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# Conn. Child-welfare Suit Could Affect Phila. Case

By Martha Woodall, Inquirer Staff Writer

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A landmark settlement in a child-welfare suit approved by a federal judge in Connecticut last week could have a major impact on similar cases pending in Philadelphia and elsewhere, according to some lawyers and children's advocates.

The unusual consent decree calls for the complete restructuring of Connecticut's Department of Children and Youth Services and continued oversight of the department by the three-member mediation panel that crafted the settlement.

"I think it is quite significant as a model," said Marcia Robinson Lowry, who directs the American Civil Liberties Union's Children's Rights Project in New York, which brought the foster-care suit in Connecticut and a similar class-action suit that is pending against Philadelphia's Department of Human Services and state officials.

The 120-page consent decree calls for:

- \* Reducing the number of children that can be assigned to each social worker.
- \* Establishing deadlines for such actions as investigating abuse allegations and developing plans for children receiving care.
- \* Creating a training academy to prepare new social workers and provide continuing education for experienced workers.
- \* Establishing an emergency contingency fund for such basic needs as food, clothing, rent or utilities if they will keep a family together and prevent a child from being placed in foster care.
- \* Improving recruitment and retention of foster and adoptive families and expanding the support services for them.
- \* Speeding up adoption for children who cannot return to their families.

Although Connecticut officials have not yet calculated how much it will cost to implement the restructuring, the state has promised to foot the entire bill even though it is facing a projected \$670 million budget shortfall for the fiscal year ending June 30.

According to experts, the Connecticut settlement is the most far-reaching ever recorded in a child-welfare case.

"It is a raising of the white flag," said Michael Petit, who directs the Center for Program Excellence, of the Washington-based Child Welfare League of America. "It is an acknowledgment of the failure of the traditional arms of government."

Increasingly, Petit said, child-welfare systems across the country have been unable to cope with the explosion in the number of child-abuse and neglect cases caused by widening poverty, drug abuse, teen pregnancy and the erosion of community supports for families.

Attorneys representing Philadelphia in the ACLU suit said they doubted the Connecticut case would have much bearing on its lawsuit here because it was resolved through a consent decree.

"It is not going to have any impact because it was not the result of the



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finding of liability," Doris M. Leisch, chief deputy city solicitor, said last week.

But Lowry disagreed.

"It is not a binding legal precedent technically, but it is an indication of what another federal court was prepared to do," she said last week.

"I think it shows there is a commitment from the federal courts when children are subjected to bad conditions and a willingness to take over the state agency if necessary."

DHS attorneys said Connecticut's child-protection system must have been in grave trouble for state officials to have accepted such a sweeping settlement and have submitted to supervision by an outside panel.

But Lowry said: "I think it's worse in Philadelphia than in Connecticut. Connecticut did not have a good system and it had serious problems. But I think Philadelphia is bad and is getting worse."

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The consent decree that was approved by a federal judge in Connecticut Monday ended a suit the ACLU had filed just over a year ago alleging the state'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 systematic, ongoing crisis."

The ACLU made similar allegations in its Philadelphia suit. That complaint contends that city and state officials are systematically denying thousands of children their rights and failing to adequately protect them.

The suit was filed in U.S. District Court in April. And although all sides say a settlement is still possible, no talks have been held since early November.

Although Connecticut officials admitted no wrongdoing, they agreed to participate in mediation rather than fight the charges in court.

Each side chose one representative. Patricia Wilson-Coker, former head of Protective Services in Connecticut, represented the state. Theodore Stein, a professor at the State University of New York at Albany, represented the ACLU. Robert C. Zampano, the senior U.S. district judge in Connecticut, chaired the panel.

"I am a firm believer that if at all possible, parties should try to resolve their differences - but not their principles - in an amicable way by sitting down and discussing the issues and reaching a rational, just and fair conclusion without resorting to costly, frustrating and lengthy litigation," Zampano said last week.

"The lawyers involved tell me these cases can stretch to a five- to eight- year period and cost millions of dollars in litigation expenses and then only result in frustrated and disappointed litigants," he said.

For five months, the three-member panel heard testimony, held public hearings and reviewed documents before setting to work on redesigning the state's child-welfare system. The panelists who devised the settlement will be in charge of developing a schedule for implementing and monitoring it.

"It will be implemented one piece at a time," Wilson-Coker said.

"Judge Zampano has made the analogy of building a house," she said. "You lay a foundation and you build a room at a time if you can't afford to build it all at once. . . . I think the key to this is working with the legislature and doing things in a planful and prudent fashion. This is not a consent decree that has a lot of frills and fluffs. These are all necessary parts of a child-welfare plan."

"I think people will look at this because of its scope," said Stein, a nationally recognized expert in social work and public policy. "It does provide a framework for settling similar litigation that has been filed."

He said child-welfare departments and state officials throughout the country already had begun asking for copies of the consent decree.

In Pennsylvania, however, John A. Kane, chief counsel for the state Department of Public Welfare, said Friday that he had reservations about parts of Connecticut's consent decree, particularly the part allowing an outside panel to take control away from the state.

"The commonwealth is not interested in placing its children and youth program into receivership, which seems to have happened in Connecticut," he said.

However, some think such drastic measures may be what is necessary to remedy child-welfare systems.

"The (mediation) process itself was really excellent," Stein said. "I really think we did something that stands a good chance of being good for kids. We all really believe that."

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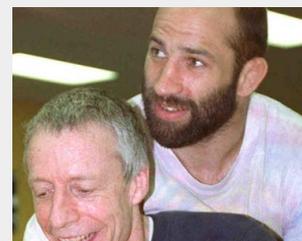
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