

# A SURVEY OF FLORIDA LAW GOVERNING FOSTER CARE IN COMPARISON TO THE UNITED KINGDOM AND CANADA

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## I. INTRODUCTION

A grand jury report issued in the spring of 1998 provided that the children of Broward County, Florida, placed in the protection of the Department of Children and Families (“DCF”), are in peril.<sup>1</sup> This report gives great insight into the workings of an agency on the brink of collapse. This is not the first grand jury report issued on the well-being of Broward County’s children. Grand juries were called in 1981, 1984, and 1986 to investigate issues such as abuse at detention centers, children in the court systems, and services provided for dependent children.<sup>2</sup> All three reports found significant problems, yet the system has not improved.<sup>3</sup> Although Broward County ranks among the worst counties in Florida for providing adequate services for abused, neglected, or abandoned children, this is a statewide problem.<sup>4</sup> As a result, the Florida

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1. Broward County, Fla. Grand Jury, Interim Report (Spring 1998) unpublished report on file with the *ILSA Journal of International and Comparative Law*.

2. *Id.* at 2.

3. *Id.* at 15.

4. According to § 1, abandonment is when no provisions for a child’s support are made and no effort to communicate with the child is made sufficient to evince a willful rejection of parental obligations. FLA. STAT. § 39.01(1) (1999). According to § 2, abuse is any willful act or threat that results in physical,

Legislature mandated a statewide initiative to improve the system.<sup>5</sup> The State Attorney, DCF, the Broward County Sheriff's Office, children's rights advocates, and various volunteer organizations are in search of alternative methods to guarantee the health and safety of every child in the state's custody.

An analysis of international children's services reveals that the United States is not alone in dealing with the difficulties of addressing the problems of inadequate foster care. Child social services, such as foster care and protective services, are in crisis on a global scale. Investigating various international child welfare systems enables one to identify problems common to many countries. Logic tells us that it is impossible to create an effective solution without correctly identifying the problem. Looking at implemented solutions of Canada and the United Kingdom will bring a global perspective into the arena of childcare.

This article will begin with an overview of a typical United State's children's social services system. Broward County represents an example of a system in distress because of the adversity it faces and the massive restructuring that is currently being implemented. The reader will learn how a child progresses through the system to ultimately end up in a flawed foster care system. Next, a discussion about efforts employed by the United Kingdom and Canada to address these problems is presented.

## II. HOW A CHILD ENDS UP IN FOSTER CARE AND THE PROBLEMS ASSOCIATED WITH THE PROCESS.

Chapter 39 of the Florida Statutes governs all legal proceedings relating to children. The legislative purpose of the chapter is "[t]o provide for the care, safety, and protection of children in an environment that fosters healthy, social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well being of all children under the state's care."<sup>6</sup> The purpose of the statute is broad and difficult to implement. The problems facing Broward County demonstrate the complexity involved with attempts at designing a system to handle the complex needs of children in foster care.

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mental, or sexual injury that causes or is likely to cause a the impairment of a child's physical, mental, or emotional health. FLA. STAT. § 39.01(2) (1999). According to § 46, neglect occurs when a child is deprived of necessary food, clothing, shelter, or medical treatment; or when a child is allowed to live in an environment where his physical, mental, or emotional health is in danger of being impaired. FLA. STAT. § 39.01(46) (1999).

5. Broward County, Fla. Grand Jury, *supra* note 2, at 25.

6. FLA. STAT. § 39.001(1)(a) (1999).

This Florida statute gives DCF jurisdiction in all matters where a child has been abused, abandoned, or neglected.<sup>7</sup> DCF's failure to effectively perform its delegated duty is the source of the problem in Broward County. An overview of the steps used by DCF to move a child through the system will help illustrate this problem.

### A. *Cycle of Neglect*

This cycle begins with the reporting and investigation process. Suspected or known cases of abuse, neglect, or abandonment are reported to the state's Child Abuse Hotline.<sup>8</sup> The hotline then reports the cases to the appropriate DCF District.<sup>9</sup> Through its protective services division, DCF investigates the reports and issues a determination of either unfounded, valid, or required court intervention.<sup>10</sup> If the complaint is deemed valid, DCF will first provide the family in-home social services, such as counseling and education to avoid removing the child or children from the home.<sup>11</sup> In cases where the risk of harm to a child is high, the investigator will require court intervention.<sup>12</sup> Two types of petitions can be made to the court at this juncture.<sup>13</sup>

First, Florida law requires DCF to file a petition for shelter.<sup>14</sup> This is done in emergency situations when a child needs alternative housing immediately.<sup>15</sup> Pursuant to Florida law, this must be done within twenty-four hours of the child's removal.<sup>16</sup> The court can order the child to return home in order to preserve the family unit. Alternatively, the court can order the child to remain in state custody to prevent the child from enduring further abuse or neglect.<sup>17</sup>

Second, a dependency petition can be filed. DCF files a dependency petition to obtain "... a permanent, judicial resolution of the alleged abuse or neglect problem."<sup>18</sup> This is commonly referred to as a child becoming a "dependent" of the state.

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7. FLA. STAT. § 39 (1999).

8. Broward County, Fla. Grand Jury, *supra* note 2, at 4.

9. *Id.*

10. *Id.* at 5.

11. *Id.*

12. *Id.*

13. Broward County, Fla. Grand Jury, *supra* note 2, at 4.

14. FLA. STAT. § 39.402(2) (1999).

15. *Id.* at § 39.402(1)(a).

16. *Id.* at § 39.402(8)(a).

17. Broward County, Fla Grand Jury, *supra* note 2, at 5.

18. *Id.* at 6.

In extreme instances of child neglect or abuse, DCF will initiate proceedings for the termination of parental rights. In such cases, "the issue is whether the child will be permanently taken away from custody of the parent or parents and placed for adoption in the custody of DCF."<sup>19</sup> A child ordered dependent will remain dependent until the court relinquishes custody or until the child turns eighteen.<sup>20</sup> Upon finalization of the termination of parental rights, DCF automatically places the child for adoption.<sup>21</sup>

DCF places children who are in their physical custody into two distinct types of housing: shelter and foster care. A child is sent to "shelter" upon removal from his or her home. Shelters resemble foster care homes; however, they exist to provide a removed child a temporary residence until a more permanent placement can be secured. DCF places the child in foster care when he or she needs out-of-home care for an extended period of time or becomes eligible for adoption. Foster homes intend to serve as a surrogate family for the child. DCF's goal, achieved through appropriately placing a child, is to provide the child with stability and permanency in one setting. Unfortunately, children are often bounced from one foster home to another, directly undermining the goal of stability. This bouncing effect is attributable to the difficulty DCF faces trying to place a child in a home that serves his or her best interests. Furthermore, the lack of well-trained foster parents, combined with a high number of physically, emotionally, or mentally-handicapped children, increase the chances of a failed placement.

Although the 1998 grand jury cited problems throughout Broward County's children's social services, it found particular danger in the foster care system.<sup>22</sup> Having worked for a children's rights advocate, I had the opportunity to witness these problems first hand.<sup>23</sup> The lack of organization and communication within DCF was immediately apparent.

One instance of institutional neglect by DCF was so severe that the child had over 30 placements in four years.<sup>24</sup> Because of his severe emotional handicap, DCF contended they could not find an appropriate setting for the child. In lieu of permanency, essential to his rehabilitation, he was bounced

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19. *Id.* at 7.

20. *Id.*

21. *Id.*

22. Broward County, Fla. Grand Jury, *supra* note 2, at 17.

23. I had the opportunity to work for Andrea Moore, Esq, a children's rights advocate, during the summer of 1999. She represents physically, mentally, and emotionally disabled foster care children on a pro bono basis to ensure their statutory rights are protected. I helped her advocate for appropriate foster care placements and appropriate educational resources.

24. Due to the sensitive nature of the case and to protect the identity of the child the name of the child, the case number, and any other identifying characteristics have been purposely omitted.

between foster homes. He lived in family homes, group homes, residential treatment facilities, hospitals, and even juvenile justice centers. Because of the child's constant movement, he never received the psychological treatment or basic education he required. As a result, the child is functionally illiterate and has few personal or social skills, and may continue to be a danger to himself and others once discharged from foster care.

Similar situations have been documented. The 1998 grand jury report discusses many instances of children being abused and neglected while in the custody of DCF.

One foster care mother allowed her child to miss nearly half a school year.<sup>25</sup> Instead of forcing the child to attend school or reporting the problem to his caseworker, she allowed him to pay her a quarter a day as an alternative to attending classes.<sup>26</sup> As a result of this lack of supervision and prior abuse, the child can barely read or write.<sup>27</sup> Additionally, the same foster care mother frequently had other children run away from her home.<sup>28</sup> However, because of the large number of children she cared for combined with a shortage of placements, DCF never reprimanded her for her behavior nor prevented her from being a foster care provider.<sup>29</sup>

Another foster care mother gave her foster child a whistle to blow in case an older child living in the house sexually attacked him. Obviously, a better solution would have been to notify the caseworker so that the children could be separated before such an incident arose.

There are also problems with abuse of children in residential treatment facilities. Most treatment facilities are privately owned, but are under contract with the state to provide shelter and treatment for children in the state's custody.<sup>30</sup> At one facility, the grand jury found mentally handicapped children being ridiculed by other children at the facility.<sup>31</sup> They also found instances of employees beating children and even dragging them across the floor by their hair.<sup>32</sup> Once secluded, they punched them repeatedly.<sup>33</sup> Remarkably, there were more than twelve reports of abuse that remained unreported to the courts until weeks following the incidents.<sup>34</sup>

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25. Broward County, Fla. Grand Jury, *supra* note 2, at 21.

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. FLA. STAT. § 39.001(2) (1999).

31. Broward County, Fla. Grand Jury, *supra* note 2, at 23.

32. *Id.*

33. *Id.*

34. *Id.*

In another case, a DCF caseworker allowed an abandoned child to live with his or her aunt.<sup>35</sup> In most instances, leaving the child with a family member is beneficial to both the child and the parent, but in this case it was potentially fatal, for the aunt's husband was a convicted sex offender.<sup>36</sup> Even so, the child lived with the couple for years.<sup>37</sup>

The grand jury not only accused caseworkers of leaving children in dangerous homes, but also found evidence of falsifying records, and misleading judges.<sup>38</sup> More astonishing was the number of cases where protective services (a division of DCF) determined a child was at high risk for abuse, neglect, or abandonment, but did nothing to help cure the problem.

Chapter 39 of the Florida Statutes provides certain general protections for children of the state.<sup>39</sup> Most notably, it provides for protection from abuse, neglect, and abandonment.<sup>40</sup> Unfortunately, most children under physical custody of the state are not afforded these statutory protections. The situations described above are all too common.

The Department of Children and Families, along with the private agencies whom DCF contracts with to provide emergency shelter and foster care, aspire to provide the statutory protections. However, lack of financial support undermines their efforts. Over the past two years the number of foster care

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35. Sally Kestin, *Children's Safety Net Collapsing; Grand Jury Finds Cash Strapped System Fails Kids Again and Again Series: Kids in Crisis, A Continuing Investigation*, Fort Lauderdale Sun-Sentinel, November 17, 1998 at 1A.

36. *Id.*

37. *Id.*

38. *Id.*

39. FLA. STAT. § 39.001(3) (1999), provides General protections for children as follows:

- (a) Protection from abuse, abandonment, neglect, and exploitation.
- (b) A permanent and stable home;
- (c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity;
- (d) Adequate nutrition, shelter, and clothing;
- (e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location;
- (f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities;
- (g) Access to preventative services;
- (h) An independent, trained advocate, when intervention is necessary and a skillful guardian or caregiver in a safe environment when alternative placement is necessary.

40. FLA. STAT. § 39.001(3)(a) (1999).

children in Broward County has increased by twenty percent.<sup>41</sup> Twelve percent<sup>42</sup> of Broward County's children live in out-of-home care.<sup>43</sup> Logically, it would seem that Broward County should receive twelve percent of the state budget to fund these programs to correspond to the number of children who receive that type of care. However, in reality Broward County only receives eight and one half percent of the state budget allocated to out-of-home care.<sup>44</sup> Due to this shortage in funds, foster care homes have become overcrowded and understaffed.

The critical funding shortage also created a system of overworked, underpaid social workers, resulting in a high employee turnover rate. For example, every foster care worker in Broward County handles on average between forty and fifty cases.<sup>45</sup> State law mandates that caseworkers visit their foster children on a monthly basis.<sup>46</sup> Most caseworkers are forced to work approximately fifty-seven hours a week to manage their caseloads.<sup>47</sup> With a low salary averaging \$25,000 each year and no overtime pay, it is easy to see why many caseworkers seek employment elsewhere. The State cannot afford to lose valuable social workers due to severely inadequate pay and bad working conditions. The state of disaster that Broward County's foster care system is in makes this loss even harder felt.

### III. MOVING TOWARDS PRIVATIZATION

One of the proposed solutions to Florida's foster care crisis is privatization.<sup>48</sup> The Florida Legislature gave DCF two years to make the transition towards privatization in 1998.<sup>49</sup> The 1998 grand jury was not convinced that this change will solve the problems of a system on the verge of collapse.<sup>50</sup> First, the allegations of abuse by workers at private facilities are numerous enough to indicate that private care is not better than public care.<sup>51</sup> Second, there is no guarantee that additional funding will be provided to

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41. Broward County, Fla. Grand Jury, *supra* note 2, at 18.

42. *Id.*

43. *Id.* Out of home care includes children in foster homes, residential group care, and children in the Independent Living Program.

44. Broward County, Fla. Grand Jury, *supra* note 2, at 18.

45. *Id.*

46. *Id.* at 17.

47. *Id.* at 18.

48. *Money, Accountability Will Ease Problems in Child Welfare System*, Fort Lauderdale Sun Sentinel, November 27, 1998 at 22A.

49. Broward County, Fla. Grand Jury, *supra* note 2 at 25.

50. *Id.*

51. *Id.* at 26.

support the switch from the public to the private sector.<sup>52</sup> Third, child advocates fear that agencies will simply turn away special needs children. Additional concerns, such as the state's ability to monitor these programs and lack of incentive for the organizations to report abuse, have also been cited.<sup>53</sup>

During the summer of 1999, the State Attorney's Office sponsored a Foster Care Summit to address Broward County's near state of emergency. Privatization ranked among the top issues addressed at this summit. While many concerns were identified, few feasible solutions were provided. Many observers in attendance at this summit believe that an increase in funding, with proper allocation, may assist in resolving these problems.

Unfortunately, money cannot solve the faults of the entire system. Accountability is needed in addition to increased funding. Regular reviews should be conducted on all agencies involved in child welfare.<sup>54</sup> For example, "[e]mployees should never be allowed to keep their jobs after falsifying records or reports to the court."<sup>55</sup> Unfortunately, even though several caseworkers were accused of practicing such heinous behavior, most of them still retained their jobs.<sup>56</sup>

#### IV. A LOOK AT THE UNITED KINGDOM'S AND CANADA'S FOSTER CARE SYSTEM

##### A. *United Kingdom*

The Children's Act of 1989 governs the removal and accommodation of children by police in cases of emergency in the United Kingdom.<sup>57</sup> Surprisingly, this statute gives the police great discretion in removing children and caring for them during the interim of removal and emergency shelter. The statute uses language such as "reasonable" and "practicable" to describe the requirements of removal and care.<sup>58</sup> It provides that when there is reasonable cause to believe that the child will suffer significant harm, the police may remove the child from his or her home. It goes on to require the constable to inform local authorities and the child's guardians of the removal as soon as "reasonably practicable."<sup>59</sup> The Act allows for visitation or contact from the parents when the officer believes that it is "reasonable" and in the "best

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52. *Id.*

53. *Id.*

54. *Money, Accountability Will Ease Problems in Child Welfare System, supra note 49.*

55. *Id.*

56. *Id.*

57. Children's Act of 1989 Ch. 46 (1989) (Eng.).

58. *Id.*

59. *Id.* at Ch. 46(3) (Eng.)



interests” of the child.<sup>60</sup> Clearly, from the language of the statute, the United Kingdom provides its police very little guidance for the removal and care of these children in emergency situations.

Section 31(2) of the Children’s Act of 1989 lays out the criteria the court uses when deciding whether to issue a care order.<sup>61</sup> Two separate elements must be proven in order for the court to grant the order. First, the child must be suffering or likely to suffer significant harm.<sup>62</sup> Second, the harm must be attributable to either the care given to the child or to the care likely given if the order is not granted.<sup>63</sup> It is clear to see how the language of this statute can be confusing. Because of its vague nature, the courts have experienced great difficulty with interpreting this statute.

The case of *Lancashire County Council v. A; Lancashire Council v. B* clarifies the standard the British court uses for granting a care order in the face of neglect or abuse of a child.<sup>64</sup> In this case, applications were made on behalf of two children for care orders.<sup>65</sup> The children were not related, and the child’s mother cared for them.<sup>66</sup> Medical records and testimony by the children’s guardians could not establish the original cause of abuse.<sup>67</sup> As a result of insufficient factual evidence, the judge dismissed the application as to the second child.<sup>68</sup> The judge remarked, “[a] conclusion that the child is suffering or is likely to suffer harm must be based on facts, not just on suspicion.”<sup>69</sup> At this point, with both elements met, courts may grant an order placing the child in foster care until a determination for family reunification or adoption occurs.

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60. *Id.* at Ch. 46(10) (Eng.).

61. *Id.* at Ch. 31(2) (Eng.).

62. Children’s Act of 1989 Ch. 31(2) (1989) (Eng.).

63. *Id.*

64. *Lancashire Council v. A; Lancashire Council v B.*, 3 FCR 241, 1999 WL 809460 (C.A. 1999).

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. *Lancashire Council v. A; Lancashire Council v B.*, 3 FCR 241, 1999 WL 809460 (C.A. 1999).

The entire paragraph may be helpful since this is merely the conclusion:

“These are among the difficulties and considerations Parliament addressed in the Children Act of 1989 when deciding how, to use the fashionable terminology, the balance should be struck between the various interests.” As I read the Act Parliament decided that the threshold for a care order should be that the child is suffering significant harm, or there is a real possibility that he will do so. In the latter regard the threshold is comparatively low. Therein lies the protection for children. But, as I read the Act, Parliament also decided that proof of the relevant facts is needed if this threshold is to be surmounted. Before the section 1 welfare test and the welfare ‘checklist’ can be applied, the threshold has to be crossed. Therein lies the protection for parents. They are not at risk of having their children taken from them and removed into the care of the local authority on the basis only of suspicions, whether of the judge or of the local authority or anyone else. A conclusion that the child is suffering or is likely to suffer harm must be based on facts, not just suspicion.

In the United States, if the care order is granted the child will be placed into foster care. While every country aspires to have them receive better care by the government than the care they received at home, that is not the case. The following case illustrates similar problems the United Kingdom is experiencing with her foster care system.

In *Barrett v. Enfield London Borough Council*, the court was given the daunting task of deciding whether to allow an appeal from a dismissal. In usual circumstances, this task is not so daunting. However, in this case the plaintiff was a child suing the local authorities for negligently caring for him while in their custody.<sup>70</sup> The plaintiff filed suit after leaving the custody of the local authorities at the age of eighteen.<sup>71</sup> Plaintiff had been in their custody since the age of ten months.<sup>72</sup> During his childhood, he was placed in nine different settings ranging from foster homes to group therapy homes.<sup>73</sup> Additionally, he had five different social care workers and in one year, he had no social worker.<sup>74</sup>

Plaintiff alleged that the local authorities breached their duty to act as a parent.<sup>75</sup> In particular, he alleged:

. . . [they] negligently failed to safeguard his welfare, negligently made two placements with foster parents, moved him six times to different residential homes between 1976 and 1988, failed to make arrangements for his adoption, failed to provide him with proper social workers, failed to provide appropriate psychiatric advice and failed to make proper arrangements to reunite him with his mother.<sup>76</sup>

The plaintiff claimed that these alleged breaches of duty are the cause of his severe psychiatric problems, which caused him to injure himself and led to his abuse of alcohol.<sup>77</sup> Furthermore, the plaintiff claimed that both a statutory and common law breach of duty occurred. The district court judge dismissed the case. In deciding whether to allow the appeal, the House of Lords considered the impact that holding public officials liable for institutional neglect would have on public policy.<sup>78</sup> Ultimately, the court granted the appeal.<sup>79</sup>

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70. *Barrett v. Enfield London Borough Council*, 3 All ER 193 (H.L. 1999).

71. *Id.* at 193.

72. *Id.*

73. *Id.* at 201.

74. *Id.*

75. *Barrett*, 3 All ER 193 at 201.

76. *Id.* at 196.

77. *Id.*

78. *Id.*

79. *Barrett*, 3 All ER 193 at 196.

Citing to Lord Woolf in *X and ors (minors) v. Bedfordshire CC* the court noted:

[T]hat to hold a local authority or its agents liable in cases such as the present would be to encourage a 'safety first' approach by social workers which would be detrimental to children in care as a whole, i.e. it would be bad public policy.<sup>80</sup>

This statement, provides great insight into the policy ideas behind the United Kingdom's child protection laws.

The statement made by Lord Woolf implies that the court's first concern is to keep family units intact. If the United Kingdom held state officials liable for negligence in the care of their dependent children, it would likely lead to a transition in policy. Rather than concentrating on keeping family units intact, case workers would remove more children for fear of being liable if these children were subsequently harmed. Alternatively, the goal of Florida's children's social services statute<sup>81</sup> changed to "safety first" after numerous allegations of children being left in abusive or neglectful homes.<sup>82</sup> This switch in policy represents one of the causes of Florida's overcrowded foster care system. Deciding which of the two evils is the lesser is a futile endeavor. The problems with leaving a child in an abusive home, and hoping that counseling and rehabilitative services will help are obvious. Many times those services are rejected by the parents or are simply ineffective. However, removing a child and submitting him to state care could be equally traumatic. As illustrated by the above case law, the United Kingdom experienced similar shortcomings with their children's social services.

To alleviate some of the child social services problems prevalent in the United Kingdom, Parliament instituted its first national standards for foster care.<sup>83</sup> The impetus for setting the standards was the murder of a thirteen-year-old child by her foster father.<sup>84</sup> These new standards strive to provide the best quality care possible to the United Kingdom's foster children.<sup>85</sup> For example, these standards aim to match children with the most appropriate foster family, improve education for foster care children, provide better training for foster

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80. *Id.*

81. FLA. STAT. §39.001(1)(b)(1) (1999).

82. Broward County, Fla. Grand Jury, *supra* note 2, at 10.

83. *UK Government: First National Standards for Foster Care*, M2 Presswire, June 22, 1999.

84. Cherry Norton, *Parents Who Are Pro-Smacking Face Foster Ban*, *The Independent* (England), June 22, 1999.

85. *Id.*

care workers, provide support and supervision, and accept only the most qualified candidates to work in the foster care system.<sup>86</sup>

To ensure meeting these goals, the United Kingdom included in its national standards a law requiring local authorities to run police checks on all potential foster care workers.<sup>87</sup> This applies to any member of a foster family who is over the age of ten. By the year 2001, “[a]dults should have to account for all time since leaving school, including paid employment, voluntary and leisure activities, and should provide a chronological record of all places of residence.”<sup>88</sup> If the applicant cannot provide the information, he or she will be precluded from being a foster care provider.

The United Kingdom’s enactment of national foster care standards represents a step in the right direction. Implementing stricter standards for foster care will ensure a more qualified population of foster care providers. While these stricter standards seek to protect the best interests of the child, problems such as the overcrowding of approved foster homes may result. To counter this problem, efforts should be made to increase recruitment of competent foster care providers.

## B. *Canada*

Inadequate child social services epitomize a global problem. Like the United Kingdom, Canada suffers from its own problems with its foster care system. Alberta, Canada, represents another area which felt the effects of a poorly funded foster care system.<sup>89</sup> Due to the lack of economic support from the government, Alberta was forced to send its most vulnerable children to live with families not equipped to handle them.<sup>90</sup>

Many children benefiting from social services have severe psychological problems and desperately need rehabilitative services. This holds true in the United States as well as in Alberta, Canada. Often foster parents are unable to handle these types of problems, due to the lack of adequate training provided to them. Ultimately, children coping with serious psychological trauma are branded as trouble kids merely because they did not receive the appropriate social services, such as early intervention. By the time they are placed into foster care, these problems are difficult to overcome by their inexperienced, or

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86. *Id.*

87. David Brindle, *Councils Urged To Vet Foster Families*, *The Guardian* (England), June 22, 1999.

88. *Id.*

89. Doug Beazley, *Report Says Kids Placed In Marginal Foster Homes*, *The Edmonton Sun* (Canada) at 8, August 7, 1999.

90. *Id.*

improperly trained foster parents. Geoff Sherrott gives an apt description of a typical foster child's experience:

A child placed in a foster home enters into a setting that on its face appears to be intended to replace her family. This natural assumption is reinforced by the lack of any other apparent role for the foster parents; clearly they are not intended to help her deal with the original abuse or its long-term effect, as foster parents are neither expected nor required to have any specialized education or training. Yet, if any problems arise between the child and her foster family, a scenario not difficult to imagine, given both the harm that has been inflicted on her and the foster parents' lack of training she is moved to another foster home.<sup>91</sup>

Alberta experienced such problems. Government officials, foster parents, and children's rights advocates blamed the system's restricted budget for social service inadequacies. Trish Brady, President of the Edmonton and District Foster Family Association, stated that "very often these kids suffer mental illness, drug abuse, [and] memories of child abuse. It takes training to deal with these children, and a lot of foster parents are covering the cost of training themselves."<sup>92</sup>

Alberta recognized its faults and began implementing new programs that address the systems shortcomings. On April 22, 1999 the Sun Country Child and Family Services Regional Authority took over the role of Alberta Family and Social Services.<sup>93</sup> It took two years of planning to insure a smooth transition.<sup>94</sup> The major change is theoretical. Sun Country will use a "grassroots approach to service delivery."<sup>95</sup> This agency will provide such services as screening and investigation, foster care, residential resources, adoption, disabled children's services, childcare services, family violence services, and education. Additionally, it will provide family court intervention, prevention, and early intervention programs.<sup>96</sup> Alberta hopes that its community-based approach will resolve some of the important issues currently affecting child social services.

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91. Geoff Sherrott, *Foster Care for Abused Children: An Unacceptable Solution*, 57 Sask. L. Rev. 479 (1993).

92. *Id.*

93. Janine Ecklund, *If You're Calling Alberta Family And Social Services And The Voice On The Other . . .* Lethbridge Herald (Canada) at 3, June 21, 1999.

94. *Id.*

95. *Id.*

96. *Id.*

## V. CONCLUSION

As Florida, particularly Broward County, prepares to alter the agency that handles children's social welfare, it is important that local officials examine the successes from other parts of the world. While the problems in the United States' are not identical to those identified in the United Kingdom and in Canada; many similarities exist. Like Alberta, Canada, we are suffering with the effects of an under-funded foster care program. Similar to the United Kingdom, we are experiencing problems with the quality of our foster care providers. A closer examination of the programs implemented by these countries may provide the legal practitioner with valuable knowledge as to improving the United State's system. For example, we should examine whether a set of statewide foster care standards, similar to the type employed in the United Kingdom (which include setting high standards for foster care providers) would address the problems currently affecting our system. Additionally, we should look to the Canadian system of privatization, which uses a grassroots approach to see if that would adequately fulfill the United State's needs. Another important issue to address when designing a new system relates to adopting an approach that will utilize caseworkers most efficiently. Perhaps curing the current low pay scale, and insuring that no employee feels overworked represents two essential steps that must be taken to provide foster children with the care they need and deserve.

The nurturing of the world's children cannot be left to an under-funded, over-stressed bureaucracy. It is essential that we take a stand and insist on the implementation of more effective programs that are designed to provide children with optimum care.