

DONATE



NEWSLETTER



FILED 10/18/2023 4:34PM

SHARE

Los Angeles County Tackles Long-Standing Problem of Parents Unable to Afford Court-Ordered Programs

State and local officials say requiring parents to pay for reunification services punishes poverty and fails to achieve the goal of the child welfare system.

BY JEREMY LOUDENBACK



Jacqueline Herrera struggled to pay \$120 a week in fees for classes and counseling so that her kids wouldn't end up in foster care. "Without support, the whole

The cost of drug treatment, anger management sessions and counseling has long been the responsibility of parents accused of child maltreatment in California’s most populous county. The impact of these financial obstacles on families — who are disproportionately Black and Indigenous — can amount to longer stays in foster care and insurmountable obstacles to reunification.

But a new state law and a recent move by the Los Angeles County Board of Supervisors aim to tackle this widely acknowledged injustice in the local child welfare system: Making low-income parents pay for programs they need to complete to get their kids back from foster care.

“Getting your kids back, it comes down to money, it comes down to resources,” said Jacqueline Herrera. The Van Nuys mother and her children ended up entangled with the Department of Children and Family Services in 2018, after she called 911 for protection from an abusive partner. “Without support, the whole thing feels more like a punishment than a helping hand.”

That burden could soon be lifted for thousands of Los Angeles County parents in similar circumstances. Last week, Gov. Gavin Newsom signed a bill that will require dependency court judges starting Jan. 1 to determine if parents can afford mandated service plans, before they can be ordered. The bill does not eliminate the possibility of these fees, but will prevent parents from being penalized due to economic reasons alone. Local officials are also working on solutions to the problem.

Juvenile Court Presiding Judge Akemi Arakaki is among those lauding the efforts. She calls the financial burden on low-income parents in her dependency courts the “elephant in the room.”

“If we could eliminate the wealth gap as a barrier to reunification, it could truly be a game-changer for all of us,” Arakaki wrote in a statement to The Imprint.



**It’s time to change how
we support kids**

accenture

After children are removed from parents accused of neglect or abuse, judges order an array of services, designed to remedy the problems that brought the authorities into the family home — commonly addiction, domestic violence and untreated mental illness. Over months and sometimes years, the court reviews parents’ progress to determine whether it’s safe for the children to return home. Under state and federal laws, parents face strict timelines. If they don’t show adequate progress on court-ordered services, their ability to reunify with their children can be ended in as few as six months for babies and toddlers.

In Herrera’s case, after the emergency call to police, child protective services was contacted. That led to a petition filed against her in dependency court. Social workers argued Herrera had failed to protect her children from a violent partner, and as a result, a judge ordered her to complete parenting classes and months of counseling if she wanted to keep her four children out of foster care.

She achieved those goals and that terrifying prospect was avoided. But it weighed heavily on the mother who had little help from her social worker as she rebuilt her life. Herrera said each week it cost \$80 for family therapy, \$40 for individual counseling and an additional \$60 for a babysitter while she attended the court-ordered sessions.

“WE’VE OFTEN HEARD PARENTS SAY THINGS LIKE, ‘THE DEPARTMENT TOOK MY CHILDREN AND NOW I HAVE TO BUY THEM BACK.’ THERE’S NO WORLD IN WHICH THAT SHOULD EVER BE HAPPENING.”

— LOS ANGELES DEPENDENCY LAWYERS EXECUTIVE DIRECTOR DENNIS SMEAL

Even after finding a new apartment and working as a waitress, her finances and mental health were stretched thin, she said.

Herrera skipped dinner sometimes, and spent nights wondering whether she would ever be able to watch her four sons grow up.

“This system is set up for you to fail,” she said.

The vast majority of California families who enter the child welfare system come from impoverished circumstances like these. [Research](#) prepared for the California Legislature in April found that more than half of child welfare-involved families in California get by on less than \$1,000 a month.

Los Angeles County is believed to be the only county in the state where parents must cover the cost of their court-ordered programs that can run between \$15 and \$45 a session, regardless of their financial circumstances. Some services can be even more costly. Health insurance — including the state’s Medi-Cal program — covers some services. But some of the most in-demand services, including counseling for parents and children, don’t accept public benefits as payment, or there are lengthy waiting lists. Programs that have a sliding-scale or a no-fee option are in short supply, and not available in all parts of the sprawling county.

“YOU CAN LOSE YOUR KIDS WAITING FOR MONTHS OR A YEAR FOR A SPOT WITH A THERAPIST TO OPEN UP.”

— SOCIAL WORKER NATALIE BASHIAN

A spokesperson for the Department of Children and Family Services said the agency acknowledges that being separated from children places emotional and financial hardships on parents, including the cost of court-ordered services. Los Angeles County is among the largest child welfare systems in the country, the spokesperson said in an email, and its size presents significant challenges, along with high rates of poverty, substance use and homelessness. But officials are now working with other county agencies to make free services more widely available, she added.

A recent county analysis of a referral list given to parents in Southeast L.A. County found that of 100 service providers, dozens offered a sliding-scale, but just 13 had a no-cost option. The California Children’s Trust found only 21 providers out of 100 that accepted Medi-Cal insurance as payment for some services. No public insurance options were available for anger management or parenting classes.

As a result, parents are being ordered to do things to reunify with their children that they simply cannot afford. And until now, Los Angeles County and state authorities have not done anything about it.

“Requiring our most vulnerable parents to try to come up with funds to pay for costly reunification services while they are struggling to make ends meet both punishes poverty and frustrates the main goals of the child welfare system – keeping children safe and reunifying families,” said L.A. County Supervisor Hilda Solis in a statement emailed to The Imprint.

Making it tougher for parents to reunify also impacts their children, said Susan Abrams, deputy director of the the Children’s Law Center of California — the law firm that represents nearly 25,000 children and young adults in foster care.

“The longer the kids are in foster care, the more likely it is that they’re moved out of their community, which brings on so many additional traumas and instability into the child’s life, impacting their education, other relationships and their connection to their community,” Abrams said.

Children can also lose contact with the parents altogether, if they are deemed noncompliant with court orders by a judge and denied the opportunity to reunify.

A social worker employed by Los Angeles Dependency Lawyers, Natalie Bashian, said the stress of court fees exacerbates financial issues faced by families that typically brought them before the court in the first place; poverty and what authorities determine to be child neglect.



L.A. County Supervisor Hilda Solis. Provided photo

Some of the clients at the firm representing local parents accused of child maltreatment have gone to extreme measures to pay for court-ordered services. Among them are parents who earn income from collecting aluminum cans and water bottles off the streets and exchanging them at recycling centers. Such low-income parents have had to sleep in their cars to save on rent and sacrifice meals to pay the fees.

Other times the problem is that free services can't be accessed fast enough for court deadlines, due to lengthy waiting lists.

"You can lose your kids waiting for months or a year for a spot with a therapist to open up," Bashian said.

"YOU CAN LOSE YOUR KIDS WAITING FOR MONTHS OR A YEAR FOR A SPOT WITH A THERAPIST TO OPEN UP."

— SOCIAL WORKER NATALIE BASHIAN

The recently signed legislation, which faced little opposition before being signed into law on Oct. 8 could help remedy the problem. Introduced by Assemblymember [Isaac Bryan](#), who was adopted out of the foster care system, [Assembly Bill 954](#) requires a judge to ask if a parent can afford court-ordered services during dependency court proceedings. It also clarifies that parents cannot be considered noncompliant with their case plan if they are unable to pay.

Los Angeles Dependency Lawyers Executive Director Dennis Smeal called the bill's signing last week by Newsom a "great victory for families."

"We've often heard parents say things like, 'The department took my children and now I have to buy them back,'" Smeal said. "There's no world in which that should ever be happening."

Changes may be underway on the local level as well. For the past year, officials with the Department of Children and Family Services, the juvenile court, attorneys and health care providers have been meeting to understand the gaps in reunification services and see what can be done to fill them. The effort, funded by a grant from the state's Judicial Council, has looked at how to expand the county's network of service providers and how social workers can better connect parents to providers offering low or no-cost services.

California Assemblymember Isaac Bryan.
Photo by Karlos Rene Ayala.

For too long, attorneys say, parents have been on their own, forced to navigate a patchwork of services and daunting health care bureaucracies, all while suffering the emotional turmoil of losing their children for issues typically related to addiction, domestic abuse and mental health challenges. County officials also say there is currently no way to track which providers are effective at helping families reunify and remain together. The county also lacks materials translated into Spanish and its many other languages spoken by residents, including Chinese, Tagalog, Korean and Armenian.

The Board of Supervisors has promised more help. A [motion](#) passed last month will help more parents obtain Medi-Cal insurance, create a centralized provider registry that better identifies free or low-cost services, and require county staff to research other solutions.

Despite the many obstacles in her case, Herrera was able to leave the supervision of the courts and child welfare system without losing her kids, due to sheer persistence. She desperately wanted to disprove the conclusions of social workers, who she felt saw her as a "bad parent."

NEWSLETTER SIGN UP

Receive weekly updates from The Imprint.

EMAIL ADDRESS*

SIGN UP

Today, Herrera considers herself "one of the lucky ones."

She will never forget the terrifying weeks of CPS oversight, when she thought she would lose her kids forever because she sometimes couldn't make the up-front cash payments required for counseling. Today she is employed as a peer advocate for parents with Los Angeles Dependency Lawyers, and she's watched other parents become too overwhelmed, lose hope and simply give up.

"Keeping your kids shouldn't have to come down to whether you have money or not," Herrera said.

EXPLORE THE IMPRINT

[Akemi Arakaki](#) [Dennis Smeal](#) [Los Angeles County](#) [Los Angeles Dependency Lawyers](#) [reasonable services](#) [reunification](#)

ABOUT THE AUTHOR

Jeremy Loudenback

Jeremy Loudenback is a senior reporter for The Imprint.

[✉ jloud@imprintnews.org](mailto:jloud@imprintnews.org)

[🐦 jremylback](#)

[VIEW ALL ARTICLES BY JEREMY ▶](#)

Subscribe Today

FOR EXCLUSIVE *YOUTH SERVICES INSIDER* CONTENT.



It's time to change how we support kids

Together with The Imprint, our Child Welfare practice is working to help keep children safely at home with their families as often as possible.

[Click to learn how we're making an impact](#)

