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Lost in the system

Heavy caseloads take toll on workers

By Mareva Brown

Bee Staff Writer

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At 9:45 on a gray January morning, the toddler's parents were forever stripped of the right to see their little girl. As the hearing began, three attorneys and a social worker sat at the boomerang-shape table facing the judge.

The child, a month shy of 2, was nowhere to be seen, completely unaware that this moment would change her life. The girl's mother hadn't bothered to come to court. Nobody present knew who her father was. In less than five minutes, the attorneys and the referee disposed of her case, barely noticing it amid the dozens of others that week, each presenting a new child's suffering.

It was an ordinary day in an ordinary week in Sacramento County's dependency court, where attorneys and social workers dispassionately measure a child's well-being and then decide a family's future.

One in five foster children in the United States lives in California -- 115,000 boys and girls. And although the numbers of abused and neglected children have grown everywhere, nowhere is the crisis more apparent than in Sacramento County.

Foster homes house about 6,000 children here, a swelling volume that has choked the system since a 1997 policy shift to intolerance for parents' drug use. Sacramento has the highest per capita rate of children in foster care of any county in the state: 1 in 56.

They are anonymous boys and girls, marking time in the homes of strangers or relatives who have pledged to be better parents than their biological mothers and fathers.

Most have been separated from their siblings, hastily assigned to beds in the more than 1,000 foster homes scattered across the county.

It is a race against the clock. If their birth parents fail to complete courtordered parenting classes, drug testing and other services within a federally mandated time limit, the children must be freed for adoption.

Ideally, a network of social workers, public-health nurses, attorneys, therapists and special advocates would



[Photo gallery](#)

Sarah, 7, gets comfortable in her new home. (Click photo for larger view in gallery)

Bee/Lezlie Sterling

"The consequences of child abuse and neglect are momentous. The fact that abused or neglected children tend to inflict the same abuse they suffered on their children is accepted to the point of cliché. But most important is the loss of human potential."

-- Robert Fellmeth, director, The Children's Advocacy Institute in San Diego, "California Children's Budget," 2000-2001

An expensive alternative

In California, the monthly cost of caring for a foster child ranges from a few hundred dollars for placement in a county foster home to more than \$4,500 for a child in a group home. The average: Nearly \$1,300 per month per child in foster care.

monitor the children while they are in foster care. But the system is so crowded that attorneys and social workers strain to remember children's names, not to mention the layers of special care that each abused or neglected child needs to heal.

Although the number of children in the system has more than doubled since 1992, the ranks of social workers assigned to protect them have grown only by about half.

"We don't do a good enough job at the front end," said Referee Dean Petersen, with 13 years on the bench, the county's veteran dependency jurist. "We get (the children) in court when they're already formed. We are trying to make corrections with them when the mold is made."

The system is shrouded by secrecy laws designed to protect children from humiliation, laws that also sometimes protect the system from public scrutiny when it fails a child.

Through a unique court order issued in 1999 by Sacramento County's presiding juvenile court judge, Kenneth Peterson, The Bee has been allowed access to hearings and records ordinarily sealed from public view.

As part of the agreement, names of children, parents and foster parents have been changed in the stories, as have some minor identifying characteristics.

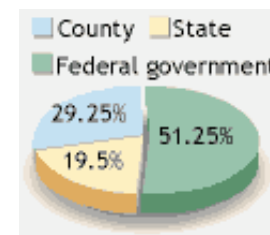
But the children's stories are true -- chosen not because they are outrageous examples of a system gone wrong but because they are the norm. Yet even these so-called average cases can go awry, illustrating the tenuous balance for these children between success and failure, even life and death.

Sarah is a vivacious 7-year-old, who plays piano to please her new mother and dances with her sisters in their comfortable home. But her life didn't begin on such an optimistic note. Along with her six sisters, she entered the

foster care.

Monthly bills in millions	
California	\$105.9
Sacramento region	\$24.5
Sacramento County	\$7.7

A series of complicated formulas dictate who pays for a child's out-of-home care. In the most common scenario, where a family is poor, roughly half is paid by the federal government and state and local agencies split the rest.



Children in foster care

Sacramento County has a higher proportion of children living in foster care than any other county in California -- double the state average. Here, in this September 2000 snapshot of foster care, one of every 56 children has been removed from home for abuse, neglect or parents' incapacity.

County	Children in foster care per 1,000
Statewide	9
Los Angeles	13
San Diego	8
Orange	5
Riverside	9
Santa Clara	6
Alameda	11
Sacramento	18
Fresno	12
Contra Costa	9
San Francisco	15
Placer	6
Yolo	4
El Dorado	10

Sources: State of California, Department of Social Services, September 2000; Department of Finance, 2001 population projections

California tops nation

- Nationwide there were 825,131 confirmed acts of child abuse or neglect in 1997, the most recent data on record. One in five of those children lived in California. (174,170)

- California had nearly 2.5 times as many confirmed instances of child abuse and neglect as the second-highest state, New York. More than four times as many incidents happened here as in Texas.

Source: U.S. Department of Health and Human Services, 1997

The first child abuse

foster system at the age of 3, in one of the earliest sweeps to remove children from drug-addicted parents.

Jeremiah is a round and happy toddler, whose mother, Hope, quit smoking crack after her infant was taken away. But while Hope was taking anger-management classes, social workers promised her little boy to another family. His story is Monday.

Mallory was molested by her grandfather at age 6 and then taken from her mother and put into a foster home. But her grandfather was never prosecuted, leaving Mallory to wonder why she was punished instead. She appears Tuesday.

And then there's Maya, a prostitute and cocaine addict who lost five children to the system. Nothing can come between Maya and her drug -- certainly not the presence of a new life forming in her body.

Combined, these children's broken lives illustrate the decisions Petersen and other referees must make every day. Calendars in Sacramento County's four dependency courtrooms are packed solid with similar dilemmas.

In October 1999, Petersen and his colleagues moved from a cramped series of courtrooms adjoining juvenile hall to the spacious new William Ridgeway Family Relations Courthouse on Power Inn Road, with its beige and blue carpeted floors, tall ceilings and custom wooden benches.

But the serene surroundings haven't dampened the anxiety outside the courtrooms.

Parents talk in hushed voices, waiting to be interviewed by their attorneys, who see their clients only in court and have just a few moments ahead of time to grasp their many problems.

Inside the courtroom, most hearings are conducted without mention of the allegations against the parents. In verbal shorthand, court officers talk about ".26 hearings" (to strip a parent

case

• In 1874, Mary Ellen was sent to the city almshouse at 18 months of age after her mother abandoned her with a baby sitter. She was indentured to her abusive foster mother six months later, and was horribly abused in her care. Her foster mother was convicted of misdemeanor assault and imprisoned for about a year. Mary Ellen – her foster mother's only child – was sent to a new foster home in upstate New York and eventually married and had two daughters.



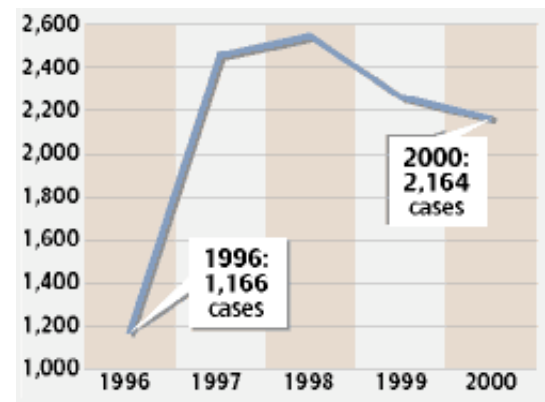
Mary Ellen's plight prompted the first child protection laws.

• Her courtroom testimony: "Mamma has been in the habit of whipping and beating me almost every day. She used to whip me with a twisted whip, a raw hide. ... I have no recollection of ever having been kissed and have never been kissed by Mamma."

Text and photo courtesy The George Sim Johnston Archives of the New York Society for the Prevention of Cruelty to Children.

Flood of local cases

Since a local policy shift in the spring of 1997, the number of cases filed in Sacramento County's dependency court has soared, flooding the offices of social workers, attorneys and judicial referees and nearly grinding the system to a halt. Each case file represents a family, potentially with four or more children.



Source: Sacramento County Superior Court, dependency division

"I wish...

...that every neighborhood had a center where parents and children who have been separated by CPS can have supervised visits multiple times a week if they desire. An army of retirees or other volunteers would

of rights) and "dets" (detention hearings to decide whether a child goes home or into a foster home.) It's confounding to even the most savvy parent.

Often, the parents don't show at all. It is common for Petersen to conduct a hearing with five attorneys -- representing the county, children, a mother and multiple fathers -- arguing a case, without any parent present.

Children, for the most part, do not attend their own proceedings, either.

"I wish they did come to court," said Deputy County Counsel Tina Izen. "It would be harder on everybody. But this is about their lives. ... And we could put a face with a name -- this is a real person we're making life decisions about."

Foster children were such an afterthought in constructing the new court that county planners left out a playroom for them.

Downstairs, on the first floor, children with parents in divorce court have a fully stocked playroom with beanbag chairs, child-size bookcases and wall murals of Cinderella and Dumbo. But dependency children aren't allowed there.

"They didn't want to mix our kids in because they might be a bad influence," children's attorney Jessica Katz said. "It's a shame."

Children placed into protective custody must have a hearing within three days to determine whether they stay in an emergency foster home. A hearing three weeks later decides whether the case has merit.

If a child remains in foster care after that, a new hearing is scheduled every six months, or until a permanent home is found. Social workers visit monthly and are supposed to be able to speak authoritatively about the children's well-being.

But sheer volume prevents social workers and court officials from giving more than cursory attention to all but the most high-profile cases. Last year, the four dependency courtrooms, staffed by six full- and part-time referees, held about 30,000 hearings.

State and national statistics indicate about half of the children in foster care will leave the dependency system by being reunited with their families. One in 10 California foster children will be adopted or placed into guardianship.

Infants in good health, like Jeremiah who was wanted so desperately by two mothers, are snatched up by couples willing to act as interim foster parents in anticipation that the biological mothers won't be able to satisfy the court.

But older children continue to populate the foster system, and the courts, year after year.

Sacramento County's foster population, which previously had been keeping

supervise the visits."

-- Dean Petersen, chief dependency referee, Sacramento County Superior Court

(Currently, social workers supervise most visits, but can do no more than once a week. Parents often have to take public transportation from one end of the city to another for an hourlong session.)

- Price tag: \$850,000 to hire administrators to oversee volunteers in each of 10 neighborhood centers. Additional funding if visiting rooms cannot be created in existing neighborhood centers.

- Barriers: No obvious funding source and no volunteers to staff the centers.

- What you can do: Volunteer. Contact Heather Corfee, Court Appointed Special Advocates, 875-6460.

Bee graphics/Olivia Nguyen

pace with state and national increases, has tripled since 1988 from about 2,200 to more than 6,200 now. The bulk of that increase was the result of a policy change prompted by the deaths of two young children.

In January 1996, as 3-year-old Adrian Conway fought a doomed battle to live, doctors at UC Davis Medical Center documented the bruises and cigarette burns covering his undernourished body. He had been repeatedly beaten by his methamphetamine-addicted mother, whose final assault was provoked by the toddler's refusal to clean up dog feces.

Child Protective Services had closed its case and stopped monitoring Adrian's life two months earlier.

Then, in April 1997, 2-year-old Rebecca Meza was drowned in a bathtub of ice water by her mother's boyfriend as punishment for a potty accident. Following county policies, social workers -- who knew about the family's drug problems -- had tried to persuade Meza's mother to take parenting classes.

In the months that followed, the county implemented its new policy: Parental drug abuse would be a major factor in deciding whether to remove a child from a home. It is one of the state's strictest drug policies.

An initial flood of children into the system -- many of them rounded up in the series of sweeps that caught Sarah and her sisters -- peaked in 1998 at an average of 218 a month. Last year, it leveled off at 169 children a month, still double the number before the policy change.

In Petersen's court, the breakneck pace requires attorneys to handle 400 or more cases at a time. The referee rises at 5 each morning to pore over allegations of horrific child abuse and neglect for the morning calendar.

Here and in many other counties, elected judges do not hear dependency cases, deferring instead to appointed referees with less power, but more knowledge of child-welfare laws.

A former counselor at juvenile hall, Petersen, 53, is the most experienced of the county's six referees -- and the most intimidating. He expects the lawyers in Department 130 to be ready. Nothing provokes his temper faster than attorneys who are ill-prepared or unduly delaying the process.

"The real negative impact is not the workload," Petersen said. "The real impact is we can't get these cases resolved because we keep continuing them."

The docket is booked at least eight weeks in advance with overlapping trials every day in the hope that some will be resolved out of court.

The inevitable result is delay. Some cases go six months or more beyond the federally mandated 12-month deadline to decide whether the child can go home.

Against this backdrop, Petersen meets with all the day's attorneys at 8:30 a.m., talking through every case on the docket in hopes of heading off time-consuming arguments.

Currently, 18 county attorneys represent social workers in dependency court, up from 10 in 1997. Their clients merge into a sea of similar histories: poor school attendance, parental drug abuse, intermittent homelessness, incest, beatings, rotting teeth, chronic head lice and deliberate humiliation.

"We're drowning," Izen said.

"There comes a realization that you're never going to be able to do enough for your clients because of the overload, but you want to do a good job," she said. "So you take work home, and you work on weekends, and you stay late."

The system is predicated on having a thorough, unbiased and professional report from a social worker, who evaluates whether a family is likely to harm its own children.

Bench officers like Petersen, along with parents' and children's attorneys, tend to take a social worker's report at face value, accepting sweeping judgments about a parent in the way a criminal jury would view statements in a police report.

But police detectives have investigative experience. And many social workers do not.

Their reports are filled with allegations by anonymous sources, inconclusive medical evidence, conflicting statements by children who fear getting their parents in trouble and angry denials by parents, who often blame others.

"There are a lot of deficiencies," Petersen said. "Social workers are not always good at stating concisely or completely the facts. And they can be sloppy and careless because most matters are" uncontested.

In fact, attorneys on both sides of the table say many social workers' recommendations -- and by extension, court decisions -- come down to a judgment call, which can be influenced by parents' angry reaction to having their children removed.

"It's scary to me as a mother to sit here," said Marlene Hertoghe, a children's attorney known for her thoroughness. "To think that if my child was taken away, that the outcome of my case would be so dependent on what county social worker I got, what judge and what attorney."

Social workers say that they were trained to nurture troubled families and view themselves as helpers. Many are dismayed to find themselves in the role of the families' adversaries.

The situation is further complicated by an army of social workers fresh from college. Those who have no children and come from middle-class families may have difficulty distinguishing between neglect and the sometimes harsh realities of raising children in poverty, veterans of the system say.

Pressure from the court for quick answers about each child has driven many conscientious social workers from CPS, compounding the pressure on those remaining. Turnover in the Family Reunification bureau, where nearly a quarter of the agency's social workers try to shepherd broken families back together, exceeded 50 percent between mid-1997 and early 1999.

Additionally, Sacramento County has been hobbled by a statewide hiring crisis, forcing it to compete with other counties for social workers.

But even if CPS could maintain its full allocation of staff, it would not have enough social workers to do the job well.

The state-recommended caseload in family reunification is between 12 and 15.5 cases a month. In Sacramento County, many reunification workers are juggling

well over 30 cases. During the past three years, that figure has surged as high as 50.

Most cases involve multiple children, usually placed in different foster homes.

To give each family the optimal level of attention, a social worker with 30 cases would have to work 9 1/2 hours a day, 7 days a week. That does not include time to consult with supervisors and photocopy cases, not to mention eat and unwind.

Recognizing that CPS was in crisis, Sacramento County supervisors in January 1999 allocated money for 114 new social worker positions, bringing the total to 419. It is still not enough.

"There are terrible things happening every day. Children's needs aren't being met, and nobody knows what's really going on," Izen said.

She knows the system is overwhelmed, she said, because even accomplished social workers say, " 'No, I didn't follow that court order because I didn't have time.' "

With fewer than five years on the job, Claudia Boyd nonetheless is an old-timer at CPS. The Court Investigations bureau, where she worked last year evaluating new cases, had 25 social workers and unfilled openings for five more. Boyd juggled six cases at a time -- 12 or more a month. The state recommends seven a month for that bureau.

Boyd consistently worked 10- to 12-hour days, arriving at 7:30 a.m. to beat the line to the copier and snag one of two bureau cars. She worked at least one day every weekend, usually two.

And even though she finally had a job she'd wanted all her life, she was burning out.

"I have a passion for my job," she said a year ago, sipping from an ever-present mocha as she drove to meet a client. "I love what I do. I just cannot keep up with the hours. If I work 40 hours a week, I can balance my life. I used to do (bike) rides with the Lung Association. I used to kayak. I don't do that anymore. This is all I do."

A colleague's 14-year-old daughter mailed her mom a postcard at work to say hello because they so rarely saw each other at home. Another's son brought his date by the office en route to the senior ball.

"If I had kids, there would be no way I could do this job," Boyd said.

One spring day, Boyd sat in the library of the Children's Receiving Home, talking to three adolescent siblings who were removed from their home because of their mother's methamphetamine addiction.

The receiving home is the front porch of Sacramento County's child-welfare system. Virtually every child over age 2 who enters foster care stops there first for a few days, sometimes a few months. Each gets a medical, educational and psychological assessment as social workers search for a foster parent match.

The clients Boyd interviewed on this day had been getting themselves up, dressed and to school since they were elementary age. For breakfast, one boy said he usually ate a cookie or a brownie. His brother missed classes for a month because he had outgrown all his clothing.

Boyd, a decisive woman with a spiky hairdo and a no-nonsense demeanor, gently encouraged the children to talk about their extended family so she could determine the most suitable place for them to live. The children's grandfather had told Boyd he was hesitant to take in three troubled teens. Their favorite uncle had drug arrests of his own, making him ineligible.

Prodding, she hit a nerve.

"A dad shouldn't be like my dad," the 13-year-old said, his cheeks reddening as angry tears welled in his eyes. "If I wanted to be a right dad, I wouldn't spank them; I'd yell at them. I wouldn't leave all the time and just not pay attention to us."

Boyd watched closely and nodded sympathetically. "What do you want from him?" she asked, searching for ingredients to start reuniting the family.

"I don't want nothing from him now," the boy said. "I don't want to see him."

The work was emotional and exhausting, and some days Boyd found herself sobbing for the children who were lost and the parents who would never understand.

"I'd love to have the opportunity to spend more time with these kids," she said.

Yet about six months later, Boyd gave up too, leaving the job she loved for a less-stressful assignment.