



Jeanne Milstein
Child Advocate

STATE OF CONNECTICUT

OFFICE OF THE CHILD ADVOCATE
999 ASYLUM AVENUE, HARTFORD, CT 06105

TESTIMONY OF JEANNE MILSTEIN, CHILD ADVOCATE October 20, 2008

I want to thank the Chairs and Co-chairs of the Select Committee on Children and the Human Services Committee for conducting a joint investigative hearing into the functioning of the Department of Children and Families (DCF). I welcome the hearing and believe it is an invaluable opportunity to bring to light the many concerns about the Department of Children and Families (DCF) and to identify meaningful solutions.

As you know, OCA was created to investigate, evaluate, and review the delivery of services to children by all state agencies and entities that provide services to children through state funds. To carry out my responsibilities, I am granted, by statute, extraordinary access to information, including the power to issue subpoenas when necessary. This access to information, combined with the multidisciplinary expertise of my staff, gives me a comprehensive and unique perspective on the functioning of DCF. While the resources of my office have focused primarily on DCF because it is the state agency with the greatest responsibility for children, I have investigated, evaluated, and reviewed the delivery of services to children by the Departments of Developmental Services, Mental Health and Addiction Services, and Correction, as well as the Judicial Branch. Our work with these agencies, and their response to our investigations and recommendations, often offer a stark contrast to our experience with the current DCF administration.

Today, as I have testified in prior legislative hearings, I pose a fundamental question regarding the effectiveness of DCF: *Are children and families better off because of their involvement with DCF?* All of the information available to me indicates that far too many children are not better off, and in some cases, they are harmed because of known and persistent patterns of poor leadership and management, inadequate oversight, and insufficient planning for the future.

There are pockets of progress and some promising initiatives under way. Commissioner Hamilton has highlighted the agency's achievement of 20 of the 22 outcomes in the Juan F. Exit Plan and preliminary findings that Connecticut received a rating of 100% in one of the two safety measures in the 2008 federal Child and Family Services Review (CFSR). DCF has recently distributed a new foster care plan. Children are no longer at Long Lane, Haddam Hills and Lake Grove and these ineffective and harmful facilities have been forced to close their doors. At Riverview Hospital, a strategic planning committee meets regularly and there is a continued emphasis on staff training and development. DCF is in the planning stage for a Differential Response System (DRS) as an alternative response to the traditional child protection investigation track.

Sadly, however, much of this progress has occurred in the context of a crisis or in response to external pressure, rather than as a result of ongoing systematic efforts of self-evaluation and improvement. For example, much of the progress made over the last decade has been in response to the constant scrutiny of the Juan F. Consent Decree and Exit Plan. This summer, DCF was on the brink of federal receivership because of sustained noncompliance with the Juan F. outcome measures. Only under the threat of receivership did DCF decide to conduct a high level review of all children with no hope of ever living with a family [those with a permanency goal of Another Planned Permanent Living Arrangement (APPLA)] or to finally release a plan to recruit and retain the necessary pool of foster homes. Only under pressure from OCA did DCF close Lake Grove last fall, despite nearly a decade of persistent and known concerns about the health, safety, and well-being of children placed at the facility. And most recently, only in response to the tragic death of Michael B. did DCF take action to stop the practice of keeping paper files on DCF employees accused of abuse rather than entering those cases into the DCF database as required in every other case.

I am gravely concerned about the chronic and substantially similar patterns of deficient leadership and management, inadequate oversight, and poor long-term planning for individual children and for all children and families served by DCF found in investigations and evaluations by my office and numerous others including the Office of the Attorney General, and the Legislative Program Review and Investigations Committee.

I am equally troubled by the persistent slow pace of implementation of much needed change. During my tenure as Child Advocate, I investigated the harmful conditions for children at Haddam Hills, the Connecticut Juvenile Training School (CJTS), Riverview Hospital, and more recently at Lake Grove and Stonington Institute, and found that DCF was often aware of these conditions and failed to act to protect children. These investigations reveal repetitive and similar problems and inadequate response. They also confirm that many of the people in leadership positions at DCF during these crises continue to guide the agency in leadership positions today. After seventeen years under the Juan F. Consent Decree, the 2008 CFSR preliminary findings still rate DCF significantly below national standards for permanency outcomes and raise significant concerns about work quality being driven by individual staff rather than an agency-wide practice model.

During the past two years, OCA has raised concerns about DCF's process related to the implementation of a statewide Differential Response System in 2009. DCF initiated its most recent effort in 2006 without a careful look at the reasons for the failure of its citywide DRS pilot in 2003. In 2004, evaluators concluded that the pilot failed and cited changes in leadership related to reorganization at DCF, the lack of clear accountability mechanisms, and inadequate involvement and commitment of community-based providers as reasons contributing to failure. These factors continue to exist today as DCF moves forward with a statewide DRS initiative.

In the three years since DCF's own consultants cited an urgent and compelling need to create a continuum of services for girls, the most tangible girls initiative is a plan for an 18-bed secure facility for delinquent adolescent girls. Almost no planning has gone into developing the continuum of services that is so desperately needed and recommended by numerous experts and stakeholders. This summer, my office released a report revealing the child welfare to prison

pipeline. Over a two year period, 325 girls under age eighteen were admitted to Connecticut's maximum-security prison for adult women. Our investigation found that over 90% of these girls had either current or historical involvement with DCF, a significant number with DCF cases that had been closed within the year prior to incarceration. And nearly 98% of these girls entered and remained in adult prison without ever being convicted of a crime. My staff also discovered that DCF has been noncompliant with its own policies related to incarcerated girls and its memorandum of understanding with the Department of Correction. While Commissioner Lantz promptly responded and sent a detailed action plan for the Department of Correction, DCF did not provide a response to my investigation until Friday, October 17th, the day before the legislative investigatory hearing.

For all of these reasons, I believe that today's DCF is an agency in peril. It has suffered from a chronic lack of effective leadership and management, at all levels and across all bureaus. Until this deficiency is corrected, DCF will continue to struggle to meet the needs of children and families and those children and families will suffer the consequences.

During my eight years as the Child Advocate, I have harnessed the full authority of my office to investigate, evaluate and improve the services delivered to children by DCF. My limited resources often require me to make difficult choices and I pursue investigations and assign my staff where children's safety and well-being is at greatest risk. Despite a very small staff to carry out an extremely broad statutory mandate, my office has completed an extraordinary number of in-depth case reviews and facility investigations, collected and analyzed data, and helped thousands of children access needed services. We review over one hundreds critical and significant event reports from DCF and answer over one hundred citizen complaints each month. We are often the first to sound the alarm about systemic deficiencies that can literally have life and death consequences for Connecticut's children. Our work has yielded specific solutions for both individual cases and systemic problems. To enforce our recommendations, I have used every tool in the arsenal provided in state statute, including serving as the state's ombudsman for children, convening stakeholders to create specific steps to implement reforms, leading legislative advocacy, taking legal action, and organizing statewide forums to educate state leaders and the public about pertinent issues.

I have gone as far as I can possibility go with the resources I have. Yet, I have not seen meaningful and sustainable change at DCF. Despite a one billion dollar budget, DCF remains unable to meet the fundamental outcomes of Needs Met and Treatment Planning for nearly half the children in their care. They are on the brink of federal receivership. DCF continues to struggle with basic skills like engaging families and service providers, responding to the mental health, behavioral health and substance abuse needs of families and children, and developing resources to keep over 1300 children in its care in their home state of Connecticut to receive the care they desperately need.

I now ask for your help in moving us forward. I urge you to take a meaningful and bold look at the leadership at DCF. Commissioner Hamilton has drafted a reorganization plan for the agency. I urge you to move beyond this idea of structural change and look at whether DCF has the right people with the right skills in the right positions to effect badly needed fundamental change. I

urge you to ask whether DCF has the organizational talent to develop and execute fundamental organizational change.

There is so much at stake. As the current economic climate threatens to place even greater stress on families and their children, now, more than ever, Connecticut children need the state's children's agency to spend its resources effectively and demonstrate that good outcomes result from those expenditures. To this end, I make two specific legislative recommendations:

1. Adopt the recommendations of the Program Review and Investigations Committee Report issued in 2007 including:
 - Develop a single, comprehensive strategic plan for meeting the needs of children and families served by DCF and require that progress reports on implementation be provided regularly to the State Advisory Council, the Governor and the Legislature;
 - Enhance the role of the State Advisory Council (SAC) by requiring funding and administrative support and facilitating public participation.
 - Amend the statute concerning OCA and the Child Fatality Review Panel (CFRP) to require DCF or any other state agency cited in a report conducted by OCA or (CFRP) to provide a written response to formal recommendations for improving state services provided to children not later than 45 days after the receipt of the recommendations and to provide copies of those responses to the legislative committees of cognizance and the appropriations committee.
2. Transfer the licensure of DCF facilities to the Department of Public Health.

These changes, while important, will not solve the problems that bring us here today. For this reason, I urge you to conduct a management study akin to that done recently for the Department of Transportation. A study informed by change management principles used by successful corporations that looks at the skills and talent of those in leadership positions and asks whether we have the right people with the right skills in the right positions. I believe a look at the organizational talent and management at DCF is essential to expedite the fundamental change needed to finally bring DCF back from the brink of federal receivership and propel DCF beyond draft plans to implementation. By leadership and management with proven knowledge and skills to get the job done.

Connecticut children and families are Connecticut's future. They, and all of Connecticut's citizens, deserve nothing less than our urgent attention and response to ensure they arrive with the building blocks for successful adulthood.

Thank you for the opportunity to testify.