

**Citizen Review Panel
Report to the Department of Children
and Families**

Submitted By

**The State Advisory Council
May 2008**

Appointed Members State Advisory Council

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Background

State Advisory Council

Established under Section 17a-4 (Formerly Sec. 17-413) of the CT General Statutes, the State Advisory Council has the following duties:

- Make recommendations to the commissioner regarding programs, legislation or other matters which will improve services for children and youth;
- Review and advise the commissioner regarding the proposed budget on an annual basis;
- Educate the community at large on the policies, duties and programs of the department; and
- Issue any reports it deems necessary to the Governor and the Commissioner of Children and Families.

The Council consists of seventeen members appointed by the Governor, including at least five persons who are child care professionals, one child psychiatrist licensed to practice medicine in this state and at least one attorney. As required by statute, fifty percent of the council members are parents. Members of the council serve without compensation although parents are allowed to receive fifty dollar stipends to offset the costs associated with their participation. Although the statute only requires that the Council meet quarterly, the Council members meet monthly to provide the due diligence needed to oversee the activities of the Department.

In addition to the statutory requirements, the State Advisory Council is also on of three designated Citizen Review Panels established under federal CAPTA (Child Abuse Prevention and Treatment Act) legislation and charged with evaluating the extent to which the State is fulfilling its child protection responsibilities in accordance with its CAPTA state plan. Now in its third year as a Citizen Review Panel, the Council again chose to focus its attention on the foster care system in the state.

Methodology

The Methodology used for this report included a review of some existing data. The Council/CRP felt that a review of data without access to anecdotal comments from key stakeholder groups represented a weak attempt at assessing the foster care system and issues. However unlike the other two Citizen Review Panels in Connecticut, the State Advisory Council has no budget to support any activities associated with its CRP duties. Therefore, in lieu of holding fact finding meetings to elicit input for their report, as well as having paid

staff to review and compile the report, the Council chose to use anecdotal data taken from recent public forums on therapeutic foster care held across the state as part of the re-design of the state foster care system. A total of nine of these forums were held as follows:

- One provider forum of forty providers of therapeutic foster care
- One youth forum with 14 youth who are part of the foster care system
- Seven parent forums with a total of seventy-nine parents who provide therapeutic foster care

These forums were funded by the Department to inform their redesign efforts, and were not funded as part of the CRP process. They were conducted by the University of Connecticut Center for Excellence in Developmental Disabilities at UConn Health Center. One member of the State Advisory Council conducted these forums and the preliminary information from the forums was accessed for this report.

The State Advisory Council formed a sub-committee that developed the framework for the report. The drafts and content areas were discussed and approved by the entire council prior to submission to the Department. The State Advisory Council is requesting that the Department allocate funding through CAPTA to this Citizen Review Panel, as is done with the other two panels, so that a more thorough review of data, including more targeted public input, could be completed prior to submission of any future Citizen Review Panel reports.

Recommendation on Citizen Review Panel Process: Given the mandate of the Citizen Review Panel, the Council feels strongly that there is a need for the Department to support this effort financially in order to produce a Citizen Review Panel Report that was developed through careful consideration and review of all data and input from the public. The State Advisory Council is totally volunteer and has no paid staff to assist in the development of this document.

Issues and Recommendations

I. Children's Attorneys and DCF Case Workers.

The Chief Child Protection Attorney, Carolyn Signorelli, brought this issue to the attention of the State Advisory Council. In January, 2008 Commissioner Hamilton issued a Memorandum which directed social workers to notify attorneys of placement changes, as well as provide them with contact information at the commencement of the case. Yet compliance with the Commissioner's directive has been very inconsistent. It becomes difficult, if not impossible for the children's legal representatives to provide informed and proactive representation for these children when they cannot maintain the attorney client relationship with their child clients. The attorneys must also be proactive in addressing issues that

arise in their child's client's cases with DCF. Therefore it is critical that DCF communicate consistently and effectively with the child's attorney, especially in instances of potential placement changes or emergency removals. The Juvenile Contract Attorneys reported 45 specific instances in which they were not notified of changes by the DCF Worker. However, more troubling is the indication that these 4 are actually the tip of the iceberg. Many of the attorneys reported to the Chief Child Protection Attorney that this communication from the DCF worker is the exception, not the rule.

One attorney writes: "not only are there instances of this (no communication from the DCF worker), it is usually the rule and not the exception."

Another states "we continue to experience difficulty in promptly obtaining this information in neglect proceedings. For instance, we recently had a worker tell us that she could not provide this information because there was no release on file, despite our having previously requested the information. IN addition, we have had some difficulty in scheduling visits with some foster parents, who do not seem to recognize their obligation to make children available for a visit with their attorney/gal."

"I have found that at the OTC hearing it is usual to have only the DCF investigative social worker present withno knowledge of the name or telephone number of the DCF treatment social worker, the location of the child, or the names or telephone numbers of foster parents. When I introduce myself I provide my business card to the DCF social worker ...the information provided to counsel is to call the main switchboard operator in a few days to find the assigned treatment DCF Social Worker. Unfortunately the main switchboard operator often times does not have the correct information or the names or telephone number because of the frequent reassignments of the Social Workers. MANY times when I call a DCF social worker their voice mail message box is full and I cannot leave a message. Even if I reach the Social Worker I may not be able to expeditiously see my client. Especially when the child is in an institution or DCF Safe House, the staff...will not accept this counsel's veracity or written credentials or Notice of Appointment. Access is

denied until DCF contacts the institution and provides a release.”

In addition to these issues, the attorneys indicated that there are instances in which there is a potential conflict in having both children represented by the same attorney, particularly when the desire to either remain in placement or to achieve reunification with their birth parents is not shared. There appears to be a general assumption that siblings are uniformly served by representation from the same attorney. Policy 36-75-1 Parental Notification, requires the DCF social work staff to distribute copies of the notification of change in visitation or placement (DCF 2029 and DCF 2030) to the attorney for the parent, the attorney for the child and the attorney general’s office. It would appear from the information received through the Chief State Child Attorney that this policy is not being followed.

Finally, at the Youth Leadership forum on foster care, held in April, the youth indicated that access to their attorneys is a challenge. They often do not know how to reach them, and young children in foster care really do not know their rights, and the youth felt that these younger children really needed access to someone who could help them understand these rights.

Data Sources: The Council invited the Chief State Child Attorney Carolyn Signorelli to their May meeting to discuss this issue. Additionally, the Chief State Child Attorney’s office provided anecdotal data that had been collected by that office from January through May 2008. This data consisted of a series of e-mail correspondence between the office and the appointed child attorneys across the state and contained specific case discussion (without identifiers), a description of their challenges in representing their clients, and some recommendations.

Recommendations

A. Amend Policy 36-15-1.1 Responsibilities of Treatment Worker: Contact Standards

While this policy addresses contact requirements of a number of individuals involved with the child, it does not include recommended contact standards for the GAL/Attorney for the child. This policy should be amended to include contact with the GAL/Attorney upon placement, upon change of worker and change of placement.

B. Enforce Policy 36-75-1 Parental Notification. The Council recommends that the Commissioner send a directive reminding social work staff of this policy, and that this issue be highlighted in training (Recommendation C).

C. Consider Enhancing the DCF Assessment Training.

The DCF Training Academy could enhance the assessment training to simply include an awareness that the legal representation of the children will be affected if their goals for permanency are not shared, and that this needs to be pursued through the appointment of separate attorneys. This protocol should be part of the ongoing assessment process.

D. Pursue legislation that was introduced by the Chief Child Protection Attorney in 2008.

This legislation required that if the court or counsel for the child determines that the child cannot adequately act in his or her own interest and the court determines that it requires a different person to assess and advocate for the child's best interests in order to reach an appropriate decision based on all relevant facts, the court shall notify the Chief Child Protection Attorney who shall appoint a separate guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interests of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. In the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem. This legislation addresses some of the concerns related to the need for separate representation for individual children and also addresses the need to protect the interests of younger children who need assistance in understanding their rights.

II. Matching Children with Foster Parents.

This issue was raised by the youth at their foster care forum in April, and by the foster parents at all their forums. The common theme through the forums was the poor process used in some therapeutic foster care agencies in matching and placing children. One youth stated:

“My brother is going off to college. He got a three page survey asking him things he likes and doesn’t like, so they could match him with a college room mate. That’s more than anyone ever asked me about my foster homes.”

The Department’s approach to placement is best defined as a “finding” process, rather than a matching process. Additionally, it is clear both from providers and foster parents that frequently, neither the provider nor the foster parent receives

full disclosure of all information in the child's DCF file. The diagnosis, history and other critical information that could inform a successful match and the development of an appropriate treatment plan are not fully disclosed until after the placement. While this may be a function of poor file management it is critical that the records be organized and managed in order to facilitate easy review of this information.

Since the goal of the Department is to minimize disruptions in placement, the matching process becomes critical. Several therapeutic foster care agencies utilize good pre-placement planning processes. The foster parents indicate that this extended process increases their likelihood of success, because it provides them with needed information over time, the opportunity to get to know the child and work with the team to effectively develop a plan that will minimize the likelihood of disruptions. The foster parents repeatedly indicated that when this process is used, they often take children that they may not have been willing to keep if the child had simply been dropped off at their home. These are complex children who require detailed planning to ensure success.

Data Sources: The Council also reviewed information obtained from the therapeutic foster care forums held in May 2008 and described in the Methodology section, in which descriptions of the pre-placement planning process were discussed.

Recommendation

A. Use promising pre-placement practices currently used by therapeutic foster care agencies as the model for placement to ensure sustainable matches.

This process must include full disclosure by the Department of all known information about the child. This full disclosure is critical in ensuring a successful placement.

The pre-placement planning process should include some core elements:

- A. Information gathering at referral
- B. Fact finding/interviews with all current providers
- C. Assessment of needs and preliminary discussion of treatment and medications through a team meeting with providers
- D. Initial matching with foster family through file review and case presentation and discussion with the agency team
- E. Discussion/presentation of placement request with foster family, including disclosure of all information currently available in the child's file.
- F. Meeting with foster family and team to fully present child
- G. Visit (s) with foster child in the child's current location

- H. Discussion and development of transition plan (2 weeks to 6 months, depending on need)
- I. Post placement follow-up

B. Use safe Homes and PDC Beds for pre-placement assessment rather than making emergency foster placements without a pre-placement process.

There are approximately 300 Safe Home/PDC beds available in the state. These can be used most effectively for child stabilization, placement assessment and a careful pre-placement planning process. While it is always desirable to move a child into a home as quickly as possible, it is also critical that this move be carefully planned, with a high probability of success and a minimal probability of disruption. There also needs to be time to make sure all needed support and therapeutic services are in place in the community before a child is placed in foster care. By utilizing the Safe Home/PDC placements to maximize the planning for and transition to foster care, it is the Council's opinion that there would be a reduction in the number of disrupted or unsatisfactory foster placements.

III. The need for greater clarity and enforcement of the role of the Office of the Ombudsman in mediating disagreements between the department and providers or parents.

The Department has established the Office of the Ombudsman. The role of the Office of the Ombudsman is to receive and investigate inquiries and complaints relating to Department services in an effort to bring about a resolution for the best interests of children. The intent in establishing this office was to provide a confidential, informative and neutral process which could facilitate fairness and equitable resolutions to concerns that are reported, and which would attempt to facilitate resolution as amicably as possible.

Data Source: Policy 2-4-1, External Affairs, Ombudsman's Office and anecdotal data from providers and parents; presentation by the Office to the SAC.

Recommendation: The SAC recommends that there be greater clarity to providers and consumers of DCF services of the authority of the Office of the Ombudsman to investigate, mediate and resolve disputes or questions that might arise. The SAC recommends that the power and authority of the Office of the Ombudsman to resolve disputes be clear to all personnel within DCF. The SAC recommends that upon request a written summary of the outcome of the Office of the Ombudsman inquiry and resolution be provided to all involved parties. The

SAC recommends that the various steps and levels of appeal of disputes with DCF be made available to anyone calling the Office of the Ombudsman with a complaint. The SAC believes the Office of the Ombudsman is critical to the relationship of DCF to those it serves, and its voice needs to be powerful and authoritative.

Summary

While there are many other significant areas for consideration within the foster care system in Connecticut, the Council feels that addressing the concerns raised in this report could significantly improve the delivery of services. Additionally, the Council is aware that the Department is currently undergoing a strategic planning process and is re-designing the foster care system in the state. The Council looks forward to partnering with the Department in this re-design of the foster care system, and in the broader process of strategic planning in the coming year.