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Foster care pay is called inadequate

By Michael Rothfeld
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California is rapidly losing families willing to care for foster children because its payment rate lags far behind the cost of living and is lower than the price to kennel a dog, according to a federal lawsuit filed Wednesday that mirrored the findings of a new national study.

The lawsuit was launched by a coalition of advocates for foster families in U.S. District Court in San Francisco on the same day that the analysis by the University of Maryland showed that California has fallen far behind in caring for its most vulnerable wards. In dollar to dollar comparisons, California, which has 75,000 foster children -- more than any other state -- ranks in the lower half of states in paying families to care for them. But when adjusted for the cost of living, California's ranking drops even further.

The analysis found that the state's \$425-a-month reimbursement rate to care for a 2-year-old was 61% too low -- or \$260 a month too little -- to meet the costs of food, clothing, shelter and other basic needs prescribed by federal guidelines. The \$597 a month paid to care for a 16-year-old child was 44% too low, the study said.

Kennels charge about \$620 a month to house a dog, the lawsuit said, citing a survey taken last year.

The study compared this year's foster care family rates in each state and Washington, D.C., with the estimated cost of caring for a child in each region based on consumer spending data. California ranked below average in the gap between the foster care rates and the actual cost of providing care for children in all three age categories analyzed; it ranked 36th in providing adequate funding for 2-year-olds, 30th for 9-year-olds, and 26th for 16-year-olds, the study said.

The state had not changed its foster care rate for six years, although a 5% rate increase is scheduled to take effect in January. In roughly the same period, the number of foster families plunged in many counties, including 21% in Los Angeles

County and 61% in San Bernardino County, according to a study in May. There are about 19,000 licensed foster families statewide, advocates say.

Shirley Washington, a spokeswoman for the California Department of Social Services, said the agency disputes the University of Maryland data. She said the state estimated the average foster care payment was \$680 a month, increasing to \$715 in January, counting extra money paid for children with disabilities and other special needs.

The lawsuit and report, however, suggest that more needs to be done to stabilize the lives of children, to reunite them with their families or to help them find new ones. Advocates have mounted an aggressive campaign by pushing legislation in Sacramento and in Washington, where U.S. Sen. Barbara Boxer (D-Calif.) has proposed a measure to provide federal funding for states that want to keep children in foster care until age 21.

"It's a system that is completely overextended and underfunded, and it needs some real rethinking about what exactly our intention is when we bring young people into care," said Janet Knipe, executive director of California Youth Connection, a statewide group that trains foster children as advocates on the issue.

The suit and study emphasized that the funding shortfall for foster families drives children into more expensive institutional settings such as group homes, where they are less likely to find stability in their relationships or education, and more likely to embark on their own at age 18 without having forged permanent emotional bonds. The result is that many enter adulthood at risk of becoming homeless or ending up in the criminal justice system.

"These children end up in more restrictive settings where they will age out with not a soul in the world," said Regina Deihl, executive director of Legal Advocates for Permanent Parenting, one of three plaintiffs in the lawsuit. "We want to allow our kids to have the most normalized kind of life, preferably in their own home community, and to be able to stay in their own school."

The lawsuit, naming Gov. Arnold Schwarzenegger's social services director, John Wagner, and Deputy Director Mary Ault, contends that the state is violating the federal Child Welfare Act by failing to meet the costs of caring for foster children. Larry Bolton, chief counsel for the Department of Social Services, blamed state lawmakers for failing to appropriate more money.

Aides to the Democratic leaders in the Legislature and to Schwarzenegger said they all had fought for increases in foster care funding, as well as for bills aimed at improving the system.

Jonathan Pearson, 25, a former foster child who is the legislative and policy coordinator for California Youth Connection, said there had been some progress but that reducing the time children spend in foster care remained a priority for his group's members.

He said that after he was placed at age 12 in foster care because of abuse by his father, he went through nine foster care placements, "bouncing around from home to home, changing from school to school." At age 16, he found the foster father and brothers he now considers his family.

Among the 12 foster care bills approved by the Legislature and awaiting Schwarzenegger's signature is a measure by Assemblywoman Noreen Evans (D-Santa Rosa) that would require counties to apply for federal disability assistance on behalf of foster children who qualify. Such assistance would provide them with more than \$850 a month to live on after they are emancipated at 18.

Because of a quirk in federal law, it costs counties about \$1 million a year to apply for the benefit, and many have not. The bill would require the state to pick up the difference.

"We don't come close to doing enough," for foster children, said John Burton, the former Senate leader, who advocated for the bill, AB 1331, through his San Francisco-based foundation. "Nobody at 18 is ready to be out on their own and these kids have nothing."