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Opinion

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Corrected version

DSHS shouldn't abandon foster care

A landmark agreement improved care for thousands of Washington state foster kids, but the work is not finished. Columnist Jonathan Martin wonders: Why is the state trying to get out of the agreement?



By Jonathan Martin

Times editorial columnist

Thirteen years ago this month, Washington's foster-care system was on trial. The class-action lawsuit painted a coal-black picture: 1,300 foster kids had pinballed between eight or more foster homes, their education and basic health unattended by an overworked, mismanaged bureaucracy.

The Department of Social and Health Services, in a defensive crouch, fought hard, losing in Whatcom County Superior Court, at the state Supreme Court and ultimately in the court of public opinion.

Not the makings of a feel-good story. But DSHS eventually put its fists down and negotiated what's known as the Braam settlement. It was a detailed to-do list of reforms, backed up by data and a blue-ribbon oversight panel.

Once it did, this happened: Washington got a much better foster-care system. By anecdote and data, today's foster kids are better off than their predecessors a decade ago.

This week, however, DSHS announced it was done with Braam. The legal agreement is expiring. No more extensions. Time to move on.

"While the Braam settlement set the framework for these improvements, we now are in a place where we can excel with traditional executive and legislative oversight," Jennifer Strus, DSHS' Children's Administration chief, said in a statement.

This is a mistake. Although foster care is better, DSHS is trying to walk away with the job half done. Of the 21 specific "outcome" targets DSHS agreed to in a 2011 agreement extension, there has never been compliance on eight. DSHS disputes some of this, but no one disputes the unfinished business. Social workers' caseloads remain too high. Foster kids run away and stay gone too long. Foster kids still don't see their caseworkers regularly enough.

Casey Trupin, an original lawyer for the Braam plaintiffs, praises Strus for embracing Braam after her predecessors fought and slow-walked the agreement through 2008. But he said the plaintiffs will go back to court to force DSHS to fulfill the agreement.

“To let them off the hook at this point, when they haven’t even met a majority of what they agreed to, makes no sense,” said Trupin, a Columbia Legal Services lawyer. “We think there’s an unfortunate perspective [at DSHS] that things will continue improving without Braam.”

There’s good reason to be skeptical. Courts have the power to focus the mind. Just ask the Legislature, which is scrambling to fulfill the state Supreme Court’s McCleary education-funding decision. Or ask Seattle police.

Braam has had similar power. It held the 30,000-foot goals in a system consumed with the daily melee. And mandatory data dumps forced transparency on a bureaucracy shrouded in confidentiality laws.

DSHS laments the cost: It spent \$910,667 on attorney fees since 2006. Ironically, that’s about what the state spent on lawyers over the five years prior, fighting off Braam. Those are pennies on the dollar compared to a few egregious lawsuits.

But the best argument to keep plugging away at Braam, which I covered during a decade as a DSHS beat reporter, are the kids who testified in Bellingham back in 2001. The case’s namesake, Jessica Braam, had at least 34 foster-care placements and developed severe behavioral problems.

Amie Hilton, another plaintiff, had about 30 placements from age 3 on. During the trial, Hilton, then known as Amie Anderson, said the state suggested the high number was partly her fault. “My side is that I wasn’t getting the help I needed.” She said she finally felt stable when she spent three years at the same high school, thanks to a loving foster dad who paid for things like Kumon tutoring.

Today, she’s a 32-year-old married mother of two and a college graduate. She recently found her biological family in California.

“It wasn’t what I was expecting.” No apologies, no reconciliation. In reality, the state of Washington was her only real legal parent.

For DSHS to escape the Braam settlement now, its goals unmet, is like a parent lying to a child. “We’re barely at the halfway mark,” said Hilton.

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