



The Journal of Sociology & Social Welfare

Volume 42
Issue 4 December

Article 8

2015

Separation, Visitation and Reunification: Michigan Child Welfare Reform and Its Implications for Siblings

Angela M. Moe

Western Michigan University, angie.moe@wmich.edu

Jessica A. Church

Follow this and additional works at: <https://scholarworks.wmich.edu/jssw>

 Part of the Social Work Commons

Recommended Citation

Moe, Angela M. and Church, Jessica A. (2015) "Separation, Visitation and Reunification: Michigan Child Welfare Reform and Its Implications for Siblings," *The Journal of Sociology & Social Welfare*: Vol. 42 : Iss. 4 , Article 8.

Available at: <https://scholarworks.wmich.edu/jssw/vol42/iss4/8>

This Article is brought to you for free and open access by the Social Work at ScholarWorks at WMU. For more information, please contact maira.bundza@wmich.edu.



Separation, Visitation and Reunification: Michigan Child Welfare Reform and Its Implications for Siblings

JESSICA A. CHURCH

ANGELA M. MOE

Western Michigan University
Department of Sociology

Removal of children from abusive or neglectful families is an unfortunate but necessary aspect of child protective services, and the separation of siblings can be especially traumatic. This paper examines the Dwayne B. v. Snyder Modified Settlement Agreement (MSA), the result of a class action lawsuit regarding the management of the child welfare foster care system by the Michigan Department of Human Services. The MSA contains several mandates regarding the handling of siblings, though various measures of compliance remain unmet. Through field observations and interviews within the Michigan foster care system, we identify several factors prohibiting effective sibling care.

Key words: foster care, child protective services, siblings, class action, settlement agreement, MSA

Each year over 200,000 children enter foster care in the United States, most often upon the intervention of child protective services [CPS] who become involved in children's lives when allegations of abuse and neglect are confirmed (Child Welfare Information Gateway, 2012). While such intervention may be necessary, state interference in child-victims' lives is often traumatic as well. Allowing (non-offending) siblings regular and quality contact with one another, and where possible placing them in the same foster home, may mitigate the effects of CPS involvement. Unfortunately a host of factors impact sibling interaction and out-of-home placement.

This article examines sibling contact and placement within the child protective arena, focusing on the foster care system in Michigan which has come under scrutiny as a result of a 2009 class-action lawsuit against the State's Department of Human Services [DHS]. Our findings are based on observations of the child welfare system, interviews with child protective workers, and review of the *Dwayne B. v. Snyder Modified Settlement Agreement* (2011) (hereafter referred to as the "Modified Settlement Agreement" or "MSA") to which the State must submit periodic (and publicly accessible) progress reports. We examine professional assessments of sibling contact and placement within the foster care system, highlighting various factors, considerations and institutional barriers that limit them. We specifically emphasize aspects of foster care sibling contact and placement that contrast best practices in the area of child welfare, and appear discordant to the MSA's stipulations, such as they exist.

This inquiry arose from the first author's experience as a child welfare worker in the State of Michigan for three and a half years. As part of a hiring surge prompted by the MSA in 2011, she worked in a larger metropolitan area as well as a more rural, sparsely populated area and served as a CPS case-worker as well as a foster care worker. As such, she has had consistent first-hand experiences with the compliance efforts of the state with regard to the MSA. Further external observations of Michigan's compliance with the MSA are offered by the second author, whose university-based teaching and community work have revolved around child maltreatment since the inception of the MSA. These activities have provided her regular access to child welfare workers throughout all aspects of the system, from employees of DHS to those working alongside it (guardians ad litem, court-appointed special advocates [CASAs], family court prosecutors and their victim-witness coordinators, law enforcement, medical professionals, treatment providers, and school administrators).

Our observations are supported by eight in-depth interviews conducted by the first author in the summer of 2013, two years after the MSA's implementation, and four interviews conducted by the second author in 2014. Interviewees included individuals in southern Michigan who work directly with children in the foster care system (within or outside of

DHS). (Requisite DHS and university human subjects review board approval was obtained.) They included foster care workers, case aids (who supervise sibling visits), foster care supervisors, counselors, and trauma assessment professionals; some had held more than one of these positions. Their experience ranged from 1 to 30 years, and all had at least a Bachelor's degree. Each had been involved in decisions on where to place siblings and had overseen sibling separations and visitation since the establishment of the MSA.

Siblings and Foster Care

There is little consensus on how often siblings are separated in foster care. Estimates range from 14% (Linares, Li, Shrouf, Pettit, & Brody, 2007) to as high as 80% (Hegar & Rosenthal, 2011), however most research suggests that siblings are separated from one another in 30-60% of cases (Leathers, 2005; Shlonsky, Webster, & Needell, 2008; Staff & Fein, 1992; Tarren-Sweeny & Hazell, 2005). Though most child protective service agencies require children to be placed with their siblings, various factors inhibit this in practice. Younger children are generally placed with their siblings more often than older children, and children who are close in age are more likely to be placed together than children with a large age gap (Boer & Speiring, 1991; Drapeau, Simard, Beaudry, & Charbonneau, 2000; Linares et al., 2007; Shlonsky, Bellamy, Elkins, & Ashare, 2005; Staff & Fein, 1992). Children who have more siblings are also more likely to be separated from at least one of them because it is difficult to find placements for large sibling groups (Drapeau et al., 2000; Hegar, 2005; Herrick & Piccus, 2005; Leathers, 2005; Shlonsky et al., 2005). Special needs or behavioral problems may also lead to separation for safety or programming purposes (Boer & Speiring, 1991; Hegar, 2005; Leathers, 2005; Shlonsky et al., 2005). The same is true in cases where abuse has occurred between siblings (Leathers, 2005; Whelan, 2003). Finally, step or half siblings may be separated from one another due to the common practice of prioritizing familial placements over non-familial placements. Children who are removed from a parent they biologically share may be split when they are placed with a parent or other relative they do not have in common (Church, 2013).

Scant research also exists on the importance of sibling relationships during foster care, however it is generally believed that separated siblings desire and benefit from contact with one another. Children who have quality access to their siblings seem to feel closer to their foster parents (Hegar & Rosenthal, 2011; Leathers, 2005), experience greater stability in their placements (Leathers, 2005; Staff & Fein, 1992), and feel more emotionally supported by their siblings (Boer & Speiring, 1991; Drapeau et al., 2000; Whelan, 2003). Unfortunately, high case-loads impede sibling visitation, since the responsibility of coordinating, transporting and supervising such visits often falls upon foster care caseworkers. Additionally, foster care parents are sometimes uncooperative in such arrangements if they believe them to be disruptive to the children under their care or otherwise cause undue burden to their already stretched time and monetary resources. Currently Michigan requires children in foster care to have at least one visit with their siblings per month (Michigan Department of Human Services, 2013). While this may not seem adequate, such a requirement is relatively new—a product of the 2011 MSA.

MSA in Michigan: Litigation and Reform

On August 8, 2006 the child advocacy group, Children's Rights, filed a class-action suit against the State of Michigan alleging that the state-run foster care system was denying children basic rights and putting them in danger by providing inadequate case management services. Specifically, the complaint outlined the problematic treatment of the named plaintiff, Dwayne B., who lingered in foster care for over a year. Upon a brief and failed reunification with his mother, the child suffered constant placement instability, a lack of mental, physical and educational services, as well as abuse within several foster care homes. He was also prescribed several psychotropic medications without adequate oversight and had no permanency plan. His caseworker rarely had contact with him, and many of his various foster parents were not given adequate monetary support. The complaint described similar concerns for five other plaintiffs: Carmen, Lisa, Julia, Simon, and Courtney. The complaint also cited a 2005 report where a foster child in Battle Creek (southwestern Michigan) became

pregnant twice by her biological father during unsupervised visits, as well as a case where a foster parent in Wayne County (Detroit) beat a four-year-old foster child to death in 2003 (*Dwayne B. v. Granholm*, 2006).

Many of the allegations in the initial complaint spoke specifically to DHS's mismanagement of sibling relationships. Dwayne was separated from his siblings and not offered visits with them despite his close relationship with a brother. Similarly, Julia, Courtney and Simon (sibling set) had no visitations for two years while in foster care. In Lisa's case, DHS mishandled sibling visitations in a much different manner. Lisa had been placed with two of her brothers, despite her history of having sexual intercourse with another brother. During her placement she had sexual intercourse with yet another (younger) brother with whom she was placed. DHS responded to this by separating the two, but allowed Lisa to continue to have unsupervised visits with this brother, and she reportedly had sexual relations with him on at least one other visit.

Most of the information listed in the complaint appears to be obtained from media accounts, plaintiff interviews, a 2002 performance review conducted by the U.S. Department of Health and Human Services, reports from the Office of Children Ombudsman and the Foster Care Review Board, and the state's budget. After the complaint was filed, Children's Research Center (2008) conducted a study of 530 randomly sampled foster care cases with the purpose of confirming or denying the allegations against DHS. The results supported concerns expressed in the initial complaint, including inadequate oversight and execution of the adoption process, untimely termination of parental rights, and several placement changes. Specifically regarding siblings, the study found that only 38% of children were placed with their siblings throughout their entire stay in foster care. Only 64% percent of cases with siblings in separate placements had the proper documentation on file for the separation. Moreover, no sibling visits took place on approximately 31% of cases.

After much litigation, the plaintiffs signed an initial Settlement Agreement with then-governor Jennifer Granholm in July 2008, outlining reforms that were to be made to address the concerns filed in the suit (Public Catalyst Group, 2008). In

December 2010, the plaintiffs notified the court of the lackluster progress DHS was making based on the findings of a third monitoring report. The court allowed Rick Snyder, who was governor at that time, to make changes to the Settlement Agreement that his administration felt would facilitate compliance, and the new settlement (MSA) was finalized in 2011 (Public Catalyst Group, 2012). Under the MSA, the State of Michigan agreed to extensive reforms, several of which had implications for siblings in foster care. DHS was expected to present a plan to increase recruitment and licensing of foster homes that were amenable to large sibling groups by June 30, 2012. Additionally, children who were not placed with their siblings were expected to have monthly visits with them. DHS was expected to be in full compliance with this commitment by October 1, 2011. Further, 90% of foster care workers statewide were to have caseloads not exceeding 15 children, so as to facilitate such contacts, by September 30, 2012.

The MSA also set minimum initial training requirements as well as annual training requirements for caseworkers. Training topics included discussion of DHS's policies regarding siblings. Finally, the MSA required that a new data collection system, entitled "Statewide Automated Child Welfare Information System" [SACWIS], be fully implemented by October 2013 so as to more readily track cases (*Dwayne B. v. Snyder*, 2011). As will be discussed, several of these components of the MSA remain unfulfilled.

Issues of Reform

Civil litigation and subsequent court supervision of state-run child welfare systems is common; so too are modifications to initial settlement agreements (Alvarez, 2011; Schoor, 2000). Indeed, the majority of states have encountered such litigation over the past twenty years, most often resulting in settlement agreements (and modified settlement agreements) that include stipulations for improvement and oversight within specified time frames (Kosanovich, Joseph, & Hasbargen, 2005). Children's Rights is but one of several entities that have long been involved in such reform efforts across the United States. The premise of such efforts seems to be to force

much-needed change upon state-run systems, but to do so in an ongoing, somewhat collaborative way. Common elements of these agreements are: (1) reducing caseloads (usually through increased hiring of front-line staff); (2) training and workplace support for these staff; (3) increasing non-institutional placement options for children; and (4) updating antiquated data management systems (Alvarez, 2011), all of which were part Michigan's MSA.

However, several problems have been noted with such broad-scale reform efforts, including worker dissatisfaction with and difficulty acclimating to changes (Schwartz, 2011). There are additional concerns that smaller offices and private agencies tend to have more difficulty implementing reforms, and when they are already stretched for resources, this negatively impacts the families with whom they work (Daugherty-Bailey, 2009). This may be exacerbated by the heightened administrative oversight required within such reform efforts (regardless of how merited they may be), since the agencies under question, which are already bound by statutory regulation, are then additionally bound by litigation. Thus, they are scrutinized by both the legislature and the courts (Alvarez, 2011; Sandler & Schoenbrod, 2004). Such scenarios risk pitting existing state administrators against the court-appointed representatives charged with overseeing change. If the two entities do not see eye-to-eye on what needs to be done in order to comply with court orders, an adversarial environment is likely to arise that wastes precious time and resources that could otherwise be dedicated to the care of children (Alvarez, 2011; Farrow, 2008). Indeed, litigiously-based reforms to child welfare systems could be more damaging than helpful to the children they are meant to serve (Mizrahi, Lopez-Humphreys, & Torres, 2009).

Even with cooperative parties, court-involved reform is an expensive and timely process with no guarantee of eventual success (Kosanovich et al., 2005). The underlying issues of an ineffective child protective system are often more complicated than indicated in a settlement agreement. Such documents are typically direct and specific, with measurable benchmarks for compliance—they often read as checklists with simple "yes" and "no" responses for various compliance reports. Such

structures ignore larger, more complicated and controversial concerns about the nature and quality of child protective work. Consequently, front-line staff and supervisors are encouraged to focus on the requisite paperwork and data collection schemes rather than think more broadly about the quality of their day-to-day work with families. In the case of non-compliance, a plaintiff's only real recourse is to return to court (Alvarez, 2011). However, court-based reform has been the primary means through which to force widespread reorganization and resource dedication to otherwise fledgling child welfare systems. Without it, many state systems and the children they serve would be in much greater dire straits. Well-publicized litigation can draw public sentiment to the plight of needy children and force political action toward redirecting funds to foster care and the like.

Placement

Of foremost concern in Michigan are out-of-home arrangements for children brought into the child protective system. Requirements that impact siblings in foster care, such as the licensure of foster homes that will accept sibling groups, were not met by the stipulated deadline (June 30, 2012). Recent reports indicate that DHS "did not produce data on the development of homes for siblings" and "advised the monitoring team that there is a lack of foster homes for sibling groups" (Public Catalyst Group, 2014, p. 45). In a recent press release, Children's Rights (2014) notes that "DHS has some major challenges to overcome if it is to fulfill its commitments to kids in foster care." While compliance with the MSA should have largely occurred by the date of this writing, DHS continues to receive additional time to meet its obligations. As Children's Rights counsel Sara Bartosz, notes, "We've met with DHS management about our concerns, and are confident that agency leaders are focusing on the challenges. We are looking forward to the day when Michigan's foster care system becomes the safe haven that kids deserve." (need para #)

DHS was also expected to present a plan outlining how it intended to recruit more foster homes for sibling groups in the state's 14 largest counties and set goals and deadlines as markers of progress on this stipulation. However, they failed

to produce such a report. Dan, a foster care case manager, commends his local licensing department and highlights the need for this ongoing requirement:

They find a lot of good families that are willing to take kids, even if their needs are different, and work with them no matter what and give effort not to split them up and cause further trauma for them.

Statewide, it appears that more effort needs to be put towards meeting this goal. When children are placed with relative caregivers, rather than in a licensed foster home or a residential placement, they are more likely to be placed with their siblings (Shlonsky et al., 2008). In the event that children do have to be separated, child welfare professionals note that the effects of sibling splits are not as traumatic for children who were placed with family members as opposed to strangers (non-relative foster homes). Additionally, children who are placed with relatives experience greater physical and emotional stability (Inglehart, 2004). As Meghan, a foster care case manager, explains:

I think that the kids feel safer generally with relatives. When you're moving a child and you're placing them in a home where they're comfortable, it makes it a little bit easier. And in a lot of cases with relative caregivers, I've found that children were already living there and have spent a lot of their life there so it's not as hard. Whereas with the licensed home, they're uprooted from everything they know and sometimes they're separated from their siblings. They don't know where they're at and they get confused and don't feel safe.

However, the MSA restricted DHS's ability to place children in relative homes because of past cases where relative placements were found unsuitable or unsafe. Prior to the MSA, 90% of relative placements were unlicensed and these relatives did not receive the same financial support or access to services as licensed caregivers. They were also not monitored or expected to meet the same safety standards as licensed placements. While DHS still routinely grants placement of children to relatives prior to licensure, usually on an emergency basis

(upon removal from the home of origin), this arrangement has the potential to put financial strain on relatives and allow them little time to prepare. DHS continues to face criticism by Children's Rights on this front because "the number of kids in unlicensed relative foster homes remains far too high." The group insists that "kids deserve the same supports—like foster care maintenance payments—as those in non-relative foster homes" (Public Catalyst Group, 2014).

Theoretically it would be preferable to place every foster child in a home that meets all licensing requirements. However, the guidelines listed in the MSA make it difficult to place children with relatives. Licensing by the State of Michigan Bureau of Child and Adult Licensure (BCAL) is now required prior to provision of financial support. Relatives may go as long as six months without receiving any sort of financial support for children placed in their care (if not immediately referred to a licensing agency and upon the process taking the full allotted time of 180 days as outlined in the MSA) (Public Catalyst Group, 2014). To put this in perspective, the basic daily rate of monetary support for children in foster care is \$17.24, but can be as high as \$50.00 based on the needs of the child. Additionally, licensed foster care providers can receive up to \$500 (depending on the age and needs of the child) for clothing when the child is first placed in their home, as well as between \$214 and \$244 annually thereafter (Michigan Department of Human Services, 2014). While modest, such financial support is often critical for the families providing care to children. Furthermore, if DHS refrains from placing children in relative homes until they are licensed, those children could spend up to six months in a non-relative placement, at which point they may already be bonded to their current caregivers (Dyer, 2004; Whiteman, McHale, & Soli, 2011).

Similarly, the MSA requires that fictive kin placements—"homes where the caregivers have a pre-existing relationship with the child entering placement, although they are not technically a relative" (Public Catalyst Group, 2014, p. 33)—also must be fully licensed prior to placement. This requirement, combined with the preference for placing children with biological parents or family members, often leads to the separation of siblings. Kelli, a DHS caseworker who works specifically with teenagers aging out of the foster care system, describes a

situation in which caregivers were willing to care for a sibling group of four, although they were biological grandparents to two of the children and only fictive kin to the other two:

I got a case that had four siblings. The grandparents had basically cared for the four kids more than anybody in the family, but when it came to the kids being removed and legally placed there through the courts, there were several fathers involved that were not supportive, even though the children were old enough to say that they desired to live there. DHS placed the children with their legal fathers because it was the most family-like setting per policy, but for the children it should have been with the grandparents. The worker did try to make those arrangements, and two of the kids were able to stay with the grandparents, but they all should have.

Under the MSA, DHS is required to gather information on several aspects of sibling placement and visitation and present it to the monitoring team. Data describing the number of siblings separated in foster care, number of separated siblings having monthly visits, and efforts to recruit placements that could accommodate large groups of siblings were to be included in these reports. DHS agreed to show compliance in these areas by October of 2011. However, as of March 2014, it had not provided any data regarding siblings (Public Catalyst Group, 2014). DHS claimed that it could not provide the information because their data management system was unable to tabulate the requisite figures. The agency claimed that such data would be available once the new (required) management system was fully functional (Public Catalyst Group, 2014). However, the MSA clearly stated that "[u]ntil the full implementation of the statewide automated child welfare information system (SACWIS), DHS shall generate from automated systems and other data collection methods accurate and timely data reports and information regarding the requirements and outcome measures set forth in this Agreement" (Author?, 2011, p. 49). By their own admission, DHS was negligent in maintaining data on siblings. As of the most recent monitoring report, issued in April of 2015, DHS was able to provide data on these measures of sibling well-being, although they were non-compliant with the mandates for each measure (Public Catalyst Group, 2015).

Data and Case Management

As noted, part of the effort to more readily track foster care cases required that SACWIS be fully implemented by October 2013. The same system has been employed in other states and is a popular data management tool (Alvarez, 2011). However, SACWIS went live in April 2014, with several technological and bureaucratic issues plaguing it throughout the next few months. Holly, a DHS supervisor, lamented that the system seemed to have been launched prematurely before all the "glitches were ironed out" just to "save face since DHS was already six months late with it."

Mass training was conducted with DHS employees, however it occurred in advance of the MSA deadline, several months prior to its actual launch. With the program being completely new and the training for it ill-timed, much more energy had to be devoted to tasks that would have been relatively easy to complete previously. For example, caseworkers and supervisors complained that basic features, such as the ability to print and generate reports, were difficult or impossible. Additionally, some case information was lost through the conversion. While a help line was set up to address these issues, the few who staffed it were inundated with complaints. Holly, cited earlier, recalled calling the helpline in order to try to assist the front-line staff under her management, only to speak to a woman who was in tears over the frustration at the volume of calls. She was reportedly only one of three available to take calls. To address the shortage of helpline assistance, certain workers at local DHS offices were recruited as Local Office Experts, being expected to help coworkers with SACWIS issues without additional compensation and while maintaining their other duties.

A primary objective of the system was to provide greater oversight of cases—essentially putting more eyes on the progress and processing of individual cases. Seemingly this would also aid in the overall quality of sibling case management, where multiple placements and services may be involved. However, this has come with additional bureaucracy, as managers must now approve several more requests and reports submitted by front-line staff within SACWIS. Such checks slow the progress

of necessary events such as arranging services and submitting court reports. Several caseworkers lamented how the amount of paperwork associated with their jobs inhibits their ability to complete what they view as the core of their jobs—working directly with children and families. Sally, a foster care caseworker within a private agency, admitted that "even though our caseloads have supposedly lessened, we don't get to spend any more time with our kids because we're just busy filling out reports." She noted that her weekly hours have increased since the MSA to roughly 50-60 hours, including evenings and weekends in order to complete the requisite (MSA-required) visits with children in addition to paperwork. She, like others, feel that the MSA has lead them to "cut corners in the quality of our work" in order to manage their time.

A co-worker of Sally's and another foster care caseworker, Kendra, confirmed such observations, adding "So much of my time is spent with paperwork. I'm supposed to be working with my kids. That's what the MSA was supposed to be about, but I have to complete all these reports. The kids seem to come second." Lauren, a counselor who works with children and parents involved with the foster care system, explained that paperwork and other job-related tasks often impede a caseworker's ability to carry out more meaningful work duties: "The visits are really important, but that's also difficult to do, especially with caseworkers having to supervise all of these visits now. It's hard. They do their best." Clerical staff previously assisted DHS caseworkers with paperwork and data management, but they are no longer permitted such access in SACWIS. Consequently, caseworkers feel that they must complete paperwork as a form of self-preservation, spending 50-60% of their time on these tasks. Such efforts have been documented elsewhere (Taylor, 2013), expressed through off-handed office jargon such as "document, document, document" (p. 19) and "CYA-Cover Your Ass" (p. 26).

Additionally, SACWIS is used to track caseload management compliance. Sally and Kendra admitted that their caseloads within private foster care agencies are "doctored" when compliance checks are pending (such checks are either pre-scheduled or announced in advance):

So that everyone looks like they're towing the correct line of cases, when really we have more than 15. If someone has an opening in their caseload, management will just quickly assign a case to them to level things out but then transfer it back to whoever after the check is complete.

Such practices may lower the morale of workers, increasing an already high turn-over of front-line staff (Taylor, 2013). As Kendra noted, "I am the most senior caseworker in my office and I've only been there two years." This is detrimental to children in foster care, as an inverse relationship exists between rate of caseworker turnover and quality of services for children (Glisson, Dukes, & Green, 2006). Kelly, a DHS foster care worker, also reported higher than maximum caseloads; she had 18 at the time of her interview and admitted that "foster care was pretty difficult at times." She was excited about a new position she recently assumed, believing that "it was a nice refreshing start, to remember that I am able to make a difference."

Visitation

Sibling contact often facilitates emotional support in ways that mitigate the trauma of both maltreatment and state intervention (Boer & Spiering, 1991; Drapeau et al., 2000; Whelan, 2003). However, many of our interviewees expressed concern about the frequency at which sibling visits were required to occur—the minimum per the MSA is once monthly. This rule does not apply if a child's siblings are not also in foster care, if they are placed with relatives more than 50 miles away, or if they are placed in other states. There is also no requirement for how long the visits need to be, but they generally last about an hour when arranged and supervised by caseworkers. While it is commonly understood that longer and more frequent visits would be helpful, such is often not possible given current caseloads and administrative tasks. Kelly, a DHS foster care caseworker, noted:

At least once a month they'd have a visit. I've had my

foster kids literally telling me that they want to see them more but with high caseloads, all that makes it more difficult and it doesn't become a priority. The court and DHS focus so much on the kids seeing the parents versus all the kids seeing each other without them [the parents] there.

Thus, additional visitations are dependent upon DHS-approved relatives or foster parents being willing to arrange and supervise them.

Interviewees acknowledged the importance of social connections and suggested other forms of contact from which siblings may benefit that do not require much additional effort on the part of caseworkers. Caitlyn, a foster care worker who disclosed that she had also spent time in foster care as a child, suggested that simple efforts like helping children "maintain phone contact, maybe writing letters, or just talking to the children about their siblings ...t elling them as much as you can about how their siblings are doing" could be effective.

Older youth may also utilize social media or text conversations to maintain contact with siblings, although their access to devices providing these services may be limited due to the financial constraints of their foster parents (DHS does not financially support such technological access) and time restraints of their caseworkers (who might otherwise lend their own devices to their clients). None of these alternative are included, or even acknowledged, in the MSA.

Patti, a therapist who provides mental health services to children in foster care, noted that incorporating siblings into counseling and other services together could be beneficial in facilitating greater ongoing contact:

Once they've been separated, there's not a whole lot of sibling counseling that goes on, and that is an area that could be improved upon, because a lot of these kids have experienced the same trauma or victimized each other. There could be a lot of healing, but that's overlooked.

Moreover, whatever measures were taken to ensure sibling contact during foster care are not necessarily continued once

it ends. In the event that parental rights are terminated and permanency is established for the children in separate homes (usually in the form of adoption), there is no policy requiring ongoing contact. Although the MSA set requirements for other forms of permanency, it did not address the issue of contact for siblings who have been permanently separated.

Discussion and Conclusion

Child protection systems play a critical role in the safety of our society's most vulnerable population. Given such an obligation, CPS most certainly should be held to a high standard of quality and care, and be scrutinized when its efforts are inadequate. However, it is also important to acknowledge that working with families under these contexts is a very taxing and complicated endeavor for all involved. As a reactionary system, child protection faces an uphill struggle, as patterns of harmful parenting and childcare are not easily or quickly remedied. In a time of increasing fiscal conservatism regarding human and social services, the challenge of effectively intervening with families in crisis is even greater. The best of way of instigating reform is a matter of debate (Borgesen & Shapiro, 1997). A common approach is through class-action litigation by advocacy groups. While in some ways problematic, such mechanisms seem to be effective generally, at least compared to other means of reform (Alvarez, 2011).

This article analyzed recent class-action litigation in Michigan, where the child protective foster care system has been under court order since 2009, with modifications made in 2011. The MSA stipulated several requirements relating to foster care, and for our purposes here, the handling of siblings within foster care. Though it appears various measures of compliance remain to be met, DHS did hire a multitude of new caseworkers in an attempt to decrease caseloads. Worth noting is the fact that many of the new hires were recent college graduates with little experience in the field; it is probably no coincidence, then, that their rate of turnover has exceeded the already high rate within this field. Active recruitment and mass hiring practices do not appear to have resumed, even as front-line workers move on to other jobs.

Licensing of additional foster care homes, particularly rela-

tive foster care homes where sibling sets have greatest odds of being placed together, was addressed by the MSA, as were financial support for these placements. Minimum guidelines for visitation between siblings were also implemented, and a new data management system was required as a means of better documenting the progress of foster care cases.

We found that child welfare workers are concerned with the limited policy in the MSA regarding sibling visitation and placement, viewing it as inhibitive of maintaining sibling relationships. The MSA made it more difficult to place children in fictive kin placements unless such placements are licensed, and has withheld monetary support from relative placements until they attain full licensure. At the same time, the MSA required more steps and paperwork to be added to the licensing process. This runs counter to research that indicates children who are placed with relatives or fictive kin are less likely to be separated from their siblings. In terms of best practices in the area of child welfare, this seems a significant oversight. Children's well-being, particularly during a time of crisis and upset, is facilitated by greater social connections and the maintenance of established bonds (Hegar & Rosenthal, 2011; Leathers, 2005).

On the other hand, the MSA was largely silent in regard to siblings during the permanency process. Reunification, as the long established priority in foster care, is important to siblings in that it provides the opportunity to be rejoined with at least some family members. This may be especially true in circumstances where parental reunification is not possible and siblings may be permanently placed and/or adopted with one another. Children who are adopted by separate homes have no legal relationship with their siblings, nor are their adoptive parents required to facilitate such contact.

This is all especially important in light of other large-scale policy changes, such as the Adoption and Safe Kids Act of 2002, which has had the effect of encouraging termination of parental rights in cases where reunification is not accomplished within a requisite time frame (Mizrahi et al., 2009). Although DHS policy has historically encouraged reunification over other forms of permanency, the MSA reflects federal law. No child is to have a permanency goal of reunification for more than 15 months, unless supervisory approval is obtained and

even then, only when it appears that the child will be returned home within a "reasonable time period" (Dwayne B. v. Snyder, 2011, p. 21). Families with several children may have a more difficult time meeting the reunification requirements within 15 months, particularly if any of the children have distinct needs.

In addition to the concerns about the appropriateness of suggested reforms associated with the MSA, DHS has been unable to demonstrate compliance with many of the measures it put in place which are specifically related to sibling relationships in foster care. Much of this seems to be a product of faulty data management systems.

While the previous data collection system was unable to recognize sibling relationships, the MSA mandated that DHS generate compliance reports by other means. It failed to do so, thus there is a lack of available information regarding how often siblings are separated and to what extent sibling visitations occur. Unfortunately, the implementation of SACWIS has not helped. Along with the system came a barrage of additional paperwork, forcing workers to focus more on data input than working directly with and on behalf of foster children.

It also bears mentioning that several discrepancies were found between aspects of case management that the MSA emphasized versus what front-line workers found most meaningful. One of these is in regard to preventative services. Foster care is a retroactive system, dealing with children who have suffered maltreatment in addition to the strain of state intervention. More proactive and preventative services could help mitigate both. There are no requirements under the MSA that outline (or even mention) preventative services. Rather, the Snyder Administration recommended a 19% cut in preventative services, including Families First, Family Reunification Services, and the Child Protection and Permanency Program for the 2015 fiscal year (Michigan League for Public Policy, 2014).

The lawsuit filed by Children's Rights is similar to other similar reform efforts in that it is subject to a host of problems. Our findings support previous research that recommend caution when relying on class-action litigation as a means of reform (Alvarez, 2011; Daugherty-Bailey, 2009; Farrow, 2008; Kosavnovich et al., 2005; Sandler & Schoenbrod, 2004; Schoor, 2000; Schwartz, 2011). Moreover, the case against Michigan's

DHS seems to have followed a cookie-cutter approach where a similar set of mandates are placed within an eventual (and assumed) settlement agreement (see Alvarez, 2011).

Our findings suggest that this 'one size fits all' approach may not be as effective as one that acknowledges available local, state and national resources, focuses both on training and retraining/support of front-line staff, builds an administrative infrastructure that is supportive of reform and will be able to sustain it, and involves families and communities directly impacted (Borgersen & Shapiro, 1997). A more nuanced, contextual approach would focus on not only existing statutory dictates, but also systemic culture/norms so as to help, rather than hinder, the existing process. It may also be that incremental change works best, allowing time to increase sustainability and buy-in rather than change being met with suspicion and distrust. Indeed, human service workers and their administrators are likely aware of the need for change and are probably amenable to being part of it, given the respect and resources to do so (Alvarez, 2011).

Despite DHS' failure to follow through with several components of the MSA, it has recently filed a motion to lift the order and end court oversight. While no formal hearing has yet occurred, Children's Rights has indicated its opposition (2015). Moreover, as DHS struggles to implement changes mandated by the MSA, the Snyder Administration has made several drastic changes to the department. In January of 2015, he announced the merger of DHS with the Department of Community Health, creating a Department of Health and Human Services [DHHS], now the largest governmental department in the state (Gray, 2015). Simultaneous to this merger, DHS announced the layoff of approximately 100 employees, a disheartening move given the MSA requirement to add nearly 500 jobs upon implementation and the subsequent high turn-over of these staff (Feldscher, 2015). Opposing such change, DHS employees arranged a lunch-hour protest in February, suggesting that they would continue to demonstrate until their concerns are heard (Hinkley, 2015). As part of the consciousness-raising effort, four DHS employees spoke to the Michigan House of Representatives in March, expressing their concerns regarding the MSA and, more specifically, the problems associated with SACWIS (UAW Local 6000, 2015). Again,

including the 'rank and file' and their constituents in the process of reform is critical. These various efforts from entities above DHS are likely hindering efforts at instituting effective change, rather than facilitating it.

While in this article we addressed siblings in foster care, it is important to note there are other elements to the child protective system that are included in the MSA. Future research may analyze this document in its entirety, or compare and contrast the MSA with active class-action lawsuits in other states. It may also be helpful, given what we have highlighted with regard to the challenges posed by court-mandated reform, for future research to compare or examine other means of large-scale change to child protective systems. Specific focus on evidence-based best practices would be critical in any such work.

References

- Alvarez, A. (2011). Litigation and public sector reform: Accountability through the courts and the case of New Jersey's Division of Family and Youth Services. *Journal of Multidisciplinary Research*, 3(2), 99-115.
- Boer, F., & Spiering, S. M. (1991). Siblings in foster care: Success and failure. *Child Psychiatry and Human Development*, 21(4), 291-300.
- Borgeson, E., & Shapiro, S. (1997). *New roles for old adversaries: The challenge of using litigation to achieve system reform*. Washington, DC: Center for the Study of Social Policy.
- Child Welfare Information Gateway. (2012). *Foster care statistics 2010*. Washington, DC: U. S. Department of Health and Human Services, Children's Bureau.
- Children's Research Center. (2008). *Analysis of case practice and compliance with standards in Michigan foster care*. Madison, WI: Author.
- Children's Rights. (2014). *Report gives mixed review on Michigan's Foster care reform effort*. Washington, DC: Targeted News Service.
- Children's Rights. (2015). *Children's Rights to oppose Michigan DHS motion*. Washington, DC: Targeted News Service.
- Church, J. A. (2013). *Still siblings: The perceived importance of sibling relationships for foster children*. (Unpublished master's thesis). Western Michigan University, Kalamazoo, MI.
- Daugherty-Bailey, J. (2009). Expectations of the consequences of new international adoption policy in the United States. *Journal of Sociology and Social Welfare*, 36(2), 169-184.
- Drapeau, S., Simard, M., Beaudry, M., & Charbonneau, C. (2000). Siblings in family transitions. *Family Relations*, 49(1), 77-85.

- Dwayne B. v. Granholm. United States District Court. (8 Aug. 2006). 2:06-cv-13548-NGE-DAS (E.D. Mich.). Retrieved from www.childrensrightrights.org/wp-content/uploads/2008/05/2006-08-08_michigan_complaint.pdf
- Dwayne B. v. Snyder. United States District Court. (18 July 2011). 2:06-cv-13548-NGE-DAS (E.D. Mich.). Retrieved from http://www.childrensrightrights.org/wp-content/uploads/2011/07/2011-07-18_michigan_modified_settlement_agreement.pdf
- Dyer, F. J. (2004). Termination of parental rights in light of attachment theory: The case of Kaylee. *Psychology, Public Policy, and Law*, 10(1/2), 5-30.
- Farrow, T. C. W. (2008). Sustainable professionalism. *Osgoode Hall Law Journal*, 46, 51-103.
- Feldscher, K. (2015, January 14). 100 Department of Human Services employees in 30 Michigan counties laid off. *MLive*. Retrieved from http://www.mlive.com/lansing-news/index.ssf/2015/01/100_department_of_human_servic.html
- Glisson, C., Dukes, D., Green, P. (2006). The effects of the ARC organizational intervention on caseworker turnover, climate and culture in children's service systems. *Child Abuse & Neglect*, 30, 855-880.
- Gray, K. (2015, January 20). Merging DCH, DHS would create biggest department in state. *Detroit Free Press*. Retrieved from <http://www.freep.com/story/news/politics/2015/01/20/merger-dch-dhs-proposed-snyder-state-state-speech/22073947/>
- Hegar, R. L. (2005). Sibling placement in foster care and adoption: An overview of international research. *Children and Youth Services Review*, 27, 717-739.
- Hegar, R. L., & Rosenthal, J. A. (2011). Foster children placed with or separated from siblings: Outcomes based on a national sample. *Children and Youth Services Review*, 33, 1245-1253.
- Herrick, M. A., & Piccus, W. (2005). Sibling connections: The importance of nurturing sibling bonds in the foster care system. *Children and Youth Services Review*, 27, 845-861.
- Hinkley, J. A. (2015, February 25). DHS Employees Protest High Caseloads. *Lansing State Journal*. Retrieved from www.lansingstatejournal.com/story/news/local/capitol/2015/02/25/dhs-employees-protest-high-caseloads/23955215/
- Inglehart, A. P. (2004). Kinship foster care: Filling in the gaps in theory, research, and practice. *Children and Youth Services Review*, 26(7), 613-621.
- Kosanovich, A., Joseph, R. M., & Hasbargen, K. (2005). *Child welfare consent decrees: Analysis of thirty-five court actions from 1995 to 2005*. Washington, DC: ABA Center on Children and the Law.
- Leathers, S. J. (2005). Separation from siblings: Associations with placement adaptation and outcomes among adolescents in long-term foster care. *Children and Youth Services Review*, 27, 793-819.

- Linares, L. O., Li, M., Shrouf, P., Pettit, G. S., & Brody, G. H. (2007). Placement shift, sibling relationship quality, and child outcomes in foster care: A controlled study. *Journal of Family Psychology, 21*(4), 736-743.
- Michigan Department of Human Services. (2014). *Foster care rates*. Retrieved from www.mfia.state.mi.us/OLMWEB/EX/FO/Public/FOM/905-3.pdf#pagemode=bookmarks
- Michigan League for Public Policy. (2014). *Senate and House approve 2015 DHS FY 2015 Budget*. Retrieved from www.mlpp.org/senate-and-house-approve-dhs-fy-2015-budget
- Mizrahi, T., Lopez-Humphreys, M., & Torres, D. (2009). The social construction of client participation and the evolution and transformation of the role of service recipients in child welfare with mental disabilities. *Journal of Sociology and Social Work, 36*(2), 35-62.
- Public Catalyst Group. (2008). *Progress of the Michigan Department of Human Services: Period one monitoring report for Dwayne B. v. Granholm October 24, 2008 to March 31, 2009*. Newark, NJ: Author.
- Public Catalyst Group. (2012). *Progress of the Michigan Department of Human Services: Monitoring report for Dwayne B. v. Snyder Modified Settlement Agreement. MSA 1 October to December 2011*. Newark, NJ: Author.
- Public Catalyst Group. (2014). *Progress of the Michigan Department of Human Services: Monitoring Report for Dwayne B. v. Snyder Modified Settlement Agreement. MSA 4 January to June 2013*. Newark, NJ: Author.
- Public Catalyst Group. (2015). *Progress of the Michigan Department of Human Services: Monitoring Report for Dwayne B. v. Snyder Modified Settlement Agreement. MSA 4 January to June 2014*. Newark, NJ: Author.
- Sandler, R., & Schoenbrod, D. (2004). *Democracy by decree: What happens when courts run government?* New Haven, CT: Yale University Press.
- Schwartz, A. (2011). Foster care workers' emotional responses to their work. *Journal of Sociology and Social Welfare, 38*(3), 31-51.
- Schoor, A. L. (2000). The bleak prospect for public child welfare. *Social Service Review, 74*(1), 124-136.
- Shlonsky, A., Bellamy, A., Elkins, J., & Ashare, C. J. (2005). The other kin: Setting the course for research, policy, and practice with siblings in foster care. *Children and Youth Services Review, 27*, 697-716.
- Shlonsky, A., Webster, D., & Needell, B. (2008). The ties that bind. *Journal of Social Science Research, 29*(3), 27-52.
- Staff, I., & Fein, E. (1992). Together or separate: A study of siblings in foster care. *Child Welfare, 71*(3), 257-270.
- Tarren-Sweeney, M., & Hazell, P. (2005). The mental health and socialization of siblings in care. *Children and Youth Services Review, 27*, 821-843.

- Taylor, T. (2013). Paperwork first, not work first: How caseworkers use paperwork to feel effective. *Journal of Sociology and Social Welfare, 40*(1), 9-28.
- UAW Local 6000 It's Time to Talk. (2015). MiSACWIS. [video file]. Retrieved from <https://www.youtube.com/user/CanWeTalkLocal6000/feed>
- Whelan, D. J. (2003). Using attachment theory when placing siblings in foster care. *Child and Adolescent Social Work Journal, 20*(1), 21-36.
- Whiteman, S. D., McHale, S. M., & Soli, A. (2011). Theoretical perspectives on sibling relationships. *Journal of Family Theory and Review, 3*, 124-139.

