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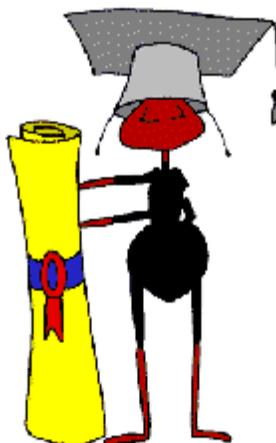
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ACLU Settles Class-Action Suit Against Connecticut;
Child Welfare System Completely Restructured

FOR IMMEDIATE RELEASE December 21, 1990

A mediation panel appointed by a federal court today submitted a binding and exhaustive plan that completely restructures the Connecticut child welfare system and provides for constant judicial oversight of its foster care system. The settlement ends

a class-action lawsuit filed only a year ago against the state by the American Civil Liberties Union.

Under the settlement, which is the broadest and most comprehensive decree ever recorded in the area of foster care, Connecticut is required to follow all the recommendations made by the court-appointed panel, including decisions about caseload levels, staff training, funding, case management, medical and mental health care, and basic organizational and policy matters. The settlement must still be considered by another federal judge on January 7, but all parties expect approval.

"This settlement creates a model system and guarantees funding to pay for it," said Marcia Robinson Lowry, the Director of the ACLU's national Children's Rights Project, which filed the lawsuit with the Connecticut Civil Liberties Union.

Lowry said this settlement should serve as a warning for other cities and states with negligent foster care systems. In New York City, for example, the ACLU's Children's Rights Project has a contempt motion pending with a federal judge in which it asks that New York's foster care system be put in receivership. A hearing on the case is scheduled for January 25.

The ACLU has statewide cases pending in Kansas, New Mexico, Louisiana and the District of Columbia. It also has cases pending in Kansas City, Missouri, in New York City, and in Philadelphia.

The legal director of the Connecticut Civil Liberties Union, Martha Stone, said the proposed decree, "will force the State of Connecticut to become a responsible parent to the thousands of children who are placed into its care each year after their own parents have failed them."

The deficiencies in Connecticut's system, said Shelley Geballe, a counsel to the Connecticut Civil Liberties Union, are particularly egregious given that the state has the highest per-capita income of any state in the country.

"This decree insures that the state will provide, at long last, the most basic essentials to its abused and neglected children," Geballe said. "Those essentials include protection from harm, the security of a home and loving caregivers and appropriate medical

and mental health care."

The class-action lawsuit against Connecticut, which was filed on December 18, 1989, charged that "Connecticut's child welfare system endangers children it is charged to protect, causes harm to children it is charged to help and has been allowed to deteriorate to a state of systemic, ongoing crisis. This crisis has caused, and is causing, irreparable injury to the thousands of children involved therein."

The 120-page consent decree was issued by a three-member, court-appointed panel that was chaired by Robert C. Zampano, the Senior United States District Judge in Hartford. The ACLU-appointed expert was Dr. Theodore Stein of the State University of New York at Albany and the Connecticut-appointed expert was Patricia Wilson-Coker, the head of Protective Services for the Connecticut Department of Children and Youth Services.

The decree is essentially an operating manual for the Connecticut Department of Children and Youth Services. And in a one-paragraph section on funding, the decree says that the state must pay for and fund "the costs for the establishment, implementation, compliance, maintenance and monitoring of all mandates in the consent decree."

The consent decree overhauls the department and lays out a detailed blueprint for its operations. Its requirements include:

- o The establishment of a training academy for current and future employees of the department.
- o The formation of a health-management unit.
- o Specific time periods within which actions must be taken in a child's case.
- o A limit on the number of cases each worker can handle at any time.
- o Improvements in recruitment and retention efforts for foster and adoptive homes, including a greatly expanded system of support for these caregivers.

In an effort to resolve their disputes without lengthy and expensive litigation, the parties to the class-action suit agreed to the mediation panel in July 1990. They agreed that the panel was "empowered to resolve and submit fair and just settlement terms on each issue."

Over the next five months, the mediation panel listened to testimony from hundreds of people, conducted four public hearings and reviewed numerous documents in its effort to shape a resolution to the class-action suit in which Connecticut was charged with a failure to provide several basic services, including:

- o Adequate protection for abused and neglected children, including the investigation of all reports of abuse and neglect.
- o Services to families to prevent removal of children from the home.
- o Minimally adequate and appropriate attention to the needs of all the children in its custody, including medical care.
- o Assuring permanent placements for children in its custody.

Nine children were named as plaintiffs in the suit, which was brought on their behalf by a broad coalition that represented the diverse interests of Connecticut's child welfare community. Their stories catalogued an agency in crisis, one that was unable to meet its mandates under federal and state laws.

Fourteen-year-old Florence J., a named plaintiff in the suit, for example, was referred to the Department of Children and Youth Services in June 1980 after she had been diagnosed with gonorrhea. The department left her in the care of her mother, however, after its cursory "investigation" revealed no clear explanation for the condition.

In December 1981, a hospital again referred Florence to the department for investigation of possible sexual abuse after she was found to have a vaginal discharge and an enlarged vaginal opening. The department placed Florence temporarily with her grandmother, then returned her to her mother when it decided it could not establish the identity of the person who had abused her.

This pattern was to continue over the years, as Florence moved in and out of temporary placement. When the case was filed, she was back in her mother's care with certain conditions, including that her father move out of the home and the whole family receive counselling. Though both DCYS staff and outside experts have recommended intensive counselling for Florence to try to repair the damage done to her over the years, she has received none to date.

"This horrible story is indicative of the negligence and neglect that have faced some of Connecticut's poorest children," said Lowry of the ACLU's Children's Rights Project. "We are very hopeful that this pattern of neglect will soon be over."

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