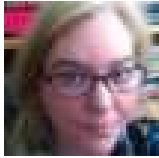


# The Dallas Morning News

## The Scoop Blog

### Floyd: Broken foster care system is breaking lives



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The court records identify him as “D.I.” We’ll just call him Danny.

Six years ago, Danny was a sad little boy who had been abandoned by his drug-addict mother. He was delivered by state caseworkers to a privately operated, state-licensed group foster home so his safety and well-being could be assured.

During his first month in his new home, Danny was raped repeatedly by two teenagers, 16- and 17-year old boys he was assigned as roommates. The attacks happened while the home’s sole adult caretaker slept on an air mattress downstairs.

Instead of documenting the abuse and getting him into therapy, caseworkers moved Danny to another group home, citing his “problems getting along with the older foster kids.” He was eight years old.

In the years that followed, Danny’s life followed a miserably predictable downward spiral. He was shuffled from one home to the next, sometimes enduring further abuse from older children, then starting to prey on younger kids himself. He disrupted his classes, had fantasies about hurting or killing himself.

As a result of his tour through Texas’ foster-care system, Danny, who is now 14, is “a very disturbed boy ... with a high risk for sexually harming children,” according to a psychologist who examined him.

There are an estimated 11,000 other kids like Danny, permanent wards of the state's Department of Family and Protective Services.

The barely concealed anger in a federal judge's 260-page ruling last month suggests "protective" is a breathtaking misnomer. With the ruthless consistency of a malfunctioning machine, the state takes vulnerable, fragile children – and makes them worse.

U.S. District Judge Janis Jack's ruling is the saddest legal document I have ever read. In part to establish the record but also to tell the stories of children "who have too long been forgotten," she meticulously documents the case histories of the plaintiffs in the lawsuit.

A bright, remarkably mature 7-year-old girl whose parents are in prison was the primary caretaker for her two baby sisters when the state assumed their custody. Shuttled from home to home, she was permanently separated from her sisters – the only people she loved – when adoptive parents decided they only wanted to keep the younger children. During one stretch, this girl did not see her primary caseworker for three years.

An 8-year-old girl was taken into state care after investigators determined that she had been sexually abused by an older brother for four years. Although this child had been systematically raped for half of her life, there is no indication in her case file that she ever received treatment or therapy for the abuse.

A young woman spent 10 years in foster care, during which she had 25 caseworkers, 27 different placements, and attended 15 schools. She was only eight when one DFPS worker apparently gave up on her, noting in her file that she would "probably age out of care." She did.

To cite the cliché that "the system is broken" is a grotesque understatement. Failures in Texas' overburdened, jury-rigged foster care apparatus would be intolerable if they happened to jail inmates or prisoners of war – and they are happening right now to thousands of helpless, friendless, utterly dependent children in this state.

How graphic does the testimony have to be, how strong the language we use, in order to stir lasting public outrage and secure lasting change?

We're not there yet. For two decades, lapses in Texas' child-welfare system have been the subject of scathing reports and demands for reform – only to be forgotten when some fresher political issue comes to the fore.

It's sad and astonishing that a society I like to think is generally good-hearted and humane can be so willfully blind. **But these are hard problems to fix, and they're easy to ignore.**

We're talking about poor, friendless kids from homes that are such a mess they can't ever go back. Grown-ups have plenty of pointy-headed debates over the reasons: Drugs, welfare, income inequality, poverty – the reasons don't matter much to these kids.

They're the ones who have been in state care for more than a year – the period when caseworkers push hard to reunite them with family or see them adopted.

**After that period passes, the clock slows down: Their cases lose urgency. They get less attention, fewer services, less oversight than children whose tenure in the system is still legally considered “temporary.”**

After a grueling five-year class-action trial riddled with horror stories, Judge Jack ruled last month that these kids are being denied their 14th Amendment right to be free from an unreasonable risk of harm.

She ordered an immediate set of reforms, starting with the appointment of a special master to begin analyzing the foster care system. That person's task will be to create a map for keeping better track of kids, improving their care, and easing the backbreaking caseloads and chronic high turnover for front-line caseworkers.

How did our state respond? With denial, delay, and melodramatic political posturing about a “misguided federal takeover” of Texas' own affairs. *Mind your own business!*

This week, Texas Attorney General Ken Paxton asked the U.S. 5th Circuit Court of Appeals to put Jack's orders on hold while her ruling works its grinding way through the appeals system – a process that could take a year.

We're fixing it ourselves, Paxton's office said. Things aren't that bad.

Well, here are Jack's own words: Texas foster care system "has ignored 20 years of reports outlining problems and recommending solutions." It has "ignored professional standards."

During that time, thousands of helpless, dependent kids "have been shuttled through a system where rape, abuse, psychotropic medicine and instability are the norm."

Yes, the system is broken, but it operates with a tragic and mindless efficiency: It produces broken people. It makes broken lives.

The federal appeals court is expected to decide in coming weeks whether to let Jack's orders go forward.

To these children, it's just another in the endless series of distant, inexplicable decisions by unknown grown-ups that govern their lives.

Maybe this one will make a difference.