

# DCS removes too many kids from homes, report says

Advocate says many could be safe in homes with more monitoring



By Tim Evans  
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The Department of Child Services is removing too many Indiana children who could be safely left with their families, potentially endangering some of the very youths the agency is trying to protect, according to a report by a national child welfare reform advocate.

The influx is clogging already congested juvenile courts, leaving thousands of children without the required oversight of independent advocates and overwhelming the supply of foster and adoptive parents, the report says.

ADVERTISEMENT It also is costing Indiana taxpayers tens of millions of dollars a year for the care of these children.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, cited the April death of Indianapolis foster child Destiny Linden as an example of what can happen when DCS removes children who he believes could have safely remained in their homes with monitoring by caseworkers. Although no evidence of neglect was found in Destiny's case, she died after being placed for a nap on her stomach rather than on her back, as experts advise.

In other states recognized as having successful child protection programs, such as Illinois and Alabama, Wexler said, Destiny would have been left with her mother or another relative. Instead of placing her in a foster home, child welfare workers would have kept a close eye on the family and provided services to address the source of its problems, such as substance abuse, domestic violence and child care.

He said the high number of children entering the system prevents caseworkers from having the time to work with Indiana families in that way.

New data compiled by Wexler's group show Indiana removed children from their families in 2007 at a rate of 4.86 per 1,000 children, more than 20 percent above the national average of 3.93.

Since 2004 -- the year before the state launched a reform push that included hiring 800 new caseworkers -- the number of Indiana children removed each year has jumped by 10 percent while dropping by 4 percent nationwide.

Wexler said he has seen no evidence that suggests abuse or neglect is occurring at a higher rate in Indiana than elsewhere, or that the growing number of Hoosier children living in poverty is a factor in the higher removal figures for Indiana.

But DCS Director James W. Payne said the numbers can be explained in several ways:

- » They reflect a greater incidence of reports of abuse and neglect.
- » DCS has been investigating more of the reports it has received.
- » The agency has found evidence of abuse or neglect in a higher percentage of

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- » **Evidence indicating illegal drugs** are being manufactured or used in the home.
- » **Evidence indicating sexual abuse** or exploitation.

Source: Department of Child Services

### CHILD REMOVAL RATES IN '07

(Per 1,000 children in the state)

- » **Kentucky:** 5.68.
- » **Indiana:** 4.86.
- » **Ohio:** 4.24.
- » **Michigan:** 3.78.
- » **Illinois:** 1.51.
- » **Nationally:** 3.93.

Source: National Coalition for Child Protection Reform

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cases that were investigated than it did a year ago.

That said, Payne acknowledged the state is removing a larger number of children than he'd like to see and that his agency has taken steps to address the problem as it moves forward with its ongoing reform effort.

Training has been started to help caseworkers make better decisions about removal questions, he said.

Payne said it could take two more years to complete that training and fully implement strategies designed to help more troubled families without removing children.

He said he already is seeing positive results from the effort, including a drop in the percentage of children removed from families in certain less-serious cases. In October, he said, the state removed children in 34 percent of such cases, down from 41 percent one year earlier.

Wexler said Payne is missing the point -- and that there is no evidence Indiana children are any safer because of the high removal rate.

Although removing large numbers of children might sound like the state is doing a better job of protecting abused and neglected children, the two don't always go hand-in-hand, said Wexler, a frequent critic of the Indiana reform effort.

He said the best and most widely accepted indicator of the success of a child welfare system is in the recurrence of abuse or neglect of children who have been involved with the system. The lower the rate, the better.

But in Indiana, the percentage of children "revictimized" has increased slightly each year from 2004 to 2006, according to the U.S. Department of Health and Human Services.

The state's re-abuse rate has grown from 6.3 percent in 2004 to 7.7 percent in 2006 -- or more than 500 of the 6,722 children who left the state's care that year. Payne said the rate for 2007 was about 8 percent.

"When you are seeing no increase in safety but a huge increase in removals," Wexler said, "that means your system is getting worse."

DCS removed 7,712 Indiana children from their parents in 2007 -- 369 more than the previous year -- according to Wexler's study, which is based on data that states submit to the federal government.

That number is continuing to rise in 2008.

Data from the DCS Web site shows removals have risen in each quarter for the past year. The number of children taken from their parents jumped by more than 41 percent between the period of September to November 2007 and the period of June to August of this year. For the same periods, reports of abuse coming into DCS increased by just 1 percent.

Payne defended the removals, noting the agency's decisions to separate children from their parents must be backed up by a court:

"That means an independent judge has said, 'Yes, these kids need to be safe.' "

Dawn Robertson, spokeswoman for the family rights group HonkForKids, said she questions the "independence" of many of those judges based on the experiences of families she knows who have dealt with DCS.

She said many parents go to court with no or inadequate legal representation,

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and decisions are made after very brief hearings.

"There does not seem to be, with most judges, an independent and unbiased review of all the facts of the cases," she said. "It's very one-sided. DCS' word is considered gospel."

Research by University of Connecticut School of Law Professor Paul Chill supports Robertson's claims. He found too many children across the U.S. are being removed without evidence that they are in "imminent danger" and that, once a removal is made, the initial allegations are too often taken as fact by courts.

Wexler said that approach would not be a problem if all cases were clear-cut. But most fall into a gray area, he said, and the approach of "erring on the side of the child" can be more harmful than many minor instances of abuse and neglect.

Finding ways to keep more children safe without tearing apart families is a much better approach to dealing with those types of cases, Wexler said. Family preservation, as the approach is called, has been touted as one of the keystones of Indiana's child welfare reform effort, launched in 2005.

But Wexler said the state's removal numbers belie a commitment to the new philosophy.

He offers several arguments in favor of family preservation, including a new study by the MIT Sloan School of Management that found children placed in foster care for marginal reasons -- situations where investigators could legitimately disagree about whether to remove the child -- have worse long-term outcomes than children left with their families.

The study showed these children are more likely to get involved in the juvenile justice system, become pregnant at an early age, wind up in jail and, as adults, earn less.

Wexler said he suspects the explosion of removals in Indiana may have contributed to Destiny's death in April.

Destiny had been removed from her mother not because of any harm caused by physical abuse or neglect, but because the young mother refused to move into a domestic violence shelter or press charges against a man who had raped her.

The 12-week-old Indianapolis girl died eight days after being placed in a foster home that -- despite several serious complaints about the way in which the foster parents cared for other children in their custody -- had been allowed by DCS to care for even more children.

She also was on a waiting list for an independent advocate, who might have fought for her removal from the foster home.

"Destiny never needed to be taken from her mother. Her (mother's) only 'crime' was to be, herself, a victim of domestic violence," Wexler said.

"The data show Indiana moving full-steam backwards, and that means you are going to see more tragedies like the death of Destiny Linden."

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