

Survey: Too many children stuck in temporary foster care

Overloaded courts, insufficient services part of problem

By Susan Shepard

Children are languishing in temporary foster care due to overloaded family courts and a lack of services, according to a national survey of judges who hear child abuse and neglect cases.

Comptroller Carole Keeton Strayhorn on Friday called for sweeping reform of Texas' foster-care system, and Gov. Rick Perry has called for an investigation into the state's Child Protective Services department.

The survey was administered this spring by Fostering Results, a foster-care public education project of the University of Illinois at Urbana-Champaign in partnership with the National Center for State Courts and the National Council of Juvenile and Family Court Judges.

In Texas, only half of the 125 judges who responded to the survey said they received training in child welfare before hearing cases. Scott McCown, a retired state district judge and executive director of the Austin-based Center for Public Policy Priorities, said training is critical.

"It's not so much figuring out whether there's been abuse or neglect," McCown said. "What's different in these cases is figuring out how you help and how you structure services so that you can get children back to families, where they can live safely."

The study found that the time available to judges to hear child welfare cases is inadequate. Fifty percent of the Texas judges who have more than a quarter of their docket composed of child welfare cases said their dockets were overcrowded. McCown said lack of time was a problem when he was a judge.

"I wished I had more time per case. I think that's a serious problem in our urban areas. We're making decisions in minutes that we should be making in hours," he said.

One positive aspect of Texas' court systems, McCown said, are cluster courts - child

welfare courts that cover rural counties. In a cluster court, judges are responsible for hearing all child welfare cases in their circuits.

Judge Camile Dubose sits on the bench of the Child Protection Court of South Texas. She says one of the benefits of the cluster courts is having adequate time to hear such cases.

"I've seen a huge degree of improvement from the time I started prosecuting in 1992 to now. Texas is a state that's made a lot of changes to the benefit of children," Dubose said.

There are still improvements to be made. Nationally, 46 percent of the judges surveyed said they were frustrated with a lack of services available for families.

"Family support services such as counseling are available but not to the degree that would be ideal in these cases," Dubose said.

A lack of adequate drug and alcohol counseling is also a problem for family courts, McCown said. He added that substance abuse is frequently a factor in child welfare cases.

"About three-quarters of child-abuse and neglect cases have the abuse of alcohol or other drugs as part of the problem," he said. "You've got to get the parent engaged right at that moment when that child comes into care. That's the moment when they're most highly motivated to make changes in their lives."