

Florida deadly for kids at risk

By Carol Marbin Miller, Miami Herald

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The details of Nubia Barahona's death are grisly: soaked in toxic chemicals, decomposed and stuffed in a garbage bag, she was found rotting on the shoulder of the interstate on Valentine's Day. Authorities believe she had been stashed in a septic tank for weeks before her adoptive father dug up her corpse.

Statistically, however, Nubia's story is rather common: She is one of hundreds of Florida children who died of abuse or neglect during the last decade after child welfare authorities had performed at least one investigation into their welfare. Florida not only leads the United States in the number of such deaths, but it dominates the nation.

In the wake of a controversial decision by child welfare administrators to halve the number of children taken into state care — while, at the same time, reducing the number of children receiving protective services with their birth families — the number of deceased children with a child protection investigative history almost doubled, from 35 in 2001 to 69 in 2009. No statistics are available for 2010.

Over the past six years, 41 percent of all children who died of abuse or neglect in Florida had been the subject of at least one prior contact with child protection authorities, the state Department of Health reports. The average for all other states: about 12 percent.

In 2008, the number of Florida children with a history of abuse or neglect reports who later died made up almost half of the U.S. total.

The statistics are noteworthy because state child welfare workers can only protect children whose plight comes to their attention. When children with no history of prior state contact perish, their deaths are equally tragic but far less preventable.

The spike in child deaths with a prior investigative history occurred during a time of significant change in state child-welfare policy.

Beginning in 2003, when then-Department of Children and Families Secretary Jerry Regier initiated a campaign to reduce the number of children in out-of-home care — a campaign that continued under the administrations of DCF Secretaries Lucy Hadi, Bob Butterworth and George Sheldon — the number of Florida children removed from their parents decreased from 30,200 then to 18,300 currently — a 39 percent decline in the yearly total.

But that's only part of the story. The number of Florida children under so-called protective supervision — meaning authorities allowed them to remain with their parents while caseworkers monitored the home and provided services geared toward improving safety — also declined dramatically, from 17,300 in 2003 to 7,350 in 2008, the last year for which such statistics are available. That is a 57 percent decline.

"In our quest to reduce the number of children in care or under state services, the state of Florida has placed children dangerously at risk — and there's no doubt about it," said Cheleene B. Schembera, a 27-year DCF child-welfare administrator and inspector general who worked as a district administrator in Miami in 2003, just before the state's sea change began.

When a child dies a terrible and preventable death, said Schembera, who retired and now works as a consultant, observers always ask: “How did this happen to this particular child? But they never look at the broader issues,” she added.

‘Methods are strong’

Joe Follick, DCF’s Tallahassee spokesman, said administrators had not been able to review the death statistics, but added: “It is impossible and dangerous to compare states when the parameters vary so widely.”

“Florida investigates every child’s death, while other states do not,” Follick said. “We are confident our methods are strong since they allow us to detect trends that other states do not. Statistics are a wonderful tool, but when used inappropriately they can provide a terribly skewed and inaccurate measurement.”

He added: “Every one of this department’s 13,000 employees devotes their life to helping others. Each child’s death is a tragedy that is felt individually and personally. No statistics can fairly measure this daily commitment and passion.”

Nubia and Victor Docter (their original last name) presented particularly thorny challenges to Florida’s child welfare system. They were taken from their birth parents in 2004. The twins’ mother was a drug addict and prostitute; their father was charged twice with molestation. They were placed by DCF caseworkers, and a Miami judge, in the West Miami-Dade home of Jorge and Carmen Barahona, who later adopted the children. The Barahonas already had two other children adopted from foster care.

Administrators may well have placed the youngsters in greater danger, unwittingly. After the twins’ adoption, the state’s abuse hotline received four reports that Nubia was being abused and neglected. Nubia, the state was told, was starving, bruised, dirty, unkempt, and afraid of her parents. All of the reports were made by employees of the girl’s school, Blue Lakes Elementary. The allegations all were investigated, and closed as unfounded.

DCF’s top Miami administrator, Jacqui Colyer, now acknowledges that, perhaps, investigators were too quick to accept Carmen Barahona’s explanations for Nubia’s condition, and too slow to require that the family submit to state supervision.

Preserving families

Few states have seen the child welfare pendulum swing more dramatically than Florida. In the late 1990s, state administrators, reeling from a series of ghastly and controversial deaths, emphasized keeping children safe, even if it led to larger foster-care caseloads.

Following the Thanksgiving 1998 death of 6-year-old Kayla McKean — whose father beat her to death in a rage because she soiled her underpants, though authorities had been told repeatedly her life was in danger — then-DCF Secretary Kathleen Kearney declared that protecting at-risk children was her greatest priority. Foster-care caseloads, as a consequence, rose to their highest levels, peaking at 35,500 in 2001.

But the frantic removal of children from their birth parents — one children’s advocate called it a “foster-care panic” — did little to stanch the tide of deaths among kids known to the child protection system. Two years later, when Kearney left the agency, DCF reported the same number of children with prior abuse or neglect investigations who later died, 35.

At the same time, well-respected children’s advocates and research groups, including the Casey Family Programs, were reporting that states could reduce the number of children in foster care safely by allowing some kids to remain with their parents under the watchful eye of case managers, and with the aid of intensive home services. Advocates called the approach the

“family preservation” model, and it had the added virtue of enjoying wide support among real foster kids, many of whom said their ordeals in state care could, and should, have been avoided. Five months into his tenure, then-DCF Secretary Jerry Regier — who inherited Kearney’s albatross, the aftermath of Miami foster child Rilya Wilson’s disappearance amid a clogged and chaotic foster-care system — announced a new “vision”: a more streamlined agency that protected children by preserving families. To that end, he said, DCF would reduce the number of children in state care by 25 percent before the summer of 2004.

And though Florida was the first state in the United States to obtain special permission from the U.S. Department of Health and Human Services to spend federal dollars earmarked for foster care on in-home services, records show the number of Florida children under state supervision did not come close to keeping pace with the number of children who were diverted from foster care. DCF records show that, in fact, the number of kids under protective supervision declined by 57 percent from 2003 through 2008.

And Florida narrowed its child-welfare front door as well, ramping up a program in which counselors at the state hotline were encouraged to “screen” out calls that appeared to fall short of the definition of abuse or neglect. Some of the calls were screened in error, and at least one child, 1-year-old Bryce Barros of Broward County, died in 2009 after three calls from a judge were screened out.

What’s more, Florida continued the rapid pace of diverting children from protective supervision at the very time that the state — and, indeed, the nation — suffered through one of the worst recessions in U.S. history. As agency administrators were reducing caseloads, they were begging lawmakers to hold their budgets harmless while other state agencies’ budgets were being slashed. Their reasoning: It is common wisdom that economic stress leads to greater abuse and neglect of children.

In 2008, for example, then-DCF Secretary Bob Butterworth described a \$4.5 billion package of legislative budget cuts as a “contract on kids.”

Unsafe at home

But for a growing number of children’s advocates and academic-based social workers, the greater threat was posed by the ever-widening gulf between reports of children at risk, and effective, accountable methods for mitigating such risk.

It wasn’t that caseworkers were ignoring troubled families. Far from it. Investigators and caseworkers frequently encouraged parents with poor records to accept help from the state voluntarily. They left glossy brochures and thick information packets for domestic violence shelters, alcohol- and drug-treatment programs and anger management classes with thousands of parents. But then they simply walked away. Often, the children’s names returned to the hotline, as the danger mounted.

“When people were non-compliant,” Schembera said, “they fell off the face of the earth.”

There were warning signs:

In 2005, consultants with the University of Utah hired by the Miami-Dade Community-Based Care Alliance wrote that children who were reported to be in harm’s way repeatedly fell through the cracks until their situation became grave.

“It appears that the investigatory system is only working with families who are in the most severe, egregious circumstances, and other children and families do not have entry into the system,” said the report, written by professor Norma Harris, who heads the university’s Social Research Institute.

In 2009, the federal Children and Family Services Review, which assessed Florida’s child welfare performance from October 2006 through January 2008, reported that “children were unsafe, or at risk of harm, in their own homes either because no services were provided to address safety issues or the services provided were insufficient to ensure children’s safety.” In some cases, the reviewers found, caseworkers failed to implement a “safety plan” for at-risk kids; in other cases, they closed their investigations prematurely.

“I told them this from the beginning,” said Miami-Dade Circuit Judge Jeri Beth Cohen, a child welfare judge who wanted DCF to go to court with troubled families so judges could order parents to accept help — or face the removal of their children. She said investigators told her, privately, that they were under intense pressure to keep their caseloads down.

Schembera, who has reviewed about 20 recent cases where a child died or was seriously injured, said poor investigations — including reports where caseworkers failed to interview a single “collateral contact,” such as neighbors or pediatricians — often led to poor outcomes.

She called such investigations “drive-bys,” adding: “The reality is many investigations are not worthy of the name.”

In Nubia’s case, elementary school workers told the DCF abuse hotline in June 2010 that the girl’s hunger had become so “uncontrollable” she was stealing food, and that she was losing her hair. It was the second such report on the girl, who, school officials said in 2007, was hoarding food and afraid of her adoptive mother. DCF administrators at first suggested the 2010 report had resulted in a referral for services to Miami’s private foster-care agency, but records show no such referral ever was made. The plea from Nubia’s school, the fourth made by Blue Lakes Elementary, did not lead child welfare workers to take any action to monitor her family. Nubia is among hundreds of children over the past decade for whom cries for help went unheeded.

Records maintained by the state Department of Health, which houses the Statewide Child Abuse Death Review Committee, show that the number of children with a prior DCF history who later died rose from a low of 29 in 2002 to a peak of 79 in 2008 — a 172 percent increase. Such deaths declined in 2009 to 69, a figure that is still well above levels from the early 2000s.

In 2009, the report says, the 69 deaths represented 35 percent of the child deaths the team studied.

Among the 69 children, the number of prior reports to the state’s abuse hotline ranged from one to seven. Seven percent, or 14 children, had been the subject of a pending child abuse or neglect report.

In 2008, though Texas reported a larger number of child fatalities, with 223, the percentage of those deaths with a prior child protection history was only 11 percent, according to the U.S. Administration for Children & Families, whose data are slightly different from those kept by the state. At 76 percent, South Carolina had a higher percentage than Florida, but the numbers involved were much smaller — the state had 16 child deaths.

“One of the best predictors of future behavior is past behavior,” the team wrote in the report, which was released in December 2010. “Often the history of the parents is overlooked and opportunities to provide services are missed. Many of these young parents were neglected as children and parent as they were parented, allowing the cycle of abuse and neglect to continue.”

Many deaths came after reports

Year	Florida children who die from abuse or neglect	Those with prior DCF history	Percentage with

			prior DCF history
2009	197	69	35
2008	198	79	40
2007	163	66	40
2006	170	76	45
2005	94	56	60
2004	111	48	43

Source: Florida Department of Health's Child Abuse Death Review Committee's annual report.

Note: In two of the yearly reports, a very small number of child deaths from prior years were added to the total for the purposes of that year's analysis. They are not included in the yearly number above, and they do not change the total over the six years.

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