

Improving Foster Care Placement in Oklahoma

Data from an Oklahoma Bar Foundation-funded Tulsa Lawyers for Children study

Oklahoma continues to struggle with providing consistency in placement for children in foster care. The state ranks 44th in child wellbeing and leads the nation in child abuse deaths (1). More children are injured while in DHS custody than in any other state. There continue to be too few quality foster homes, too few social workers and too few mental health providers to address this crisis. This paper examines the status of the 482 children represented by Tulsa Lawyers for Children in 2017. The findings provide insight as to where improvements can be made in the foster care system with the goal of reunifying children with their parents or guardians in a timelier fashion. Or, in the alternative, severing the parental bond sooner in order to free children for permanency through adoption or guardianship.

It is important the Tulsa community work to better protect abused or neglected children. This paper will review the legal status of 482 adjudicated deprived Tulsa County children and identify areas where changes can be effectuated.

TULSA LAWYERS FOR CHILDREN (TLC) PROVIDES LEGAL REPRESENTATION TO ABUSED AND NEGLECTED CHILDREN WHEN THE OFFICE OF THE PUBLIC DEFENDER MUST WITHDRAW DUE TO CRIMINAL CHARGES AGAINST THE PARENTS OR GUARDIANS OR A SIBLING CONFLICT AS TO THE DESIRED RESULT.

The Focus

How can reunification efforts be improved?

Does foster care placement impact reunification?

What can be done to decrease the number of foster care placements and minimize time in foster care?

How can this information be used to facilitate positive change?

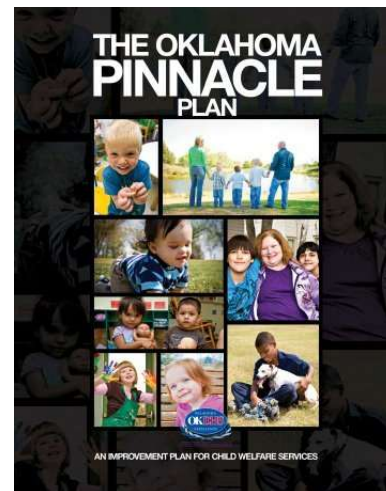
Historical Background

The Pinnacle Plan

The foster care system in Oklahoma came under an increased level of scrutiny in 1997 when the House of Representatives generated a report entitled “Interim Study of the Foster Care System in Oklahoma” in response to the growing concerns surrounding foster care. This report, and several subsequent reports identified a shortage of foster homes and a lack of support for foster care families as problems within the statewide foster care system. Recommendations for changes had a minimal impact over the ten-year period following the report. A class action lawsuit brought further scrutiny. In February 2008, *D.G. v Henry*, was filed against the Oklahoma Department of Human Services (DHS) for failing to protect children in state custody from incidents of abuse and neglect (2).

In 2008, Oklahoma children in foster care experienced numerous foster care placements - 52% of all children had three or more placements, 34% had four or more placements and 17% had six or more. The class action lawsuit alleged “DHS failed to develop and maintain a sufficient number and array of foster care placements.” DHS’s reliance on private foster care providers made tracking placements challenging and resulted in inadequate placement information (2).

Charged in the class action settlement agreement with developing a plan to improve the conditions in the foster care system, DHS proffered the OKDHS Strategic Plan 2011-2016, otherwise known as the Pinnacle Plan. One of the most pressing goals cited in the Pinnacle Plan was to “recruit, train, monitor, and pay quality foster and kinship families” (3), in order to improve placement stability. Uniform compliance with the Indian Child Welfare Act (ICWA) and the Oklahoma Indian Child Welfare Act (OICA) was considered a critical issue as well. DHS committed to doing a better job identifying Native American children and providing notice to the child’s tribe when a child was taken into protective custody.



UPDATE

- Child Abuse has risen 48.6% from 2012-2016 in Oklahoma
- 17% of children in foster care have 6 or more placements
- 79% of children in Oklahoma are removed for neglect
- 40% of children represented by TLC reside in foster homes outside of Tulsa County

Currently

It has been seven years since the the Pinnacle Plan was recommended for adoption. The goal of improving the foster care system in Oklahoma has not been met. Incidents of child abuse in Oklahoma have risen 48.6% from 2012 to 2016, and 79% of children are removed from their parents’ custody because of neglect, which means the number of foster homes needed continues to rise. The number of placements each child experiences has also remained high with 17% of the children removed from their homes experiencing six or placements while in foster care (4). Although efforts to increase the number of foster homes in the state has shown some improvement, many of these homes are outside Tulsa County. Some Tulsa County children are placed in foster homes as far away as the Oklahoma Panhandle. This results in children being separated not only from their parents, but their schools, friends and often their siblings. Approximately 40% of children represented by TLC volunteers are placed in foster homes located outside of Tulsa County, making treatment plans and family reunification more challenging.

Tulsa Lawyers for Children Data

With a grant provided by the Oklahoma Bar Foundation, TLC examined the legal status of 482 children who were represented by TLC attorneys from January 1, 2017 to December 31, 2017. The information was de-identified and evaluated using a statistical software program. The data includes demographics (age, race, gender), the number and type of placements each child experienced while in DHS custody, the distance of each placement from Tulsa County, time from the filing of the petition to adjudication, the amount of time a child was in DHS custody before a case closed, the reasons for case closure and what conditions the parents were required to correct in order to be reunified with their children.

Data Results

Demographics for 482 children

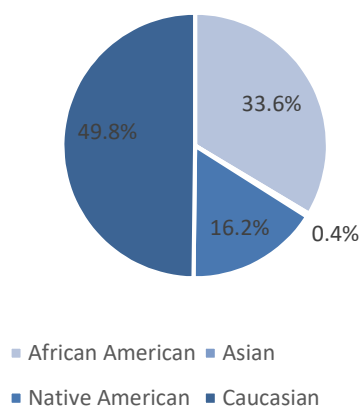
Age

- Average = 7.33 years
- Range = 0-18 years

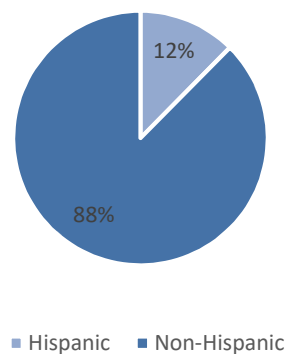
Gender

- Male 49%
- Female 51%

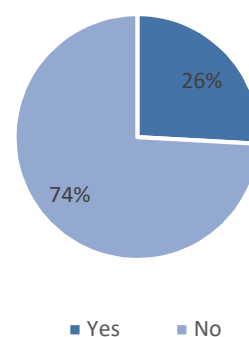
Race



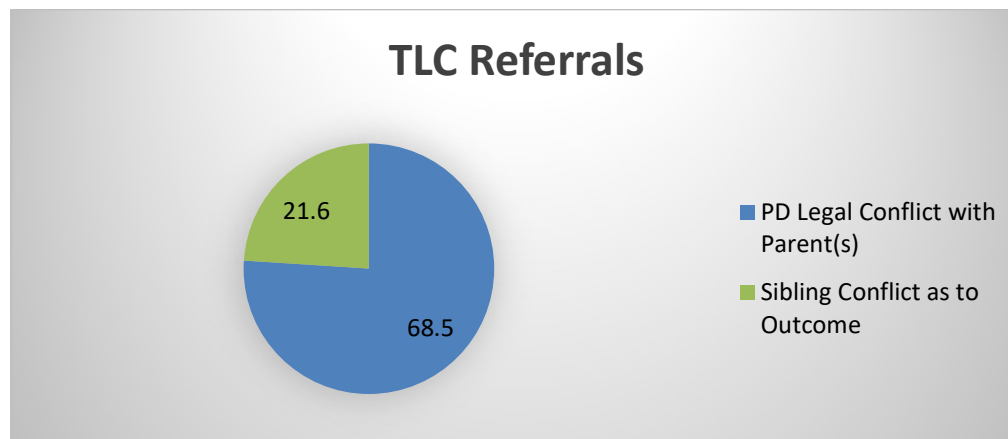
Ethnicity



Native American



Reason for Referral to TLC



Number of Placements

Average Number	3.35
Lowest	1
Highest	75

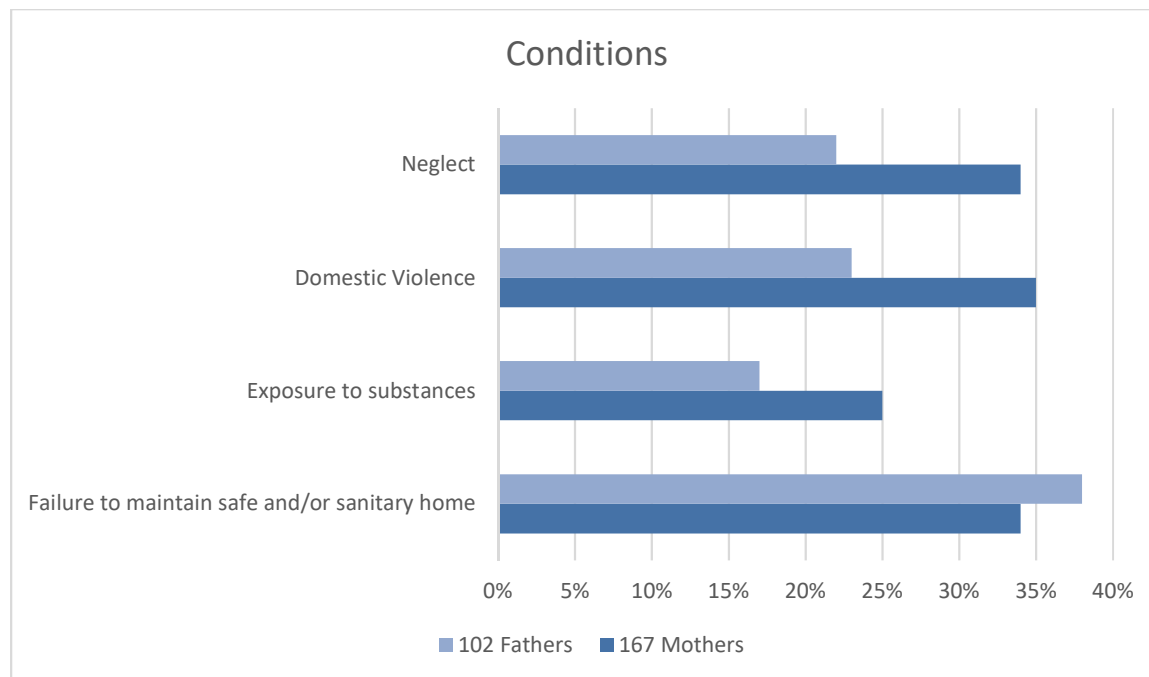
Reasons for Case Closure

Aged Out: 2.5%
 Dismissed: 4.4%
 Guardianship: 6.9%
 Reunification: 32.5%
 Adoption: 47.3%
 Transfer: 2.5%
 No Safety Concerns: 0.4%
 Return to non-offending parent: 3.5%

Reunification

19.7% Reunified with Biological Mother
 4.9% Reunified with Biological Father
 7.9% Reunified with Biological Parents

Top 4 Conditions Parents Corrected for Reunification



Time between Parental Rights Being Terminated and Adoption

Average Number of Days	Standard Deviation	Minimum Number of Days	Maximum
Mother: 525.98	Mother: 506.92	Mother: 92	Mother: 3919
Father: 547.84	Father: 480.36	Father: 32	Father: 3837

Discussion of the Data

As the information above reflects, 203 children who are the subject of TLC cases had their cases closed in 2017. The data collected from this subset of children is concerning. Only 32.5% of the TLC clients' cases were closed due to reunification with one or both parents. Nationally, 51% of abused children are reunited with a parent. (4) Of the closed cases, the overwhelming plurality of the children were adopted, 47.3%. The adoption rate on the national level is 23%.

Guardianships were established in 6.9% of cases and 4.4% of the children had their cases dismissed. A small percentage of children aged out of the system before permanency could be achieved (2.5%), and a small percentage (0.5%) of the children were returned due to no safety concerns. Another 2.5% included cases transferred to other jurisdictions. Finally, 3.5% of the children were returned to the non-offending parent.

The average time to adjudication is within the time limits required by the Adoption and Safe Families Act and by Oklahoma law, 180 days. Adjudication occurred on average at the 102-day mark for a child's mother and at 110 days for the father.

However, the average number of days to case closure equaled 23 months. This is higher than the national and Oklahoma averages of 20 months.

Chances of Reunification?

Of the 203 children, reunification was the reason for case closure only 32.5% of the time.

Natural Mother: 19.7%

Natural Father: 4.9%

Both Parents: 7.9%

Children who are in foster care are more likely to have mental health and physical problems. These problems are exacerbated when a child experiences multiple foster care placements (5). In addition, these children have a higher likelihood of utilizing an emergency room (6).

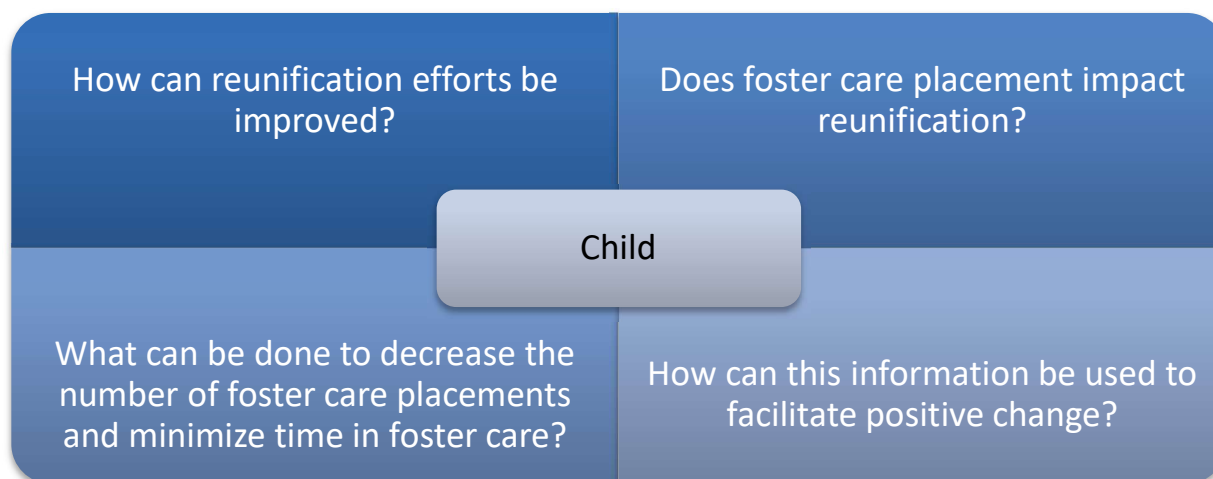
In the 482 cases examined, the average number of placements a child experienced was 3.35 with a range of one to 75 moves.

When a child is determined to be deprived, i.e., abused or neglected, the Court imposes a treatment plan on the parents designed to assist them in correcting the conditions leading to deprivation. Once the conditions are corrected, the Court determines if there are any safety concerns prohibiting the child being reunified with the parent. Only 66 children were reunited with their parents in the closed case population of 203 children. The top four conditions corrected or addressed by both parents were: failure to maintain a safe (stable) and/or sanitary home, domestic violence, neglect and possessing/using illegal drugs/addiction/exposure to substance abuse.

The preliminary data used in this study of TLC cases reveals:

1. Tulsa County children placed in DHS custody have about a one in three chance of reunifying with their parents or guardians. This is far lower than the national and state average of 50%. Children of a single mother have less than a one in five chance of being reunified.
2. Certain conditions seem easier for parents to correct: maintaining a safe and sanitary home, addressing substance abuse issues, acknowledging domestic violence as a problem and remediating the effect of neglect suffered by their children.
3. It takes longer for a case in Tulsa County to close compared to the national and state averages. Many children are not being reunified with a parent or guardian and experience too many placements while in foster care. Multiple placements increase negative social and economic outcomes and intensify the mental and physical health consequences associated with the original abuse or neglect (5,7).

PRELIMINARY RECOMMENDATIONS



How can reunification efforts be improved?

1. If the disposition plan is reunification, then all parties must work in concert to achieve this goal and not let waiting lists for needed services be the de facto element determining whether it is safe for a child to return to home.
2. It is important for children to have adequate visitation with a parent. Foster care placement outside of Tulsa County can negatively impact visitation because of the time expended for travel.
3. Every child is entitled to an "Individualized Treatment Plan" (ISP). It is critical that the criminal and juvenile branches of the District Attorney's office are in communication in cases where a parent is facing the possibility of incarceration. Allocating precious resources to reunify a family, and then sending a caregiver to prison is counterproductive. Increased communication and collaboration between the separate divisions may expedite case resolution either through mediation, quicker motions to terminate or guardianships.
4. TLC attorneys must continue to meet and communicate with their clients on a monthly basis to better understand their clients' expressed or best interests.

Does foster care placement impact reunification?

1. Data has been collected and will be evaluated for phase 2 of this study.

What can be done to decrease the number of foster care placements and minimize time in foster care?

1. TLC attorneys will begin requesting the Court make a finding of concurrent planning earlier in the case. This will force DHS to start exploring other options to achieve permanency sooner. If the permanency plan is reunification, DHS should simultaneously explore additional plans to achieve permanency such as a guardianship or a potential adoptive home. A secondary plan is a requirement of the Adoption and Safe Families Act of 1997.
2. If the parent(s) is/are employed and have a home, and the TLC client has expressed a desire to return to the parent(s), TLC attorneys should ask for an "Assessment of Child Safety" to determine if it is safe for a child to be reunited prior to the completion of the ISP. TLC volunteers may also consider filing a "Motion for Re-disposition" if there is no threat of harm, or if it would be less harmful for a child to be with the natural parent than remain in foster care and be subjected to numerous moves in and out of shelters around the state.
3. TLC attorneys should consider filing more joint "Motions to Terminate Parental Rights" rather than wait for the State to initiate the action.

4. TLC attorneys should attempt to reinforce DHS's responsibility to provide a copy of the required five-day Notice of Removal to the attorneys representing the minor child(ren). Five days will allow TLC attorneys to visit clients and file objections, if appropriate, to any moves or relocation.
5. TLC attorneys should review how quickly parents are referred to social service agencies and what follow up has been done on those referrals. If there is a waiting list for certain provider services, the attorney should ask the DHS permanency worker if there is another provider who is qualified to give the same services. It is also important for the attorney and worker to consider what services can be utilized simultaneously by the parents.

How can this information be used to facilitate positive change?

1. TLC currently conducts two six-hour training classes a year on Title 10A, the Oklahoma Children's Code for all volunteer lawyers. The 2019 training curriculum is organized to reflect the data and how pro bono attorneys can aggressively and more zealously advocate on behalf of their clients. For example, armed with the information only one in five children will be reunified with their single mother, the TLC attorney can better counsel their clients on possible outcomes and more critically assess the extent to which the necessary services are made available to the parent.
2. The collected data will assist TLC in recruiting new volunteers. When recruiting, TLC required about an 18-month commitment for each case. Knowing a case lasts 23 months is important for volunteers to understand when evaluating their current practice and if they have the time necessary to volunteer.
3. Limited community resources must be allocated where they can make the most impact. Based on this data, parents who were ordered to address their substance abuse issues were more likely to be reunited once the conditions were corrected. In recent years, resources have been allocated to the area of substance abuse, and this study reinforces such allocations should be continued.
4. Since 68% of the children referred to TLC are referred due to a criminal conflict of interest within the Office of the Public Defender, TLC should establish a liaison with the Office of the District Attorney to track criminal outcomes. A better understanding of the criminal case timelines as compared to the juvenile court case requirements, might facilitate faster resolutions of both matters.

PHASE TWO PROPOSAL

Due to all of the factors involved in examining the 383 cases, additional information is needed in order to identify additional stumbling blocks preventing reunification. Reviewing and gathering 2018 data on the cases which did not close in 2017 will provide more insight to this vulnerable population and assist policy makers in creating greater momentum for change in foster care placement and recruitment. The impact of how far a child is placed outside Tulsa County is unknown at this time but is hypothesized to be large. Do these children suffer more disruptions because of inconsistent treatment options and fewer visits with a parent? Does the foster care placement distance from Tulsa County negatively impact the chance of reunification?

Conclusion

The first year of this study validated the continued concerns for Tulsa County children in foster care with concrete data. The data suggests there are too many placements and children continue to spend too much time in foster care before their case is closed. It is clear from the data DHS is not successful in reunifying the majority of families within a short period of time in Tulsa County. The most concerning data from the first phase of this study is that adoption is the primary reason for case closure and only about a third of children are reunified with their parents. Initial recommendations focus on enhancing TLC volunteer representation to improve outcomes for clients.

References

1. Annie E. Casey Foundation, KIDS COUNT Data Center, <https://datacenter.kidscount.org>.
2. D.G. v Henry, 2008. Available at <https://www.clearinghouse.net/chDocs/public/CW-OK-0001-0005.pdf>.
3. OKDHS (2012). The Oklahoma Pinnacle Plan: An Improvement Plan for Child Welfare Services. Available at http://www.okdhs.org/okdhs%20pdf%20library/OklahomaPinnaclePlanFinal_cfsd_07252012.pdf
4. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2018). *Child maltreatment 2016*. Available from <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.
5. Rubin, D.M., Alessandrini, E.A., Feudtner, C., Mandell, D.S., Localio, A.R., & Hadley, T. (2004). Placement stability and mental health costs for children in foster care. *Pediatrics*, 113(5), 1336-1341.
6. Rubin, D.M., Alessandrini, E.A., Feudtner, C., Localio, A.R., Hadley, T. (2004). Placement changes and emergency department visits in the first year of foster care. *Pediatrics*. 114(3), 354-60.
7. Newton, R. R., Litrownik, A. J., & Landsverk, J. A. (2000). Children and youth in foster care: Disentangling the relationship between problem behaviors and number of placements. *Child Abuse & Neglect*, 24(10), 1363– 1374.