

DCS cannot track kids, monitor says

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Agency ordered to pinpoint all its wards in state

The federal court monitor overseeing the state Department of Children's Services has concluded that she "cannot state with any certainty that DCS knows where all children are placed on any given date" and has ordered a statewide effort to verify their whereabouts.

The Missouri-based monitor, Sheila Agniel, is zeroing in on what advocates for Tennessee's 10,000 foster children contend is a central failing at DCS — that it cannot track the children it is charged with keeping safe.

The department counters that it can reach into its records and find any child. Nevertheless, DCS officials say they were planning to dispatch its caseworkers for face-to-face meetings with every foster child when they received the letter from Agniel yesterday ordering them to do just that.

DCS has two weeks to complete the job.

Agniel was appointed the federal monitor in 2000 to ensure that the agency did as it promised when it settled a class-action lawsuit. The suit, *Brian A. vs. Sundquist*, was brought by eight youths on behalf of all Tennessee foster children. They asked a federal judge to repair what the lawsuit called "a grossly mismanaged and overburdened child welfare system."

To determine whether the state was keeping accurate records, the monitor has been examining a sample of 200 names this month from the state's primary foster-child list, known as TNKids. She cross-referenced those names with two other sets of records to see if the placements and the addresses matched.

They did only 101 times. Of the 200, Agniel also pulled out a subset of 50 to verify by telephone whether TNKids was accurate.

As of yesterday, 40.5% were in the placements that TNKids indicated.

A third were not, and in 26.2% of the cases, there was no phone number listed or the phone had been disconnected, according to Agniel's letter to child-welfare advocates who represented the plaintiffs in the suit.

"Everything in the letter is alarming," said one of those advocates, Nashville attorney David Raybin. "And it indicates that this may well be a statewide problem, which I've suspected all along."

This month, state officials have been focusing on the same issue within Davidson County.

At Christmastime, volunteers bearing presents and armed with a list of foster children fanned out across the county, only to discover that they could not find dozens of the children.

In some cases, foster parents told the volunteers they did not have the children who were supposed to be in their care. In others, foster parents said that children had not lived with them for months.

That prompted a Juvenile Court judge to order that foster children be brought to court for all proceedings so that judges can confirm that the children are safe and accounted for.

DCS scrambled its caseworkers to visit nearly 1,000 children in Davidson County to ensure that the department knew where the children were living. The department says that it did so successfully by last week.

Now, that effort will be duplicated statewide, on the monitor's orders.

"We were already on this before the official letter came out from Sheila," DCS spokesman Carla Aaron said. She said that Commissioner Michael J. Miller had been planning a statewide review and that he met with Agniel yesterday. Miller is Nashville's former social services director.

Caseworkers will have to meet with the children, obtain their foster parents' signatures and check that information against the TNKids database and update it if necessary.

In some cases, children move every few days, Aaron said, and while the caseworkers might know where the children are staying, the computer records might not be up to date.

"If what turns out from this ongoing investigation is that the most accurate source about the location of the children is what's in caseworkers' heads, that won't fly," said Ira Lustbader, an attorney for Children's Rights Inc., the New York-based advocacy group that initiated the class-action suit against DCS. "That's just not acceptable."

An accurate master list is essential, according to Raybin.

"It is not a money issue, in my view.

"This is a management issue. Just throwing more money at the problem is not going to solve this. Until you have one uniform, workable database for all the children, you're never going to be able to know where everyone is.

"The consequence for that is that you run a significant risk that a child can be lost or could even come to harm."

Once DCS has completed its audit, Agniel plans to randomly check to ensure that the agency carried through on its task. She said that those checks will continue until DCS has proven it has developed an accurate tracking system.

