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Foster-parent arrests revealed

New background checks uncover 27 with accusations

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Hamilton County court officials have discovered that 27 foster parents licensed by the county have been arrested, including one for child endangering.

Officials uncovered the arrests while implementing a background check program.

The 27 cases were detected, even though Hamilton County Job and Family Services, the agency responsible for county foster care, has allowed checks on a little less than half of the county's 750 foster parents.

The 304 parents checked this week are licensed through the county, but Hamilton County JFS refused to give Clerk of Courts Greg Hartmann the names of another 445 foster parents licensed through private network agencies, said Hamilton County Commissioner Pat DeWine.

The records, which do not list names, show 27 parents were charged with assault, domestic violence, receiving stolen property, menacing and welfare fraud among other things.

In most cases, the charges were tossed out or reduced to more minor charges. Minor charges would allow them to continue to be foster parents.

In one case, a foster father was charged with child endangering in 2001 after allegedly leaving two children, aged 7 and 2, alone in the car with closed windows cracked on a 93-degree day while he went shopping.

A conviction on that charge would have meant he could no longer be a foster parent. But he pleaded guilty to a reduced charge of inducing panic, allowing him to remain a foster parent. He was given probation and required to take parenting classes.

"You would think somebody at JFS would say he should not have a child," DeWine said.

Two Hamilton County children have died in foster care in the last seven years.

The agency is checking the 27 people on the list to make sure no mistakes were made inputting the names into the computer system, said Hamilton County Department of Job and Family Services Director Rick Roberts.

Decisions about whether children can stay in those homes will be made on a case-by-case basis, Roberts said.

Removing a child from foster care isn't as easy as picking up a child from one home and moving him to another home, said Moira Weir, assistant Hamilton County JFS director. A Hamilton County juvenile court judge or magistrate must approve all moves, she said.

"What we have to do is figure out what is in the child's best interest," Weir said.

CHECKS BOGGED DOWN

DeWine and Hartmann teamed up last fall to create the instant notification system after 3-year-old Marcus Fiesel died in foster care in Clermont County. Marcus's foster father had been arrested for domestic violence, a charge never seen by foster-care case workers because background checks were only done sporadically.

Although Marcus was placed in foster care by Butler County through a private agency, DeWine and Hartmann said they wanted to prevent the same thing from happening in Hamilton County.

What seems like a common-sense idea to protect children has been met with stiff resistance from the agency charged with caring for the county's most vulnerable children, Hartmann and DeWine said.

"There's been nothing but excuses, roadblocks and bureaucratic foot-dragging from Job and Family Services," DeWine said.

Hartmann called the lack of cooperation "bad judgment" on the agency's part.

"This is very frustrating," Hartmann said. "It's not my information. I can only deal with what they are willing to give me.

"Maybe JFS doesn't feel this way, but we are responsible for monitoring these children," he added.

Both were shocked to learn that so many foster parents had criminal histories. They are making five recommendations to the county commission, including an investigation into what JFS knew about the 27 parents found to have criminal histories, an immediate requirement that background checks be done on all county foster parents, and to create an ombudsman's position with investigative ability within JFS.

Roberts, the JFS director, said allegations that he failed to cooperate are ludicrous. He said he supports the instant notification program.

"We are committed to this. We are not dragging our feet," Roberts said.

The Hamilton County Prosecutor's Office, which is the agency's legal counsel, and the state, which is Roberts' boss, have told him consent must be granted before new daily checks can be done on foster parents already in the system.

"I know it sounds like bureaucratic red tape, but I'm trying to protect the rights of everyone involved, including the county," Roberts said. "We're trying to do everything we can for children."

He conceded consent has slowed the process down.

New foster parents don't get a choice. Being entered in the instant notification system is a requirement. The agency is seeking consent from the 445 foster parents in Hamilton County who are licensed through private networks.

Roberts, who earns \$129,000 a year, is retiring June 30 after working 30 years for the county. The agency's social service budget, just one function of the department, is about \$146 million a year. A national search for a new director has begun, DeWine said.

Roberts said Hartmann has slowed the process by refusing to sign a memorandum of understanding between JFS and the clerk's office about how the system will work.

Hartmann said he refused to sign the agreement because it requires him to keep quiet about what checks turn up.

"I cannot assume they will do the right thing," Hartmann said. "We can see in just the few we already checked that they either didn't know about the criminal charges or knew and didn't revoke the rights of foster parents.

"This needs to be about real reform, not just checking the backgrounds and doing nothing," Hartmann said. "I cannot in good conscience keep quiet if I know there is a problem."

MORE DEBATE TO COME

A meeting with Hamilton County Commission President Todd Portune, Hartmann and Roberts is scheduled for Monday. The memorandum of understanding is set to be voted on Wednesday.

But Portune wants the issue to be discussed Monday during a staff meeting.

"The issue is too important for county agencies or county officials to be infighting," Portune said. "I thought we were on track to approve a program on Wednesday. I'm finding out over the past 24 hours that it's all falling apart. I want to get to the bottom of it quickly."

Roberts said no other names will be given to Hartmann until an agreement is signed. Roberts said his agency was given the list of 27 foster parents with arrests Thursday.

Hartmann and DeWine shared the list with The Enquirer on Friday, but did not identify the parents. They say that would violate state law that protects foster parents' privacy.

Consent forms were sent in late December and early January. According to JFS, 12 parents have dropped out since the checks were announced, although none specifically cited the instant checks as a reason. Ten others refused to sign the consent form, and 52 didn't return the form.

"To me it's a red flag if somebody refuses to sign," Roberts said.

One of the foster parents' biggest concerns is about identity theft. Social Security numbers are needed to do the checks. Education about what the Social Security numbers will be used for and that only the county clerk would have access to them could help alleviate concerns, Roberts said.

In the past, local criminal histories were checked once a year. After Marcus's death there was a proposal to conduct quarterly checks. But that was put aside in favor of the instant notification process, Roberts said.

Felony convictions such as murder, assault and sex crimes preclude people from becoming foster parents in Ohio, according to state law.

The instant notification system is designed to catch arrests immediately. The system, designed by employees at the Hamilton County Clerk of Courts Office where criminal records are kept, provides alerts of potential problems with foster parents and their homes.

In addition to the most serious crimes, the instant notification system includes information on domestic violence, low-level drug citations and stalking orders that are not included in the information JFS uses to evaluate current and prospective foster homes.

Foster parents' names are kept in the system. Then, if a parent is arrested or otherwise comes into contact with the criminal justice system, notification will be sent to JFS.

"The whole system needs to be looked at, but it takes time," Weir said.

DeWine and Hartmann sent a three-page letter Saturday to Hamilton County commissioners notifying them of what was found in the initial check.

"The children are wards of the state and we have a legal and moral obligation to ensure their protection," they wrote. "We must ensure that only those who are able to give love and care to our most vulnerable are part of the system."