

Testimony for HB 893

My name is Joy Booth and my husband and I have been foster parents in Washington County since 2014. It did not take long for me to see firsthand how broken the child welfare system is. I saw the huge effect that trauma had on kids and how harmful it could be to send children back to homes that were not safe and/or the causes of abuse and neglect had not been addressed. I became passionate about allowing foster parents' voices to be part of the decision process. I tried both at the county level and the state level to work with DSS officials to create ways to allow foster parents' voices to be considered and I found that the broken system did not want to fix itself.

This is why I believe so passionately that HB 893 is important. If the system is working like it is supposed to, this bill would not be necessary. However, so often the best interest of the individual children was not considered. My husband and I ended up adopting three amazing children from foster care. When their adoptions were finalized, I determined I wanted to see improvements in this broken system. These are just some of my experiences with foster care. They are the stories of my (now adopted) kids and our families:

Lawyers for the child often did not get to know the specifics of the case.

In one meeting, a child's lawyer phoned in to represent the child. He had never met the child and had never spoken to me about the child's needs. When he showed up in court, the lawyer hired to speak for the child's best interest simply agreed with everything that DSS recommended.

Foster parents do not care about "numbers of children reunified with parents." We want what is best for that particular kid. We are the ones who are up at night with the child having nightmares. We are the ones meeting with teachers and realizing how far behind the child is educationally. We are the ones taking kids to therapy and discussing issues with the therapist. We are the ones who drive with kids to visits with their parents. We hug them tight as they sob because their parent did not show up for a visit. We see the situations that their parents are living in and the care that they receive on "unsupervised visits".

Court reports are often missing important information about the children

I never saw any court report about what happened to my children. From a four year old and a three year old I heard the description of violence. My kids told me about Roger the mean guy they were terrified of. I heard their sweet voices tell me about a broken necklace and blood on the street. I heard my three year old tell me when I fell asleep on the couch that she was afraid I would not wake up like when she tried to wake up her mommy. I watched my sweet son, use a belt to beat anything and everything he could and I watched him pull a plastic knife on his sister. I watched their little bodies tense up and the scary stories they told as we drove down one particular street in our town. Even now, as their adopted mother, this is all I know about their experiences because even as an adopted mom, I have no rights to the written record.

I will never forget while discussing who would get to decorate my husband's birthday cake. My then-four year old said if she didn't get to decorate the cake, she would take a knife and cut her arms! Four years old. I (internally) freaked out. Why would she say that? I had worked with teens before and knew that was something they might say, but a four year old? It took many conversations with therapists and case workers before I was finally told that she had witnessed cutting behavior from her mom. As this child's 24 hour caretaker, you would think this is important information. But nobody told me this until I kept bringing it up. It would have been in the court record.

Foster and kinship parents can help correct the record and add missing information

Just as important as allowing the children's caregivers to see the court record, is allowing them to be able to correct the record and add to it any missing information. Case workers often change, information gets lost or forgotten and not written down. Thick files don't always get summarized appropriately.

Between them, my adopted children have over 10 siblings, most of who have had some contact with the child welfare system.

Before coming into foster care, my 2 year old daughter was badly burned and did not receive proper medical care for the burn. At the same time her then infant brother received a skull fracture while in his mother's care. For over three years, their birth mom refused to get much-needed mental healthcare. Mountains of evidence showed she was unable to care for herself, never mind a child. After her parental rights were terminated for these children, she had another baby and that child also received a skull fracture. That child was placed in foster care for three weeks and then returned to her. This broke my heart. I can not believe that a judge that knew all of the information that I knew about this birth mom, would send a helpless baby back to her care. I have to believe the judge was not given all of the information.

After two years in care, my daughter's half-sister was returned to her birth father. Dad suffers with an addiction and while he has sought treatment for the addiction, it still haunts him. Even before she was returned to her Dad, there were indications that his addiction was causing issues, but the case worker was under pressure to reunite the family. My daughter and her sister had a congenital eye condition that required daily treatment when they were little. My daughter got that treatment, but her half-sister did not. Dad did not follow-up with the eye exams and treatment and now sister is legally blind in one eye. I do not believe the seriousness of the eye issue and the implications of Dad not taking her to appointments was fully explained to the court. This is where having a foster parent party to the case is important. Social workers rarely attend doctor appointments – foster parents are the ones who really know what is going on with kids medically

One thing this bill would allow is for foster parents to hire an attorney to assist in navigating the court process. Every child should have an attorney who is working hard to make sure the child's best interest is at heart. As mentioned earlier, not every child's attorney gets to know the details of what can be a complex case.

As the foster parent, I dropped off three very small children at their birth mom's apartment for 8 hour unsupervised visits. There were times she would not get out of bed to greet them. I picked them up and the baby's diaper was soaked through and the child who was potty trained had wet herself as well. One time all three were covered in superglue, another time they were covered (including hair) in nail polish. I had emailed this information to DSS and assumed it was part of the record.

At the end of my daughter's case, she was assigned a wonderful child's lawyer. She understood the importance of returning children to birth families, but was also passionate about making sure the kids were safe. She called me to the stand and I presented this information to the court. She informed me this was not part of the court record before she did this.

My case shows that there is important information that foster parents have to provide to the court and they need to be able to rebut incorrect information. As the law stands now, foster parents can make a statement to the court and then be asked to leave. I was routinely told to leave the court after I had made a statement. The birth mother's attorney would be the one to make the request.

We feel that a foster parent, kinship parent or other caretaker of a child – especially if they have cared for a child for over a year - not only deserves to be “invited to the court party,” but has important information that a judge needs to hear.

As a foster or adoptive parent, we can never replace the birth parent. (Even adopted children grieve the loss of birth parents.) Our presence in the courtroom does NOT equate us with the birth parents, it is just an additional way to make sure that a judge has all the information needed to make a difficult decision about the placement of a vulnerable and traumatized child.

The Supreme Court of Colorado heard a case about the legality of foster families being allowed to Intervene in a court case. In summary, the judge found that having additional information was an overall benefit. The Colorado Supreme Court Case summary is included as testimony.

I hope you will be in favor of HB 893. I thank you for taking time to review my testimony.

Sincerely,
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