



Annual Report FY 2002



***"I am of the opinion that my life belongs to the community...
and as long as I live, it is my privilege to do for it whatever I can.***

***I want to be thoroughly used up when I die,
for the harder I work, the more I live.***

I rejoice in life for its own sake.

***Life is no brief candle to me. It is a sort of
splendid torch which I have got hold of for a
moment and I want to make it burn as brightly as
possible before handing it on to future
generations."***

George Bernard Shaw

Mission and Philosophy

Foster Care Review (FCR) motivates prompt, permanent, and positive outcomes for dependent children through case review and advocacy.

FCR fulfills this mission by:

- *Conducting hearings to monitor the wellbeing of children in the foster care system;*
- *Applying mandated time frames, statutory requirements, and accepted best-practice principles in child welfare;*
- *Making recommendations to the judiciary, child welfare agency, and concerned parties;*
- *Facilitating action toward each family's permanency goal;*
- *Engaging the participation of all concerned parties;*
- *Tracking, analyzing and sharing impact and outcome data with our community partners;*
- *Educating the public about the needs of children in the foster care system;*
- *Providing oversight and involving the community in the lives of children in the foster care system; and*
- *Advocating for system change.*

FCR places a priority on community involvement and operates on the guiding principle that the community is responsible for the care of all its children.

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From the Governor's Blue Ribbon Panel Report

In May of 2002, the Governor of Florida, Jeb Bush, appointed a Blue Ribbon Panel on Child Protection to investigate the disappearance of Rilya Wilson, a child in the custody of the Department of Children and Families (DCF) who had disappeared 15 months earlier from a relative's home. She has yet to be found. One of the Panel recommendations was the support of foster care citizen review panels:

"We heard compelling testimony attesting to the value of these panels of citizen volunteers. And again, Miami-Dade's Foster Care Review program offers a model that merits expansion here and emulation statewide. It was started as the result of a United Way community initiative that called together Miami's leadership to develop a proactive solution to the foster care shift of the Eighties.

Miami-Dade has 18 Foster Care Review panels, each composed of five unpaid volunteer members. Each panel meets once a month and reviews, typically, 12 to 14 DCF cases per meeting. Because of crushing caseloads, juvenile court judges may spend only minutes on some cases, though some cases take much more time because of the complexity and severity of the case. The Foster Care Review panels normally average 40 minutes on each case...

If they spot something awry, the Foster Care Review panels can go to the judge and say, 'Hey, something's amiss here. Please intervene.' Because they recognize that these volunteers are an extra set of dedicated eyes and ears, both for the court and for DCF, judges do not easily disregard the panels' counsel.

Yet at the very least there appears to be - and we stress the phrase appears to be - a sometimes disconnect between Foster Care Review and DCF. To this end, the testimony of Octavio Verdeja, a Coral Gables CPA and respected longtime civic leader in Miami-Dade County, is at once instructive and disheartening. Mr. Verdeja spent 10 years as a Foster Care Review panelist and once was a panel's chairman. His recitation of his experience should give DCF deep pause because we heard in others' testimony their concerns about some DCF caseworkers' unpreparedness for or indifference to their responsibilities.

Hear Mr. Verdeja on his experience as a Foster Care Review panelist: 'In many, many cases the DCF counselors that we had to deal with were ill-prepared and frequently appeared uninterested in the case at hand,' he said. 'When you sit down in a panel and ask a DCF counselor 'When was the last time you saw [this] child?' and the counselor has to start going through the record in order to answer,' Mr. Verdeja said, 'you know you've got a major problem.' Similarly, he added, his panel routinely would ask the caseworker what DCF had done for the child at issue during the last six months. Too frequently, he said, the caseworker had only lame excuses that translated to 'Nothing.'

'Something's wrong, really wrong, when this occurs' Mr. Verdeja added. 'The hiring, the training, the actual supervising, the motivating of these people must improve.' We need to take his counsel seriously."

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A. PREFACE

Since 1989, Foster Care Review's (FCR) citizen review panels have reviewed over 30,000 children in the foster care system. Their contribution represents 80,000 + hours of service to the courts and to the abused and neglected children of this community. For FY 2002 alone, FCR conducted 1551 hearings and reviewed 2,486 children.

Miami-Dade's child welfare system is going through a crisis not unlike the one that resulted in the creation of FCR. In 1989, a grand jury was convened to study the death of a two-year old foster child. Thirteen years later, the Blue Ribbon Panel was appointed to study the disappearance of Rilya Wilson, a 5-year old foster child. The investigation findings from both these groups addressed the same issues: the need for early intervention; better checks and balances; underpaid, under trained and overwhelmed investigators; the need for guardians ad litem; poor case management; lack of collaboration with other agencies; inadequate funding; and lack of appropriate services for children and families in the foster care system. Both these tragedies were accompanied by intensive media coverage, investigations, personnel changes, agency reorganizations and overwhelming cynicism—or the hope of better things to come.

With staff turnover and low morale, casework suffers and children go without needed services despite Herculean efforts of those who stay. The entire system is affected. While recognizing the hardship of providing casework services in the current environment, citizen review panels have remained steadfast in their mission: to review the safety and appropriateness of placement of children placed in out-of-home licensed care, to determine compliance with statutory requirements, and to assess the progress made in finding children permanent homes. This report reflects the excellence of their work.

The Miami child welfare system will weather this crisis with the support of the community and of child advocacy organizations. As we engage in collaborative efforts with the Department of Children and Families (DCF) and other system agencies, we hope to bring renewed focus to the importance of our program, to the utilization of FCR data for quality assurance and to the need for improving permanency outcomes for dependent children.

We thank the Juvenile Court for its support of our work and for allowing us to be of service to the community. We are also eternally grateful to FCR volunteers for their continued commitment to children and families in the foster care system.

Ana Maria Pozo, J.D.

Executive Director

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B. HISTORY AND PROGRAM DESCRIPTION

History

In 1988, the United Way of Miami spearheaded a unique initiative to address the problems in the foster care system. A task force of 150 civic leaders was mobilized to explore strategies for long-term improvements to the system. This local initiative was the first in the country in which the private and public sectors confronted foster care as partners. One of the task force recommendations was to implement citizen review of foster care cases, a program utilized in some states where citizens served as case reviewers and advocates for youth in the foster care system.

Florida Foster Care Review Project, Inc., a nonprofit organization, was created in 1989. The next year, the Florida Legislature enacted legislation that authorized citizens to participate in the review process.

The name of the organization was changed in 1998 to Foster Care Review, Inc. (FCR). FCR, one of four programs in the State, has grown into an organization of 10 staff and 100+ volunteers. FCR relies on funding from the State of Florida, Miami-Dade County, United Way of Miami-Dade, and private grants and contributions.

Statutory Authority

In 1980 Congress enacted Public Law 96-272, the Adoption Assistance and Child Welfare Act, in an effort to address the many problems facing the nation's foster care children. This landmark legislation is the foundation for case planning and case review of children. As a condition for receipt of federal funds, the Act requires States to design a system of review for all children in the foster care system—a procedure for assuring that each child in foster care has a case plan and that the plan addresses the needs of the child for moving out of the system.

The Florida case review enabling legislation is found at Florida Statutes sections 39.701 and 39.702. Section 701 provides the requirements for conducting a judicial review by a court or citizen review panel, and section 702 outlines the requirements for administering the program. F.S. 318.21(2)(a) provides funding for FCR out of a trust fund created from civil penalties received by county courts.

In May of 2000, the Dependency Court Improvement Committee of the Florida Supreme Court drafted standards of operation for foster care citizen review panels. The standards, which follow the legislation, have yet to be adopted.

Judicial Reviews of Children by Citizen Review Panels

Children in the foster care system must have a judicial review of the status of their cases at least every six months. In Florida, the review may be conducted by a court or a citizen review panel. In the 11th Judicial Circuit, Foster Care Review, Inc. (FCR) recruits, trains and supports the citizen review panel volunteers who conduct the reviews of children placed in out-of-home care.

F.S. 39.701 (7) requires the court or citizen review panels to take into consideration the information contained in the social services report; all medical, psychological and educational records that support the terms of the case plan; testimony by the parties; and any other relevant evidence—to the extent of their probative value. The panel must determine for each case:

- If the parent was advised of the right to receive assistance in the preparation of the case plan and of the right to have counsel present at the review hearing;
- Whether the child needs a guardian ad litem;
- Whether the parties have complied with the case plan;
- Whether the parents and agency have complied with the visitation plan;
- Whether the parents have complied with child support orders;
- Whether the parents are unwilling or unable to participate in the case plan;
- The agency's efforts to secure party participation in the case plan;
- The appropriateness of the child's current placement, and
- A projected date for the child to reach permanency, and,
- When appropriate, the parent's participation in the case plan and the agency's efforts in securing the participation.

Recommended orders must be based on the information provided to each citizen review panel and limited to the dispositional options available to the court: to return the child to the parent, continue the child in out of home care for a specified period of time, or initiate termination of parental rights for subsequent placement in an adoptive home. Any party objecting to the panel's findings and recommended orders may request an exception hearing before the court. Citizen review panels may not conduct more than two consecutive reviews.

Statutory Requirements for Administration of the Program

F.S. 39.702 sets requirements for the operation of the program, which must be authorized by an administrative order of the Chief Judge and administered by a nonprofit agency. The statute provides for panel composition, an oath of office and confidentiality requirements of volunteers. The nonprofit agency is required to develop volunteer, training, attendance and conflict of interest policies. In addition, it must ensure consistency of operations with other programs, including the identification of barriers to the permanent placement of children.

An annual report is required to be provided to the Chief Judge. Finally, the Department of Children & Families (DCF) is mandated to cooperate with the nonprofit regarding training of volunteers and information needed for review hearings.

The Review Hearing Process

In Miami-Dade, only those cases of children placed in out-of-home licensed facilities are referred to FCR; children placed with their parents or relatives are reviewed by the Court or General Master. Review hearings are set by the Clerk of the 11th Judicial Circuit Court on the fifth and tenth month after the child enters foster care. A permanency hearing is scheduled on the twelfth month before the Court.

Each of FCR's 18 citizen review panels meets one day per month to conduct 10 to 12 reviews. Each review takes approximately 40 minutes, depending on the number of children in a case. Hearings are held 18 days out of the month at the Citizen Review Courtroom located on the grounds of the Juvenile Justice Center. Staff support is provided by FCR review specialists who compile the documentation for review, facilitate the review process, enter individual case information into the FCR database, and prepare the findings and recommendations submitted to the Court for approval.

The review serves as a barometer of case management, continually stimulating progress and improvements to ensure that needed services are provided, that the child is appropriately and safely placed and that the tasks identified in the case plan are being performed.

Data Collection and Reporting

The review process provides a unique source for quantitative and qualitative information regarding children in foster care—information not readily available through any other mechanism. FCR's database serves multiple functions: the tracking of individual case information, the production of reports and recommended orders on each case, and the production of summary reports with aggregate data.

Review data can assist in identifying the needs of children, information essential in making sound policy, funding, and planning decisions for individual children and groups of children. Now in its third year of operation, FCR's database was designed and developed with input from several agencies in the Miami-Dade child welfare system. In addition to providing case-specific information, FCR data reports are designed to:

- Monitor the extent to which policy and practice are being implemented according to laws, regulations and expectations in a timely fashion;

- Determine compliance with the requirements and intent of the Adoption and Safe Families Act (ASFA), monitoring case by case the safety and well being of children in care and their progress toward permanency, and the new timeframes for permanency decision-making;
- Monitor casework performance to determine if reasonable efforts and critical casework activities are occurring timely and in accordance with federal and state laws and local standards and expectations; and
- Inform decision-makers about potential case and systemic problems.

Once customized to perform system level tracking, FCR reports can be used as quality assurance tools by the Department of Children and Families, the Juvenile Courts, the Legislature and other agencies to improve practice and develop responsive policies and budgets. The results are better decisions, better compliance with federal and state laws and improved outcomes for children in the foster care system.

Volunteer Training

FCR volunteers must be highly knowledgeable of the foster care system and statutory requirements, including areas of child development, substance abuse, mental health, case management, court process, and community resources. Volunteers must also be culturally responsive during their work at review hearings, and must know how to build trust and engage the meaningful participation of foster children and their families.

FCR volunteers are required to attend 25 hours of pre-service training before they can participate in a citizen review panel. In addition, all volunteers must attend a minimum of 10 hours of continuing education. Training of volunteers is a collaborative effort that involves FCR staff, local child abuse experts, foster parents, DCF, the Guardian ad Litem Program, and private child welfare agencies.

Benefits of Citizen Review

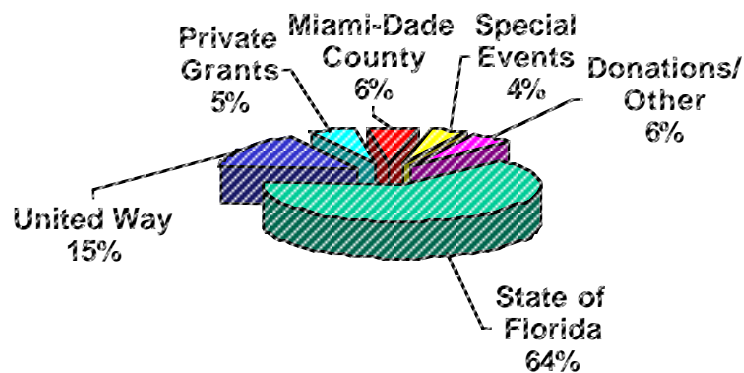
Citizen review benefits children, the courts, the child welfare system and the community by providing:

- Support to the Courts. Citizen review assists the courts by relieving their dockets and providing the information needed to make sound judicial decisions.
- Community-Based Oversight. Citizen review provides an independent oversight monitoring of the safety and wellbeing of children in foster care.

- Safety and Permanency for Children. Citizen review ensures that each child receives needed services as quickly as possible in a safe, permanent home.
- Community Participation. Citizen review fosters civic responsibility by engaging the community in the care of dependent children.
- Accountability. Citizen review helps ensure that all parties involved in a case follow through with their responsibilities within statutory timeframes.
- Revenue Maximization. By ensuring compliance with statutory requirements, citizen review helps preserve federal funds to the State's child welfare agency. Additional federal funds may also be available for the operation of citizen review programs.

Funding Sources

FCR receives funds from the State of Florida, Miami-Dade County, United Way, and private donations. For FY 2002, grant funds were received from the North Dade Medical Foundation, the Roblee Foundation and United Way. The most significant source of private funds was FCR's annual golf tournament.



Florida's Citizen Review Programs

One of the statutory mandates in the citizen review legislation is “to ensure consistency of operations of citizen review programs throughout the State.” To that end, the Florida Association of Citizen Review for Dependent Children (FACRDC), a nonprofit organization, was created in the year 2000 by the directors of the different programs throughout the State.

The role of the state association is to promote citizen review statewide, to ensure consistency of operations, and to provide technical assistance to developing programs. The association has developed uniform standards of operation and data collection.

From the creation of FCR in 1989, Florida's citizen review programs experienced significant growth. In 1999, a report written by the Office of the State Courts Administrator to the House Committee on Family Law and Children reported ten programs that were either operating or in the start-up process: Charlotte, Collier, Miami-Dade, Duval, Hernando, Lee, Manatee, Marion, Palm Beach, and Polk Counties. Six of these programs received funds from the Florida Legislature in FY 2000-2001: Duval, Hernando, Manatee, Marion, Miami-Dade and Palm Beach counties. Since that time, however, several of the programs had to close due to lack of support. Only programs in Miami-Dade, Marion, Manatee and Collier counties are current operating.

State Courts Funding Challenges: Article V, Revision 7

Citizen review programs that receive state funds get their state appropriations award through the Office of State Courts Administration (OSCA.) As a result of a constitutional amendment affecting the state courts, FCR's funding has been affected. Article V, Revision 7 mandates that the state take over funding of the state courts no later than July of 2004. In preparation for implementation of this requirement, the courts have identified those “essential elements” of the court system that will be included in their budget. Programs not within this group, such as foster care citizen review programs, were eliminated from the court's proposed budget to the Legislature for FY 2001 and 2002.

Although initially eliminated, Miami-Dade and Marion County programs were able to receive funds in FY 2001. Sadly, two programs that did not receive funds were forced to close: Jacksonville and Hernando counties.

At the writing of this report, the legislative session is about to start. Although FCR was not included in OSCA's budget, it has been included in the Governor's budget.

C. FY 2002 ACCOMPLISHMENTS

Hearings

Since 1989, over 30,000 children have been reviewed by FCR's citizen review panels, who have contributed 80,000+ volunteer hours on behalf of abused and neglected children in our community.

FY 2001 Hearing Data	
Review hearings	1831
Unduplicated cases	927
Unduplicated children	1613
Total children reviewed	2883
Post Judicial Reviews	121
Exceptions	12
Case Resets	271

FY 2002 Hearing Data	
Review hearings	1551
Unduplicated cases	791
Unduplicated children	1382
Total children reviewed	2486
Post Judicial Reviews	73
Exceptions	2
Case Resets	259

For FY 2002, FCR's volunteer citizen review panels conducted 1551 review hearings involving 791 legal cases and 1382 children. As some children were reviewed twice during the twelve-month reporting period, the actual number of children reviewed was 2486—a decrease from FY 2001. Reasons for the decrease in numbers may include the hiring of a new dependency judge or cases being taken off the FCR calendar by judges with a particular interest in a case.

In addition to the review hearings, there were 73 post-judicial review hearings (post JRs) held before the juvenile court. Post JRs are generally scheduled when there are serious problems with a case that warrant immediate attention by a judge.

Pursuant to F.S. 39.701(2)(b), all parties have the right to take exception to the findings or recommended orders of a citizen review panel. In FY 2002, two exceptions were filed in objection to panel findings of noncompliance, as compared to 12 exceptions in FY 2001.

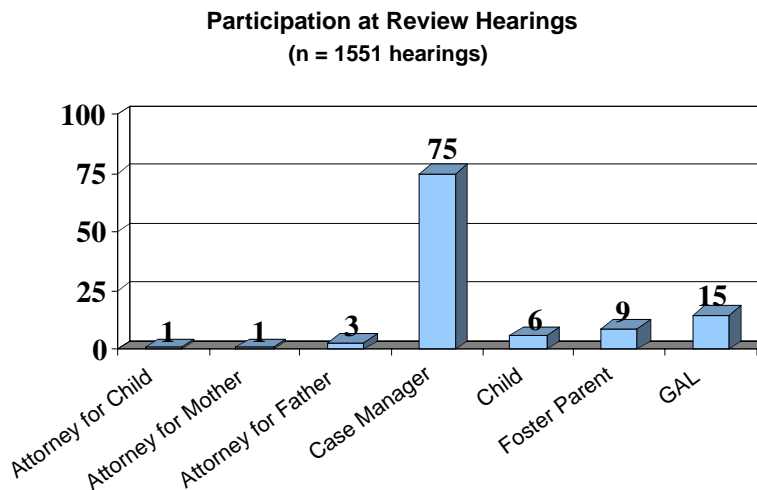
Case resets also declined in FY 2002. Major reasons for resets in order of significance include failure to appear by the child's caseworker (although noticed), parent(s)' refusal to proceed without attorney (absent although noticed), and lack of notice.

Participation at Review Hearings by Relevant Parties

Attendance at review hearings by parents and their attorneys, foster parents, and children is generally poor. While we are unsure of the reasons why parents and attorneys seldom attend review hearings, foster parents report that they often do not receive notice of hearings. Others are unable to attend because they work, live far away from the courthouse, are caring for the children, or are told by the caseworkers that they do not have to attend review hearings. Children often miss hearings because of school or because they have not been informed of the value of attending the review.

As noted below, some parties who are unable to attend provide information to the panels via speaker telephone.

Participants at Review Hearings		
	(Telephone/At hearing)	Total
Caseworker	(23/1139)	1162
Guardians ad litem	(5/234)	239
Foster parents	(15/132)	147
Children	(3/85)	88
Attorney for father	(12/40)	54
Attorney for mother	(1/22)	23
Attorney for the child	(5/18)	23



Notes: Only 27% of children reviewed had guardians ad litem assigned;
FCR does not keep data on the number of children who have attorney representation.

Volunteers

The number of FCR volunteers increased from 73 to 110 in FY 2002—the result of increased recruitment efforts and the recent spotlight on the local child welfare system. FCR has never had to cancel a review day for lack of volunteer attendance. In fact, many of our volunteers agree to substitute for other panel members on a regular basis.

FY 2001 Volunteer Data	
Volunteers	73
Volunteer Hours	6,737

FY 2002 Volunteer Data	
Volunteers	110
Volunteer Hours	6,454

Demographics. There was no significant variance in volunteer demographics during FY 2002. A majority of our volunteers are white non-Hispanic (60%), ages 50 to 69 (58%), with a Bachelor's (46%) or graduate degree (24%). While some of the volunteers have expertise in the child welfare area, others do not. Over 89% of FCR volunteers have served for 2 or more years—a true reflection of their commitment. For FY 2002:

- Volunteers contributed a total of 6454 hours, for an average of 538 hours a month for all 18 panels, or 30 hours per panel.
- Volunteers attended 216 days of hearings; there are 18 review days per month.
- The value of this service to both the State and County is \$373,248 for the fiscal year 2002. This was estimated at \$54 per hour—an average hourly rate for a General Master—per 4 panel members for 8 hours a day and 18 days per month.

Training. For 2002, training activities included:

- Five pre-service training sessions were conducted for new volunteers. Approximately 45 volunteers attended, as compared with two sessions and twelve volunteers the previous year.
- Forty-two hours of additional training were provided during the year, with 152 volunteers attending.
- FCR held its first training conference in April of 2002. The roundtable discussion included system partners and panel members who explored three major concerns voiced by the panels, with responses from the various community representatives. 90 volunteers attended.
- Three mandatory training sessions were held on termination of parental rights and

- due process; 92 volunteers attended.
- Each of the juvenile judges was invited to have lunch with the citizen review panels. “Lunch with the Judges” provided a unique opportunity for the division judges to discuss system issues, legal findings, and court initiatives. The judges offered positive feedback to our volunteers and commended the thoroughness and importance of the reviews conducted. 80 volunteers attended.
 - 17 volunteers participated in site visits to different foster care facilities.
 - 17% of volunteers pursued CE credits beyond the required 10 hrs per year.

FCR Operations

Personnel. FCR has a staff of ten employees: an executive director, a program director, three review specialists, two review assistants, a volunteer coordinator/grant writer, an administrative assistant and a database specialist. Staff retention has remained stable after the 50% turnover experienced in FY2001. To address the need for increasing private foundation grants, the volunteer coordinator position was made into a half-time grant writer, half-time coordinator in January of 2002.

Technology. FCR continues to improve the efficiency of its operations by upgrading its technology. Improvements include a new server, DSL lines, computer upgrades, remote access, and additional security against viruses and unauthorized entries into our network. Remote access will enable the review specialists to upload data directly from the Juvenile Court to the FCR main offices, thus eliminating several hours of work as well as the risk of lost data. A website, developed by Coral Gables High School, is being further developed to include capabilities for submitting volunteer application and chat rooms.

A volunteer database has been installed that will allow FCR to track demographics, history, training and evaluation information on our volunteers as well as provide comprehensive reports regarding their service. FCR review specialists can currently access information systems from the courts and the DCF to obtain hearing and child information. With additional security in place, we are also exploring the possibility of panel members being able to review case documentation prior to the review day, and system partners being able to access information in our database.

D. PROFILES OF CHILDREN REVIEWED

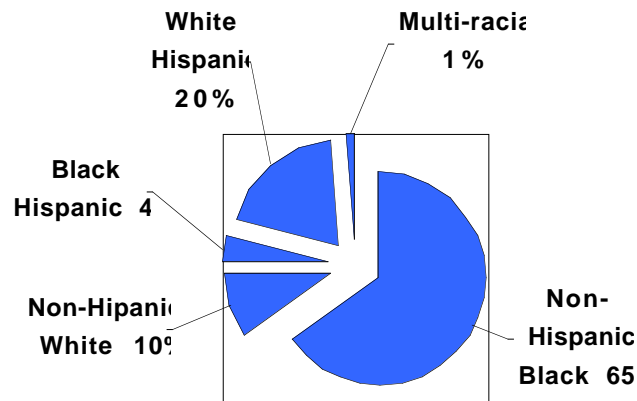
The Miami-Dade child welfare system has approximately 5400 children under the supervision of the 11th Judicial Circuit Court. FCR reviews 30% of these children, or the children placed in out of home licensed foster care. Of the 1382 children (unduplicated count) reviewed in FY 2002, 50% were male and 50% female. There was no significant variance in child demographics from FY 2001 to FY 2002.

	FY 2001	FY 2002
Children reviewed (unduplicated)	1613	1382
Children reviewed (duplicated)	2883	2486

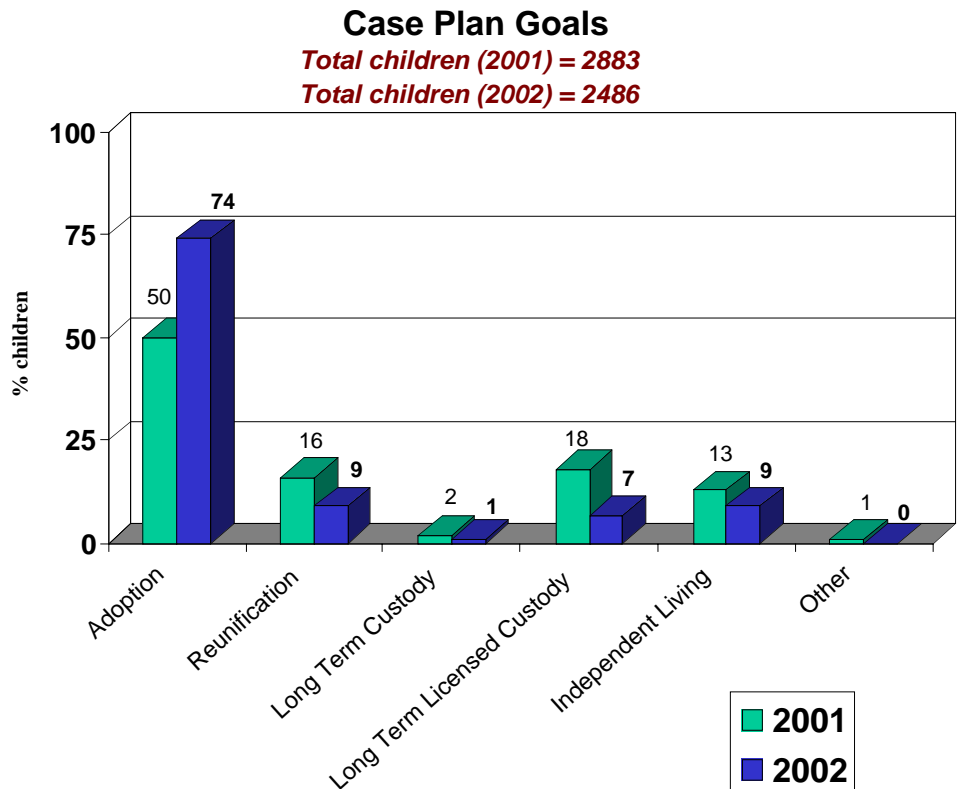
Ages of Children Reviewed

12 to 17 57%
 6 to 11 29%
 0 to 5 14%

Race of Children Reviewed



FY 2002 Case Plan Goals



For FY 2002, there was a significant increase of children with a case plan of adoption and a decrease of children with permanency plans of reunification, long term custody and licensed custody, and independent living.

FY 2002 Type of Placement

Foster Homes	52%
Specialized Treatment	27%
Relative licensed	2%
Runaway/Detention	8%
Pre-Adoptive Homes	6%
Shelter	2%
Other	3%

There was no significant variance for type of foster home placement between FY 2001 and FY 2002. Among the children residing in specialized facilities:

- 6% Therapeutic home
- 7% Medical foster home
- 11% Group home or therapeutic group home
- 1% Residential Facility
- 2% Psychiatric Treatment Facility

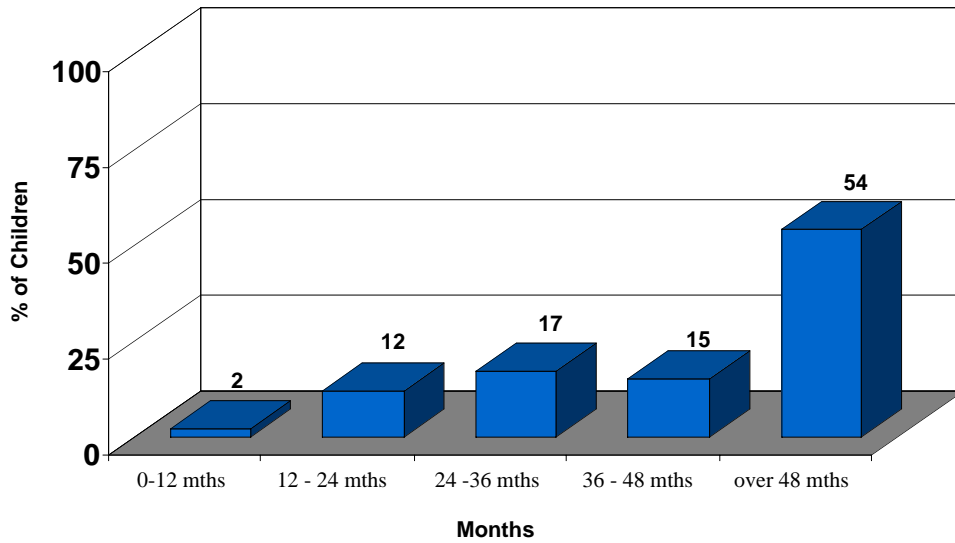
Length of Time in Care

- Of the 1836 (74%) children with a permanency goal of adoption:
 - 1656 (90%) had been in care over 18 months
 - 122 (7%) had been in care 12 to 18 months
 - 57 (3%) had been in care less than 12 months
- Of the 216 (9%) children with a permanency goal of reunification:
 - 105 (49%) had been in care over 18 months
 - 54 (25%) had been in care 12 to 18 months
 - 57 (26%) had been in care less than 12 months

Length of Stay

between 7/1/01 to 6/30/02

Total unduplicated children = 1382



Safety and Appropriateness of Placement

F. S. 39. 701(7) requires the judge or citizen review panel to assess whether the child placement is appropriate, whether the placement is as family-like and as close to the parent's home as possible, and whether the placement is consistent with the child's best interest, special and educational needs.

For FY 2002, 375 children (15%) were found to be in unsafe or inappropriate placements—a slight increase from last year (13%.) More than one reason may be selected for each child. Reasons include:

- Placement does not meet physical needs
- Placement does not meet emotional needs
- Placement does not meet educational needs
- Placement makes contact with and visitation by parents, siblings and relatives difficult
- Placement is interfering with permanency
- Placement is not a step towards permanency
- High probability of child running away from placement
- Safety of child cannot be assured (includes runaways)

Guardian ad Litem Representation

F.S. 39.822 requires a guardian ad litem to be appointed by the court, at the earliest possible time, to represent the child in any child abuse, abandonment, or neglect judicial proceeding, whether civil or criminal.

The guardian “shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.” The guardian is also required to submit written reports to the court 72 hours prior to a hearing.

Children assigned guardians	372 (27%)
Guardians participating at reviews	239 (64%)

The testimony of guardians at review hearings is critical in making accurate findings of child safety and well being. However, of the 1382 children reviewed by citizen review panels in FY 2002, only 27% were represented by a guardian. 64% of the guardians assigned attended the reviews.

Dependent Youth in the Juvenile Justice system

Many of the older youth reviewed exhibit delinquent behavior or history. A report by the National Institute of Justice (Research in Brief, February 2001, National Institute of Justice, U.S. Department of Justice) found that child victimization increased the likelihood of arrest as a juvenile by 59% and as an adult by 28%.

Of the total children reviewed, 57% were ages 12-18 (1428/2486). Of the children ages 12-18,

- 14% (207/1428) had juvenile delinquency charges pending.
- 13% (180/1428) had prior as well as pending charges.
- 15% (212/1428) had a juvenile record.
- 42% of the children have a history of delinquency (600/1428).
- 5% of the children were on runaway status.
- 2% of the children were living in juvenile facilities or adult jail.

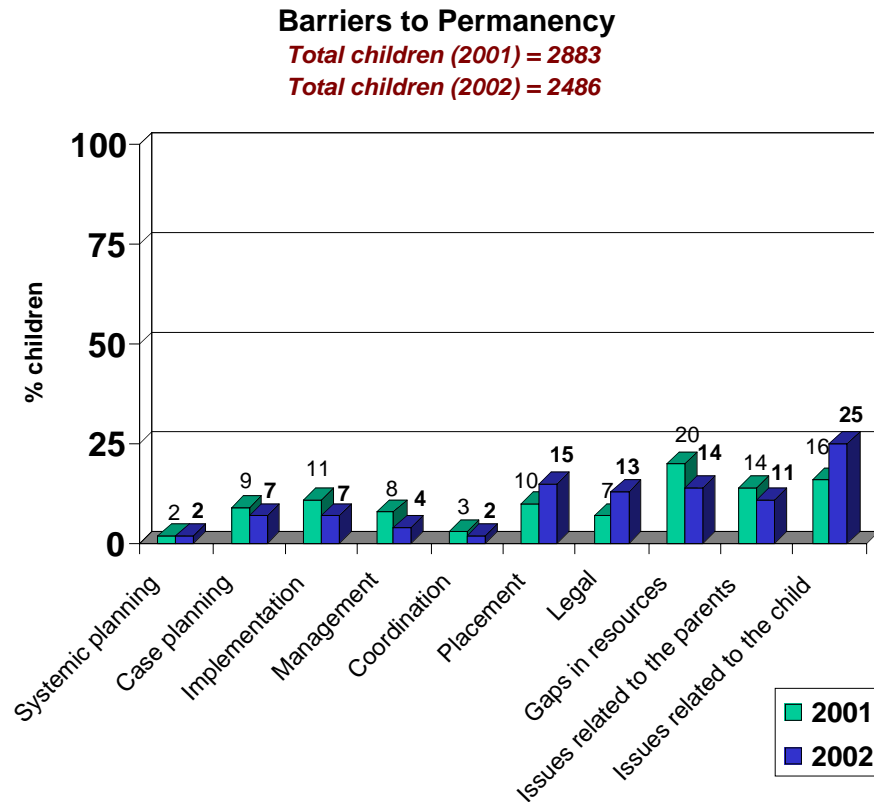
Race of Dependent Youths in the Juvenile Justice System

RACE	%	FEMALE				MALE			
		Delinquency History	Delinquency Charges Pending	Past and Current Delinquency	Total	Delinquency History	Delinquency Charges Pending	Past and Current Delinquency	Total
Non-Hispanic Black	70%	63	20	40	123	122	49	98	269
Non-Hispanic White	8%	4	2	4	10	15	7	14	36
Black Hispanic	4%	5	2	4	11	6	2	4	12
White Hispanic	16%	17	3	6	26	27	11	22	60
Multi-Racial	0	1	0	0	1	0	0	0	0
Unknown	2%	2	0	0	2	3	1	2	6
Total	100	92	27	54	173	173	70	140	383

E. BARRIERS TO PERMANENCY

The Department of Children and Families continues to improve in placing children in adoption homes. For FY 2002, there were 559 adoptions—an increase over FY 2001 and FY 2000 (485 and 303 respectively.) But for those children who remain in foster care, the statistics are bleak. For FY 2002, 88% of the children with a permanency goal of adoption had been in care over 18 months.

At each review, FCR review specialists collect data on barriers that are keeping children in foster care. More than one barrier may be selected for each child. For 2002, the top barriers identified by citizen review panels were issues related to the child's behavior, placement issues, gaps in resources, and legal issues. Barriers related to case planning and implementation also remain a major concern.



Barriers Related to Child Issues

Emotional and behavioral well being of children in foster care continues to be a primary challenge facing our child welfare system. For a number of children, unacceptable or out-of-control behaviors have caused them to experience multiple foster home or adoptive placements. Frequently the more severe behaviors lead to delinquency, runaway status, and/or psychiatric hospitalizations.

According to FCR data, 1312 (53%) of the children reviewed were identified to have at least one of the following barriers:

- Special mental health issues
- Delinquent/runaway behavior
- Continued acting out behaviors

Barriers Related to Placement

The appropriateness of the foster home placement is often at issue in review hearings. It is not unusual for counselors to report at judicial reviews that the child is experiencing difficulties due to the foster parent's lack of understanding or experience. Nor is it unusual for the foster parent to complain about their unanswered requests for support.

According to FCR data, 764 children (31%) reviewed were identified to have at least one barrier related to placement. The most significant in this category include:

- Child is attached to the current foster home and does not want to be adopted, or the caregiver does not want to adopt.
- Group home/institutional placement
- The child may have successfully completed a residential program and needs to step down to more family-like, less restrictive environment, however none is available.
- Placement cannot address the child's difficult behaviors.

Barriers Related to Gaps in Resources

Children and families in the system are in need of services to address the problems that triggered state intervention and to facilitate the child's return home. When rehabilitation of the family is not feasible, therapeutic services are still necessary to address the child's continuing needs—whether the child is in foster care or in a potential adoptive home.

According to FCR data, 746 (30%) of the children reviewed were identified to have at least one barrier related to gaps in resources. The most significant include:

- Lack of adoptive homes for children with special needs.
- Lack of adoptive homes
- The adoptive parent's concern about availability of post –adoption services.
- Lack of specialized foster homes.

Barriers Related to Legal Issues

28% of the children were identified to have legal barriers, including:

- Lack of legal action to pursue permanency. This includes delays in the filing of the TPR petition, filing of final judgments, reunification hearings or adoption finalization.
- Parent's rights override child rights. This includes instances of appeals, or continued hearings when a parent's counsel is not present.
- Diligent searches not initiated and parents not served with process.

Barriers Related to Casework Practice

For FY 2002, 1135 (46%) of the children reviewed had at least one barrier involving case planning, implementation of the case plan, and management. Specific reasons are listed below:

Case Planning Barriers

- No case plans are in effect.
- The case plan goal provided by the department does not reflect the goal the court accepted at the permanency hearing.
- The case plan has no tasks or objectives indicative of the goal. e.g. It is not a working document with revisions as circumstances change for the child and/or other relevant parties.
- There is no expiration date and/or time frame listed for each completion of each task.
- Often there is only one signature on the plan (the counselor's), therefore case plan does not reflect inclusion of all parties.

Implementation Barriers

- Insufficient contact with child, parent(s) and foster parents

- Number of foster care placement disruptions
- Lack of progress (no movement towards the permanency goal)
- Inadequate casework services (referral for services were not made and/or no follow-up; counselor is not requesting progress reports from service providers and /or monitoring the services to assess if they are meeting the needs of the child and/or parent).

Management Barriers

- Insufficient knowledge of case
- Large caseloads
- Case transfers interrupting services (lack of case continuity)
- Uncovered case (no caseworker)
- Lack of relevant documentation to substantiate compliance of all relevant parties; untimely filing of the JRSSR; failure to file permanency orders; no verification of case plan extension.
- Lack of or inadequate supervision of counselors

Child Welfare Agency Compliance

At each review the citizen review panels will submit findings of noncompliance for the caseworker from DCF or private provider in the following situations:

- No case plan in effect
- Failure to complete tasks ordered at previous review
- No reasonable efforts to reunify the family
- No reasonable efforts toward permanent placement
- No reasonable efforts to assure court ordered visitation
- Inadequate case management
- Failure to perform tasks as specified in the case plan
- Other reasons

Findings of noncompliance with reasonable efforts will result in an “automatic” finding of noncompliance. Findings related to case planning and casework, however, are determined on the basis of “substantial efforts.” The failure to submit a JRSSR will not result in a finding of noncompliance unless it is accompanied by other violations. Data reports provided to child welfare agencies separate compliance by supervisor unit, thus facilitating performance monitoring by each agency. For FY 2002:

- For 8% of the children reviewed, the agency was in noncompliance with the above requirements (207 children).
- For 37% of the children reviewed, case managers received commendations for their performance (296 children).
- For 67% of the children reviewed, JRSSRs were pre-filed (1654 children).

F. PANEL CONCERNS

After a review hearing, the citizen review panel deliberates and makes findings and recommendations to the Court. Specific concerns are identified, and recommended orders are provided to the court for action. Panel concerns may include issues related to barriers to permanency or other concerns that arise from their experiences during review hearings. Many of their concerns are the same year after year, resulting in great frustration for FCR volunteers who watch children age out of the system with the same or worse problems than when they entered.

Panels are concerned that children in foster care are not making sufficient progress in achieving permanency due to inadequate case planning.

This is a significant and continuing concern for citizen review panels. Review assures that each child in foster care has a case plan and that the plan has a reasonable chance of addressing the child's and family's needs and moving the child out of the foster care system. Each plan must be customized according to the child's needs and permanency goal. Yet many case plans look the same. The result of "cookie-cutter" case plans: a lack of progress toward permanency for children.

Case plans without appropriate tasks are common. Panels find that although circumstances have changed with the child and/or the parent, the case plan seldom reflects the amended tasks. It is not uncommon to hear a review where parental rights have been terminated, the current goal is adoption, yet the case plan lacks the appropriate tasks. Panels must often recommend the obvious: that the counselor file a TPR petition, assist the potential adoptive parent in the completion of the adoption packet, or refer the child for Independent Living services.

Panels are concerned by the lack of preparation for judicial reviews.

Again, this was a panel concern in last year's report. Over and over again, workers come to reviews without the required information and without completing orders from prior reviews; sometimes they fail to appear. Specific concerns:

- ***Lack of documentation for supporting services for children.*** Panels continue to raise concerns regarding the lack of documentation for supporting services for children in the following areas: mental health services (evaluations, therapy reports and referrals), physicals, and follow up medical treatment, dental services and other referrals such as speech, neurological evaluations and/or therapies.

As a general rule, citizen review panels request verification of referrals and copies of medical or mental health reports. Lack of documentation raises a question as to whether a service has taken place.

- ***Failure to pre-file the Judicial Review Social Study Report (JRSSR).*** By statute, a JRSSR must be submitted three days before the hearing. For FY 2002, these were pre-filed for only 67% of the children reviewed. This means that for 832 children, the report was provided on the day of the hearing, causing the hearing to be delayed while staff and the panels review the report. Timely filing would save considerable time for everyone involved and would without question result in better information and better outcomes for children.
- ***Failure to complete orders from previous reviews.*** Many new caseworkers come to reviews without any knowledge of the case and thus no knowledge of prior orders. There seems to be no attempt to brief new caseworkers about a case before they come to hearings.
- ***Failure to attend hearings.*** In FY 2002, there were 259 resets: 138 (53%) were due to the counselor's failure to attend reviews although properly noticed.

Panels are concerned that visitation arrangements with family members are not always explored and/or established.

Children with siblings have limited visitation and in some cases, none at all. Panel members often hear that siblings are placed too far away, coordination is difficult, and they have either different case managers and/or different providers. Panels must often recommend the obvious: assess the needs of the children and establish visitation.

In other cases, visitation may not be appropriate. The panel will hear that the children have contact with each other, the foster parent voices concern, and the counselor is unaware of the situation.

Panels are concerned that there is no visitation plan for children and parents whose rights have been terminated. In many instances the court has allowed continued visitation until the child is adopted. There is no monitoring and/or knowledge of the arrangement. The panels are often recommending that the counselor contact the parent, assess the needs of the child and develop a plan. It is also not unusual to hear that parent visitation is supervised; however it is not known why or who is providing supervision.

Panels are concerned that children in foster care continue to lack the mental health, educational and medical services to meet their needs.

Of the 1382 children reviewed, the panels voiced 1524 concerns and 1490 case specific recommendations regarding mental health, educational and medical services for children. There is continued disruption of services and a lack of monitoring and follow up by the caseworker. It is not uncommon for children in the system to have more than one therapist and/or one provider. Children continue to display difficulties in school due to their unmet emotional needs, disruption of educational placements and/or inappropriate placements. The panel noted that, for those children whose foster parents were involved with the school, successes were higher and improvements were made.

Medical needs are in many cases significant and constitute a barrier to permanency. In some cases children are not receiving needed medical services either due to lack of funding and/or no follow-up on referrals. Panels continue to hear that dental care services, particularly the need for braces, is often difficult to access.

Panels are concerned that older youth are unprepared for life after foster care.

More than 50% of the children reviewed are ages 12 to 18 and have a goal of Adoption/Independent Living. Over and over again, panel recommendations focus on the need for Independent living program referrals for assessment, program participation and life coaches. The panels' biggest concern is that these children will leave the system without a permanent home, without a connection to family and without adequate skills to earn a living. Often when this happens the children end up in the streets or in jail.

Panels are concerned about the number of children who have delinquency charges pending and the lack of coordination between the dependency and delinquency systems.

Although there has been some improvement in the coordination between the two systems, the panels still see this as an ongoing problem. DCF caseworkers are not always notified when a child has been picked up, is in detention or has been released. Often they are unaware of specific recommendations made by the delinquency court. There are too many cases and not enough staff in either system.

A huge concern is the number of children with unmet emotional and educational needs and the lack of appropriate interventions at the onset of delinquent behaviors. 42% of the children reviewed ages 12 and older have current or past delinquent behaviors.

Panels are concerned about foster home placements unable to meet the child's needs.

15% of the children reviewed were found to be in unsafe or inappropriate placements. A common concern is that the foster parent's capabilities may not match the child's needs. Failure to provide support services to parents cause increased stress for all and eventually a placement disruption occurs. Better assessments are needed to ensure a greater likelihood of success. In some cases, foster homes exceed their licensed capacity and in other cases, the placement itself is a barrier to permanency, whether the child is in a juvenile facility, on runaway status, or in a foster placement that will not lead to adoption.

Panels are concerned that a child's behavior and/or refusal to participate in services continues to prolong his/her stay in the system.

Panels continue to hear from the counselors that, although referrals were made and opportunities were provided, many children refuse therapy, do not attend school, or refuse to participate in the Independent Living programs. The counselors report that many of these children also state they do not want to be adopted. Many of the children display disruptive behaviors and are forced to move from foster home to foster home. When counselors are asked to explain what they think the issues are behind the refusals and behaviors, they seldom have an answer. This concern is reflective of children in the system ranging in ages 12 and older who have been in care over 5 years and are disconnected from their families.

Panel members often ask "Does this child have a relationship with anyone?" and the response is either "I don't know" or "no". It is not surprising that these children feel isolated and unwanted. Older children need to maintain ties and connections to their families as part of their permanency plan.

G. FY 2002-2003 RECOMMENDATIONS

Recommendations for a More Effective Review Process

F.S. 39.702 (j) requires FCR to make recommendations to the Court as necessary concerning attendance of essential persons at the review and other issues pertinent to an effective review process.

1. The Juvenile Court and the child welfare agencies should explore ways to encourage attendance at review hearings by parents and their attorneys. The few times that parents participate, they are often unrepresented by counsel. In fact, parents sometimes do not know the identity of their attorneys.
2. FCR and DCF should renew periodic meetings with supervisors and administrators to discuss status of review hearings, conflict resolution, the use of FCR data and agency performance at reviews.
3. DCF administrators should visit citizen review hearings at least once a year. FCR volunteers have a wealth of information about the many problems faced by foster children that is most likely not found elsewhere. This would also provide opportunities for a closer look at agency performance.
4. DCF supervisors should attend citizen review hearings when there is a new case manager or when the case manager is unable to attend. This would ensure better information at reviews and prevent case managers coming to reviews with no knowledge of a case. It would also decrease the number of case continuances due to a failure to appear or lack of information.
5. DCF should have a system in place—or assign an FCR liaison—whose job is to ensure that case hearing notices get to the correct case managers, prepare for hearings and follow up on recommended orders. FCR review specialists spend a considerable amount of time finding the assigned worker.
6. DCF should provide training to case managers on testifying and preparing for review hearings. This will undoubtedly improve agency compliance. At a minimum, training should address:
 - a. The need to prefile JRSSRs and supporting documentation as required by law, 72 hours before the hearing.
 - b. Bringing copies of all documentation not prefiled to the hearing. This includes referrals, medical and school records, etc.
 - c. Informing the foster parents and the child about the hearing and making appropriate arrangement for transportation as necessary.
 - d. The need for immediate compliance with orders to ensure completion before the next hearing.

Recommendations for System Improvements

1. First and foremost, Foster Care Review supports the recommendation of the Blue Ribbon Panel on Child Protection to support citizen review programs in the State of Florida. Citizen review is an important safeguard for children. This is particularly critical when the system is going through radical changes such as the transition to community based care.
2. To survive adverse impact from Article V requirements, the Legislature must act to move citizen review programs out of the judicial branch and preserve their state appropriations award.
3. FCR recommends that the Legislature and DCF improve the independent living programs for older youth so that they are prepared for adult life after foster care. There is much confusion regarding these programs. Older youth need programs on money management, consumer skills, education and employment. Most importantly, they need transition conferencing to establish and maintain connections to family or significant others in their lives.
4. FCR recommends funding for the Guardian ad Litem Program so that every child in the foster care system is represented by a guardian. The child welfare system is too complex and dysfunctional for a child to have to navigate on his or her own.
5. FCR supports the multiple recommendations of the many groups that have studied the child welfare system in Miami-Dade this year. We agree the system needs better checks and balances, more funding, better training, better supervision, lower caseloads, specialized case managers, a better information system, and improved collaboration among agencies—among many other factors.
6. FCR recommends that the Governor, the Legislature and Department of Children and Families support and establish effective methods of communication with child advocacy groups such as Foster Care Review, the guardian ad litem program, Voices for Florida's Children and others who daily experience the system and who advocate for improvements in the lives of children. In the short and in the long run, this would save the state dollars, now spent on studies, that could go toward funding services for children.

H. Evaluation

FCR conducts a program evaluation once a year. Surveys are provided to volunteers, participants and community partners. A number of review participants are also interviewed at random. Results from the FY 2002 evaluation indicate overall satisfaction with the review process, training and staff support.

Volunteer Satisfaction and Performance

- Over 90% of the panel members surveyed expressed overall satisfaction with the review process, with the training opportunities provided, and with FCR staff's responsiveness and expertise.
- Based on responses from peers, FCR staff, and self-responses, 100% of the volunteers exceeded a satisfactory performance score.

Review Participant Satisfaction

The overall rating by review participants based on their experience at the review was 4.28 out of a possible 5. The highest satisfaction rating was in the following:

- Panel members were focused on the important issues of the case.
- Panel members listened to all participants allotted time for questions to be answered and opinions and recommendations to be voiced.
- Panel members' request for documentation is relevant/essential in order to conduct an effective review.
- The findings and recommendations to the judge were very useful in preparation for the next judicial review

System Strengths: Comments from Participants and Community Partners

- *"Reviews are timely and thorough."*
- *"There is definite progress on the case due to the panel's persistence."*
- *"The child's best interest is the foundation of the review."*
- *"FCR's reports to various community partners/participants are invaluable."*
- *"Setting post-judicial reviews before the judges has been very effective."*
- *"The panels have assisted the counselor in looking at the case with a broader perspective."*
- *"Ideally this is what a judicial review should be."*
- *"Many times I get documentation at this review that I cannot get anywhere else."*
- *"(The review...) helps us all consider if we are doing what is in the best interest of the child."*
- *"(The volunteers provide...) extra pair of eyes and ears for the judge."*
- *"The young person we reviewed had been in the system for 16 years and, at the age of 18, is about to age out. She is in serious danger of becoming a street person, and we saw nothing in the history of this case"*

that was positive – except for the reports in her file that had been done by the Foster Care Review Panel. They were excellent and consistent and provided the one thread through all the volumes of her file that made sense.” (System of Care Reviewer)

Areas for Improvement: Comments from Participants and System Partners

- *“It would benefit the panels to shadow a counselor or a GAL for a day to get a picture of what a home visit entails.”*
- *“There are times instead of a dialogue I feel interrogated.”*
- *“Ensure that all parties are present. The GAL had some cases cancelled or time was changed and there was no notification.”*
- *“Training for all participants not just CRP on referral procedures for therapeutic placements.”*
- *“It is essential that **all** panel members look at the case plan and recent referral dates.”*
- *“Lack of empathy/sensitivity for people working the front line.”*
- *“Learn more about the policies/procedures and how DCF operates.”*
- *“Learn what happens when counselors make requests for documentation from private providers.”*
- *“Cultural sensitivity training may be useful.”*

Other Volunteer Comments

- *“This is a wonderful experience for me. I feel that I can change the way the foster care system treats the children.”*
- *“Use of the Guardian Ad Litem services should be encouraged whenever possible.”*
- *“We need to give more encouragement to the agency counselors that show up on time and are knowledgeable about the family, the child, and the resources used and/or needed, and have necessary documentation in hand.”*
- *“Convince the legislators in Tallahassee that we are a very important segment of the process to find permanency for a child---**free of charge!**”*

I. Standards of Operation for Florida Citizen Review Programs

These standards were agreed to by the board of the Florida Association for Citizen Review of Dependent Children (FACRDC).

Administration

- The program is administered by an independent not-for profit corporation.
- The program is a 501(c)(3) organization as determined by the IRS.
- The program is authorized by an administrative order executed by the Chief Judge of the judicial circuit.
- Procedures are in place so that recordings of hearings are safely and securely maintained and may be located at any time.
- The program has a policy protecting confidential information.
- The program has a self-evaluation mechanism in place to ensure on-going efforts of improvement.
- The program tracks case review data as outlined by the FACRDC Data Tracking Form.

Citizen Review Process

- Panel members serve without compensation.
- The panels conduct no more than 2 consecutive review hearings.
- The panels' report and recommended order are submitted to the court within 5 working days of the hearing.
- The panel either reconvenes to announce their recommendations or announces when the written findings and recommendations will be distributed to the parties.
- The program has a policy to ensure adequate communication with the parent, the foster parent or legal custodian, the GAL, and any other person deemed appropriate.
- The program has established procedures that encourage attendance and participation of interested person and parties, including the parents, foster parents or legal custodian with whom the child is placed, at citizen review hearings.

Collaboration with System Agencies and Other Programs

- The program collaborates with DCF via formal and informal meetings, correspondence, training sessions, or phone calls.
- The program collaborates with DCF for pre-service and ongoing volunteer training.
- The program coordinates with existing citizen review programs to ensure consistency of operating procedures, data collection, analysis, and report generation.

Volunteer Recruitment and Training Program

- The program has policies for recruitment, selection, retention, and terms of volunteer panel members.
- A criminal background check and personal reference check are conducted on each citizen review panel volunteer applicant prior to the volunteer applicant serving on a citizen review panel.
- The program has a pre-service volunteer training session of at least 25 hours.
- Pre-service training includes at a minimum: instruction on dependency law, departmental policies, judicial procedures and citizen review hearing observation.
- The program has an annual requirement for volunteer continuing education of at least 10 hours.
- The program provides opportunities for volunteers to meet the continuing education requirement by periodic tours, lectures or programmatic training sessions; by periodic newsletters with enclosed tests; or by providing credit hours for other relevant training events.

Confidentiality and Conflict of Interest

- All citizen review panel members have read, understood, and signed an oath of confidentiality relating to written or verbal information provided to the panel members for review hearings.
- Documentation of having taken the oath is available in the volunteer file.
- The program has a policy to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.

Annual Report

- The program submits an annual report to the court.
- The annual report to the court contains recommendations as necessary to the court concerning the attendance of essential persons at the review, barriers to permanency, and other issues pertinent to an effective review.

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Hibson, Barbara	Nicholson, Allen	Anita Youngkin

L. FY 2002 SUMMARY DATA REPORTS

- Review Summary Report (7/1/01 to 6/30/02)
- Child Demographics
- Barriers to Permanency
- Compliance with Judicial Reviews (by case management unit)

“ We as taxpayers are certainly mindful that many of our recommendations, if implemented, will have to come from our pockets. We are keenly aware that our voters have “read the lips” of government leaders. We are also keenly aware and ashamed that our state is among those which allocates the least amount of its tax dollars to human services. But while we investigated the abuses of our child welfare system, we also saw ultimate products of child abuse and neglect: those who later became abusers and /or abusive to others.

Thus we leave our service convinced that our community must either pay now, or pay more later. It will be far less costly, both in dollars and in human suffering, to pay now and leave a legacy of hope instead of despair. Our citizens respond immediately and generously to crises elsewhere, such as earthquakes, famine, and children with devastating physical illnesses.

***When will we learn that we have children in crisis in our own back yard?
When will we learn that we must care for our own?***

***Excerpt from the Final Grand Jury Report,
“Child Welfare: A System Under Siege,”
Spring Term 1989***