

# BROKEN PROMISES: California's Inadequate and Unequal Treatment of its Abused and Neglected Children



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The state has a duty to care for and protect the children that the state places into foster care, and as matter of public policy, the state assumes an obligation of the highest order to ensure the safety of children in foster care.

— THE DUTY TO FOSTER CHILDREN REAFFIRMATION ACT

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of its Abused and Neglected Children**

prepared by the  
National Center for Youth Law  
April 2006



This report was prepared by the National Center for Youth Law

## National Center for Youth Law

The National Center for Youth Law (NCYL) is a national, non-profit organization that uses the law to improve the lives of poor children. NCYL works to ensure that low-income children have the resources, support, and opportunities they need for a healthy and productive future. Much of NCYL's work is focused on poor children who are additionally challenged by abuse and neglect, disability, or other disadvantage.

NCYL focuses its work in four areas:

- Safety, Stability, and Well-Being of Abused and Neglected Children
- Quality Health and Mental Health Care
- Financial Stability for Low-Income Families and Children
- Juvenile Justice

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# Executive Summary

**M**ore than 100,000 children were victims of abuse or neglect in California in 2004. During the same period, nearly 39,000 children in California were removed from their homes and placed in foster care — an average of more than 100 children every day. Some spend just a few days in foster care, but many will remain for years or their entire childhoods.

Today, there are approximately 82,000 foster children in California — 20 percent of all foster children in the nation, and the largest foster care population of all 50 states.

In FY 2005-06, California will spend a staggering \$4.7 billion on child welfare and foster care services, drawn from state, county, and federal funds.

When parents cannot or will not care for their children, the government assumes the role of parent and is responsible for children's safety and well-being. This Report seeks to answer the question: How well is the state caring for its most vulnerable children? Is California a responsible parent?

## A County System

County child welfare agencies are granted extraordinary powers. They investigate child abuse reports, remove children from their homes without prior court approval, and determine where and with whom a child shall live. They can change a child's placement repeatedly without any accountability, decide what school a child will attend, and when, where, and how often a child is permitted to visit his or her family. They select the child's physician and therapist. Finally, these county agencies decide what parents must do in order to regain custody of their children. With this extraordinary power comes extraordinary responsibilities. The data reported here provide evidence that counties are not fulfilling their responsibilities to all children.

## Study Overview

The National Center for Youth Law examined key child welfare outcomes that indicate whether California's 58 counties are protecting child abuse vic-

tims and meeting the needs of children in foster care. Our Report is based upon 12 performance measures — an equal number of federal and state measures that address the six areas listed below. The state measures were established as a part of California's 2001 legislative mandate (AB 636) for greater accountability among county child welfare programs. The federal measures are used by the U.S. Department of Health and Human Services (USDHHS) to determine state compliance with federal mandates for child safety, stability, and permanency, and states are sanctioned if they do not meet federal performance standards. The measures are:

- Recurrence of Abuse or Neglect
- Incidence of Child Abuse and/or Neglect in Foster Care
- Foster Care Re-entries
- Stability of Foster Care Placements
- Length of Time to Reunification
- Length of Time to Adoption

These outcome measures provide a gauge to determine how well children are being protected and, when they enter foster care, whether they are moved promptly back to a safe home, whether it be with their biological parents, a relative, adoptive parents, or other permanent placement. For those children who remain in care longer, the measures show whether a county has provided that child with a stable placement. Finally, by tracking the rate at which children re-enter care, the measures provide some indication of whether children are being returned to their families too soon, or if families are not given enough support to allow parents to properly care for their children.

The information used in this Report is drawn from public information compiled by UC Berkeley's Center for Social Services Research from the state's Child Welfare Services/Case Management System. UC Berkeley has prepared quarterly reports on each county's performance on select outcome measures beginning in January 2004. The data presented here is taken from those reports, using each county's average performance based upon the most recent four quarterly reports. The data is publicly available on the DSS website at [http://www.childsworld.ca.gov/CDSSCounty\\_1954.htm](http://www.childsworld.ca.gov/CDSSCounty_1954.htm).

## Findings

The data in this Report portray a county-run system that protects many children but fails to protect many others. Indeed, reported data show that every county fails to meet at least two federal outcome standards. Four counties that care for more than 12,000 children in care failed *every* federal measure. All too often, county agencies are failing to keep children safe. It appears that each child's level of safety and well-being is an accident of geography, hinging on political boundaries rather than on his or her particular needs. Foster children in San Francisco are 50 percent more likely to be abused or neglected within a year of an earlier abuse than children in Los Angeles County, and nearly 200 percent more likely than children in Monterey County.

When counties fail in their responsibilities, children are left unprotected, suffer multiple abuses, and are shuttled from place to place. They grow up without a home or family, and leave the system lacking the skills and resources to live as healthy and independent adults.

### Safety

Victims of child abuse and neglect in California are re-victimized at alarming rates. Nearly 4,000 children are victims of abuse or neglect within six months of the agency confirming an earlier abuse. More than 11,000 children are abused or neglected again within one year.

Each year, more than 450 children suffer abuse or neglect in foster care. More than one-third of these victims are age 5 or younger.

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Only six of California's 58 counties met the federal standard for repeat abuse. Every single large county — counties with more than 1,000 foster children — failed

to meet the standard. In Sacramento, the worst performing of the large counties, more than one-third of the children suffering repeat abuse or neglect were age 5 or younger.

### Stability

Only 14 of the 58 counties met or exceeded the federal standard. The most recent data reported for this measure indicates that more than 5,000 children had been shuttled through three or more placements during their first year in care.

### Permanency

Many counties are failing the children they decide to return home. During the most recent period for which data are available, one of every 10 children placed in foster care had been in care at least once before and came back within one year of leaving care. Almost 4,000 children (3,950) came back into the system. More than one-third of the children (1,351) re-entering care were age 5 or younger.

## The Unequal Protection of Children

The poor outcomes for children in the state child welfare system are not limited to one region or group of counties. Even within the same region and among contiguous counties, the data reflect wide disparities in performance.

Fewer cases do not necessarily lead to better performance. Between 2002 and 2004, the number of substantiated child abuse cases in San Francisco dropped from 1,385 to 1,240 children. The number of children entering care decreased from 495 to 383, and the average daily foster care population was down more than 200 children from 2,287 to 2,070. During this same time period, recurrence of abuse or neglect increased, the rate of abuse in foster care was virtually unchanged, multiple placements of children in foster care increased slightly, and the percent of children re-entering foster care increased by 35 percent.

An examination of six Bay Area counties illustrates how contiguous counties provide widely differing levels of protection and care. Contra Costa is in the top best performing counties in the state, Alameda and Marin

are in the middle, and San Francisco is near the bottom. Only six other counties in the state performed worse than San Francisco.

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During the last three years, the foster care caseloads of every Bay Area county have decreased. The number of substantiated cases of child abuse or neglect also went down in all but two counties — Santa Clara (2,838 to 2,989) and San Mateo (692 to 743). Meanwhile, the rate of abuse/neglect recurrence has gone up in Santa Clara, San Francisco, Alameda, and San Mateo counties, but dropped significantly in Contra Costa and Marin counties.

Children who have been in foster care in San Francisco county are much more likely to be in stable placements than children in Alameda county. The gap is substantial. While more than 80 percent of foster children in San Francisco are in their first or second placement at the one-year point, only about 55 percent in Alameda County have had similar stability.

## Conclusion

The figures and percentages in each one of the charts in this Report represent real children who depend solely upon county child welfare agencies for care and protection. Those figures paint a bleak picture of what life is like for many child abuse victims and children in foster care.

In addition to the emotional and physical toll on tens of thousands of children, the state's failure to provide children with safety and stability exposes it to serious financial liability. Foster care and other child welfare services provided by California state and county agencies are funded in large part with federal tax dollars. This year, California received more than \$2.3 billion in federal funds for child welfare services. In return for

that money, California must provide a certain level of protection and services to child abuse victims and foster children. Unless California improves its performance, federal penalties of almost \$60 million may be imposed in 2007.

In September 2002, the federal government conducted a review of the state's child welfare system. The review found that California failed to meet all six of the federal standards. The state was required to submit a Performance Improvement Plan (PIP) and remains under federal review until at least April 2007.

While the state has claimed recent improvements in its child welfare system, the pace of those improvements has been slow and their continuation uncertain. While AB 636 has led to the counties' adoption of plans for further improvement, the promise of AB 636 was more than just a plan. It was a promise that abused and neglected children would receive greater protection, and a stable and permanent home. It was a promise that their lives would be helped, not further harmed, by the state's intervention. That promise needs to be kept to this generation of children, not delayed to the next.