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Our Kids Deserve Better Than Rushed Family First Bill

BY JOHN BURTON AND TRENT RHORER

Anyone who is a parent knows that kids are different: What worked well for the first child may fail miserably for the second. But as parents, we know that our job is not to raise “a child” but to raise “our child.” And, our job is to be as deliberate, level-headed and planful as possible when doing so.

So you can imagine the challenge of our nation’s foster care system, which is tasked with getting it right for more than 415,000 abused and neglected children nationwide. That is the task that is being undertaken by Congress at the moment and unfortunately, they are getting too much of it wrong.

At issue is the Family First Prevention Services Act of 2016, authored by Senators Orrin Hatch (R-Utah) and Ron Wyden (D-Ore). The authors’ laudable intent and the goal of the legislation is to prevent child abuse and ensure that children are being raised with loving families, instead of group homes. Unfortunately, in a rush to push the legislation through Congress without debate, the needs of individual children are being lost, and the ability of child welfare systems and community partners to keep children safe and secure is being compromised.

Melissa’s experience illustrates this point. Melissa entered foster care at age 13 after being molested by her mother’s boyfriend. She was placed into foster care with her aunt. Vulnerable and manipulated into thinking she could trust an older man who at first showered her with gifts and attention, she was coerced into child sex trafficking. After four months of being raped daily, Melissa escaped when she overheard the perpetrator mention that she would soon be moved out of state, a common tactic used to prevent victims from ever being recovered by family or authorities.

Melissa's experience is horrific, but it's the kind of challenge that the foster care system faces every day. Now that Melissa has been recovered from being sexually exploited, where should her child welfare team place her to ensure she is safe and receive services to help her deal with the trauma she has suffered?

With the stigma of sexual exploitation hanging over her, her aunt would not take her back. Her former perpetrator was still a very real threat, ready to take Melissa willingly or by force. In the end, she was placed in a specialized program that serves child victims of commercial sexual exploitation, where her physical and psychological safety could be ensured.

Unfortunately, this placement would not pass muster with the Family First legislation. Melissa's trauma likely would not meet the medical definition required in the legislation to merit placement in this excellent program for children with severe emotional disturbances. Instead of offering up new options to address the increasingly complex issues facing children, the federal legislation is taking options off the table.

California has taken a different approach, without pulling the rug out from under Melissa and other vulnerable children. Our statewide reform includes a comprehensive, team-based child assessment and expanded supportive services for caregivers, such as Melissa's aunt. With these services, Melissa could have likely continued to live with her aunt and prevented a tragic chapter in her young life. California's approach also permits the temporary use of a group home to ensure Melissa's safety and start her on the path to recovery, something that is not permitted in the federal legislation.

California is not unique: Under the current federal framework, every state can develop a thoughtful approach. Reducing the number of children living in group homes can be done, but it takes an approach that dramatically increases services for children and families and expands training and support for caregivers.

The Family First legislation does neither. Instead, it hands down a long list of federal requirements that tie the hands of states as they work to protect children. And ironically it does it by reducing funding from existing programs serving children. There is not one new dime of federal investment in kids. As Congressman Lloyd Doggett (D-Texas) noted about Family First, "all this money is taken from another program," calling it "robbing Peter to pay Paul."

In addition to its provisions on reducing available placements for vulnerable children, beginning three years from now, Family First would provide preventative services to children prior to placement in foster care. But unfortunately, the bill's approach to this issue is problematic, too.

The prevention services provided through Family First would only be available to children who are at an "imminent risk" of child abuse, rather than a broader category of children who are "medium to high risk." By targeting the prevention services in this manner, we are missing a real opportunity to prevent child abuse by better supporting families before the risk of abuse becomes "imminent."

California is not alone in its concern about this federal legislation. The second largest foster care system in the country, New York, has also registered its opposition and the list of states expressing concerns is growing. Together, California and New York represent 1 in 3 children in foster care. A policy that doesn't work for one in three children simply doesn't work.

We can do better for our most vulnerable children. After speeding through the House of Representatives, the Senate appears prepared to take action on the Family First Act with no debate this week before they head out for summer recess Thursday. There has been no opportunity for reasonable amendments to be considered. We call on the Senate to delay any action on this legislation until it can be amended to incorporate provisions that will truly protect children.

Being a parent is hard, particularly when it means being the legal parent for nearly half a million of our nation's most vulnerable children. But we have to get it right, for each and every child. We wouldn't act this hastily for our own children, and the nation's most vulnerable are counting on us to treat them with the same care

John Burton is the Founder of the John Burton Foundation for Children Without Homes and former California state legislator. Trent Rhorer is the Executive Director of the San Francisco Human Services Agency.