

## **Monitor finds DCS falls short in repairing system**

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### **Agency points to its successes cited in report**

The court monitor overseeing the Tennessee Department of Children's Services has found that the agency has begun to rectify its systemic problems but that it remains far short of addressing the shortcomings it is under orders to fix, according to a report released yesterday.

Sheila Agniel is charged by U.S. District Judge Todd Campbell with making sure DCS complies with a settlement agreement reached in the case known as Brian A. vs. Sundquist, brought by eight youths on behalf of all Tennessee foster children.

The lawsuit against Gov. Don Sundquist asked the federal courts to force the state to repair "a grossly mismanaged and overburdened child welfare system."

The report that Agniel released yesterday, her first, is a comprehensive interim assessment designed to track the agency's progress.

Under the July 27, 2001, Brian A. settlement agreement, the state has 54 months to improve the way it finds homes for foster children, delivers services and manages its caseloads.

In a February letter, Agniel concluded she "cannot state with any certainty that DCS knows where all children are placed on any given date" and ordered a statewide effort to verify their whereabouts. That specific effort is ongoing.

DCS focused attention yesterday on the new report's more complimentary observations, such as reducing the time to find adoptive homes or to reunify children with parents, while asserting that the agency is committed to seeing that more improvements are made.

"The ongoing work of the monitor and future reports will represent the high priority the new administration places on children and families and the level of commitment the department has for continuing our efforts toward improvement," DCS Commissioner Michael Miller said. He is the newly appointment head of the agency in Gov. Phil Bredesen's administration.

The head of the New York-based advocacy organization that spearheaded the suit hopes that the change in administrations won't slow sorely needed momentum inside the department.

"I don't know what their plans are," said Marcia Robinson Lowry, executive director of Children's Rights Inc. "I don't know who is going to stay in the department and who is going to be leaving."

She said that, regardless, management changes will be crucial if the agency hopes to comply with the agreement.

Agniel's report noted DCS has a lack of lines of accountability and that it is hard for those who work for the agency to get straight answers when they have questions about policy.

She also noted the difficulty she has in collecting data from DCS.

"Gaps in data collection, maintenance and reporting, as noted in multiple sections throughout this report, hamper DCS's ability for self-assessment and effective implementation of the settlement agreement," Agniel wrote.

The department notes that some findings in the report paint a much rosier picture than in the past.

For example, the settlement agreement mandates that 70% of children entering custody be reunited with their parents within 12 months.

The department says it has achieved a 98% rate since Sept. 1, 2001. DCS also points out it has exceeded the agreement's mandates in several categories relating to the placement of foster children.

It also has created a Quality Assurance Division to "ensure the integrity of the casework and case recordings," according to a DCS press release.

"There is nothing in this report that insists that more money be spent," said one of the plaintiffs' attorneys, David Raybin. "Money is a waste until the structure is altered. Many of these problems can be resolved by structure and management changes."