

What's next for DCF? Only new governor will be able to tell

Saturday, August 28, 2010 6:43 PM EDT

HARTFORD (AP) — As one of her final acts as governor, M. Jodi Rell asked a federal court earlier this year to end nearly 20 years of federal oversight of Connecticut's child welfare agency, arguing the state has made significant progress in improving its services for abused and neglected children.

Yet, there's a chance the court won't make a decision until after the Republican retires from office in early January, leaving it up to her successor to decide whether to follow through with the request to lift the long-standing court order.

While the Republican candidate for governor, Tom Foley, said he'd stick with Rell's plan, Democrat Dan Malloy has echoed the concerns of children's advocates, saying "there are serious questions" about whether the federal court decree should even be lifted.

"You have to earn the right to dissolve a consent decree," said Malloy, the former mayor of Stamford. "I'm not aware of a single child advocacy group who would say the department is currently meeting acceptable standards."

Foley said complying with the consent decree raises the state's child welfare costs significantly. The agency's budget has grown from less than \$250 million in the early 1990s to approximately \$826 million today, with more money being spent on increased staffing and training, and new community-based services for children and families at risk of abuse or neglect.

"We simply need to do whatever we can do to make sure we provide the services we provide in DCF, but we can do it in a way that we can afford," Foley said.

The issue of federal court oversight of the Department of Children and Families dates back to 1989, when Children's Rights, a New York-based children's advocacy group, filed a class action lawsuit on behalf of children in state custody or at risk of entering state custody in Connecticut.

The suit claimed that approximately 100 agency practices violated federal child protection laws. It identified numerous problems, such as reports of abuse and neglect not being investigated timely or adequately; children left in dangerous situations; and the state's failure to move children quickly into adoptive homes, leaving them to languish for years in state custody.

In 1991, the state entered into an agreement with lawyers representing children in the "Juan F." class-action suit to improve conditions at the agency. In 2002, the parties came up with a plan for the state to get out from under the federal court's jurisdiction — a complicated measurement of data and outcomes on everything from adoption rates to mental health treatment for children.

Back in April, when the state asked for the court decree to be lifted, DCF Commissioner Susan Hamilton said the agency has been completely transformed. As a social worker at the department in the 1990s, she recalled stories of employees juggling 40 to 60 cases at a time, with little training. Today, she said, investigators average 10 cases, due to increased staffing, and in-home services are now available for thousands of children and fami-

lies to keep more families intact.

Agency officials said the number of children in state care has declined 31 percent over the past two decades. There are currently about 4,000 children in agency's custody, mostly because of a greater push to keep families intact and to place children in permanent homes.

"I'm proud of the condition our system is in now," Hamilton said in April.

Besides the improvements, Rell and Hamilton point to the cost of federal oversight as a reason to end it. Throughout the process, the state has picked up the tab for the plaintiffs, court monitoring activities, lawyers' fees and administrative costs that Hamilton said are duplicative.

DCF estimates more than \$10 million has been spent by the state since 1991 on federal oversight expenses and lawyers' fees.

Children's Rights, as well as State Child Advocate Jeanne Milstein and the Center for Children's Advocacy oppose the state's request to end the federal oversight. The child advocate and the Center for Children's Advocacy this month filed friend of the court briefs, strongly urging that DCF remain under continued court oversight.

While Milstein acknowledges improvements have been made to lower caseloads and make more timely visits to families, she said children's needs are still not adequately met. Nearly one in four of all children in DCF custody do not live with a family, she said, and instead live in group homes, institutions or hospitals with different caregivers and roommates, not knowing when they will leave.

"DCF still continues to subject children in its care to unsafe living conditions, inadequate treatment and insufficient transition to young adulthood," she said.

The next governor, she said, should withdraw the motion to vacate the consent decree.

"The time and resources and money that would have to be expended to fight a legal battle could be much more effectively spent," she said.

Milstein also argues that if the next governor is concerned about costs, DCF can cut expenses while still remaining under federal oversight. She said there are multiple layers of bureaucracy that can be reduced.

URL: <http://www.middletownpress.com/articles/2010/08/28/news/doc4c794630d7c34933147138.prt>

© 2010 middletownpress.com, a Journal Register Property