

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Public Interest Groups and National Law Firm File Suit Against Nation's Largest Child Welfare System

Suit Seeks to Improve Mental Health Services for Foster Children Throughout Los Angeles County

Los Angeles, CA, July 18, 2002 – Today a broad coalition of public interest organizations, including the Center for Law In the Public Interest, the ACLU Foundation of Southern California, the Western Center on Law and Poverty, the Youth Law Center, Protection and Advocacy, Inc., the Bazelon Center for Mental Health Law, and the national law firm of Heller Ehrman White & McAuliffe, filed a sweeping class action lawsuit against the Los Angeles County Department of Children and Family Services (DCFS), the County of Los Angeles, and the State of California.

The suit seeks to ensure the delivery of medically necessary mental health services for children currently in, or at risk of being placed in, DCFS custody, and to put an end to the County's abysmal record of multiple failed foster placements and its excessive reliance on restrictive, institutional placements for children with emotional and behavioral problems. Currently, close to 50,000 children are under DCFS supervision, making Los Angeles County's child welfare system the largest in the nation.

It is estimated that between 60 and 85 percent of children in foster care nationwide have significant mental health problems. In Los Angeles County, many thousands of children in DCFS custody with emotional, behavioral, and psychiatric impairments are not being provided with the community-based mental health services to which they are entitled by law. Numerous studies, as well as the experiences of other jurisdictions, have conclusively shown that intensive, community-based mental health services can be successfully and cost-effectively provided in the home or in a home-like setting, even to children with the most severe emotional and behavioral problems. Indeed, intensive, community-based mental health services are not only legally required, but they are far less expensive than the congregate and institutional placements upon which Los Angeles County has relied for too long.

"It is the system's failure to identify and address the mental health problems of these children that is perhaps the principal obstacle to family reunification or adoption," said Mark Rosenbaum, Legal Director of the ACLU/SC. "This results in the county's shameful record of costly and needless foster placements and hospital institutionalizations, that leads to tens of thousands of children never having a single place to call home, a single family to call their own. Los Angeles is a system that leaves nearly every child behind."

Multiple foster placements are especially harmful to children because they can lead to longstanding attachment and trust problems. The chance of being emotionally, physically or sexually abused by other

children or caretakers increases each time a child is moved from one placement to another. In addition, constant moving often disrupts therapy, schooling, and other services.

"I can't remember how young I was when I entered foster care, but I've spent most of my life in the county's custody," said Robert Kaiffie, a former foster child. "When I would start to get used to a foster home or group home, maybe even make friends, my social worker would move me somewhere else. All this movement taught me to shut down, to close myself off, to withdraw, to be angry and anxious. What child wouldn't react that way?"

"We know that given the right tools, even children taken from the cruelest of circumstances have a remarkable resilience and ability to adapt," said Lew Hollman, Director of the Center for Law In The Public Interest (CLIP). "Providing those tools is not only the right course, it is the most efficient course, relieving human suffering, but also strengthening our society and using scarce resources wisely."

The cost to taxpayers of failing to provide necessary mental health treatment and services to children is well documented: inadequate care leads to a worsening of symptoms, with costlier consequences requiring more expensive responses. For example, during the fiscal year of 2001-02, stays at the MacLaren Children's Center, which has become an institutional warehouse for children with serious emotional and behavioral problems, were estimated to cost a staggering \$757 per day per child, or \$276,287 per year -- far more than the cost of intensive, community-based treatment. The cost in lost opportunities to the children themselves -- most of whom will never receive a high school diploma, many of whom will end up in the juvenile and criminal justice systems, and some of whom will be institutionalized for the rest of their lives -- cannot be calculated.

"Like other counties, Los Angeles continues to rely heavily on restrictive congregate shelters, despite widespread agreement among children's health experts that such shelters are harmful to children with the most severe emotional and behavioral problems," said Ira Burnim, Legal Director for the Bazelon Center for Mental Health Law, the nation's leading advocate for people with mental illnesses and mental retardation. "Without appropriate services, children with mental disabilities bounce between foster home placements and group homes. When their worsening mental condition renders them "unplaceable," they are abandoned to languish in institutional settings."

Among other problems, the suit cites:

- failures to assess children's needs, including medical, mental health, educational and family needs.
- unavailability of such medically necessary mental health services as behavioral support, psychiatric or other clinical services , and comprehensive case management services in a home-like setting.
- an over-reliance on restrictive, institutional placements, including locked psychiatric hospitals and "emergency" shelters such as MacLaren Children's Center.
- multiple foster care placements that are harmful to children and disruptive of family contact, educational continuity and medically necessary mental health treatment.

- excessive and unwarranted reliance on the removal of children from their families and their placement into foster care, as opposed to providing medically necessary mental health services in the home, including family preservation services where appropriate.

"Programs in other parts of the United States have successfully returned even the most troubled children in foster care to their homes or their communities," said Robert Newman of the Western Center on Law and Poverty. "We should be able to do the same in Los Angeles County."

"The suit seeks immediate relief for all children currently in or in danger of being placed in DCFS custody," said Ron Peterson, chair of Heller Ehrman's Los Angeles office Pro Bono Committee. "When the Center for Law in the Public Interest asked Heller Ehrman to join in representing children in the care of Los Angeles County who are being unlawfully denied medically necessary services, attorneys from many of our offices volunteered their services. This spirit continues Heller Ehrman's long-standing tradition of representing those who need, but cannot afford, quality legal representation."