

**STATE OF LOUISIANA
CHILD AND FAMILY SERVICES REVIEW
REVISED/RENEGOTIATED
PROGRAM IMPROVEMENT PLAN
MAY 15, 2007 PROGRESS REPORT**



LOUISIANA PROGRAM IMPROVEMENT PLAN PROGRESS REPORT MAY 15, 2007

INTRODUCTION

Louisiana developed its original Program Improvement Plan (PIP) in September 2004 to address deficiencies noted in the 2003 Child and Family Services Review. The targeted completion date was September 30, 2006, and a great deal of progress had been made both on reaching data goals related to national standards and benchmark completion when Hurricane Katrina, followed closely by Hurricane Rita, devastated southern Louisiana, disseminated the population of the state's largest urban area throughout the country, and disrupted all normal operations of the Office of Community Services, including PIP progress.

Subsequently, with the cooperation and assistance of our Federal partners, a renegotiated/revised PIP was submitted on June 14, 2006 and approved on June 19, 2006, with an extended completion date of September 30, 2007. This revised PIP focuses on short-term recovery efforts to assure safety, well-being and permanency for Louisiana's children including those who were displaced to other states as a result of the hurricanes. While addressing these short-term recovery efforts, Louisiana is taking advantage of the opportunities brought about by the storms to assess and plan initiatives referred to in previous reports as "long-term reform", and outlined in a matrix of activities involving the national child welfare resource centers. The matrix, which includes status of activities is provided as Attachment 1 to this document.

These initiatives to improve Louisiana's child welfare system have been designated as **Louisiana Leading Innovations for Family Transformation and Safety (LIFTS)**, a series of changes to strengthen families and to ensure children safe, permanent solutions. Louisiana LIFTS reflects OCS's goal of ensuring a family-focused and community-based system of care for Louisiana's most vulnerable children. We, with technical assistance from our federal and foundation partners, have identified six key elements for implementation to enhance outcomes for children and families:

1. **Improving Our Intake Decisions** – The new OCS approach will utilize more uniform assessment and decision-making criteria to ensure more consistent response to reports of child abuse/neglect.
2. **Meeting Family Needs** – With better and more uniform assessment and case planning tools, OCS is focusing on keeping families together in safe and secure environments. With "family-centered" evaluations, we will focus on keeping more households intact and reducing the number of children who require out-of-home care.
3. **Community-Based Services** – OCS is enhancing its commitment to working with prevention-oriented community partners to offer services to at-risk families through the development of a comprehensive continuum of services, including intensive home-based programs to address the family's needs and build on their strengths.
4. **Foster/Adoptive Parenting** – Recruitment and support to foster/adoptive families are being augmented to assure multiple placement options within communities; standardized training, policy and procedures; increased foster/adoptive parental involvement; and stronger links between foster parents and birth families.

5. **Residential Treatment** – OCS is evaluating the current residential decision making and placement process to ensure that these facilities are used only as short-term intervention for children whose emotional, physical or mental health needs cannot be met in a family setting.
6. **Transitioning Youth** – Efforts are underway to assure better opportunities for youth aging out of foster care and young adult foster care alumni by locating permanent family connections and providing vocational, housing, and educational support. We believe that these efforts (described in more detail later in this report) will result in smoother transitions into adulthood and more successful adult lives for former foster children.

The Louisiana LIFTS initiatives are consistent with the proactive approach taken in the renegotiated/revised PIP toward recovery from the devastation of the 2005 hurricane season and with the outcomes identified in the Child and Family Services Review as opportunities for improvement in Louisiana's child welfare system:

Safety 1: Children are first and foremost protected from abuse and neglect.

Safety 2: Children are safely maintained in their homes whenever possible.

Permanency 1: Children have permanency and stability in their living situations.

Well Being 1: Families have enhanced capacity to provide for their children's needs.

Well Being 2: Children receive appropriate services to meet their educational needs.

Well Being 3: Children receive adequate services to meet their physical and mental health needs.

DATA GOALS

Data indicator information is not included in this report as Louisiana has met each of the identified data goals.

OBJECTIVES, STRATEGIES AND ACTION PLANS

The renegotiated PIP contains three major objectives: analysis of current CPI data, practice, and external factors as they relate to the increase in children entering foster care; development and implementation of a protocol for case management and decision-making for displaced children and their biological families; and provision of more qualified legal representation for children and/or parents in the child welfare system. Each of these objectives reflects consultation with the child welfare national resource centers, and is subdivided into strategies and action steps for achievement of each of the three overarching objectives. Sixteen action steps were slated for completion during the first quarter of implementation, each of which was completed. Completion of the action steps resulted in achievement of the second objective, implementation of a protocol for case management and decision-making for displaced children and their biological parents in the child welfare system. This objective, therefore, will not be addressed in this or future PIP reports. No action steps were due for completion in the second quarter of implementation of the revised/renegotiated PIP.

One action step was due for completion during the third quarter (January through March 2007): Action Step 3 (Conduct a formal analysis of listed changes to determine relationships to the increase in placements) of Objective 1 (analysis of CPI data, practice and external factors as they relate to the current rise in foster care placement), Strategy 1.1 (development of data views that will provide insight into possible factors relating to the increase in children entering foster care). This action step has been completed as described below:

In order to understand changes that occurred during the time of the increases in foster care entries, Louisiana has had several consults with Anna Stone of the National Resource Center for Child Protective Services (NRCCPS). Our Quality Assurance Section sent numerous data sets to Joe Murray of NRCCPS. Mr. Murray converted the data into a more readily understandable summary table format. The following is a discussion of the data sets and whether the variables appear to have had an effect on foster care entries.

- I. Number of children who entered OCS custody during State Fiscal Years, 2000, 2001, 2003, 2004, 2005, and 2006.

Entries into Care (increases)

FY02	FY03	<i>increase 03/02</i>	FY04	<i>increase 04/03</i>	FY05	<i>increase 05/04</i>	FY06	<i>increase 06/05</i>	<i>increase 06/05</i>
2,355	2,450	4%	2,638	8%	2,845	8%	3,644	28%	799

Data drawn from CPI-FCpopValRateSLloyd.xls

Table 1 shows the percentage increases between fiscal years starting with State Fiscal Year 2002. The number of children coming into care in 2002 FY was 2,355 children and the number coming into care in 2003 was 2,450, so the percentage increase between those FY's was 4%. The next two years increases were 8%, then 8%, which could be described as general increases in foster care entries.

Then there is a large increase of entries into care in FY 06 from the preceding year. From FY05 to FY06 the foster care entries increased by 799 children, 28%. This is obviously a very concerning number for many reasons. Twenty eight percent increase from one year to the next mandates careful analysis of the possible reasons.

The general increases in foster care entries through this decade are also occurring on a national level, which helps to explain the general increases. See attached table, **“Trends in Foster Care and Adoption –FY2000-FY2005”, with definitions.**

The increase between July 2005 and June 2006 of 28% is significant. There were a number of events that were likely related to these increases, including Hurricanes Katrina and Rita and two legislative acts that went into effect for part of that year. We predicted those Acts would increase significantly increase our foster care entries.

The fiscal impact statements that inform the Louisiana Legislature on the Voluntary Placement Act (Act 148) and the Substance Exposed Infants Act (Act 338), predicted that we would have 774 new cases opened in the Foster Care and Family Services programs. We had predicted the majority of these families would be served by our Family Services Program. There have been some explanations that suggest that judges are not willing to give relatives custody, without the Department's supervision, which means custody will be given to the Department. In some instances the Department

is ordered to provide supervision and reunification services for an indeterminate period of time, as well as provide services like tutoring, basic clothing allowances, etc.

II. Age and race of children at the time of foster care entry.

RACE

Entries into Care (*race*)

Race	FY03 N=2445	FY04 N=2595	FY05 N=2835	FY06 N=3639
White	45.5%	45.9%	51.6%	53.5%
Black	53.0%	52.7%	46.9%	44.5%
Unable to Determine	0.9%	0.7%	1.1%	1.5%

Data drawn from SpFCdataJohn, Race

Race data did not seem to contribute to the increase in entries. We expected that there would be a decrease in African American children coming into Care in FY 06, since a probable significant percentage of New Orleans residents evacuated out of state due to Katrina. Estimates are that approximately 1/3 of New Orleans residents have not returned, however, a sizable proportion of those residents are still in Louisiana.

The majority (67%) of New Orleans Pre-Katrina residents were African American and 40% of all families with children in New Orleans, Pre-Katrina, were living below the poverty line. Poverty is a risk factor for abuse and neglect. We know that at least 156 (see attached chart “Katrina-Rita Removals”) evacuee children were taken into Care in other states between September 2005 and August 2006. One would expect that this population of children (evacuees who came into Care in other states) would have reduced our African American Louisiana foster care entries for FY2006.

AGE

Entries into Care (age)

Age	FY03 N = 2,447		FY04 N = 2,595		FY05 N = 2,835		FY06 N = 3,640	
	#	% Entries	#	% Entries	#	% Entries	#	% Entries
0-1Mo	78	3.2%	89	3.4%	110	3.9%	156	4.3%
>1Mo-11Mo	258	10.5%	249	9.6%	329	11.6%	387	10.6%
1-2	363	14.8%	376	14.5%	419	14.8%	581	16.0%
3-4	303	12.4%	309	11.9%	321	11.3%	441	12.1%
5-7	363	14.8%	382	14.7%	425	15.0%	585	16.1%
8-10	322	13.2%	307	11.8%	344	12.1%	465	12.8%
11-14	480	19.6%	564	21.7%	573	20.0%	675	18.5%
15-18	280	11.4%	319	12.3%	314	11.1%	350	9.6%

Data drawn from SpFCdataJohn, AgeRanges – *italicized data re-calculated*

Age	FY03 N = 2,447		FY04 N = 2,595		FY05 N = 2,835		FY06 N = 3,640	
	#	% Entries	#	% Entries	#	% Entries	#	% Entries
<3	699	28.6%	714	27.5%	858	30.3%	1124	30.9%
3-7	666	27.2%	691	26.6%	746	26.3%	1026	28.2%
8-14	802	32.8%	871	33.6%	917	32.3%	1140	31.3%
15-18	280	11.4%	319	12.3%	314	11.1%	350	9.6%

Age	FY03 N = 2,447		FY04 N = 2,595		FY05 N = 2,835		FY06 N = 3,640	
	#	% Entries	#	% Entries	#	% Entries	#	% Entries
<8	1365	55.8%	1405	54.1%	1604	56.6%	2150	59.1%
8-18	1082	44.2%	1190	45.9%	1231	43.4%	1490	40.9%

Proportionately, children appear to be younger in the foster care entries in Louisiana. One of our hypotheses was that the Juvenile Justice reforms of this decade would increase our numbers of older foster care entries, since this population is usually teenagers. One of the major impetuses of the Juvenile Justice reforms was to reduce the number of youths in facilities and return them to the local communities. We expected that a large number of these youths would end up in Foster Care. The “age” data does not support that hypothesis. Our foster care entry cohort is younger with the % increase of those children less than 8 years of age from FY03 to FY06 increased from 55.8% to 59.1% of the entries. Attached please find **Figure 3-4 Victimization Rates by Age Group, 2004 from ACF**, which reflects national trends of the proportion of younger children coming into foster care increasing at similar rates to Louisiana’s.

III. Reason for Placement

Table 4 Foster Care Open Reason

<i>FC Open Reason</i>	FY03 N=2446	FY04 N=2595	FY05 N=2835	FY06 N=3640
Abandonment	3.4%	3.1%	3.3%	2.4%
Physical Abuse	10.0%	11.0%	11.3%	10.7%
Maltreatment	1.6%	1.1%	0.9%	0.9%
Neglect	79.4%	80.6%	79.1%	81.2%
Other	0.0%	0.3%	0.7%	0.5%
Sexual Abuse	4.6%	3.0%	4.2%	3.8%
Surrender by Parent	0.2%	0.3%	0.2%	0.1%
Voluntary Placement	0.7%	0.7%	0.4%	0.5%

Data drawn from SpFCdataJohn, Open Reason

There appears to be very little change in Foster Care Open Reason over the past four Fiscal Years. Data on foster care open reasons does not contribute to understanding the increase in entries.

IV. Type of initial placement Payable or non-payable

Family Settings Vs Facilities Date of New Foster Care Entry

	FY03		FY04		FY05		FY06	
	#	%	#	%	#	%	#	%
Family Settings	1,987	90.2%	2,078	87.8%	2,358	92.0%	3,140	95.4%
Facility Settings	215	9.8%	289	12.2%	205	8.0%	153	4.6%
Total	2,202		2,367		2,563		3,293	

Placement in Family Settings Date of New Foster Care Entry

	FY03		FY04		FY05		FY06	
	#	%	#	%	#	%	#	%
Family Settings Total	1,987		2,078		2,358		3,140	
Certified HB Relative	43	2.2%	36	1.7%	54	2.3%	59	1.9%
Non-Payable Relative	489	24.6%	558	26.9%	628	26.6%	962	30.6%
Non-Payable Parent	64	3.2%	62	3.0%	58	2.5%	54	1.7%
Non-Payable NonRelative	64	3.2%	39	1.9%	106	4.5%	91	2.9%
Certified HB Non-Relative	1,327	66.8%	1,383	66.6%	1,512	64.1%	1,974	62.9%

Data drawn from SpfCdataJohn, Closure Outcomes by Placement I

Relative Placements

	FY03		FY04		FY05		FY06	
	#	%	#	%	#	%	#	%
*Entries	2,450		2,638		2,845		3,644	
**Family & Facility Settings	2,202	90%	2,367	90%	2,563	90%	3,293	90%
**Certified HB Relative	43	2.2%	36	1.7%	54	2.3%	59	2.2%
**Non-Payable Relative	489	24.7%	558	27.1%	628	26.8%	962	35.8%
***Total Relative	532	24%	594	25%	682	27%	1,021	31%

The Non-Payable Relative placements increased from 628 to 962, from FY05 to FY06, which reflected an increase in relative placements in FY06 – in terms of both numbers (334) and percent of all placements in family and facility settings. Also, Family Settings placements increased from 2358 to 3140, from FY05 to FY06, which reflected an increase in foster home placements in FY06—in terms of both numbers (782) and percent of all placements in family and facility settings.

V. Population

One possible explanation considered for the recent increases is that Louisiana's general population had increased and the rate of entry per thousand children (under 18 years of age) had remained stable. The table below uses U.S. Census Bureau Population Estimates to calculate the entry rate.

Entries into Care (*per thousand children*)

	00	01	02	03	04	05	06
*Population	1,216,220	1,198,030	1,185,879	1,174,984	1,160,282	1,147,651	1,147,651
**Entries	2,450	2,473	2,355	2,450	2,638	2,845	3,644
Entries/1K	2.0	2.1	2.0	2.1	2.3	2.5	3.2

* Population under 18 is drawn from U.S. Census Bureau Population Estimates. The Census data does not include a population estimate for 2006. The 2005 population estimate is used for 2006.

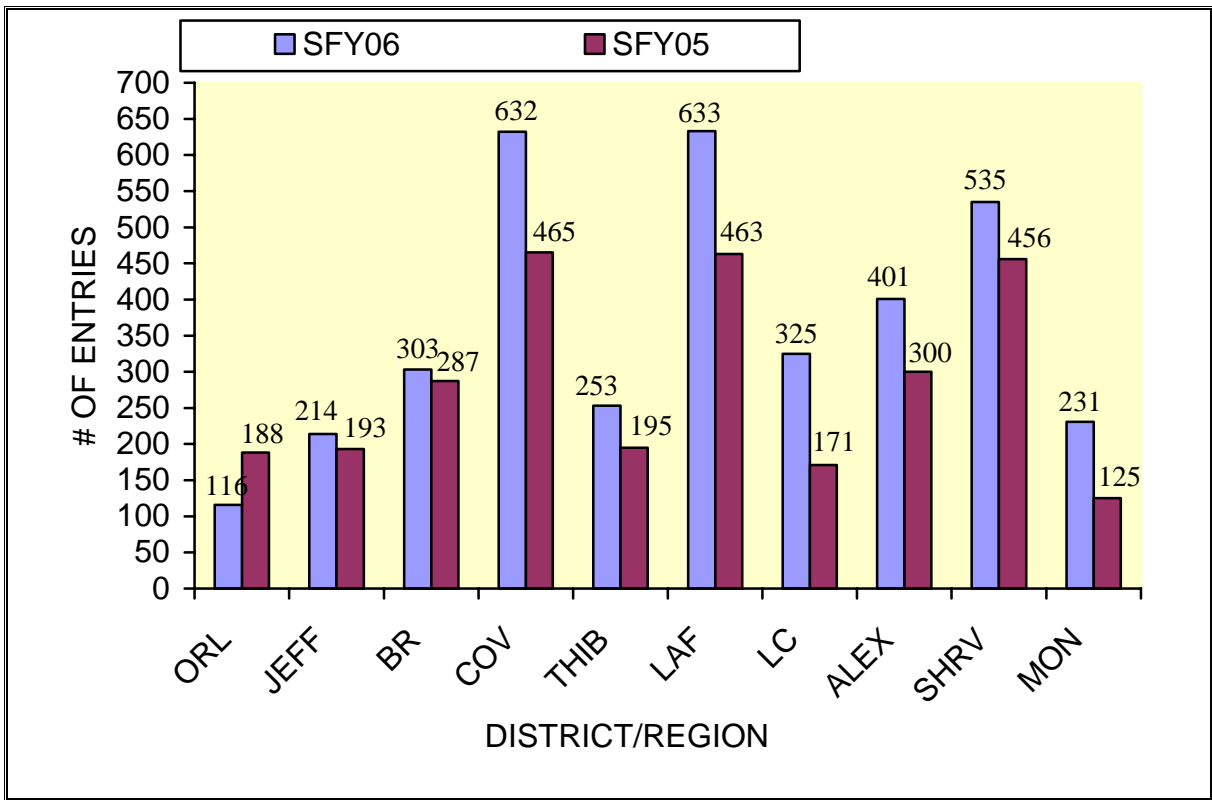
** Data drawn from CPI-FCpopValRateSLloyd

No increase in population is indicated and the rate of entry per thousand children reflects the same trend as the number of total entries – a general increase from FY01 through FY05 with a relatively large increase in FY06 from the preceding year. For purposes of comparison we estimated the 2006 population with 2005's census data, even though with Hurricane Katrina evacuees in other states, Louisiana's population has likely significantly decreased.

VI. Location of entry into Foster Care

Foster Care Entries By Region/District for SFY05 and SFY06

Region/District	Total Entries SFY04-05	Total Entries SFY05-06	% Change
Orleans District	188	116	-38.3%
Jefferson District	193	214	10.9%
Baton Rouge	287	303	5.5%
Covington	465	632	35.9%
Thibodaux	195	253	29.7%
Lafayette	463	633	36.7%
Lake Charles	171	325	90%
Alexandria	300	401	33.7%
Shreveport	456	535	17.3%
Monroe	125	231	84.8%
Unknown	40	7	
STATE TOTAL			28%



VII. Child Protection Investigations

CPI (investigations, validations & entries)

STATE	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
# CPI Reports	26,265	25,092	-4%	25,596	2%	26,245	3%	26,705	2%	27,204	2%	24,651	-9%
# Validated	7,829	7,749	-1%	7,647	-1%	8,401	10%	8,000	-5%	8,579	7%	7,714	-10%
% Validated	30%	31%		30%		32%		30%		32%		31%	
# Entries into Care	2,450	2,473	1%	2,355	-5%	2,450	4%	2,638	8%	2,845	8%	3,644	28%
Entries / Valid Reports	0.31	0.32		0.31		0.29		0.33		0.33		0.47	

Data drawn from CPI-FCpopValRateSLloyd

CPI (reports, validations, victims & entries)

	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Investigations Compl	27,251	26,901	-1%	28,570	6%	30,883	8%	29,114	-6%	30,809	6%	27,532	-11%
*# Validated	7,829	7,749	-1%	7,647	-1%	8,401	10%	8,000	-5%	8,579	7%	7,713	-10%
% Validated	29%	29%		27%		27%		27%		28%		28%	
**# Valid Victims (Unduplicated)	10,585	9,963	-6%	10,139	2%	11,074	9%	10,585	-4%	11,580	9%	9,473	
Valid Victims / Validations	1.4	1.3		1.3		1.3		1.3		1.3		1.2	
****# Entries into Care	2,450	2,473	1%	2,355	-5%	2,450	4%	2,638	8%	2,845	8%	3,644	28%
Entries / Valid Reports	0.31	0.32		0.31		0.29		0.33		0.33		0.47	
% Valid Victims Entering	23%	25%		23%		22%		25%		25%		38%	

The number of completed investigations in FY06 decreased from FY05 as did the number validated (the percentage of completed investigations which were validated remained constant). It appears that when investigations are validated, a higher percentage of the children involved are entering care.

VIII. Foster Care Exits

STATEWIDE	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*#Entries	2,450	2,473	23	2,355	-118	2,450	95	2,638	188	2,845	207	3,644	799
**Exits		2,798		2,446		2,614		2,601		2,688		3,070	
**Avg. Months in FC (Exits)		27.1		26.4		23.6		23.0		21.4		19.3	
Entries - Exits		-325		-91		-164		37		157		574	
***FC Pop Last Day	4,988	4,622	-366	4,504	-118	4,341	-163	4,285	-56	4,433	148	5,050	617

ORLEANS DISTRICT (01)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	216	184	-32	223	39	226	3	265	39	188	-77	116	-72
**Exits		275		266		255		250		227		171	
**Avg. Months in FC (Exits)		38.3		33.9		28.7		28.6		26.2		37.3	
Entries - Exits		-91		-43		-29		15		-39		-55	

BATON ROUGE REGION (02)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	186	190	4	216	26	238	22	244	6	287	43	303	16
**Exits		238		195		222		230		229		302	
**Avg. Months in FC (Exits)		32.8		31.7		18.6		17.4		19.4		20.1	
Entries - Exits		-48		21		16		14		58		1	

THIBODAUX REGION (03)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	198	176	-22	138	-38	119	-19	142	23	195	53	253	58
**Exits		270		162		171		148		169		231	
**Avg. Months in FC (Exits)		20.5		24.2		21.3		27.2		17.6		14.2	
Entries - Exits		-94		-24		-52		-6		26		22	

LAFAYETTE REGION (04)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	456	387	-69	341	-46	350	9	332	-18	463	131	633	170
**Exits		383		360		388		317		396		400	
**Avg. Months in FC (Exits)		23.2		23.0		21.1		21.8		24.8		17.5	
Entries - Exits		4		-19		-38		15		67		233	

LAKE CHARLES REGION (05)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	159	177	18	133	-44	160	27	187	27	171	-16	325	154
**Exits		192		145		130		149		186		222	
**Avg. Months in FC (Exits)		27.1		23.6		21.8		17.2		20.2		16.0	
Entries - Exits		-15		-12		30		38		-15		103	

ALEXANDRIA REGION (06)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	305	321	16	260	-61	288	28	325	37	300	-25	401	101
**Exits		297		299		294		324		326		354	
**Avg. Months in FC (Exits)		20.2		23.5		25.3		19.7		18.1		19.0	
Entries - Exits		24		-39		-6		1		-26		47	

SHREVEPORT REGION (07)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	275	285	10	325	40	385	60	396	11	456	60	535	79
**Exits		403		311		415		439		444		532	
**Avg. Months in FC (Exits)		28.6		25.7		23.7		23.6		16.8		15.8	
Entries - Exits		-118		14		-30		-43		12		3	

MONROE REGION (08)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	187	212	25	143	-69	102	-41	140	38	125	-15	231	106
**Exits		184		173		160		113		153		157	
**Avg. Months in FC (Exits)		26.4		31.9		25.5		30.0		26.1		19.2	
<i>Entries - Exits</i>		28		-30		-58		27		-28		74	

COVINGTON REGION (09)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	240	288	48	355	67	382	27	379	-3	465	86	632	167
**Exits		271		276		339		400		361		516	
**Avg. Months in FC (Exits)		30.1		25.1		23.6		22.3		23.5		18.8	
<i>Entries - Exits</i>		17		79		43		-21		104		116	

JEFFERSON DISTRICT(10)	FY00	FY01	increase 01/00	FY02	increase 02/01	FY03	increase 03/02	FY04	increase 04/03	FY05	increase 05/04	FY06	increase 06/05
*# Entries into Care	227	253	26	221	-32	197	-24	225	28	193	-32	214	21
**Exits		285		259		240		231		197		185	
**Avg. Months in FC (Exits)		26.0		24.5		25.9		26.0		23.6		27.0	
<i>Entries - Exits</i>		-32		-38		-43		-6		-4		29	

*Data drawn from CPI-FCpopValRateSLloyd

**Data drawn from NewExitCals

***Data drawn from EndOfMonthFCLongitudinal

It appears that our foster care exits are also increasing, so even though foster care entries are increasing, our total number of foster children is remaining fairly constant, due to the steady decrease in the average number of months in Foster Care. Due to the realignment of regions that went into effect September, 2005, some of the increases and decreases in the four affected regions will need to be taken into consideration in the data analysis.

IX. OCS reviewed changes in law that could affect entries. Two Acts – 148 and 338, both effective in FY06 – were identified.

ACT 148

In the course of investigations, many children are placed with relatives. Prior to Act 148, these relative placements were viewed as voluntary parental arrangements. Act 148 terminated such arrangements, defining them as removals requiring a court order.

Act 148 did not lend itself to TIPS coding to track the number of foster care entries. Our only measure was a survey that was conducted immediately after implementation, to determine how many children came into care as a result of the Act. Field staff reported a total of 478 that came into Care as a result of Act 148 during the six month period from October, 2005, through March, 2006. Three months remained in the FY06 after the six month survey period. If 478 children came into care as a result of Act 148 during the prior 6 months, it is projected that half that many (i.e., 239) came into care during these last three months. A total of 717, then, would have come into care during FY06 as a result of Act 148. This 717 would account for 90% of the increases in entries between FY05 and FY06.

ACT 338

During the last 1/3 of FY06, 29 substance exposed infants entered care due to Act 338, which would account for 4% of the 799 increase over FY05.

Data Review Conclusions:

Initially, we thought a case record review would be the course of action we would take to develop an understanding of the increases in Foster Care entries. With the consult of NRCCPS we decided that there was adequate information in the data to explain the increase in foster care entries.

Except for a decrease in FY02, the numbers of entries in fiscal years 00 through 03 are consistent. While there were general increases in entries into care from FY04 and FY05, there was a large increase of entries into care in FY06 from FY05.

We ruled out population increases and report increases as the causes of increased entries based on the following:

- We do not have Census data available to us for 2006, however, Louisiana's population has been on a steady decline since 2000, according to Census estimates. Also, probably less than half of New Orleans 465,000 residents have returned to date, resulting in Louisiana's population likely significantly decreased post-Katrina.
- The number of investigations completed is essentially the same in 2000 as in 2006, so increased abuse and neglect reports as the reason for increased foster care entries was ruled out.
- We also examined Type of Placements, including relative placements, which also supports Act 148 as a source of the major increase in foster care entries in SFY06. The Non-Payable Relative placements increased from 628 to 962, from FY05 to FY06, which reflected an increase in relative placements in FY06 – in terms of both numbers (334) and percent of all placements in family and facility settings. Also, Family Settings placements increased from 2358 to 3140, from FY05 to FY06, which reflected an increase in foster home placements in FY06—in terms of both numbers (782) and percent of all placements in family and facility

settings. One would expect that children who came into care as a result of Act148 would be more likely to be placed in a family setting, not a facility setting.

One of our hypotheses was that Acts 148 (Voluntary Placements Discontinued) and Act 338 (Substance Exposed Infants) were the primary causes of the increase in foster care entries, and after an analysis of the data, we determined that the data supports that hypothesis.

Over the last four fiscal years, an average of 47.4% of the total entries for the fiscal year have entered during the first six months. During the first six months of FY07, our data shows that 1,722 children have entered foster care. We have cause to question the reliability of the data for the 2007 fiscal year, due to integration problems between ACCESS and TIPS. However, assuming the data is correct; we are on track to not have an increase of Foster Care entries for the current fiscal year.

Recommendations Based on Data Analysis:

- Continue closely monitoring the data to determine if the number of foster care entries has in fact stabilized
- Since the age of foster children continues to get younger, develop the service array to address issues of that younger population, e.g., interagency support at the Legislature of the increase of funding for the Early Steps Program through OPH
- The increases in IHBS services statewide should have an effect on our foster care entries. Advocate legislatively for this to be an on-going service, not time-limited by Katrina-related resources
- Due to the implementation of Act 148, state office will provide guidance about standards for best serving that new population, e.g., timelines for case plans
- Since our foster care exits are increasing—are those children coming back into care—continue studying recidivism
- Request legislative funding for services for Act 338 families. The Department needs funding for specialized services for the substance exposed infants, including specialized training for foster parents and relative caregivers, and specialized treatment services to ensure that the mothers do not use illegal drugs during subsequent pregnancies.

RESPONSE TO ACF COMMENTS /QUESTIONS REGARDING PREVIOUS REPORTS

Training: The OCS Training Section is an integral part of agency ongoing activities and initiatives. A comprehensive training curriculum is available to staff, including both required core curriculum courses and other courses that are available and presented as needed, but not mandated.

All regularly offered training activities that were suspended after the hurricanes have resumed. The frequency of legislatively required core curriculum new worker training has increased as a result of increased turnover rate, population shifts resulting in staff working in different programs necessitating cross-training, and an increasing number of administrative staff being detailed into positions created to support agency initiatives. This produces a ripple effect into other positions, ultimately resulting in new first-line staff. In order to accommodate the increased number of training sessions, three former employees have been hired in temporary positions to provide staff training. One is housed in Shreveport, one in Alexandria, and one in Baton Rouge. Having trainers in various areas of the state increases accessibility for regional and parish staff and reduces travel time and expense.

The mandated Introduction to Child Welfare series has been held two to three times per month, with at least one of the sessions in north or central Louisiana and at least one in the Baton Rouge area. Two core curriculum courses, Case Worker Competency and Casework and Assessment, have been revised to incorporate more information about the strengths approach and cultural competency. Additionally, the Desk Reference has been updated to include information regarding new laws, policies, and procedures that drive child welfare decision making.

Two trainings were developed after the hurricanes: Case Management after the Storm and Emergency Planning. These trainings continue to be available in the curriculum, but it has not been necessary to offer either of these trainings recently. Another new training has been developed in response to the hurricanes. This training is a one-day session on disaster trauma and its effect on staff. It is being provided in April and May 2007 to Lake Charles, Baton Rouge, and Greater New Orleans Regions and will be repeated in May and June 2007 for Lake Charles and Greater New Orleans Regions.

Each of the OCS initiatives has a training component, and our Training Section is actively involved in working with our partners from the child welfare national resources centers to develop training sessions for these initiatives. Some training related to the initiatives will be conducted in-house and some contracted. One Training Section staff member is serving on the workgroup for Alternative Response in Child Protection Investigations. This trainer serves as the lead in selecting and developing the Alternative Response training that will be provided child welfare workers.

The initiative to assure at least one permanent contact for each youth in residential care and aging out of care has resulted in the development of a new training. Family finding training, called "Connections for Permanency" has been presented to staff for general use, but with a focus on older youth in care.

Two Training Section staff members serve on the Home Development task force. Foster/Adoptive parent training has been revised so that it can effectively be presented in seven, rather than the previous ten, sessions. Portions of the training have been put on power-point to assure consistency throughout the state. Youth and birth parents now participate in the training, telling their stories to bring credibility and realism to pre-service training for foster and adoptive families. All Home Development staff members have received training on abbreviated home studies for child-specific placements. OCS now requires all new professional staff to attend foster/adoptive parent pre-service training as the second course in the required curriculum. In the past, only foster care and adoption workers were required to attend this training, but the implications of foster care placement are better understood by investigative and family services/prevention staff through participating in this course. One hundred eleven professional staff have attended this training since it became a requirement.

The Training Section is also working with national resource centers to enhance Cultural Competence training to include working with the growing Hispanic population in the Greater New Orleans Region. National resource center staff provided two days of training and one day of consultation to State Office staff in March. In June, they will attend the Regional Administrators meeting to develop plans for assuring culturally competent practice at all agency levels. A work group has been formed to examine all program areas and phases of the agency to enhance our ability to provide culturally competent services with concentration on the growing Hispanic population.

A Comprehensive Enterprise Social Service System (ACCESS), Louisiana's Statewide Automated Child Welfare Information System (SACWIS), was implemented for the Child Protection Investigations program only on a statewide basis subsequent to the hurricanes. ACCESS training was a

major responsibility of the Training Section, but the agency has made the decision to contract that training with Louisiana State University, which frees Training Section staff for other responsibilities such as the ones described above.

The federal Title IV-E stipend program, managed by the OCS Training Section, continues as a critical component assuring an educationally competent staff. In the coming fiscal year, 15 MSW students and 10 BSW students are expected to receive stipends, but awards have not yet been made. During the past year, 15 employee stipends were awarded.

Lack of hotel space for training rooms and sleeping rooms for staff presented a major challenge for the Training Section for several months after the hurricanes. This problem is resolved, but hotel rates have increased and state hotel allowances, set by the Louisiana Division of Administration, have not. Blanket approval has been granted to pay the higher rates in Baton Rouge, but training staff continues to be challenged by the high cost of hotels in the Greater New Orleans area.

Consultation with Other States: The primary means that OCS has utilized in order to glean information from other states has been through the training and technical assistance provided by national resource centers' staff. The information provided by the resources centers includes initiatives other states have undertaken, and the results of those initiatives. Additionally, there has been some specific interaction with other states to inform the direction OCS is taking in the development of our child welfare initiatives, as discussed below:

CPI Section staff participated in the American Humane Association conference on Alternative Response in San Diego. Several states, including California, Minnesota, and North Carolina, presented information on their alternative response systems at that conference. CPI staff has also reviewed and discussed the Alternative Response system used in Missouri, and has been in conversation with staff from Minnesota regarding Alternative Response training curriculum and trainers.

The OCS Director of Field Services, CPI Section and Training Section staff have participated with six other states and one county in two multi-state meetings with Action for Child Protection, a private non-profit agency. The meetings were held in Mobile, AL in February 2007, and in Portland, OR in May 2007. The purpose of these meetings was to address concerns and enhance supervisory competency in the area of safety decision making. No decision has been made concerning this initiative which will involve a 62 hour learning program including on-site and off-site training components.

The OCS Assistant Secretary and Director of Field Services accompanied Wisconsin child welfare staff and Casey staff on an exploratory visit to Utah under the auspices of the Casey Strategic Consulting Group. Both Wisconsin and Utah are undergoing multiple simultaneous systemic changes as is Louisiana. Utah has developed a Practice Model with core principles, including more frequent Family Team Conferences at locations outside the offices, regionalized intake, decentralized training, and mentoring new staff with trained workers. The decentralized training information has been shared with the OCS Training Section, and OCS is discussing the worker-mentoring with Marsha Salas, a nationally noted trainer and with LSU for possible implementation of a similar program in Louisiana. Both Utah and Wisconsin are making their changes as a result of litigation, and, as a result, Wisconsin has received many new staff positions. One of the issues that they brought to the table was the difficulty they are having in integrating these new positions.

Data: An important benchmark of OCS's original PIP was the development of PIP outcome related reports. These reports are provided to regional and parish staff via the internet on a monthly basis. Each month staff is reminded of the availability of the reports and the password for access via e-mail. These reports contain information at the regional, parish, and worker level so that progress can be tracked from month-to-month.

Although not yet available, OCS plans to provide annual Quality Assurance reports via the intranet in order to make the data more accessible to staff. The annual report will also be expanded to include programmatic data so that staff will be better able to understand population issues and trends such as the increases in foster care entries. It is anticipated that the preliminary report will be available on the intranet by the end of May 2007.

Regional Program Specialists, who are supervised from State Office, have recently been hired for each region. They are housed in the regions and meet regularly in State Office. These Program Specialists have been provided with one half-day of training on ways they can use data to assist their regions, and State Office staff is assisting them in building a "data dashboard" to assist in regional awareness of data indicators. State Office staff has also shared the study of foster care entry increases with Regional Administrators to assist them in understanding how they can use data to look closely at their systems.

Legal Representation: The on-line Continuing Legal Education courses continue to be available to Louisiana attorneys. These courses are available free on the Louisiana Children's Legal Advocacy Resource Online. The courses have a dual purpose: to assure quality legal representation by attorneys currently involved with the child welfare system and to generate interest for serving this population in other attorneys. Approximately 20 attorneys have accessed the web-site and videos, but only one attorney has requested and obtained CLE credit for viewing the on-line videos. Two of the on-line courses include information on ICWA and Independent Living. MEPA is not included in the on-line training at this time, and there are no immediate plans for inclusion of MEPA in the on-line training. Additional video training is being developed on Act 148 (regarding judicial approval of placement) and the permanency goal of Alternate Permanent Planned Living Arrangement.

Live trainings developed by the Court Improvement Project in collaboration with a child welfare national resource center mentioned in our last report, were conducted in Monroe in January with 76 participants and in Alexandria in March with 116 participants. The next such training is scheduled for May 14 in Hammond.

In addition to training, the main initiatives of the Court Improvement Program include: Implementation of the Integrated Juvenile Justice Information System, an automated case management system for courts with Child in Need of Care jurisdiction; benchmark hearings for older youth; dependency mediation; support for and expansion of the Court Appointed Special Advocate (CASA) program; addressing systemic issues of disproportionate representation of minorities in the child welfare system; and providing on-going technical assistance to courts. Recommendations have been formulated and funding sought in response to LA Act 271 of the 2006 Legislature regarding improving legal representation of children and indigent parents. Recommendations include data collection, methodology for using resources, study of reasonable caseloads for attorneys representing this population of cases, and strategic planning on standards and activities.

Louisiana's efforts to assure adequate legal representation for children involved with the child welfare system were recognized in an Associated Press article carried in the April 25, 2007 Baton Rouge

Advocate newspaper. This article indicates that Louisiana is one of only five states that received a grade of “A” in child advocacy in a review conducted by First Star. A copy of selected pages of the First Star Report and the resulting newspaper article are provided as Attachment 2.

Youth Aging out of Care: OCS has continued to make efforts to overcome the increased barriers to self-sufficiency faced by youth aging out of care as a result of the devastation of the hurricanes. The primary emphases of these efforts are permanent connections, employment, and housing.

We have granted and continue to grant exceptions to Young Adult Program Policy to extend the time that youth who were displaced and disrupted by the hurricanes have to establish self-sufficiency. Through the Social Services Block Grant Hurricane Relief funds, we have been able to provide a number of concrete services to youth aging out of care, such as rental costs, utility costs, home set up costs, educational expenses, lap top computers, clothing for professional wear, and transportation costs.

We are working with the National Resource Center for Family Centered Practice and Permanency Planning to establish at least one permanent contact for each youth, resulting in stability and self-sufficiency. For example, one youth was placed with family and has obtained employment; another youth’s displaced parents were located in two different states.

We are also working with the National Resource Center for Youth Development to increase our capacity to meet the needs of all youth, including those who are college/technical school-bound and those who are not. Ten multi-regional focus groups (3 with youth; 2 with residential providers; 2 with foster parents; 2 with OCS staff; and 1 with Independent Living skills training providers) were conducted with assistance from the National Resource Center for Youth Development to obtain information concerning the needs of youth transitioning from care.

We have met jointly with the Louisiana Office of Youth Development and Louisiana Workforce Investment Act (WIA) staff to develop alternative self-sufficiency plans for youth who do not plan to pursue college or technical school, and have worked closely with the Louisiana Department of Labor to meet the needs of youth in alternative educational settings in order to help them achieve economic self-sufficiency through employment.

Approximately \$78 million Community Development Block Grant funds were leveraged with the Louisiana Housing Finance Agency low income tax credits to create approximately 3000 Permanent Supportive Housing Units as well as rental assistance in the parishes affected by the hurricanes. Several population groups, including youth aging out of foster care, have been identified as targets for these special housing programs. We have worked collaboratively with many other agencies (including the Department of Health and Hospitals, the Department of Social Services, the Office for Citizens with Developmental Disabilities, the Office of Family Support, Louisiana Rehabilitation Services, and the Louisiana Road Home Program) to establish eligibility criteria and to assure inclusion of youth aging out of foster care among the beneficiaries of this program.

CONCLUSION

The benchmark slated for completion during the immediate past quarter has been achieved. Concurrently with Louisiana’s continuing recovery efforts, initiatives to improve the child welfare system are progressing as indicated in this report.

LAST EDIT: 4/18/07 version,
revisions: 4/23/07; updated 4/26/07

**TECHNICAL ASSISTANCE PLAN
Recovery (Short Term)**

OUTCOME	ACTIVITY (TA)	NRC LEAD	LA LEAD	STATUS
Office of Community Services				
1. Safety	Analyze current CPS Re: Increase in children entering care	NRC for Child Protective Services NRC for Data and Technology	Cindy Phillips	Report Completed and Submitted to Administration; Review in 6/07 in Lake Charles(at the request of the RA to look at increased foster care entries)
2. Permanency	Family finding work to locate familial resources and permanent connections with a special focus on youth in residential care and youth aging out of care	NRC for Family Centered Practice and Permanency Planning NRC Legal and Judicial Issues	Celeste Skinner	-Training on family finding in: Greater New Orleans in 3/07, Covington, planned 4/30-5/2, Baton Rouge/Thibodaux/Lake Charles planned 5/23-25, Lafayette/Monroe planned 6/18-20, Shreveport/Alexandria NYD -Assisting staff integrate training into case planning and core training.
3. Permanency	Assist in the development of a plan for re-certification of families	Adopt Us Kids	Joe Bruno	Completed
4. Permanency	Develop training on disaster trauma and its effect on staff Assess the needs of displaced foster children and families	NRC for Family Centered Practice and Permanency Planning	Kaaren Hebert	-Ongoing -Providing one day-long training in 4/07 and 5/07 In Lake Charles, Baton Rouge, New Orleans/Jefferson; planned again in 5/07 and 6/07 for Lake Charles
5. Permanency	Revise licensing policy (consultation)	NRC for Family Centered Practice and Permanency Planning	Marty Gibson	-NRCFCPPP completed policy review -OCS to review recommendations

6. Permanency	Research sound placement practices around interjurisdictional placements during a disaster Develop ICPC protocols Develop desk-top matrix for decision-making	Adopt Us Kids	Rhenda Hodnett	Completed
7. Permanency Well-Being	Maintain/expand service continuum for youth Create a strategy for supplemental services	NRC for Youth Development, (Kathy Sutter)	<i>Celeste Skinner</i>	-Report completed -Integrating Ansell-Casey into training and practice -Coordinating with OYD, CASA <i>and residential providers</i> -Developing a strategy to revise service array -Piloted training on Ansell-Casey in 3/07 <i>in Baton Rouge</i> -Piloting in <i>Baton Rouge</i> this summer, planned for 6/07 and 7/07 <i>-Review of RFP content for possible RFP for independent living providers in 5/07</i>
8. Permanency	Provide curricula and training on cultural competency	NRC for Adoption NRC for Youth Development	Patsy Johnson, Connie Wagner & John McInturf	-Completed caseworker training – <i>Not yet completed; meeting planned with OCS RA’s in 6/07 in Baton Rouge; caseworker training will ensue after 6/07</i> -Developing supervisory curricula -OCS senior managers to review organizational assessment report -- <i>will be the RA meeting in 6-07</i>
9. Quality Assurance	Clarify what is to be measured Redefine roles and responsibilities of QA staff (efficiency) Expand use of QA information with staff	NRC for Organizational Improvement	Marty	-Ongoing -Case reviewer training in September
Court Improvement Project				

Safety Permanency Well-Being	Develop general online video training 1) Curriculum on Legal and Judicial Processes for lawyers, judges, OCS administrators, supervisors, and stakeholders (foster parents, CASA) 2) Develop video training on 148	NRC on Legal and Judicial Issues NRC for Organizational Improvement NRC for Data and Information Technology	Mark Harris, Jan Byland, Karen Hallstrom	Completed Video training on 148 and APPLA in process
Safety Permanency Well-Being	Develop and distribute “Emergency Preparedness Guide for Dependency Courts” Produce video to accompany guide	NRC on Legal and Judicial Issues	Mark	Completed
Safety and Permanency	Legal research Re: interjurisdictional issues, including ICPC & UCCJEA	NRC on Legal and Judicial Issues	Mark & Rhenda	Completed
Safety Permanency And Well-Being	Communication among affected regions <ul style="list-style-type: none"> Set up listserves (forums) for affected regions 	NRC on Legal and Judicial Issues	Mark	Completed
Safety Permanency And Well-Being	Together We Can Conference <ul style="list-style-type: none"> Take the lead on coordinating RC support for statewide conference (financial support & coordinating speakers) 	NRC on Legal and Judicial Issues	Susan Delle	Completed
Permanency	La. Act 271 (2006) Implementation/Task Force on improving legal representation of children and indigent parents: recommended data collection, methodology for using resources, and study of reasonable caseloads for attorneys representing this population of cases. Strategic planning on standards and activities	NRC on Legal and Judicial Issues	Jan Byland, Karen Hallstrom, Kevin Robshaw, Mark Harris	Recommendations formulated Funding sought NRCLJI will assist with evaluation plans and process

REFORM (Long-Term)

OUTCOME	ACTIVITY (TA)	NRC LEAD	LA LEAD	STATUS
Safety	CPI Intake Re-design - Structured Decision-making - Assessment Model Specialized Intake	NRC for Child Protective Services	Cindy Phillips John McInturf	-Structured Decision-making is on hold in CPS, but is moved to Family Services and Foster Care with John McInturf as Lead <i>Preliminary meeting 5/07 in Baton Rouge</i> -Alternative response rolled out to: Baton Rouge, Covington, and Jefferson District (Jefferson, St. Bernard, Plaquemines Parishes) of Grater New Orleans Region in 9/07; -Specialized Intake: Budget proposal to be developed / submitted for inclusion in budget, increase proposal for SFY 08-09.
Safety Permanency and Well-Being Service Array	- Evaluate current family assessments re: needs - Analyze assessment data (agency & parish) - Analyze service array - Review System of Care Models - Design continuum of services	NRC for Organization Improvement w/ NRC for Family Centered Practice and Permanency Planning and NRC for Data and Technology NRC for Children's Mental Health Friends NRC	Rhenda Hodnett	Training on new assessment process -Expect software by 7/1/07 with training to be done in phases
Safety Permanency and Well-Being	Assist in development of service continuum	NRC for Organizational Improvement NRC for Family Centered Practice and NRC for Protective Service	Rhenda Hodnett	On Hold (but considering one pilot in a Region)

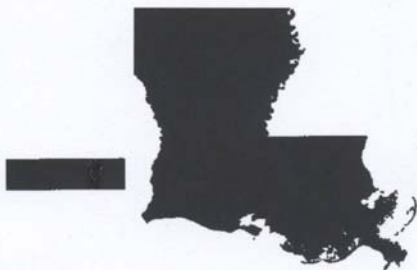
Louisiana

Summary and Analysis

LOUISIANA RECEIVED ONE OF ONLY FIVE As in First Star's state analysis. Louisiana's child representation law does a nearly perfect job of protecting abused and neglected children. Louisiana's law contains almost all the necessary provisions needed to adequately protect children within the child welfare system. Children are appointed counsel in every abuse and neglect proceeding. Attorneys are required to advocate for the desires and expressed preferences of the child and follow the child's direction throughout the case. In every proceeding, the court must appoint qualified counsel who owes the same duties of loyalty, confidentiality, advocacy and competent representation to the child as are owed to any client. Each child has a right to be present and have independent counsel at every stage of Child in Need of Care proceedings, including any relevant writs or appeals.

Grading Analysis

Criteria	How Louisiana Fared
Counsel Mandatory 40 points out of a possible 40 points	Louisiana's law requires that counsel for children be appointed in every proceeding.
Client-Directed Counsel Mandatory 20 points out of a possible 20 points	Attorneys are required to advocate for the desires and expressed preferences of the child and follow the child's direction throughout the case in a developmentally appropriate manner.
Attorney Considerations 6 points out of a possible 10 points	Louisiana has adopted training standards for children's counsel. Although the Task Force on Legal Representation in Child Protection Cases has active multidisciplinary representatives, Louisiana statutes do not specifically provide for multidisciplinary interaction between counsel and other child welfare professionals.
Presence at Proceedings 10 points out of a possible 10 points	Louisiana maintains that the child is a party in child abuse and neglect cases. The child should be present at significant court hearings. Children in Louisiana are entitled to direct notice.
Right to Continuity of Counsel 10 points out of a possible 10 points	Each child has a right to continued representation by counsel at each stage of the proceedings, including any relevant writs or appeals.
Professional Responsibility 10 points out of a possible 10 points	Louisiana has a general provision binding counsel to its ethical rules. Louisiana also holds an attorney responsible for maintaining client confidences and maintains a provision concerning clients with diminished capacity. No statutory provision granting immunity from malpractice exists for any attorney in Louisiana.



GRADE

A

SCORE

98

Louisiana's CALL TO ACTION

Congratulations to Louisiana!

While Louisiana should include provisions requiring multidisciplinary interaction between counsel and other professionals and requiring that a child be entitled to notice, First Star commends the Louisiana Legislature, its governor, and child welfare advocates who have worked so diligently to protect the rights of Louisiana's children. The entire nation can learn from Louisiana's effort and ultimate outcome.



The Task Force on Legal Representation in Child Protection Cases has been working for 3 years towards the creation of a uniform system of representation in Louisiana. Louisiana is in a transition process from its current "ad hoc" arrangement to a system where qualified, trained, salaried attorneys represent children in child abuse/neglect proceedings in accordance with nationally accepted standards and best practices. Under this model, children are represented by the Child Advocacy Program.

Louisiana's Court Improvement Program hosts an annual statewide multidisciplinary "Together We Can" conference and offers local multidisciplinary trainings, as well. In addition, CIP has facilitated the creation of a website to support child advocates, Children's Legal Advocacy Resources Online (CLARO), which is in the process of full development (www.childrenslawla.org).

La. gets 'A' in child advocacy

Report looks at treatment in abuse cases

BY DAVID CRARY

Associated Press national writer

NEW YORK — Louisiana earned an A grade on a first-of-its-kind report card assessing the legal representation provided to abused and neglected children as courts make potentially fateful decisions about whether to separate them from their families.

The report, released at a Capitol Hill briefing Tuesday by child advocacy group First Star, is sharply critical of states that do not require all children in these proceedings to be represented by their own attorneys.

In addition to Louisiana, four states got A grades; Connecticut, Mississippi, New York and West Virginia.

The 15 states receiving an F were Alaska, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Maine, Missouri, Nevada, New Hampshire, North Dakota, Rhode Island, South Dakota and Washington.

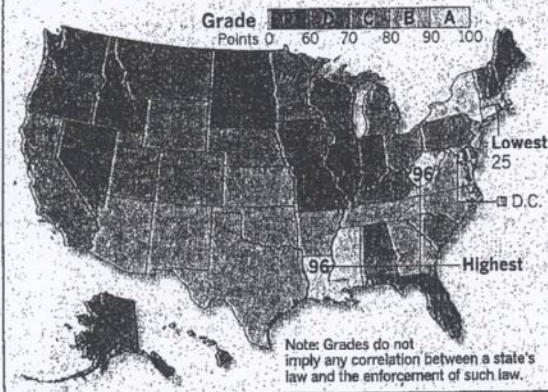
The report also says more states should require lawyers in these cases to represent the child's expressed wishes and ensure that those preferences are heard in court.

"In these proceedings the family of a child can be created and/or destroyed based on the determination by the court," the report says. "And too often, the child, although most impacted by the court, has the least amount of input."

Since 1974, Congress has required states to appoint a representative — often known as a guardian ad litem — for any child involved in abuse and neglect proceedings. However,

Legal rights of foster kids lagging

State child representation laws were graded using a mandate of legal representation, counsel's training in child law and advocacy and a child's right to representation on appeal, among other factors.



Source: First Star

AP graphic

states have interpreted the federal law in varying ways; the First Star report said 16 do not have statutes requiring that these children be represented by their own attorneys in all child-protection proceedings.

"If you or I have a traffic accident, we can hire an attorney to represent our interests," said First Star's chief executive, Deborah Sams. "If a child has been the victim of abuse and neglect, they deserve the same right."

The report assigned grades based on several criteria, most important whether legal counsel for children is mandatory and whether that attorney is required to advocate for the child's expressed wishes. Other criteria included requiring specialized training in child-advocacy law, the attorneys' ethical responsibilities, and the child's right to attend key court hearings.

Whytne Frederick, a First Star lawyer who was principal

investigator for the report, stressed that the grades were based on analyzing state laws, not on day-to-day practices by state courts and agencies.

For example, Rhode Island got a low grade in part because its relevant statute does not specify that the child's representative must be an attorney. But Family Court Chief Judge Jeremiah S. Jeremiah Jr. said the court's ongoing policy is to appoint attorneys.

In several other states, however, children are routinely represented by nonattorneys, often volunteers from a nationwide program called Court Appointed Special Advocates. These advocates are widely praised for their dedication, and frequently spend more hours with a child than an attorney could spare, but they often lack legal expertise.

"The court system has become increasingly complex," said Paul D'Agostino, executive director of the Child Abuse

Council, a private nonprofit in Tampa, Fla. "With the adversarial process, it's important the child has representation that is very knowledgeable and sophisticated."

The ideal solution, according to D'Agostino and Howard Davidson of the American Bar Association, would be for each child to have both an attorney and a nonlawyer advocate.

"Child-advocate lawyers have nothing against the concept of citizen guardians ad litem," Davidson said.

"But there are various federal and state laws that apply to these children, and you need a lawyer who can make sure those protections are enforced and hold public agencies accountable."

Davidson acknowledged that mandatory use of lawyers can raise costs.

"But one has to look at the financial impact on all of us," he said. "If these young people don't get the services they need, they're more likely to go into the juvenile justice and prison systems, or on public assistance."

