our system is today, and we must all work together to continue reforming it, even as we all take credit for what it does accomplish in service to our vulnerable children and families.

It is important as we strive for continued reform to remember that there is much to be proud of, and that the glass is half full. Restoring respect, compassion, dignity, and pride creates hope, and it is hope that enable people to perform miracles.