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Summary of the testimony of **Glenn Campbell**
Before the **Senate Human Resources and Education Committee**
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Partial Opposition to AB147

(as amended by Assembly Committee, Amend. No. 220)

Summary of Recommendations

- **Retain** all provisions regarding the placement of children under 3. I agree that infants should not be placed in group care unless no appropriate foster care is available.
- **Eliminate** these provisions for children aged 3-5. (Eliminate Section 6.) The discretion for placement of these older children should remain with the counties.

Reasons for Opposition to Section 6 (regarding children age 3-5 only)

- 1) AB147 imposes a naïve and simplistic standard which says that foster care is always better than group care for children aged 3-5, without exception. In fact, group care is sometimes the most appropriate and humane option, especially for very short stays of a couple of days. Only caseworkers who know the child and his circumstances can determine which placement is best.
- 2) AB147 may inappropriately encourage a child to bond with a new family when he will be going back quickly to his own. This may unnecessarily traumatize a child by forcing him to break from not just one family but two.
- 3) AB147 may disrupt or complicate parental visitation by scattering children throughout the city.

4) AB147 may force children and foster parents to spend large amounts of time transporting children to and from Child Haven, disrupting both the children and the foster families.

5) AB147 may force more children into substandard and poorly monitored foster care.

6) AB147 may further stress an already overburdened foster care system and encourage more foster parents to leave.

7) AB147 may reduce the quality standards of foster care by forcing all new foster homes to immediately be used for young children. It reduces a caseworker's ability to "hold back" on a foster home that they don't yet have full confidence in.

8) AB147 may increase the likelihood of more deaths of children in foster care, as children are transferred from well-monitored group care to poorly monitored foster care.

9) AB147 makes no exception for the psychological assessment of a child, which is more easily done in Child Haven than in a foster home.

10) AB147 may dilute the real protection for infants by trying to give special preference to too large a group.

I am Glenn Campbell, an independent court observer. For the past two years, I have sat in on abuse/neglect cases in Family Court and written about them on my website. In cooperation with Gerald Hardcastle, the District Court Judge responsible for all of these cases in Clark County, I have written an official "User's Guide" describing the court process for parents. I am also a former foster parent myself who has visited Child Haven many times and who understands its strengths and weaknesses.

Assembly Bill 147 would initially ban all children under 3 from Child Haven and other group shelters and would eventually ban all children under 6 from them. I approve of the former but disapprove of the latter. I recommend, therefore, that Section 6 be removed and the scope of this bill be limited to children under 3.

This bill is very appropriate for children under 3. Clearly, Child Haven is not the place for them. The images out of Child Haven are both distressing and accurate: a long line of cribs and only one person to attend to them. The staff generally have time only to feed them and change their diapers, not to cuddle them or give them the intensive attention that all infants need. This bill would not necessarily improve this picture, since the underlying problem is a lack of foster homes, not a lack of good intentions on the part of Family Services, but it would create a statutory priority for placing these children first in foster care.

The mistake comes when the same standards are applied to an entirely different population of children: those aged 3-5. These children are not confined to cribs, and their needs are both less intense and more complex than infants. Many of them have already been to nursery school or kindergarten, so a group setting may not be alien to them. It may be true that foster care is

usually better for them than group care; but it is a mistake to say that it is always the best placement.

In my visits to Child Haven, I have been appalled by the conditions in the infant cottage. My feelings in the cottage for older children are vastly different. This is a bright, cheerful place resembling a nursery school, except that the staffing level is usually higher. Children are generally occupied and happy. There is no more apparent trauma to the child than it would be for any child attending the first day of kindergarten. For many children, this cottage is exactly the proper placement for them.

The needs and circumstances of children age 3-5 can be significantly different than those of infants, and it is impossible for the Legislature to predict exactly what those needs will be in every instance. Therefore, this bill could end up being destructive to some of these children, simply because it can't be sensitive to their individual needs.

The remainder of my testimony only concerns children age 3-5....

For children aged 3 through 5, the counties should retain the discretion to choose the best placement for each child according to the child's own needs, using the full range of available options. This is consistent with the Legislature's decision several years ago to transfer most foster care and child welfare decision making from the state to the urban counties.

This bill is essentially trying to address the symptoms of a disease—visible overcrowding at Child Haven—rather than the underlying problem—a shortage of qualified foster parents. The law, in fact, could make things worse by lowering placement standards and forcing more young children into marginal and poorly monitored foster care. These children would be “out of sight, out of mind,” because they are no longer being crowded together in Child Haven, but that doesn't mean they would be better cared for.

For reference, children 1-2 years old are generally confined to cribs and playpens, while 3-5 year-olds are walking and talking and require progressively less interaction with their caregivers. Most children enter kindergarten at age 5 and may attend preschool prior to this, so a group setting may be comfortable to them.

The law as amended assumes that for children aged 3-5, placement at Child Haven is always detrimental. While I agree that foster care for these children is usually better than Child Haven, no one can claim that this is always best in every instance, especially for short stays.

Here is an example: Imagine you are a five-year-old child from a troubled family, who has been briefly taken into protective custody due to some kind of family disruption. You have been to kindergarten and are about to be enrolled in first grade. Which is going to be more traumatic to you: (a) staying overnight in a kindergarten-like setting, or (b) moving in with a whole new family, much better than yours, bonding with these people, and then being forced immediately to leave and never seeing that better family ever again?

I propose that children are going to be more confused and traumatized by being thrown into a new family than they would be in the school-like setting.

Foster homes are valued for their presumed ability to form healthy familial bonds with the child. This bonding is certainly good for a long-term placement, but it may actually be damaging to a child in the short term. In cases where we know a child will be going back quickly to his own home, we may not want the child bonding with a new family. This secondary bonding may in fact be cruel to the child, because he will be torn from a family not once but twice.

While there may be scientific evidence that long stays in institutional care are damaging for children, there is no scientific evidence to say that a couple of days in group care are worse than a couple of days in foster care. Group care isn't necessarily a form of torture: We turn children over to "group care" whenever we send them to school! Both foster care and group care are potentially traumatic, but group care is at least more reliable and controlled, and in certain circumstances this stability may be beneficial to the child.

The care provided at Child Haven, when it is not overcrowded, is constant, attentive, compassionate and professional—like a good nursery school. Staff are used to dealing with traumatized children and have developed special skills to reassure and stabilize them. Child Haven is a long way from the cruel orphanage of "Little Orphan Annie." The cottages are friendly, warm and, above all, stable and predictable. This may be exactly what is needed by a particular child on a certain day.

Given the huge trauma of being removed from his own parents, calming and assessing the child should be the first priority. Since very little is known about a child when he is brought into custody, it may be useful for staff to observe him for a day or two in a controlled setting to determine his needs. Under the Section 6 of this law, such an assessment would not be permitted, even if it were clearly in the best interests of the child. (The law provides exemption only for medical needs, not the psychological needs of the child or for general assessment.)

Children Haven is located adjacent to Family Court, so it holds great advantages for convenience alone. Caseworkers can visit multiple children at the same time instead of spending most of their time driving. Parents who appear in court can immediately visit their children next door. Under the new law, children would have to be transported back to Child Haven for every parental visit, which could be highly disruptive to everyone.

Many parents whose children are in custody visit their children every day in Child Haven. This is what we want! We want to maintain the parental bond, because most of these children will be going back to their parents in a few days. The new law could disrupt or reduce these parental visits, because it would scatter children around the city even when their stay in custody is very short. They would either have to be transported back to Child Haven every day to see their parents (a trip of up to an hour each way), or parental visits would have to be curtailed. The net effect could be even more trauma for the child, inconvenience for the parents and an unnecessary disruption of the parental bond.

This transportation burden and rapid turnover of children could also be discouraging to foster parents. They may say, "I enjoy caring for kids, but I don't like driving two hours a day or having a new child every few days." Forcing all available foster parents to take these young short-stay children may in fact push more foster families to leave the system.

Foster families are not always reliable placements. Some of these families are troubled themselves, and their quality is unpredictable. Supervision is inevitably lax because these families are scattered around the city, and caseworker visits are difficult. Foster parents have had minimal training and are not equipped to assess the child professionally. Compared to Child Haven, foster families are much less stable and present greater risks, and the quality of their care is uneven.

The foster parent recruiting system, as it now stands, is relatively unselective. Because foster homes are so desperately needed, the system will accept just about anyone who completes the forms, attends the limited training and passes the criminal check. This system results in many families being recruited who are doing it only for the money or who may not be much better than the families the children are removed from. AB147 would force ALL of these families to be used, even if a caseworker has some doubts about a family. (Under AB147, the agency would have to actively prove that these families are inappropriate, and a caseworker couldn't simply rely on experience and intuition.)

Only the caseworkers on the ground are qualified to decide the best placement for a child. If they know that a certain child is going to be in custody for a long time—based, perhaps, on the parents' history—then they obviously want to get the child out of Child Haven and into a family as quickly as possible. However, if all indications are that the stay will be short, then Child Haven may be the safest, most appropriate and most humane placement.

It is beyond the ability of NRS to specify exactly which placement is best for a children aged 3-5 in every possible circumstance. That should be left to professionals, trained in these matters, who actually know the child and the available placement options.

An interesting parallel should be noted: In this current session, the Legislature has been considering full-time kindergarten, which is essentially institutional care for 5-year-olds. **The only substantial difference between Child Haven and kindergarten is that at Child Haven, children get to spend the night.** It seems bizarre to support full-time kindergarten on one hand and yet ban these same children from Child Haven.

The real crisis in Clark County is a desperate lack of foster homes, which has resulted in past crowding in Child Haven. Nothing in AB147 will encourage more foster homes. It only seeks to shift the problem around and perhaps drive more foster parents away.

Given the demographics of Las Vegas, there will probably never be enough good foster families. Nevada consistently ranks at the bottom nationally for all forms of voluntarism, which means we will probably always have fewer high-quality foster parents than other states. This inevitably means that our state is going to have to rely more on institutional care.

The law, as amended, would force all available foster care beds to be used for children under 6, regardless of the circumstances, and conversely force more older children into group care. This means that a home that might be more appropriate for a teenager in a long-term placement will have to be used instead for a rapid series of short-term placements for young children. The fact is, some foster homes are not well-suited for young children while they may be better suited for older ones. The law makes it difficult for a caseworker to use their experience and wisdom when matching children to foster homes.

When young children die in custody, they usually die in foster care, not Child Haven. The recent spate of child deaths illustrates this: 3-year-old Everlyse Cabrera disappeared in foster care in June 2006. Baby Boy Charles died of blunt force trauma in foster care in August 2006. An unidentified foster child was scalded to death in foster care in 2005. The few children who die in Child Haven were medically fragile when they arrived; children do not die there from violence and neglect as has happened in foster care.

If AB147 is intended to respond to the recent spate of child deaths, it is doing the opposite, because it would be forcing more vulnerable children into untested and poorly monitored foster homes where deaths and injuries are more likely to occur.

Nothing in this bill does anything to encourage the recruitment of high-quality foster parents, which is the root cause of most of the problems at Child Haven.

Furthermore, when Section 6 is implemented in 2009, it may actually end up hurting the young infants it is intended to protect. 1-year-olds who obviously need home placement will be lumped together with 5-year-olds who may not need it. When a placement is available, it could conceivably go to the 5-year-old. The law is still relying on a reasoned judgment by staff to make the best choice. Children under 6 make up the bulk of the population at Child Haven. By giving special preference to too large a group, the law may essentially be giving preference to no one.

I propose that there is no scientific evidence or coherent logic saying that these older children would be irreparably harmed by a short stay in Child Haven. On the contrary, it may be the best option in many cases.

The Legislature should have the wisdom to let qualified professionals make this placement decision based on the unique needs of each child.

SUGGESTIONS

As amended, the law would not apply to older children until Jan. 1, 2009. Since the Legislature will also be meeting that year, it makes sense not to try to decide anything about these older children until then. We still don't know the systemic effects that this bill is going to have when applied to infants. If there aren't even enough foster families to serve even the infants, then it would be counterproductive to extend the law to older children, because then these less needy children will start taking those foster placements.

It also would not be wise to leave Section 6 in place on the assumption that it can be amended in 2009 if conditions warrant. Between now and 2009, Family Services will be forced to gear up for the change and will have to spend at least 6 months implementing it in early 2009, which may be a wasted effort if the law is later changed.

The wisest move is to take this prudent step for infants, but then "wait and see" for older children. The Legislature should pass the current bill for infants under 3 and then assess in two years whether the program has been successful. If indeed it has, then we can ask whether it should be extended to older children. Maybe it should be "Under 4" instead of "Under 3." We just don't know until we test the law in the real world.

I would not object to including, as a substitute to Section 6, a reporting requirement for children under 6, to take effect immediately. Family Services could be required to report to the state various information on children under 6 placed in Child Haven and why they were placed there. Then if the Legislature wanted to revisit the matter in 2006, they would have more data to work with.

My preference, however, is simply to strike Section 6 altogether. Family Services will have more than enough challenge placing infants in foster care. Let's not make things more complicated until we can assess the results of that effort.

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