

## **Agreement would end court oversight of foster care in Utah**

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By Kirsten Stewart

Posted: 9:38 AM- Calling Utah's child welfare system "one of the best in the country," the National Center for Youth Law has agreed to drop a lawsuit that for 14 years drove improvements to the system.

"Children are safer, and they have a better chance of reaching their full potential," said Leecia Welch, a senior attorney at the Oakland, Calif.-based center. "Other state child welfare administrators across the country can now look to Utah as a model for how to turn a child welfare system around."

An agreement to terminate the lawsuit, signed by both sides in the dispute, was filed in federal court on Friday. Pending approval by U.S. District Court Judge Tena Campbell on June 28, the agreement will end court oversight of foster care in Utah.

"We'll cheer loud and long when we finally exit court review," said Utah Human Services spokeswoman Carol Sisco on Monday. "Signing the agreement is important, but just one more step in the process."

The National Center of Youth Law sued Utah in 1993 over alleged unconstitutionally unsafe conditions in the foster care system.

Instead of challenging the suit - known as *David C. vs. Leavitt* - the state settled the case, agreeing to reforms across the entire system.

Since 1998, when the settlement agreement was redrafted, each of the division's five regions has been reviewed by monitors at the Child Welfare Policy and Practice Group, based in Montgomery, Ala.

Under the latest agreement, the monitors' role ends on June 30, though they will conduct one final review to ensure the state doesn't lose ground. Utah must also make strides toward reducing employee turnover and revolving foster care placements, as well as curbing rowing substance abuse problems.

If the state passes muster, the case will be dismissed Dec. 31, 2008. The National Youth Law Center may still pursue payment of attorneys fees.

"The system is not perfect," but has reached or surpassed most of the milestones, said Welch. "Now is the time to give it a chance to operate on its own."

Welch praised the work of former DCFS director Richard Anderson and the "heroic efforts of the caseworkers who work every day to protect children and support families."

Court oversight may have been burdensome, but DCFS has leveraged the lawsuit to obtain funding for, among other things, hiring more caseworkers. Since David C. was filed in 1993, the budget for the Utah Division of Child and Family Services has increased from \$50 million to more than \$151 million.

This, a subsequent reduction in caseloads and enhanced caseworker training are among the "significant" improvements lauded by the Youth Law Center.

The system currently has about 2,300 children in foster care. There are more than 20,000 complaints of child abuse and neglect made in Utah each year.

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