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Court-appointed advocates

Shortage endangers kids' lives, judge says

Lack of money to train volunteers cited as cause

By Tim Evans

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More than 3,000 children in Indiana's child welfare system, including 1,100 in Marion County, are without a state-mandated advocate looking out for them -- yet another example, some say, of a system under fire after the deaths of two foster children.

"We are failing children, and we are failing them to the point that their lives are in danger," Marion County juvenile court Judge Marilyn Moores said of the problem, the result of a lack of money to hire professionals who recruit, train and oversee the volunteer advocates.

Moores said the case of Destiny Linden, a 12-week-old Indianapolis girl who died in April, highlights the potential for tragedy when children don't have an advocate to speak for them.

Advocates -- required under a state law adopted in 2005 as part of wider reforms of the child welfare system -- often are the only constant in the lives of children who have been removed from their parents. They also are the only independent voice whose focus is strictly on what's best for a child in cases that typically involve conflicting parties.

"Caseworkers come and go. Children are moved from one foster home to another. But the advocate stays with the case from start to finish, and they often know more about the children than anyone else," said Judge Peter Nemeth, who oversees juvenile court cases in St. Joseph County. "I always feel better when I see a (child advocate's) report."

Destiny was on Marion County's advocate waiting list when she was placed in a foster home despite warnings of poor supervision and safety issues from an advocate for other children already in the home.

If Destiny had had an advocate, Moores said, her placement in that home might have been challenged.

Another advocate sounded similar warnings last fall after the Department of Child Services placed 3-year-old TaJanay Bailey back in the care of her mother and the woman's boyfriend. Despite the warning, DCS failed to remove TaJanay, who was fatally beaten in the home and died Nov. 27.

DSC cited errors in judgment and a lack of urgency in TaJanay's death and is continuing to investigate the death of Destiny.

The problem of a waiting list for advocates has been aggravated by a spike in the number of child removals by the agency this year.

Other contributing factors include a shortage of money and trained volunteers to run either court-based or charity-based programs that operate in 65 of Indiana's 92 counties.

State officials point out that more money than ever is being spent on the programs, but judges and others who work with victimized children say even more needs to be done.

Cindy Booth, executive director of Child Advocates Inc., a nonprofit agency that provides advocates in Marion County, said the shortage means decisions about a child's fate are being made without the objective voice a volunteer can provide.

"A lot of really important decisions come very early in the life of a case, including where a child should be placed, what services are needed, and parental visitation," Booth explained. "Those are decisions where an advocate can speak for the child. But that is not happening for kids on the waiting list."

Other states struggle, too

Indiana -- the last state to require an advocate for child victims -- is not alone in struggling to provide coverage for all eligible children, said Michael Piraino, chief executive of the National Court-Appointed Special Advocates Association, or CASA.

He said few states are able to attain 100 percent coverage, and solutions are hard to find in tough economic times.

Tight budgets make it difficult to get more money from state and local governments, as well as private donors, Piraino said. Also, the costs associated with volunteering, such as the gasoline used to travel to home visits and court appearances, are climbing.

Leslie Dunn, the head of Indiana's Guardian Ad Litem/CASA program, said funding for the locally run programs in Indiana has more than tripled, climbing from \$800,000 in 2006 to \$2.9 million in 2008. The state program, operated by the Indiana Supreme Court, also is distributing about \$1.5 million in grants from federal funds Indiana has received since the state enacted the advocate law in 2005. But even more dollars are needed.

Dunn said the problem is most pronounced in larger urban areas around the state, such as Marion County.

The problem also is partly the result of the program's low profile.

Indiana's nonprofit and court-run advocate programs depend on community volunteers to do much of the field work, such as visiting children in foster homes and reporting on their needs and care.

But because much of that work occurs within a system that is closed to the public to protect the young victims, Dunn said few people know about advocate programs or the need for more volunteers.

Some of the recent grants given to local CASA groups have been used in public awareness campaigns aimed at attracting more volunteers, Dunn said.

Her group also is working with the Indiana Retired Teachers Association to attract more volunteers.

Piraino said getting the word out about the need for more advocates and the important work that they do is critical in finding people to fill the gaps.

"There are an awful lot of people who have the means to support this who are just not aware of the strength of this work," he said.

Booth said she's confident there are enough people who would be willing to volunteer if only they knew about the need.

Waiting list has grown longer

The waiting list for advocates in Marion County had fallen to about 700 early this year but ballooned back up to about 1,100 as more children were removed from their families.

Cases filed in the first seven months of this year in the county are up 42 percent over the same period in 2007. They hit the highest level of the year in July.

Moore said she thinks the increase is related to increased drug use by parents, more teen pregnancies and a new procedure used to evaluate reports of abuse that has resulted in more cases being investigated by DCS.

She also thinks some of the increase may be due to the death of TaJanay, with DCS caseworkers opting to remove children rather than have their name in newspaper headlines in another high-profile death.

The Marion County program's budget is about \$1.5 million, which pays for more than 25 full-time professional staff members -- people in administration, as well as attorneys and social workers who assist the volunteers, and other staff to recruit, train and monitor volunteers.

"We have to find ways," she said, "to supplement what the state and county pays."

Dunn, who heads the state program, said she is still trying to determine how much money to ask for in the next two-year state budget, which will be hashed out in the coming legislative session.

"The state funding is up . . . and we are making progress," she said. "But it takes time to see a huge difference in the waiting lists. What we need to do now is look at the outcomes and how effectively the money is being spent. It may be more a matter of reallocating where the money is going."

State Rep. Bill Crawford, D-Indianapolis, who heads the House Ways and Means Committee, said he would be willing to consider expanding funding for advocacy programs.

"I see this as a major priority," he said. "We are going to have to be creative, but I would be willing to consider it. This is our most vulnerable population and an issue that is ripe for dialogue."

In the meantime, thousands of children have no one to speak up for them -- or simply do something nice, as Marion County advocate Penny Guthrie did recently.

Aware that a 10-year-old girl she is assigned to help was very conscious of her appearance, Guthrie stepped up when she saw her wearing the same stained school uniform shirt during three visits to her foster home over a five-day period.

"The shirt she had on was absolutely disgusting," Guthrie wrote in a report on the visits. "It was not only filthy, but it had a large red juice stain covering about one-third of it. I know it bothered her horribly."

Guthrie talked to the foster parent about making sure the girl had clean clothes, then ran to a nearby Target and, using her own money, purchased three new shirts for the child.
