

CHAPTER 2

CITIZEN RESPONSIBILITY

N. J. O'Malley
NANCY J. O'MALLEY

Foster Parent/Advocate

MICHAEL J. O'MALLEY

Attorney at Law

Goodsill Anderson Quinn & Stifel

***“Does a citizen’s responsibility
to help the helpless end with
the payment of taxes?”***

The answer to this question is no, primarily because government agencies function properly only when held accountable for their actions. If the community-at-large doesn’t show interest in the circumstances of abused and neglected children, for example, many such children will not be helped.

“Throw-away kids.” The number of drug babies, battered children, sexually abused boys and girls, and other “throw-away kids” is shockingly high. The public seldom wonders about the well-being of these children once they have been taken into “protective custody” (i.e., removed from their own homes); people just assume that some government agency will take good care of these helpless victims. But it often doesn’t work out that way. All too often, these children are further victimized by a dysfunctional system. They generally don’t have family or friends who are willing and able to advocate on their behalf, and so they are totally dependent upon a bureaucracy called the Department of Human Services (DHS).

We will share information about the DHS which should concern and may even shock you. To be honest, that's our goal. We see helpless children falling through gaping cracks in this bureaucracy and want to do what we can to catch them.

Our report is based on data from a 1990 audit by the National Child Welfare Resource Center and information obtained directly from the DHS, plus numerous contacts with DHS social workers and administrators, court-appointed attorneys, foster children, and foster parents. You may find some of our statements hard to believe—at least our editor did until he checked them out.

Responsibility and performance. It's the DHS's responsibility to investigate reports of child abuse and neglect and to manage almost all of the 1,400 foster children in the state. When this agency is granted legal custody of a child, the state essentially becomes that child's legal parent, assuming the numerous responsibilities of that role. The child is then placed in the care of foster parents who receive compensation from the DHS for their services in caring for the child. How good is the DHS at "parenting"? Consider its record:

- Persistent high caseworker turnover results in workers frequently having little or no personal knowledge of the children they serve. In fact, 36 percent of the DHS caseworkers surveyed during the audit had held their position for less than one year. Although there are many qualified, committed caseworkers within the ranks of the DHS, too often these individuals get fed up and leave. Survey respondents cited problems with DHS management, policies, and bureaucracy among the major reasons to leave, ahead of low pay, stress, or burn-out. According to the audit report, DHS attempts to stem the tide have been "short-term and piecemeal."

- DHS caseworkers are legally required to maintain regular contact. Yet it's not unusual for caseworkers to go several months without seeing or even speaking to the children or their caregivers.

- At the time of initial placement into foster care, an extremely traumatic time in the life of a child, many DHS practices add to the pain of removal. For example, children are frequently taken to police stations before being placed in a home. Ever been to a police station? It can be a terrifying experience, even for adults. Children are often dropped off at a home or shelter with few or none of their belongings



and only the clothes they're wearing. Siblings have been separated abruptly, sometimes for years, with little opportunity for contact with each other.

- Children are frequently placed in "temporary" emergency shelters where they may languish for months. There used to be a 30-day maximum stay, but this rule was more often breached than observed and was discarded by the DHS. The living conditions in some of these shelters are substandard, if not deplorable. In violation of the DHS's own administrative rules, the children are often overcrowded, with no personal freedom to use the telephone or see friends. In one case, a child was kept in such a shelter for fourteen months, free to do nothing but go to school and watch television. Hawai'i has four times more children living in emergency shelters than the national average.

- Children in Hawai'i experience a substantially higher number of placements than the national average. Over 25 percent of teenage foster children, many of whom have been raised in the system, have had more than four placements; over 10 percent have experienced more than ten placements. Children are traumatized over and over, once by removal from their family, and again and again by DHS staff who shuffle them from placement to placement and from school to school.

- The DHS has a poor record of finding permanent homes for children. Federal money is available to subsidize the adoption of special-needs children, but as of the end of 1989 only twenty-four children statewide had received such assistance. The audit report concluded that the DHS had not diligently claimed federal funds to which it could be entitled, "resulting in loss of millions of dollars throughout the 1980s." The situation has not improved appreciably since then.

- Although federal law requires services designed to prepare older children for independence, Hawai'i's response has been disappointing, or, in the words of the audit report, "slow to non-existent." Thus, at age 18, many foster children are discharged into the adult world ill equipped to become self-supporting members of the community.

- The DHS often fails to obtain needed services for foster children. For example, Hawai'i has a well-funded program for infants and toddlers up to three years of age with special needs, and yet there are DHS workers who are unaware of this or simply fail to complete the

paperwork required for participation. Further, mental health services so desperately needed by many foster children either are unavailable or are obtained only after lengthy delays.

Hard to be a foster parent. Consider what foster parents face:

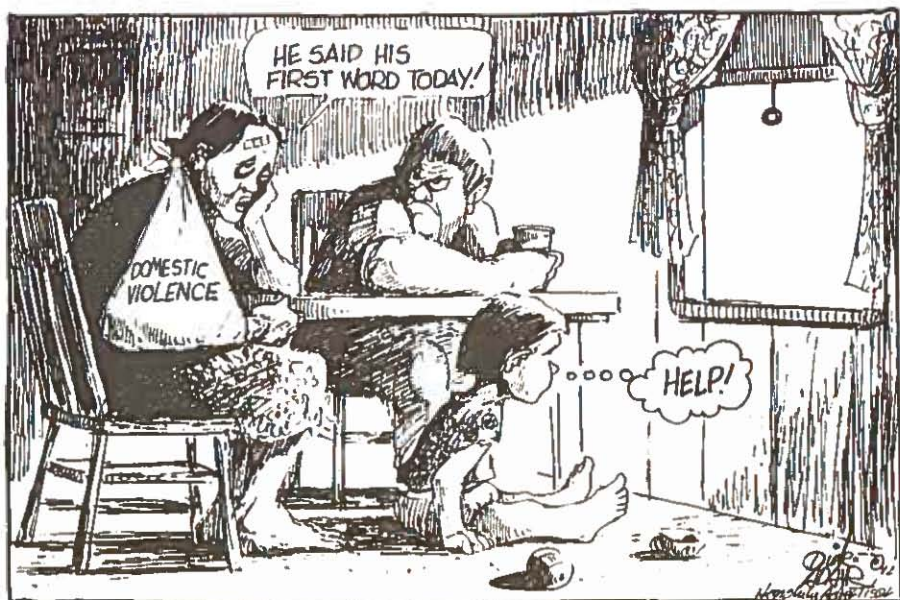
- DHS workers often fail to inform them of, and even withhold information about, their rights as foster parents. For example, foster parents are legally entitled to attend court review cases pertaining to their child. Yet prior to the passage of 1993 legislation requiring the DHS to give notice of such hearings to foster parents, the majority of such parents didn't know that this right existed.

- Foster parents have a right to utilize a grievance procedure against the DHS when the department's actions violate administrative rules. But the process is incredibly intimidating for foster parents, who face DHS attorneys and numerous DHS staff in a courtlike setting one door from the DHS director's office, with no one to represent their interests unless they can afford a private attorney. Also, the objectivity of the "judges" is suspect, since they are deciding cases involving their co-workers and employer.

- There have been cases in which foster parents who questioned DHS workers or otherwise advocated for their children were explicitly threatened by caseworkers with removal of their child. This fear inhibits foster parents from voicing their concerns, no matter how legitimate. As hard as it may be to believe, the DHS seems to prefer dealing with profit-seeking people who are willing to quietly "warehouse" children and not make waves for the DHS.

- The audit report noted that fewer than half the responding foster parents thought the agency demonstrated a positive attitude toward them, and it quoted a particular foster parent who complained of the DHS's "vindictive attitude towards parents who ask questions."

The DHS response. The DHS director declined an invitation to meet with our editor to discuss a draft of this chapter. One of her assistants, upon being told that the chapter would be highly critical of the DHS, said, "foster care doesn't work well anywhere. . . . it's no different in Hawai'i." She went on to describe a new emphasis on not taking the children from their homes in the first place. From what we have seen, this may lighten the burden on the DHS—but only at the expense of the children.



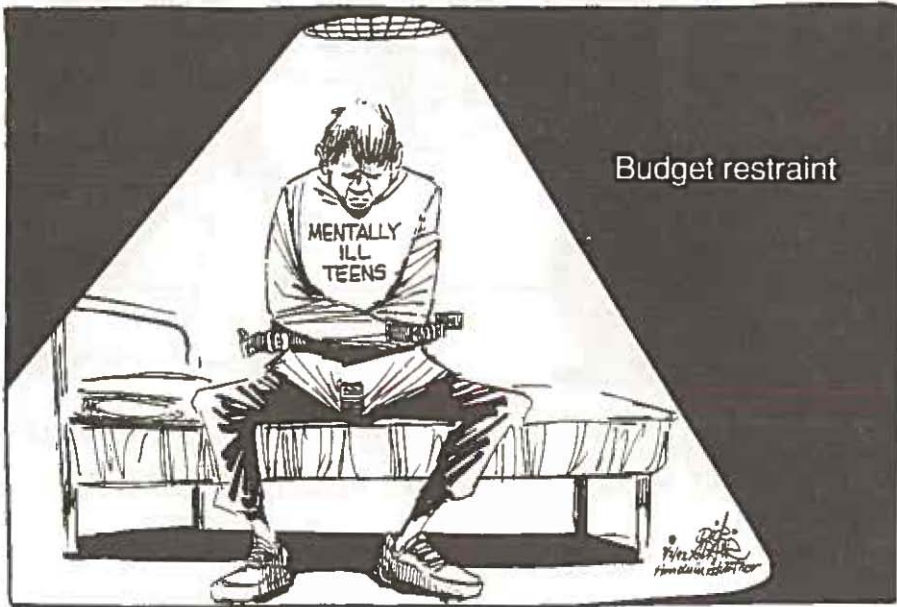
The bigger lesson. Are you shocked by what you have just read? If so, do you want someone to blame? Many who work for and with the DHS, including caseworkers, judges, and attorneys, believe the endemic problems are due in large part to one or more of the following factors: poor management, an inert bureaucracy, institutional arrogance, and practices that result in little or no accountability. But we don't think the blame should stop there. Have you ever heard the expression, "When I point one finger at someone else, there are three pointed at me"?

Citizens who think their personal responsibility to help the helpless is extinguished by their payment of taxes had better think again. Government can do great things, but only if it is accountable, and that happens only when citizens insist upon it. Like it or not, the price of paradise includes getting informed and involved—about the work of the Hawai'i Department of Human Services as well as many other matters of great importance.

Call to action. Our hope is that some readers will decide to "do something." Perhaps they will volunteer to be foster parents, or maybe they'll provide financial support to the various local charities doing what they can to provide a safety net for children who are at risk, or

maybe they will support efforts to prevent the violence and substance abuse that cause so many children to be taken into protective custody in the first place. Still others may take it upon themselves to be advocates for the helpless in general and foster children in particular. This last group might begin by insisting that their duly elected representatives pay more attention. It's not enough to just fund an agency; the legislature has to insist on reasonable results.

The hallmark of any caring community is the way it helps its members who cannot help themselves. By allowing children who already have been victimized to languish in a system that isn't working, the community victimizes them again. Besides the immediate and tragic human loss, there is the inevitable expense to society. A community that treats young victims like "throw-away kids" should start building more prisons and mental hospitals now because it's just a matter of time before they are needed.





"HEY, DON'T BLAME THE UNIONS FOR THE FILM
INDUSTRY WOES—IT'S THE HIGH PRICES..."