

**FOR IMMEDIATE RELEASE**

September 20, 2007

CONTACT:

Casey Trupin
Columbia Legal Services
(206) 915-3215 (cell)

Bill Grimm / Bryn Martyna
National Center for Youth Law
(510) 835-8098

Timothy Farris
Attorney at Law
(360) 650-1337

**Lawyers for Children in Braam Foster Care Case Announce Return to Court:
Foster Parent Survey Shows Major Changes Needed To Protect Foster Kids**

Lawyers for foster children in the Braam v. Washington case have announced that they will be returning to court in November of this year, just over three years after the case was settled. “We are going back to court because children are still being harmed while in the State’s care,” commented Tim Farris, an attorney for the children.

The Braam case was brought, in part, to stop the practice of moving children frequently from one placement to another and the disruptions in school, health, and mental health care that accompany such instability. The foster parent and relative caregiver survey released today reveals that many of the problems the Braam settlement was intended to fix still exist. Data from this survey and other sources show, among other things, that foster children are still not being timely seen by caseworkers and other data shows a high rate of placement changes, and a low rate of timely mental health and educational assessment. “The Department, the Governor, and the Legislature need to act with urgency to improve conditions for foster children in Washington,” said Casey Trupin of Columbia Legal Services, one of the agencies that represents the thousands of children in foster care.

The groundbreaking survey was developed as a way to measure the progress being made toward the improvements required by the settlement. The survey, which was conducted by researchers at Washington State University, is believed to be the most comprehensive statewide foster parent survey ever conducted in this country. Over 1,200 foster parents were interviewed on a range of topics related to the Braam settlement. “The foster parent survey is an effective means of learning from foster parents about their experiences and what they need to meet the needs of the children placed in their homes; it should serve as a nationwide model,” commented Bill Grimm, of the National Center for Youth Law.

While the survey shows some areas where the Department could be on track for meeting Braam-required outcomes, such as foster parent training, it, along with other data released by the Department, also reveals major deficiencies. For example, although the Department long ago committed to a national standard requiring that children in out-of-home care be visited every 30 days by their caseworkers, over 60% of all survey respondents said the child in their care did not



receive a monthly private and individual face-to-face visit from a caseworker. In fact, the survey indicates that 17% of foster children *did not receive a single visit* in all of 2006.

The lack of monthly visits was a major issue in a recent 6.2 million dollar verdict against the Department resulting from a lawsuit on behalf of two siblings who were brutally beaten in their foster home. While the Legislature this year provided some funding to reduce caseloads in order to allow caseworkers to visit children more often, the Department has indicated it still may not be able to provide these visits by the summer of 2009.

One of the more troubling aspects of the survey was the number of foster parents for whom the Department had no working phone number. Of the 3,800 foster parents who Washington State University attempted to contact, more than 25% (986) were unable to be contacted because the number provided by the Department was not a working phone number and the foster parents were not listed. While some of the foster parents may have stopped providing care by the time the survey was conducted, it is not yet known why the Department did not have a working phone number for so many foster parents.

After continued delays in implementing many of the actions the agency agreed to years ago, and the failure of the Department to come up with acceptable plans to implement critical action steps, the attorneys for the statewide class of foster children have concluded that the assistance of the court is necessary. Among other things, they may ask the court to order the State to provide sufficient funding for implementation of the promises made to children by the settlement. The attorneys noted that the 2007-09 final budget was missing tens of millions of dollars requested by the Department to make improvements called for by Braam.

“It has become clear that the Legislature and the Department need direction from the court that compliance with this settlement can no longer be treated as optional—they simply cannot continue to break the promise they made to improve the lives of children in foster care,” commented Trupin. “The State keeps insisting it must prioritize between foster children who are being harmed in their care. All of these children are a priority, and none of them should be condemned to more years of suffering.”

The Braam Panel was convened a several years ago as a result of the settlement in the Braam vs. State of Washington lawsuit. The lawsuit was brought on behalf of thousands of foster children in the state of Washington who had been bounced from home to home by the foster care system, and focused on the multiple harms resulting from this constant instability. The case was settled in July 2004, after the Washington State Supreme Court held that foster children had significant constitutional rights that could not be disregarded, even due to lack of funding for key programs.

The plan requires changes in six key areas that affect children’s lives in the foster care system: placement stability, mental health, foster parent training and information, unsafe or inappropriate placements, sibling separation, and services to adolescents. The plan sets out measurable outcomes, annual benchmarks, and interim action steps in order to turn the promises of the settlement agreement into reality.

###