This *PDF* of workshop materials is to be used only for non-commercial reference purposes, to supplement the trainings presented at Beyond the Bench 20. We thank the conference faculty and their colleagues for their contributions to this CD.

The highlighted workshops below provided handout materials:

THURSDAY – JUNE 3, 2010

9:30 am – 10:45 **Workshop Session I**

I.A. **Alphabet Soup: Understanding Child Welfare Funding Streams and Foster Care Benefits**

I.B. **Assessing Risk: How to Determine Whether a Youth has Mental Health Issues**

I.C. **Coordinating Family Finding Efforts**

I.D. **Defining Reasonable Efforts in Unreasonable Fiscal Times**

I.E. **Delinquency Legal Update**

I.F. **Don't Count Me Out – Effective Youth Advocacy for Change** ***[*Y]***

I.G. **Effective Collaboration Among Family Courts and Social Services**

I.H. **Juvenile Interstate Compact**

I.I. **Promising Practices Regarding Child Abuse Allegations During Mediation**

I.J. **Reasonable Efforts in Dependency Cases Involving Domestic Violence**

I.K. **Recent Advances in Reducing Disproportionate Minority Contact in California's Juvenile Justice System**

I.L. **Understanding Fatherhood in the Context of Domestic Violence**

Session M (all time slots) **SHARE Tolerance Program (Stop Hate And Respect Everyone)**
This special poster session will be *repeated throughout* all time slots.
Attendance is **limited to 24 attendees** per time slot.

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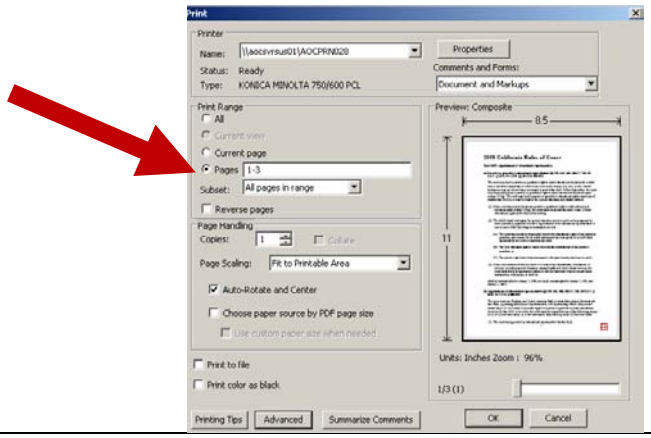

THURSDAY – JUNE 3, 2010

9:30 am – 10:45

Workshop Session I

I.A.

target audience:
attorneys
court administrators
social workers
judicial officers
probation officers

Alphabet Soup: Understanding Child Welfare Funding Streams and Foster Care Benefits

The faculty will discuss various federal and state benefit programs (including AFDC-FC, Kin-GAP, AAP, CalWORKS, SSI) and provide a framework for understanding eligibility criteria and application processes.

Learning Objectives:

- Identify the major federal and state funding streams that impact child welfare.
- Describe how to overcome administrative barriers to obtaining services for families and children.
- Integrate the knowledge of how funding streams operate with achieving higher reunification rates and more stable permanency goals.

Faculty:

- **Angie Schwartz**
  Attorney, Alliance for Children's Rights
- **Alice Bussiere**
  Staff Attorney, Youth Law Center
- **Brian Blalock**
  Attorney, Bay Area Legal Aid

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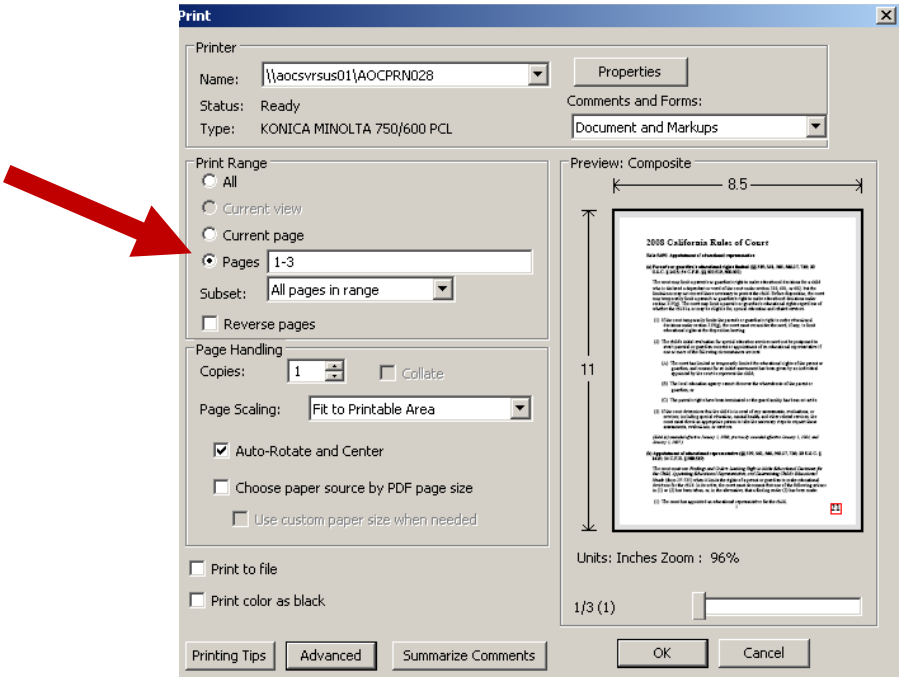

Alphabet Soup: Benefits for Children in Foster Care

Beyond the Bench
June 3, 2010

Hypo

- Julius, age 5, and Sarah, age 16, are siblings
- Their father has died and their mother is an alcoholic who is unable to care for them most of the time.
- Julius has physical and emotional disabilities as a result of prenatal alcohol exposure.
- Sarah has started skipping school and hanging around with some kids who live on the street.
- Grandma Jones is willing to care for them but lives on a small pension.

The Cast

- Foster Care – AFDC-FC
  - Federal – Title IV-E
  - State
- CalWORKS (TANF)
- Kin-GAP
- AAP
- SSI

Who is a relative?

An adult related to the child by blood, adoption, or marriage within the fifth degree of kinship.

Includes:

- Mother
- Father
- Stepparents
- Siblings
- Step-Siblings
- Grandparents (great, great-great, great-great-great)
- Aunts and Uncles (great, great-great)
- First cousins
- First cousins once-removed
- Nieces and nephews
- *Spouse of any relative on list (even if relative is divorced or deceased)*

Everyone else is a non-relative!

Aid to Families with Dependent Children-Foster Care (AFDC-FC)

- Title IV-E of the Social Security Act
  - 42 U.S.C. § 670 et seq.
  - 45 C.F.R. § 1356 et seq.
- Cal. Welf. and Inst. Code § 11400 et seq.
- California's Manual of Policy and Procedure (MPP) § 45-200 et seq.

AFDC-FC: Basic Eligibility

Age:

- Under 18 (or 19)
- (More on age-related eligibility later)

AFDC-FC: Basic Eligibility

Dependency:

- Removed by court
  - remaining in the home would be contrary to the child's welfare
  - reasonable efforts were made to avoid removal
- Relinquished for adoption or parental rights terminated
- Voluntarily placed by parent or guardian
- Living with non-related legal guardian, OR
- In foster care under the Indian Child Welfare Act

AFDC-FC: Basic Eligibility

Placement:

- Licensed foster family home, group home, or foster family agency
- Approved home of a relative or non-relative extended family member
- Home of a non-related legal guardian

Federal AFDC-FC: Linkage Requirement

Meet the 1996 AFDC criteria in the home of removal

- in the month the petition is filed

  OR

- in any of the 6 months prior to the month the petition is filed.

AFDC-FC: What Do They Get?

- Monthly cash benefit
- Medi-Cal
- Other, such as clothing allowance

AFDC-FC: Cash Benefit

- Foster Family Homes:
  - Basic rate: $446 - $659
  - Specialized Care Increments: $18 - $1413
- Foster Family Agencies:
  - Non-Treatment: $ 373 - $522
  - Treatment: $1430 - $1679
- Intensive Treatment:
  - $2687 - $ 4028
- Group Homes: $1337 - $6025

Rates Are Per Child!

AFDC-FC Out of County Youth

- When a child is placed in a county different from the county with payment responsibility:
  - the county pays the host county basic rate and the host county specialized care rate
    - If the host county has no specialized care rate, then the county pays its own specialized care rate.
- When a child is placed out of state, the Interstate Compact on the Placement of Children applies.
  - The sending agency continues to have financial responsibility for the child.

AFDC-FC: Regional Center Clients

- Youth who receive AFDC-FC benefits and who are also regional center clients are eligible for a higher level of cash benefits.
- Eligibility for regional center services:
  - mental retardation, cerebral palsy, epilepsy, autism, and the "5th Category"
  - Children under 3 years old may also qualify for services under California Early Start Intervention Services Act

AFDC-FC: Regional Center Clients

- Standard rates July 1, 2007
- Current placements grandfathered
- Lower rates raised to July 1, 2007 level
- Vendored providers get DDS rates

AFDC-FC: Regional Center Clients

- Regional Center: $2006 per month
- Regional Center, Extraordinary care and supervision: $1000 county discretion (ACL 08-54)
- Early Start Intervention: $898
- Regional Centers must purchase or secure services in the child's IPP or IFSP

AFDC-FC (Federal or State): When Does It End?

Age 18 OR

Age 19 IF:

- In foster care AND
- Full time high school or equivalent training, or pursuing high school equivalency AND
- Reasonably expected to graduate, complete the program or receive a high school equivalency certificate, before his or her 19th birthday

AFDC-FC (Federal or State): When Does It End?

- Leonard v Wagner
- Fostering Connections
- AB 12

Hypo

- Julius, age 5, and Sarah, age 16, are siblings
- Their father has died and their mother is an alcoholic who is unable to care for them most of the time.
- Julius has physical and emotional disabilities as a result of prenatal alcohol exposure.
- Sarah has started skipping school and hanging around with some kids who live on the street.
- Grandma Jones is willing to care for them but lives on a small pension.

Hypo Questions

- What benefits are available if the children are removed and placed in foster care
  - With Grandma Jones?
  - With a licensed foster care provider?
- What additional information do you need to know?
- How might it complicate the case if Grandma Jones lives in a different county other than the county of dependency?

Temporary Assistance for Needy Families (TANF) & California Work Opportunity and Responsibility to Kids (CalWORKs)

- "Title IV-A": Title 42 of the Social Security Act, Chapter 7, Subchapter IV, Part A
- 42 U.S.C. § 601 et seq.
- 45 C.F.R. § 260 et seq.
- Calf. Welf. and Inst. Code § 11200 et seq.
- California's Manual of Policy and

CalWORKs: Basic Eligibility

- Need
- Living in the home of a "caretaker relative"
- Age
- U.S. Citizen or Qualified Status AND
- Deprivation
  - Deprived of parental support by parent's physical or mental incapacity, incarceration, unemployment, or continued absence from the home

CalWORKs: Who Gets It?

Children living with relatives:

- Not in foster care – informal care
- In foster care but do not qualify for federal Title IV-E foster care benefits

CalWORKs: Who Gets It?

Needy caretaker relatives when the child receives:

- CalWORKs
- AFDC-FC
- Kin-GAP, or
- SSI

Caretaker Relatives: Welfare to Work Exemption

- Nonparent relative
- Caring for a child who is
  - Dependent or ward of the court OR
  - Receiving Kin-GAP OR
  - At-Risk of Placement in Foster Care
- Responsibilities beyond normal parenting

CalWORKs: What Do they Get?

REGION 1		
AU Size	MAP Exempt	MAP Non-Exempt
1	382	345
2	627	561
3	776	694
4	923	828
5	1050	941
6	1180	1057
7	1296	1162
8	1414	1265
9	1527	1367
10	1641	1469
10+	1641	1469

REGION 2		
AU Size	MAP Exempt	MAP Non-Exempt
1	363	326
2	598	533
3	740	661
4	879	788
5	1003	897
6	1125	1007
7	1236	1104
8	1347	1205
9	1457	1302
10	1564	1398
10+	1564	1398

Payment *Decreases* Per Child!

CalWORKs: When Does It End?

Age 18 OR

Age 19 IF:

- Reside with the relative caregiver

  AND

- Full time high school or equivalent training, *OR* pursuing a high school equivalency certificate

  AND

- Reasonably expected to graduate, complete the program or receive a high school equivalency certificate, before his or her 19th

CalWORKs: When Does It End?

- Fry v Saenz
- Youth with disabilities have no completion requirement

Hypo

- Julius, age 5, and Sarah, age 16, are siblings
- Their father has died and their mother is an alcoholic who is unable to care for them most of the time.
- Julius has physical and emotional disabilities as a result of prenatal alcohol exposure.
- Sarah has started skipping school and hanging around with some kids who live on the street.
- Grandma Jones is willing to care for them but lives on a small pension.

Hypo Questions

- What benefits are available if Grandma Jones takes the children in without juvenile court involvement?
- What benefits are available if the children are in foster care?
- What additional information do you need?

Supplemental Security Income/ State Supplemental Payment (SSI/SSP)

- Title 42 of the Social Security Act, Chapter 7, Subchapter XVI
- 42 U.S.C. § 1381 et seq.
- 20 CFR § 416 et seq.
- "Foster Care Social Security and Supplemental Security Income Program," Calif. Welf. and Inst. Code § 13750 et seq.
- "State Supplementary Program for the Aged, Blind, and Disabled," Calif. Welf and Inst. Code § 12000 et seq.

SSI/SSP: Basic Eligibility

Children may be eligible for SSI/SSP benefits if they meet the following criteria:

- Income and resources
  - No deeming if the child is living apart from parents
- Citizen or certain categories of immigrant
- Disability

SSI/SSP: Basic Eligibility

Disability:

Marked or severe functional limitation expected to result in death or last for at least 12 continuous months

SSI/SSP: What Do They Get?

- Disabled child - $739.00
  - November 1 - $737.40
- In foster care – non-medical out-of-home care facility: $1086
  - Must complete the SSP 22 to get the full benefit!

Managing a Foster Youth's SSI Benefits

The county

- Can
  - Use SSI/SSP to pay for current care
- Must
  - Manage benefits according to the youth's best interest including maintenance accounts and dedicated accounts
  - Assist youth in receiving direct payment or finding new payee before emancipation
  - Inform youth of SSI/SSP eligibility and process of maintaining eligibility as an adult

SSI/SSP: When Does it End?

- Continues as long as disability, income and resources criteria are met
- Different disability standard for adults
  - Continuing Disability Review ("CDR") to determine if the youth meets adult disability criteria
  - Benefits continue until CDR is complete

Hypo Questions

- What benefits are available if Grandma Jones takes the children in without juvenile court involvement?
- What benefits are available if the children are in foster care?
- What additional information do you need?

Hypo: Permanency Planning

- Julius and Sarah have now been in foster care with Grandma Jones for 18 months.
- The social worker has told Grandma Jones that it is time to make a permanent plan for the children.

Kinship Guardianship Assistance Payment Program (Kin-GAP)

- Designed to help children placed with relatives leave foster care *without* losing foster care payments.
- Welf. & Inst. Code § 11360 et seq.
- MPP § 90-100 et seq.

Kin-GAP: Basic Eligibility

- Under 18 (or 19) years old
- Dependent or ward
- Citizen, legal permanent resident, or qualified immigrant
- Living with same relative at least 12 continuous months
- Guardian appointed by juvenile court
- Foster care case dismissed by the court *after* (or at the same time as) the court appoints the relative as guardian

Kin-GAP: What Do They Get?

- Basic AFDC-FC rate
  - at time of guardianship
- Specialized Care Increment
  - at time of guardianship
- Clothing Allowance

Kin-GAP: When Does It End?

Age 18 OR

Age 19 IF:

- Reside with guardian
  AND
- Full time high school or equivalent training, *OR* pursuing high school equivalency
  AND
- Reasonably expected to complete the program or receive high school equivalency before his or her 19th

Hypo Questions

- Are Julius and Sarah eligible for Kin-GAP?
- What additional information do you need to know?

Adoption Assistance Program (AAP)

- Title IV-E of the Social Security Act
  - 42 U.S.C. § 673
  - 45 C.F.R. § 1356 et seq.
- Cal. Welf. and Inst. Code § 16115 et seq.
  - California Code of Regulations, Title 22 § 35325 et seq.

AAP: Basic Eligibility

- "Special needs"

  AND

- Written and signed AAP agreement with state stipulating amount of AAP (No means test)

AAP: Basic Eligibility Con't

AND <u>one</u> of the following:

- Meets SSI disability criteria – OR
- Under supervision of county welfare department – OR
- Relinquished for adoption and would have been at risk of dependency – OR
- Committed to care of dep't pursuant to Family Code § 8805 or § 8918

AAP: What Do They Get?

- Medicaid
- Monthly benefit
  - Amount negotiated in a written adoption assistance agreement
  - Cannot exceed the amount that the child would have received if in a licensed or approved family home
  - Can include specialized care increment
  - No means test for parents
- Residential care or Wrap Around services

AAP Out of County Youth

- If the child is placed for adoption outside of the county of financial responsibility, then the AAP can be negotiated up to, but not to exceed, the basic rate + specialized care increment of the host county OR the county of financial responsibility – whichever is higher.

AAP: When Does it End?

- Age 18
- Age 21 - if the child has mental or physical handicaps that warrant continuation
- Continues if the family moves to another state
- Can continue if child is adopted after death of adoptive parents

Hypo Questions

- Are Julius and Sarah eligible for adoption assistance?
- What additional information do you need to know?

SSI: Mandates for Youth Preparing to Transition

- AB 1331 (October 11, 2007)
- Goal: SSI in place at emancipation
- Best Practice Guidelines instruct counties on screening and applications. ACL 07-10

SSI: Mandates for Youth Preparing to Transition

Counties must:

- Screen every youth in foster care for SSI eligibility between ages 16.5 and 17.
- Assist youth determined likely eligible with SSI application.
- When necessary, forego federal foster care benefits for one month

Hypo Questions

- What are the county's obligations
  - To Julius
  - To Sarah
- What additional information do you need to know?

Which Benefit is Best for the Youth: Questions to Consider

- How much financial assistance does the family need?
- Is the family adverse to supervision or involvement by child welfare services?
- How much flexibility does the family want?
- What is the youth's permanency plan?
- What level of security is desired in the placement?
- Does the child have special needs?
- What are the family dynamics?
- What supportive services are available?
- Do the benefits travel with the family?

	Amount of Assistance	Court	Special needs	Other services
AFDC-FC	$446 - $659	Yes, 6 month reviews.	Specialized care increments	ILP, clothing allowance, reunification services, Medi-Cal, transitional housing
CalWORKs	$382 for first child, less with each child	No	No specialized rates	Medi-Cal
Kin-GAP	100% of what child received in foster care	No – dependency dismissed	Yes, if received in foster care	ILP, clothing allowance, Medi-Cal
AAP	Negotiated – cannot exceed foster care	No	Yes – specialized rates available	Medi-Cal
SSI	$1,086 for children with relatives	No	No	Medi-Cal

Resource: The Foster Care Manual

- Available on www.wclp.org
- Ten chapters, from an overview of the foster care system to the state hearings process
- For legal advocates and caregivers
- Includes numerous advocacy and resource tips and examples
- Appendices includes statewide legal resources and common acronyms

Further Information

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A COMPARISON OF FINANCIAL BENEFITS: ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION: ADOPTION ASSISTANCE (AAP)	LEGAL GUARDIANSHIP: KINSHIP GUARDIAN ASSISTANCE PAYMENT (Kin-GAP)	LEGAL GUARDIANSHIP: NON-RELATIVE GUARDIANSHIP (Supported by AFDC-FC)	FOSTER CARE PLACEMENT: AID FOR FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
1. ELIGIBILITY FOR FINANCIAL SUPPORT	▪ Child is under 18 or 21 if the child has mental or physical disability ▪ Child has "special needs". For example, age 3 or over, sibling group, adverse parental background, racial or ethnic minority ▪ Meets one of the following: - Meets SSI requirements - Under supervision of county welfare department - Relinquished for adoption and would have been at risk of dependency – OR- - Committed to care of department pursuant to Family Code § 8805 or 8918 ▪ Written and signed AAP Agreement	▪ Child adjudged dependent of juvenile court pursuant to Section 300 or a ward pursuant to Section 600 ▪ Child has been living with the relative for at least 12 consecutive months ▪ Has a kinship guardianship established pursuant to Section 366.26 ▪ Has dependency dismissed concurrently or subsequently to the establishment of the kinship guardianship	▪ All non-relative guardians are eligible to receive state-only AFDC-FC benefits ▪ Child must be Under 18 years or a full-time student in secondary or vocation school finishing by 19 years ▪ Guardian must cooperate with county in provision of case planning and reunification services	▪ Child must be: - Removed from home by judicial determination that remaining would be against the child's interests, reasonable efforts were made to avoid removal - or - by voluntary placement agreement AND ▪ Child's care and placement is responsibility of the department AND ▪ Child living in an approved or certified foster home or in a licensed foster care facility or with a non-relative guardian
2. PAYMENT AMOUNT-BASIC RATE	▪ The AAP benefit is a negotiated between the responsible public agency and the adoptive parent(s) and is based on the needs of the child and the circumstances of the adoptive family ▪ The AAP payment may not be more than the child would have received in foster care ▪ There is no means test for families Adoptive parents determine how AAP funds are spent	The Kin-GAP payment equals 100 percent of the rate that was paid on behalf of the child while he/she was in foster care, including any specialized care increment the child was receiving,	▪ The payment is based on the child's age, and the rate is set by regulation. ▪ A special care increment may be individually applied.	▪ When a child is in a county licensed foster home, or with a relative and is "federally eligible", foster care funds are based on the child's age. ▪ A special care increment may be individually applied. ▪ If the child is in a relative placement and does not meet federal eligibility guidelines, the relative can apply for CALWORKS.[8] ▪ The Foster Family Agency (FFA), group home, or residential treatment rate applies when the child is in a certified FFA home, group home, or residential treatment program & these rates do not include a special care increment.

A COMPARISON OF FINANCIAL BENEFITS: ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION: ADOPTION ASSISTANCE (AAP)	LEGAL GUARDIANSHIP: KINSHIP GUARDIAN ASSISTANCE PAYMENT (Kin-GAP)	LEGAL GUARDIANSHIP: NON-RELATIVE GUARDIANSHIP (Supported by AFDC-FC)	FOSTER CARE PLACEMENT: AID FOR FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
3. CLOTHING ALLOWANCE	No clothing allowance is provided.	An annual clothing allowance is provided.	An annual clothing allowance is provided.	An annual clothing allowance is provided.
4. MEDICAL INSURANCE	Child is eligible for Medi-Cal. The family may also enroll child under their private health insurance; if enrolled, private insurance is used first, but Medi-Cal may offer benefits that the private insurance does not cover.	Child is eligible for Medi-Cal. Guardians may also enroll child under their private health insurance; if enrolled, private insurance is used first, but Medi-Cal may offer benefits that the private insurance does not cover.	Child is eligible for MediCal. Guardians may also enroll child under their private health insurance; if enrolled, private insurance is used first, but MediCal may offer benefits that the private insurance does not cover.	Child is eligible for Medi-Cal.
5. SOCIAL SECURITY BENEFITS (SSI-BASED ON THE CHILD'S ELIGIBILITY)	An adopted child may be eligible for Supplemental Security Income (SSI) benefits due to a disability. (Note: SSI eligibility is a needs-based program and, therefore, takes account of the income and resources of the adoptive parent in determining eligibility.)	▪ Children receiving SSI benefits cannot receive Kin-GAP under current interpretation of state statutes. Litigation is pending challenging the state's position that youth who receive SSI are excluded from Kin-GAP. ▪ The Social Security Administration does not consider the Kin-GAP benefits as income to the child for purposes of determining eligibility for SSI or the amount of the SSI benefit.	▪ A child receiving AFDC-FC benefits may be eligible for Supplemental Security Income (SSI) benefits due to a disability. ▪ The Social Security Administration does not consider the AFDC-FC benefit the non-related legal guardianship receives as income to the child for purposes of determining eligibility for SSI or the amount of the SSI benefit. ▪ A child can receive SSI benefits and AFDC-FC benefits concurrently; although, the AFDC-FC the non-related legal guardian receives is offset by the SSI benefit.	▪ Child receiving AFDC-FC may be eligible for SSI due to his/her own disability. ▪ If the child is eligible for federal AFDC-FC, the SSA considers the AFDC-FC benefit as income to the child when determining income eligibility for SSI. If the child is still eligible, the SSI is offset dollar-for-dollar by the amount of AFDC-FC. ▪ If the child is NOT eligible for federal AFDC-FC benefits, the SSA does NOT consider the AFDC-FC benefit as income to the child when determining eligibility for SSI. But, the AFDC-FC payment is offset, under state law, by the SSI. ▪ If the county is the payee, SSI can be used to offset the cost of foster care. But, SSI must be used in the best interest of the child. ▪ The county must establish a maintenance account to manage the SSI, which cannot exceed $2000.

A COMPARISON OF FINANCIAL BENEFITS: ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION: ADOPTION ASSISTANCE (AAP)	LEGAL GUARDIANSHIP: KINSHIP GUARDIAN ASSISTANCE PAYMENT (Kin-GAP)	LEGAL GUARDIANSHIP: NON-RELATIVE GUARDIANSHIP (Supported by AFDC-FC)	FOSTER CARE PLACEMENT: AID FOR FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
6. FINANCIAL ASSISTANCE/ CHILD'S RESIDENCE/ MOVES OUT OF COUNTY	The adoptive parents solely determine residence. AAP funding is paid to family regardless of where adoptive families choose to live-in another county, another state, or another country.	Guardians can move out of county without court permission and still receive Kin-GAP. The county where the dependency was in place continues to be responsible for the Kin-GAP payment now matter where the child lives in California.	Guardians can move out of county without court permission and still receive AFDC-fC, but must notify Court in writing. The AFDC-FC benefit is paid by the county where the dependency was in place; however, the amount of the AFDC-FC benefit is based on the host county's basic rate and specialized care increment. If the host county does not have a specialized care increment, the county of jurisdiction's rate applies.	Legal residence is determined by residence of birth parents (However, the child is eligible to attend school in the jurisdiction where he or she is placed). Courtesy supervision is arranged when a child moves w/ caregiver out of county. Court & the Agency determine where child lives.
7. FINANCIAL ASSISTANCE/ CHILD'S RESIDENCE/ MOVES OUT OF STATE/ COUNTRY	The adoptive parents solely determine residence. AAP funding is paid to family regardless of where adoptive families choose to live: in another county, another state, or another country.	Court permission must be obtained to move out of state. If Guardian moves out of state, they are no longer eligible for Kin-GAP funding from California. Guardianship and/or funding may need to be re-established in the new state/country, and is subject to the new state or country's laws and eligibility rules.	Court permission must be obtained to move out of state. If Guardian moves out of state, they are no longer eligible for AFDC-FC funding from California. Guardianship and/or funding may need to be re-established in the new state/country, and is subject to the new state or country's laws and eligibility rules.	Legal residence is determined by residence of birth parents. Courtesy supervision is arranged when a child moves w/ caregiver out of county or out of state. Interstate Compact Program rules must be followed when a child moves out of state and licensing/ certification procedures for that state must be followed, in order for payment to be made to caregiver by Agency.
8. ELIGIBILITY FOR CHAFEE GRANT PROGRAM	Only those youth who are in foster care at time of their 16th birthday and adopted after, are eligible for Chafee Grant funding. Chafee Grant provides up to $5000 in free money (no pay back required) while youth is in college. Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21st birthday; eligibility continues to 23rd birthday.	Only those youth in foster care at time of their 16th birthday and in Legal Guardianship after, are eligible for Chafee Grant funding. Chafee Grant provides up to $5000 in free money (no pay back required) while youth is in college. Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21st birthday; eligibility continues to 23rd birthday.	Only those youth in foster care at time of their 16th birthday and in Legal Guardianship after, are eligible for Chafee Grant funding. Chafee Grant provides up to $5000 in free money (no pay back required) while youth is in college. Amount awarded depends on cost of the college. Youth must receive Chafee funds prior to 21st birthday; eligibility continues to 23rd birthday.	Only those youth in foster care on their 16th birthday and after are eligible for Chafee Grant funding. Chafee Grant provides up to $5000 in free money (no pay back required) while youth attends college. Amount awarded, depends on the cost of the college. Youth must receive Chafee funds prior to 21st birthday; eligibility continues to 23rd birthday.

A COMPARISON OF FINANCIAL BENEFITS: ADOPTION, LEGAL GUARDIANSHIP, AND FOSTER CARE

FACTOR	ADOPTION: ADOPTION ASSISTANCE (AAP)	LEGAL GUARDIANSHIP: KINSHIP GUARDIAN ASSISTANCE PAYMENT (Kin-GAP)	LEGAL GUARDIANSHIP: NON-RELATIVE GUARDIANSHIP (Supported by AFDC-FC)	FOSTER CARE PLACEMENT: AID FOR FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC)
9. ELIGIBILITY FOR ILSP HOUSING ASSISTANCE PROGRAMS	N/A –Youth must be foster youth age 16 and over to be eligible.	Youth in Legal Guardianship after their 16th birthday are eligible for ILSP Housing and College Housing programs. Slots are limited.	Youth in Legal Guardianship after their 16th birthday are eligible for ILSP Housing and College Housing programs. Slots are limited.	Youth who remain in foster care through their 18th birthday are eligible for all ILSP housing programs, including college dorm housing assistance. Slots are limited.
10. ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION	Effective July 2009, youth adopted on or after their 13th birthday are eligible to access college financial aid as an "independent student" and their adoptive parent's income will not have to be included in determining need for financial aid. Children adopted prior to age 13 may be eligible for other federal & state financial aid. Eligibility is based on the youth & family's income. Youth should consult with financial aid office.	Legal Guardianship youth may be eligible for federal and state financial aid. The Legal Guardian's income is <u>not</u> considered. Eligibility is based on the youth's income, and, if the biological parents have claimed the youth as a dependent on past two years' income tax reports, their income is also considered. Youth should consult with school's financial aid office.	Legal Guardianship youth may be eligible for federal and state financial aid. The Legal Guardian's income is <u>not</u> considered. Eligibility is based on the youth's income, and, if the biological parents' have claimed the youth as a dependent on past two years' income tax reports, their income is also considered. Youth should consult with school's financial aid office.	Youth who remain in foster care through their 18th birthday are eligible for federal and state financial aid. Only the youth's income is considered. These youth may also be eligible for other funding designated specifically for foster youth. Youth should consult with school's financial aid office.
11. DUAL AGENCY CHILDREN	Effective 7/1/07, children who are dual clients of the Regional Center and are court dependents are eligible for a rate of $2006.00 monthly and may be assessed to be eligible for up to $1000 additionally. Children 0-3 in the Early Start Program are eligible for a rate of $898.00 per month. (SB 84)	Effective 7/1/07, children who are dual clients of the Regional Center and are court dependents are eligible for a rate of $2006.00 monthly and may be assessed to be eligible for up to $1000 additionally. Children 0-3 in the Early Start Program are eligible for a rate of $898.00 per month. (SB 84)	Effective 7/1/07, children who are dual clients of the Regional Center and are court dependents are eligible for a rate of $2006.00 monthly and may be assessed to be eligible for up to $1000 additionally. Children 0-3 in the Early Start Program are eligible for a rate of $898.00 per month. (SB 84)	Effective 7/1/07, children who are dual clients of the Regional Center and are court dependents are eligible for a rate of $2006.00 monthly and may be assessed to be eligible for up to $1000 additionally. Children 0-3 in the Early Start Program are eligible for a rate of $898.00 per month. (SB 84)

youth law center

Adoption Assistance Program

A Fact Sheet Prepared by the Youth Law Center

The Adoption Assistance Program (AAP) is a federal and state funded program that is designed to support the adoption of children in foster care who would not otherwise be adopted.[1] California has one adoption assistance program (one set of program requirements) that includes both federally eligible and non-federally eligible children.[2]

Who is eligible for AAP?

Virtually every child in the foster care system who is eligible for adoption is eligible for AAP. Children who are unlikely to be adopted without AAP financial assistance because of their age (over 3), membership in a minority or sibling group, medical condition, disability or adverse parental background are eligible for adoption assistance if they are under the supervision of a child welfare agency or if they if they meet the requirements for Supplemental Security Insurance (SSI).[3] Additionally, children with disabilities involved in independent adoptions (under Family Code section 8524) may also be eligible for AAP if they are unlikely to be adopted without financial assistance and meet the requirements for Supplemental Security Insurance (SSI).[4] Relative caregivers and other prospective adoptive parents are eligible to receive adoption assistance, regardless of income; "means testing" of prospective adoptive parents in determining AAP eligibility is prohibited.[5]

What type of assistance is available?

AAP provides financial assistance and Medi-Cal coverage for children eligible for AAP.

Adoptive parents may receive cash payments that include:

(1) A one time payment, up to $400, to cover court costs associated with the adoption;[6] and
(2) Monthly payments up to, but not exceeding, the amount the child would have received in a foster family home, including the age related state-approved foster family home rate and any applicable specialized care increment. [7]

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[1] Cal. Welf. & Inst. Code §§ 16115 – 16124; 42 U.S.C. § 673 .
[2] Cal. Welf. & Inst. Code § 16120; CDSS Manual of Policy & Procedures (MPP) – Adoption Users Manual § 35326 (The regulations in the Adoption Users Manual may also be found in Title 22 of the California Code of Regulations—22 Cal. Code Regs. §§ 35000 *et seq*.)
[3] Cal. Welf. & Inst. Code § 16120. Children who receive AAP remain eligible if they are adopted again if the previous adoptive parents die or if the previous adoption is dissolved.
[4] Cal. Welf. & Inst. Code § 16120.
[5] Cal. Welf. & Inst. Code §§ 16119(d)(1), 16120.1(b).
[6] Cal. Welf. & Inst. Code § 16120.1.
[7] Cal. Welf. & Inst. Code § 16121.

California law does not provide for any other type of assistance (*e.g*. post adoption services) in AAP. However, AAP will cover the cost of placement of the child in a group home or residential treatment facility if placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed prior to the adoptive placement.[8]

How is the amount of assistance determined?

The amount of the AAP payment is a negotiated amount between the adoptive parents and the agency based on the child's needs and the circumstances of the family.[9] The "circumstances of the family" is defined to include the family's ability to incorporate the child into the household in relation to their lifestyle, standard of living and future plans and to their overall capacity to meet the immediate and future plans and needs, including education, of the child.[10] However, the amount of the payment may not exceed the amount that would have been paid if the child were in a foster family home including any specialized care increment that would have been paid. [11] If the child is a Regional Center client, the amount of the payment may not exceed certain Regional Center rates.[12]

The adoptive parents and agency enter into an adoption assistance agreement that sets forth the amount and duration of the payments as well as the parties other responsibilities under the agreement.[13]

Prospective adoptive families should enter into a deferred adoption assistance agreement or a "Medi-Cal only" agreement if they do not need financial assistance at the time of the adoptive placement but anticipate that they may need assistance in the future.[14] An adopted child is not eligible for AAP unless an AAP agreement is entered into before the adoption is finalized.[15]

Can the amount of the monthly AAP assistance payments be changed?

Families receiving AAP payments may request an increase in the AAP if the child's needs or the family's circumstances change.[16] The child's needs must also be reassessed by the agency at least once every two years.[17]

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[8] Cal. Welf. & Inst. Code §16121(b).
[9] Cal. Welf. & Inst. Code § 16119; MPP Adoption Users Manual § 35333.
[10] Cal. Welf. & Inst. Code § 16119(d) (2).
[11] Cal. Welf. & Inst. Code § 16121; MPP Adoption Users Manual § 35333(c).
[12] Cal. Welf. & Inst. Code §§16121 & 11464 establish different payment ceilings for Regional Center clients who had AAP agreements in place before and after July 2007..
[13] Cal. Welf. & Inst. Code § 16120.05; MPP Adoption Users Manual § 35337 (AAP agreement required contents).
[14] Cal. Welf. & Inst. Code §§ 16119, 16121.
[15] Cal. Welf. & Inst. Code § 16120.
[16] MPP Adoption Users Manual § 35343(a)(2).
[17] Cal. Welf. & Inst. Code § 16120.05; MPP Adoption Users Manual § 35333(h).

However, payments ***cannot*** be decreased or terminated without the adoptive parents' consent unless:

(1) The adoptive parents are no longer legally responsible for the child's support; or
(2) The department finds that the child is no longer supported financially by the adoptive parents; or
(3) The payments are more than the child would have received if the child were in a foster family home.[18]

How long do AAP payments last?

AAP payments can be made on behalf of an eligible child until the child turns 18 years old. Children with mental or physical disabilities are eligible for AAP until they reach the age of 21 years old.[19] The AAP agreement must include the payment duration that should be until the child's eighteenth birthday unless the adoptive parents negotiate a different term.[20]

What happens if the adoptive parents and child move?

Adoptive parents will continue to receive AAP assistance at the agreed upon rate even if they move to a different county, state or country.[21]

Resources:

California Department of Social Services, Manual of Policies & Procedures- Adoption Users Manual
http://www.cdss.ca.gov/ord/PG308.htm

U.S. Department of Health & Human Services, Administration for Children & Families, Child Welfare Policy Manual
http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm

[18] Cal. Welf. & Inst. Code § 16119; MPP Adoption Users Manual § 35343.
[19] Cal. Welf. & Inst. Code §§ 16120(d), 16123.
[20] Cal. Welf. & Inst. Code §§ 16119, 16120.05; MPP Adoption Users Manual § 35333(h).
[21] Cal. Welf. & Inst. Code §§ 16121.1, 16121.2.

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Kinship Guardianship Assistance Payments (Kin-GAP)

A Fact Sheet Prepared by the Youth Law Center

What are the Kinship Guardianship Assistance Payments?

Kin-GAP is a California payment program designed to support foster children who have been placed in long-term foster-care with a relative caregiver. The program provides relative caregivers who are either unable or unwilling to adopt the child with another option for caring for the child in a permanent placement in the relative's home.[1] Although Kin-GAP was initially funded through the state's CalWORKs program, Kin-GAP is a distinct program and recipients are exempt from all CalWORKs requirements except the school attendance and immunization requirements[2].

Children in foster care are eligible for monthly foster care maintenance payments, as well as other social support services. However, some relative caregivers want freedom from the intrusiveness of the foster care system or a greater sense of permanency and control over the living arrangements. Kin-GAP is a compromise, permitting a child to remain eligible for monthly maintenance payments equal to the county foster care family home rate (including any specialized care increments), while offering the freedom of a permanent placement. For more information on relative caregivers, please see the Youth Law Center's Fact Sheet:

Relative Caregivers.

Who is eligible to receive Kin-GAP funding?

To be eligible for Kin-GAP, the child must:

(1) Be under the age of 18 years or 19 years if the child is a full-time high school (or equivalent) student and will graduate by his or her nineteenth birthday;[3]
(2) Have been a dependent or ward of the court;[4]
(3) Have been living with the same relative for at least 12 consecutive months;[5]
(4) Have had a kinship guardianship with that relative established in juvenile court as the result of a permanent plan;[6] and

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[1] Cal. Welf. & Inst. Code § 11361.
[2] Cal. Welf. & Inst. Code § 11372. However, CDSS has adopted regulations that incorporate by reference several Cal-Works regulations in direct contravention of the statutory provisions. See, MPP §§90-110. Advocates should challenge any attempt to impose eligibility requirements that are not contained in the statutes §§ 11360—376.
[3] Cal. Welf. & Inst. Code § 11363(a) (Kin-GAP payments last until the age of 18); Cal. Welf. & Inst. Code §§ 11363(b); 11403 (Kin-GAP payments can continue beyond the 18th birthday if the child applied for benefits before his or her 18th birthday and is attending a high school, vocational or technical school on a full time basis or continues to pursue a high school equivalency certificate and will graduate or complete the program by his or her 19th birthday).
[4] Cal. Welf. & Inst. Code § 11363(a)(1).
[5] Cal. Welf. & Inst. Code § 11363(a)(2).

(5) Have had his or her dependency dismissed or wardship terminated concurrently or subsequently to the establishment of the kinship guardianship;[7]

How does a relative caregiver qualify for Kin-GAP?

To qualify, the caregiver must be a relative of the child. For purposes of Kin-GAP, a relative is an adult[8] who is related to the child by blood, adoption or affinity within the fifth degree of kinship.[9] This includes stepparents, siblings, step-siblings, half-siblings, grandparents, great-grandparents, great-great grandparents, great-great-great grandparents, aunts, great aunts, great-great aunts, great-great-great aunts, uncles, great uncles, great-great uncles, great-great-great uncles, first cousins, first cousins once-removed, nieces, nephews, and the spouse of any divorced or deceased relative in this list.

A relative caregiver who is interested in obtaining Kin-GAP should contact the child's attorney and the social worker or probation officer to specifically request a formal assessment and court review. The relative should also express an interest to the juvenile court judge.

The court will schedule a formal assessment of the relative, which will consider the:

- Best interest of the child
- Wishes of the parent
- Location of siblings and half-sibling
- Moral character and criminal history of the relative and other adults in the home
- Nature and duration of the relationship between the relative and the child
- Relative's desire to care for the child
- Relative's ability to provide a safe, secure, stable environment and the exercise control over; and to provide for the basic needs of the child including child care and protection from the child's parents[10].

After the assessment, the relative will be required to fill out a "Statement of Facts Supporting Eligibility for Kinship Guardianship Payment (Kin-GAP) Program," the form for collecting Kin-GAP eligibility information.[11]

If these requirements are met, the court can appoint the relative as the legal guardian to the child. The juvenile court will also need to terminate the juvenile court proceedings.

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[6] Cal. Welf. & Inst. Code § 11363(a)(3).
[7] Cal. Welf. & Inst. Code § 11363(a)(4).
[8] Cal. Welf. & Inst. Code § 101(a) ("'Adult' means a person 18 years of age or older").
[9] Cal. Welf. & Inst. Code §§ 366.21(k), 11362(c); MPP §§ 90-101.1 (r)(1). Although parents are "relatives," biological parents are prohibited from becoming Kin-GAP guardians because doing so would be inconsistent with the program's purpose.
[10] Cal. Welf. & Inst. Code §§ 361.3, 361.4, 309(d).
[11] MPP § 90-101.2(k)(2) ; Form KG-2 (Available at: http://www.cdss.ca.gov/cdssweb/entres/forms/English/KG2.PDF).

The juvenile court will terminate jurisdiction if it finds that there are no objections from the relative caregiver, it is in the child's best interests, and no exceptional circumstances exist.[12] Upon termination of jurisdiction, the child is eligible for Kin-GAP payment.[13]

What happens if Kin-GAP benefits are denied?

Should the relative disagree with the department's determination in the Kin-GAP application or payment process, the relative has the right to dispute or appeal the decision by requesting a state hearing.[14]

If approved, what type of assistance is available under Kin-GAP?

The Kin-GAP program provides monthly payments, per child, to a relative caregiver at the same foster care rate paid to licensed or approved foster parents in the county.[15] Kin-GAP is not a means-tested program. Neither the income of the child's parents, the Kin-GAP guardian, nor any other relative in the household is used to determine the child's Kin-GAP eligibility.[16] The monthly Kin-GAP payment is meant to cover food, clothing, shelter, daily supervision, school supplies, personal needs, and child liability insurance.[17]

The Kin-GAP payment includes any specialized care increment the child received in foster care in the month before Kin-GAP benefits began, such as an infant supplement (see below).[18] Children are also entitled to the annual state supplemental clothing allowance and any county clothing allowance they would have received if they were still in foster care.[19] The monthly rate per child may vary based on the child's age, special needs and the responsible county child welfare agency.[20]

Once a child enters Kin-GAP, they may no longer be eligible for services available to them while in foster care.[21] However, a Kin-GAP child remains eligible to receive the following benefits:

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[12] Cal. Welf. & Inst. Code § 366.3. The law does not define exceptional circumstances. However, the most common situations include: special needs children; hesitancy or resistance by the relative to participate in Kin-GAP.
[13] Cal. Welf. & Inst. Code § 366.22(c).
[14] Cal. Welf. & Inst. Code § 10950.
[15] Cal. Welf. & Inst. Code § 11364.
[16] MPP §§ 44-133.3, 90-115.1.
[17] MPP § 11-301.1. The Kin-GAP payment is considered income to the child. Cal. Welf. & Inst. Code § 11371.
[18] Cal. Welf. & Inst. Code § 11364; CDSS All County Letter 07-13.
[19] *Id*.
[20] MPP § 11-301.2. Specialized care rates and county clothing allowances vary by county.
[21] The child is no longer under the jurisdiction of the court and the placing agency is no longer obligated to see that the child's needs are met.

(1) *Medi-Cal*

Kin-GAP children do not lose their access to basic health care benefits when they leave foster care through Kin-GAP.[22] However, Kin-GAP children will only continue to receive Med-Cal benefits until they reach 18 (or 19 if they are expected to graduate high school by that age).[23]

(2) *Independent Living Program Services*

Kin-GAP children are eligible for the Independent Living Program (ILP) at the age of 16 regardless of their ages when they entered Kin-GAP.[24] The program offers services such as vocational and employment training, training in living skills, and counseling.[25] However, these services are available only upon request by the child or the guardian.

What benefits are available to minor parents under Kin-GAP?

Minor parents receiving Kin-GAP payments shall receive an additional infant supplement for the care and supervision of a child living with the minor parent in the same Kin-GAP eligible facility as the minor parent.[26] The infant supplement is a payment on behalf of the Kin-GAP minor because of the existence of an infant.[27] There are no separate eligibility requirements for the infant, and eligibility is based solely on the minor parent's Kin-GAP eligibility.[28] As a result, the income of the infant's other parent has no effect on the infant supplement. Since the supplement is paid to the minor parent, additional supplements for things like special diets are not available.[29]

How does a relative caregiver determine his/her best funding options?

The caregiver will be provided with an "Agency-Relative Guardianship Disclosure" form that will state whether or not the child is eligible. The form will provide information about any payment change that will occur if the child enters Kin-GAP.[30] The form will also provide the caregiver with funding options available should they choose to take legal guardianship of the related foster child.[31]

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[22] Cal. Welf. & Inst. Code § 11366.
[23] Cal. Welf. & Inst. Code §§ 11363(b), 11403.
[24] Cal. Welf. & Inst. Code § 11375(a).
[25] Cal. Welf. & Inst. Code § 10609.4(b)(1).
[26] MPP §90-115.2.
[27] CDSS All County Letter 01-64.
[28] MPP §90-115.2.
[29] CDSS All County Letter 01-64.
[30] Form SOC 369, Agency-Relative Guardianship Disclosure (Available at: http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC369.pdf).
[31] MPP 90-101.2(s)(1).

How long may a relative caregiver receive Kin-GAP benefits?

Kin-GAP payments will be paid on behalf of a relative child until the legal guardianship ends, the child is emancipated or the child turns 18 (or 19 if the child is expected to graduate high school by that age).

In order to continue receiving Kin-GAP benefits, the relative caregiver must continue to act as the legal guardian to a child.

Additionally, payments may be reduced or suspended if the relative fails to provide documentation that a Kin-GAP child of compulsory school age is attending school or documentation that the child who is not required to be enrolled in school has received all age appropriate immunizations.[32]

What happens if the relative caregiver moves?

Kin-GAP is a state program. As long as the family resides together in California, the child is eligible for Kin-GAP payments, no matter which county the child and guardian live in.[33] However, if a relative caregiver moves out of the state, Kin-GAP funding will cease.[34] Whether a relative caregiver will still be eligible for financial support on behalf of the child depends on the laws and programs available in the new state.

What happens if a relative caregiver dies?

Funding automatically terminates in the event of death of the relative caregiver, ***unless*** there is a successor guardian or relative caregiver.

[32] Cal. Welf. & Inst. Code §§ 11253.5, 11265.8 & 11372.
[33] Cal. Welf. & Inst. Code § 11374(a) (The responsible county is the one where the dependency action took place); MPP § 82-812(If the child or guardian is absent from the home for more than one month, Kin-GAP can also cease).
[34] Cal. Welf. & Inst. Code § 11374(a).

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Relative Caregivers

A Fact Sheet Prepared by the Youth Law Center

This fact sheet addresses issues regarding children in foster care who are placed with "kin" (relatives or non-related extended family members).

What is a relative caregiver?

When a child is removed from the physical custody of a parent because of abuse or neglect, the child welfare agency has an affirmative duty to seek out relatives for assessment and placement.[1] "Relative" is defined as an adult who is related to the child by blood, adoption, marriage or affinity within the fifth degree of kinship.[2] This includes stepparents, siblings, step-siblings, half-siblings, grandparents, great-grandparents, great-great grandparents, great-great-great grandparents, aunts, great aunts, great-great aunts, great-great-great aunts, uncles, great uncles, great-great uncles, great-great-great uncles, first cousins, first cousins once-removed, nieces, nephews, and the spouse of any divorced or deceased relative in this list.[3]

Non-related extended family members (NREFMs) who have an established familial or mentoring relationship with the child, who do not fall within the "relative" definition above, may also be considered for placement.[4] A NREFM is generally treated as a relative except as specified below.

How does one become a relative caregiver to a child?

The child welfare agency may contact relatives for placement, but if a relative is willing to take care of a child, they should let the child's social worker and the juvenile court know of their interest as soon as possible. The child welfare agency and the court must give preferential consideration to ***requests*** by grandparents, aunts, uncles or siblings.[5] Preferential consideration means that the relative requesting placement must be the first placement to be considered and investigated.[6] Preferential consideration does not guarantee that placement will be with that relative.[7] The child welfare agency and the court must still consider whether placement with the relative would be appropriate to meet the child's needs.

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[1] Cal. Welf. & Inst. Code § 309(d).
[2] Cal. Welf. & Inst. Code §§ 361.3(c)(2), 11362.
[3] Cal. Welf. & Inst. Code § 361.3(c)(2).
[4] Cal. Welf. & Inst. Code § 362.7.
[5] Cal. Welf. & Inst. Code § 361.3(a).
[6] Cal. Welf. & Inst. Code § 361.3(c)(1); *see also In Re Antonio G.*, 159 Cal.App.4th 369, 376-77 (2007).
[7] Cal. Welf. & Inst. Code § 361.3(a).

What will the child welfare agency do once a relative is identified as a prospective placement?

Before the agency and the court determines whether placement of the child with a relative would be appropriate, the child welfare agency must assess the relative's home for safety and capabilities as a potential caregiver for the child and approve the relative for placement.

Caregiver Home Safety Assessment

For a relative to even be considered as a placement, their home must first be approved by the child welfare agency as meeting the health and safety standards required for foster care placements. The homes of NREFM's are approved in the same manner as relatives.[8] The home assessment consists of:

(1) A home visit;[9] and
(2) A criminal records check of:
    (a) The relative; and
    (b) Everyone in the home over the age of 18; and
    (c) Children in the home over the age of 14 (if the social worker feels it is appropriate);[10] and
(3) A Child Abuse Index check on any person over the age of 18 living in the home.[11]

If there are deficiencies that prevent the home from being approved for placement, the social worker will discuss the deficiencies with the caregiver, explain what the relative can do to bring their home into compliance, and provide the relative with any reasonable assistance needed to come into compliance.[12] If the home is ultimately not approved, the relative can file a grievance with the child welfare agency.[13]

If anyone living in the home has a criminal record, the home will not automatically be disqualified. However, if the conviction is anything other than a traffic violation, the individual will need to get an exemption in order for the home to be approved by the child welfare agency.[14] Some crimes are deemed "non-exemptible" offenses.[15] However, some "non-exemptible" offenses may be exempted if the person meets

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[8] Cal. Welf. & Inst. Code § 362.7.
[9] Cal. Welf. & Inst. Code §§ 309(d)(1), 361.4(a).
[10] Cal. Welf. & Inst. Code § 361.4(b).
[11] Cal. Welf. & Inst. Code § 361.4(c).
[12] *See, generally* California Department of Social Services (CDSS) All County Letter (ACL) 04-02, *available at* http://www.dss.cahwnet.gov/CDSSWEB/PG85.htm.
[13] CDSS ACL 02-85 (2002); CDSS Manual of Policy & Procedures (MPP) § 31-020
[14] Cal. Health & Safety Code § 1522(g)(1) (The director must have substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime are of good character).
[15] *Id.*

certain rehabilitation requirements.[16] If any person over the age of 18 living in the home has a child abuse criminal record, the home will not be approved as safe for the child to be placed there.

Relative Placement Determination

If the relative's home is approved by the child welfare agency, the agency and the juvenile court must then assess the ability of the relative to provide a secure and stable environment for the child based on the following factors:[17]

(1) The best interest of the child, including special physical, psychological, educational, medical, or emotional needs;
(2) The wishes of the parent, the relative, and child if appropriate;
(3) Placement of siblings and half siblings in the same home;
(4) The good moral character of the relative and any other adult living in the home, including whether any individual residing in the home has a prior history of violent criminal acts or child abuse or neglect;
(5) The nature and duration of the relationship between the child and the relative and the relative's desire to care for the child;
(6) The ability of the relative to do the following:
    (a) Provide a safe, secure and stable environment for the child;
    (b) Exercise proper and effective care and control of the child;
    (c) Provide a home and the necessities of life for the child;
    (d) Protect the child form his or her parents;
    (e) Facilitate court-ordered reunification efforts with the parents;
    (f) Facilitate visitation with the child's other relatives;
    (g) Facilitate implementation of all elements of the case plan;
    (h) Provide legal permanence for the child if reunification fails.

Prior to a judicial determination that a child is dependent, the agency has the discretion to place a child in the approved home of a relative or NFEFM.[18] After judicial determination that a child is dependent, the court has the authority to order that the child be placed with an approved relative or NREFM, even if the agency has not recommended or has objected to the placement. If the court does not place the child with a relative who has been considered for placement, the court must make a record of the reasons for denying placement with that relative.[19]

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[16] Cal. Health & Safety Code § 1522(g)(1)(A). *See also*, *Doe v. Saenz*, 140 Cal. App. 4th 960(2006) & CDSS ACL 06-04.
[17] Cal. Welf. & Inst. Code § 361.3(a).
[18] Cal. Welf. & Inst. Code §§ 309, 361.3.
[19] Cal. Welf. & Inst. Code § 361.3

If the child is placed with the relative caregiver, what type of follow-up should be expected?

After the child is placed with a relative caregiver, the social worker assigned to the child should maintain regular contact with the child and the caregiver and continue working toward reunification with the child's biological parent(s). The court will have hearings at least every six months to review the case and consider the progress of reunification. The caregiver is entitled to notice of and may attend the court hearings. The social worker is required to file with the court progress reports before each review hearing and provide the caregiver a summary of his or her recommendations contained in the report 10 days before the hearing.[20]

Relative caregivers are permitted to file their own report containing recommendations on what they believe the court ought to do with the child.[21] These recommendations must be submitted to the juvenile court before the review hearing in order to be considered.

Is a relative caregiver eligible for financial support? If so, how is this determined?

Yes. The relative may be eligible to receive financial assistance to care for the child. The amount of benefits received on behalf of the child will depend on the type of benefits the child is eligible to receive and the legal relationship of the relative to the child.

(1) Foster Care Benefits – Relatives and NREFMs caring for a related child in foster care will receive a monthly foster care payment if the child meets the federal foster care eligibility requirements.[22] Even if the child does not meet the federal requirements, NREFM may be eligible to receive a monthly foster care payment under the state AFDC-FC program.[23] The rate of payment per child is based on a state standardized schedule of basic rates based on the age of the child and may be supplemented by a county determined "specialized care increment" for children with special needs.[24]

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[20] Cal. Welf. & Inst. Code § 366.21(c) .
[21] Cal. Welf. & Inst. Code § 366.21(d) .
[22] Cal. Welf. & Inst. Code §§ 11401, 11402 ; 42 USC §§ 671, 672 (Federal foster care eligibility rules require that the child must have met the state AFDC eligibility standards that were in place on July 16, 1996 during the month the petition was filed to remove the child (eligibility month) or the month a voluntary placement agreement was signed. The child must have lived in the home of a specified relative within six months of the eligibility month and be deprived of parental support. In addition, there must be a court order that finds: (1) continuation of the child in his/her own home would be "contrary to the welfare of the child" and (2) reasonable efforts were made to prevent the removal of the child from his/her family or to facilitate the return of the child who has been removed).
[23] Cal. Welf. & Inst. Code § 11401 .
[24] Cal. Welf. & Inst. Code § 11461 ; CDSS ACL 01-55.

(2) CalWORKS – If the child does not meet federal foster care eligibility requirements, the relative should apply for CalWORKS.[25] Eligibility is determined not by the income or property of the relative but by the income and resources of the child. This program provides basic aid only at a rate that is below the foster care rate.

(3) Kin-GAP – Relative caregivers who have cared for a child in foster care for the previous 12 months and who are appointed as legal guardians as part of the child's permanency plan are eligible for Kin-GAP benefits. The rate of payment is equal to the county foster care family home rate (including any specialized care increments). For a more detailed discussion see the Youth Law Center's Fact Sheet: **Kinship Guardianship Assistance Payments (Kin-GAP)**.

What about adoption?

If reunification efforts fail or if the child's permanency plan is not reunification, adoption is the next preferred permanency plan for the child. The court must determine if termination of parental rights is appropriate and if adoption is the appropriate permanency plan.[26] Again, relative caregiver is given preference for adoption.

Relative caregivers who adopt a child they have been caring for can continue to receive financial assistance through the Adoption Assistance Program. For more information on this program, see the Youth Law Center's Fact Sheet: **Adoption Assistance Program**. If the court determines that the child's permanent plan will be guardianship or a Planned Permanent Living arrangement, the relative caregiver or the child can, if circumstances change, petition the juvenile court at a future time to change the child's permanency plan to adoption.

If the child is not reunified is adoption the only option?

No. Legal permanency is the goal for children in foster care, which come in a variety of form and fashion.[27] However, the permanency plan options must be considered in the following order: reunification, adoption, guardianship and "planned permanent living arrangement" (formerly known as long term foster care). There are certain situations where adoption would be completely ruled out.[28]

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[25] *See generally* Department of Social Services, California Work Opportunity and Responsibility to Kids (CalWORKs), *available at* http://www.dss.cahwnet.gov/CDSSWEB/PG85.htm.
[26] Cal. Welf. & Inst. Code § 366.22(a).
[27] *See* Cal. Welf. & Inst. Code § 366.26(c)(1)(A).
[28] Cal. Welf. & Inst. Code §§ 366.26(c)(1), 366.26(c)(1)(B)(ii) ("A child 12 years of age or older objects to termination of parental rights" may be a compelling reason to deny a termination petition).

Are there other situations outside the Foster Care system in which a relative may care for a child?

Yes. An adult may care for a related child informally without court intervention or formally through the "probate court" guardianship process. Relative caregivers caring for children in informal arrangements may be able to enroll a child in school or consent to medical care utilizing a Caregiver Authorization Affidavit.[29] However, informal arrangements do not provide the child or the caregiver with the same level of legal protections that more formal arrangements provide.

For more information on Guardianship, please see the following resources:

(1) California Courts Self-Help Center for Families and Children: Guardianship.
Available at: http://www.courtinfo.ca.gov/selfhelp/family/guardianship/
(2) Legal Services for Children, Fact Sheet: Guardianship.
Available at: http://www.lsc-sf.org/problems/guardianship.html

RESOURCES:

Youth Law Center, *Legal Rights of Teens in Out-Of-Home Care* (July 2009).
http://www.ylc.org/pdfs/LegalRightsofTeens2009.pdf

California Courts Self-Help Center for Families and Children: Juvenile Dependency (Abuse & Neglect).
Available at: http://www.courtinfo.ca.gov/selfhelp/family/juv/

[29] General information to facilitate an informal caregiver relationship is available at http://www.courtinfo.ca.gov/selfhelp/family/guardianship/guardforms.htm.

AUTHORIZATION FOR NONMEDICAL OUT– OF– HOME CARE (BOARD AND CARE)

(SSA COMPLETES ALL BUT SECTION 'B')

DATE

APPLICANT/RECIPIENT'S NAME	SEX ☐ M ☐ F	DATE OF BIRTH	SOCIAL SECURITY NUMBER
APPLICANT/RECIPIENT'S HOME ADDRESS		RECEIVING IHSS	TELEPHONE NUMBER

☐ AGED
☐ BLIND
☐ DISABLED TYPE OF DISABILITY

REASON FOR CERTIFICATION
☐ CHANGE OF ADDRESS ☐ CHANGE OF LIVING ARRANGEMENT ☐ OTHER _____

I. SSA OFFICE REQUEST TO COUNTY WELFARE DEPARTMENT FOR CERTIFICATION

ADDRESS FOR WINDOW ENVELOPE

TO

SSA REPRESENTATIVE REQUESTING INFORMATION
NAME
TITLE
TELEPHONE NUMBER

A. SSA OFFICE REQUEST

The above-named person may be entitled to the nonmedical out-of-home care benefit level in the home of a relative or a facility. (MPP Section 46-140)

NAME OF RELATIVE	RELATIONSHIP		FACILITY
		OR	

Please certify whether or not this person is receiving nonmedical out-of-home care.

B. COUNTY WELFARE DEPARTMENT RESPONSE

I certify that the above named

☐ IS NOT receiving nonmedical out-of-home care as authorized under DSS MPP Section 46-140.

☐ IS receiving nonmedical out-of-home care as authorized under DSS MPP Section 46-140 in the arrangement described below.

CHECK ONE:

☐ a. The home of a relative or legally appointed guardian or conservator, or,
☐ b. A certified family home or foster family home

EFFECTIVE *(See Reverse)*

/ /
MONTH DAY YEAR

SIGNATURE OF CERTIFYING COUNTY REPRESENTATIVE	TITLE	TELEPHONE	DATE
SIGNATURE OF SUPERVISOR	TITLE	TELEPHONE	DATE

II. SSA OFFICE VERIFICATION OF LICENSED CARE FACILITIES CASE

A. I have verified that the above-named person lives in a licensed nonmedical out-of-home care facility, license number
The effective date of the living arrangement is / /
MONTH DAY YEAR

Current residency was confirmed with _____
NAME TITLE

B. Licensure was verified by:
☐ List supplied by State Department of Social Services.
☐ Telephone contact with _____
☐ Other (specify) _____

SIGNATURE OF REPRESENTATIVE	TITLE	OFFICE	DATE

ADDRESS FOR WINDOW ENVELOPE

RETURN TO

OFFICE

COUNTY INSTRUCTIONS

When the county cannot obtain material evidence that the individual needed and was receiving care in the living arrangement continuously from an earlier date, have the client complete the statement below. When this is necessary, the county will enter the date to which the client has attested in the **"EFFECTIVE"** section of Part B. on the authorization form.

NOTE: MPP Section 46-140.65 limits the earlier date for an individual who is already receiving SSI/SSP to the month in which the care began or three (3) months from the month the County is asked to certify the NMOHC living arrangement, whichever is later.

CLIENT STATEMENT FOR RETROACTIVE CERTIFICATIONS.

I certify that I have been in my current living arrangement with my _____ since
RELATIONSHIP

_____ .
DATE

I AGREE TO IMMEDIATELY NOTIFY SOCIAL SECURITY IF THERE IS ANY CHANGE IN MY CURRENT LIVING ARRANGEMENT.

APPLICANT/RECIPIENT SIGNATURE	SOCIAL SECURITY NUMBER	DATE
▶		

The Alliance *for* Children's Rights

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213-368-6010

Adoption Assistance: What it Takes to Make a Child Eligible

Child eligibility

1) **"Special Needs"**: broadly defined and covers virtually every child in the foster care system
2) **Written and signed AAP Agreement**: Negotiated agreement with the state that must be signed *BEFORE* the adoption is finalized
3) **Type of adoption (agency vs. independent):** If the child is eligible for SSI, then the adoption can be either an agency or an independent adoption and the child will still be eligible for AAP. Otherwise, the adoption must be an agency adoption.

Caregiver Eligibility at Placement

1) **NO means test:** The income of the child and the income of the adoptive parents does NOT factor into eligibility for AAP
2) **Status of placement:** Child is eligible for AAP if he/she was either under the supervision of the county welfare department OR at risk of dependency (UNLESS the child is receiving SSI, in which case the child is eligible for AAP).

Intervening Factors

1) **Age** – child is under 18 when the adoption is finalized. Children who have mental or physical handicaps can continue to receive AAP until the age of 21.
2) **Other benefits** – once the adoption is finalized and AAP is in place, the adoptive parent's income is taken into account when determining eligibility for other benefits such as SSI.
3) **Redetermination**: The County must reassess for any changing eligibility conditions every two years – but AAP ***cannot*** be decreased or terminated without the consent of the adoptive parents unless the adoptive parent's are no longer responsible for the child or the AAP is more than the child would have received in a foster family home. Families receiving AAP can request an increase in AAP if the child's needs or family circumstance change.
4) **Court supervision:** No on-going court supervision.
5) **Change of Residence:** AAP continues at the contracted amount regardless of whether the child moves to a new county or a new state.

Other County Responsibilities

1) Inform families about the availability of AAP at the time an application is made to adopt the child and again at the time immediately prior to finalizing the adoption
2) Provide written information about availability of reimbursement for nonrecurring expenses associated with the adoption
3) Encourage families who do not want AAP to sign a deferred AAP agreement
4) Assess the child's needs and the circumstances of the family
5) Negotiate the amount of AAP with the family

Updated 05/04.2010

EXAMPLES OF ORDERS TO ENSURE FOSTER YOUTH RECEIVE APPROPRIATE FUNDING

1. Order the County to provide the court and minor's counsel with the results of the federal eligibility determination no later than 30 days after placement

2. Set forth the federal AFDC-FC eligibility criteria in the Minute Order and make findings as to whether the child meets those criteria. Relevant criteria:
   - Continuing to live in the home would be contrary to welfare of the child and reasonable efforts have been made to keep child in the home

   - The child was living with the parent(s) or relative(s) from which he was removed during the month of removal or any of the prior 6 months prior to removal and met the AFDC criteria during that time

3. Order the County to provide the amount and the source of funding for the child in every Court report

4. Order the County to assess children with special needs for a specialized care rate, Regional Center services, SSI and/or other benefits and programs for children with special needs

5. Order the County to provide all Notices of Action regarding any funding decisions to be sent to the caregiver as well as the minor's attorney and the court within 5 days of the date on the Notice of Action

6. Set forth in the Court Report the status of the ASFA approval for a child's current placement

7. For minors who will not graduate by their 19th birthday, continue the youth's dependency pursuant to WIC § 391 beyond the 19th birthday and order the County to ensure the continued care and placement of the child, including county-only funding if necessary

8. For minors between the ages of 16.5 and 17.5, order the County to complete the SSI checklist and provide the results to the court at the next hearing

9. For youth who are screened as likely eligible for SSI benefits using the SSI checklist, include in future court reports the status of the child's SSI application and retain jurisdiction over the case until a decision on the SSI application has been made by the Social Security Administration

10. At the very first detention hearing, order the parents to complete all eligibility paperwork required by the County to reach benefits eligibility determinations.

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Federal Foster Care: What it Takes to Make a Child Eligible

Child eligibility

1) **Deprivation**: deprived of a parent, by absence, death, unemployment or disability, at the time of removal and on-going.
2) **AFDC Linkage** (including child's income): home of removal qualifies for AFDC at the 1996 income guidelines during petition month or in the six months prior to removal
3) **Removal by Court Order** (magic language: contrary to the welfare of the child, suitable placement and reasonable efforts made to prevent removal from parent/ guardian) or Voluntary Placement Agreement (VPA, which can only last 180 days, and then child must reunify, be removed by court order, be released for adoption, or have the VPA formally extended)
4) **Property** –child must have property and/or assets less than $10,000.
5) **Residency** – child must have been a resident of California at the time when he/she entered foster care.
6) **Citizenship** – only U.S. citizens, permanent legal residents or those with PRUCOL (Permanent Residents under Color of Law) are eligible.

Caregiver Eligibility at Placement

1) Not birth parent, adoptive parent or person who the child was originally removed from to enter the foster care system for the first time.
2) Approved or licensed home

Intervening Factors

1) **Age**: Child is under 18 or under 19 and able to complete school program by 19 (and then eligible until 19th birthday or until the child graduates, whichever is sooner).
2) **Other benefits:** Child can receive other benefits, but they may be either reduced or kept by the child welfare agency to pay for foster care. For example, SSI is reduced dollar for dollar by the amount of the federal foster care payment. Child support is kept by the agency in order to offset the agency's cost of foster care.
3) **Redetermination**: The County must reassess for any changing eligibility conditions every six months (i.e. eligible facilities, authority for placement) – but there is no reassessment for financial eligibility. The link is established at the time of removal.
4) **Court supervision:** On-going.
5) **Change of Residence:** AFDC-FC continues if the child moves to a new county; although, the amount of specialized care is based on the host county's specialized care program. AFDC-FC continues if the child moves to a new state under the Interstate Compact for the Placement of Children rules.

Other County Responsibilities

1) Submitting the application for federal foster care funding
2) Submitting the request for the Social Security Number and Birth Certificate
3) Assessing child for specialized care increment

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Kin-GAP: What it Takes to Make a Child Eligible

Child eligibility

1) **Adjudication**: The child must have been a dependent or ward or the court
2) **Duration**: Before a child can enter Kin-GAP, the child must have been living with the relative who is to become the child's guardian for 12 consecutive months
3) **Guardianship:** Must have a kinship guardianship established in juvenile court (not probate court) as the result of a permanent plan
4) **Continuing Court Jurisdiction:** Must have the dependency or wardship dismissed concurrently or subsequently to the establishment of the kinship guardianship

Caregiver Eligibility at Placement

1) **Relationship:** Caregiver must be a relative
2) **NO means test:** The income of the guardian does NOT factor into eligibility for Kin-GAP
3) **Duration:** Child must have been living with relative for 12 consecutive months before entering Kin-GAP
4) Approved or licensed home (at the time that dependency or wardship was established)

Intervening Factors

1) **Age** – child is under 18. If 18 years old, the child must be able to complete school program by age 19, and then eligible for aid until 19th birthday or until the child graduates, whichever is sooner.
2) **Termination** – termination of guardianship terminates Kin-GAP unless there is an alternate or co-guardian appointed who is also a kinship guardian.
3) **Amount**: Kin-GAP benefits are equal to 100% of the foster care benefit, including any specialized care increment, the child was receiving in the month immediately before Kin-GAP was established.
4) No on-going **court supervision**
5) **Change of Residence:** Kin-GAP continues if the child and guardian move to another county. Kin-GAP terminates if the child and guardian move to another state.

Other County Responsibilities

1) Provide the caregiver with an "Agency-Relative Guardianship Disclosure" form stating whether the child is eligible for Kin-GAP and what changes in payment will occur if the child enters Kin-GAP and funding options available to guardians

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SSI: What it Takes to Make a Child Eligible

Child eligibility

1) **Income**: Child must have little or no income. The income of the foster parent or relative caregiver (unless it's the child's parent or adoptive parent) does not matter in determining the child's eligibility.
2) **Resources**: Little or no resources. Again, the resources of the foster parent or relative caregiver does not matter.
3) **Citizenship:** Only U.S. citizens, permanent legal residents or those with PRUCOL (Permanent Residents under Color of Law) are eligible. (not probate court) as the result of a permanent plan
4) **Disabled:** Child must have a "marked or severe functional limitation" that is expected to last 12 months or result in death

Caregiver Eligibility at Placement

1) There are no eligibility criteria as to the foster parent or relative caregiver when determining a child's eligibility for SSI.

Intervening Factors

1) **Age** – age is not a factor in determining eligibility for SSI; although, the disability standard is different for children under 18 years old and adults 18 years or older.
2) **Termination**: SSI continues as long as the individual's disability continues and they continue to have few or no income or resources.
3) **Amount**: Children in foster care or who are living with relative caregivers qualify for an SSI benefits at the "non-medical out of home care" rate, which is currently $1,086 a month. MUST complete the SSP 22 to get the full benefit.
4) **Concurrent receipt of benefits:** Children can receive both SSI and federal AFDC-FC, but the SSI is offset dollar-for-dollar by the amount of the AFDC-FC. Conversely, state-only AFDC-FC benefits are offset dollar for dollar by the amount of the SSI benefit.
5) **Change of Residence:** SSI continues regardless of whether the child moves to a new county or new state. However, the amount of SSI will vary according to the state where the child lives (because different state's have different supplements).

Other County Responsibilities

1) Screen every youth in foster care for SSI eligibility between age 16.5 and 17.5
2) Apply for SSI on behalf of every foster youth determined likely eligible for SSI benefits as a result of the screening
3) For youth receiving SSI benefits while in foster care, the county must (a) manage the benefits in the best interest of the child, (b) establish a maintenance account for each youth, (c) assist the youth in finding a new payee or receiving direct payment upon emancipation for foster care, and (d) inform the youth of his/her receipt of SSI and the process for maintaining eligibility as an adult prior to emancipation

Updated 05/04/2010

SOCIAL SECURITY

Office of Disability and Income Security Programs
January 24, 2008

Mr. John A. Wagner
Director, California Department of Social Services
744 P Street MS 17-11
Sacramento, CA 95814

Dear Mr. Wagner:

Commissioner Astrue asked me to respond to your September 4, 2007 email asking that the Social Security Administration accept Supplemental Security Income (SSI) applications from children in foster care earlier than 30 days before they exit the system. We share your interest in this important issue and agree that an earlier decision could help prevent homelessness by ensuring that disabled children have income after leaving foster care.

We considered various options that might allow us to make decisions earlier on these cases. Most options would require regulatory or law changes and complex systems changes that would be costly and take a long time. However, in discussions with the staff from the California Department of Social Services, we believe we have identified a workable solution that can be implemented immediately.

An earlier SSI decision can be made for children in foster care if the State converts foster care payments from Federal funding to State funding for one month. I understand that California established authority to do this via recent legislation. While Federal-funded foster care payments count as income for determining SSI eligibility, State-funded foster care payments do not. As part of the SSI claims process, the applicant will need to present evidence (e.g., a written notice) of receipt of State foster care payments for that one month period.

Applying for SSI during that one month when the child is receiving State-funded foster care payments will allow us to process the claim and make a disability determination. This assumes the child meets all other factors of eligibility (e.g., income, resources, citizenship). The application for SSI can be filed anytime before age 18 as long as it is during that one month when foster care payments are State funded and not sooner than 12 months before attaining age 18.

SSI payments are not paid for an individual's first month of eligibility. Therefore, no SSI payment will be made for that one month in which foster care payments were State-funded. The State will then switch back to Federal-funded foster care payments for subsequent months, and SSI will not be paid for those months. The benefit to this process is that by accepting an early application, we can make a disability determination using child criteria before age 18.

If the child is determined to be disabled, the child may contact us as soon as the month before attaining age 18 to request SSI payments. This request must be within 12 months after the initial SSI decision. SSI payments will begin when the child is eligible (i.e., no longer receiving Federal foster care payments or other income/resources causing ineligibility). We will obtain a second disability determination using adult criteria when the child is age 18. SSI payments may continue while the adult disability determination is pending.

We believe the process described above will meet the needs of these children and alleviate the current problem. We look forward to any further discussions with the Department of Social Services on this issue. Please don't hesitate to contact me at (410) 965-5514 if you would like to discuss further. Our staff contact is Ron Sribnik in SSA's San Francisco Regional Office at (510) 970-8444.

Sincerely,

Marianna LaCanfora
Assistant Deputy Commissioner
for Disability and Income Security Programs

THURSDAY – JUNE 3, 2010

9:30 am – 10:45

Workshop Session I

I.B.

target audience:
attorneys
CASAs
evaluators
judicial officers
mediators
probation officers
social workers

Assessing Risk: How to Determine Whether a Youth has Mental Health Issues

How do judges, attorneys, social workers and probation officers make an accurate risk assessment of children and youth who enter the juvenile court system? Learn about the most typical diagnoses one expects to see in juvenile court, depending on the age of the minor, such as conduct disorder, oppositional disorder, ADHD (attention deficit hyperactivity disorder), and others. What does this mean for treatment? How does this present itself? How can juvenile court professionals identify these issues?

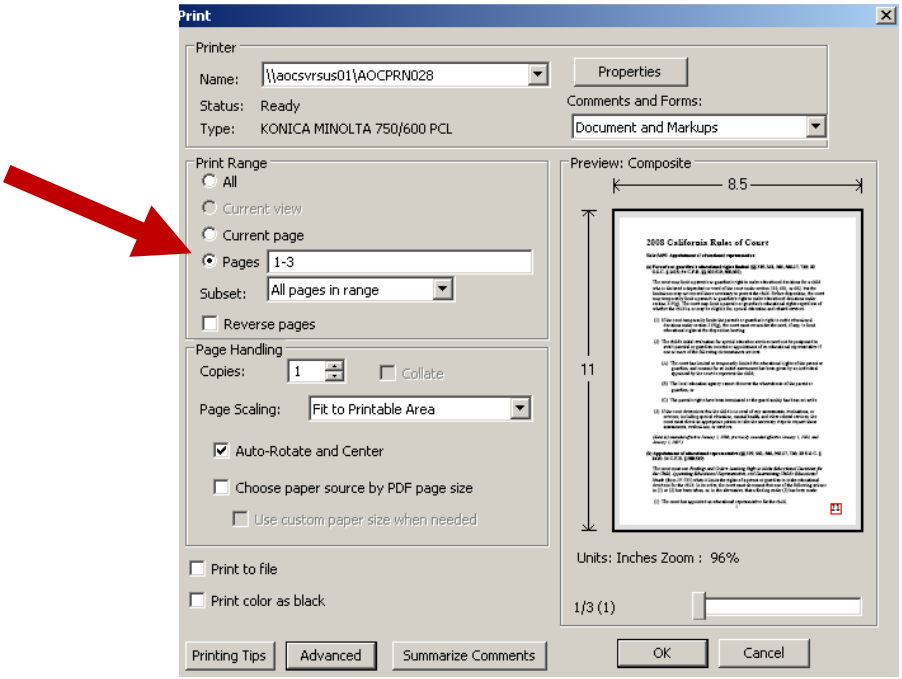
Learning Objectives:

- Determine frequently seen diagnoses found in children and youth who appear in juvenile court.
- Understand appropriate treatment in order to make effective referrals.
- Understand accurate ways to assess and respond to mental health risks in children and youth.

Faculty:

- **Jack Wasserman, Ph.D.**
  Clinical Psychologist II, Orange County Health Care Agency
- **Hon. Suzanne Kingsbury**
  Presiding Judge, Superior Court of El Dorado County

Before you choose to print these materials, please make sure to **specify the range of pages**.



Diagnosing from the Bench

Jack S. Wasserman, PhD
Psychologist
Director of CAPIC Internship Program
Orange County Health Care Agency
Behavioral Health

Diagnosing from the Bench

- Appropriate Questioning ~> Diagnosis ~> Treatment Planning

- **Diagnostic & Statistical Manual of Mental Disorders; I, II, III, III-R, 4TR**

DSM-

- **Multiple Diagnoses**
- Drug Abuse and Depression
- Methamphetamine and Schizophrenia

- **Hiding Diagnoses**
- PTSD
- Drug use
- Asperger's

- How To Question

Questioning

- **Isolate- The problem**
  - Friends
  - Family
  - Drugs
  - Health

Questioning

- History
  - Single most important diagnostic factor
    - Educational
    - Family
    - Medical
    - Legal
    - Relationship

Questioning

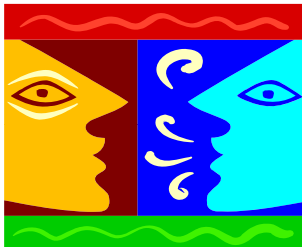
- **Demand Characteristics-**
  - Two person field
  - What are you asking
  - How do they respond
  - Basics
- Example: **Kindergarten**
  - Stay on the carpet
  - Sit still/ listen then talk
  - Power dynamics- follow rules

Questioning

- Two person field
- Remember to talk, listen and look
- Looking- T,F,B,W
  - T-Thinking- Schizophrenia
  - F-Feeling- Depression
  - B-Behavior- Asperger's, Conduct Disorder
  - W-Worry- PTSD, Anxiety

  - *Don't forget your history

Diagnostic Categories

- 

All diagnostic categories are taken from the DSM-IV

Asperger's Disorder

- **Qualitative impairment in social interaction, as manifested by at least two of the following:**
- Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze and facial expression
- Failure to develop peer relationships appropriate to development level
- A lack of spontaneous seeking to share enjoyment, interests, and achievements with other people
- Lack of social or emotional reciprocity

Asperger's Disorder (continued)

- **Restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:**
- Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal
- Inflexible adherence to specific, nonfunctional routines or rituals
- Stereotyped and repetitive motor mannerisms
- Persistent preoccupation with parts of objects
- **The disturbance causes clinically significant impairment in social, occupational, or other important areas of functioning**

Conduct Disorder

- **A repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated, as manifested by the presence of three (or more) of the following criteria in the past 12 months.**
- Aggression to people and animals
- Bullies, threatens, or intimidates others
- Initiates physical fights and/or has used a weapon
- Has been physically cruel to people and/or animals
- Has stolen while confronting a victim
- Has forced someone into sexual activity

Conduct Disorder (continued)

- **Destruction of property**
- Has deliberately engaged in fire setting
- Has deliberately destroyed others' property

- **Deceitfulness or Theft**
- Has broken into someone else's house building or car
- Often lies to obtain god or favor or to avoid obligations
- Has stolen items of nontrivial value without confronting a victim

Conduct Disorder (continued)

- **Serious violations of Rules**
- Stays out late at night despite parental prohibitions, beginning before age 13
- Has run away from home overnight at least twice while living in parental home
- Is often truant from school, beginning before age 13 years
- The disturbance in behavior causes clinically significant impairment in social, academic, or occupational functioning

Oppositional Defiant Disorder

- **A pattern of negativistic, hostile, and defiant behavior lasting at least 6 months, during which four (or more) of the following are present.**
- Loses temper
- Argues with adults
- Actively defies or refuses to comply with adults' requests or rules
- Deliberately annoys people
- Blames others for his or her mistakes or misbehavior
- Is often touchy or easily annoyed by others
- Angry and resentful
- Spiteful and vindictive

Oppositional Defiant Disorder (continued)

- **The disturbance in behavior causes clinically significant impairment in social, academic, or occupational functioning.**

Attention-Deficit/Hyperactivity Disorder

- **Either one or two:**
- **(1) Inattention**
- Fails to give close attention to details or makes careless mistakes
- Often has difficulty sustaining attention in tasks or play activities
- Does not seem to listen when spoken to directly
- Often does not follow through on instruction and fails to finish schoolwork, chores, or duties.
- Has difficulty organizing tasks and activities
- Avoids, dislikes, or is reluctant to engage in tasks that require sustained mental effort
- Loses thing necessary for tasks and/or activities
- Easily is distracted by extraneous stimuli
- Forgetful in daily activities

Attention-Deficit/Hyperactivity Disorder (continued)

- **(2) Hyperactivity**
- Fidgets with hands or feet and squirms in chair
- Leaves seat in classroom or in other situations in which remaining seated is expected.
- Runs about or climbs excessively in situation in which it is inappropriate.
- Has difficulty playing or engaging in leisure activities quietly
- "on the go"; or often acts as if driven by a motor
- **Impulsivity:**
- Blurts out answers before question has been completed
- Has difficulty awaiting turn
- Interrupts or intrudes on others.
- **Some hyperactive-impulsive or inattentive symptoms that caused impairment were present before age 7 years.**

Post Traumatic Stress Disorder (PTSD)

- **The person has been exposed to a traumatic event in which both of the following were present:**
- The person experienced, witnessed, or was confronted with an event or events that involve actual or threatened death or serious injury or threat to physical integrity.

PTSD (continued)

- The persons' response involved intense fear, helplessness, or horror.
- The traumatic event is re-experienced in one or more of the following:
- Recurrent and intrusive recollections of the event
- Recurrent distressing dreams of the event.
- Acting or feeling as if the traumatic event were recurring

PTSD (continued)

- Intense internal distress at exposure to internal or external cues that may symbolize the trauma.
- Physiological reactivity to internal or external cures that symbolize the trauma.
- Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness as indicated by three or more of the following.

PTSD (continued)

- Efforts to avoid thought, feelings associated with trauma.
- Efforts to avoid activities or places associated with trauma
- Inability to recall aspect of trauma
- Marked diminished interest in activities.
- Feelings of detachment from others

PTSD (continued)

- **Symptoms last more than one month**
- **And cause clinically significant distress or impairment in social, occupational, or other important areas of functioning**.

PTSD (continued)

- Restricted range of affect
- Sense of foreshortened future.
- Persistent symptoms of increased arousal as indicated by two (or more) of the following:
- Difficulty falling or staying asleep
- Irritability or outbursts of anger
- Difficulty concentrating
- Hypervigilance
- Exaggerated startle response

Cognitive Disorders

- **317 Mild Mental Retardation**
- IQ 50-55 to approximately 70
- **V. 62-89 Borderline Intellectual Functioning**
- IQ 71-84

- **317.00 Mild Mental Retardation**
- Individuals are regarded as trainable. 85% of individuals with disorder may be undistinguishable from other non impaired individuals till later in life.

- By late teens, can achieve sixth grade academic skills.
- Can achieve minimal social and vocational skills for minimal self support but may need some supervision, guidance and assistance especially when under stress.
- Can live in the community in either independently or in supervised settings.

Manic Episode

- **A distinct period of abnormally and persistently elevated, expansive, or irritable mood, lasting at least 1 week (or any duration if hospitalization is necessary)**

- **During the period of mood disturbance, three (or more) of the following symptoms have persisted (four if the mood is only irritable) and have been present to a significant degree.**
- Inflated self-esteem or grandiosity
- Decreased need for sleep
- More talkative than usual or pressure to keep talking
- Flight of ideas or subjective experience that thoughts are racing
- Distractibility(i.e. Attention too easily drawn to unimportant or irrelevant external stimuli
- Increase in goal-directed activity (either socially, at work, school or sexually)
- Excessive involvement in pleasurable activities that have a high potential for harmful consequences

- **The mood disturbance is sufficiently severe to cause marked impairment in occupational functioning or in usual social activities or relationships with others, or to necessitate hospitalization to prevent harm to self or others, or there a psychotic features.**

Major Depressive Disorder

- **Five or more of the following symptoms have been present during the same 2-year period and represent a change from previous functioning; at lease one of the symptoms is either depressed mood or loss of interest or pleasure.**

- Depressed mood most of the day, nearly every day, as indicated by either subjective report or observation made by others.
- Markedly diminished interest or pleasure in all, or almost all, activities most of the day, nearly every day
- Significant weight loss when not dieting or weight gain
- Insomnia or hypersomnia nearly every day
- Fatigue or loss of energy nearly every day
- Feeling of worthlessness or excessive or inappropriate guilt
- Diminished ability to think or concentrate or indecisiveness
- Recurrent thoughts of death , recurrent suicidal ideation without a specific plan, or a suicide attempt or specific plan for committing suicide.

- **The symptoms cause clinically significant distress or impairment in social, occupational or other important areas of functioning.**

Schizophrenia

- **Characteristic symptoms:**
  - Delusions
  - Hallucinations
  - Disorganized speech
  - Grossly disorganized or catatonic behavior
  - Negative symptoms, (i.e. affective flattening)
  - Social/Occupational Dysfunction:
  - For a significant portion of the time since onset of the disturbance, one or more major areas of functioning such as work, personal relations or self-care are markedly below the level achieved prior to onset (or when the onset is in childhood or adolescence, failure to achieve expected level of interpersonal, academic, or occupational achievement.

Substance Abuse

- **A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following with a 12-months period.**

  - Recurrent substance use resulting as a failure to fulfill major role obligations at work, school or home.
  - Recurrent substance use in situations in which it is physically hazardous
  - Continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects to the substance (e.g.. Arguments with spouse)
  - The symptoms have never met the criteria for Substance Dependence.

Substance Dependence

- **A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by three (or more) of the following , occurring any time in the same 12-month period.**
  - **Tolerance-**
  - a need for markedly increased amount of the substance to achieve intoxication or the desired effect
  - Markedly diminished effect with continued use of the same amount of the substance.
  - **Withdrawal-**
  - The characteristic withdrawal syndrome for the substance
  - The same (or closely related) substance is taken to relieve or avoid withdrawal symptoms.
    - The substance is often taken in larger amounts or over a longer period than was intended
    - There is a persistent desire to or unsuccessful efforts to cut down or control substance use
    - The a great deal of time 9is spent in activities necessary to obtain the substance or recover from its effects
    - Important social, occupational, or recreations activities are given up or reduce because of substance use

Substance Dependence (continued)

- The substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

- QUESTIONS ANYBODY?

What is the SDDVC?

The SDDVC currently has a membership of over 300 agencies and individuals and functions through a network of seventeen working committees. The members of the Council range from private nonprofit social service providers, hospitals, and law enforcement agencies, to local governments, and community clinics. Each committee has a volunteer Chair from a local organization who reports monthly to the full SDDVC. The SDDVC is overseen by a volunteer Executive Committee that is elected annually. This group consists of a President, President Elect, Secretary, Secretary of Finance, and Membership Coordinator. The Executive Committee is overseen by an 18-member volunteer Advisory Board.

San Diego Domestic Violence Council
707 Broadway, Suite 700
San Diego, CA 92101

Phone: 619-533-6041
Fax: 858-272-5361
Membership E-mail: caity@ywcasandiego.org
SDDVC E-mail: dgriffin@alliant.edu

To bring people together—in coalitions and committees—to build healthy families in San Diego County.

Membership Benefits & Information

www.sddvc.org

Many members – one voice.

The San Diego Domestic Violence Council (SDDVC) has a vision. As a convener of people in coalitions and committees, the SDDVC strives to build a community of healthy, violence-free families. We are an organization which embraces collaboration and exchange, controversy and creativity, and at its core – change. The mission of the SDDVC is to develop, promote and enhance creative prevention and intervention initiatives, which will reduce the amount of violence in intimate relationships in San Diego County.

The SDDVC Membership "rallied" together in October 2009 to kick off the EVERYONE campaign.

To respond to our families and neighbors, the SDDVC works to connect people. As a collaborative of over 300 individuals and organizations, we work together to address domestic violence as a united movement.

Many members – one voice.

More is possible with *your* membership. Please, consider giving your voice and your contribution to the San Diego Domestic Violence Council.

Benefits of Membership

- Community forum—monthly meetings, e-blasts, and community trainings
- Newsletter—free event, job, calendar, and media postings exclusively for members
- Agency logo placement on "Not to be Forgotten Rally 2010" Materials
- Access to the SDDVC Mini-grant application process (twice per year)
- Letters of Support / Memorandums of Understanding from the SDDVC

Join us!

The San Diego Domestic Violence Council Meets Monthly on the **3rd Wednesday** of the month!

Networking begins at 11:30am

Council Meeting (members & guests!) begins at 12pm

Meeting concludes at 1:30pm

- We are generously hosted by Price Charities at: 4305 University Ave. San Diego, CA 92105

Membership Form

PERSONAL/AGENCY INFORMATION

Name of Agency or Individual

_____

Authorizing Official & Title

_____

Address

_____

City _____

Zip Code _____

Phone _____

Fax _____

E-mail _____

MEMBERSHIP INFORMATION

☐ **$20 - Individual Membership**

☐ **$40 - Agency Membership**

☐ New Member

☐ Renewing Member

****Current Committee Attendance:**

_____

☐ I/Our agency would like to make an additional contribution to support the critical work of the San Diego Domestic Violence Council.
Amount $ _____

Kindly send ***check or money order*** payable to the San Diego Domestic Violence Council, ***along with this form*** to:

707 Broadway, Suite 700

San Diego, CA 92101

Attn: Membership Coordinator

SAN DIEGO REGIONAL GUIDE
DOMESTIC VIOLENCE RESOURCES

San Diego Domestic Violence Hotline
1-888-DVLINKS (1-888-385-4657) 24 hours, bilingual, confidential

DV shelter bed availability, counseling referrals, batterer's treatment information, safety planning
Referrals may be provided for a services in every region of the County

For a complete list of resources and services see the Regional Maps at www.sddvc.org

Other 24 Hour Hotlines:

Access & Crisis Line	**800/479-3339**
Children Welfare Services & the Child Abuse Hotline	**800/344-6000**
Aging and Independent Services & Adult Protective Services	**800/510-2020**
Center for Community Solutions - Sexual Assault Crisis Line	**888/385-4657**
Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) Heidorn	**858/212-LIFE (5433)**
National DV Crisis Intervention, Information and Referral	**800/799-SAFE (7233)**
Rape, Abuse, Incest National Network (RAINN) Hotline	**800/656-HOPE (4673)**
211	**211 (cell 800-227-0997)**
Meth Hotline	**877/NO-2-METH (877-662-6384)**

COUNSELING & LEGAL REFERRALS

San Diego County Domestic Violence/Sexual Assault Hotline- 24 Hour Hotline	**888/DV-LINKS (385-4657)**
Access & Crisis 24-Hour Hotline	**800/479-3339**
211	**211 (From Cell 800-227-0997)**

DOMESTIC VIOLENCE SERVICES *(Partial list)*

Family Justice Center (Central)	**619/533-6000**
YWCA (Central)	**619/234-3164**
East County Family Justice Center (East County)	**619/456-9609**
Center for Community Solutions (East County)	**619/697-7477**
North County Family Violence Prevention Center (North County)	**760/798-2835**
Center for Community Solutions (North County)	**760/747-6282**
Community Resource Center (North County)	**877/633-1112**
Women's Resource Center (North County)	**760/757-3500**
Center for Community Solutions (Coastal)	**858/272-5777**
South Bay Community Services (South County)	**800/640-2933**
Jewish Family Services – Project Sarah	**858/637-3200**
Rancho Coastal Humane Society - Animal Safehouse Program (North County)	**760/753-6413**
Stalking Hotline (County of San Diego District Attorney's Office)	**619/515-8900**
Lesbian, Gay, Bisexual, Transgender, Questioning, (LGBTQ) Community Center	**619/692-2077**

SD District Attorney's Office, Victim Assistance Program:
Central: 619/531-4041, East: 619/441-4538, Juvenile: 858/694-4595, South: 619/691-4539, North: 760/806-4079

SPANISH SPEAKING AGENCIES (SE HABLA ESPAÑOL) *(Partial list)*

San Diego Domestic Violence Hotline 24 hour (Domestic Violence & Sexual Assault)	**888/DVLINKS (385-4657)**
Access & Crisis 24-Hour Hotline	**800/479-3339**
Casa Familiar	**619/428-1115**
Chicano Federation of San Diego County, Inc.	**619/ 285-5600**
Children's Hospital's Family Violence Program	**619/533-3529**
North County Lifeline	**760/726-4900**
San Diego Family Justice Center	**866/933-HOPE (4673)**
South Bay Community Services 24-Hour Hotline and Services	**800/640-2933**

MILITARY RESOURCES *(Partial list)*

For referrals for family service and advocacy centers serving Camp Pendleton, MCAS Miramar, MCRD, Naval Base San Diego, NAS North Island, & Sub Base Fleet:
Call the Family Justice Center Military Liaison 619/533-3592 (confidential) or SD County DV Hotline 888/385-4657(confidential)
For other resources referrals & assistance, you may call Military OneSource at 800/342-9647 (24-hour hotline)

CHILDREN'S RESOURCES *(Partial list)*

Rady's Children's Hospital, Chadwick Center - Trauma Counseling Program	**866/576-4011**
Rady's Children's Hospital & Family Justice Center - Family Violence Program	**619/533-3529**
Child Welfare Services & the Child Abuse Hotline	**800/344-6000**

SAFETY PLANNING

Taking time to think about steps to increase your safety and the safety of your children is important, whether you have left, are considering leaving, or are currently in an abusive relationship. You may want to consider calling a domestic violence advocacy agency to assist you in safety planning. Call 888-DV-LINKS (888-385-4657) to speak with a confidential advocate or to be referred to an agency that specializes in domestic violence.

You may also view the San Diego Domestic Violence Council Website for safety planning ideas and steps for internet safety: http://www.sddvc.org

JAIL NOTIFICATION

Inmates may be released at any time of the day. By calling to set up a "jail notification," you may receive a call (usually about one hour) ahead of when your partner is to be released. Based on your area code you may call any one of the following: (619) 531-3200 (858) 694-3200 (760) 940-4473
Two attempts will be made to contact you at the number you provide.

DOMESTIC VIOLENCE SHELTERS

There are shelters in San Diego County specifically geared to assisting domestic violence victims. In addition to housing and accommodations, most provide such services as advocacy, legal assistance, and counseling onsite.

Call the 24 hour confidential, bilingual DV Hotline at 888-DV-LINKS (888-385-4657) for bed availability.

ORDERING POLICE REPORT(S)

Victims have a right to a free copy of their police report. Contact the responding law enforcement agency in the jurisdiction in which the incident occurred. Requests for reports can be made to most jurisdictions through the mail or in-person. The following information is necessary to identify the requested report: parties involved, date and location of occurrence, and the report number if available. Bring identification if you go in-person to pick up your report. The crime incident report is available no later than 48 business hours and the reports are available no later than 5 business days after they are taken.

SAFE AT HOME – CONFIDENTIAL MAILING ADDRESS

Program participants are provided a confidential mailing address, at no cost, so that they may use this instead of their home address. This may forwarding program allows participants to safeguard their address when receiving first-class mail, opening a bank account, completing a confidential name change, filling out government documents, registering to vote, getting a driver's license, enrolling a child in school, and more. You may call toll-free at 1-877-322-5227 or visit http://www.casafeathome.org for a local enrolling agency.

RESTRAINING ORDERS

You can file at no cost for a restraining order, which may be granted by a judge to last up to 5 years. There are no cost domestic violence clinics available to assist you in the application process:

Downtown San Diego (Madge Bradley)	1409 4th Ave San Diego, CA 921014th Floor Room 107 Clinic Hours: Monday-Friday 8:30am-4:30pm; Business Office for filing closes at 3:30pm
El Cajon Courthouse:	250 E. Main Street El Cajon, CA 92020 Clinic Hours: Monday-Friday 8:30am-3:30pm; Business Office closes at 3:30pm
North Building of Vista Court Complex:	325 S. Melrose Drive Vista, CA 92083 Hours: Monday-Friday 8:30am to 4:30 pm (except Wed. close at 3:30); Business Office closes at 3:30pm
South Bay Court House:	500 Third Ave., Chula Vista, CA 91911, Room 155 Hours: Monday-Friday 8:30am to 3:30pm; Business Office closes at 3:30 pm
Family Justice Center (Central):	Call (619) 533-6043 to schedule an appointment

Arrive at a minimum of 2 hours before the clinic closes. Be prepared to spend a minimum of one-half of a day to a full day at the court to obtain your restraining order. Space is limited at child care facilities at each court house. You are encouraged to make other child care arrangements.

Things to bring with you when you complete your paperwork, if available: The address for the person you would like restrained; Date of birth for the person you would like restrained; Physical description of the person you would like restrained; Photographs of any injuries; Copy of the police report(s).

County of San Diego Domestic Violence Fatality Review Team

2008 REPORT

County of San Diego
Health and Human Services Agency
Office of Violence Prevention

County of San Diego Board of Supervisors

Greg Cox - District 1

Dianne Jacob - District 2

Pam Slater-Price - District 3

Ron Roberts - District 4

Bill Horn - District 5

Chief Administrative Officer
Walter F. Ekard

Director
Health & Human Services Agency
Nick Macchione

The County of San Diego Domestic Violence Fatality Review Team is coordinated by
the County of San Diego Health and Human Services Agency, Office of Violence Prevention
4438 Ingraham Street, MS-N510, San Diego, CA 92109 (858) 581-5800.
www.sdcounty.ca.gov

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Foreword

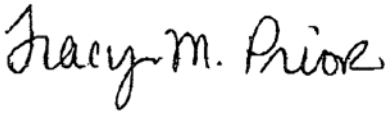
Domestic violence, also called Intimate Partner Violence, affects all of us. It is a crime where abusers use power and control against their victims, and affects children for generations. Domestic violence knows no social, economic, or racial class.

Research shows that children who are exposed to domestic violence often experience depression, anxiety, and an impacted sense of well-being. It is no surprise that children exposed to domestic violence may well become perpetrators or victims when they start their own intimate partnerships.

The Domestic Violence Fatality Review Team (DVFRT) challenges itself to look inward at how agencies respond to domestic violence. This team of dedicated professionals analyzes domestic violence cases and seek to never let a victim die in vain. The DVFRT promotes prevention, education, and awareness in its many recommendations to our community. For example, this team recommended increased training for law enforcement in the area of how children are affected by domestic violence. In 2008, a new law enforcement protocol was signed by each Police Chief in our county, which focuses on the response to children exposed to domestic violence.

Knowledge is power when it comes to domestic violence. We trust the information and data contained in this report will help all citizens take a stand against this crime, and never let a victim die in vain. Victims deserve this. Their children deserve this. San Diegans deserve this.

Sincerely,



Tracy Prior

Tracy Prior is a Deputy District Attorney and Assistant Chief of the Family Protection division of the County of San Diego District Attorney's Office & Co-Chair of the San Diego County DVFRT

Prevalence of Intimate Partner Violence

- Summarizing the results of forty-eight population-based surveys, the World Health Organization found between ten and sixty-nine percent of women worldwide reported a physical assault by an intimate partner.[1]
- Nearly 1.5 million women and 834,700 men are raped or physically assaulted by an intimate partner each year. [2] Intimate partner homicides account for 40-50 percent of all murders of women in the United States.[3]
- In California, about 700,000 women experience intimate partner violence each year — 3 times the national average.[4]
- Each year San Diego County receives about 20,000 calls to law enforcement for domestic violence (ARJIS, 1998-2006). In 2004-2007 there was an annual average of 4,767 calls to the San Diego countywide DV hotline (DV LINKS) with over 30% of those calls including requests for shelter and/or safety planning. There were 28 domestic violence homicides identified in San Diego County in 2006, and 20 identified in 2007 (County of San Diego, HHSA, Office of Violence Prevention, 2007).

DVFRT Membership Roster

Outgoing Co-Chair:
Linda Wong Kerberg, MS, MFT
Rady Children's Hospital
Chadwick Center

Co-Chair:
Tracy Prior, JD
County of San Diego
District Attorney's Office
Family Protection Division

Coordinator:
Terra Marroquin, MSW
County of San Diego
Health & Human Services Agency
Office of Violence Prevention

Co-Chair:
Linda Lake, RN, PHN, MSN
County of San Diego
Health & Human Services Agency
Public Health Nursing

Co-Chair:
Barbara Jimenez
County of San Diego
Health & Human Services Agency
Office of Violence Prevention

Sue Lindsay, Ph.D., MSW, MPH
Institute for Public Health
San Diego State University

Cynthia Burroughs
County of San Diego
District Attorney's Office
Victim Assistance Program

Bethann Schaber, MD
County of San Diego
Medical Examiner's Office

Kristeen McKenzie
Superior Court of California
County of San Diego, Pretrial Services

Patty Chavez-Fallon, LCSW
Superior Court of California
County of San Diego, Family Court Services

Shelley Webb, JD
Office of the San Diego City Attorney
Domestic Violence and
Special Victims Unit

Paula Obrigewitch
County of San Diego
Juvenile Probation Department

Nancy Garcia-Drew, MSW
County of San Diego
Health & Human Services Agency
Aging and Independence Services

Karen Johnson, MSW
County of San Diego
Health & Human Services Agency
Child Welfare Services

Wendy Maramba, MS, MFT
County of San Diego
Health & Human Services Agency
Alcohol and Drug Services

Ellen Stein, Ph.D.
LGBT Community Representative,
Clinical & Forensic Psychology Representative

Andrea Hazen, Ph.D.
Rady Children's Hospital
Child & Adolescent Services
Research Center

Dawn Griffin, Ph.D.
SD Domestic Violence Council President
& Forensic Psychology Representative

Deborah Shriver, MA, MFT
T & I Committee, DV Council
North County Lifeline

Jorge Gonzalez
County of San Diego
Probation Department

Morris Touriel, Ph.D.
United States Navy
Navy Family Advocacy Center

Kristine Rowe, JD
Legal Action Committee, DV Council
Center for Community Solutions

Rachel Solov, JD
County of San Diego
District Attorney's Office
Sex Crimes and Stalking Unit

Lt. Kim McElroy
San Diego Police Department
Domestic Violence Unit

Lt. Dennis Yoshonis
San Diego Sheriff's Department
Domestic Violence Unit

Nancy Graff, MD
University of Calfornia, San Diego
Department of Pediatrics

Sgt. Juan Cervantes
Chula Vista Police Department
Family Protection Unit

Sgt. Jeff Arvan
El Cajon Police Department
Crimes of Violence Unit

Membership as of August, 2008

Introduction

Cross-system collaboration is one of the most important means of providing effective, non-duplicative, and easily accessible services for victims and their families.

Intimate partner violence (IPV) is a major public health and criminal justice concern. It is the leading cause of serious injury to women, accounting for three times as many emergency room visits as car crashes and muggings combined.[4] From 1976 to 2005, about 11% of murder victims in the United States were determined to have been killed by an intimate partner.[5]

In order to prevent intimate partner homicide, steps must be taken to prevent the occurrence and reoccurrence of IPV in general. "Unlike stranger murder, domestic violence is typically not a crime of sudden, unanticipated violence by an intimate partner. Rather, these murders are often the culmination of escalated violence in relationships where there is a history and pattern of abuse..." [6] Whether it is the social service system, healthcare community, legal services, family courts, criminal justice system, or an individual's personal support network – each of these "systems" is responsible for intervening and responding to IPV before the violence escalates into serious injury or death.

While significant progress has been made in addressing intimate partner violence, prevention and intervention efforts are most effective if they can be addressed through collaborative multi-system, agency, and community based approaches.

In accordance with the California Penal Code, the Domestic Violence Fatality Review Team (DVFRT) is a confidential multidisciplinary team that conducts in-depth retrospective case reviews of intimate partner-related fatalities that have occurred in San Diego County. The goal of this process is to identify system gaps in order to make recommendations for systems change and to expand effective violence prevention policy. Information related to selected intimate partner fatalities is gathered and used by the DVFRT to identify and address system issues that can then be used to inform prevention, intervention and service efforts in San Diego County.

The DVFRT recommends that traditional agencies working to address family and community violence (e.g. victim services, child welfare, and law enforcement), should work more closely together and with other non-traditional partners such as alcohol and drug services, mental health, the medical community, and housing/income support programs.

Cross-system collaboration is one of the most important means of providing effective, non-duplicative, and easily accessible services for victims and their families.

DVFRT 2008 Recommendation

We recommend that all systems and agencies work toward fostering and improving relationships, cross-training, and cross-reporting in order to better serve San Diego families.

Overview of the San Diego Domestic Violence Fatality Review Team

In 1995, California Senate Bill 1230 was passed by the state legislature authorizing the formation of county-wide interagency death review teams to examine homicides and suicides related to domestic violence. This legislation resulted in California Penal Code Sections 11163.3-11163.5 and was enacted in January 1996. Domestic violence death review teams were established to ensure that incidents of domestic violence and abuse are recognized and that agency/system involvement with homicide and suicide victims are systematically studied.

In April 1996, at the recommendation of Supervisor Pam Slater-Price, the Board of Supervisors established the County of San Diego Domestic Violence Fatality Review Team (DVFRT) to review intimate partner-related deaths. The County of San Diego Health and Human Services Agency's Office of Violence Prevention was designated to assist in the coordination of the local review team. The DVFRT assembled in October 1996 and began reviewing intimate partner-related deaths a year later.

At that time, there were about ten formal teams nationwide. Today, there are approximately 100. The State and National DVFRT initiatives provide technical assistance and coordination.

There are currently 25 systems/agencies represented on the San Diego DVFRT. Membership is generally limited to representatives that may provide case information. Written and oral communication may be provided to and shared amongst team members for the purpose of the death reviews and is held strictly confidential (PC 11163.3).

San Diego DVFRT Mission

To prevent future deaths from intimate relationship violence by utilizing a systematic, confidential, multi-agency death review process and to identify system gaps in order to expand effective violence prevention policy and coordinated strategies.

Objectives

1) To bring together public and private agencies, identify their respective roles, and generate collaborative opportunities.
2) To collect data from various agencies and systems about the victims and perpetrators of intimate partner-related homicides and suicides and evaluate the coordination of systems and the accessibility of services.
3) To determine the trends and specific indicators for intimate partner-related homicides and suicides and develop policy and program recommendations for violence prevention programs.
4) To increase public awareness and involvement in the prevention and intervention of intimate partner violence.

What Do Fatality Review Teams Do?[7]

- Identify deaths – both homicides and suicides related to domestic violence.
- Examine the effects of all domestic violence interventions that took place before the victim's death.
- Consider changes in prevention and intervention systems to help prevent such deaths in the future.
- Develop recommendations for coordinated community prevention and intervention initiatives to reduce domestic violence.

The DVFRT is a confidential multidisciplinary team that conducts in-depth retrospective case reviews of intimate partner-related fatalities that have occurred in San Diego County.

OVERVIEW OF THE DVFRT... CONTINUED

CASE IDENTIFICATION AND SELECTION

All known intimate partner-related fatalities are tracked and a select number are chosen for case review.

The DVFRT Coordinator tracks all identified intimate partner-related fatalities in San Diego County. These are first identified by one or more of the team's partners, particularly the Medical Examiner, District Attorney's Office, and law enforcement. The Medical Examiner's Office conducts its investigation, determining whether the manner of death(s) was deemed a homicide and/or suicide and provides the cause of death as well as other basic demographic details. Law enforcement and, in many cases, the District Attorney's office provide other case details such as the relationship between the victim and perpetrator. There are cases that are not immediately identified as related to intimate partner violence. Thus, the number of identified intimate partner-related fatalities in this report may be an underestimate of the actual number.

In order for a case to be eligible for review, the fatality must be related to an intimate partner relationship, as defined in the box below. In cases where the intimate partner was not the homicide victim (e.g. friend, new partner, etc. was murdered instead), the review will still include an in-depth examination of the intimate relationship. In many cases an intimate partner-related fatality occurs without the existence of any known intimate partner violence (IPV) and thus a history of IPV is not held as a contingency for review.[8, 9, 10]

"Domestic violence" is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship (PC 13700 (b)).

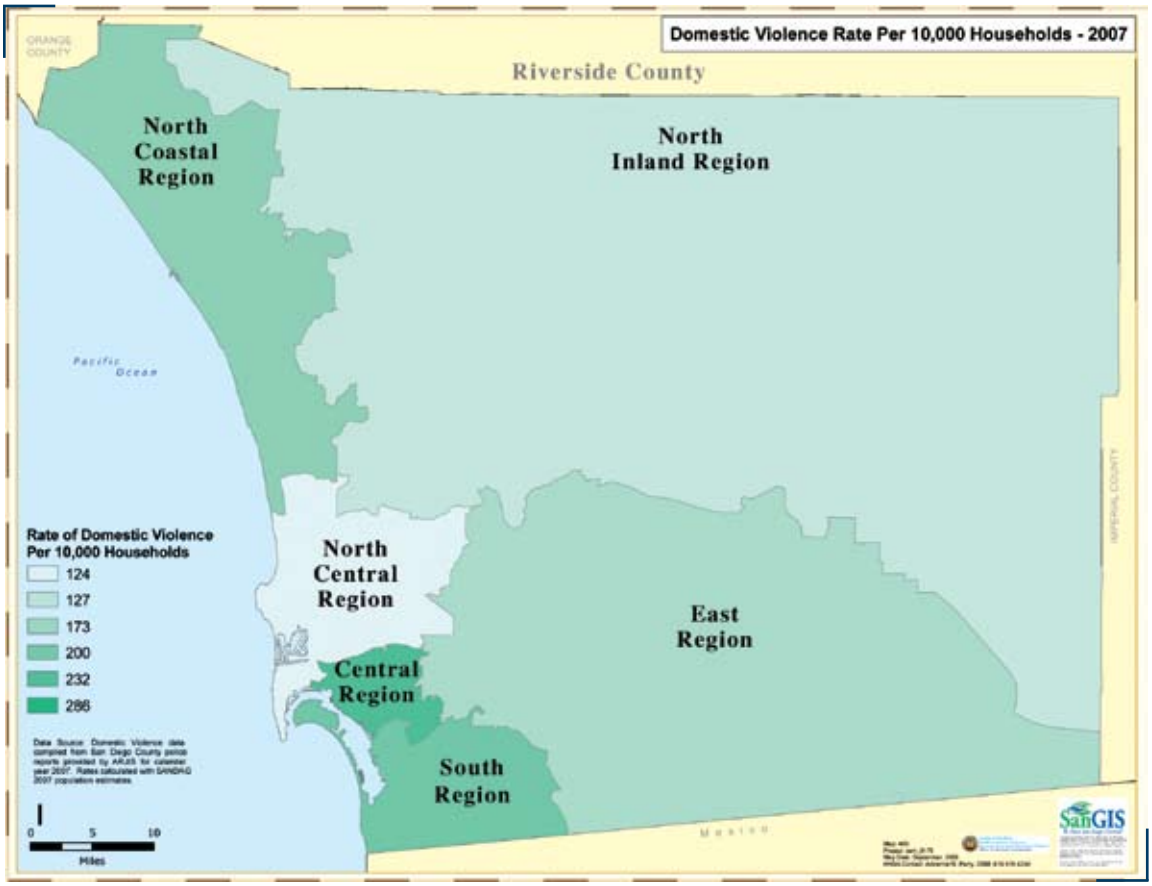
When a perpetrator commits a homicide and is apprehended alive, the DVFRT will only review the case once the perpetrator of the crime has been sentenced through the San Diego Superior Court System. This process averages 18 months. The DVFRT may also review cases in which the perpetrator commits suicide. This review of suicide cases can take place once law enforcement has completed their investigation, which may take a few months. Once specific cases are selected for the DVFRT to review, law enforcement or the prosecutor will present the case to the DVFRT.

Similar to other DVFRTs nationwide, the Coordinator tracks all known intimate partner-related fatalities, but the team reviews a limited number of cases (typically 10-12 per year) in order to conduct more in-depth reviews of selected fatalities. Thus, ***reviewed cases are not a representative sample of all intimate partner fatalities in San Diego***. Once cases have been identified, the Co-Chairs select the cases if at least one system was involved with the perpetrator, victim or their families or the case may illustrate an emerging trend or generate cross-system discussion. The findings and recommendations from DVFRT case reviews that took place during 2006 and 2007 are presented beginning on page 9 of this report.

Intimate Partner Violence Statistics in San Diego County 2006-2007

- In San Diego County, there were 19,886 domestic violence (DV) related incidents in 2006 and 18,874 in 2007.[11] For 2006 and 2007 combined, 6,849 juveniles (0-17) were listed on the witness lists for these incidents and the average age of these children was 10 years (ARJIS, 2006 & 2007).
- There were over 5,200 calls to the San Diego countywide DV hotline (DV LINKS) with over 30% of those calls including requests for shelter and/or safety planning (County of San Diego, HHSA, Office of Violence Prevention, 2007).

Figure 1. Domestic Violence Incidents by HHSA Region 2007



- SDPD received the highest number of DV Cases/Calls for 2007 among all law enforcement jurisdictions, totaling 9,247 (ARJIS, 2007).
- For DV Incidents (Cases/Calls) to SDPD in 2007, the majority of the victims were between 20 and 49 years of age, with the highest number (37%) falling in the age range of 20-29 (SDPD, 2007).
- In 2007, the spouse was the identified perpetrator in 33% of San Diego County Emergency Department discharges where battering or maltreatment was noted; 89% of the victims were female (HASD&IC, CHIP, County of San Diego, HHSA, PHS EMS, ED Database, 2007).
- The Domestic Violence Response Team (DVRT) was called out to 832 *(continued)*

in-person crisis responses and in over half of them the victim had custody of at least one child (County of San Diego, HHSA, Office of Violence Prevention (OVP), FY 2006-2007).

- In 2007, a sample of 222 San Diego domestic violence victims completed the Danger Assessment (a risk assessment tool) during the intake process for DV advocacy services. Over 44% reported their partner had threatened to kill them and 47% said that their partner had attempted to strangle her/him (County of San Diego, HHSA, OVP, DVSF Program, 2007).
- There were over 6,000 Domestic Violence Temporary Restraining Order filings countywide (2007). There were 756 felony cases filed (San Diego Superior Court, FY 2006-2007).
- There were 28 intimate partner-related fatalities in San Diego County in 2006 and 20 in 2007 (County of San Diego, HHSA, Office of Violence Prevention, 2006-2007).

Figure 2. Domestic Violence Incidents 2006 - 2007

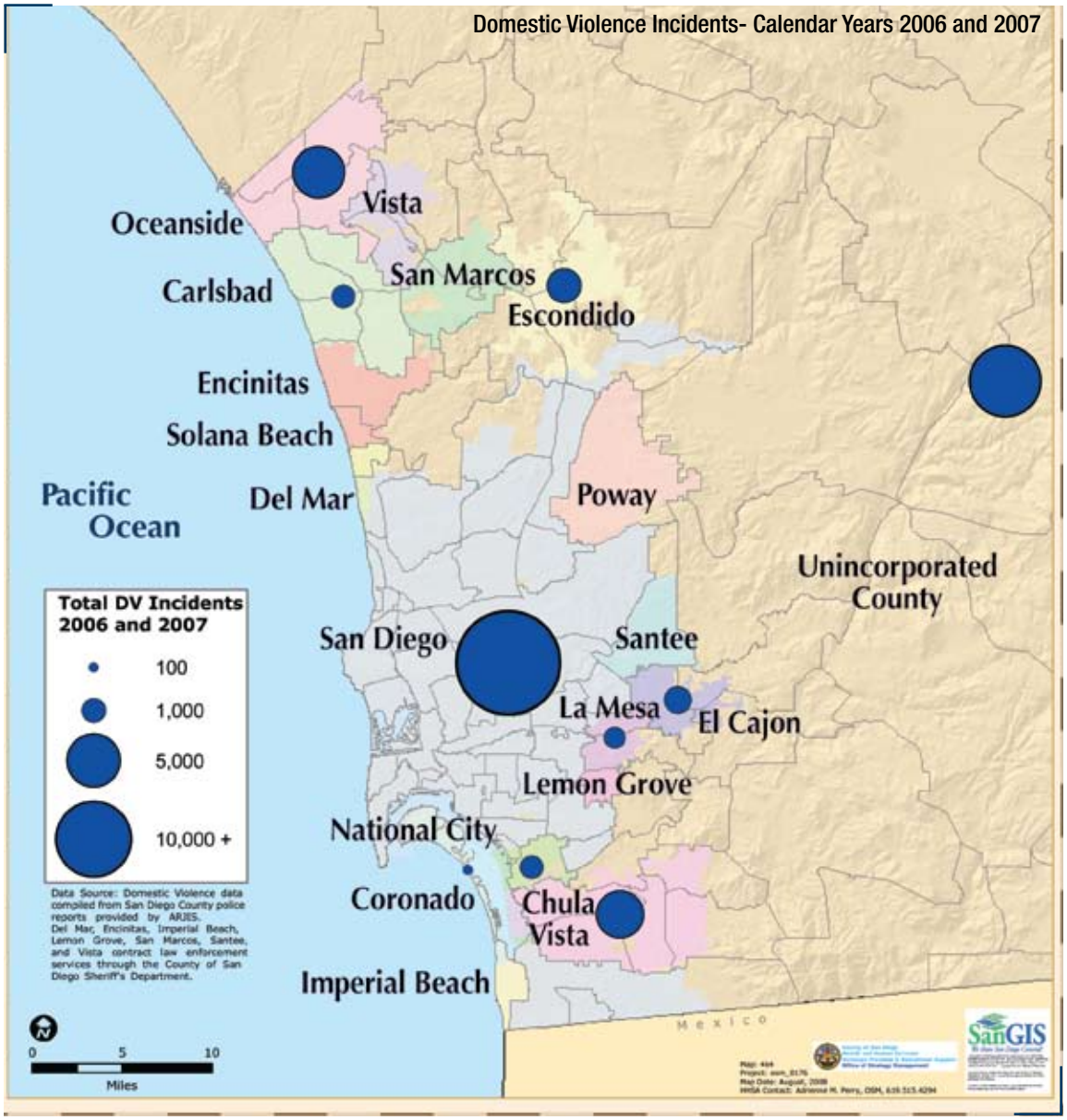
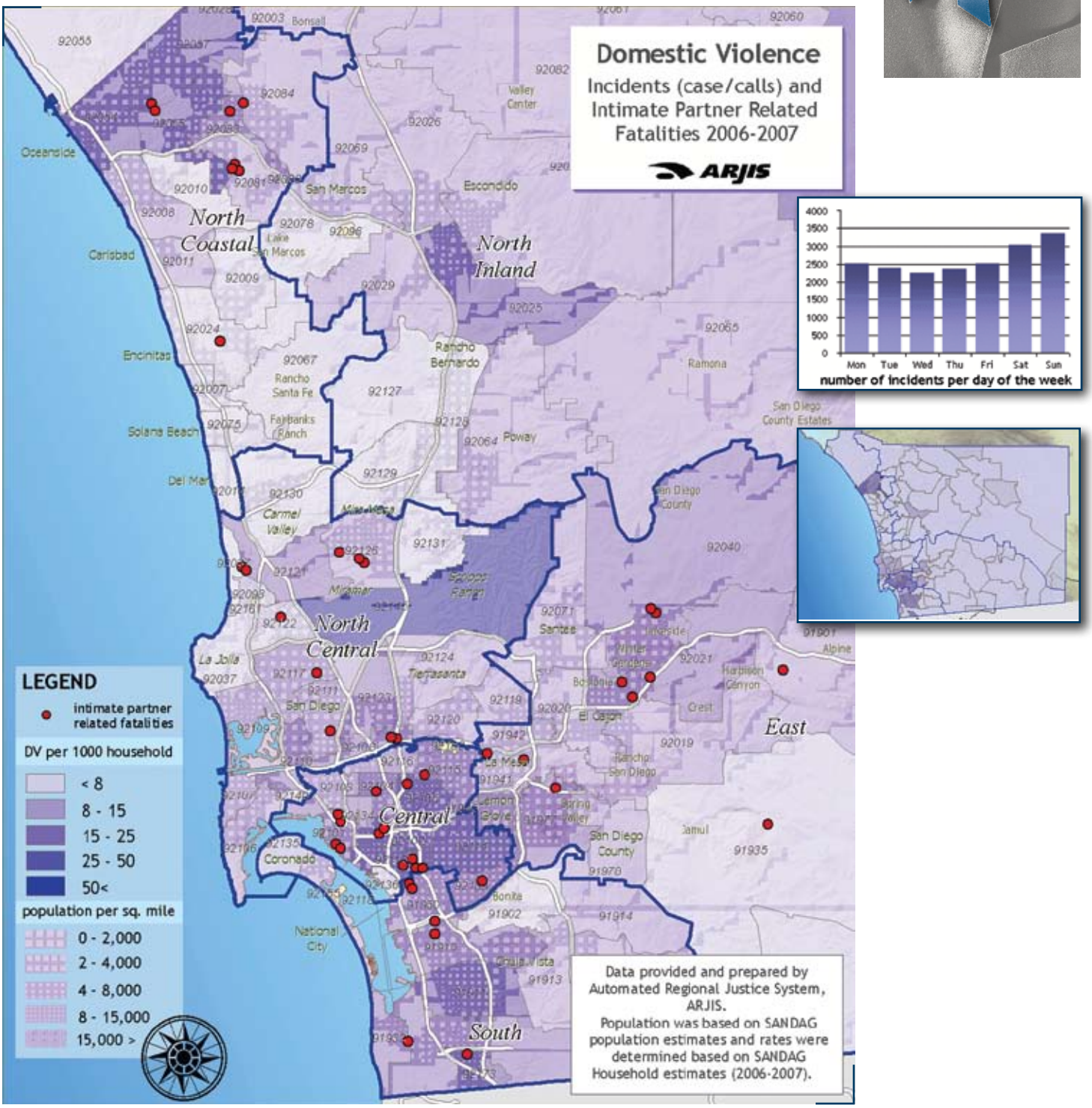


Figure 3. Domestic Violence Incidents and Intimate Partner-Related Fatalities 2006-2007



Source: Intimate partner-related fatality data (IPF) was provided by the Office of Violence Prevention, HHSA. This data includes all *known* IPF. Due to undercounting (discussed in this report) this data may not include all IPF.

Note: Intimate partner-related fatalities may include homicides, suicides (perpetrator), and additional homicides resulting from an intimate partner-related incident.

There have been 220 intimate partner-related fatalities identified between 1997 and 2007.

Table 1, below, shows the total number of known Intimate Partner-related Fatalities (IPF) in San Diego County including homicides and suicides. IPF may include homicides, suicides, and additional homicides resulting from an intimate partner-related incident. Homicide victims may include those who were in the intimate relationship with the perpetrator as well as 'additional victims' who were killed as a result of the IPF (e.g. friend, a victim's new partner, co-worker, bystander, family member, etc.). The suicides represented below are perpetrator suicides.

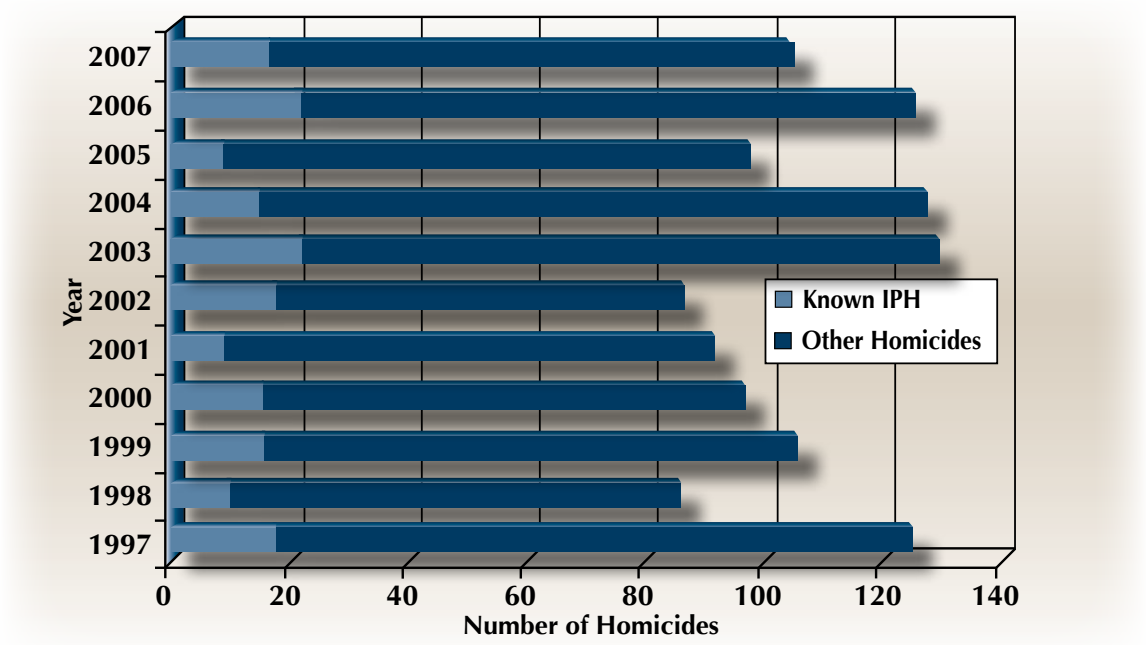
Table 1. Intimate Partner-related Fatalities 1997-2007

	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07
Total Intimate Partner-Related Fatalities	22	13	23	20	13	24	27	17	13	28	20
Homicides	18	10	16	16	9	18	22	15	9	22	17
Suicides	4	3	7	4	4	6	5	2	4	6	3

Note: The table includes all *known* Intimate Partner-related Fatalities (IPF). Due to undercounting (discussed in this report) this data may not include all IPF.
Source: Intimate partner-related fatality data (1997-2007) was provided by the Office of Violence Prevention, HHSA.

Figure 4, below, shows the total number of homicides in San Diego County and the number of those determined to be Intimate Partner-related Homicides (IPH) (a subset of IPF - see table above) from 1997 to 2007. In 2005, 9% of homicides were identified as IPH. This contrasts with 2002 when IPH accounted for 21% of homicides and in 2007 they accounted for 16% of homicides.

Figure 4. Total Homicides and Intimate Partner-related Homicides in San Diego County 1997-2007



Note: The data presented here includes all *known* Intimate Partner-related Homicides (IPH). Due to undercounting (discussed in this report) this data may not include all IPH.
Source: Intimate partner-related homicide data (1997-2007) was provided by the Office of Violence Prevention, HHSA.
Source: Total homicide data (1997-2007) was provided by SANDAG.

Table 2, below, breaks down the number of IPH by the methods used to commit each homicide. Firearms (shooting) have consistently topped the list as the method most used between 1997 and 2007. Stabbing, asphyxia, and blunt force trauma are also quite common with arson and poisoning only occasionally being used.

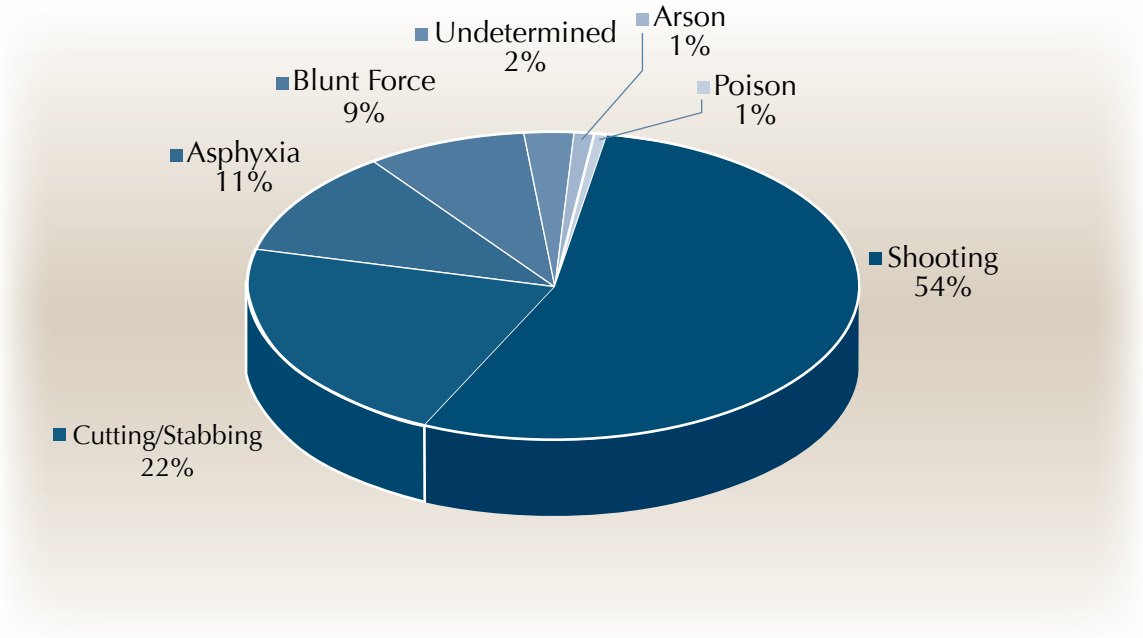
Table 2. Method of Homicide in San Diego County Intimate Partner-related Homicides 1997-2007

Method	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Shooting	10	6	9	5	6	11	10	10	6	8	12
Stabbing/Cutting	4	1	--	4	1	5	8	2	--	8	5
Asphyxia (strangulation, sufocation, etc.)	1	--	5	1	1	2	2	1	2	4	--
Blunt Force	2	3	2	3	1	--	--	2	1	1	--
Arson	--	--	--	1	--	--	--	--	--	1	--
Poison	--	--	--	1	--	--	--	--	--	--	--
Undetermined	1	--	--	1	--	--	2	--	--	--	--
Total Known IPH	18	10	16	16	9	18	22	15	9	22	17

Note: The data presented here includes all *known* Intimate Partner-related Homicides (IPH). Due to undercounting (discussed in this report) this data may not include all IPH.

Source: Intimate partner-related homicide data (1997-2007) was provided by the Office of Violence Prevention, HHSA.

Figure 5. Methods Used in Intimate Partner-related Homicides in San Diego County 1997-2007



DVFRT Recommendations

At the completion of each case review, the team determines the following for each case:

- Whether the victim or perpetrator had been involved with any system prior to the intimate partner-related fatality and whether that system identified intimate partner violence (IPV).
- Whether there were opportunities for intervention at the individual/family level, agency level, or public policy level.

The team then makes recommendations for system or policy changes that could prevent a similar domestic violence fatality in the future. In many cases, team members will take the identified recommendations and return to their agencies to discuss implementation. In other cases, the recommendations made by the team are brought to the community at large for implementation. For example, a relationship has been fostered with the San Diego Domestic Violence Council in which recommendations are brought each month to the meetings and membership takes on the implementation of the recommendations.

As discussed on page 1 of this report, the DVFRT is making the following key recommendation in this 2008 report to improve San Diego County's ability to more effectively respond to domestic violence and to prevent such future tragedies.

Key Recommendation

We recommend that all systems and agencies work toward fostering and improving relationships, cross-training, and cross-reporting in order to better serve San Diego families.

The DVFRT made additional recommendations which have been organized into the following five broad categories. They are described below with examples of how they are being designed and implemented by the community.

1) Public Awareness

Build greater culturally and linguistically appropriate public awareness about intimate partner violence (IPV), as well as children's exposure to domestic violence, teen relationship violence, and intimate partner violence amongst elders.

In many of the cases reviewed by the DVFRT, family members, friends, and even bystanders (such as neighbors) were aware of the IPV between a homicide victim and his/her partner long before the homicide took place. Therefore, public awareness campaigns are essential to ensure earlier identification, resources, and assistance for families.[12]

Some recent public awareness activities in San Diego County include:

- KPBS produced a Public Service Announcement about the prevention of family violence called "I Feel Safe," including phrases in both English and Spanish.
- A short video, set in San Diego, was created by the California Attorney General's Office, Crime and Violence Prevention Center called "First Impressions: Exposure to Violence and a Child's Developing Brain." This video will be shown in parenting classes, trainings to the community, to law enforcement, etc..
- Distribution of posters and resource pamphlets to 44 health clinics and 35 schools. The posters include the DV Links San Diego countywide (bilingual and 24 hour) domestic violence hotline number and address the impact that exposure to domestic violence has on children. Posters that include the Adult Protective Services hotline number and address elder abuse were also distributed to the 44 health clinics.

2) System Specific Education/Training

Provide training and education to professionals whose roles are not specific to intimate partner violence, but are significantly related, such as staff of alcohol and drug treatment programs, legal clinics, healthcare settings, schools, and other "doors" where victims and their families receive services. Train these professionals with the goal of assisting them to respond effectively when family violence is identified. Furthermore, create opportunities for cross-training with an emphasis on relationship building, cross-reporting, accessing services, prevention of duplicative services, and cross-referral/linkage to services. Some examples of on-going efforts include:

- The District Attorney's Office is funding a training video for law enforcement first responders on "The 2008 Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol" and standardized/updated DV Supplemental.
- 20 professionals have received train-the-trainer training on the Safe Futures curriculum which focuses on supporting children and families affected by domestic violence. The trainers are now conducting trainings in such settings as schools, healthcare facilities, and community meetings.
- The court system is an important point of intervention for victims and their families and it is essential that the judiciary is trained in intimate partner violence (IPV), related resources, and in conducting screening/assessment. The DVFRT adapted a risk assessment tool that can be used in the court system. This tool is based on the Danger Assessment[13] and may be used to draw attention to dangerous elements of the relationship that may not otherwise be revealed during court processes. Additionally, this tool may also be used to educate clients on their risks, and about family violence in general. The Legal Action Committee of the Domestic Violence Council will work with the courts to "roll out" this tool in the coming year. It will be used to assist judges in identifying risks that may be present such as threats with weapons, verbal threats to kill, or attempts at strangulation.[14,15]
- "Cut it Out" is a nonprofit national domestic violence awareness program formed in 2003. The program teaches beauty salon professionals and students how to recognize the warning signs of domestic violence and safely refer clients through literature to national and San Diego area assistance resources. Supervisor Pam Slater-Price and District Attorney Bonnie Dumanis introduced an initiative in October 2007, which received unanimous support for the implementation of Cut it Out (CIO) through the County of San Diego. To date, the beauty schools have distributed over 200 CIO referral cards and have connected 3 students to local domestic violence programs–all three students are now safe.

3) Assessment/ Evaluation of Existing Services

Each system/agency that comes in contact with individuals experiencing intimate partner violence must constantly evaluate itself and its programs emphasizing linkages between systems, organizations, and individuals. Some examples of ways that this is being implemented include:

- The Medical Subcommittee of the Domestic Violence Council has decided to conduct an assessment of the healthcare system in San Diego County to identify how family violence is being addressed in that system. The committee will then work with the healthcare system to address any "gaps" in family violence identification/screening, services, training, etc..
- ARJIS is developing an online system for medically mandated ("suspicious injury") reports though the Domestic Violence Communication System (DVCS). This system is expected to make

The DVFRT continues to identify the impact that exposure to violence has on children and the need for prevention and early intervention.

reporting easier for medical staff, reducing the time it takes for reports to reach the appropriate law enforcement jurisdictions. It is also expected to ease the process for law enforcement due to a reduction in the number of misrouted reports.

4) Children Exposed to Violence

The DVFRT continues to identify the impact that exposure to violence has on children and the need for prevention and early intervention. Two initiatives in San Diego County addressing this issue are:

- Raising the Bar is an initiative sponsored by the County of San Diego, HHSA Office of Violence Prevention and the Institute for Public Health at San Diego State University with the goal of developing a System of Care relating to children exposed to violence through a comprehensive pubic health approach. Through a series of regional dialogues, strengths and barriers are being identified in the context of the Model Continuum: awareness, prevention, identification/screening, assessment, treatment/intervention, and evaluation. Each region is developing their own vision for children and families experiencing violence and through this process a San Diego Countywide model of care will be formed.
- Safe Start is a federally funded four-year pilot project being conducted in the Central, North Central and East HHSA regions and aims to improve access to, delivery of, and quality of services for young children exposed to domestic violence. Safe Start has two primary goals: 1) to develop a public/private partnership aimed at improving outcomes for DV-exposed children and their families involved in Child Welfare Services (CWS); and 2) to provide culturally relevant and evidenced based interventions to children and families impacted by DV.

5) Protocol/Policy

The DVFRT recommended in the 2006 report, and continues to recommend, the updating of existing protocols regarding domestic violence identification and response. Some protocol/policy updates that have occurred in the past two years include:

- In December 2007, the Chiefs of Police signed off on an updated version of San Diego's law enforcement protocol: "The 2008 Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol." In addition to necessary updates, it also now includes an entire section focused on children exposed to domestic violence and the removal of firearms from domestic violence incidents. At the same time, the DV Supplemental form - completed by law enforcement when a domestic violence incident has taken place – was standardized countywide and now includes additional fields to capture information about children who are in the custody of the victim or suspect, as well as additional firearms-related information.
- The "Child Victim-Witness Protocol" was updated in June 2006. It addresses how law enforcement, child welfare services, mental and medical health, and the judicial system may best "...assist and protect all children, both victims and witnesses, who are exposed to any kind of abuse through multi-disciplinary collaborative efforts."
- County of San Diego HHSA Public Health Nursing (PHN) adopted a "Family Violence Screening Protocol" early in 2008 and trained all of their staff in its implementation. Public Health Nurses in many settings are now routinely screening, assessing, and conducting safety planning and referrals for individuals experiencing abuse.

Cases Selected for Review 2006-2007

Twenty-five cases were reviewed by the DVFRT between January 2006 and December 2007. In these cases there were twenty-five homicide victims who were the intimate partner of the perpetrator and five additional homicide victims. Victims may include those who were in the intimate relationship with the perpetrator as well as 'Additional Victims' (i.e. friends, co-workers, bystanders, family members, etc.). The team also examined an attempted murder case, which will be addressed on page 21.

There were two perpetrators who each killed two of their intimate partners. For the purposes of this table they are represented as "Perpetrator killed (2) Intimate Partners." One of these perpetrators is represented in two cases selected for full review. The other perpetrator killed two intimate partners but one of the murders took place outside of San Diego County. Only cases in which the incident occurred within San Diego County are reviewed by the team; thus the second case was not included in the data represented further on in this report.

Table 3. Types of Cases Selected for Review 2006-2007

Situation	Reviewed Cases
Perpetrator killed (1) Intimate Partner	13
Perpetrator killed (1) Intimate Partner and Committed Suicide	6
Perpetrator killed (1) Intimate Partner and (1) Additional Victim	2
Perpetrator killed (2) Intimate Partners	2
Perpetrator killed (1) Intimate Partner and (2) Additional Victims	1
Perpetrator killed (1) Additional Victim	1

Note: This is not a representative sample of cases in San Diego County.

Note: In one of the cases where the perpetrator killed his intimate partner and an Additional Victim (AV), the AV was a fetus who was seven months in-utero. The state of California does not differentiate between the murder of a fetus (with definable gestational features) and the murder of a person – they are both prosecutable under the same law.

Note: One reviewed case concerned a man who was murdered because of his association with the perpetrator's former girlfriend, which is an example of a case in which the intimate partner was not killed but one AV was murdered.

Table 4, below, describes the characteristics of those cases selected for review. The perpetrators in the cases selected for review were overwhelmingly male and were evenly distributed across all age groups (the mean age of perpetrators was 43 years, ranging from 19-85). Also represented are characteristics of the victims in the cases selected for review. The victim data includes all victims (intimate partners as well as additional victims). Over eighty percent of victims in the reviewed cases were female and more than half were white. Victims were generally younger than perpetrators. However, the mean age of victims was 40 years (ranging from fetus to 88), which is similar to the perpetrator mean age of 43.

Table 4. Demographic Characteristics in Cases Selected for Review 2006-2007

Characteristics	Perpetrators Number	Perpetrators % of Total	Victims Number	Victims % of Total
Gender				
Male	24	96%	5	17%
Female	1	4%	24	83%
Race				
White	9	36%	17	59%
Black	10	40%	7	24%
Hispanic Mexican	4	16%	2	7%
American Indian	1	4%	3	11%
Asian Indian	1	4%	-	-
Age				
Under 18	-	-	1	3%
18 - 24	3	12%	6	21%
25 - 34	7	28%	8	28%
35 - 44	4	16%	2	7%
45 - 54	3	12%	5	17%
55 - 64	5	20%	3	10%
65+	3	12%	4	14%

Note: This is not a representative sample of all cases in San Diego County.
Note: Race categories are assigned by the Medical Examiner.
Note: This data includes the same perpetrator twice as he was the perpetrator in two different reviewed cases, in which the homicides occurred at a different point in time.
Note: The victim data includes all victims, including intimate partners and additional victims.
Note: This data does not include one victim mentioned above who was murdered outside of San Diego County.
Note: The additional victim under 18 was a fetus.

Trends Amongst Intimate Partner Fatality Cases

The length of the relationship between the perpetrator and their intimate partner varied dramatically across reviewed cases (from under two months to over 60 years), with a mean of nearly eight years. These fatalities typically took place in a house (32%) or apartment (39%) setting. The type of relationship was also mixed; 13 (52%) were dating, 7 (28%) were married, 3 (12%) were separated and 2 (8%) had formerly dated. Another important area examined was the age of the intimate partner when they met the perpetrator. In 23 cases the age of the victim when she/he met the perpetrator was known. The mean age was just under 32, ranging from 13 to 56 years.

A man used a hammer to beat his girlfriend to death in an apartment they shared. He had two prior convictions for domestic violence. A 'stay away' order had been placed; unfortunately the victim had persuaded a judge to remove the order. A neighbor witnessed the perpetrator carrying a hammer and behaving extremely agitated just prior to the homicide. The perpetrator was high on methamphetamine at the time of the homicide.

Lethality Risk Factors

Domestic violence risk assessments have been developed in recent years to determine levels of risk in abusive intimate partner relationships. The risk assessments generally identify the level of risk of fatality and are used in the field by law enforcement and health and social service agencies specifically for safety planning with victims of abuse. In addition, these tools provide a common language across all agencies for talking about victimization. Jacquelyn Campbell, a well known researcher in the field of intimate partner violence, reported that there is a "need for law enforcement, the courts, victim assistance programs, and the hospital emergency departments to have valid and systematic means of evaluating IPV cases and identifying those most likely to escalate to lethality."[14] In an 11 city study of intimate partner homicides of women, she found that only about half of the women who were victims of actual or attempted intimate-partner homicides accurately assessed their risk correctly.[16]

Some major lethality risk factors include:[13,14,15,16,17,18]

- Estrangement- (i.e. the victim was leaving the relationship, legal seperation, etc.).
- The perpetrator has used or threatened to use a gun, knife, or other lethal weapon against the victim
- The perpetrator has threatened to kill or injure the victim
- The perpetrator has tried to strangle (choke) the victim
- The perpetrator has inflicted violence during pregnancy
- The perpetrator is controlling and/or constantly jealous
- The perpetrator has forced the victim to have sex
- The perpetrator is avoiding arrest for domestic violence
- The perpetrator is unemployed

In sixty-four percent of cases the intimate partner homicide victim had recently separated or was in the process of separating his or herself from the abuser at the time of the murder.

Access to a gun, previous threats of deadly violence, and estrangement are the strongest predictors of female homicide in abusive relationships in addition to a prior history of IPV.[16]

General recommendations to help reduce risks to victims of intimate partner violence were outlined by Campbell.[16] These are paraphrased below.

- Firearms should be removed from the place of residence.
- Victims should not inform perpetrators in person that they plan to leave them.
- Victims in severe danger should be urged to enter a shelter.
- If the victim left the perpetrator so they could attend batterer's treatment, the victim should stay separated from the perpetrator until the completion of the treatment.
- Stalking laws should be applied to arrest the perpetrator if possible.
- If the victim is taking steps to minimize risk, be sure to include steps to reduce risk to children.
- Help the victim to engage his/her support systems.
- The victim should be encouraged to begin to put money away.
- Identify depressed (and suicidal) perpetrators in an attempt to get him/her a mandated suicide assessment and mental health hospitalization, as appropriate.

The San Diego County DVFRT identified the following trends amongst the cases reviewed in 2006-2007:

Many perpetrators had prior contact with the criminal justice system. Seventy-two percent (72%) of perpetrators had a criminal history of domestic violence or some other crime.

Firearms were the weapon used most often in the murder. In forty-eight percent (48%) of cases reviewed, the perpetrator used a firearm to kill their intimate partner (IP).

Few IP victims obtained a protective order. Thirteen percent (13%) of intimate partner homicide victims had an active protective order at the time of their murder and seventeen percent (17%) ever (past and present) had a protective order.

Many perpetrators had made prior threats on the intimate partner's life. Forty percent (40%) of perpetrators had made graphic threats to kill their intimate partner.

Victim was leaving or left the perpetrator. In sixty-four percent (64%) of cases the intimate partner homicide victim had recently separated or was in the process of separating his or herself from the abuser.

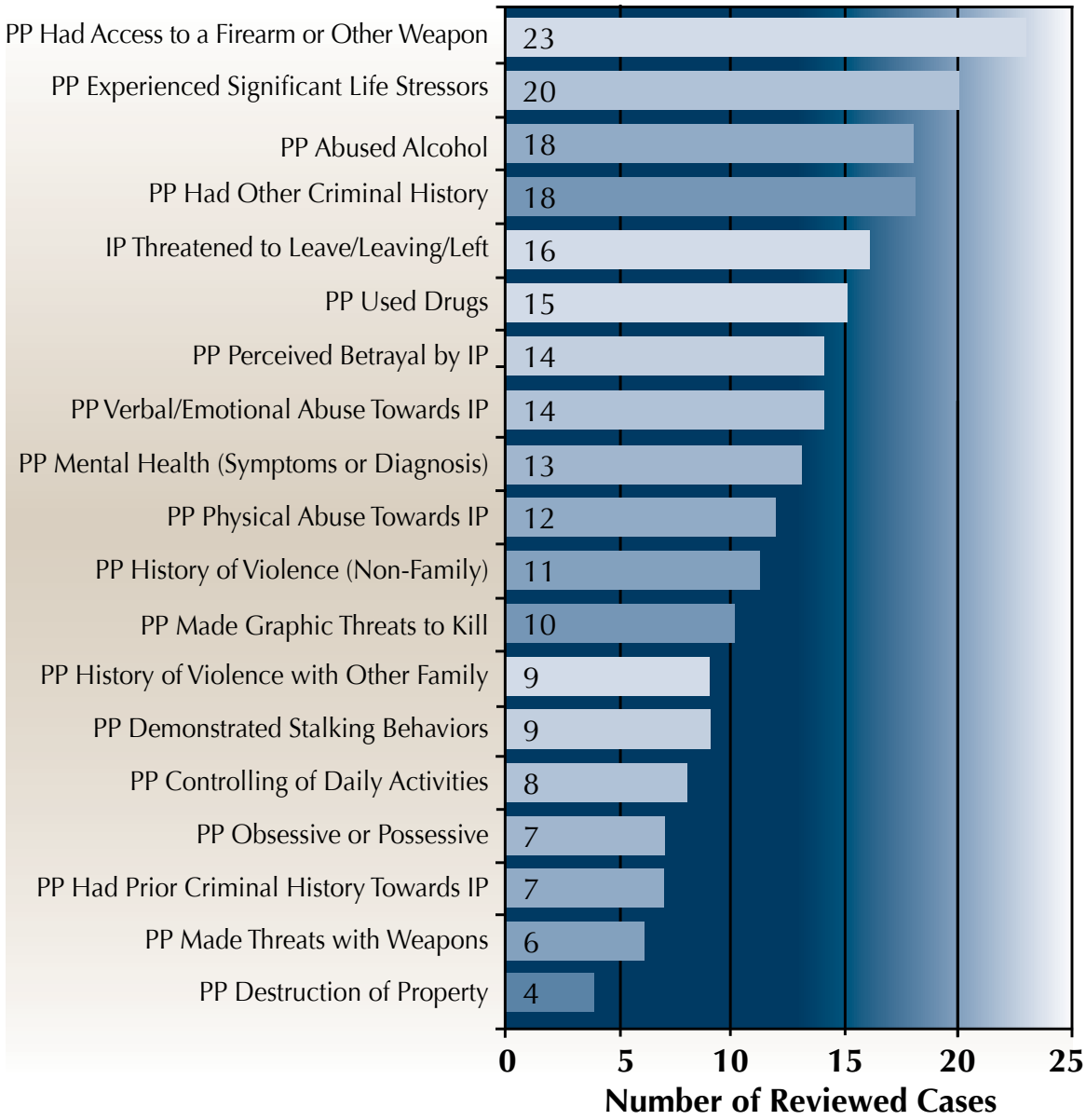
Many perpetrators committed suicide after killing their partner. In twenty-four percent (24%) of cases, the perpetrator killed him/her self after killing his/her intimate partner.

Many perpetrators were unemployed. Thirty-two percent (32%) of perpetrators were known to have been unemployed at the time of the homicide.

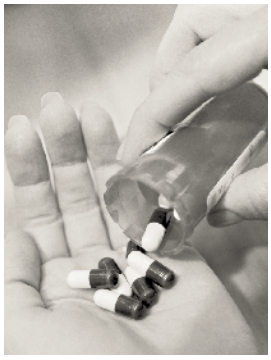
Identified Risk Factors

During each case review, information about the perpetrator and his/her intimate partner is collected. The figure below reflects the number of cases in which risk factors were present. In 56% of the cases reviewed during 2006-2007, 10 or more of these risk factors were present (of the 19 selected here for demonstration).

Figure 6. Number of Reviewed Intimate Partner-related Fatality Cases with Identified Risk Factors



Note: 'PP' denotes perpetrator; 'IP' denotes intimate partner.
Note: The data presented in this figure represents only those fatality cases for which a full case review was completed and is not representative of all intimate partner-related fatalities in San Diego County.



Topics of Special Interest

During the past two years, the DVFRT made particular note of three areas: substance abuse, children exposed to IPV, and attempted murder.

Substance Abuse

Methamphetamine Use & Intimate Partner Homicide

Overview:

In recent decades, methamphetamine use has soared across America with far reaching implications. When used in excess, methamphetamine ("speed" or "crystal") may cause such symptoms as irritability, severe anxiety, depression, paranoid states, aggression, and/or violent behavior. The U.S. Department of Justice reported that chronic abusers of methamphetamine frequently behave in a violent and erratic manner.[21]

A survey conducted by the National Association of Counties (NACO) found that 88% of respondents reported that arrests where methamphetamine was involved had increased in their county in the last five years.[20] In a report produced by San Diego Association of Governments (SANDAG) on adult arrestee drug use in San Diego County, it was found that 62% of female and 55% of male arrestees in San Diego County acknowledged that they had used methamphetamine sometime in their lifetime.[23]

In the NACO survey, 62% of respondents indicated that domestic violence had increased because of the presence of methamphetamines in their county.[20] In a 2003 study conducted by SANDAG of domestic violence victimization among arrestees in San Diego County, it was found that of those who tested positive for methamphetamine, 48% reported that they had experienced "lifetime" abuse and 35% had experienced "recent abuse."[24] Adding to the problem, in situations where both members of an intimate relationship are users, the victims of IPV are often dependent on the perpetrator to supply them with the drug.[22]

DVFRT Case Review Findings:

When combined, over one half (54%) of the cases reviewed in 2006-2007 involved a victim or perpetrator who was a current user or had a known history of methamphetamine use.

Table 5. Methamphetamine Use & Intimate Partner Homicide (n=24)

Meth. Use	Victim	Perpetrator	Both***
Current Use*	7 (29%)	8 (33%)	5 (21%)
History**	8 (33%)	10 (42%)	5 (21%)

*Current Use: Detected in the system at the time of the murder, as indicated by post-mortem toxicology screen results or law enforcement records.

**History of Use: As reported by witness testimony or via system records (LE, CWS, etc.).

***Both the intimate partner victim *and* perpetrator abused methamphetamine.

Note: Due to delay in apprehending and retaining perpetrators following homicides, it is often uncertain whether they were under the influence at the time of the murder.

Note: The data in this table reflects cases in which an intimate partner homicide occurred.

Note: This data does not include one victim mentioned earlier who was murdered outside of San Diego County.

Note: This data includes the same perpetrator twice as he was the perpetrator in two different reviewed cases, in which the homicides occurred at different points in time.

Alcohol Abuse & Intimate Partner Homicide

Overview:

Although causation cannot be proven, many studies have suggested that alcohol is a risk factor for intimate partner violence (IPV), albeit one of many.[26, 27] Other risk factors that commingle with alcohol use include aggression and power imbalances.[26] Essentially, alcohol is not the cause of IPV. However, it can combine with other risk factors to increase the intensity or frequency of the IPV. Alcohol has also been found to be a "trigger" of criminal violence.[27] Among San Diego County adult arrestees, 9% reported that they had pushed, shoved or hit an intimate partner or one of their children after using drugs or alcohol.[24]

DVFRT Case Review Findings:

When combined, 79% of the cases reviewed in 2006-2007 involved a victim or perpetrator of intimate partner homicide who was a current user or had a known history of alcohol abuse.

A man shot his girlfriend, a mother of four children, in the head. She was seven months pregnant with his child at the time and the fetus did not survive. He had a long criminal history and had used alcohol and methamphetamine prior to the homicide.

Table 6. Alcohol Abuse & Intimate Partner Homicide (n=24)

Alcohol Abuse	Victim	Perpetrator	Both***
Current Use*	7 (29%)	10 (42%)	6 (25%)
History**	11 (46%)	18 (75%)	11 (46%)

*Current Use: Detected in the system at the time of the murder, as indicated by post-mortem toxicology screen results or law enforcement records.

**History of Use: As reported by witness testimony or via system records (LE, CWS, etc.).

***Both the intimate partner victim and perpetrator abused alcohol.

Note: Due to delay in apprehending and retaining perpetrators following homicides, it is often uncertain whether they were under the influence at the time of the murder.

Note: The data in this table reflects cases in which an intimate partner homicide occurred.

Note: This data does not include one victim mentioned above whom was murdered outside of San Diego County.

Note: This data includes the same perpetrator twice as he was the perpetrator in two different reviewed cases, in which the homicides occurred at different points in time.

Children are often present during violent incidents and their exposure to this violence can have short and long-term detrimental effects. Witnessing violence for a child can take the forms of seeing, hearing, actively taking part, and/or experiencing its aftermath.

Children Exposed to Intimate Partner Violence and Fatality

Overview:

Approximately 15.5 million U.S. children are estimated to live in families in which intimate partner violence occurs.[28] Exposure to domestic violence, child abuse, and the violent death of a parent has enduring effects that will last throughout one's lifetime.[28,29,31,35] Children are often present during violent incidents and their exposure to this violence can have short and long-term detrimental effects.[28,30] Witnessing violence can take the forms of seeing, hearing, actively taking part, and/or experiencing its aftermath.[31,35] For the past twenty-five years, researchers and practitioners have focused attention on children as witnesses, and only recently has this exposure been considered for many as a violation of community standards.[30] In the presence of violence, children are deprived of healthy emotional, social, cognitive, and physical growth. In addition, physiological changes in the development of a child's brain due to the traumatic exposure may occur and can contribute to a transgenerational cycle of violence.[32] Adults are the product of what they learn as children; violence is a learned behavior.

In recent years, the DVFRT has worked towards collaborating more closely with the San Diego County Child Fatality Review Team (CFRT) and the San Diego County Elder Death Review Team (EDRT). Some important findings from these teams include:

- The EDRT has found that of the suspicious deaths they reviewed and included in their most recent report, the majority were suspected to be at the hands of family members, with the most common perpetrator being an adult child (50%), followed by a spouse (29%).
- The CFRT found that of 321 cases reviewed between 2001 and 2005, 24 were the result of Child Abuse/Neglect (CAN) related homicides and many of these had previous child welfare involvement.

Trauma for families can extend long after the event itself. The majority of severely and chronically distressed children can be found in systems such as Child Protective Services, mental health programs, substance abuse treatment programs, the juvenile justice system, and the criminal justice system.[33] It is becoming more widely recognized that early identification, collaboration, and sharing of resources are fundamental steps for success in addressing the specific needs of children.[34]

> "One of the most concerning aspects arising from the case reviews of the DVFRT is of the children who are present or who witness the homicide of one parent at the hands of the other. Every member of the team has grave concerns regarding the aftermath for these children. As a team we are acutely aware of the need to connect children to essential services for healing their trauma.
>
> We ask the community to join us in developing more efforts to prevent children's exposure to violence and to commit to intervene as early as we can in the lives of children who are currently in homes where family violence is occurring."
>
> *Linda Wong Kerberg*
> *Outgoing Co-Chair of the DVFRT*

Case Review Findings:

The DVFRT found that in 54% of cases reviewed in 2006-2007, victims and/or perpetrators had at least one minor child. Of these minor children, 11 of 38 were exposed to the homicide through direct observation, witnessing the body(s), seeing the blood, or by being present at the scene when the fatality(s) occurred. There was also one fetus that was killed when her mother was shot to death.

Table 7. Taxonomy of Exposure: Children Exposed to Intimate Partner Fatality[35]

Type of Exposure	Example of Exposure	Reviewed Case Findings
Exposed Prenatally	Fetus was alive when the assault occurred	Both fetus (7 months in utero) and mother died
Child Present	Child was present when the assault occurred	Nine (9) children were present
Child Witness	Child directly observed or heard the assault	Six (6) children witnessed the homicide
Child Observed Initial Effects	Child sees immediate consequences (body, blood, etc.) of the assault	Ten (10) children witnessed the initial effects

Note: These categories are not mutually exclusive. For example, the same child may be present, witness, and observe the initial effects.

Attempted Murder: What Can We Learn?

These cases can provide information that cannot be captured through fatality review, such as the experience of the victim and her/his children. For the purpose of this report, one survivor has agreed to share her story.

Overview:

For the first time, the DVFRT has begun to examine attempted murder cases. These cases can provide information that cannot be captured through fatality review, such as the experience of the victim and her/his children. For the purpose of this report, one survivor has agreed to share her story. (All names have been changed).

Her Story:

When Valerie was 22, she began dating Mark. Soon after Valerie and her 5-year-old son moved in with Mark. Mark was very attentive to her and she fell in love with him.

Mark began abusing both Valerie and her son almost immediately. Mark was extremely jealous and controlling of her and would often accuse her of cheating. He would follow her on her errands and show up early at home to "catch her cheating." He often verbally threatened her saying that he would kill her, her children, and her family. He controlled her daily behavior telling her what she could and could not wear; he made her eat off of the floor; and he destroyed her property. Valerie worked but was forced to give him her pay checks. He pressured her to drink and to take drugs with him including Methamphetamine and Marijuana. He limited her contact with her family and friends, eventually ending it all together. He threatened her with knives and guns on a few occasions. He was physically abusive on a weekly basis, including punching her in the stomach, ribs, and face; kicking her; covering her face with pillows; pulling her hair; hitting her with the butt of his gun; forcing sex; and strangling her causing her to lose consciousness.

Mark had also been abusive towards Valerie's son. He would hit him and force him to take cold showers in the middle of the night. He witnessed the abuse of his mother on a frequent basis. Valerie would pack up their belongings to leave but her son would say, "No, Mom, he's just going to find us." Mark once stuck her son's hand in a bucket with water and put in a cable that was hooked up to a light as means of punishing him. Valerie felt helpless and went to another room and cried.

The survivor in this case eagerly volunteered to be interviewed by DVFRT membership. She wants other victims of abuse to know that there is assistance available. When asked what recommendations she has for the team for helping victims of abuse while they are still in the relationship, she said: "I want professionals to know that they need to reach out to individuals who are suffering from domestic violence because they cannot always do so for themselves." She also now recognizes the impact that the violence had on her child and wants other victims of abuse to learn from her experience so that their children may not suffer in this way.

The abuse she suffered ended in a final assault in which the perpetrator broke her vertebrae causing her to become quadriplegic. The perpetrator in this case is serving two life sentences. Despite her disabilities, she has become an advocate for domestic violence prevention and organizes marches, reaches out to victims, and frequently shares her story with the media.

Her message: "The first step someone has to take is to stop and have the courage and anger to tell someone what is happening and have self-respect and love for one's self. If there are kids involved then you need to defend them with claws and teeth because the damage it causes is unforgivable. My abuser damaged me mentally and physically and my family. Now that I'm free I can make my own decisions. I try to give all the advice [to other victims of IPV] that in that moment I could not take because of fear. I think that there's nothing more important than life."

Team Accomplishments

Since the release of the last report, the DVFRT recognizes the following accomplishments:

- The San Diego Domestic Violence Council has recently agreed to become the implementation "arm" for the recommendations that result from DVFRT case reviews. The DVFRT has also added a seat in its membership for the DV Council president who assists in bringing applicable recommendations to the Council each month. The DVFRT Coordinator will track the implementation of recommendations.
- The development of a DVFRT database for tracking intimate partner-related fatalities and storing case review data has been completed. This will increase the data tracked and analyzed and will facilitate reporting of case review data and team findings.
- The children of the victims and perpetrators have become an important focus for the team. Special presentations, in depth discussion, and increased information gathering have taken place around this critical issue.
- In collaboration with Barbara Ryan, former director of Clinical Programs at the Chadwick Center for Children and Families, the DVFRT Co-Chairs presented "What About the Children: Lessons Learned from the Domestic Violence Fatality Review Team" at the 22nd Annual San Diego International Conference on Child and Family Maltreatment.
- The DVFRT was invited by the San Diego Meth Strike Force to describe the relationship between DV fatality and methamphetamine. Linda Wong Kerberg (former DVFRT Co-Chair) presented on the panel "Meth and Family Violence: Across the Age Span" in September 2007.
- Each year, the Not to Be Forgotten Rally commemorates the lives of victims who were murdered by intimate partners. The DVFRT also provides all of the information about the DV fatalities for the rally. Many members of the DVFRT participate in this rally each year.
- The DVFRT has developed a collaborative relationship with the San Diego Elder Death Review Team (EDRT). The DVFRT and EDRT conducted joint reviews for four cases of intimate partner-related fatalities that involved elders in February and October 2007. Furthermore, the DVFRT Coordinator now participates on the EDRT and many members of the EDRT are on the DVFRT.
- In collaboration with the Elder Death Review Team and Child Fatality Review Team, the DVFRT presented "Fatality Review Teams: Three Teams Discuss Familial Homicide Across the Generations" at the 12th International Conference on Violence, Abuse, and Trauma (IVAT).
- The DVFRT presented "The San Diego County Domestic Violence Fatality Review Team: What We have Learned About Intimate Partner Violence" at the 12th IVAT Conference.

Future Focus

The team continually seeks to improve its processes and is responsive to emerging regional priorities and trends:

- The DVFRT would like to gather more information on the backgrounds of the victims and perpetrators in the cases reviewed in order to better understand the dynamics that lead to intimate partner fatalities. Currently, information is limited to information the team is able to access via its system/agency records and contacts. For this reason, the team would like to begin conducting family interviews. Presently, family members, friends, coworkers, etc. are invited to speak at the case review, but interviews are not yet taking place.
- The team has reviewed one attempted murder case and would like to continue to conduct these case reviews. There is much that may be learned from these cases in terms of better identifying points of intervention and how to improve system response to family violence.
- Now that the confidential DVFRT database has been created, the team can work towards increasing the information that it is bringing to case review. Furthermore, the database may be enhanced to include a "Network Analysis" which will allow the team to better observe the many opportunities for intervention that may occur throughout the relationship of the victim and perpetrator prior to the fatality.
- The team has gained much insight through the recent collaboration with the Elder Death Review Team and the Child Fatality Review Team. The DVFRT would like to continue joint reviews with the EDRT and to begin joint reviews with the CFRT.

For More Information

County of San Diego, Health and Human Services Agency, Office of Violence Prevention: (858) 581-5800
http://www2.sdcounty.ca.gov/hhsa

California Domestic Violence Death Review Teams:
http://www.safestate.org/index.cfm?navId=352

National Domestic Violence Fatality Review Initiative:
http://www.ndvfri.org

Resource Links

San Diego County DV Hotline (888-DV-LINKS, Countywide 24-hour, Bilingual):
http://www2.sdcounty.ca.gov/hhsa/ServiceDetails.asp?ServiceID=919

San Diego Domestic Violence Council:
http://www.sddvc.com/home.html

San Diego County Sheriff's – DV Information:
http://www.sdsheriff.net/CID/services_dvwhatis.html

County of San Diego District Attorney's Office:
http://www.sdcda.org/helping/index.php

San Diego Regional DV Resources Phone Guide: Contact the County of San Diego, HHSA Office of Violence Prevention (858) 581-5800
http://www2.sdcounty.ca.gov/hhsa/ServiceCategoryDetails.asp?ServiceAreaID=13

The San Diego County Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol - Posted on the SDDVC site:
http://www.sddvc.com/home.html

California Partnership to End Domestic Violence:
http://www.cpedv.org/resources.html

California Attorney General's Safe from the Start:
http://www.safefromthestart.org

Family Violence Prevention Fund:
http://endabuse.org

A Statewide Law Enforcement Protocol -Children Exposed to Domestic Violence:
http://www.safefromthestart.org/pdfs/Protocol.pdf

Danger Assessment: Intimate Partner Violence Risk Assessment (J. Campbell):
http://www.dangerassessment.org

U.S. Department of Justice: Domestic Violence:
http://www.usdoj.gov/whatwedo/whatwedo_hdv.html

Office on Violence Against Women, United States Department of Justice:
http://www.ovw.usdoj.gov/

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County of San Diego

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THURSDAY – JUNE 3, 2010

9:30 am – 10:45

Workshop Session I

I.C.

target audience:
attorneys
CASAs
judicial officers
probation officers
social workers

Coordinating Family Finding Efforts

When exiting the dependency system, many foster youth have few or no permanent relationships with caring adults. Family finding practices can help foster youth build a life-long network of support. This session will present specific tools and tips for conducting family finding with a focus on coordination and communication among the court, social workers, attorneys, and CASA. CASA of Orange County will share both successes and challenges gleaned from their unique volunteer-driven Family Connections program. Sample protocols will also be presented.

Learning Objectives:

- Understand benefits of coordination to family finding practice.
- Become aware of common challenges to family finding.
- Identify best practices in organizing family finding efforts.

Faculty:

- **Allison Carroll**
  Family Connections Coordinator, CASA of Orange County
- **Deborah Cromer**
  Attorney, Children's Law Center of Los Angeles

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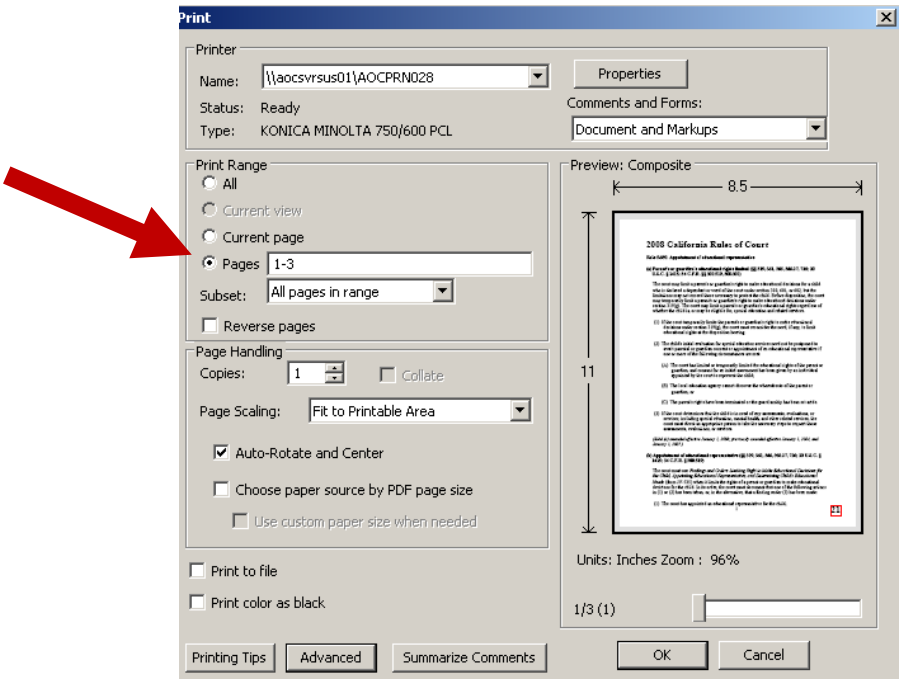

"Coordinating Family Finding Efforts"
Beyond the Bench Conference
San Diego, California
June 3, 2010

Allison Carroll
Family Connections Coordinator
CASA of Orange County

Deborah Cromer
Attorney
Children's Law Center of Los Angeles

Articles

Catholic Community Services of Western Washington and EMQ Children and Family Services. (2008). *Family Search and Engagement: A Comprehensive Practice Guide.*

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Family Search & Engagement

A Comprehensive Practice Guide

Including:

- **Stages of the process**
- **Youth, Family, Worker Perspectives**
- **Internet Search Sites & Helpful Search Tips**
- **Case Examples and Illustrations**
- **Practical Tools**

A Collaborative Product of

Catholic Community Services of Western Washington and

EMQ Children & Family Services

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There are two lasting bequests
We can give our children:
One is roots.
The other is wings.

--Hodding Carter Jr.

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Essential Understandings

Children and youth of all ages, regardless of the complexity of their needs and circumstances long for a loving and lifelong connection to family. Those who are separated and disconnected from family often experience frequent mental health and behavioral issues, placement disruptions, school failures and risks to health and safety. Children and adolescents who journey from foster home to foster home, hospital to residential care and in and out of juvenile detention facilities are frequently displaced and in crisis. They are young, alone and lonely for a family, a home, a school with friends and a neighborhood. Without the stability of a permanent family they are missing the "anchor" that family can provide, and they are without the needed guidance to prepare them for adulthood. All too often they have lost not only their parents but also brothers, sisters, grandparents, aunts, uncles and cousins.
As children grow and develop, a sense of identity begins to form. Much of that identity is rooted in *family* identity.

> "The Family. We were a strange little band of characters trudging through life sharing diseases and toothpaste, coveting one another's desserts, hiding shampoo, borrowing money, locking each other out of our rooms, inflicting pain and kissing to heal it in the same instant, loving, laughing, defending, and trying to figure out the common thread that bound us all together."
>
> -Erma Bombeck

Think of a child who spends Christmas with one foster family one year, and a different one the next, or a child who spends the holidays with staff in his residential home. If the only hugs a child receives are "sideways" hugs from well-meaning staff with professional distance, the results can feel quite hollow. It's painful to think about youth who have birthday after birthday in an out-of-home placement with no family member to celebrate with – often without receiving even a card or a call from parents, grandparents or siblings. Ironically, while the youth struggles to get through such holidays alone, there are very likely family members who are thinking of and missing him or her. And while the youth is struggling to form a healthy sense of identity, she may end up ultimately identifying with individuals who influence negatively, as the need to belong to someone – anyone is so overpowering at this stage of development.

> "The greatest disease is to be nobody to anybody."
> -Mother Teresa

Keeping the deep and enduring need for family in mind, it is important to understand that although "Engaging Family Members" is described as a stage (four), it is also an overarching principle, ongoing throughout the process. It is the heart and soul of this practice, it is the primary need, the critical goal and it is unquestionably the essential outcome.

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Purpose of this Manual

> "The essence of living is discovering. Indeed, it is the joy of discovery that makes life worth the effort."
> Vijay Krishna

Family Search & Engagement (FSE) is a set of practices designed to locate, engage, connect, and support family resources for youth. A major goal of this practice is to move youth from a place where they don't hear "I love you" to a place where they can hear it and feel it everyday. This comes from family, relatives, and others who love them. Frequently, although not always, these youth are involved in the child welfare system, have experienced multiple placements with non-relatives, and have lost contact with their extended family members.

This manual is intended to support the implementation of these complex practices by providing both an identification of the issues and activities involved and a variety of practical tools to assist the practitioner in the day-to-day work. It is the product of a collaborative process among agencies, practitioners, family members, and youth who have experienced the practice. See Appendix for list of contributors.

Organization of the Practice Guide (or "Yikes – that looks overwhelming!")

Though the Practice Guide is organized into eight stages, and the stages are described in a certain order, please note that this is ***not a linear process***, and that many activities within stages occur concurrently, and can occur with remarkable momentum. In addition, some stages may not be needed, depending upon the circumstances leading to the process of family engagement and establishing family connections. For example, while it is important to "set the stage" by clearly establishing the purpose of your interventions with a child and family members, it may not be necessary to then move directly into a "discovery" stage. The stage of "discovery" may already be well underway. For many children and youth, there is less of a need for a "family search", as the whereabouts of relatives may be well known. The need at that point may be to organize and review the information at hand, and move forward, engaging family members and orienting them to the purpose of the process

> **Example:** Amber is having a rough time, and seems to have a great need right now to know who she is and who 'her people' are. The FS&E worker would like to gather some favorite family stories for her, and even put together a photo album. He is also hoping to get together with a few family members to brainstorm about other ways he can support her and help her feel less alone. "Would you be willing to come to a lunch meeting on Saturday?"

In the example shown, the FS&E worker has worked through stage one, skipped stage two, moved into stage three and on to four quite swiftly. Depending on the quantity and quality of information at hand in the beginning, this may take only a day or two. As the relatives begin talking with and meeting with the FS&E worker, a new family member or natural support (e.g. a past next-door neighbor) may emerge, resulting in additional "discovery" activities – stage two. In any process, as new potential family members are discovered, there will be opportunities to re-visit "discovery". As the time comes for Amber to

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spend some time with family members she may not have seen for some time, there will be preparation involved (stage five). In stage six, the family members begin working together to consider specific roles for those willing and able to be directly involved, and as more family options become apparent, stage five may be revisited, as there might be the need to prepare for new visits. The point is this – it's important not to be overwhelmed by the number of stages. This is quite simply a way to more clearly explain distinct activities that may be needed when working with a child, youth and family, without describing too many elements at once. And it is important to emphasize that this process is designed to proceed with urgency, balanced with due caution, resulting in rapid progress toward family connections and permanency.

Limitations of the practice guide

The authors created this practice guide to support staff in completing each phase of FSE. Although the guide is a valuable tool for those who work independently, the best application is to use it in conjunction with comprehensive training with activities and demonstrations with real life applications. Hands-on training formats have shown themselves to be most effective in teaching the information and skill sets that lead to successful outcomes. The authors would like to share some concerns and misconceptions for those that use the practice guide without training.

- Family Search and Engagement is not just about finding family. "Finding" or locating family members, while essential, is just the tip of the iceberg and is often one of the easiest components. Inviting, engaging and sustaining family connections tends to require the most highly developed skills.
- In order to achieve successful outcomes all phases of FSE should be considered and addressed. We find that workers often run into challenges when they have skipped preparation stages, failed to communicate with other professionals connected to the youth or have not engaged the extended family properly in long term planning in order to sustain connections.
- Workers often feel that they have to carry the full responsibility of FSE activities when this does not have to be the case. In training we emphasize various ways to collaborate with other professionals and incorporate FSE activities into mental health treatment plans, school IEP, and juvenile justice probation plans and residential staff independent living plans.
- In order to avoid the "revolving door" of youth returning to care, training in the last stage of FSE is devoted to reviewing permanency plans and discussing the "lessons learned" from reunification plans that didn't last. Training focuses on how to involve extended family and professionals to assemble comprehensive multi-faceted plans. While the guide provides some help with this, FSE training includes clinical discussions geared toward development of options for individualized permanency plans around unique situations and actual challenges.

For information regarding technical assistance and training please refer to the Appendix for the current list of trainers or training resources.

Target Audience

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This manual is intended for use by those individuals who are actually doing the work of locating, contacting, engaging, connecting, and supporting family members on behalf of children and youth. Other materials are available to assist various agencies, departments, policy-makers, etc., to understand the value of implementing these practices on behalf of children and youth. Technical assistance is often needed to support program development, funding strategies, staff training and support, and interfacing with other agencies that may be involved with the youth and families.

If you are doing this work, it is hoped that this manual will be of practical assistance to you and the children and youth you serve.

Gender References

For the purpose of convenience, individuals in the text will be identified as “he” or “she” as referring to people of either gender. The text will avoid artificial constructs such “he/she” and “his/hers.”

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Setting the Stage

GOAL: The Team will have a clear understanding of the Family Search & Engagement process (FSE) and how to support FSE activities safely and successfully.

Teamwork and Collaboration

Many workers feel isolated, often working independently to meet the needs of the children and families they serve. Workers express concerns about numerous responsibilities and time constraints making it difficult to complete all that is expected of them. They state that often best practices take a back seat to handling the crises of the day, appearing in court, writing reports, face to face visits and attending various meetings, etc. Recognizing the time constraints workers experience, teaming with others can take advantage of sharing responsibilities, expertise, and various tasks associated with this work. Family search and engagement activities can be incorporated into different planning meetings as well as existing treatment, independent living, safety/crisis and educational/vocational plans of other professionals.

Creating the Family Search and Engagement Team and Its Intent

- The FSE worker creates a team to support the process.
- The FSE worker should identify the many people that know and care about the youth to be part of a team that will plan and coordinate his care.
- This team should include all the professionals that work with him such as:

Child welfare worker	Therapist
Probation officer	School counselor
Mental health case manager	Teacher
Family specialist	Guardian Ad Litem/Court Appointed Special Advocate

- Other people that know and care about the youth should also be invited to participate on the team such as:

Youth peers	Neighbors
Relatives	Youth pastor
Former foster parent	Scout leader
Previous teacher	YMCA group leader
Sports coach	And others…

- The FSE worker provides an orientation about this process.
- The team collaborates through each FSE stage to reach the goals it sets.

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Children express their need for family connections (including fictive kin) in many ways

- The youth often will openly express a desire to have a family. Look for ways the youth expresses a desire to reconnect with his family or to be able to visit family for birthdays, holidays, and so forth.
- Many times youth express a desire to maintain the limited family connections they have.
- There is a desire to reestablish family connections. Sometimes youth may talk about family members that once visited them.
- They may talk about other youth receiving calls or letters from family members when they are not. They may also talk about how they feel when they see others that receive visits from family members or others that get to leave the facility for holidays or other family activities.

> Call it a clan, call it a network, call it a tribe, call it a family. Whatever you call it, whoever you are, you need one.
> Jane Howard, *"Families"*

- The youth sometimes may act out instead of expressing his feelings. There are, of course, behavioral expressions of feelings directly related to a lack of family connections. Typical behavioral expressions include depression, runaway, aggressive outbursts, and suicidal behaviors. Many times through these nonverbal behavioral expressions the youth is crying out for some kind of a connection to their families.
- Many times a youth's placement is in jeopardy because of troubled behaviors he demonstrates. Aggressive outbursts, runaway or suicidal behaviors, for example, often increase when the primary need for family connection remains unmet. Sometimes the pattern of placement disruption becomes very apparent as the length of stay in each foster home decreases. In these instances one can almost predict the length of stay in the current foster home based on the pattern of the previous placement(s). FSE efforts that have connected youth to their families have increased placement stability. Additionally, placement stability studies have demonstrated that relative placement and kinship are almost twice as stable as placements with non-relatives.

Common Myths, Mindsets, and Barriers

There are a number of common concerns that people have expressed that often cause delays in family search and engagement. The following represent some of the most common concerns, myths and mindsets:

- "We already do this." New search tools and engagement strategies have emerged along greater expectations and requirements to connect children and youth with family.
- Cultural Fit-"Middle Class Bias". Sometimes people settle into a "middle class bias" and are more comfortable in facilitating visits with relatives of the same socio-economic status as the foster home in which the youth has been residing. Cultural,

> No pessimist ever discovered the secret of the stars or sailed an uncharted land, or opened a new doorway for the human spirit.
> Helen Keller (1880 - 1968)

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social, and economic differences need to be acknowledged without inhibiting family connections.

- "This child has no family." Often professionals believe that a youth does not have family because there is no record of any relatives in the file nor can the youth recall any family. FS&E workers often locate as many as forty relatives for such youth.
- "Teenagers don't want or need family." It is often assumed that because a youth may be angry at his parents or a relative that he does not want or need to connect with any relatives or natural supports.
- "This child is not adoptable." Studies and nationally recognized programs have demonstrated that not only the possibility but also the value of adoptions of older adolescents by people including relatives and natural supports.
- "TX should be completed or the child should be stabilized before searching for or involving family in planning or visits." More and more mental health and residential care providers are learning that family connections can help stabilize youth and should be incorporated in therapeutic or treatment plans.
- "Placements are easier to access and are more stable than relatives." Studies have demonstrated that relative or kinship placement can increase placement stability. Additionally, once relatives are cleared they can become respite resources and have been utilized as crisis resources for foster parents.
- "The youth's behavior is too challenging for the family." While it is true that many youth in care have complex needs, it is also true that the majority of youth receiving mental health outpatient services reside at home with their families.

Assessing Urgency

When children grow up in a community surrounded by family they have the ability to access many resources in the most normative setting. When youth become isolated from family and natural supports, they lose access to the very people that could support them through crises and help they grow up through young adulthood. For every child disconnected from family there is a need to act with urgency. However for some the need is extremely high. One tool to assist this assessment is contained in the Family Search & Engagement Face Sheet found in the Tools Appendix.

Orientation and Discussion of Intended Outcomes: There are three categories of desired outcomes that the team usually discusses:

1. Healthy family members are found and connections are established and activities with the youth are increased (letters, phone calls, visits to support the youth and participate on the team);
2. Following family engagement, stabilization can be demonstrated through positive movement from the most restrictive placements to less restrictive placements into foster or kinship homes;
3. The permanency plan changes to include a permanent family resource that makes a commitment to the youth and takes on either guardianship or adoption as the youth lives with the family.

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Teaming Partnership and Permissions

The FSE worker will set the stage for communication and collaboration.

- It is important that all team members have an opportunity to ask questions and discuss any apprehension. It is better to openly discuss concerns as a team to have an opportunity to reach mutual understanding.
- The team discusses how they might partner and work together to complete the FSE activities.
- Permissions and protocols for contacting family members are discussed and agreed upon.
- FSE workers must know clearly the child welfare worker's preferences and expectations around decision-making. Some child welfare workers, especially those who have developed a trusting relationship with the FSE worker and/or provider organization, may allow greater latitude than others. For example, those with strong relationships may agree to have a FSE worker complete the first part of the search and begin initial contacts and engagement with everyone who is located, while another child welfare worker may ask to be updated as soon as any preliminary information has been obtained.
- The FSE worker and Child Welfare Social Worker (CWS) clearly discuss guidelines around contacting family members. The CWS has legal responsibilities that the FSE worker recognizes and he will only contact those family members that the CWS has approved.
- Team members will expect the FSE worker to communicate any concerns to them. It is his responsibility to share information and to offer to facilitate team meetings to keep everyone up to date.
- Ideally the team will communicate frequently and meet regularly to review progress, share responsibilities, and plan for the future.

Communication Protocols and Parameters with Currently Engaged Family, Social Worker, the Team, and Other Professionals

- Successful FSE efforts solicit the contributions of existing family members and professionals who know and care about the youth.
- It is helpful to develop a plan around communication protocols, so that FSE workers, child welfare workers, guardians ad litem, and others have mutual agreement and understanding of the importance of returning phone calls and written communications in a timely manner.
- FSE worker helps team to understand that very little information about the youth will be disclosed while contacting family members. Instead the object is to gather information about as many family members as possible.
- Team members should have an understanding of who can be contacted and when discovery information about new family members will be shared. The team should know that when possible the FSE worker may visit a family member in their home in order to gather more information.
- Communication protocols should contain contingency information, e.g. the names and contact numbers for supervisors so that communication will not be interrupted,

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even if the FSE worker, child welfare worker, guardian ad litem or other individual involved in decision-making is unavailable.
- Guidelines will be discussed regarding the approval of new family members for visitation as well as clarification of background clearance procedures.
- The team should rest assured knowing family visits involving the youth will only occur with appropriate permissions and approvals.
- Be aware that once family members have been contacted they will want to be kept in the communication loop.

Safety Considerations

- Precautions must be taken so that family members are not prematurely given information about the youth's residence.
- It is important that from the first contact that relatives understand that family members have to be approved by the Child Welfare Agency before they can visit.
- After speaking with a family member on the phone, be aware that their excitement may lead them to contact other family members.

Supervision

Family Search and Engagement provides many opportunities to connect youth to relatives and natural supports. Staff should regularly review their work with a supervisor to gain approval and to verify when background checks may be necessary and that legal protocols are followed. The following are best practice supervision considerations:
- Staff should routinely review their interventions with their supervisor.
- Staff should seek supervision when they encounter a complex situation or when they are utilizing an "out of the box" intervention.
- Supervisors should be available and accessible to staff 24/7.

Determine the Extent and Timing of the Youth's Initial Participation

- The FSE worker speaks with the team to see if they have any concerns about involving the youth in the process. Address these concerns and discuss best ways this can be presented to the youth.
- The FSE team determines the right opportunity to talk with youth. In some instances the team may identify the therapist or a foster parent to have an initial conversation with the youth.
- If the youth has in some way expressed a desire to have more contact or involvement with family members, then this can be an easy bridge to conversation about FSE activities.
- In cases in which the youth is angry or apprehensive, the FSE worker should be sensitive to his feelings and not push the FSE agenda. Instead take "baby steps" and find unique ways to be curious about his family.
- In orienting the youth about FSE care must be taken to paint a realistic picture and not over-sell the idea. It would be better to "under promise and over deliver." The youth may become impatient with the process and get discouraged. There have been times when youth have taken matters into her own hands and have run away

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to be with family members, sometimes ones that have not been approved by the Child Welfare Agency.

- On the other hand, family visits should not be used as rewards for good behavior nor should they be taken away as a consequence. They should be seen as necessary parts of the treatment plan and process.
- See Trouble Shooting Section for ideas around working sensitively with youth that are either ambivalent or hesitant to participate in the FSE process.

Here is what those involved may be experiencing during this stage:

YOUTH	CURRENT PLACEMENT	STAFF supporting this process	FAMILY/ CONNECTIONS
Some youth do not know that staff are planning to look for family. Others know, and emotions range from being against it, to feeling skeptical and cautious, to feeling a renewed sense of hope for the future. When interested, youth can be a fantastic support.	May not understand why this is needed – may feel that current situation can be stabilized, so why rock the boat more. Others may want to be a part of finding connections from the outset, and see themselves as a key change agents. They may need support in understanding their value in the process, as well as well as preparing for potential behavioral changes.	It's a big task ahead, with feelings ranging from anxiety and overwhelm with managing the process (logistics to communications to relationships), to extreme excitement about the possibilities.	Current connections may be skeptical based on past history. Attitudes can range from being against, to wait-and-see, to being a leader in the process. They may need support understanding their impact in the process, especially their relationship with the youth.

Sample Tools:

- The Family Search & Engagement Data Tracking Sheet can begin documentation of identifying information, an Urgency Assessment, and key contact people.
- The EMQ Connectedness Model can demonstrate family connections the youth has and discuss the value of identifying family and fictive kin resources that can not only contribute to the stabilization and treatment planning for the youth, but also support a sustainable permanency plan.
- In a team setting, there is an opportunity to discuss a comparison of a few life domains (i.e., social, family, educational/vocational) between a youth living with family and a youth living in residential. It is helpful to talk about the different ways that family, friends, neighbors, church and community resources play natural roles in helping the youth grow up, learn social skills and provide support.

Summary

The key elements for success in Setting the Stage are recognizing the youth's need for family connections, creating a family search and engagement team, and orienting the team to the family search and engagement process, including permission, partnership and communication protocols and safety considerations. Helping the team understand the perspectives of the youth and other team members will assist in a smoother and more successful team process.

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Examples of Teaming and Collaboration: Stories from the field

While working with other child and family serving systems such as schools, community mental health and juvenile justice, look for opportunities to incorporate extended family and natural supports to supplement educational/vocational and treatment planning. Are there former teachers or professionals that could participate in IEP meetings or volunteer to be a tutor? While reviewing mental health treatment plans, are there opportunities to involve extended family, youth pastors or peers to support treatment goals? In meetings with juvenile justice, ask the probation officer about people that have been supportive in the past. Does the P.O. know of former staff, foster parents or relatives that the youth looked up to or respected? Additionally, former teachers and professionals sometimes take a special interest and volunteer by mentoring the youth in various capacities. There are professionals and extended family members that can be resources who can make a contribution in the youth's life. The following are some examples.

- **Dennis** was an eight year old boy in foster care who was struggling academically and socially. In one IEP meeting the teacher told the team, "The only positive thing going on in his life is his association with his church". The teacher was encouraged to contact the Bishop of the boy's church who in turn referred a retired couple from their church, the Hyltons (retired primary school teachers). This energetic couple agreed to form a reading group for Dennis and a few peers. The Hyltons met with the group twice a week at school and it didn't take long before it became a big hit that the students looked forward to attending. The Hyltons helped these children improve their reading skills and their social skills. They also took a special interest in Dennis supporting him at school and church and before the end of the school year they completed foster care licensing to provide occasional respite. Later when Dennis was united with his Uncle Jake, the Hyltons remained involved, often inviting Dennis to spend a weekend with them, providing a much needed break for Uncle Jake and a weekend of fun for Dennis and the Hyltons.

- **Marisol** was a 16 year old who had a history of gang involvement and illegal activities and was living in a group home in Los Angeles. Teresa, the PO, had participated in numerous treatment and independent living planning meetings in Marisol's behalf. After Marisol completed her probation she told Tia her DCFS worker how much she appreciated Teresa and that she would miss her. Marisol and Teresa shared an interest in horses and Teresa lived on a small ranch. Tia consulted with her supervisor about the possibility of Teresa mentoring Marisol because of the mutual interest in horses and gained her approval. Tia was instrumental in facilitating Marisol's visits to the PO's horse ranch where she would spend Saturdays caring for and riding the horses. When Marisol was 17, Tia participated in a family search and engagement project with her county and located her father and his side of the family, whom she had not previously known. Marisol and her father's family hit it off when they discovered their mutual affection for horses. Her father's family raised horses outside of Sacramento and Marisol fit right in. Teresa and Marisol continue their friendship and their love for horses.

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- When the DCFS worker, Ana, first asked Carina, the mother of 14 year old **Darin**, if there were any extended family that might be a mentor for Darin or provide some support for the family, she responded, "No". Carina then explained, "Ever since we joined the Mormon Church my family discontinued communicating with us (she and her six children)". Darin was involved with multiple systems: child welfare, mental health, developmental disabilities and juvenile justice. A month later when Carina was diagnosed in the final stages of terminal cancer and was told that she had weeks to months to live, she consented to Ana's request to contact family for support. With Carina's health rapidly declining, Ana and the therapist contacted Carina's 5 adult brothers and sisters that were spread out from New York to Wyoming who all said they would attend a wrap-around-family group decision making meeting to be held in Washington State. At this meeting the needs as well as the living arrangements of all six of Carina's children were discussed. Carina died three months later knowing that her last wish would be granted, that all of her children would grow up in a loving home with their extended family. Darin remained living with his step-father while many friends from the church and community maintained supportive connections and collaborated with the ongoing professionals around his care.

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Discovery

GOAL: To make initial contacts and explore records in order to complete a family tree (or connectedness chart). The intent is to identify as many resources as possible (initially 40 would not be unusual).

Conversations with the youth and others as appropriate

- The youth can be a wonderful source of information about family and sometimes has information that the professionals do not. Sometimes the youth may also know how to contact or reach family members even if she doesn't know a phone number or address.
- While talking with the youth, it is important to gather information while not building up unrealistic expectations. The first conversation is not about finding a place to live. Start with talking about creating a family tree.
- Contact the family members that are already known to the youth with the purpose of gathering names and information of other family members.
- There may be other persons that the youth and others know about that can be contacted in order to get more names and information.
- A list of "others" that may know of family members includes: siblings also in the system, former foster parents, previous social workers of the identified youth, social workers that worked with siblings or cousins of the youth, other professionals that worked with the youth at one time (teachers, foster parents, residential staff, family doctors, etc.).

> A discovery is said to be an accident meeting a prepared mind. Albert Szent-Gyorgyi (1893 - 1986)

Begin documentation of contacts and quality of relationships

- Accurately record names and information about family members so they can be referenced again if necessary. If this information is documented appropriately, the information will remain intact even if the CWS or the FSE worker changes.
- Document the quality and strength of family relationships. This information will be useful later when the team decides which family members may be the most appropriate to begin family engagement activities.
- In addition to names, numbers, and addresses, it is also helpful to indicate circumstances or temporary barriers that might be important for others to know for future follow-up. (For example, Aunt Mary is interested in visiting or allowing Johnny to come visit her but she is scheduled for knee replacement surgery and will be more available in the near future.)
- It is also important to document illegal or inappropriate activities of family members for safety precautions.

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Exploring files and records

> The real voyage of discovery consists not in seeking new landscapes but in having new eyes.
> Marcel Proust (1871 - 1922)

- Explore all of the case files, including court reports and psychological evaluations. Write down any names or partial names, phone numbers, addresses, Social Security Numbers, and birth dates that are uncovered.
- The original file when the child first entered care can often provide information of family members and others that were originally considered to be potential resources.
- Sometimes juvenile justice records, health, and mental health reports may be in other locations.

Due diligence and permissions

> "When you make the finding yourself - even if you're the last person on Earth to see the light - you'll never forget it."
> Carl Sagan

- It is important to work with the team and to receive permission to contact family members in the discovery stage. It is also important to know which family members, if any, should not be contacted.
- It would be essential to be familiar with the guidelines in your location about contacting parents whose rights were terminated.
- When an adopted child is relinquished, determine any local policies and procedures regarding contacting the birth parents.
- The Child Welfare Agency has both the authority and obligation to seek resources for the child with or without the youth's permission.

Here is what team members may be experiencing during this stage:

YOUTH	CURRENT PLACEMENT	STAFF supporting this process	FAMILY/ CONNECTIONS
Youth often times may still have the wait-and-see attitude. At this point, they may begin to question and ask more. More connections may be revealed. In some situations, the youth will not yet know of the searches.	As discussions move to action, concern about stability may increase – will this escalate the youth? What does this mean for this place and my relationship?	Balancing due diligence and permissions with the urgency of finding connections. Staff may be excited to see what may happen, and anxious about asking family to become a part of the youth's life. However, some staff may feel reluctant to make any sort of contact with certain family members.	Those who are contacted may experience a full range of emotions that go back many years. Expect anything, from complete joy to anger at the system for removing the child.

Skill Sets

- A sense of urgency that is assertive
- Phone skills that are not a sales pitch
- Interpersonal Skills, friendly but not invasive
- Letter writing skills

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Sample Tools

- Phone scripts may be used, along with paired practice making "cold calls."
- Sample draft letter is available in the Appendix, or could be constructed by the FSE team.
- See Tools Section of the Appendix for list of internet search sites.

Summary

Successful completion of this stage results from genuine curiosity and thorough searching. All people, especially the youth and people who have been a part of the youth's life at any point, should be seen as potential holders of information, hints, or keys that will lead to additional information. With proper discovery procedures, permissions and diligence, each youth should gain or regain as many as forty or more possible connections in her life.

Examples of Search and Discovery: Stories from the field

There are numerous successful search stories in which workers have discovered keys that unlocked the doors to finding family. The following are actual stories that illustrate some of the uncommon keys to discovery.

- **Milana**, a child welfare worker, struggled for months to find family for Douglas, age 15, who was born while his teen mother, Mary, was in foster care. (Mary relinquished Douglas to the foster parents that raised her and they planned to adopt him.) Mary herself had entered the system as a failed adoption. The adoptive parents died when she was 15 and no records could be found about her birth or adoptive families. To complicate matters it was rumored that Mary was later killed in a drug related incident and there seemed to be no record of her existence. Douglas now was in a similar failed adoption situation and was in his 17th placement. At staffing Milana expressed her concerns for Douglas and her inability to locate any relatives. In staffing, a co-worker remembered that she worked with one of Douglas' cousins who was now a young adult. When Milana contacted him she learned that he was currently working for a group home. He then informed her that he and his 24 aunts, uncle and cousins would be interested in seeing Douglas and being a support to him. Milana then asked if he knew remembered his aunt and if he could recall any information about her death. He replied, Aunt Mary lives in Chicago, has remarried and has three other children. Milana contacted Mary who broke into tears stating, "I have been waiting 13 years for this phone call." She explained that she was told that Douglas would be adopted and the best thing she could do was to allow him to form a new relationship with his adoptive family. "I stayed away because I thought it was the best thing I could do for him". Milana completed background checks and soon Douglas was visiting his mother and three younger siblings.

- **Tavita** was 14 and had not had any family contact for the past ten years. The only family information Lyn, the worker, had was that his father (also named Tavita) was in the Snake River Correctional Facility. Lyn contacted the correctional facility and explained to his counselor that she wanted to know if Tavita Sr. would provide information

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about his family. The counselor facilitated letter communication and Tavita Sr. sent Lyn 6 pages of family contact information. Lyn then started getting calls and letters from Tavita's family expressing their interest in meeting young Tavita. Lyn met these family members and 30 days later introduced Tavita to his family that he had not seen since he was 4 years old.

- **Lisa** was frustrated because she had been unsuccessful in locating any of Tameka's, age 13, relatives. Tameka had been removed from her mother, Latonya, at age 3 after a number of in-home interventions failed to reduce the concerns of neglect. Latonya reportedly had moved out of state, was actively "using" and living on the streets in Los Angeles. The only information of the father was that Latonya knew him briefly in high school and that his name was James. While mining the original case file, Lisa discovered the names of the initial foster family that cared for Tameka when she first entered the system. Lisa spoke with the foster parent and although she couldn't remember any of Tameka's family, she stated that her daughter Barbara actually attended the same high school as Latonya. Lisa spoke with Barbara and found out that she knew Latonya's boyfriend, James. Lisa located James and after explaining the situation convinced him to take a paternity test. It was confirmed that James was the father. Lisa worked with Tameka and her therapist around the reunification with her father. Eventually Tameka was introduced to James and her new family. James's Mother thought Tameka looked just like James and as the matriarch welcomed her into their family.

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Review of Discovery Information

GOAL: The team will review newly found family resources, invite them to participate on the team, and identify ways they can make a significant connection or contribution.

All discovery information is reviewed by the key players.

- It is important to look at all relatives as possible resources who might be able to help the youth in ways other than placement resources.
- Identify family members known to the system that have histories that will prevent them from participating in the plan or from interacting with the youth due to court orders or specific harmful behaviors. These family members may be resources for additional information only.
- Each identified person can be considered for many possible supportive roles and activities:

Information only	Respite care
Planning	Placement
Phone, email, cards, or letters	Financial support
Visiting the youth	Emotional support
Taking youth on outings	Family pictures and stories
Allowing youth to visit them	Other…

Reviewing and Planning

> "Where would we be if throughout history, our greatest minds had feared that which they could not confirm? Embrace the unknown with caution, but not with fear."
> Karyn Somerfield

There may be 40 or more names to review – aunts, uncles, grandmothers, grandfathers, former friends, previous connections. Now that they can be contacted, or have initially been contacted in some situations, the team determines the next course of action. This can be a rigorous task for the team, but is critical in the process. The team reviews the potential resources and connections as well as their limitations. The focus is not solely on placement, but on connection. If this is not done carefully, potential connections may be scared away if they feel there is only an interest in placement. The whole range of possibilities should be explored. Keep all possibilities alive.

To make all this work effectively, communication with the team is critical. As the current state of potential connections (e.g.: adult cousins that are stable in life or grandparents who are near end of life) and the youth's needs (e.g.: placement, visits, or transportation) are reviewed, considerations include logistics and parameters for initial involvement, legalities and privacy. Safety planning takes a heightened role in this stage. Some programs may require supervisory review at this stage.

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Logistics. Where do the people contacted live? How can they become a part of the team? What is the team asking of them at this point? Where is this person in their own life? What is their interest level? The team must assess and invite with success in mind. Missteps here can interfere with reconnections or potential connections.

Legalities. Throughout the process, due diligence remains critical. This includes making sure that releases of information are obtained; court and other permissions are granted; and, HIPPA compliance and confidentiality are upheld. Background checks are completed with child welfare assistance. If this area is not handled appropriately, the connection process can be delayed for months.

Safety. Safety considerations are discussed and strategies developed. There may be very little information on some of the potential connections. When the team is ready to share the information with the youth (if youth does not know specifics already) and invite these folks to be a part of the team and the youth's life, several safety factors must be reviewed:

- How fragile is the youth? It may be that the team must immediately plan for a reaction from the youth, which could include physically acting out, running away, or withdrawing. Often times the negative behavior is itself due to the need for connection. The team must evaluate whether moving forward with connections in spite of the behaviors exhibited will be in the youth's best interests.
- What is known about the person? The team also must consider the reliability and stability of this new person who has agreed to be a part of this child's life. What sort of past guilt may be there? What sort of reactivity or impulsivity is there? What sort of personality is there?
- Past histories and criminal records must be considered carefully. Identify family members known by the system to have histories that will prevent them from participating in the plan or interacting with the youth.

The end result of this stage can be very rewarding and invigorating. While there are many things to cover and prepare for, the bottom line is that the team identifies newly found family members and connections to be invited to participate and readies itself for the implications.

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The table below highlights what some of the team members may experience at this stage:

YOUTH	FAMILY/Potential Connections	CURRENT PLACEMENT	STAFF doing this process
The youth may feel hopeful, depressed, elated, sad and overall confused. There may be a mixture of all these emotions and also feelings that things will not change. The youth may behave very well or act out his anxiety. Knowledge that work is underway to seek out family connections is likely to elicit changes in behavior.	The family may be experiencing some anxiety about meeting a family member from the past, or a family member that they may have heard negative stories about. They will likely need support with their own process: facing past "skeletons" or feelings of guilt and helplessness. As they become more engaged in the process they will want to be informed about each development.	The family or group home or foster care staff will also have mixed feelings. They may have concern that the youth may be disappointed. They may be upset because the youth is showing behaviors both positive and negative. They may be experiencing the beginning stages of loss, thinking about how the child may be moving on, and loosening their connections with the child in defense of their emotions. They may be resistant to the process or may be supportive.	Staff may be hopeful and hesitant. They will be hopeful for potential placement options, and they may also be experiencing concern that the youth may be rejected. They will want to be open to the needs of the child, the placement, and what each is experiencing. They should be planning for stabilization during this potentially chaotic period. Staff may be concerned themselves about "is this the best way to move forward/the best thing for this youth?"

Tools

- Connectedness maps with child, extended family, and others: continue building on the connectedness map already begun with the youth. Begin maps with new contacts. See Appendix.
- Family photos: these can be excellent tools, especially before or during initial visits.
- Child Time Line: can gather much lost information here – the chronological depiction of significant life events of the youth and family.
- Safety Plan and assessment: constantly update according to process
    - Family History records
    - Information gathered from files
    - Discussions with DA's and others aware of family concerns
    - Internet search information
    - Evaluation of child's concerns
- Consider structured interviews using predetermined questions so that nothing is forgotten or overlooked.
- Written documentation of team meeting minutes and action plans.
- Legal tools:
    - Background Checks
    - Releases of information
    - Court approvals
- Organized way of tracking connections and the process. See Connections Tracking Form in Appendix.

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Summary

Success for this stage occurs when all potential connections have been thoroughly reviewed by the team, specifically in terms of what they can bring to the youth's life and vice versa. The more thorough the team has been with investigations regarding legal issues, confidentiality, safety, strengths, benefits and history, the more likely the connections will be meaningful and long-lasting.

Examples of Teaming with Community Partners: Stories from the field

There is an increase in the number of workers who involve foster parents, group care and residential staff in family search and engagement activities. The change in philosophy is to consider people who can make a connection with the youth and in some manner have a positive influence in his life. This is a dramatic change for some workers who previously only looked at family (or other community resources) as placement resources. Often foster parents are part of a larger network that might know the original foster parents (the youth's initial placement) or other parents that have fostered the youth's siblings or cousins. Either of these foster parents may have links to the youth's family of origin. Foster parents can assist workers in locating relatives and building the family tree. Additionally, there are times when residential staff interact with a youth's relatives on the phone or have facilitated visits at their facilities. More and more residential facility staff are taking an active role in family centered practices and supporting family search and engagement activities.

- Anne, a case worker had been trying to locate relatives for **Arturo** who was almost 18 and living in a residential facility. She happened to talk with after-hours staff at the facility. Anne was told that an aunt had visited Arturo at the facility a couple of months before and that his mother periodically called. When Anne asked Arturo why he hadn't shared this information he said that he wasn't sure if she would approve of his family's involvement especially since his mother was living on the streets and still "using". When Anne asked if Arturo had his mother's contact information Arturo said no but then reached in his wallet and gave her his aunt's cell phone number. Anne was able to contact the aunt who provided contact information on many family members including his mother. A family team meeting was held before Arturo's 18th birthday. Nine of Arturo's family members attended. The meeting was lively, as family members fully engaged Arturo in planning and decision making. The atmosphere was celebratory, and Arturo shared that for the very first time he wasn't dreading his 18th birthday. By the end of the meeting, Arturo had a number of viable options. One uncle offered to help ensure he wouldn't lose his connection with his mother. An aunt who lived alone offered the room above her garage in exchange for "heavy lifting now and then". In the end, Arturo had many options for a successful transition when he turned 18 instead of "aging out" unprepared all alone.

Many states have involved private agencies and providers in family search and engagement training. In addition, more residential providers are taking an enthusiastic role in finding family and supporting connections and are achieving successful outcomes. After Dory, a social worker, featured 16 year old Marlena on a TV adoption program "Wednesday's Child" she was surprised how many calls she received from extended family members who recognized her. Teaming with a residential provider they contacted the relatives and started engaging them in Marlena's life. A very devoted residential staff, Jeremy, gave up

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his Thanksgiving and part of his Christmas day to ensure that Marlena was "home for the holidays" visiting relatives instead of remaining on campus. They continued supporting these family connections with many having continued several of which have sustained involvement. Marlena's Aunt Natalie is considering a kinship placement.

In some communities, private agencies are taking the lead in family search and engagement using their own resources to train residential staff to be family search specialists. These staff quickly become experts at locating and engaging relatives. When Karen, a residential staff "family search specialist", learned of a grandparent's death of one of her youth, Jamal, she got permission from the social worker to take him to the funeral services. She tactfully prepared Jamal to attend the services and meet his relatives (most of which he had never known). Jamal met his grandmother, many cousins, aunts and uncles and it didn't take long for him to feel a real family connection. Karen took lots of pictures of Jamal with his family and he also took pictures as well (with the disposable camera Karen provided him). They also came prepared with 3x5 cards printed with Jamal's name, Karen's agency email, phone number and address. This way they could continue contact through Karen. Karen took an address book that his relatives signed and provided contact information. Karen followed through with contacting these relatives and Jamal began corresponding with his family. The social worker and Karen planned a family team meeting with his new found family.

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My nephew,

My son!

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Engaging Family Members & Natural Supports

GOAL: The FS&E Worker and other professionals will actively welcome and engage newly found family members and other natural supports, as well as family members previously, currently or even slightly involved with the child (as appropriate). This group of professionals and natural supports works together as a team, and subsequently evaluates and determines how and when to engage newly found family members and natural supports. Decisions to involve new family members is based on safety, the child and family members' interest, preferences, the anticipation of a supportive and caring relationship, and their capacities to add strengths and support to the child.

The stage has been set – there is an agreement among team members about locating and engaging new family members, and reengaging existing but minimally involved family members. The team has been clear that the current situation is not acceptable as there is a child who is growing up without permanent family connections, and it is likely that this child is lonely and struggling. It may be helpful at this time for the team to formally reaffirm its mission to ensure that the child has lifelong family connections and a permanent family to live with.

Balancing Caution with Urgency

This stage may bring out tremendous passion in the team, as new possibilities become revealed. Working with urgency comes naturally, as the excitement builds with each new family connection. This is also a time of challenges, and there is the risk of moving so quickly that important steps in the process may unintentionally be overlooked. Throughout this stage of the process it is essential that the FSE worker communicates frequently and completely with all team members. For youth who are court dependents, close partnering with the Child Welfare social worker, guardian ad litem, and courts will be imperative, as will obtaining permissions throughout the process and at each decision point. Part of the importance of clear communication with child welfare workers lies in ensuring that they have the information they need in order to do their job well and so that they can report back to the courts as needed. The challenge is, at the same time, to move forward without delay.

During this evaluation and engagement stage, it is important that everyone involved be informed as the process proceeds. It can be difficult to receive a preliminary call for information about a niece, nephew, cousin or grandchild and not know when to expect a call back. In order to keep the momentum moving, and extend invitations for involvement as appropriate, there must either be direct access to the child welfare worker or the FSE worker must have been given clear permission to proceed.

Youth Involvement

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The involvement of the youth at this point in the process will depend on her age, developmental stage, clinical stability, preferences and other variables. While those variables need to be considered, it is imperative to note that our youth often feel hopeless, lonely and alone. Behavior is often related to those feelings, and rather than waiting for a youth to "stabilize" before family connections are considered it is essential to keep in mind that family connections often are what bring a youth hope and bring about stability. Some youth will settle down to see what might happen when they learn that family members are being contacted and that there may be an opportunity to have some type of interaction or relationship. Others will experience anxiety and may have a more difficult time in the short run.

And at times, though less frequently, youth will say they do not want to have contact with their family members. Further exploration often reveals the fear the youth has of being rejected, particularly if their perception is that they are in out-of-home care because of rejections by family in the past. Risks, fears and concerns must be carefully discussed and appropriate strategies developed. There is an art to talking with youth about seeing a long lost parent, uncle or sibling. With some youth it may help to share information as it is available and verified (with prior permission). With others, it is better to share very little until family members have been engaged, background information is complete and favorable, and the team has approved at least initial contact with the youth.

It is important to remember that children and youth will have a very difficult time if the process of discovering and engaging family members begins and then stalls or comes to a halt. Young people have great difficulty when it seems nothing is moving forward. Children and youth will also often struggle if they know there have been efforts to engage family members and no one has kept them informed (appropriate to developmental age and situation). Even if there is little to report, it is essential to check in with the youth to let them know what is or is not happening. Most importantly, it is critical to work with a sense of urgency so that the process does not lose momentum, resulting in the youth potentially losing hope.

An Example—Part 1

One recent example involved 14 year-old "Amber". Amber had been struggling in school and in her (many) foster homes. Her angry and aggressive behavior had resulted in numerous moves from foster home to foster home. She was being referred to the state mental health division for long-term residential placement, as those working with her were running out of foster care options. After settling (somewhat) into a short-term foster home, Amber's FSE worker met with her. When the subject of her family was broached, Amber angrily told her FSE worker that her family had never done anything to help her, all they ever did was leave her in foster care, and she wanted nothing to do with anyone. This FSE worker wisely listened, and then said, "OK. What if I just need some information about who your family members are? Do you care if I get some of that?" The girl, who was (age appropriately) somewhat oppositional responded with "Whatever. I don't care what anyone does. I just don't need to know anything about it."

With the child welfare worker's permission, the FSE worker began the process of locating family members discovered through the search process. After locating several relatives, the FSE worker casually said, "Well, I think I have a phone number for your grandma and your Aunt Alma. I was thinking I might call them. If I reached them, would you want to know that?" Again, Amber stated that she didn't care, but followed by mentioning, "I had an aunt that used to live by the Dairy Queen. I wonder if that's her". A day later, both the grandma and aunt had been reached and reluctantly invited the FSE worker to meet with them the following evening at the grandma's home which was in a neighboring county. They both expressed concern about getting too involved, but agreed to meet when they learned that the FSE worker was just trying to learn more

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about Amber's family, so that Amber could know "who her people are, what talents they have, and what they like to do".

During the time spent with the family members, the FSE worker shared information about Amber, but limited it to Amber's talents (she's very athletic and can run for miles without stopping) with limited information about her struggles (she tends to have a hard time in school, but at the same time her teacher's say she is very bright. She has a very quick wit and loves to write poetry). Sharing a small bit of information helps family members begin to feel an attachment. While it is important to avoid sharing too much information, and especially too much information about a child's difficulties, it is also important not to paint an unrealistic picture. By the end of the visit, the grandma was sharing photos with the FSE worker, and both women cried saying they had worried about Amber from the moment her mom went to prison and lost her.

After gentle questioning about Amber's mom, the FSE worker learned that she had last been in contact two years before, and at that time was living in Eastern Washington. The grandma gave her the last known address, saying she knew Amber's mom would love to know how her daughter was doing. Other information pertaining to other aunts, uncles and cousins was also shared with the FSE worker, in addition to information about a past neighbor and close friend of Amber's mom. They explained that they had never known Amber's father.

The following day the FSE worker again met with Amber. After chatting about Amber's frustration with school, and her desire to return to a school she attended while in a previous foster home, the FSE worker asked "hypothetically", if she had met with Aunt Alma and Grandma, would Amber want to know anything? Amber's response was "maybe, but probably not". The FSE worker went on to ask, "Even if your Grandma still had your kindergarten and first grade school pictures on her living room wall?" Amber's surprised response was, "she still has pictures of me? Did they say where my mom is?" and from that point on, the FSE worker and Amber were able to have conversations about Amber's family members, about talents and strengths, and eventually about similar strengths Amber saw within herself. At the end of the visit with Amber, the FSE worker met with Amber and the foster parent together to check in on how things were going. The conversation about Amber's grandma and aunt was casually mentioned. The FSE worker then spoke for a few moments with the foster parent before leaving the home. It was important for the foster parent to know that Amber may have some anxiety or unrealistic expectations, and that whether her thoughts or feelings are positive, negative or both, the foster parent may see some related behaviors.

At this point, the FSE worker will likely begin searching for a current address and phone number for Amber's mom. In this instance, parental rights had been terminated when Amber was seven years old, and Amber last saw her mother at the age of six. Her last memory of her mother was when she lost a baby tooth and her mother showed her a dollar left under her pillow by the tooth fairy.

Throughout this process, the FSE worker must maintain regular (often at least once daily) contact with his immediate supervisor. Also, the FSE worker needs to check in with the child welfare worker, and quite possibly the guardian ad litem. If at any point it appears the FSE worker is plunging ahead without continuing permissions, or that he is minimizing risks or leaving out information, trust between team members will be eroded and the entire process will take a giant step backward. Inclusion of immediate or extended family members previously thought to be "not a resource" is sometimes a difficult shift for social workers, guardians ad litem, and court personnel. Frequently team members will need to be reminded that it is important to be open and inclusive when considering involvement of newly found family members. Even those who may never be considered as a family for the youth to live with bring many strengths, resources and helpful information to the team.

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If safety of the youth is an issue, or if court orders prevent contact, it may be necessary for adult team members to meet with the family member for the purpose of information gathering without participation of the youth. Even parents who are incarcerated can and do contribute to the process, and they often appreciate the opportunity to help their child. Incarcerated parents have often been extremely helpful in providing information about family history, family members, and memories or stories of family strengths.

Welcoming New Family Members to the Team

It is essential to create a welcoming and inviting environment when meeting with newly found family members, particularly those who may be fearful of anyone connected with the child welfare system. Team members or the FSE worker must ensure that the meeting time and place are convenient for family members (evening and weekend times may be most appropriate), and that meetings are held in natural settings. It is often best for the FSE worker or team members to offer to meet in the family member's own home, or to meet in a nearby restaurant, for example. Family members may be reluctant to meet in a provider agency or child welfare office, and if this is where meetings are scheduled to take place, a critical family connection may be lost as a result. If this is an initial meeting with the family member, it is may be better meet one-on-one, rather than overwhelming the family member by involving several team members.

Stress strengths within the family from the very beginning of the conversation, e.g. speaking with a child's uncle, "I've heard that you and your brother love to sing. Is the rest of your family musical as well?" If the meeting is in the family's home, it is helpful to comment on something positive as you are entering the home (the lovely shade tree in the front yard, the beautiful drive down country roads, and the friendly dog on the porch). The purpose of the visit can be discussed. The FSE worker makes a conscious effort to use family friendly, strength-based and normative language and to avoid use of jargon. Focus on ways to join the family. Assure the family that your visit is not an evaluation, but an opportunity to get to know each other.

As the conversation progresses, the FSE worker will discover and make a note of areas of strength that the family member may bring to the table, and also will begin to get a sense of the potential for a relationship or possibly even a family to live with. However, it is imperative to avoid any mention early on about our hope that the child will eventually return to live with a family member.

Engaging Family Members

If the family member has not had contact with the youth in some time, it's helpful for him or her to hear about the youth's strengths, interests, talents or hobbies. If there are common interests and strengths, mentioning them can help the relative begin to feel a bit connected with the youth ("Did you know that Darien seems to be musical as well? Last month he started singing with the school choir. Since then, he's been more enthusiastic about getting to school as well. Music seems to be a real motivator for him, and he has a beautiful voice."). As the conversation progresses, the FSE worker can emphasize the child's need

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to know where he comes from, who he belongs to, and who his "people" are. It's helpful to let the family member know that the child has had a rough time, and to explain that often youth who are desperately lonely for family and struggling to develop a sense of "identity" will have difficulties with behavior (may be quite depressed, and/or may have issues with anger). While being strength based, it is important also to be realistic; but again, at this stage information must be kept fairly general.

Some attempts to contact family members or friends may be met with a less than enthusiastic response. Sometimes those reached by telephone are stunned and react negatively. Others fear financial repercussions. At times, a father may have a new family who has never known of his first child. Even if an initial conversation is unsuccessful, remember that at this stage the goal is to be positive and engaging as you contact as many family members as possible. If a family member hangs up without hearing more than a few sentences, send a thank you note, expressing appreciation for the time and understanding the difficulty and surprise the family member must have experienced in being contacted. Include contact information inviting the family member to call back if they might be able to share any information in order to help the child. Persist even when progress seems slow or difficult. The next call may lead to the pot of gold at the end of the rainbow. A child who feels alone deserves as many calls as it takes.

An Example—Part 2

In our example with Amber, above, the FSE worker needed to work in partnership with the child welfare worker to reach agreement about involving Amber's grandma, aunt, mother and eventually other friends and family. Because rights had been terminated, it was initially difficult for the child welfare worker to accept the importance of the information Amber's mom would bring to the team. After discussing the advantages as well as the risks over the telephone, the FSE worker had permission to try to meet with Amber's mom, but was then to share the information with professional team members so that the extent of Amber's involvement with her mom (if any) could be discussed and agreed upon.

As so often happens, Amber's mom "Andrea" cried when the FSE worker reached her by telephone. She expressed her guilt over losing Amber, and explained that she was 15 years-old when Amber was born, and that three of the men she dated had been abusive to Amber. When she was almost 19, she was sentenced to three years in prison for multiple drug and theft convictions. She asked to see Amber, and the FSE worker explained that at this point she was just looking for information that might help Amber. Andrea offered to meet anytime after work, explaining that she had recently completed an AA degree, has been married for three years and works in a child care center. She asked that the FSE worker tell Amber that her mom had loved her always, and that she had a 3 year-old baby sister. The FSE worker thanked her, gave Andrea her cell phone number, and asked if she could call back the next evening (after checking in with the child welfare worker). Calls such as the one made to Andrea can have an immense emotional impact, and it is important to be clear about when she could expect a call back. In addition, it is essential to make that call even if decisions about next steps have not yet been made.

The next steps would involve a conversation with the child welfare worker and other team members as appropriate. Amber's team agreed that it would be helpful for the FSE worker to travel to Andrea's home to meet her and also to gather information about Amber's father and his side of the family. It was further decided that the FSE worker should invite Aunt Alma and Grandma "Annette" to join the team, first meeting with them to explain the purpose of meeting as a team, as well as the process. The team meeting was set for a Thursday evening, as that was the time most convenient for Annette and Alma. Each situation is unique. In Amber's situation, it was too soon for her to be involved in team meetings, as she had not yet had visits with her newly found relatives. Amber would soon be included in the team meetings however. In another situation, a youth may have visits with a family member one day and attend a team meeting the next. Each situation will be different, based on any number of variables.

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Relationship Building

During the initial team meeting with new family members attending, the team re-visits "setting the stage" in order to welcome new team members and ensure that the process is understood by all. It is also important to spend time focusing on strengths of all team members and talk about what each person can offer. It is most helpful (and enjoyable) when professionals are able to step outside their traditional roles to offer something unique to the child and family.

- The child welfare worker may be adept at photography, and the youth and uncle may share an interest in that area.
- The FSE worker may enjoy running, and accompany the youth as she prepares to try out for a cross country team at school.
- The guardian ad litem may be very artistic, and offer to meet together with the child and a sibling who would like to learn to work with water colors.

The intent is to begin to draw the team together – youth, professionals, and family members – working together to build on strengths, capacities, and interests as needs are identified and prioritized. Each of these activities has a therapeutic component to it:

- The guardian ad litem is spending time with the child and a newly involved older sibling as she teaches them how to work with watercolors.
- The FSE worker is running with a youth, and before, during and after, there are discussions about how the youth is feeling about seeing her grandma and aunt for the first time in years, her desire to see her mother again and what the plan for the next few days will be. She might also talk about the relationship between exercise and stress management.
- The child welfare worker may bring cameras on an outing with the uncle and the youth, and they may discuss photography and take pictures throughout the visit that both the uncle and the youth can keep.

Each of these activities is helpful in a number of different ways. The visits are being "supervised and observed" by a professional, but this is done in a way that feels natural and enjoyable to all, and takes place in the community rather than an office. Pressure is taken off the child and the family members when there is some sort of activity planned; even if the only purpose is to help to "break the ice". And the time spent is likely to be enjoyed by all (including the professionals).

Team Planning to Meet Needs

As visits progress and relationships build, discussions naturally begin to take place among team members, family members, and during team meetings pertaining to needs and strengths of the youth, family members and team members. For the youth, the most basic needs tend to be around health and safety, a family to belong to, success in school and at least one good friend. As these needs are discussed, strengths of family members are again emphasized. An uncle who has a strong connection with the youth through photography lives near a school the youth once attended and wants to return to. He would like to be considered as a possible family member the youth could live with. His friend and neighbor has offered to help in any way she can (e.g. transportation to school). His sister

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lives in another state, but she and her husband have offered to come help install a second bathroom in the uncle's small home. The uncle's son offers to help his cousin get to know people again at school, if he comes to live with them. This is an important moment in teaming.

The FSE worker must encourage the enthusiasm and creativity, while reminding everyone that this could be one option that is explored, and that it is important to develop a number of options (plan A, plan B, plan C and plan D). Very often a plan that sounds perfect will run into an obstacle during the final stages of implementation. Even if Plan A ends up being the one implemented (the youth moves in with his uncle), back-up plans are needed in the unlikely event that something happens to the uncle. Alternatives can be presented as a contingency plans and normalized. Most parents have some arrangement in place in the event that something unexpected should happen to them.

As information is gathered, the FSE worker and child welfare worker will partner to complete all due diligence for additional family members that become involved. This will include background checks and home assessments, as described in the preceding section. This work may be done concurrently, as options are being evaluated. Family Search and Engagement is not necessarily a linear process. While options are being explored, visits may be occurring between the child and family members (see next section) and at the same time background checks may be submitted and interstate compact agreements (ICPCs) completed, if necessary.

Throughout this time it is very important for the FSE worker to maintain regular face to face contact with the youth so that she knows what is happening. Once a child or youth has been united or reunited with a parent or family member, or even knows that this is the plan, the suspense of not knowing what will happen next can be stressful. Without clear and frequent communication the child may begin anticipating (I think I'll probably be moving in with my uncle next week. I get to live with my cousin and go back to my old school.). If it does not work out with the uncle, the child may become very disappointed. One can never predict what might happen to slow the process or quickly require a switch from plan A to plan B, so it is important to be clear with everyone that there is more than one option. When more than one relative is interested in being considered, it is wonderful, but the uncertainty may be a bit stressful for a child.

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Here is what team members may be experiencing during this stage:

YOUTH	CURRENT PLACEMENT	STAFF supporting this process	FAMILY/ CONNECTIONS
Response to finding family and other connections will likely intensify. The possibility of meeting and speaking to those who used to be a part of the youth's life, or those new to the youth's life, can bring many emotions to the forefront of thinking. Youth will need support, connection, and check-ins while going through his time.	Group home staff, foster parents may be experiencing their own increase in anxiety, ranging from concern about their own resident's safety (will this new family come here? What kinds of behaviors can the expect from the youth?), to questioning how they should talk to the youth now that the process is occurring. Ongoing communication is essential.	May have the urge to forge ahead and move quickly to connections. Staff may need support around meeting family and potential connections "where they're at." Between relationship building, managing due diligence and consents, and expending the emotional energy of the work, staff will need there own supports during this time.	Previous family and connections can play an important role in bringing people together. A whole range of emotions may be experienced. On the other side, newly connected family and others may be experiencing intense emotions, including joy, guilt, apprehension, and defensiveness.

Tools

During initial conversations with the family, "tools" might include a camera, photos of the child, a note or letter to or from the child, drawings, or anything else personal that will help the youth and family member begin to feel a sense of connection. This may be a good time to start a scrapbook or photo album with the youth, as even family members who do not remain involved may write a letter or send a photo of the youth as a young child. One very creative child welfare worker in Louisiana created life-books with the youth and then scanned the information and saved it on a CD (printing a hard copy and a CD copy for the youth).

The best "tool" however is to sincerely enjoy engaging family members and show how much you care. Everyone involved must be approached with compassion and enthusiasm. The team needs to be careful not to appear bureaucratic or brusque, as some of the families have had negative experiences with the "system," and may quickly react if they perceive that they may be getting "more of the same." It is important to remember that everyone should feel better for having participated in the process: the incarcerated parent who is only able to help by providing information, the parent who has had rights terminated and is not allowed contact but has contributed family photos, and the grandparent who is ill and can't help at this time but feels great relief from knowing that his or her grandchild is being reconnected with family members.

> For Example—A young man meeting his aunt and uncle for the first time; a youth who hasn't seen his grandparents, parents or siblings in some time will often treasure photos to illustrate and reinforce his memory of an enjoyable afternoon at the beach or in a park with family members. "James" was a young man of 17 who worked hard to promote a "tough-guy" attitude. His identity was reflected in his clothing, his hairstyle, piercings and tattoos. James was very much alone in the world, until a much older sister was located and engaged. She had not seen James since he was removed from their family as a kindergartener, and she had grieved deeply for the loss of her baby brother. James continued to exude "tough guy" attitude, even as he arrived at a restaurant to see his sister for the first time in 12 years, and to meet his young niece, who was now a kindergartener herself. As he exited the car, and swaggered toward the door, he was greeted by exuberant squeals of de-

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light, as his niece exclaimed, "he's here, he's here, it's Uncle James!", and ran to him wrapping her arms around his knees in a big squeeze. Photos of that meeting were treasured by James, immediately going up on a bulletin board. James had a new identity. He was now ***Uncle*** James, and the photos he and others could see every day reinforced that over and over.

Summary

Stage four success is best determined by the art of engagement. Sensitivity to each family member's needs and strengths is key to helping the process along, patiently preparing one step at a time. Partnership with all parties involved with open and complete communication at each step will ensure that important issues, including permissions, are not overlooked and that several plans of action are in place.

It is important to keep in mind that the art of engaging family members does not come naturally to everyone. There are essential engagement skills, some of which may be based more on individual personality characteristics than on education or training acquired. Successful "engagers" tend to be energetic, outgoing and friendly with a sense of adventure, curiosity and resolute tenacity. At the same time they tend to use good judgment and are meticulous around confidentiality and safety. The best engagers are clear communicators, and partner well both internally and with external team members such as social workers and guardians ad litem. While these are characteristics that are important throughout the course of all interventions, if the early phases of welcoming and engaging family members are successful, the entire process of service provision has a healthy head start.

Part of the art of engagement involves withholding judgment as well as appreciating and enjoying differences among family members and friends. Successful engagement comes from a strength-based perspective. When arriving at the home of the uncle who lives in a lower income neighborhood in a home in need of a few repairs, the FS&E worker can comment with enthusiasm on the lovely flowering plum tree in the front yard while meeting and greeting the uncle.

A note about supervision and support. Because the process is designed to proceed rapidly, there must be easy avenues for access to supervision, and supervision must be available "after hours". Supervisors must greet the process with openness and an adventurous enthusiasm. The supervisor's role is to envision opportunities while minimizing risk and encouraging innovation.

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This is MY Grand-daughter!

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Preparation for Initial Meetings That Will Include the Youth

GOAL: To assure safe and productive initial contact between youth and family.

There are family members that have been identified and engaged successfully. The team is now ready to introduce the youth to the family members. This next step is of great importance to both the youth and the family. There are many emotions that both are experiencing. Taking care during this step is of great importance.

> Plans are only good intentions unless they immediately degenerate into hard work.
> Peter Drucker (1909 - 2005)

New members have joined the team and may have different ideas about the role they would like to play in the youth's life. This is an opportunity for discussion prior to the youth meeting the family members so you can set the stage appropriately. The most important thing you can do is help this youth develop connections. Connections can be viewed as maintaining long lasting relationships. Members of the team may have the expectation of placement. Have these conversations with the family before the initial meeting with the youth.

Discuss roles and expectations, parameters of initial meetings

> "Children Need Their Families, Families Need Their Children"

- The initial meeting provides a first impression for the family and youth that will hopefully lead to greater family connection opportunities. It is an opportunity to have more intimate conversations about the youth's strengths and needs as well as the family's interests and strengths. The initial face-to-face meeting will provide information about the family member's relationship with the youth that could be obtained in no other way.
- The main objective is for the youth and the family to have a pleasant experience that will naturally encourage further family engagement.
- The team identifies the best person(s) to schedule, facilitate and participate the initial meeting. Encourage youth input regarding whom to invite.
- Whenever possible the FSE worker invites relevant members of the team (e.g.: the Child Welfare social worker) to participate in this meeting so that she can witness the emotions that are typically present during a family reunion.
- These meetings are held in comfortable locations conducive to natural family gatherings.
- Anticipate all potential outcomes and plan accordingly. Review the youth's safety plan and make any needed updates as a team.

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Safety planning and structuring meetings for success

- Initial meetings with family members are set up after they have been approved by the team.
- Child Welfare workers along with other team members decide when background clearances or other screenings need to be completed before visits.
- When the new family member is someone the team or the youth have never met, the team may plan a brief pre-meeting without the youth. Sometimes these meetings can conveniently be held just prior to introducing the youth and new family member.
- During an initial visit, the FSE worker remains with the youth or within sight of the youth for the entire time. Some of our youth have complex needs and an alert FSE worker can provide sufficient and appropriate support if necessary. (Some examples of complexities include histories of runaway, aggressive outbursts, depressive or overanxious feelings.)

Prepare professionals around expectations for meetings (contingency planning)

There are considerations that the team might make for contingencies. The following are some considerations and suggestions:

- What if the family does not show up for the visit? The FSE worker and the family have exchanged home and cell phone numbers and, hopefully, a phone call can provide an explanation and recommendation for alternate plans. If the family cannot or does not make the visit, the FSE worker can still take the youth to lunch or spend time together. They would talk to get a sense of how the youth is handling things.
- What if the youth or family member gets angry or aggressive? Sometimes the youth may have some unresolved feelings toward a family member (a parent that left her in care or is not making progress on his substance abuse treatment plan) and may feel the need to express those feelings towards the family member. Many times the FSE worker can anticipate this and can prepare both the youth and the family member for this possibility. At anytime during the visit that the FSE worker feels that the visit is not going well, he can decide to shorten or end the visit.
- What if the youth does not want to return home or runs away? After meeting with the family, the youth may not want to return to the residential facility. The FSE worker engages the family to encourage the youth to return to the facility. Sometimes with the promise of scheduling additional visits and encouragement from loving family, the youth can be persuaded to return. When a youth actually runs away, the FSE worker follows standard runaway protocol after efforts by the FSE worker and the family to locate the youth or wait for her return to the family's home are unsuccessful.

Prepare foster parents or residential staff for normal anxious or reactive behavior pre and post visit.

- Residential staff and foster parents can greatly influence the effectiveness of family connections in a youth's life. Hopefully they have been oriented to the goals of FSE and understand how they can support FSE efforts.

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- Encourage foster parent or key residential staff participation in the team planning especially around structuring successful visits.
- If a youth is concerned or apprehensive about reaching out to family they can help the youth talk about their feelings. As they recognize their temporary role in the youth's life they can help the youth develop appropriate relationships with family members to create life long connections.
- Their support, before and after visits, is essential to the success of FSE. It is important that they understand that it is normal for youth to experience some level of anxiety before visits.
- Their reaction to the youth's expression of feelings after a visit can support the youth to continue family visits and connection. Staff that interpret the youth's after-visit expressions as misbehavior, however, can have a detrimental effect on FSE. Those staff may benefit from support and education from the team.
- If the foster parent has taken on guardianship and is prepared to provide a life long relationship, then the family connections created are for the purpose of providing additional ongoing support and enhancing the youth's sense of identity.

Prepare the youth and discuss his expectations (reality vs. fantasy)

- The team, youth and new family member need to know that the purpose of initial meetings is to just get to know each other.
- When appropriate the team may facilitate phone calls, letters or email between the youth and new family member before the initial meeting. Many times an exchange of pictures or letters can help break the ice for the initial face to face meeting. (These letters can be sent via the FSE worker or Child Welfare social worker to conceal the location of the youth.)
- The team prepares the youth to decrease the level of anxiety that he might be experiencing around the meeting. Some youth may have unrealistic expectations about going home with the family member or may have apprehensions about meeting the family. It's best to talk with the youth before the visit to find out what their expectations might be and to prepare the youth and address these concerns appropriately.

Talk with family members around their expectations and prepare them (reality vs. fantasy).

- Just as the team did with the youth, they prepare the new family resource by talking with them before the visit about their expectations.
- Before the visit the team provides a general understanding of the youth's strengths and needs.
- The team provides a basic understanding of the youth's developmental and emotional age. This is explained in a manner that is factual but does not label the youth.
- Help the family to be sensitive to the youth's expectations around this visit. It is important to focus on having a pleasant time and enjoying this visit. Care should be taken so that the family does not set up unrealistic expectations that may be upsetting to the youth.

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Initial visits are brief, supported and occur in natural settings (fun)

- Many times shorter initial visits are less stressful on the youth and family. An example may be a casual restaurant (typically at a pizza parlor) where the youth could get up and play a video game or eat if he is uncomfortable making conversation.
- If possible avoid holding initial visits at the residential facility or child welfare office; instead, use a casual restaurant or park.
- Avoid using social work jargon, such as calling this a "supervised visit."
- Structure the visit to allow sharing of photographs, telling funny or interesting stories about the family or the youth's childhood that she may not recall.
- The Child Welfare social worker or FSE worker may choose to hold the initial visit in the new family member's home out of convenience for the family. Prior to such a visit, the FSE worker assesses aspects of the family's social-economic status, condition of the home, and neighborhood that might take the youth by surprise. The FSE worker prepares the youth for these encounters.
- There are times when the youth or family may be traveling a considerable distance for the initial meeting and the day may be designated for an extended visit or multiple visits. The FSE worker continuously assesses how the youth is coping with the experience. If necessary the FSE worker can shorten visits or rearrange them to be as successful as possible while minimizing stress and anxiety.

Initial visits with the youth are opportunities to create memories.

- When meeting a group of people (e.g.: family reunion, picnic, wedding, funeral) bring an address book.
- If appropriate bring cards that the youth can pass out with the address that the family can use correspond with him. (The youth can use the FSE worker's email address and the email can be screened for appropriateness.)
- Bring a camera and extra film. Sometimes the youth prefer to have a disposable camera (or two) that he can use to take pictures of family members. If the youth is too shy to take photos, the FSE worker can offer to take pictures.
- The FSE worker asks the youth prior to the visit if she would like to bring anything she would like to share with the family. Sometimes the youth's art work or crafts are excellent items to share or can be displayed.
- In planning the initial visit, the FSE worker prepares for follow up visits or possible other next steps. For example, in preparing the family for the initial visit they could discuss how the visit will end with a suggestion to plan a follow up visit. If the family knows this in advance it will reduce pressure and potential awkwardness at the end of the visit.

After-visit discussion and planning, debriefing.

- It is normal for a youth to be anxious before a visit and upset following it.
- The team can anticipate mixed feelings and be prepared to support the youth after the visit.
- It is appropriate to plan an activity or an opportunity for the youth to talk about his feelings after the visit. Concerns can be addressed and energy can be channeled

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in the right direction accordingly. For example, some youth may just want to talk, others might want to write their feelings in a journal or write a letter to the family. If the youth has a history of instability or emotional concerns, the team may plan to have a therapist ready to work with the youth following the visit.

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The table below highlights what some of the team members may experience at this stage:

YOUTH	CURRENT PLACEMENT	STAFF supporting this process	FAMILY/ CONNECTIONS
This may be the peak of anxiety for the youth, as visits are to begin. Reactions may range from physically acting out to elaborate displays of appreciation and happiness. The youth will need substantial support managing the strong emotional experiences of connecting.	May be concerned about the speed of things happening, whether too slow or too fast, as well as the potential risks involved. They may need support and reinforcement around the role they play in supporting the youth during this intense time.	As with other team members, staff may be experiencing a range of emotions. Staff must balance the excitement and potential with maintaining all safety and legal considerations. The pressure at this time can be immense, and staff may need their own support, personal and supervisory.	Family may enter the meetings with feelings ranging from excitement to suspicion. The intensity of the initial meetings and emotions and events from the past may be difficult to manage together. They will also need their own supports during this time.

Tools

- Continue use of the Connectedness Maps with the youth and family members. Additional information should be added to the maps.
- Initial Meeting Photos
- Developmental Information
- Safety Plans

Summary

The key to stage five is preparation, preparation, preparation. Thinking of all people involved who have an interest in the life of the child and family, and including each in the preparation process is key to success. Discussions of safety planning, contingency planning, parameters, feelings, roles, expectations and debriefing occur with the youth, family members, team members, foster parents or residential staff, and other professionals.

Examples of preparing for initial visits: Stories from the field

- Celeste suddenly could see that she inadequately prepared **Denzel**, age 12, for an initial visit with his aunt and uncle. Denzel's aunt and uncle lived in part of a large city that had a history of high crime and violence. As they drove closer to their home she could tell Denzel was uneasy. Once at the humble home, Celeste could not get Denzel to get out of the car. She went into the home and spoke with Denzel's aunt and uncle but after 20 minutes they too became frustrated and asked Celeste, "What's the matter? Does he think he is too good for us?" It took Celeste almost an hour but with the help of his auntie's fried chicken dinner they were able to coax Denzel out of the car. The dinner saved the day and once Denzel began to know his aunt and uncle he agreed to a second visit. The visits became more regular and after a couple of months they were able to joke about their first meeting. Celeste started a new practice of preparing for initial visits. She now exchanges pictures between her youth and family members (including their home and pets).

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- Frankie, eight year old **Ted**'s foster parent for the past three months, proved to be a godsend! Ted's adoption had "failed" and the adoptive family had returned him to the state. Ted's birth mother had a history of drug involvement, noncompliance to treatment and when her marriage to Don ended in divorce years ago they both thought it would be best to allow their 4 year old son to be adopted. Gary, the worker, decided to contact Don to check into his current situation and to explore family resources. Don reported that he had remarried, that he was gainfully employed and doing well. When he learned that the adoption had failed he inquired about the possibility of Ted returning to live with him and his new family. Ted was excited about seeing his dad, and in his first conversation he asked if he still had Shadow his dog from four years ago. Ted couldn't believe that they were still together! Frankie volunteered to support the visits and traveled with Ted to see Don and his wife. Gary worked with his supervisor and presented a plan to the judge for Don and his wife to adopt Ted. It took four months but everything was approved legally. During the four months Frankie helped "coach" Don and his wife how to care for Ted. Today Ted lives with his dad, new family, and Shadow.

- When Roland, a case worker, found 15 year old **Jacob**'s (non-custodial) father Tom living Wisconsin he said he thought that Jacob had been adopted years ago. What Tom didn't know is that the adoption had failed and Jacob had been returned to the state's custody. Tom agreed to fly in to Cleveland with his new wife for an initial visit. Roland arranged to take Jacob to meet Tom and his new wife by the pool at their hotel the next day. Roland thought that it would be a good idea to have lunch together and then see how lunch went before committing the rest of the afternoon and evening. It was a very emotional reunion at the poolside and Roland had to brush away the tears. It had been over ten years since Tom had seen his son and the resemblance was striking. Tom put his arm around Jacob and then next thing Roland knew they were walking away and disappeared into the hotel. Roland's life flashed before his eyes but in a couple of minutes they all returned accompanied by Tom's new wife. Tom explained that he had wanted to check out Jacob before he introduced his wife. The rest of the day and evening went very well. Jacob eventually moved to Wisconsin to live with his father. From then on when preparing youth and family members for initial visits Roland reviewed a few ground rules and suggested that they all stayed together as a group.

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Family reunion!

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Building Relationships and Sustaining Connections

GOAL: The family and team will identify, develop and support a plan for this youth to have life-long connections and live as a member of his family

> "If you cannot get rid of the family skeleton, you may as well make it dance."
> George Bernard Shaw

Successful long-term connections are sustained through time and troubles. In earlier stages, system supports (i.e. child welfare, agencies, staff) have played a significant part in setting the stage. This is the step that will bridge the initial visit and early preparation work to the point in which the decision making is transitioned to the family. This occurs in both deliberate and subtle ways.

Review Current Status

> "In every conceivable manner, the family is link to our past, bridge to our future."
> Alex Haley

Importantly, the team is in place to assist in the progress of the developing relationships. Communication and engagement are more important than ever. The hope is that relationships evolve in such a way that relative and natural connections develop and the youth is invited into a more permanent living arrangement with the relative. As noted in previous stages, the many ways family can connect with the youth outside of placement should not be minimized. It is very often these other connections that add to the support network so that together, a placement can be successful over time. Many of the tools and ideas touched throughout the earlier stages of the guide are fully put into practice in this stage. This is the true heart of engagement. It is often the most difficult part of the entire Family Search and Engagement Process. After the first meeting and as the family takes the lead, the relationships are being supported to weather the difficulties with the support of professionals as needed.

Bringing Clarity to the Support Plan

> "The greatest good you can do for another is not to share your riches but to reveal to him his own."
> Benjamin Disraeli

Reinforcing connections is critical, as the team will most likely experience unplanned occurrences. Family and natural connections may fluctuate and have second thoughts, while brand new connections may unexpectedly develop.

For example, there may be one strong connection showing great promise for the youth to reside. The team, while nurturing this relationship, will continue to pursue a larger network of connections for the youth. The importance of contingency planning can not be underestimated. The complexities of life often intervene in unfortunate ways and it would be unfortunate to leave a youth with yet another potentially devastating disappointment in his life.

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The pursuit of multiple connections often yields more and unexpected options for the family.

Planning most likely will include visits and comprehensive home-family studies. The family takes a more active role in both the logistics and the legalities, with the system and staff support shifting toward support roles. This shift allows the youth and family to begin to bring the roles the team has talked about into reality. More than likely, the legal implications and logistics will continue for a significant time, well after the current system supports on the team have left.

The subtleties of this stage can be tricky for staff who, in the beginning of the process, were the ones that may have made it happen. True success comes with the ability to now fade into the background and allow the long-term team to take the reigns. As in every stage, legal considerations remain critical, and as plans are developed the courts, child welfare, or other agencies will need to see that all areas have been addressed. As transition becomes reality, the team should be able to identify timelines, resources, needs, back-up plans, and other factors that play a part.

> An Example—A youth struggling with outbursts that often involve throwing items, yelling, and cursing. Still, a charming, hopeful personality and love for the outdoors and "helping people and animals who got picked on like me" have helped establish ties with family. This youth may have a weak placement option with an aunt, she would like to do it, but two school age children and a sick parent have left her busy as a caregiver. There are two strong "visiting resources" with another aunt and a grandparent and two others - an uncle with strong financial means and an adult cousin who works in social services - who are willing to provide help with financial and career exploration. At first glance, it may appear that there are people willing to be involved, but no one able to provide a home for the child.
>
> However, strong team involvement might reveal that the barriers to the "placement" option are the individuals uncertainty about how to provide care to their own children, a sick parent, and this youth with mental health challenges. The youth may have a particular strength in caring for vulnerable adults and animals. Further review of the team members might reveal that the relative who is able to assist with employment training is connected with a group that provides animal-assisted therapy to seniors. The relative feeling unable to be a strong placement option may suddenly realize that the youth can spend time with the family members 12 hours a week helping others. And, the youth could potentially participate and help the relative with her parent. Thus, not only is a barrier removed/reduced, but a strength is added - a resource is given to the relative! Without asking, this might never be revealed. Suppose the youth really shines in the work with the relative offering help with employment. This is a period of time in which the relative develops a relationship with the youth and the youth is recast as a strong, empathetic helper rather than merely a troubled child struggling with mental illness.

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Team members may be experiencing the following:

YOUTH	CURRENT PLACEMENT	STAFF SUPPORTING THIS PROCESS	FAMILY/ CONNECTIONS
The youth may be experiencing a lot of emotions. It would be important for the child to have as much stability as possible by maintaining current connections with prior family, friends, staff, extended family, therapists, or anyone connected to the youth. The youth may be excited and hopeful. The youth may also be experiencing the reality that the family they fantasized about is not the family they have. All families have good and bad, and the youth may not be ready to understand the many complexities of his family. The youth may be struggling with attachment difficulties that impact her ability to really connect, which may impact the family's perception of the child. The youth's behaviors may range from overly charming to disruptive.	The current placement may be feeling abandoned, underappreciated, and may even reject the youth. They may also be available to work collaboratively with the identified family, giving them information on what works with the child and what does not. They can be a great resource for the family and others involved with the success of the child.	Staff may also continue to have mixed emotions regarding the new family placement. They can be very excited and also very cautious. They will want to continue an unconditional relationship with the family, prior or current placement, the youth, and other professionals on the team. They will be building bridges and relationships among all team members. They will encourage others to build relationships as well. Staff may need to provide transitional support to the new family/team.	The family may be experiencing concern along with high expectations. They may not have a clear picture of what behaviors to expect of the youth. They may need coaching on unconditional relationships. They may need to understand attachment disorders and be prepared for the youth rejecting them. They may be drawn in by the youth's charm and not be prepared for when the youth acts out, and tests them. They need to be prepared for the wide range of behaviors that may be displayed. Stabilization and educational planning are crucial.

Prepare for the possibilities, and support the process with excitement and energy. Give the family opportunities to practice the plan including living together as a family and bringing supports in at time of need. Expect the unexpected – even strong planning can not predict every possible outcome. As things unfold in this stage, keep the following in mind: "families never fail, plans do," or, "if the plan's not working, rework the plan."

Tools

- Family Reunions: great opportunities to build the extended connections, strengthen the bond, and for the youth and family to experience each other in "real" settings.
- Funerals: may be more somber, but same context as reunions hold true.
- Family Documents: solidifies history and scope of their family.
- Photo albums: may be the first introduction to the family, showing the youth any physical resemblances, and telling a pictoral story of the family history/culture.
- Safety/Stabilization Plan: preparing for acting out and emotions that become overwhelming so that all know how to provide appropriate support.
- Families' knowledge of other relations and family histories: oral history and everyone's own knowledge held inside becomes more important as planning begins to move primarily to family and long term connections.
- Team, SW, Current Placement, Family, DA, Friends, and other people connected with the child.

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Summary

Success for this stage is defined by how well the formal supports can let go and assist the family in progressively taking over all decision-making. Making sure that proper supports are in place for the family includes providing all the necessary information regarding placement options, legal supports, informal supports and long-term resources, so the family can move forward with less and less assistance from professional staff.

Examples of building relationships and sustaining connections: Stories from the field

- While conducting a child and family team meeting Patti got the feeling that the professionals and family members didn't grasp the urgency of this meeting and the fact that **Becky** would be 18 in two months, transitioning out of foster care and state custody. Patti wanted everyone on the team to have a greater sense of ownership of the plan but it felt as if everyone was just sleep walking through the planning process. Patti then stopped writing on the treatment plan, held it in the air and in a loud voice asked, "Whose plan is this?" Becky furrowed her eyebrows and said, "Yours?" and a few of the family members agreed with Becky. Patti then apologized to the team as she ripped it into pieces saying, "I'm very sorry! I have been doing this all wrong!" She then proceeded to remind the group that, "In order for this to plan to work it has to be Becky's plan, Uncle Jim and Aunt Meghan's plan," and if everyone didn't feel like it was their plan then she had to start all over. This time as she began re-writing the plan everyone started speaking up and participating with greater sense of ownership.

- Heather was very pleased that 17 year old **Cam**'s uncle Phu had just agreed to allow Cam to work with him on Saturdays in his landscaping business. The plan was that group home staff would transport Cam 35 minutes away to his uncle's business, getting him there by 6:00 AM and picking him up at 6:00 PM. A month later at the team meeting at the group home Heather asked how things were going. Phu complained that Cam was arriving late on Saturdays and that it was not allowing him enough time to get his work done. He said that if this continued he would not be able to allow Cam to work with him on Saturdays. The treatment team began brain storming different ideas and plans to get Cam across town on time. After listening for a while Phu stated, "If you just let him spend the night on Friday we would not have this problem." Cam went from spending the one night to spending the weekend to eventually living at his Uncle Phu's home.

- **Curtis** (age 13) had been in and out of foster care for two years. Jessica, the worker, had tried to return him home twice before but he didn't stay home long. For the past two months she and Reia, Curtis' single parent mother, had been assembling a team of natural supports. Jessica and Reia knew that in order to make this return trip longer and more successful they had to fortify the plan. They involved a Scout Leader because Curtis liked camping. The Scout Leader lived a block away and had a son Curtis' age. In addition to the weekly Scout meetings and monthly campouts they convinced the Scout Master to be a "warm line" resource. This

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meant that if Jessica and Curtis were arguing she could call and he would either talk to Curtis or drop by the house to help settle things down. (Reia promised to bake him cookies anytime he dropped by the house.) School was another challenge because Curtis sometimes overslept and missed the bus. When this happened he and Reia would get into a fight. When Reia and Jessica learned that Tony, a school playground supervisor, was the most influential person at school to Curtis, they met with him. He agreed that if Reia was having a hard time getting Curtis up in the morning she could call him at school and he would talk Curtis into getting ready and getting on the bus. Jessica and Reia also recognized that Reia needed a couple of supportive resources of her own so they spoke with a neighbor friend and her pastor and they agreed to be warm line resources for her. Jessica and Reia invited these four people (and all of the professionals involved) to a team meeting at their home. Everyone discussed their major concerns until they felt that through the professionals and the new natural supports their concerns would be addressed. They felt that this plan would enable Curtis to stay at home and not have to return to foster care… and the plan was successful. Curtis did not return to foster care again.

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Being together, doing together, staying together!

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Staying Together: Sustaining Life Long Connections

GOAL: The family will have the resources they need to stay together.

At this point, the youth is either living with family or in another permanent situation; is on the verge of living with family or another permanent situation; or has established new family or long term connections that will support the youth throughout life. In this stage, the plan is reviewed to ensure that stability has been secured and that all contingencies have been anticipated. Planning includes:

> Where would we be if throughout history, our greatest minds had feared that which they could not confirm? Embrace the unknown with caution, but not with fear."
> Karyn Somerfield

Legal: legal status is explored including reunification, adoption, guardianship, kinship foster care possibilities. Often the legalities of placement, background checks, home inspections, safety checks, and court procedures, are the parts of the process that take the most time. Including legal representatives and social workers is critical to ensure smooth long term success. The team should include all contingency options in this process, so that anyone who is in the youth's life is cleared to provide support in emergency situations.

Financial: In many situations, finances are key to address, and can be a stumbling block to long term plans. Families already in poverty, or a family member who moves from a foster care provider to adopting can lose funding that has supported the youth living with them. The team addresses financial assistance and all available resources are utilized. Potential crisis is reviewed, with long-term supports and financial roles identified. Contingency planning should include the "what ifs" and risks of the youth joining the family, exiting the system, and thereby losing eligibility for some resources.

Safety: Thorough attention to safety concerns is essential for long term success. This includes the areas mentioned above, as well as reviewing other risk factors. Possible risks include mental health issues, behavioral risks, responses to youth's actions, runaway behavior, verbal, physical, and substance abuse, and any others identified. The family members and other informal resources are organized to support each other with contingency plans in all areas. Written documentation and safety planning are the strongest ways to organize this process.

Anticipating future formal needs: With any process, there may be times that family and long term supports may need formal support again. Anticipate those times now so that significant concerns are not left unattended until too late. Formal resources are in place, or are identified for the future, to support the youth and family. The goal of this step is to support the continued success with family, and to avoid future separation. This may include planned formal support follow-up with the family as needed.

Here's what team members may be experiencing at this stage:

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YOUTH	CURRENT PLACEMENT	STAFF supporting this process	FAMILY/ CONNECTIONS
Youth may be experiencing feelings of satisfaction, completion, and happiness – a sense of new found future and happiness. This may play out in positive behaviors and a new sense of energy and focus. Youth may also be experiencing a high level of anxiety and fear, as the youth struggles with having a sense of future, family, and stability. Youth equilibrium could be off, leading to more testing behavior.	At this point, placement staff see their role in this youth's life coming to an end. This may lead to a feeling of fulfillment and success, as well as feelings of loss and fear that the youth will not succeed without them/their structure.	This could be the most fulfilling part of the process. Staff may see the mission of their work, the reason why they do this, being reinforced. Staff may also be experiencing difficulties letting go of their own support of the youth and family.	As with the youth, the family may be experiencing a sense of fulfillment and new promise for the future. They may also be experiencing a strong sense of anxiety and concern about taking on the responsibility. They may be wondering if this will work out, and if they can handle it.

Tools

- Safety Plan
- Contingency Plans
- Legal Documents

Summary

To assure long term success, the family is equipped with plans which include the resolution of legal, financial, safety and possible future need issues. They understand how to support each other and how to locate additional resources when or if necessary.

Examples of sustaining life long connections: Stories from the field and lessons learned

Sometimes even the best laid plans fail. We wish every story had a happy ending but sometimes even our best plans don't work out in the way we hoped they would. However, sometimes the introductions we make can pay off later. Some reunification efforts end with the child returning to care. Even when that happens, it is important to remember that the child experienced a number of successful months living with family and living in the community. Isn't it a successful outcome if the youth is able to live at home in the community for several months instead of remaining solely in residential or foster care? Many youth have lived in multiple placements. Unfortunately some have learned that when the going gets tough in one placement, they are moved to another foster home. This sense of "learned transience" needs to be acknowledged and incorporated into the planning process.

- **Tyrell** was 14 and had been in state's custody since age 6. His father was killed in a car accident when Tyrell was four. His mother was a recovering alcoholic and when home based services could not address the safety and neglect issues Tyrell was placed into foster care. Tyrell and his mother lived in Oregon and the state had tried reunification with his maternal grandmother and his mother but after both tries he ended up back in state custody. Tyrell told everyone that he longed to return to California and live there. When Tyrell was 14 the wraparound facilitator and the state worker, Dave, were able to contact the paternal side of the family and discovered that he had 11 aunts and uncles. The last time any of his paternal relatives

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saw him was at the funeral services for his father when he was four. Dave was able to facilitate a California trip with Tyrell to meet his relatives who set up a series of family dinners and gatherings in three different homes. Tyrell had a wonderful time meeting aunts, uncles and cousins, seeing photos and hearing story after story about his extended family. Although several family members were willing to stay connected through email, phone and letters, none felt that they could take him in care for him at that time. When Tyrell was 15, the state reunified him again with his mother. Many of the original issues of neglect were now no longer concerns because he could take care of himself while his mother had stable housing and employment. The state was able to dismiss the dependency and Dave did not hear from Tyrell for some time. When Tyrell was almost 18 he called Dave from California to report that he had been living with one of his uncles and was enrolled in high school. Dave learned that shortly after the state had returned him to live with his mother, Tyrell contacted one of his California uncles (that he visited with Dave). Tyrell said that things were much more predictable living with his uncle and that at the end of the school year he would be getting a GED.

- **Portia** (14) and her brother Marcus (12) came into care after repeated incidents of domestic violence by their father and episodes of relapse by their mother. From the time the children were 7 and 5, the state worker(s) had utilized in home services to support the mother but it seemed as though she could only hold things together for a few months and then the children would end up back in foster care. The worker was successful in pulling together a team of natural supports and extended family. She worked with a couple of the mother's friends who were fantastic supports. She also involved Portia's grandmother who was quite stable and even had some financial resources. Together they planned to bring home Portia first and then when things were stable enough they would bring home Marcus. Things went quite well for the initial 3-4 months and the team decided to bring home Marcus. There were challenges but the with the team's support the family made adjustments and seemed to be doing well. In the seventh month the mother relapsed and overdosed when both children were home. Things deteriorated and the state had to place both youth back into foster care. The team felt as if they had failed and were about to give up when Portia reminded them that this was the longest amount of time (almost 8 months) she had lived with her mother and that even though she had to return to foster care she was glad that she got to live with her brother again even though it was relatively brief. The team then realized that this was a successful intervention and began to plan again with the mother and the team. They began to measure success differently. Their new way of thinking involved increasing the number of months she could live successfully with her family.

- **Beija** was almost 18, living in a high security residential facility for girls. Her mother was a resident of an adult mental health facility and her father was an illegal immigrant whose family lived in Mexico. Beija was involved with all of the major child-serving systems (mental health, juvenile justice, special education, child welfare, etc.) all of which believed she was destined to "graduate" (transition) into an adult residential facility. The team had tried to reunify her with her grandmother Luz in Mexico when she was 16, but that lasted just five months and ended when her

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grandmother couldn't put up with her defiance, skipping school and smoking pot. She returned Beija to the state of Arizona. Recognizing they had very little time they asked Beija what she wanted to do and she replied that she wanted to live with her Grandmother. The team decided to explore the idea enough to consider one last shot. They spoke with Grandma and other extended family about the idea and gathered information about what worked last time and what did not. They learned that Beija had friends who were a good influence and that there were a number of supportive aunts and uncles in addition to the grandmother who was the matriarch. They learned that the previous plan had not woven all of the strengths (friends, professionals and extended family) together. This time, workers traveled to Mexico and met with all of the identified resources. They developed educational and vocational opportunities, but most importantly they identified three places where Beija could stay. Grandma Luz would be the primary place but also uncle Emilio's family and aunt Liahona's family would provide breaks, respite, or even alternate residences. There were a number of planning meetings and visits before Bejia returned to Mexico. Nine months after she returned to Mexico, Beija was still living in Mexico with family, but not with any of the identified resources. Instead she was living with a cousin in a neighboring village attending school and working part time.

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Documentation

GOALS: To inform the clinical process, to inspire others, to validate the effectiveness of this strategy.

Document initial status of family connections for the youth and the reasons for initiating Family Search & Engagement

- Youth demographic data: age, gender, school grade, etc.
- Youth's current living arrangement
- Youth's current connections
- Youth's desires for family and other connections
- Legal status of the youth

Document family resources contacted and engaged during this intervention

- Who was contacted and how are they related to the youth
- Where are they located
- What was the outcome of the contact

Document outcomes for youth. Positive outcomes for youth could include:

- An increase in the number and quality of relationships with family members or other people important to the youth
- Increased knowledge and understanding of her family history, values, traditions, accomplishments, and culture
- Opportunities to meet and spend time with newly located family members
- Reduction in disruptive behaviors or critical incidents
- Change of placement to live with relatives

Document staff time and costs associated with this intervention

- Who was involved and for how many hours?
- Was staff travel involved?
- Were there travel or other costs associated with family members?
- Internet fees incurred
- Other costs

Document other data points needed by the agency/system

- Total number of youth served
- Aggregate outcome data
- Aggregate costs
- Savings recovered due to placement changes

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- Other

Summary

Staff, agency executives, policy makers, and funding sources will want to know the effectiveness of this practice, both in terms of improved outcomes in the lives and well-being of youth and in terms of costs and benefits to the agency. Acquiring and analyzing data can produce useful information both to improve the practice itself as well as to inspire increased efforts across the nation to reconnect youth with their families.

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Background

Why Search for Family?

Youth deserve to have a loving family to help them grow up and get on their own two feet. They are at a disadvantage if they have to learn how to grow up on their own. Family provides a sense of identity and belonging and will be there throughout their life through the ups and downs and celebrations and tribulations. Families are primary sources of learning about relationships and help youth determine what kind of family they might have. The best way to learn about families is by being part of one. Many youth spend years in group care or residential placements and miss out on this essential learning and development.

Studies demonstrate that youth "aging out" of state custody at age 18 typically have very poor outcomes. Youth can greatly benefit from having family resources they can rely on to help them through young adulthood to increase their chances for survival.

Casey-Harvard Study (Former Foster Children in Washington and Oregon Suffer Post Traumatic Stress Disorder at Twice the Rate of U.S. War Veterans)

- Each year 20,000 young people between the ages of 18 and 21 must leave the foster care system when they become legal adults and many are left without any support, family connections, or skills they need to succeed in life.

Aging Out Studies

- Foster care is supposed to be a temporary haven for children living in unsafe conditions. But about one-quarter of the 500,000 children in foster care in the U.S. end up in the system until they become adults.
- Two-thirds are unable to function successfully on their own… Mark Courtney, University of Chicago.
- According to the Child Welfare League of America, 25% become homeless, 56% are unemployed, 27% of male children end up in jail with two years.
- See information from PBS special on aging out: http://www.pbs.org/wnet/agingout/index-hi.html

History

Catholic Community Services of Western Washington (CCSWW) is a large not-for-profit comprehensive multi-service organization in the state of Washington. CCSWW has a long history of maintaining an unwavering belief that children need their families and families need their children. Since 1974, with the inception of the original "Homebuilders" Program in their Tacoma, Washington location, CCSWW has continued to explore and develop innovative approaches promoting safety, stabilization, child and family well being and permanency. In 1990 the organization began serving youth and families with complex needs using a much more comprehensive and collaborative "Wraparound" approach, funded by the mental health system and child welfare. The strengths-based, team driven, family driven, individualized approach resulted in impressive outcomes, leading to the lowest hospitalization and residential placement rates in the state for children and youth in the counties where Catholic Community Services implemented Wraparound. More impor-

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tantly, children and youth remained with or returned to immediate or extended family safely, with long-term positive results.

Early in the year 2000, the Pierce County Regional Support Network (mental health system) and the Division of Child and Family Services (child welfare system) came together in a partnership to address the needs of children and youth presenting in crisis in the community. Their interest was in creating a 24/7 immediate response stabilization team using a strength-based, collaborative, family driven and individualized approach. The goal was to bring immediate safety and stabilization to youth that had disrupted from out-of-home care or were at risk of immediate psychiatric hospitalization due to a risk of imminent harm to themselves or others. The service would also respond to youth in crisis due to a failing adoption, severe family conflict, or sudden release from a facility (i.e. juvenile correction) with no plan in place. Unlike a typical crisis team offering a very short-term intervention, this service would provide up to 90 days of stabilization services with the hope of fewer repeated crises and better stabilization of the child's living situation. The new team was named "FAST" (Family Assessment and Stabilization Team), in order to communicate the sense of urgency the team would promote in order to implement changes needed in the child/youth's life to bring about stabilization.

Though the primary focus of FAST was on safety and stabilization, both Child Welfare and Mental Health share the belief, as does CCSWW, that children should grow up with family whenever possible. What was learned very quickly was that no matter what the cause of the crisis, nearly always "family" was the answer. Given their decade of experience using a Wraparound approach, this was not surprising to staff and leadership. What was clearly reinforced however was the realization that *in the field of child welfare, mental health and social services, our more traditional approach of ensuring that a child is "stabilized"* ***prior*** *to returning to family or even re-engaging family members is often backward*. Over and over again, youth in crisis who were also disconnected from family would tell FAST staff "I just want my family". Family connections, or even the knowledge that family will be contacted, often brings a youth hope. While risks, anxieties, fears and concerns are thoroughly discussed and strategies for safety are immediately implemented, making connections between youth and family members often brings about the most sustainable stability.

Family connections are no less important for youth approaching age 18. Even children who have been raised in a predictable and stable environment within their own family need a great deal of help to prepare for adulthood, as well as emotional and financial support as young adults. The need for family doesn't go away at age 18 or 21, and "discharge to self" as a result of aging out of foster care is a lonely, frightening and difficult way to enter adulthood. In a very large study completed by the Annie E. Casey Foundation, statistics pertaining to youth who had aged out of foster care were dismal. Only 46% graduated from high school, and fewer than 20% were self-supporting. The Juvenile and Family Court Journal reported in 2006 that only 13% of former foster youth go on to college, compared to about 60% of all high school seniors. The National Campaign to Prevent Teen Pregnancy found that by age 19, nearly half of young women in foster care have been pregnant, compared to 20% of their peers raised within their own families. By age 19, 46% of teen girls in foster care who had been pregnant have had a subsequent pregnancy. In a study of 659 adults between the ages of 20 and 33 who had been placed as children in foster care, 54% reported mental health problems during the past year (Casey Family Pro-

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grams, 2005). After leaving foster care, these adults were three times more likely than the general population to be living below the poverty level, and 22 times more likely to experience homelessness.

Given these dire outcomes for children and youth who reside in foster care, it is clearly imperative that tremendous efforts are made to re-unite children and youth with parents and/or extended family whenever possible, and as early on as possible. And obviously, the ultimate goal is to prevent placements altogether through supporting and strengthening the child's parent(s), and if placement is necessary, successful engagement of healthy extended family members up front. We must continually ask, "What would I want for my own family/children?"

Patricia Miles is a well-known national consultant who works with agencies and communities across the country around large-scale implementation of integrated, strength-based, consumer-driven systems of care (AKA Wraparound). Miles talks about looking for the "unmet need" for children and youth with troubled or destructive behaviors. She presents a belief that the greatest unmet need is for children and youth (as well as adults) to have family and friends to belong to. In the absence of "belongingness," children experience a profound sense of loneliness. Accordingly she explains, the greatest root cause of troubled behaviors is loneliness.

We know that ***every*** family has healthy family members. We know too, that most children and youth have well over 50 living relatives, and that very often immediate and extended family members (including original parents) are interested, willing and able to become involved in some way with the child. It is essential that we expedite the location and engagement of family members, that we are meticulous about completing every step of due diligence and permissions along the way, that the child or youth, family members and professionals team actively to ensure that decisions are made together. As we approach the point of the child spending time with the family member, we must ensure that safety planning is comprehensive, that preparation for any eventual relative placement is thorough, and that services and supports are solidly in place so that new relationships or placements are successful and sustainable.

Though "FAST" is referred to throughout this introduction, family search and engagement is not equivalent to a "FAST" intervention, and search and engagement of family members is certainly not a new strategy (like many providers, CCSWW has located and engaged extended family members for the past 15 years as an essential component of developing strong natural supports for families served using a Wraparound approach). The search is one strategy used for a portion of youth who come to us, whether it is through FAST or Wraparound or another service, where there are few, or no supportive family connections.

In 2003, Catholic Community Services of Western Washington was invited to share information on family search and engagement with EMQ in San Jose, California. Over the years, a partnership developed. Both organizations recognized the need to develop some written materials on family search and engagement, and embarked on an adventure together to create a practice guide to be shared with all who were interested.

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Eastfield Ming Quong, Inc., a non-profit 501(c)(3)corporation, operating as **EMQ Children & Family Services (EMQ)**, is one of the largest private, non-profit comprehensive community mental health and social service agencies serving children and families in California. EMQ is the result of the merger of Ming Quong Children's Center and Eastfield Children's Center in 1985 when the corporate name was changed to Eastfield Ming Quong, Inc. The combined agency is 139 years old, with a strong tradition of developing and implementing highly effective, community-based services and supports for California's most vulnerable and needy children and families. In fiscal year 2007, the agency is projected to serve over 7,000 children, adolescents, and families across 20 California counties, with a staff of approximately 625 individuals.

EMQ initiated the first Wraparound program in California in 1992 funded through AB2297 (Cunneen) in collaboration with Santa Clara County and CDSS. The subsequent legislation (SB163) was based on the original design and allows counties to use the state share of foster care funding to support intensive in-home services called Wraparound. Following the passage of SB163, EMQ, through its Family Partnership Institute (FPI), began providing technical assistance to CDSS to develop the Standards found in ACIN 99-I-28. A Technical Assistance contract was developed for the FPI to provide TA across California to assist CDSS, counties, and provider agencies in the planning, implementation, and ongoing support of Wraparound programs as defined by SB163 (W&I Code Sections 18250-7). EMQ now operates Wraparound programs in four California counties: Santa Clara, Sacramento, San Bernardino, and Los Angeles. In 1996 EMQ hosted the Fourth National Wraparound Conference held in the San Jose Convention Center and attended by national Wraparound experts and participants from across the U.S.

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Appendix

Tools

Child Tracking Data Sheet

The EMQ Connectedness Model

Sample Scripts

Connection Tracking Form

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Child Tracking Data Sheet

Family Search & Engagement
Child Tracking Data Sheet

Child Information		
First Name:		Last Name:
Record Number:		SSN:
Age:	Sex:	Ethnicity:
Years in Custody:		# of Placements:
Siblings:		# of Current Adult Connections:
Legal Status: VFM FM FR PP Freed Other:		
Urgency Assessment		
Safety Risk (circle number)	3 – High: Imminent danger of harm from self or others 2 – Medium: Risk factors are present 1 – Low: Few, if any, risk factors are currently present	
Loneliness (circle number)	3 – High: No loving or meaningful relationships are present 2 – Medium: Some meaningful relationships exist 1 – Low: Several meaningful and enduring relationships exist	
Placement Stability (circle number)	3 – Very Unstable: Placement change is imminent 2 – Moderately Stable: Change is likely, but not imminent 1 – Stable: Placement change not currently being considered	
Aging Out (circle number)	3 – Approaching aging out of system with no adult connections 2 – Approaching aging out of system and has some connections 1 – Not yet approaching aging out of system	
Number of Relatives Found:		Number of lasting connections made:
Caseworker Information		
First Name:		Last Name:
Phone:		Supervisor:
Email:		Phone:
Additional Comments, Notes		

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The EMQ Connectedness Model

Using the EMQ Connectedness Model

(Draft version with Purple, Brad Norman, 1/30/2008 10:36 AM)

Many mental health professionals were trained to use a genogram, which is a derivative of a medical tool that was used to trace genetically transmitted disorders. The genogram, although widely used by physicians, social workers, and other therapists, has really not evolved to meet the more sophisticated understanding of the connectedness that matters just as much as biological or genetic lineage.

The EMQ Connectedness Model is designed to be used collaboratively with a child and family to explore areas of relation that might not otherwise be discovered. Humans and families are extraordinarily complex and multidimensional beings. As such, the Connectedness Model and its diagramming process are designed to capture some part of this in a manner that fosters engagement, empowerment, genuine inquiry, and the desire to truly understand the internal life of our children and families. The diagram becomes a living representation, which is owned by the child and family who co-participate in its creation. The very act of creating the Connectedness Diagram can yield results that are surprising—not only to the facilitator, but to the youth and family, as well. A successful connectedness diagramming process can go far in showing how genuinely the facilitator wants to understand who and what matters most to the youth and family. It is also a way to communicate cultural sensitivity to families who may define "family" beyond a nuclear family unit.

> "To the world you may be one person, but to one person you may be the world."

Invariable questions that the connectedness diagram raises include:

- Who loves whom?
- Who teaches whom?
- What do they teach?
- What do they learn?
- Who matters most to a child or family?
- Who is missing?
- Who is being missed?
- To whom is the youth or family spiritually connected?
- From whom do they receive psychological support or nourishment?
- Who are their cultural connections?

What matters most to humans are our human connections. Bereft of these connections, we wither and fail to grow. With a rich network of interpersonal connectedness, a human is encouraged, supported, motivated, made capable of living life more fully, and of sharing both joy and pain. In many ways, human interconnectedness is at the core of the EMQ Matrix model. As the saying goes, "To the world you may be one person, but to one person you may be the world." This is potentially true of any person who shows up on the connectedness diagram.

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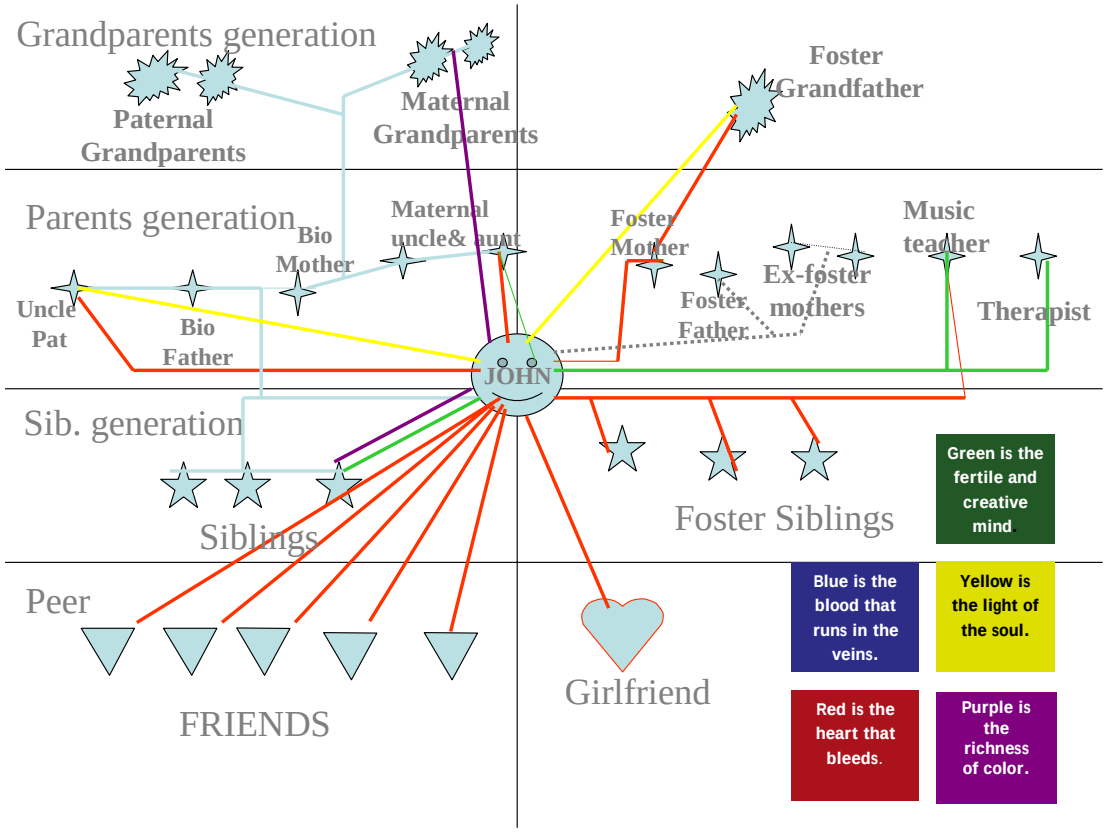
The Connectedness Diagram

The Connectedness Diagram is quite simple but can be quite nuanced and subtle (see sample diagram below). It begins with a genogram in which a child's biological relationship is diagrammed in the traditional way using horizontal tiers for the child's generation (excluding peers), parents' generation, and grandparents' (and older) generation. This is done in the color blue, a mnemonic for the blue of the blood that runs in the veins. The blue portion of the Connectedness Diagram is very similar to the traditional genogram in that it represents the biological connections and the genetic endowment the child has inherited. Unlike the genogram, the Connectedness Diagram pays very close attention to whom the person loves and by whom the person feels loved. These connections are represented in red, a mnemonic for the heart that bleeds. There may be some concordance between the biological relatives and those to whom the child is connected by love, but there may be others outside of the family (e.g., friends, teachers, coaches, foster parents) to whom the child feels a deep heart connection. There may be unrelated surrogate grandparents who provide much of the love that a child must have in order to flourish. Oftentimes, the child has a considerable amount of love for siblings, which can be both a source of support and strength and a place to discharge natural filial altruism. Facilitators may need to be reminded that many children are as much in need of someone to care for as they are in need of being cared for themselves.

Blue is the blood that runs in the veins.

Red is the heart that bleeds.



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Green is the fertile and creative mind.

In addition, children have an inherent need to learn and even perhaps to teach. This is symbolized in the mnemonic green, representing the fertile and creative mind. For example, the child may have a relationship with a schoolteacher, maybe a music teacher or a coach, to whom she also feels a heart connection. In this case, there is no biological or legal relationship with this adult in the child's life but, nonetheless, it is a relationship that could potentially be mobilized to support the child and family during a time of crisis. These connections, involving both those from whom the child learns and those the child teaches, are equally important. Often an older sibling who appears quite incapable of taking care of herself will take very good care of a younger sibling and teach her things that she herself needs to put into practice. For example, you may find a sibling who teaches her younger siblings not to abuse drugs; this impulse could be mobilized to understand why the older sibling herself does not practice what she preaches. Furthermore, it is important to understand the content of what is learned and what is being taught. If a child draws a green line to a history teacher, what it is about history that has engaged the child to this degree, and is there something that might be mobilized as a strength, a support, or an activity that could be used as part of the individualized child and family plan?

Yellow is the light of the soul.

As well, there is the spiritual dimension that is diagrammed in the mnemonic yellow, representing the light of the soul. By nature, humans have a spiritual dimension, even if they do not care to acknowledge it. Many children and families, however, are very open in discussing their spiritual relationships with others. In many cultures, spirituality is a central aspect of an individual's every day. This dimension is particularly important in that it can often provide a healing power that is greater than what any psychological or psychiatric intervention could ever provide. This is particularly true when working with addictions and other unhealthy compulsions, but it can also be true in healing and building constructive relationships. The spiritual dimensions of a person's life should be explored gently and thoroughly. The Connectedness Diagram gives a way to do this neutrally, while never imposing a spiritual perspective on anyone.

Purple is the richness of culture.

Finally, there are the connections that bring to people an understanding and appreciation of their cultural heritage. Culture, here, is used in its broadest sense to go beyond race and ethnicity to encompass the spectrum of history, traditions, values, and beliefs that pertain to this individual in the context of his or her family and environment. The connections may be unilateral or bilateral with the exchange of information occurring in either or both directions between the identified youth and the other.

At the end of the connectedness process what the family, facilitator, and transition team end up with is a multicolored diagram called the Connectedness Diagram. It shows those connections of the heart, mind, body, soul, and culture that are unique and important to the individual child and family. In our experience at EMQ, this methodology yields a robust discovery process while at the same time building engagement and true understanding. EMQ practitioners use it routinely.

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Sample Scripts for Phone Calls

First Telephone Call Scripts With Relatives:

First "cold call" attempt
Hi, my name is Patti, is this Jon Smith?

[if a female answers]
Did I reach the Smith residence)?
[yes]

Great, I'm so glad I reached you! I work with Catholic Community Services, Family Preservation and we're working on a family tree project with a relative of yours and I'm having a heck of a time figuring out who's who. Can you help me for just a few minutes? (They almost always say yes!) Thank you, I promise not to keep you long.

Leaving a telephone message before you're sure if you have the right number

Hi, I hope I've got the right phone number? I'm looking for a Jon Smith who used to live in Sequim, WA. If I have reached the right person I have some information about a relative of yours. Would you please call me back and let me know for sure. Thank you so much, call me anytime at 555-123-1234. I really appreciate your help!

Calling back a relative that left me a message. Sometimes we have sent a letter to the relative and they have called us after reading the letter.

Thank you so much for leaving me a message (and responding to my letter). Are you in a place where you can talk right now because I am so excited for Jordan to find out more information about his family? Remember the questions (from the letter) that Jordan had, such as who he looks like, how many cousins he has, family reunions…Your help sharing this information could really make a difference in Jordan's future

If they don't return a call from your letter

I am calling to follow up on the letter that I sent you a week ago. I can imagine this must be a difficult phone call to receive. Are you in a place where you can talk right now because I am so excited for Jordan to learn more information about his family. Remember the questions from the letter that Jordan had, such as who he looks like, how many cousins he has, family reunions…what would you like to tell me?

Allow time for the person called to explain their situation, to tell their story about Justin.

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<u>If the person asks about Justin's situation</u>

- I know that you must have questions. I really can't answer them right now. There may be a time in the future where we could talk to you and answer some of your questions. Again I realize that this is difficult but my primary concern right now is to help Justin get answers to some of his questions. Your help with this information could make such a difference in his life.

Or

- I really wish I had the ability to talk with you more about Justin but right now I'm trying to piece his family tree together. After I do that, I can forward your information on to his Social Worker and let her/him know that you have more questions and ask them to call you. I'm sure you understand that the State is entrusted with the safety of your nephew so right now all I can tell you is that he's curious about who he looks like, wants to know if anybody else in the family loves to sing, and we would like him to know that he has family out there.

One of the things that might really help our conversation today is if you could tell me one of the things you are most proud of about your family. A story or something someone has done in the past that was very special to you.

What about family reunions and gatherings? What are your family traditions? Do you know who plans them (reunions)?

Try to get their name and contact information. Perhaps put them on a conference call with the family member who plans the reunions or other family gatherings.

After you have their agreement to stay on the line they might want to just tell you their view of things. As they do whether you it's the information you want or not continue to thank them for their great insights. If people feel you value their opinion they will warm up more and eventually give you the information you're looking for. It seems that everyone in a family has a different take on how things got to where they are. Throughout their telling of the story you will learn names, strengths, needs and possibly options.

<u>If they ask about how to have contact with Justin</u>

I want to assure you that I am going to share your information and how to contact you with the rest of my team. It sounds like you're offering to help Justin more. Let me write down the things that you are willing to do and I will share that with the rest of my team.

<u>If they cannot have any contact with the child</u>

This may be your one of the few opportunities you may have to do something to really help Justin. The information that you share with me could truly improve this child's life. (Default back to questions about family.)

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<u>If person sounds upset</u>

- I can't imagine what you must be feeling right now. I am so sorry for what your family has been through.

Or

- Is it ok for us to talk just a little bit or should I call back tomorrow morning? I really do understand this is difficult, but if it's ok I just want to be able to give Justin a few answers to questions; sometimes he really feels lost. Can you imagine what it must feel like to not be able to ask a relative "was my dad a good basketball player too?" Thank you, I really appreciate you giving me a little of your time, and Justin really appreciates it too.

<u>Ending the call</u>

You might think of some more things that are important for Justin to know over the next few days, or you might know other family members who would like to share information with Jordan. Please feel free to contact me at _____ . Thank you so much for sharing this important information, it is really valuable for Justin. The simple act of sharing this information may dramatically affect his life.

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Sample Scripts for Letters

Example Letters to Relatives

Dear Mr. and Mrs. Fuego,

I am writing to you about your nephew Brad Fuego. I am the Family Liaison here in Clark County, Washington. Brad has not had much contact with his extended family and asked me to help him locate them. He would like to re-connect with his relatives and is hoping that he could write to you, his aunt and uncle as well as his cousins. You may not know it but he is going to graduate in June and he would love to see you at his graduation.

I know my letter may come as a surprise to you, for that I apologize. This may be a sensitive topic, but please know we are just supporting Brad to regain a sense of family. I will try to reach you next week by phone; hopefully you will have had time to think about reconnecting with Brad.

Sincerely,

Nicole Smith
Catholic Community Services, Family Support Specialist
(360) 567-2211
Email: nicolem@ccsww.org

Dear Ms. Vanhouten,

My name is Ace X, and I am a caseworker that has just started working with your son Jim. It seems as though we have lost the ability to communicate with you and share how Jim is growing up. Jim talks about his family all the time, and he would appreciate any kind of contact from his family. I have enclosed a pre-paid phone card for you to use to reach me.

On a personal note, I am very concerned for Jim as he is struggling in school and doesn't seem to have very many friends. My belief is that he would do much better if I could connect him with more people that care about him and want him to be successful. I look forward to talking with you and hope you might give me some information that will assist me in helping Jim.

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Sincerely,

Ace Deck 555-354-3544
Detroit Children and Family Services
Detroit, Rock City

Dear Bonnie,

I am writing about James Woodrow Persons Jr.'s (d.o.b. 12/65) son, Jordan, who I believe may be a relative of yours. I am the Family Support Specialist in Clark County, Washington.

I do not know how much you know about Jordan, and this letter may come to you as a surprise. I apologize for any possible pain this letter may cause. I am writing because Jordan would really appreciate some information about his father's extended family; such as who he looks like, how many cousins he has and if there are family reunions. You can imagine the sorts of questions that a boy would have about his family and culture.

I will call in a week to make sure you received this letter. In the meantime, if you would like to talk to me sooner, please feel free to write or call me. I am also enclosing a copy of Jordan's family tree and a general family story page so that Jordan can learn about the Persons Family. Thank you in advance for helping Jordan discovers a greater sense of identity.

Sincerely, Nicole Smith
Catholic Community Services Family Support Specialist
(360) 567-2211
Email: nicolem@ccsww.org

Dear Ms. Tran,

I would like to speak with you about your nephew, Phillip. We have lost track of most of Phillip's relatives and would love to share with you how he is growing up. Phillip has pleasant memories from his early childhood of family gatherings and seeing relatives during the holidays. However, he hasn't had any communication with family for quite some time now and would appreciate hearing from them. I want to help Phillip complete a family tree that identifies his relatives on both sides of the family and hope you can help. I have enclosed a pre-paid phone card for you to use to reach me. Please call me at the number

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below and I will continue to try to reach you. On a personal note, I am very concerned for Phillip and it is important that you reach me as soon as possible.

Sincerely,

Phoenix Bird
(714) 216-5252 pager
County of Orange, CA, Children's Services.

Letter or phone script example:

Hello Connie,

My name is Brian, I work for Stanford Home for Children as a family therapist. I have recently begun working with your granddaughter, Lisa.

I'm not sure when your last contact was with Lisa, but I found your name in her file. It is my understanding that Lisa has not had very much contact with her family recently. In my experience in working with children I have discovered that their sense of connection with family members is extremely beneficial. You may know that Lisa will be turning 9 on March 28th, and it would mean so much to her to receive a birthday card from her family. I don't want to put you on the spot, but would you be open to sending her a card? Do you know other family members that might also send her a card for her birthday?

- **(Try to get names and addresses of people who might also send a card to wish her happy birthday.)**
- **(Open the door to further possible contact or connections. Mention the possibilities: approved visitation, phone contact, writing letters, etc.)**
- **(Open the door to CFT process. "In the near future I will be developing a support network for Lisa and would like to invite you to a meeting to help plan around her needs.)**

Closing:

This is the address you can send a birthday card to Lisa. The name of the social worker is _____ and her address is _____. I look forward to calling you back to let you know how much Lisa appreciated your card. In the meantime if you would like to contact me about any questions or if you have other names of people who I might connect. My name and phone number is _____.

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Example Letters to Former Foster Parents, Professionals and Teachers

There are many professionals that worked with a child that become a natural support in another capacity. The following are people that can be a resource or provide helpful information.

- Former foster parents, especially the ones that cared for the youth when the youth initially came into care.
- Sometimes residential staff may have had contact with family members even after the youth left their facility. Additionally, these staff sometimes become foster parents, natural resources or even guardians.
- Former psychiatrists, therapists or counselors that previously worked with the youth.
- School staff and teachers where the child previously attended.

Dear Mrs. Smith,

I am the social worker currently working with James Peach who was a student of yours when he was in first grade at Sherman Elementary School from 2000 to 2001. I am searching for information that would help me identify and locate his birth family and other relatives. James is very interested in learning more about his family and we would appreciate any helpful information that you could share. Please contact me at my number below. Thank you in advance for taking a few minutes to share any information that you think may be helpful.

Sincerely,

Tom Jones, DCFS
1234 Kalakaua, Honolulu, HI 98765

Dear Mr. and Mrs. Jones,

I am the caseworker currently working with James Peach who I believe you fostered from age three to five. I'm sorry if this letter upsets you in any way. I am writing because James has not had any contact from his family (cousins, aunts, uncles or grandparents) for about ten years. Now that he is 17 he is hoping to reconnect with his family. Do you happen to have any pictures of James or special memories of his childhood that you might share? We would also appreciate any information that could help us contact any of his family members. I will call in about a week to make sure you received this letter. Until then, please feel free to call me if I can answer any questions. Thanks in advance for being willing to help with James.

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PS, I will be trying to contact you in the next week. You can reach me at 360-567-2211
Sincerely,
Tom Jones, Care Coordinator

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Connection Tracking Form

Connection Tracking Form (sample)

	Connection 1	Connection 2	Connection 3	Connection 4
Date initially contacted				
Location				
What connection do they have?				
Involvement Potential				
Legal: clearances, consents, etc. needed				
Safety issues				
Other				

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Internet Search Tools and Tips

Internet Search Tools and Tips
Catholic Community Services of Western Washington

This guide to internet search tools and tips contains some of the most commonly used search tools and resources as well as some helpful search tips. As one can imagine, the list of search resources on the "world wide web" is almost endless. Through our Technical Assistance experience and with the help of our staff many people have contributed their search preferences and insights. This compilation should not be confused with a comprehensive review of everything available on the "www" but will hopefully introduce many to the resources that are available. It should also be noted that this information is accurate as of November 2007. We have discovered that websites changes frequently or get taken over by other (larger) sites (companies). "Some are here today and gone tomorrow or free today and charge a fee tomorrow." With that said we hope you find this guide helpful.

Free Internet Search Sites
The free search sites you encounter on the internet are those that provide information very similar to what you would obtain by calling "411" directory assistance or looking in the "white pages" directory. Many sites will advertise "free searches" but only give limited information and try to get you to purchase a "premium" search. The use of these sites is fairly intuitive and prompts you to enter basic information: first and last name and state where the person resides. Some have "advance search options" which are helpful if the name you are searching is common. Advance search options allow you narrow the search results by entering city, zip code, age, birth date etc. You are asked to enter as much information that you can and the successful search results will provide you with the address, phone number and sometimes offer a map to the house. We recommend using the free searches before using pay per search sites.

The following is a list of a few of the most popular free search sites. All sites will offer other premium searches that charge various rates for additional information (public records, social security or background check searches). These sites do not require you to purchase anything to get the free search results.
www.zabasearch.com Search by name, city, state and birth year. Provides name, address, phone and map to get to address. Also offers reverse search (enter 10 digit phone number to get an address).
www.mama.com Search by name, city and state. Provides name phone and address. Also offers reverse search. Offers premium searches provided by www.intellius.com
www.anywho.com Search by name, street, city, state and zip. Provides name, address, phone number and map Offers address and reverse searches.
www.dogpile.com Search by name city and state. Provides name, address, phone number and map. Also links to Intellius.com
www.reversephonedirectory.com Search by name, city and state. Search by address and it will provide name of resident living at that location. Also reverse search by entering phone number to find address and name of resident. Cell phone number search can be purchased for a premium.
www.google.com May provide information in addition to the address and phone number. It can link you to newspaper articles, interest groups or other publications connected to the person's name. (To reduce the amount of non-related search results see Boolean search hints below.) Google search examples include finding a mother who played softball for a community college (her name

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was listed on a college site and in sports articles), and finding information on a father who was connected to "Knights of Columbus" and a local scouting troop as a leader.

Helpful Internet Search Hints

Staff have offered a number of search hints that they have found helpful. Using several variations of the spelling of the name, or variations of the address as indicated below will provide you with more search responses to evaluate. Below are some of the strategies they tried when the initial search attempt did not provide any information.

- Use middle initial if available.
- When entering a birth year it can be approximate.
- Sometimes entering two spelling variations can be helpful. Separate them with a comma (Don, Donald Smith).
- Sometimes entering too many key words can restrict the number of results. (If you don't get any information when you enter the city and the state, scale back and enter just the state.)
- Try variations of the spelling of the first or last name. Sometimes the wrong spelling gets entered into a document, or account.
- Try using the first four letters of the last name. This will increase the number of "hits" for that name but it may also include what you are looking for.
- When searching for a more common name, include additional information such as city, state, year of birth or age.
- If the last name contains a space, try it without a space (Santa Cruz, santacruz).
- Sometimes entering the first letter of the first name can be helpful.
- When entering an address, try dropping the thoroughfare (Blvd, Street, Ave, etc.) or the direction (instead of West Torrance, enter Torrance).
- If you know the zip code, use it instead of the city name, but still enter the state.

Boolean Searching on the Internet

The Internet is a vast computer database. As such, its contents must be searched according to the rules of computer database searching. Much database searching is based on the principles of Boolean logic. Boolean logic refers to the logical relationship among search terms, and is named for the British-born Irish mathematician George Boole. For an internet tutorial on Boolean Searching tips please go to www.internettutorials.net/boolean.html

- Using "or" will search one term or the other, or both (Juan or John Gonzalez).
- Using "and" will retrieve searches where only both names searched are present. (Mary and Don Smith)
- Using "not" will eliminate some results that are commonly grouped together (Joey not Joseph Smith)
- Using "quotations" will search exactly what you specify within " "
- Using +plus +signs will ensure these words are included in your search.
- Use –minus-To exclude (or separate) words from your search.

Fee Based or Premium Internet Search Sites

The following are examples of fee based resources. The majority of the times these searches will provide extensive and more detailed information than one would receive via a free search. Some search engines will not charge you if they do not locate the person.

Typically fee searches provide the following information:

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- Current address and up to 10 year history with available listed phone numbers!
- Relatives, roommates and neighbors
- Bankruptcies and tax liens
- Small claims and civil judgments
- Home value and property ownership

www.ussearch.com Charges $49.99 per search or $25.00 by contracting with the business. They offer several options including single search for $9.95, a 24 hour pass for $19.95, a three day pass for $39.95 or a 30 day reunion pass for $149.95. USSearch.com also provides a live search specialist that will manipulate the search criteria to get the best match for information. You can also email the search specialist if you have questions about the search results. (This is the $25.00 search.) This is the most commonly used fee based service that our agency uses when we get stuck and can't locate someone. To see an example of their report go to www.ussearch.com/samples/consumer/sample-3165.html .

www.intelius.com Multiple options that can be purchased. There is a per search cost of $7.95, a 24 hour unlimited search option for $19.95, and a 3 day unlimited search option for $39.95 days. Intelius also offers an option to group discount rate and volume rate (x100 searches for $x). Our agencies also use this site because of its flexible options. An example of their reports can be obtained at their website.

Once again there are multiple fee based search services. Some search resources are listed below along with their fees and options.
www.usatrace.com $41.99 for each search.
www.people-search.com Options, $29.99 for 25 searches; $24.99 for 15 searches; $19.99 for 10 searches.
www.publicrecordsnow.com Options: 9.95 for your first search but after filling out a survey you get a $10 "instant cash back reward"). Options: 24 hour pass for $14.95 or a 30 day search pass for $39.95
www.peoplefinder.com Links to Intelius.com

General Information about Categorical Search Sites
Google.com is a favorite search engine and there are numerous others that work similarly. To conduct a categorical search simply type in a topic such as "free people search," "free white pages," "inmate locator services," "obituary search," or "public records" and you will find a list of these search resources that can be experimented with or explored. Additionally, you can add state or other qualifying information to these categorical search requests to get even more detailed information. For example, "Arizona obituary search" or "inmate locator federal prisons". This is an easy way to find multiple search resources as well as new resources that have been developed.

Genealogical Sites
There are multiple genealogical sites that can be helpful. Through these sites you can search records in the following categories: birth, marriage, death, obituary, Social Security Death Index, and census.
The two most commonly used genealogy based websites are listed below. Both are very helpful in researching information on family members and their services are FREE.

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www.familysearch.com Family Search has an automated help site assistant that walks you through locating records of deceased relatives. It is a very intuitive process that provides hints on search strategies and assists you in locating birth, christening-baptism, marriage, death and census records, and obituaries that can provide information that will lead you to living relatives. For example, obituaries often list names of relative survivors.
Sometimes you can find family tree information that families have already posted. They also have Family History Centers located throughout the nation who have helpful experts who can provide assistance. The website provides locations of these centers.
www.ancestry.com Ancestry provides many of the resources mentioned above. A map tool can be used that allow you to point and click on states that branch out into counties and resources that help expand your search. You can pay for a membership and access premium search services on this site as well.

Obituary Search Tips and Resources
There are a number of other sites that can be helpful in obituary searches. As indicated previously many times information about surviving relatives is written in the obituary.
Additional helpful search hints:

- Find out as much information about a family member's death from talking with known family members. It's helpful to know the death date, city, county, state, etc. Google search the newspaper for that city and state. Contact the newspaper, provide them the information you have and ask if they can do an obituary search for you. If they can't, ask them how you can access this archived information.
- Library reference desk workers are valuable resources. Ask them to help you with an obituary search and provide them the information: death date, city, newspaper and name of person. They usually charge a nominal fee and can fax you the results.
- If you can obtain a death record, sometimes it lists the contact person (who submitted the information) or the funeral home where the services took place. You can search these resources for more information. For example, funeral homes keep records of the services they provide and often will have contact information of survivors, and sometimes copies of obituaries. Simply Google the funeral home to get their phone number and speak with anyone who will help you.

Other Helpful Obituary Search Sites:
www.obitlinkspage.com/ A free site that provides a state directory and obituary resources: "Obituaries provide a wealth of information about our ancestors and relatives. The biographical information contained in an obituary (such as names, dates, and place of birth death and marriage) can be extremely useful to genealogists and people researching their family histories. To facilitate finding your obituary, we have organized the site by State and Country, which provides the best obituary resources, archives, and databases on the Web."
www.obitcentral.com/ Obituary Central is a FREE search site and advertises as the headquarters for finding obituaries and performing cemetery searches. It list resources by state.
www.ancestorhunt.com/obituary_search_engines.htm Ancestor Hunt is another FREE resource that provides a data base to newspapers by state that can be accessed. They also provide other helpful information.
www.legacy.com/Obituaries.asp Fee based service provides obituary and guest book information from 400 major news papers. For $2.95 you can view the full record of the obituary they have on record.

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www.godfrey.org Godfrey Memorial Library is a fee based search resource that is recognized as a very source of obituaries and other genealogical resources and information. Memberships can be purchased that allow different levels of access to resources that range from $35.00 to $110.00 dollars annually. The purpose of the Godfrey Memorial Library is to promote the study of family history making genealogical and historical resources available to all on a national and international level by continuing the expansion, modernization, and distribution of the collection of print, electronic manuscript and other information media as technology develops.

Public Records and Data Bases

www.virtualgumshoe.com/ is a favorite website that is a directory of both free and fee based search sites. On the home page you can either enter a category or search topic (adoptions, military, prisoner, libraries, etc) or you can select "view all free public records categories" which will provide a multitude of FREE search categories and individual search sites.

Many states and counties have automated public records and can be accessed either on line or on location. We recommend that you Google the court records for a certain county or state and find out how to access these records. For example, if you Google "Clark County, WA court records" you will find the website www.clark.wa.gov/courts/clerk/access-records.html . This site provides information how to access these public records and list the following court records available as well as information how to access them:

Civil, In House 2004-2007; Offsite 1999-2003; On Microfilm 1890-1996
Scanned images - 1997 to present

Criminal, In House 2001-2007; Storage Offsite 1998-2000; On Microfilm 1894-1996
Scanned images - 1997 to present

Dependency, In House at Juvenile 2006-2007;
Juvenile Storage 2004-2005; Storage Offsite 1999-2003; On Microfilm 1989-1996
Scanned images - 1997 to present

Domestic, In House 2004-2007; Storage Offsite 1999-2003; On Microfilm 1890-1996
Scanned images - 1997 to present

Juvenile Offender, In House at Juvenile 2005-2007; Juvenile Storage 2004; Storage Offsite 1999-2003; On Microfilm 1889-1996
Scanned images - 1997 to present

Paternity, In House 2006-2007; Storage Offsite 2000-2005; On Film 1800-1996; Scanned images - 1997 to present

Probate, In House 2005-2007; Storage Offsite 2000-2004; On Film 1890-1997; Scanned images - 1997 to present

Other Government Records Searches

Google US Government Search. To search across content from U.S. government sources on Google U.S. Goverment Search, enter a query into the search box and click the "Search Government Sites" button. This launches a search across U.S. federal, state and local government sites with domains such as ".gov" ".mil" and others. This site includes U.S. federal, state and local sites with

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domains such as .gov, .mil as well as select government sites with .com, .us, and .edu domains (eg. .usps.com, .ca.us and ndu.edu).

Other Helpful Search Resources:

www.myspace.com MySpace is a popular social networking website offering an interactive, user-submitted network of friends, personal profiles, blogs, groups, photos, music and videos internationally. Youth have been able to locate their cousins or other family members via MySpace. It is a very popular medium that youth frequent. In August of 2007, MySpace had about 68 million unique visitors to its site.

www.facebook.com Facebook, a very similar social networking website, is growing faster than MySpace: Its audience has more than doubled since last year, when it began allowing people who weren't students to become members. This newer internet resource may become a better search tool because it allows a broader and older audience to participate and connect.

www.classmates.com Classmates allows people to stay in touch with others that attended the same high school. There are over 40 million members and it is "the largest site on the web devoted to helping friends reconnect". In addition to locating the person by the high school they attended, sometimes through talking with someone that went to the same high school you can locate the "missing person" you seek.

It helps find former schoolmates & coworkers and allows them to check to see if there's a class reunion. It is another social networking website with an older and broader (age range) audience than MySpace.

www.myfamily.com People Finder ($29.99/3 months, $9.99 one time). This site has provided private family web sites to help people stay connected with those who matter most. It provides a family web site for sharing photos, stories, news, family history and family tree information, etc.

Prison locator services

There are several ways to locate inmates. You can simply Google "Department of Corrections" plus the name of the desired state and it will inform you how to locate prisoners in that state. There are a number of sites that are helpful in locating prisoners or inmates in the various correctional institutions (county jail, state or federal prisons, etc).

www.vinelink.com One of the most commonly used internet resource is Vinelink. The site is the most comprehensive and provides an easy to navigate search by state. By selecting a state you see which data bases are available on line or you see a phone number to contact for more information for that state.

http://www.inmatesplus.com/ Provides a helpful guide that summarizes search resources for many states.

www.bop.gov/ Federal Bureau of Prisons website: will provide assistance for inmate locator, facility locator as well as an address directory. You can search for inmates or contact the correctional facilities for assistance in locating someone.

International Search Sites and Resources

www.FamilyLinks.icrc.org The aim of the International Committee of the Red Cross Family Links website is to help those separated by conflict or disaster to find information about their loved ones in order to restore contact. While this resource is primarily designed to help those families that have experienced conflict or disaster, there may be occasion when a failed international adoption could have originated from one of these countries.

www.icrc.org/eng/tracing_offices_ns Tracing offices of recognized Red Cross and Red Crescent National Societies. This PDF file lists offices that can be resources to assist in locating relatives

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living in other countries.
www.iss-ssi.org/ International Social Services (ISS) International Reference Centre for the Rights of Children Deprived of their Family. The International Social Service (ISS) is an international non-governmental organization dedicated to helping individuals and families with personal or social problems resulting from migration and international movement.
ISS's national branches, affiliated bureaux and correspondents in over 100 countries facilitate communication between social services to resolve these problems. The location and contact information for the USA Branch located in Baltimore:

International Social Service, USA Branch
200 East Lexington Suite 1700
Baltimore, MD 21202
Phone (443) 451-1200, Fax: (+410) 230-2741, E-mail : iss-usa@iss-usa.org

www.iss-ssi.org/About_ISS/documents/ListeBranches-BApoursiteinternet_000.pdf This PDF file contains the contact information for the different countries that have an ISS Branch Office or an Affiliated Bureau. They can be contacted for helpful information and possible resources.

Final Search Tips

Remember the goal of any search is to find someone you can speak with who can give you helpful information. Don't spend too much time on the internet searching. Pick up the phone and call someone! Don't forget to talk with the people you already know such as the youth, former foster parents and case workers or other professionals because they may know how to contact the person you seek or they may give you information on other family members that have helpful information.

Good Luck and Happy Searching!

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Celebrate!

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Training and Technical Assistance Resources

Catholic Community Services of Western Washington (CCSWW)

CCSWW pioneered the practice initially called "Family Search" (now Family Search & Engagement) and has provided the direct service in Washington and Oregon. They have provided training in many other states as well. Contact:

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Through No Fault of Their Own: Reasserting a Child's Right to Family Connectedness in the Child Welfare System

DEBORAH CROMER*

I. Introduction

The principle of family reunification is deeply rooted in American law and tradition. While reunification with the birth family is the primary permanency[1] goal of the child welfare system, the promise has been elusive for many of the children who are taken from their homes as a result of abuse and neglect. Oftentimes, the result has proved more traumatic and more damaging than the alternative.

This essay explores the statutory and public policy frameworks that guide state intervention in the parent–child relationship, and the negative outcomes resulting from removal of the at-risk child from the family. An emerging trend from the child welfare community, which emphasizes family connectedness[2] through family finding[3] and kinship care[4], has pro-

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1. *Permanency* is a policy whereby every child deserves a permanent family relationship. The practice of permanency planning locates and supports a lifetime family for each and every child. *Permanence for Young People Framework,* Nat'l Resource Ctr. for Foster Care & Permanency Planning, Hunter College Sch. of Social Work, http://www.hunter.cyny.edu/socwork/nrcfcpp/downloads/permanency/Permanency_Framework.pdf (Aug. 10, 2004).

2. Family *connectedness* is the process of finding and creating a caring relationship between a youth and a member or members of his or her family in order to build societal competence and the need to contribute to society. Telephone interview with Kevin Campbell, vice president, EMQ Children and Family Serv. (Sept. 24, 2005).

3. *Family finding* reconnects children back to their biological family and speeds their recovery from emotional trauma. *Family Finding*, EQM Children & Family Serv., http://www.emq.org/press/FamilyFinding.html (accessed Sept. 24, 2005).

4. *Kinship care* is the full-time care, nurturing, and protection of children by relatives,

vided significant improvements in outcomes for at-risk children and the economics associated with the child welfare system. After thorough review of the positive results of this trend, this essay proposes that public policy should demand a refocus of the child welfare system on family connectedness.

II. Background

Reunification with the birth family is the primary permanency goal of the child welfare system.[5] However, over the past eight years, the exit patterns[6] have changed, resulting in a preference for non-family adoption and other forms of out-of-home placement over family reunification.[7] Statistics show that 30% of the children reunified with families reenter the foster care system within ten years due to new incidents of abuse or neglect, death of elderly caretakers, and failure of the foster or adoption placements.[8]

The adult outcomes for former foster youth, attributable mainly to lack of permanence and inadequate educational foundation, are dismal. Within the first two to four years after emancipation,[9] 51% of foster children are unemployed, 40% are on public assistance, 25% become homeless, and one in five are incarcerated.

The outcry for sweeping reform of the child welfare system in the United States has reached mass proportions. The Pew Commission on Children issued recommendations urging an overhaul of the nation's foster care system.[10] The recommendations garnered resounding support from the American Bar Association, National Council of Juvenile and Family Court Judges, the Conference of Chief Justices and Conference of State Court Administrators, the Judicial Council of California, the Texas

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members of their tribes, godparents, stepparents, or any adult who has a kinship bond with a child. Shay Bilchik, *Sen. Briefing on Kinship Care and the Re-introduction of Kinship Caregivers Support Act* (Child Welfare League of Am. Jan. 18, 2005), http://www.cwla.org/news events/kinshipcare050118.htm (accessed Sept. 24, 2005).

5. Fred Wulczyn, *Family Reunification*, *in* 14 THE FUTURE OF CHILDREN: CHILDREN, FAMILIES, AND FOSTER CARE (2004), *available at* http://www.futureofchildren.org/information2826/information_show.htm?doc_id=209549.

6. *Exit patterns* are the various ways that children leave the child welfare system, such as family reunification, kinship placement, foster placement, adoption, and emancipation. Campbell, *supra* note 2; Wulczyn, *supra* note 5, at 101.

7. *Permanence for Young People Framework*, *supra* note 1; Wulczyn, *supra* note 5, at 95, 101-106.

8. Wulczyn, *supra* note 5, at 100.

9. Children's Law Ctr. of L.A., *Foster Care Overview*, http://www.clcla.org/facts_overview.htm. (Sept. 24, 2005).

10. Pew Commn. on Children in Foster Care, *Recommendations to Overhaul Nation's Foster Care Sys.*, http://pewfostercare.org/docs/index.php?DocID=47 (accessed Sept. 23, 2005).

Supreme Court Task Force on Foster Care, and the National Association of Counsel for Children.[11]

A. Statutory Framework

The child welfare system creates a tension between three competing interests: the parent's right to parent, the state's right to protect the welfare of children, and the child's right to a safe, secure, stable home. Parents in the United States enjoy a fundamental right to direct the care, custody, and control of their children.[12] These parents' rights are construed as a bundle of rights and responsibilities, including custody, medical treatment, education, religion, physical and emotional care, and financial support.[13] Accordingly, the current child welfare models are based on a preference for the role of natural parents.[14] The law presumes that parents will make decisions in their child's best interest,[15] but the presumption can be rebutted by a showing of parental unfitness.[16]

The U.S. Supreme Court balanced the rights of parents against the State's interest to protect and promote the health and safety of children in *Santosky v. Kramer*.[17] Under the due process clause of the Fourteenth Amendment, in state-initiated termination of parental rights, the state must prove unfitness by clear and convincing evidence.[18] The Indian Child Welfare Act of 1978[19] contains the strongest language favoring family preservation by requiring clear and convincing evidence for removal and proof beyond a reasonable doubt for termination of parental rights.[20]

While the Court has granted latitude toward parents and the preservation of the natural family, the right has not been viewed as absolute.[21]

11. Miriam Aroni Krinsky, *NACC and ABA Join Call for Reform of Foster Care Sys.*, 27 THE GUARDIAN 3 (Summer 2005), http://www.naccchildlaw.org/training/guardian.asp (accessed Sept. 24, 2005) (newsltr. for Natl. Assn. of Counsel for Children).

12. Troxel v. Granville, 530 U.S. 57, 65 (2000). *See* Meyer v. Nebraska, 262 U.S. 390, 399, 401 (1923); Pierce v. Society of Sisters, 268 U.S. 510, 534–35 (1925); Prince v. Massachusetts, 321 U.S. 158 (1944); Wisconsin v. Yoder, 406 U.S. 645, 651 (1971); Stanley v. Illinois, 405 U.S. 645, 651–52 (1972); Parham v. J.R., 442 U.S. 584, 602 (1979); Santosky v. Kramer, 455 U.S. 745, 753 (1982).

13. Quilloin v. Walcott, 434 U.S. 246, 255 (2000).

14. Wulczyn, *supra* note 5, at 95.

15. *Troxel,* 530 U.S. at 68; *Parham,* 442 U.S. at 602.

16. *In re* Michael B., 80 N.Y. 2d 299, 310–11 (1992). *See also* Stanley v. Illinois, 405 U.S. at 657–58.

17. *Santosky*, 455 U.S. at 754. *See also* Reno v Flores, 507 U.S. 292, 304 (1993).

18. *Santosky*, 455 U.S. 745 (1982).

19. INDIAN CHILD WELFARE ACT of 1978, 25 U.S.C. §§ 1901-1951 (1978).

20. 25 U.S.C. §§ 1912 (e)-(f) (1978). *See also* Wulczyn, *supra* note 5, at 97.

21. *Santosky*, 455 U.S. at 753–54.

Even though the child has a right to remain with his or her natural family, that interest has not risen to the same level as the parental or state interests involved in a child welfare decision.[22]

B. Policy Framework

Public policy has created a legal framework that favors parents' rights to raise their children. The Adoption Assistance and Child Welfare Act of 1980[23] requires states to secure a judicial determination that reasonable efforts were made to maintain children in their natural homes and, if removal is required for the child's safety, reunification must be made expeditiously.[24] The Act provides fiscal incentives that drive permanency planning.[25]

The focus shifted from family preservation and reunification toward permanency and stability through adoption in the Adoption and Safe Families Act of 1997 (ASFA).[26] ASFA Act included funding incentives favoring time limits on reunification, and introduced the concept of concurrent planning for reunification and permanency.[27] It also defined "reasonable efforts" towards reunification, which has been viewed by critics as a weakening of parental rights.[28]

III. The Need for Change

Family reunification remains the primary goal of child welfare systems, but it often falls short of the promise. Statistics for out-of-home foster placements are staggering.[29] As of March 2004, 518,000 children were in foster care in the United States.[30] Youth ages eleven years and up are least likely to be adopted successfully, yet in 2003, they accounted for 49% of the total number of children in foster care.[31]

22. *Michael B.,* 80 N.Y. at 314 (noting that if parental unfitness is found, the court looks to the best interests of the child standard, which is ambiguous and malleable, subject to the court's review of the total circumstances and discretion on a case-by-case basis).

23. ADOPTION ASSISTANCE AND CHILD WELFARE ACT of 1980, 42 U.S.C. §§ 670-676 (1980).

24. 42 U.S.C. § 671 (150 (1980). *See also* Wulczyn, *supra* note 5, at 97.

25. 45 U.S.C. § 13021(6*). See also* Wulczyn, *supra* note 5, at 97.

26. ADOPTION AND SAFE FAMILIES ACT of 1997, Pub. L. No. 105-89 (Nov. 19, 1997), 42 U.S.C § 670 (2)-(3) (1997).

27. 42 U.S.C § 673B (1997). *See also* Wulczyn, *supra* note 5, at 97-98.

28. 42 U.S.C § 671(a)(15) (1997). *See also* Wulczyn, *supra* note 5, at 98.

29. Estimates based on data submitted by states as of Sept. 14, 2005. *Trends in Foster Care and Adoption, FY 2000–2004*, Adoption & Foster Care Analysis & Rep. Sys. http://www.acf.hhs.gov/programs/cb/stats-research/index.htm. (accessed Sept. 23, 2005).

30. *Id. See also* testimony of Shay Bilchik, *Sen. Briefing on Kinship Care and the Re-introduction of Kinship Caregivers Support Act*, Child Welfare League of Am. (Nov. 21, 2005), www.naccchildlaw.org (accessed Dec. 1, 2005).

31. Adoption & Foster Care Analysis & Rep. Sys, *supra* note 29.

Reunification is often not an option because of parental unfitness. The statistics on unsuccessful family reunification and adoption are disturbing.[32] For older children found not adoptable, the focus shifts to long-term foster care with multiple placements. It is not unusual for a child who has been in the foster care system for an average of ten years to experience more than a dozen placements.[33] Each new placement brings with it a broken promise and grief at a broken relationship.

The steady increase in foster care placements is troubling on a different level, because most children are deeply traumatized when they are separated from their families. Studies show that even when families become dangerous or unhealthy, the child often experiences separation from a primary caregiver as a threat to survival. The trauma a child experiences when caught up in the child welfare system can be significant, because while child welfare systems strive to provide safety and stability, they often fall short of that goal.[34] Experts who have studied traumatized children find that those who become well-adjusted adults have constant, caring adults in their lives.[35] Yet, too many foster children leave the system with no one to lean on for support and guidance, no place to go for the holidays.[36]

The current system is creating a disenfranchised group that some call "The Lonely Ones."[37] The system of broken promises has created a group of grieving, lonely children turned loose on their eighteenth birthdays with no support network and no clue of how to build a future.[38]

IV. Growing Trend Toward Connectedness

A solution to this problem exists and can be found in a recent trend toward "family connectedness." Studies show that family connections endure regardless of legal actions.[39] Increasingly, building on family strengths and making optimal use of positive connections is becoming an important part of permanency planning.[40]

The Adoption & Safe Families Act reflects the widely held belief that

32. Wulczyn, *supra* note 5, at 95.
33. Campbell, *supra* note 2.
34. *Id.*
35. Campbell, *supra* note 2. *See also* Judge Leonard Edwards, *Too Many Kids in Foster Care, California Can Do Better*, San Jose Mercury News (Aug. 1, 2005).
36. *Id.*
37. Campbell, *supra* note 2.
38. *Id.*
39. *Connectedness Mapping*, EQM Children & Family Serv., http://www.emq.org/connectedness.html (accessed Sept. 24, 2005).
40. *Id.*

relative care situations are positive for youth.[41] The Act provides financial incentives for adoptions, and directs states to move children through the system quickly into a permanent family setting.[42] The recommendations specifically list placement with a "fit and willing" relative as one of the permanency options. Relative placement is an exception to the requirement to file a termination of parental rights action when the youth has been in foster care for fifteen of the most recent twenty-two months. States must give preference to a relative when they meet all the safety standards.[43]

Benefits of relative care and/or ongoing family connectedness include:

- Connecting with a person the child knows and trusts.
- Creating a network of connected, caring support from family even if the child cannot be reunited with biological parents.
- Reinforcing the child's personal and cultural identity.
- Encouraging families to cultivate and rely on own resources/ strengths.
- Achieving the child welfare system's permanency goal: to protect child and strengthen families.[44]

A number of states, particularly Washington and California, have researched alternatives to nonrelative and congregate care placements and are reporting dramatic benefits to relative-oriented placement options.[45] For example, Washington enacted kinship care statutes in 2003 that require social workers, courts, and all professionals involved in a foster child's life to make extensive efforts to identify and locate family members at every stage of the case planning.[46] Since enactment of the state statutes, relative placement of foster youths has increased from 19% to 37%.[47]

A. Family-Finding Delivering Profound Results

One strategy employed by the states is called "family finding"[48] which

41. 42 U.S.C. § 675(1)(E) (1997).
42. ADOPTION AND SAFE FAMILIES ACT of 1997, *supra* note 26.
43. EQM Children & Family Serv., *supra* note 39. *See also* ASFA, Pub. L. 106-314(2)(4).
44. Campbell, *supra* note 2.
45. *Id. See Group Home StepUp Project: Moving Up & Out of Congregate Care Final Rpt.*, Alameda County Children & Family Servs. (August 2005); *Creating Fam. Connections, 3-Mth. Follow-Up Rpt.*, Orange County Children and Fam. Servs. (September 2005). Ty Phillips, *Project Finds Safety Net for Foster Kids*, SACRAMENTO BEE (May 8, 2005).
46. WASH. REV. CODE ANN. § 74.13.600 (West 2005).
47. Campbell, *supra* note 2.
48. *Id.*

entails a mixture of legislation and technology, such as inexpensive database searches of public records, which identify and engage immediate and extended family members.[49] The information gleaned from the search can be used in a variety of permanency planning options, from permanent placement to personal and telephone visitation. In some cases, even the slightest shred of information connecting a child to a family has proven positive.[50] The leaders of these projects report dramatic psychological benefits to the child and significant cost savings over time.[51]

In Pierce County, Washington, the first family-finding program was piloted by Catholic Community Services in 2002. The target was youth living in foster or congregate care or at imminent risk of psychiatric hospitalization. The goal was not to find permanent placements, but rather to search for information that could help establish and maximize possible family connections.[52]

Initially, program leaders looked at the framework and technologies necessary to overcome system barriers in the child welfare that block the ability for children and adolescents in out-of-home placement from maintaining or re-establishing contact and relationships with their family members.[53] They also looked at family reunification frameworks from the International Red Cross project reuniting families in Rwanda after the genocide, The Church of Jesus Christ of Latter Day Saints program that traces families, the efforts of the Red Cross to reunite families after Hurricane Katrina, and the basic structure of the American family.[54]

According to the leaders of this pilot program, the lessons from these historic models included:

1) Government interventions are temporary, limited in scope and not intended to supplant the individual or family's ability to care for them.
2) It is possible to respond to the immediate crisis while preserving and expanding information and connections that enable restoration of self-sufficiency.
3) Barriers of time and distance can be overcome with a flexible scaleable organizational design to support family reunification.

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49. *Id*. (indicating that the cost of a U.S. Search is $25 per search and the average staff time required for each family search and the subsequent screening process is forty hours).

50. *Id*.

51. Phillips, *supra* note 45; Campbell, *supra* note 2. *See* Kevin A. Campbell *et al*., *Lighting the Fire of Urgency*, Catholic Community Servs. of W. Wash. http://www.ccsww.org/preservation/article5.php.

52. Campbell, *supra* note 51.

53. *Id.*

54. *Id*.

The end result was strong bias for family finding, a means of leveraging technology to search out and engage family members in the life of an out-of-home placed child.[55]

The initial Washington family finding project, which focused on a sample of 120 children,[56] required thirty-nine staff hours for the average completed search but ranged from one hour to 400 hours. Of the initial search effort, 91% of the searches were completed within Washington State. Search efforts have been expanded. Of the first 1000 searches for family members conducted since this program began, the organization was unable to locate the parent(s) and relatives for only one child. As a follow-up to this initial pilot project, Washington legislation was enacted in 2003 designed to foster kinship placements stateside. Since this project began, the number of children in relative placement, as opposed to foster care, has nearly doubled.[57]

B. Success in Human Capital

The family-finding approach has spread across California.[58] One such project was undertaken by the Alameda County Children & Family Services with assistance from Casey Family Programs and California Permanency for Youth Project.[59]

In 2005, over 400 Alameda County foster youth resided in congregate care, representing 12%–15% of the total foster care population.[60] Many of these youths had spent their entire adolescent years residing in multiple group home settings with no hope of family reunification. The majority had lost family, peer, and school connections, and they were likely to emancipate from the system without any permanent, life-long connection.[61]

Most importantly, the adult outcomes for this population were among the worst in the system. For example, foster youths experienced higher incidents of placement disruptions, AWOL time, and school absences. Stays in psychiatric hospitals and juvenile detention were greater in num-

55. *Id. See also* Barbara Boisvert et al., *Who Am I? Why Family Really Matters*. Catholic Community Servs. of W. Wash. http://www.ccsww.org/preservation/article6.php (accessed Oct. 5, 2005); *FAST Program Provides Connections for Youth and Families,* Catholic Community Servs. of W. Wash., http://www.ccsww.org/preservation/article4.php (accessed Oct. 5, 2005).

56. Campbell, *supra* note 2.

57. *Id.*

58. *Family Finding*, EMQ Children & Family Services, http://www.emq.org/about/services/family_finding.html. (accessed Oct. 29, 2005).

59. *Group Home StepUp Project: Moving Up & Out of Congregate Care Final Report*, Alameda County Children & Family Services (August 2005).

60. *Id.* at 3.

61. *Id.* at 6.

ber.[62] Post-emancipation outcomes were dismal. There was a higher percentage of adult criminal incarceration, homelessness, and low high-school graduation or GED passage.[63]

Alameda County's StepUp Project had the goal of changing outcomes for this population of youth through family finding.[64] After six months, nineteen of the seventy youths assigned to the project had been transferred from group home placements to family placements. Numerous fathers, who were listed in court documents as "whereabouts unknown," were discovered.[65] Seventeen of the seventy children were slated for family placement in the subsequent one to three months. Twelve youths intentionally remained in congregate care, progressing in treatment, but in large part now supported by the (re)connected family.[66]

According to the project leaders, a surprisingly high number of youth were connected with family previously unknown to the youth and were reconnected with family members estranged after many years in the system. Overall, the youths achieved higher success than anticipated, primarily due to placement with parents, relatives, and fictive kin. They also reported that many negative behaviors subsided when reconnected to the family.[67]

The StepUp program leaders reported real and permanent change in 47% of the focus population's lives directly attributable to the six-month pilot project. For example, a lesbian adolescent, inveterately running away from placements and more than a casual drug user and truant, found a new relationship with her biological father, whose whereabouts had been unknown for years. The security and hope that came with the connection enabled her to get back into school and stop her "cutting" behaviors. They reported that since this reconnection this young woman has shown signs of hope and a sense of future for the first time.[68] Another example is a sixteen-year-old youth whose placement history showed movement to more restrictive residential treatment programs under heavy psychotropic medications. This child was placed closer to an adult sister to facilitate family contact. Within weeks, relatives came forward to be part of his life. An uncle who had provided respite care for the child as a toddler proved to be a strong connection. Today this youth has been placed with the uncle, his wife, and three cousins with positive results. For example, his need for medication to control angry behaviors and emo-

62. *Id.* at 7.
63. *Id.*
64. *Id.* at 28.
65. *Id.* at 29.
66. *Id.*
67. *Group Home, supra* note 59, at 30.
68. *Id.* at 8.

tional reactions has all but disappeared, and he is no longer headed towards the highest level of residential treatment facility.[69]

The StepUp program directors also concluded that the projected long-term savings far outweigh the short-term costs of the project.[70] The county projects savings over a five-year period directly attributable to this program to be approximately $6.672 million with respective savings of $3.42 million and $3.25 million associated with current placements and anticipated placements.[71] These projections are based on thirty-six youth who had a change of placement in the StepUp program as of July 2005. This figure assumes a lower per monthly cost for relative/fictive kin care than non-family foster family or group home care.[72]

In 2005, California legislators drafted a law that would have mandated that each county child-welfare agency conduct family-finding searches at every juncture of permanency case planning but the governor vetoed it on the premise that the bill presented an unfunded mandate prohibited by current state spending policies.[73] In spite of this setback, the family finding movement appears to be self-driven across the state. Nine counties had initiated family-finding pilots, another twelve pilots are in the planning or execution phase.[74]

For example, Orange County, California, recently completed the first phase of a family-finding project and reported results similar to Alameda County.[75] Orange County Children and Family Services joined in partnership with Canyon Acres Children's Services to seek out any existing family members for youth who were previously thought to have little or no caring adults in their lives. The pilot leaders reported that possible family connections were identified for 92%, and new family connections were achieved for 70% of the youths. Of the youth for which connections were made, 62% experienced a positive difference in functioning ability, and 63% had transitioned to a lower level of care or family as a result of the project.[76]

V. Focus on Kinship Care

Kinship care offers another approach to family connectedness. This

69. *Id.*
70. *Id.* at 30.
71. *Group Home, supra* note 59.
72. *Id.*
73. Calif. Assembly Bill 880, 2004 Leg. Reg. Sess. (Feb. 18, 2005).
74. Campbell, *supra* note 2.
75. *Creating Family Connections, 3-Month Follow-Up Report*, Orange County Children and Family Services (Sept., 2005).
76. *Id.* at 1.

option places the child in a home where one of the responsible caretakers is related by blood, marriage, or adoption, including siblings, grandparents, uncles, aunts, nieces, nephews, first cousins, current or former spouses of any of these people or stepparents.[77] Permanency in a relative home encompasses a variety of living arrangements, including licensed foster care, unlicensed or informal care, custody arrangements in lieu of foster care, legal guardianships (subsidized and unsubsidized) and adoption.[78]

Over the past decade, kinship placement has grown in popularity and has proven beneficial to foster children. The Pew Commission report on foster care proposes shifting federal policy away from foster homes as the sole solution and encourages innovative alternatives, such as placing children with subsidized legal guardians, such as relatives.[79]

According to the 2000 Census, six million children live with relatives, a 30% increase between 1990 and 2000.[80] The U.S. Children's Bureau cites several trends for this increase, specifically the number of non-kin foster parents has lagged behind the need, and courts have placed a higher value on the rights of relatives to act as foster parents.[81] This kinship care provides an opportunity to keep families together through a time of crisis and allows the child to thrive and continue to grow up in a family environment, absorbed by the cultural values and affection that the family provides.[82]

A. Kinship Caregivers Need a Lifeline

Although growing in popularity and benefit, kinship care has been hampered by systemic prejudice against family placements, stringent licensing restrictions, lack of financial subsidy for kinship placements, and budget constraints hampering search efforts.[83] The last census survey revealed that of the more than six million children in kinship care, approximately 4.5 million are living with aging grandparents.[84] The 2000 Census

77. Bilchik, *supra* note 4, at 1.

78. Shay Bilchik, *CWLA Comments to HHHS Regarding Proposed Rule Changes for Administrative Costs to IV-E Foster Care and Adoption Assistance*, Child Welfare League of America, (April 1, 2005). http://www.cwla.org/newsevents/kinshipcare050118.htm (accessed Sept. 24, 2005).

79. *Fostering the Future: Safety, Permanence, and Well-Being for Children in Foster Care*, The Pew Commission on Children in Foster Care, May 18, 2004.

80. U.S. Census Bureau, Census 2000 summary file 1: Table P28, relationship by household type for population under 18 years, http:www.census.gov/main/www/cen2000.html.

81. *Kinship Care & Guardianship Assistance*, Child Welfare League of America, 2006 Legislative Hot Topics, http://www.cwla.org/advocacy/2006legpirorities02.htm (accessed Sept. 24, 2005).

82. Bilchik, *supra* note 4, at n.104.

83. *Id.*

84. U.S. Census Bureau, *supra* note 80.

reported that 27% of children living in grandparent-maintained homes live below the poverty level, compared to 19% in households maintained by parents.[85]

These families are in need of assistance with most basic needs, such as day care, support groups, physical and mental health services, educational services, and legal assistance. Their requests for support are basic, such as how do I enroll the child in school, how do I access health care, or where can I find basic referral services.[86]

According to Shay Bilchik, president/CEO of the Child Welfare League of America, "For many children, it [kinship care] is also a lifeline to a safe and productive future. It is, therefore, the type of care that we must nurture and promote in every possible way . . . these families are a vital support for millions of children and are a key to ensuring the safety and permanency, as well as the nurturing and well-being, of these kids."[87]

The Adoption and Safe Families Act[88] in 1997, listed relative placement as a permanency option, but failed to make any funds available on a continuing basis to find these placements.[89] While Title IV-E of the Social Security Act provides federal funding to support some foster care and adoptive placements, kinship care placements are prohibited from tapping this source of funding except through a limited waiver process for kinship guardian placements.[90] The Children's Defense Fund indicates that thirty-four states and the District of Columbia have some form of subsidized guardianship program, but they use a patchwork of unstable funding sources.[91] The Pew Commission on Children in Foster Care and the Fostering Results Project have recommended expansion of this federal support for kinship families.[92]

B. Kinship Caregivers Support Act

In May 2005, Sen. Hillary Rodham Clinton and six co-sponsors introduced S. Res. 985, the Kinship Caregivers Support Act,[93] and Representative Danny Davis also introduced H.R. 3380, the Guardian

85. *Id.*
86. Bilchik, *supra* note 4, at n.104.
87. *Id.*
88. Adoption and Safe Families Act of 1997, 42 U.S.C § 670 (2)-(3) (1997).
89. Child Welfare League of America, *supra* note 78.
90. Bilchik, *supra* note 78, at 2.
91. *Id.* at 2. *See also* Mary Bissell, Jennifer L. Miller, *Subsidized Guradianships to Improve Outcomes for Children,* 9 Children's Defense Fund, http://www.childrensdefense.org (accessed Oct. 13, 2005).
92. Pew Commn. on Children in Foster Care, *supra* note 10.
93. S. Res. 985, 111th Cong., (May 10, 2005).

Assistant Promotion and Kinship Support Act.[94] Both bills are designed to assist relative caregivers where the parents are not able to care for the child, but both have been referred to committees with little activity since 2005.[95]

Provisions of both bills include:

> For the first time, states will be allowed to use federal Title IV-E foster care funds to provide subsidized guardianship assistance payments to relative caregivers, if the placement is the best permanency option for the child.[96]

Financial support will be available to states and large metropolitan areas to establish kinship navigator programs, which would link relative caregivers, both inside and outside the formal child welfare system, to a broad range of services/supports. These services may include respite care programs, special services for incarcerated parents, education advocacy, family support, mental health services, substance abuse treatment, child support, housing assistance, child care, legal assistance, as well as a range of federal benefits, such as Medicaid, Temporary Aid for Families, and others.[97]

States will be required to give notice to all adult grandparents and other relatives when children enter foster care, within sixty days of removal from the parents.[98]

States may establish separate licensing standards for relative foster parents and nonrelative foster parents, provided both standards protect children and include criminal record checks.[99]

In February 2006, the U.S. House of Representatives passed a budget reconciliation bill, which cut $577 million in Title IV-E Foster Care assistance for abused and neglected children, particularly those living with grandparents and other relatives.[100] This 2006 budget reconciliation bill repealed a 2003 judicial decision handed down by the Ninth Circuit Court of Appeals,[101] which extended Title IV-E foster care support to some abused and neglected children who live with grandparents or other rela-

94. Child Welfare League of America, *supra* note 78.

95. *Id.*

96. *Id.* S. Res. 985, 111th Cong., *supra* note 93.

97. *Id.*

98. *Id.*

99. *Id.*

100. Shay Bilchik, *Child Welfare League of America Denounces House Budget Reconciliation Bill,* Child Welfare League of America (Nov. 18, 2005), http://www.cwla.org/newssevents/news051118budget.htm.

101. *See* State of Cal. Dept. of Social Services v. Thompson, 321 F.3d 835, 845(1). The court held that Health and Human Services (HHS) unreasonably interpreted the Aid to Families with Dependent Children Foster Care Program (AFDC-FC) to preclude AFDC-FC payments to children who were AFDC-eligible in any relative's home at time petition removing them from

tives.[102] In addition, President George Bush's budget for 2007 proposed funding cuts for the funds that states have used to support kinship and guardianship placements.[103]

Removing financial support from relative caregivers jeopardizes their ability to care for children who cannot safely live with their parents.[104] The child welfare community swiftly denounced this fiscal action.[105] Ruth Massinga, president and CEO of Casey Family Programs, the nation's largest foundation focused on foster care, released the following statement:

> It's shocking to think that Congress would attempt to cut foster care benefits to hundreds of thousands of abused and neglected children who are being cared for by relatives—what we call kinship care. Most of these families are already struggling to make ends meet. If we deny them federal financial support, these children are likely to end up being placed with strangers in the foster care system. It's contrary to our stated policy objectives to preserve families, and it is contrary to the safety and well being of these children. Moreover, it would increase the burden on a system that is already struggling to find suitable foster families.[106]

While the fate of the proposed Kinship Caregivers Support Act is uncertain at this time, the weight of supporters and their veracity in forcing a discussion of kinship care at the national level is encouraging.

VI. Basic Human Right

The success of family-finding and kinship care projects, such as the ones in Western Washington and several counties in California, shatter the myth that the only alternative for the hard-to-adopt child is recruitment of nonrelative foster parents or congregate care[107] facilities.[108] The results from reconnecting families are dramatic both in terms of improved outcomes for at-risk youth but also in significant cost savings to the state.

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abusive or neglectful home. Further, the interpretation was not entitled to deference; because the interpretation was inconsistent with statutory language as construed in light of precedent established by Supreme Court, it had no support in statute's legislative history, and it undermined statutory protections for foster children that Congress intended.

102. *Id.*

103. Bilchik, *supra* note 100.

104. Child Welfare League of America, *supra* note 78.

105. Bilchik, *supra* note 100.

106. *Casey Family Program Releases Statement on Proposed Cuts to Child Welfare Systems*, Casey Family Programs (Oct. 27, 2005), *available at* http://www.casey.org/MediaCenter/PressReleasesAndAnnouncements/MedicaidCutsStatement.htm.

107. *Congregate care* defines a placement of the child in a group living facility, such as a group home, orphanage, or residential treatment facility, which combines therapeutic services and education. *Family finding*, *supra* note 3.

108. *Id. See* Campbell, *supra* note 34, at n.94, n.98.

The right to family should be viewed as a child's basic human right, not just a trend toward best practices among child welfare circles. The juvenile dependency courts should refocus efforts on family connectedness by imposing a presumption of family preference in placement decisions. As a matter of public policy, state legislators should move beyond the cost-benefit analysis nature of pending legislation to mandates requiring the child welfare system to search out family connections at every phase of permanency planning. Congress should recognize that our children are best served by fostering and supporting family connectedness and implement fully funded federal assistance programs that support kinship caregivers.

Investing in the search for family and cultivating working relationships with these families is a short-term investment that has huge paybacks in terms of more successful, positive outcomes for children and economic benefit to the taxpayers.

Developing Permanent, Supportive Connections While in Care:

Foster Youth's Perspectives

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Most importantly, this study would not have been possible without the participation of the former foster youth who were interviewed or participated during the focus groups. They took time out of their busy lives to contribute to this study by offering insight, personal experiences, and valuable feedback about the permanency services they received from their social workers and child welfare agencies. The information they provided will assist child welfare agencies with improving permanency services for the foster care population for years to come.

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Executive Summary

Young people age out of the foster care system at age 18 or 19 and are often left to their own devices to survive on their own in early adulthood. With the increasing research in the outcomes of youth aging out of foster care, it has become more apparent that former foster care youth may need more support in the areas of social support and permanent emotional connections with adults in their lives.

This youth-led study examines the effect of "permanency placement" and "permanent emotional connection" interventions on young people in foster care in the San Francisco Bay Area. The goal of the study is to examine the experiences of youth while they were in foster care, as told by the youth themselves. Data was collected through non-experimental qualitative interviews and focus groups with young adults that have aged out of the foster care system. Twenty-seven youth were recruited from three Bay Area counties: Alameda, Contra Costa and Santa Clara. Each county used for recruitment had either trained their child welfare workers in the California Permanency for Youth Project (CPYP) model or the Family Finding model.

This is a seminal study in the field of child welfare as it explored the process, services, and support foster care youth received while in care with developing permanent emotional connections with adults in their lives. No other study to date has sought to gather feedback from the *youth themselves* about the process of receiving "permanency" services from their child welfare workers or agencies.

The qualitative data was analyzed and the major themes and topic areas that emerged from the data were: 1) The Importance of Developing Family and Permanent Connections, 2) Family Placement Options Were Not Discussed with the Youth, 3) Youth Not Wanting to be Placed with Family, 4) Preparation for Placement/Connections with Family or Other Adults, 5) Having a Choice with Placements or Contact with Family, 6) Connections to Siblings Who Were Also in Foster Care, 7) Multiple Placements Resulting in a Lack of Permanency, 8) Types of Placements Affecting Relational Permanency, 9) Mental Health Issues of Youth Can Affect Permanency, 10) Mentors in the Community as Permanent Connections, 11) Social Workers as Mentors and Permanent Adult Connections, 12) Hard to Create Permanency When Relationship with SW is Not Strong, and 13) Lack of Contact with Connections After Aging Out.

Most of the youth reported that they did not receive support from their child welfare workers about making connections to family or other adults while in care.

The following are the recommendations for child welfare agencies to take action on:

1. Implement Family and Permanent Connection Finding (FPCF) services for <u>all</u> youth in foster care not placed with kin, especially those youth over the age of 13
    a. Continuously train new child welfare workers, supervisors and managers on the importance of promoting family placements and helping youth develop permanent emotional connections with adults in care
    b. Run a family finding report on every youth in foster care (Weinberg, 2009)
    c. Social workers should add permanent connections to family (especially siblings) when making decisions about placements (especially out-of-county placements)
    d. Examine the cost-effectiveness of the Family Finding model to examine if it should be implemented within the county system, or be contracted out to a private non-profit
    e. Make sure <u>all</u> foster care youth have a voice in their placements with family and connections to adults while in care (when developmentally appropriate)
    f. Link youth with mentors in the community

    g. All FPCF services should offer pre- and post-planning interventions including support for relationship disruptions for at least one year after a connection is made
2. Add a “Permanent emotional connection” section to CWS/CMS for data tracking (perhaps in Special Project Tab area)
3. Mandate that siblings have the same social workers while in foster care
    a. Develop policy to state who is responsible for bringing siblings together for contact if they have different social workers
4. Conduct a longitudinal study* exploring the outcomes of the Family and Permanent Connection Finding model to examine:
    a. Kin placement rates and length of time kin placements last (i.e recidivism)
    b. Emotional connection relationship rates and whether relationships last
    c. Foster youth satisfaction survey to examine the process of specific intervention
        i. *It is important to note that there is currently an outcome study being conducted by the Family Builders agency in Alameda and San Francisco counties.

Introduction

The child welfare system is designed to protect children and youth, and to provide them with safe and caring homes if they have to be removed from their birth homes or families of origin due to abuse and/or neglect. The system, intended to be temporary, is meant to provide children with shelter and support while their parents receive needed services so the family can be reunified (Ruby Slippers Project, 2008). However, if children in foster care cannot return to their birth homes, then the goal of the child welfare system is to find those young people permanent, stable homes. Unfortunately, hundreds of thousands of children and youth find themselves growing up in foster care without permanent homes, permanent families or any lifelong connections (Jacobson, 2007).

In September 2006 there were approximately 510,000 children placed in foster care in the United States (U.S. DHHS, 2008). Of those, there were about 158,700 children and youth who could not reunify with their parents, but had case plans which included goals of living with a relative, securing a legal guardian, or getting adopted. So, currently nearly one-third of all children and youth in foster care will never return home to their families, while the rest will return home within two years (Mallon, Aledort and Ferrera, 2002). The children and youth that do not return home are often placed in "long-term placement" units in county child welfare agencies (Mallon et al., 2002, p. 409). Long-term placement units are specialized units where the the social workers are primarily placement workers who are focused on locating the best, suitable placements for children who will most likely not be adopted or be placed in guardianship (T. Lenz, Personal communication, June 1, 2009).

The one experience that often defines foster youth culture, more so than any other, is the experience of being displaced from one's family of origin (Sanchez, 2004). Children who are raised in foster care, and "age out" of foster care at age 18, may have lost connection with those important to them and may not have a consistent group of friends and family due to being uprooted (Jacobson, 2007, p. 5). They often lack permanent connections to others in their lives. This population of children, often with deeply routed behavior problems resulting from child abuse or neglect and intensified by separation, loss and unresolved grief, poses the greatest challenge today to timely permanency planning for children in out-of-home care (Mallon et al., 2002, p. 409).

Child welfare legislation was designed to protect and support young people in out-of-home placements and it has changed significantly over the last three decades. Since the early 1980s the culture of child welfare legislation has shifted between family preservation and protecting the safety of the child. A seminal piece of legislation, the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89), refocused efforts to promote safety and permanency for children in the child welfare system (Westat, 2001). The primary goal of the law was to promote the safety of children at every point in the child welfare process, while the second goal was to create and maintain permanency for children. The federal government specifically states that, "a child has achieved permanency when the child is reunified with his or her family, when a finalized adoption has occurred, or when a legal guardian has been established for the child" (U.S. DHHS, 2005). Yet, the reality is that there are approximately 26,000 youth who never reunify with parents, achieve guardianship, or get adopted while in foster care and age out or emancipate from the system each year (U.S. DHHS, 2008).

Nevertheless, we know that one of the important assets for a child or youth is to have an enduring, positive relationship with an adult who cares about that child (Bronfenbrenner, 1994 as cited in Vandivere, Chalk and Moore, 2003). The literature establishes that, absent a strong attachment to at least one caring adult, a young person is at risk for lifelong difficulty interacting with others and is more likely to confront challenges in becoming and remaining independent, handling emotions, functioning intellectually, and coping with stress (Crockenberg & Leerkes, 1999; Lee & Robbins, 1998; Lutz, 2003; Masten & Coatsworth, 1998 as cited in Freundlich, Avery, Munson, and Gerstenzang, 2006, p. 743). Consequently, there has been a second push of permanency in the child welfare system related to connecting young people to family and other adults in their lives to promote "permanent connections" as these youth leave foster care.

Purpose and Goals of this study

In the last two decades there has been increased attention on youth aging out of the foster care system. These young people often leave the foster care system at the age of majority, or otherwise become legally emancipated (Needell et al., 2002). Specifically, research has focused on how this population of young people has fared after emancipating from the foster care system (see Courtney et al., 2005). Unfortunately, most outcomes have been bleak, such as high unemployment rates, low educational achievement, high rates of homelessness and marginal housing, incarceration, high rates of public assistance, and early pregnancy (see Blome, 1997; Goerge, Bilaver, Lee, Needell, Brookhart, & Jackman, 2002; Courtney et al., 2007; Needell et al., 2002).

However, the field of child welfare continues to struggle with supporting and nurturing foster care youth's socio-emotional well-being (Samuels, 2008). In fact, the current foster care system fails to provide a permanent family or placement for every child and children often have difficulty staying connected to family and friends while in foster care (Kidsarewaiting.org, 2007). As a result, many child welfare agencies have started to focus on helping youth develop permanent emotional or relational connections with other adults prior to leaving the foster care system at age 18. There are various micro and macro permanency interventions used to help foster care youth find these connections with adults in their lives. These interventions have come from both the public child welfare and private non-profit sectors.

This youth-led study examines the effect of "permanency placement" and "permanent emotional connection" interventions on young people in foster care in the San Francisco Bay Area. The goal of the study is to examine the experiences of youth while they were in foster care, as told by the youth themselves. Data was collected through non-experimental qualitative interviews and focus groups with young adults that have aged out of the foster care system. Findings from this study will provide county social service directors, child welfare administrators, philanthropic organizations, non-profit service providers, and policy makers with important information about the intervention of developing permanent emotional connections for older youth in foster care.

General Outcomes of Permanency

There have been a number of studies examining the permanency outcomes of youth in foster care. Potter and Klein-Rothschild (2002) conducted an experimental study exploring what the factors are that may affect whether youth achieve permanent outcomes while in foster care. They compared 69 youth who did not achieve permanency with 69 (random) who did. The researchers found some of the variables affecting whether youth did not find permanency were:

- being African-American
- being older at the time of first placement
- having behavioral or emotional issues
- having more caseworkers
- having more placements
- not having substance use an issue
- having a mother with a developmental disability,
- having a mother with problem parental characteristics
- having parents who did not sign the family service plan
- having less visitation

How Foster Youth View Permanency and Social Support

Relatively little is known about social support among young adults who have left foster care (Courtney et al., 2007, p. 18), mainly because of the paucity of information currently available on children and youth's perceptions of permanency (Fox, Berrick and Frasch, 2008). Sanchez (2004) states that foster youth cannot achieve permanency if they do not have people in their lives with whom to have a permanent connection (p. 8). When a foster youth's daily experiences with people are mostly child welfare professionals, attorneys, care providers or other people associated with the foster care system, the chance is greater that when they emancipate they will have to leave these relationships behind (p. 8). This can make it even more difficult for foster care youth to find and maintain permanent adult connections.

Often, foster care youth are not involved in the placement process. For instance, Johnson, Volken, and Yoss (1995) explored the experiences of youth in their placement process. The researchers did semi-structured interviews with 59 children and youth ages 11 to 14 years old who were still in care. Very few children reported being active participants in the decision to move placements while in care (p. 965). In fact, 58% reported having little or no involvement in the placement process (Johnson et al., 1995). Yet, 27% stated that they were at least somewhat in involved in the decision of moving placements.

Some other researchers have examined foster youth's thoughts about permanency and expectations around their living situations. For example, Fox et al. (2008) interviewed 100 young people in foster care as children (average age 9.89 years) and found that 42% expected to live with their current caregiver as a teenager. Uncertainty about future living situations

characterized many children's expectations (p. 75). When asked if "you could live with anyone or anywhere, who would it be with?" thirty-seven percent identified their current caregiver, 22% said an extended relative's home, 20% said a birthparent's home, 11% were classified as "other," and 10% said they didn't know (p. 76).

When asked, "who decides if this will be your permanent home?" almost half identified their current caregiver and 26% said themselves. Very few children thought that social workers, relatives, or birthparents held this decision making power (p. 76). Even though the children in the sample had a consistent caregiver, many experienced confusion about their long-term security and managed feelings of uncertainty beyond the appropriate tasks of their developmental stage (p. 82). This lack of psychological permanency is likely to have an unmeasured influence on the children's overall well-being (p. 82). Fox et al. (2008) believe that direct conversations about permanency, facilitated by social workers, might also help to acknowledge and celebrate aspects of long-term relationships (p. 82).

Samuels (2008) conducted a comprehensive qualitative study examining the experiences of 29 former foster youth related to permanent emotional connections. Through the use of in-depth interviews and personal network maps, the researcher attempted to gain a better understanding of the social support networks among former foster youth (Samuels, 2008, p. 3). The participants ranged in age from 17 to 26 years old. All participants had aged out of a supportive program called Opportunity Passport, a part of the Jim Casey Youth Opportunities Initiative, designed to help young people make the transition to adulthood with support around education, housing, jobs and internships. All participants reported an existing support network that consisted of adult biological/adoptive/foster parents and kin, as well as friends (Samuels,

2008). Ambiguous loss was present throughout the stories of participants as they explained how they learned to cope with people coming in and out of their lives. Most conveyed a sense of hoping for permanence in relationships, but not being confident of the certainty of this or perceiving it as something under their control (p. 5).

Respondents stated that they valued support from individuals who could appreciate the complexity of their histories and experiences (Samuels, 2008, p. 36). And, when respondents were asked about who could really understand their experience in foster care, they overwhelmingly said that only other foster youth could. In addition, most respondents stated that they were not involved in any permanency planning process for their case (Samuels, 2008). In fact, most felt largely barred by social workers from discussions and plans related to their own futures (Samuels, 2008, p. 44).

However, participants in the Samuels (2008) study did mention their need for emotional support as they left the foster care system. For example, one young woman stated, "I feel emotional support. Because if they have that emotional support, it vamps your whole life. You know? If you didn't have that emotional support, in return the outcomes are gonna be bad problems" (p. 54). Interestingly, only thirteen (13) of the twenty-nine youth in the study knew the definition of "permanency planning." Most stated that they were not involved in the development of their permanency plans or were not involved until the last few years they were in foster care (Samuels, 2008, p. 44). In addition, some youth reported in the study that they had thought some of their relationships with foster parents were meant to last, but those relationships did not continue due to placement disruptions (Samuels, 2008). One youth stated, "I was in there (a foster

home) for a good period of time and we had developed —I thought we had a real good relationship. He dropped me off at a shelter because he said he had a business meeting. He said he was going to come back and pick me up in like a couple of days, and I ain't seen him since then. That has been like a long time. That is over 12 years ago" (p. 49).

Similarly, Sanchez (2004) conducted a qualitative study with 25 former foster youth. The average age was 19.4 years with an age range between 16 and 24 years old. Data was collected via phone interviews and a focus group that included some of the interview participants. It is unclear how the respondents were recruited. The goal of the study was to explore the barriers, fears and hopes that foster care youth may have about finding permanency (p. 5).

The researcher defined permanency as: 1) relational or emotional, 2) physical, and 3) legal, but these variables were not meant to be mutually exclusive (Sanchez, 2004). The majority of the youth who participated in the study agreed that relational is the most important type of permanence (Sanchez, 2004, p. 10). Some youth reported that they had permanent emotional connections with adults on a conditional basis, yet most reported at least one permanent connection with a responsible adult (p. 13). Examples of adults were: foster parents, next door neighbors, extended family of foster parents, former foster parents, peer mentors, Independent Living Program Coordinators, high school counselors, Court Appointed Special Advocates (CASAs), sisters and brothers, grandparents, group home staff, best friends, professors and social workers. The respondents identified three major barriers to permanency in placement: 1) inappropriate placements, 2) poorly selected and trained foster parents, and 3) social workers' push toward adoption for foster children.

Foster youth respondents in the Sanchez (2004) study reported many different experiences with permanence. For example, one youth stated, "I don't know what I would do if I had to move around every two months or every six months like I hear people doing. I think what made me the person I am today is that I have so much stability in my life. That's what really helped me get over the fact that I wasn't with my real mother, being with someone who was there for me and always treated me like her real child (p. 10)." Another said, "It's really important to make sure before emancipating a youth that they have one person. If I have somebody that I know I can depend on, that loves me and cares that I wake up tomorrow and am still breathing, I can get through it. I can walk through it (p. 11)."

Some young people even specifically focused on the importance of emotional versus legal permanency. For instance, one respondent said, "For older youth, emotional permanency is so much more important (than physical or legal) (p. 11)." And, another focused on emotional stability and loyalty by stating, "It's important to know that there is someone I can count on who wouldn't turn their back on me (p. 11)."

Sanchez (2004) reported that the respondents named two ways to empower foster youth with achieving permanency: 1) provide them access to information, and 2) listen to them. In terms of providing access to information, foster youth respondents stated that talking to youth about permanency options early on was important. And, youth reported that listening to youth and their specific wants and needs was important. Foster youth believe that social workers should have conversations with youth about permanency early and often (p. 20). For example, one youth stated, "The age should not matter. Once they are old enough, five, six, or seven, and

able to communicate and comprehend, we should talk to them about what they want – you should be able to get what you want. Everyone should go to his/her court hearings and one of the questions that should be on the emancipation checklist is, 'Do you have somebody?' You shouldn't be able to leave the court unless you do (p. 19)."

Courtney et al. (2007) had approximately 589 respondents in wave three of their Midwest Evaluation of the Adult Functioning of Former Foster Youth when social support was explored. The respondents were asked about the type and quality of social support in their lives. The researchers used the Medical Outcome Study (MOS) Social Support Survey (Sherbourne and Steward, 1991). This 19-item measure contains subscales for four types of social support: emotional/informational, tangible, positive social interaction, and affectionate (Courtney et al., 2007, p. 17). For each item, respondents were asked to rate how often a specific type of support is available to them using a 5-point scale that ranges from 1 = none of the time to 5 = all of the time (p. 17). Affectionate support, positive social interaction support, tangible support, and emotional/informational support were the four categories examined.

The mean score across all items was 3.8, indicating that the young adults in the Midwest Study perceived themselves as having social support some or most of the time (p. 19). However, whether the social support youth reported having was long-term permanent support is unknown. Adequacy of level of support was also examined. A significant portion of the youth reported that they had too few people supporting them by: 1) listening (26%), 2) helping with favors (31%), 3) loaning money (33%), or 4) encouraging goals (29%) (Courtney et al., 2007).

Clearly, foster youth have many different perspectives, opinions and experiences with emotional permanency and social support. In the last few years there has been an increase of

public and private non-profit interventions directed at increasing the permanent emotional connections among youth in foster care. The next sections illustrate study outcomes from these permanency interventions.

Outcomes of Permanency Interventions

Intensive Relative Search Project

Foster care youth often lack meaningful and enduring connections with family members who can support them and provide them with a sense of connectedness and belonging. The IRSP staff believe that identification of relatives for these youth can provide them with an opportunity for legal permanency, as well as emotional permanency. For many of these youth simply connecting them to family members who can provide ongoing emotional support (if not a legal permanent placement) can increase their sense of self-efficacy and well-being, and perhaps even facilitate their ability to safely and successfully navigate their lives. Most caseworkers, though, lack the information, training, and support necessary for connecting foster care youth with family. As a result, many youth age out of the foster care system each year without a home or sense of connection to family.

In 2005 Champagne, Curtis, Riley, and Hartnett examined the outcomes of the Intensive Relative Search Project that took place in Cook County, Illinois. There were 24 youth who participated in the intervention and all had a permanency goal of independence. Seven youth were interviewed at follow-up for the study (6 males and 1 female) one year after the study began. Youth were selected for the project due to one (or more) of the following conditions: 1) Youth expressed a desire for contact with family, 2) Youth was in an unstable placement, and/or

3) Youth wanted a permanent placement (adoption or guardianship).

Six out of the seven respondents connected, or re-connected, with a family member after their involvement with the Intesive Relative Search Project (Champagne et al., 2005, p. 8). Four of the six who made a connection or re-connected, did so with minimal or no caseworker intervention; these connections were facilitated by the youth or by the other family members. One youth made a connection with a moderate level of caseworker intervention.

Six of the youth described 'family belongingness' as the central component of their relationship with their newly connected or re-connected relative (Champagne et al., 2005, p. 9). Of the six youth that connected or re-connected with a relative, four could be described as 'major connections' as the youth talk regularly with the relative or visit them on a routine basis. Contact between the youth and the relative has increased or remained steady since the connection happened. One youth connected with a relative more than once, but the contact was sporadic and was not increasingly consistent over time (Champagne et al., 2005). Another youth connected with a relative, but the contact was minimal immediately following the connection. The contact had lessened even further over the first year.

Of the six youth that found connections, three reported having developed an emotional bond and relationship with the relative with whom they connected (Champagne et al., 2005). In fact, three of the youth found more family members as a result of their first connection with a relative. For example one youth stated, "My auntie takes me out to see my daddy" (Champagne et al., 2005, p. 10). Another youth reports that, "I didn't have a Christmas with my family. I didn't have a Thanksgiving with my family. I didn't have a New Year's with my family…and now I have that, you know, I have that" (p. 10).

Four out of the seven youth report that there was minimal or no caseworker intervention that occurred in order to facilitate a connection or re-connection with relatives and two youth report that there was moderate caseworker intervention such as conducting a diligent search or making phone calls to family members (Champagne et al., 2005). According to the youth, there were no reports of significant caseworker intervention. However, the researchers acknowlege that it is possible that youth were not privy to everything that caseworkers did to help make connections with relatives.

It appears that a major barrier to re-connecting youth to family members is the youth's willingness to invest emotionally in the process given that there is a possibility that connections will not be made with certain people or that connections may take persistence and continued effort (i.e. emotional risk) on the part of the youth. Two youth did not express a lot of interest in being re-connected or maintaining the connection once it happened. Overall, this study illustrates that caseworkers should involve youth in the process by teaching them how to search for relatives, and especially how to approach them. As one youth said, "seek help, but learn to help yourself."

Family Finding

Family Finding is another intensive relative search model with the ultimate goals of achieving permanency and supporting enduring family connections for children in the foster care system. The model, conceived by Kevin Campbell in 1999, follows family-tracing techniques used by agencies such as the Red Cross to reunite families separated by international conflicts and natural catastrophes. Through the Family Finding model, foster care workers are trained to

use various search tools including genealogical archives and commercial Internet-based services to find family members of children placed in out-of-home care settings. Since Mr. Campbell began training child welfare workers in 2000, this model has spread throughout the country and helps find permanent homes and family connections for many youth in the foster care system for whom traditional attempts at finding permanent placements have failed.

Family Finding (FF) begins with a review of child welfare case files and then comprehensive internet searches to find family members who may be willing to house, or become social support for foster youth. The model has six stages including: 1) "discovery" of at least 40 family members for the child or youth, 2) "engagement" of those individuals who know the child best, including family members and others important to the child, to provide information about the child, 3) "planning" for the successful future of the child with the participation of family members and others important to the child, 4) "decision-making" for the future of the child (including a legal and emotional permanency plan) while taking into account the safety and well-being of the child, 5) "evaluation" of the permanency plan for the child, and 6) "follow-up supports" to ensure that the child and their family can access and receive informal and formal supports essential to maintaining permanency for the child.

In 2006 San Francisco County's Human Services Agency (HSA) piloted the Family Finding permanency intervention method with 20 foster youth. Currently the county offers Family Finding services through a collaboration and partnership with Seneca Center. Child welfare workers in HSA work with Family Finding Specialists from Seneca Center to help foster care youth find family members to live and/or connect with. In the Fall of 2008 the Child Trends Social Science Research group launched a national study examining the Family Finding model in

California (San Francisco and Los Angeles counties), North Carolina and Oregon (Pearl, 2008). The study has an experimental design to help determine the impact of the model for children entering the foster care system in these three states. The Child Trends study is not a youth-led project, but a program evaluation using administrative data and child welfare/social work staff.

California Permanency for Youth Project Evaluations

The California Permanency for Youth Project (CPYP) was started in January 2003 and operates under the Public Health Institute. The project's goal is to address the failure of the child welfare system to establish permanent placements (Friend, 2009, p. 35) and to help achieve permanent adult connections for youth in foster care. In fact, CPYP it is dedicated to ensuring that no child leave the California child welfare system without a permanent lifelong connection to a caring adult (Jacobson, 2007). The project's objective is to build awareness among child welfare workers and administrators, legislators, and judicial representatives about the strong need children and older youth in foster care have for permanent connections.

Additionally, the CPYP project works towards improvements in policy and administrative practices regarding permanency and has done work in the following Bay Area counties: Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Solano and Sonoma. The tasks of the project are to:

- Develop a Permanency for Youth Task Force
- Provide technical assistance to county child welfare agencies
- Provide a training curriculum on permanency to all county child welfare agencies
- Hold a national convening on permanency
- Develop documents to increase awareness around the issue of permanency
- Conduct a formative evaluation of each county's implementation process

CPYP will finish its project work at the end of January 2010 with the ten California counties it started work with in 2008 (M. Louisell, personal communication, August 31, 2009). In addition, CPYP still facilitates multi-county meetings in Northern, Southern and Central California with the counties and non-profits who have been involved with the project since 2002 (M. Louisell, personal communication, August 31, 2009).

In 2006 CPYP conducted a formal evaluation of its four pilot counties in California, however, this evaluation used child welfare administrator and direct service staff for its sample and did not include a youth evaluation. The evaluation was a final evaluation of the four pilot counties (Alameda, Monterey, San Mateo and Stanislaus). Demographic information on youth served, along with outcome information about whether the pilot youth achieved permanent connections by the end of the study, was provided. The sample consisted of 46 youth from the four counties. Youth were between the ages of 11 and 21 years.

Eleven youth (24%) found no lifelong connection by the end of the study, 20 youth (44%) found a lifelong connection (but legal permanency was not being pursued), 8 youth (17%) found a lifelong connection and were pursuing legal permanency, and 7 (15%) had legal permanency finalized for them (CPYP, 2006). Social workers for the youth who did not find a lifelong connection were asked about why the youth did not find a connection. The reasons were: the youth was unwilling to pursue a connection, there were not enough resources to support a connection, there were other barriers, the social worker was not able to spend sufficient time on permanency efforts, and the youth was willing/ the social worker did the work, but a connection still did not occur (CPYP, 2006).

A second evaluation of CPYP was conducted in 2008 on the outcomes of twelve youth from ten project counties for a total of 120 youth. There were four reporting periods on the project, as well as a beginning and ending evaluation. Response rates from caseworkers averaged about 90 percent. The average age of youth entering care was 8 years old and the mean number of placements was approximately 8. The study was from 2006 to the end of 2007. Twenty-nine youth (24%) found no lifelong connection by the end of the study, 62 youth (51%) found a lifelong connection (but legal permanency was not being pursued), 14 youth (12%) found a lifelong connection and were pursuing legal permanency, and 15 (13%) had legal permanency finalized for them. The legal permanency results were two adoptions, 10 reunifications and three guardianships (CPYP, 2008). Sixty-four percent of the caseworkers reported that the successful permanent connections were probably due to the work of CPYP (CPYP, 2008). The next section describes CPYP's Emancipated Youth Connections Project.

CPYP Emancipated Youth Connections Project

In January 2006 the California Permanency for Youth Project began a new pilot project attempting to connect former foster youth with other in their lives. The sample size for the project was twenty, the mean age was 23.68 years (with an age range of 17 to 39 years) and 70% of the participants were female. The mean number of years in care was 11.5 and the mean number of placements was 12.

The goal of the project was to recruit adults who were formerly in foster care to help them develop permanent connections with adults in their lives. An important aspect to the project was providing the participants with a supportive professional environment to explore issues such as

fears, coping with loss and personal defensive styles, ramifications of decisions, and other "emotional issues" regarding permanency during the project (Jacobson, 2007). Project staff conducted searches to locate potential connections such as relatives, past foster parents, teachers, coaches, fictive kin, past neighbors, etc. Then, potential connections were engaged, assessed, prepared, and supported by project staff.

The participant's attitude toward permanency was recorded at the time of intake and at closure. The scale of measurement was:

- wants permanent connection
- is ambivalent
- does not want a permanent connection
- do not yet know the participant's attitude about forming a permanent connection.

One participant did not want a permanent connection (she changed her mind later), two stated they were ambivalent, and sixteen reported wanting a permanent connection (Jacobson, 2007). Information from one participant was not collected. By the end of the study fourteen participants had made a permanent emotional connection, four had made a potential connection, and one had not made a connection (Jacobson, 2007). The most common goal for participants was to locate one or more family members (Jacobson, 2007, p. 25).

At the close of the study there were 139 new permanent connections made with biological family members and 41 connections with non-biological family members. An average of 58 hours per case was spent trying to develop and maintain the permanent connections for participants. These hours included travel time, visiting participants, searching and speaking with connections.

This project, and resulting study, is seminal in the research area of permanent connections for foster youth as it examines some of the more clinical and emotional issues related to helping youth find familial and other connections. The researchers specifically examined how the process of the search affected the participants. For example, some of the participants experienced suicidal ideation during the search for permanent connections (Jacobson, 2007). And, others experienced a crisis during the project, such as one participant who made a strong connection with a past social worker, after not making connections with her first two choices (Jacobson, 2007). Then, after making a connection, the social worker suddenly died. The project did offer support to this participant, and others, with counseling through contracted social workers, which seemed to contribute to participants' psychological stability, overall mental health, and emotional growth. Unfortunately, a major limitation was that the study did not empirically examine the clinical issues and results. That is, qualitative data exploring the process of the project was not systematically gathered or analyzed.

There are fiscal and systemic issues related to helping youth find permanent connections. It takes extra resources to have internal social workers, or contracted out private non-profit agencies, search for family, prepare youth for placements, and conduct follow-up.
Given the potential clinical issues related to family finding, it takes additional time, effort, funding to help young people not only find family connections, but maintain them.

Foster Care Youth in California

In California, children enter the foster care system under the auspices of either county child welfare services or probation departments (Needell et al., 2002). The state has the largest foster

care population in the United States; 66,496 youth as of January 1, 2008, and 12,700 of those young people are ages 16 to 20. See Table 1 for the breakdown of children and youth in foster care placements in 2008 in California. Between 2007 and 2008 4,586 foster youth emancipated from the California foster care system, while another 1,545 had "Other" outcomes that may have included youth who ran from foster care as adolescents (Needell et al., 2009).

Table 1. Foster Care Youth in California by Age (2008)

	Number
Ages 16 to 20 years	12,700
Ages 11 to 15 years	18,626
Ages birth to 10	35,170
TOTAL YOUTH IN CARE	66,496

Needell, Webster, Armijo, Lee, Dawson, Magruder, Exel, Glasser, Williams, Zimmerman, Simon et al. (2009)

The majority of these young people leave care at age 18 (72% for child welfare and 69% for probation), but many emancipate before age 18 (15% for child welfare and 28% for probation). Of the 4,586 youth that left care in California, it is estimated that 835 are from the San Francisco Bay Area (Needell et al., 2009). Unfortunately, there is very little information about these young people. See Table 2 below for a breakdown of youth emancipating from the Bay Area.

Table 2. Emancipating Youth in the Bay Area (2007-2008)

	Number
Alameda*	241
Contra Costa*	138
Marin	15
Monterey	20
Napa	7
San Francisco	139
San Mateo	39
Santa Clara*	138
Santa Cruz	22
Solano	37
Sonoma	39
TOTAL YOUTH	835

Needell, Webster, Armijo, Lee, Dawson, Magruder, Exel, Glasser, Williams, Zimmerman, Simon et al. (2009)

* Counties were study was conducted

Of all the youth in foster care in

California, about one-third of these young people have had five or more placements and 41% have been in care for 5 or more years (Needell et al., 2002). Between 2000 and 2001 approximately 65% of the youth aging out were homeless at the time of emancipation (Needell et al., 2002) and 30% were linked to welfare, or Temporary Assistance for Needy Families, after leaving care. Also, former foster youth from California have high rates of publicly funded mental health services (53%), Medi-Cal insurance (59%), and pregnancy (20% are mothers within one year of leaving the system) (Needell et al., 2002).

The case plan goals for all children in foster care in California are: 1) reunification (reunifying the child with parents from whose care the child was removed), 2) adoption, and 3) guardianship (relative guardianship is preferred to non-relative). However, many counties in the state participate in 'Concurrent planning' which is related to making sure that all three placement or outcome options above are being worked on by the child welfare worker at the same time. Essentially, the primary plan usually involves a goal of reunification and working with and providing services to the family to achieve this goal. At the same time, social workers should plan and work towards an alternative permanency goal for the child (e.g., permanent relative placement, guardianship, or adoption) in case the primary plan is not achieved within the timeline set (Westat, 2001).

Given the focus on permanent placements, a new fourth definition of "permanency" has developed in the foster care system in recent years: For young people, who will not be reunified, adopted or placed in guardianship, to develop family and other permanent connections and/or relationships with adults prior to leaving the foster care system at age 18.

Methodology

Twenty-seven young people were participants for this study who had exited foster care from three Northern California counties. The counties, Alameda, Contra Costa and Santa Clara, were chosen using two main criteria. First, each county had to be from the San Francisco Bay Area. Second, each county had to have been a California Permanency for Youth Project county (where child welfare workers were trained in the CPYP model) or had trained staff in the family finding model. There were other Bay Area counties that fit the two main criteria, but they either contracted out their permanency intervention services to a private non-profit that was not interested in assisting with participant recruitment, or there were no child welfare staff from the county willing or able to assist with recruitment.

We initially wanted to recruit young people still in foster care in the three counties, but this would have involved additional county review board approvals, as well as tracking, locating, and gaining consent from the biological parents and legal guardians of all potential participants in the study (Samuels, 2008, p. 15). This study was approved by the Committee for the Protection of Human and Animal Subjects from San Francisco State University. The Primary Investigator on this project developed a Youth Advisory Board (YAB), made up of four former foster care youth. They were recruited from the San Francisco State University's Guardian Scholars Program, a program on campus to assist undergraduates with a history of foster care. While in foster care the YAB members were placed in Alameda, San Francisco and San Diego counties. They helped develop the research questions for this study, oversaw the data collection of the study, and assisted with reading and editing the report. However, they were not participants in this study. There were two methods of data collection for this study: in-depth interviews and focus groups.

The study explored the following research questions:

1. How were youth affected by the "permanency" or "family finding" process? Specifically, the project examined:
   - What specific services or support did the youth receive?
   - What program did the youth participate in?
   - Was the process or the service(s) helpful for youth or not helpful?
   - Was the process or the service(s) respectful of the youth's needs?
   - How should the process or the service(s) be changed or improved?
   - How should the process or the service(s) be kept the same?
   - Did the youth obtain a permanent connection from this process?

Participant Recruitment

The primary investigator on this project discussed recruitment with two county personnel and one Program Manager from a private non-profit to assist with recruitment. These individuals assisted with recruitment by getting approval from the potential participants to be contacted and explained the study to the young people if they had questions. Names and phone numbers were provided from two counties to assist with recruitment for the interviews and focus groups. The Program Manager from the private non-profit did all of the recruitment with potential participants and greatly assisted with the focus groups. It is important to note the two county personnel were not the same child welfare workers that case managed the youth or oversaw their case while they were in foster care. There is no potential bias in recruitment as the social workers were not the same workers who assisted youth with developing permanent connections while in foster care.

The goal of the project was to have approximately 20 to 25 participants. Former foster youth is often a difficult population to recruit given the face that they may lose contact with social service providers or their previous child welfare workers, and sometimes return to their families of origin or other kin. The process of recruitment was continued until there were twenty-seven participants. The individuals who assisted with recruitment were also helpful in suggesting

appropriate locations for interviews and focus groups in cases where participants requested not to be interviewed in their homes (Samuels, 2008). Once a group of participants had been recruited from a county, arrangements for the interview were made with participants within a period of 1 to 2 days. Interviews were arranged over weekends or in the evenings to accommodate the work and school schedules of participants. The focus groups were set up for the evening time mid-week and whichever recruited youth could attend did so. The interviews and focus groups were audio-taped and hand written notes were taken.

Research Assistants

The data was collected by two research assistants hired to work on this project. The first assistant has an MSW and is also a Licensed Clinical Social Worker in the State of California. She has over fifteen years of experience in social work and has worked in a direct service and management capacity with former foster care youth for the last six years. She has also facilitated a number of focus groups for past research studies with former foster youth. The second research assistant holds Bachelors of Social Work and is a former foster care youth from Southern California. This is her first experience as a research assistant.

Recruitment Counties

As stated above, the participants for this study were recruited from Alameda, Contra Costa and Santa Clara counties. Table 3 below illustrates the total numbers of foster care youth in placement in those counties, and the total number of 16 to 20 years old in placement.

Santa Clara County's Department of Family and Children Services (DFCS) developed its own

Table 3. Youth in Foster Care from Recruitment Counties (January 1, 2009)

	Total Number	16-20 year olds
Alameda	**2202**	**584**
Contra Costa	**1335**	**287**
Santa Clara	**1588**	**339**

Family Finding (FF) Unit in 2003. Initially, the department's FF program began through a collaboration and partnership with Eastfield Ming Quong (EMQ), a private non-profit in Santa Clara County. The first set of children and youth in the FF unit were Santa Clara County child welfare clients who were also receiving services at EMQ. The county conducted an outcome study on these children and youth in 2005. The study had a sample size of 91 and the time period examined was between November 2003 and December 2004. At the end of the study twenty-nine children (32%) were reunified or living with family members, 56 children (61%) were living in the community with durable connections to family, and 6 children (7%) did not make physical or permanent connections to family (Marsh, 2005).

Reasons for not succeeding in FF were:

- children were AWOL at the time of the FF referral
- children had needs too great for family members to work with
- viable family members were not located, and
- children were placed for guardianship or adoption with non-kin

(Marsh, 2005)

Santa Clara County's FF unit offers services as an "umbrella" unit whereby the county caseworker owns the case, but the FF social worker manages the family finding process (J. Weinberg, personal communication, June 26, 2009). The FF unit has prioritized the 16 to 19 year

old youth population for FF services in hopes that it can help these young people find permanent emotional connections before they leave the foster care system. Cultural competency is also an integral part of the unit, given the high rates of children of color involved in the child welfare system (U.S. DHHS, 2006). For example, there is a bilingual, Spanish-speaking FF social worker that works closely with the Mexican Consulate to conduct family finding in Mexico for children with relatives who may live there. Additionally, there is an African-American FF social worker that works with African-American children, which may help with the FF process. It is believed that by having a social worker from the same race, the potential family may respond to the FF process differently than if they were approached by a social worker from another race (J. Weinberg, personal communication, June 26, 2009).

The three main components to the county's FF process are: 1) running the family search report with Accurint software (from Lexis-Nexis), 2) identifying and confirming relationships with the youth and contacting viable family connections, and 3) facilitating the development of relationship and creating a transition plan. The FF social worker works collaboratively with the child welfare caseworker throughout the process. In April 2009 the FF unit processed 146 cases that involved 283 children. The FF social workers found 219 maternal relatives, 83 paternal relatives, and 2163 non-relative extended family members in that month alone (J. Weinberg, personal communication, June 26, 2009).

Contra Costa County has been a California Permanency for Youth Project county since 2005. Contra Costa's definition of "Permanency" is to have an enduring family relationship (CPYP 2009). This family relationship is defined as at least one adult who provides: 1) A safe and stable parenting relationship meant to last a lifetime, 2) Love and unconditional commitment, 3)

The legal rights whenever possible and social status of full family membership, 4) Physical, emotional, social, cognitive, spiritual and cultural well-being, 5) Assurance of lifelong connections to extended family, siblings, other significant adults, family history, and traditions, race and ethnic heritage, culture, religion and language, 6) Opportunities, whenever possible, for the Youth to have a leadership role in developing his/her lifelong relationships (CPYP, 2009).

At this time Contra Costa County has no specific family finding unit or contract with outside agencies to provide family finding services. However, the county is unique in that each social worker conducts a Team Decision Making (TDM) meeting when a youth comes into foster care (the dependency social worker), or whenever there is a placement disruption (the social worker carrying the case). The TDM brings together all individuals connected to the youth such as social workers, therapists, family members, mentors, teachers, attorneys, etc. to work out a permanency plan for each youth. These meetings are standard for each youth.

Alameda County has been taking small samples of youth ages 11 and older and giving them family finding services through private non-profits contracted with the county. They serve about 30-40 youth per year with family finding services through Family Builders by Adoption. This agency is currently conducting an evaluation of outcomes of its family finding services. The grant funding this project ends in 2009. Alameda County has also published, "A Guide to Permanency Options for Youth" which defines permanency in legal, physical, and relational terms. The next page describes the sample used for this study.

Sample

Participants were young adults who were placed in foster care in Alameda, Contra Costa or Santa Clara County as an adolescent. There were twenty-seven (27) participants in this study, and all came from diverse backgrounds (see Table 4 below for participant demographics). None of the study participants were adopted while in foster care, and all had aged out of foster care at age 18 or 19. All participants were between the ages of 18 and 25 years old and participation was voluntary. Respondents received $30 cash for their participation in this study.

Table 4. Participant Demographics (n=27)

Gender		
	Female	**15 (56%)**
	Male	**12 (44%)**
Ethnicity		
	African-American	**19 (70%)**
	Caucasian	**2 (8%)**
	Latino/a	**6 (22%)**
Living Situation		
	Independently (apartment or college dorms)	**23 (85%)**
	Family/Kin	**3 (11%)**
	Spouse	**1 (4%)**

Analysis

All interviews and focus groups were transcribed and coded into themes. The coding process included thematic coding and open coding. The analysis of the data followed a Grounded Theory Method approach, using what is called constant comparison (Schatzman, 1991). This method is used to verify and substantiate the more conceptual findings by checking each theme against the raw data—in this case, interviews and focus groups (Samuels, 2008, p. 19). This approach was chosen because the purpose of this research study is to learn about former foster youth perspectives on whether and how they were able to develop relational permanence while in care. The method is appropriate for this study because it provides an analytic process that produces conceptualizations about an experience (e.g., building relational permanence among young adults with histories of

foster care) grounded in the perspectives of those who are living that experience (Samuels, 2008, p. 19). Direct quotes from participants are provided to illustrate the different theme areas and sections. The next section describes the limitations to this study.

Limitations

It is important to note the limitations of this study. First, the sample used for this study was small. Secondly, a convenience sample was used. All interview and focus group participants voluntarily chose to be subjects in the study and made the effort to contact the researcher or research assistants after being informed of the general nature of the study. This group's responses may be inherently biased, as they are former foster youth who still have contact with one or more social service providers. A third limitation is this study's inability to analyze the demographic and personal characteristics of participants that may shape their relational patterns and experiences with child welfare workers (e.g., gender, culture, mental health) (Samuels, 2008). A fourth limitation was that the interview instrument used to gather data for this study was not checked for reliability.

A fifth limitation is related to the self-report nature of the data collected. Qualitative interviews and focus groups involve self-report which can include many possible sources of bias. Self-reports are subject to many forms of bias including telling the interviewers what they think interviewers want to hear and social desirability response set which includes telling the interviewers things that make the participants look good. Additionally, self-reports may be unreliable due to participants forgetting information, participants not telling the truth about actual services received by foster care youth, or information not being known by the participants. Lastly,

this study is about relationships and how former foster youth were treated during the permanency planning process. It can be limiting to only have data from one side of a relationship (Samuels, 2008). The following section illustrates the results and themes from the interviews and focus groups. The bolded subheadings are the main themes that arose from the data.

Results

The Importance of Developing Family & Permanent Connections

> *You have to understand what people is going through. Some people can't see their families, some people can't talk to them. You got other stuff in your life going on, even if you did just get taken from your parents' place. The reality is that stuff do go through your head. I know when I was young and when I first got took. I was crying every night. I was like I want my momma, I want my sister. And at first I was like damn, I am gonna have to adapt to it. (male participant)*

Participants of this study were able to articulate why developing family connections while in care is so important to them and other youth in foster care. This male participant was able to clearly state why foster care youth should find and maintain family and other emotional connections after leaving care:

> *[Social workers] should get you close to your family before you age out. They should try to give you a place to be, like, First Place (housing), or ILSP or any youth programs that have adults that are there for you – it doesn't necessarily have to be family. I think that is the best thing they can do. Try to keep the strong relationships with that child. You are aging out and 18 you are grown, but [the social worker] will call and check on you. That makes that person feel special or important. That could make their*

> *confidence high, like what are you getting ready to do now. So, I mean it is like you have to have that follow-up. It doesn't have to be for the rest of their life, but for a time period. I am not going to let this child, because she is still a child, go in to the streets.)*

Most young people do not live completely independently between the ages of 18 and 24. In fact, about 50% of young people in this age group report that they still live with their parents, while 27% of all 18 to 34 year olds report living with their parents (Rumbaut and Komaie, 2007). As increasing numbers of young middle- to upper-middle-class adults in their early 20s return home from college to receive a range of familial and instrumental supports from parents, young people exiting foster care may not enjoy such resources (Samuels, 2008, p. 8). This male participant concurs with this sentiment:

> *Nowadays they say that is 18, you emancipate at 18 and I don't think at 18 a human's mind is fully developed and really understands life. I think that at 18 is pretty much the most vulnerable time where they are going to need structure, they are going to need guidance. They are going to need mentorship and leadership.*

Connections to family are also important to foster care youth. Even if the time spent with family is limited while the youth is in care, spending time with family can greatly affect a youth's sense of self. For example, some youth talked about being able to develop a sense of identity because of their contact with family members while in foster care. Research shows that developing a sense of identity is an important task for adolescents (Erikson, 1994). Youth reported that maintaining family connections while in care is very important for them to find out who they are and who they are most like in their family:

> *For me, I lived my auntie since I was about 2 and ½. At 12 years old I moved to South Carolina to [be with] my aunt, by thirteen I came back to Oakland and lived with different people. To me, (being placed with family) means a lot because you find out who you are and what you are about. And, you want to know who you look like the most and other things.*

Other youth mentioned feeling isolated while in care because of a lack of family connections and interactions. They thought that having their social worker or county child welfare agency find family (either to be placed with or to see on a regular basis) was helpful to their mental health. One female respondent stated, *"Family Finding was helpful because it was very lonely in care. I wanted to get in touch with certain family members. And, they [the county] found them."* And, participants also reported that being placed with family was also helpful to them because family members were familiar and comforting:

> *I got into foster care when I was 14 and I immediately stayed with my auntie and then moved back in with my cousins, so I was never in no strange place. I was with family.*

Other young people recognize the emotional and psychological benefit of having direct contact with family, especially siblings, while in care. This contact could happen on the weekends, with passes, and needs to be approved and facilitated by the county social worker. One participant stated,

> *My social worker helped me get connected mainly to my siblings, not like just adults, like going around and looking for uncles. But, they always made sure I saw my brothers and sisters with weekend passes. It was for my benefit.*

In addition to facilitating informal social contact with family members, having more structured contact (such as counseling with birthparents) can also be beneficial to foster youth. One female participant, who had a probation placement, stated that she was encouraged by her social worker to do counseling with her family, which happened while the youth was still in out-of-home placement:

> *My social worker always used to try and get me and my mom together when I was in placement. She got us 10 free sessions of counseling with me, my mom and my brothers (and sometimes my grandmother). She would try to do that because she felt that my mom couldn't control me. I felt like my mom was giving me away. I got closer to my mom because of counseling. I went home to my mom's when I got my home passes. We went shopping and go and sit down and have a ladies talk. It was things that we had never done. Like, me and my mom had never talked about anything. I had never opened up to her. After those counseling classes, I open up to her. Like right now she is my best friend. I could have never imagined that. We still argue about stuff, but I am grateful to have her. The social worker worked to make that happen with my mom. The process was very helpful for me. I didn't believe she loved me. If you loved me, why did you give me away. The counselor made me see that I was a bit uncontrollable. When I had a curfew I didn't care, then I wondered why are you trying to whoop me? I had an anger problem.*

Similarly, as a result of long-term therapy this male participant showed a high level of insight when thinking about his relationship and connection to his parents. With the help of his social worker he was able to begin family therapy, before reunification, to improve his relationship with his mother and father, even though he admitted to having some anger management issues:

> *I saw a therapist from age 4 to 12. The reason being is because I would have temper tantrums and outbursts. They didn't understand why I was so advanced but had a set back with this attitude [behavioral acting out] and negativity. I just knew that I was always upset and it had a lot to do with the environment I was in. Even though I didn't understand it, I knew that something was missing. [I discovered what was missing] was an in depth relationship with my mom and dad. So my social worker set up the therapy services.*

Some young people even found the benefit of, and sought to continue, living with extended family members even after aging out of care. In the State of California there are more housing options available for former foster youth than ever before and some of the options include living with family members. One participant was referred to a THP-Plus Host Home Program, a housing program for former foster youth ages 18 and 24, which enables the youth to live with family or other adults after leaving care. The adults or family members that house the former foster youth are paid for doing so (up to 24 months) and the youth continues to receive case management and referral services. This female participant requested to live with her aunt for her host home program:

> *So my family had to get approved before I could go to live with them. I live with my aunt now in THP-Plus. I knew what was best for me and that was it. So I did it. Yeah I still talk to my case manager because they help you up until you're 25 so I still talk to him about stuff like, well now that I need more help because I'm going to have a baby, so they give me more help like resources and stuff like that.*

This male participant also had the opportunity to live in a transitional living program for youth that had aged out of foster care and chose to live with family instead. He, like many other respondents, emphasizes the importance of being close to, and living with, family:

> *Well I was in different group homes and then my social worker was like, "Well do you want to go with your family or to a transitional housing program?" And I chose my family over that.*

Some youth were able to articulate how finding and maintaining a permanent emotional or physical connection can meet their psychological needs. They were able to express that something as simple as having some listen to your experiences and challenges is important. For example, this male participant was referring to family when he stated,

> *Honestly, I just wanted someone to actually listen to what I was going through, like a lot of people say when you're going through something people really don't want to tug, you know I wanted you to tug, I needed a tug.*

Similarly, this female participant was able to articulate that emotional connections and relationships with older adults can be beneficial for many reasons, including helping young people be successful later in life:

> *We all need someone to look up to. We all need some kind of advice, we all need some kind of direction because we're still young and trying to find ourselves and who we are and having that mentor relationship with an adult could make a big difference. Some adults don't understand that and then they wonder why kids act out the way they do just to be seen. If they thought more and really wanted me to have a nice life or a better future that would have been nice if they just stop thinking about the moment, thinking long term goals and how certain things can impact kids lives.*

> *Like to me having my dad or a grandma around, that would have been better than just feeling all alone.*
>
> *They gave me my dad's death certificate. That helped me find my dad's side of the family. I am still working on trying to find my brother though.*

There were some participants who were able to develop relationships with care providers that, over time became more like a family relationship. For example, one female participant had a strong, loving relationship with her foster mother that continued even after the young person aged out of care:

> *I used to live with this woman and l love her still and still contact her. Like she's helping me with my taxes now. She was like, we never liked addressed her as my foster mother. She was like my aunt and everybody knew that. She was cool. I go and visit her and we talk. She's someone I can depend on. She always wants what is best for me. She's like you know you could do this, you could do that. She is like a family member.*

When young people cannot return home to their birth parents, and have to remain in foster care most of their childhood years, it is the hope of child welfare professionals that these youth can be placed with family members and will not have to move placements while in care. If a young person has to remain in care until they age out, the goal is that they stay in the same placement and live there as long as possible (even after turning 18 years old). In this study there was unfortunately only <u>one</u> participant who experienced this situation:

> *I was placed with my grandmother since age 3 months, and now I am 19 and I still live with her.*

Diana Walters, a former foster youth, defines permanency as

> *Familism: which does not rest on biological ties, but rather a reciprocal sense of commitment, sharing, cooperation and intimacy that is taken as the defining bonds between "family" members. It embraces a feeling of invitation, or welcomeness, unconditional love, personal loyalty, and a willingness to sacrifice for others. Familism makes the home a base to which you can always return when your independent endeavors fail or prove unsatisfactory (Charles and Nelson, 2000).*

Family Placement Options Were Not Discussed with the Youth

Even though all of the youth came from counties that trained social workers in permanency planning or family finding services, there were many youth that reported never talking about family placement options with their social workers. For example, when asked about whether his social worker discussed family placement options, one youth simply stated, *"Nobody talked about family finding services to me."*

Other youth stated that they believed that if they wanted to live with family, they were responsible for finding their own family members, without receiving any assistance from social work staff. For example, one male youth said, *"You have to know how to search for your own resources."* Similarly, another male interviewee was very disappointed and surprised that his social worker could not help him find his sister, who was also in foster care, but was in another local county:

> *My social worker didn't tell me nothing about finding family because I didn't even know where my sister was. I was living in San Francisco County and she was in Alameda County. So, we wasn't even in the same county, but I still found her because she was my sister. My sister's social worker knew about family finding, but mine didn't. Your brothers and sisters will have different social workers, which makes it hard. You may live in a house with*

> *your brothers and your sisters for a month or two, maybe three, maybe four, but after that they are going to separate ya'll one by one.*

Other participants were able to connect with family through other sources such as friends or community resources. This male participant found his aunt through a community program and eventually was placed with her, because he requested it. He stated that his social worker did not offer assistance and did not mention family placement options before he pursued it:

> *When I first got into foster care my social worker didn't say, "oh you can go and stay with family." My auntie found me at a Boys and Girl club. She said, if you want, you can come and stay with me. But then when I got to stay with her my social worker was like – well my first social worker was cool when I said I wanted to stay with my auntie. He didn't check up on me or nothing. He made sure she got some money and that was it.*

Other youth reported having other adults, such as attorneys or court appointed special advocates (CASA) workers look for family members, instead of their social workers. One young person stated, *"You have a lawyer don't you? That's who looked for my family."*

Not surprisingly, a number of youth reported that many of their family members did not even know that they were in foster care to begin with. This was unfortunate because some of the youth wanted to be placed with family, but no one from their child welfare agency was willing, or able, to contact potential family members to let them know that the youth was in foster care and needing a placement. These youth stated that when reunification was the case plan goal the social worker did not explore family placement options for the youth. For example, one female participant stated,

> *Yeah, I wanted to be placed with my dad's side of the family or my mom's mother, my grandmother, or someone else, because it was just our mom that was the only person we knew. Nobody else stepped up or nobody knew we was in foster care - after I got out everyone didn't even know. I mean I would ask family members and they never knew that I was in foster care. But, I didn't talk about it with my social worker because the focus was for me to return to my mom.*

Youth Not Wanting To Be Placed with Family

There were some participants who did have their social workers try to pursue connections and placements with family members while the youth were still in foster care. However, these connections did not happen because some youth were not interested in making the connection. Perhaps the youth were not emotionally or psychologically prepared to interact with family, or perhaps there was stigma attached to being in foster care. One male participant stated,

> *The placement process was respectful of my needs, but it was nobody's fault but my parent's fault. My social worker and attorney were respectful about what was going on in my personal life with my family. I wanted to try, but it didn't happen, it wasn't right and I felt it was unfit for me because I felt like I was going to be the one taking care of them. My needs were respected.*

It is unclear how the social workers could have better helped prepare the youth. For instance, counseling and emotional support could be a part of the process, to help youth manage all of their intense emotions about meeting and interacting with their family members. This female participant also did not want to connect with her mother:

> *Social workers tried to get me connected to other adults in my life, like my mom, but I didn't want to pursue it. I guess my social workers did their part,*

> *if I had wanted to further it, they would have wanted to further it. But, I didn't want to.*

Given the new push in child welfare for Family Finding services to investigate possible kin placements, it is important to keep in mind that some youth are developmentally ready to give their opinion about living with a family member or not. This young woman stated that she told her social worker clearly that she did not want to live with family. She actually found another adult in her community that was willing to take her in. The placement was approved and she was able to move in:

> *We knew about family finding, but I didn't ever really look into it. I didn't really want to live with my family. My social worker did ask me about it though.*

It is not clear that when social workers are trained in permanency planning, whether they are told to continuously ask (i.e. periodically over the course of months or years) about family and other connections, since young people may change their minds throughout their time in foster care. Unfortunately, foster care youth may change their minds after it is too late to try to contact family, such as after the youth has left foster care, when they may have very little or no resources to conduct a search on their own. For example, this participant reported not wanting to find family while in care and then later regretting the decision:

> *They said yeah, you gonna be in a foster home' til you're 18. At that point I just wanted to get my high school diploma and get out; I didn't even trip about family. I didn't try to look for them either I wish I would have like all those times like looking back in my days now being in the system I wish I did go look for them cause that would have gave me more motivation and*

more comfort instead of being group home to group home I would have some sort of family to talk to.

Preparation for Placements or Connections With Family / Other Adults

I mean like my SW it wasn't a priority, like they always was thinking about what was going on now, they didn't think of long term, what like having a family member could have improved my situation and things that I was going through at that time, they was just trying to solve that problem, they wasn't thinking for my future or how family is important. Like only thing they thought of was our mom, they didn't think about anybody else. (male participant)

The young person who made the statement above clearly had a negative experience with his social worker when it came to helping him find and maintain emotional connections with adults in his life. There were many other participants in this study who also did not feel as supported by their social worker during this process.

When youth do not want to pursue emotional connections with family members or other adults it may raise the question of whether youth are adequately prepared to do so. That is, when social workers find family members, or other adults for youth to connect with, it is unclear how adequately youth are emotionally prepared for the interaction. They may be fearful of immediate or later rejection, loss, or just simply not making a strong connection with the other person. This may be especially true for youth who are going to meet with, or live with, their biological parents (who were not the perpetrators of abuse or neglect) or other family members if there is tension or conflict in the family system.

In addition, some youth reported a lack of preparation when social workers were investigating which family member a youth could live with. For example, some social workers found family members for youth to be placed with, but did not probe into whether these individuals had already been contacted as a placement option for the youth in the past (i.e. with a different social worker) and had chosen not to take the youth. By having a new social worker discuss this family member as a potential option for housing could set the youth up for intense feelings of rejection, ambiguous loss (Samuels, 2009), and grief. This young man stated,

> *When they told me that I had my uncle here I already knew it, because the reason I ever went into foster care was because my uncle didn't want to take care of me anymore. And when they found him they called him first thing he said was, "Oh I don't want him." After about a month they told me, "We can't locate nobody in your family no more."*

Similarly, some youth reported that their social workers offered them and their family members no preparation with the family finding and placement process. For example, one young man who was placed from another state reported,

> *They tried to locate family and they located my uncle and the last thing he told me was, 'Man I'm not taking care of you, you're not under my guardianship, you were just sent out here from New Orleans.' I was living with my uncle before I went into the system, so when they were like, "We found your uncle," I was like oh can you guys talk to him? He didn't want me no more.*

Another young woman wanted to be placed with an adult that she knew in the community. With the assistance of her social worker, the youth was able to do so. However, over time the

youth found that the placement was not appropriate (due to chaos in the home) and she again had to move placements in her last year of high school. It is unclear how thoroughly the social worker investigated the placement beforehand and whether the adult was given support if needed. The young person reported,

> *I ended up moving in with someone that I wanted to live with, but I ended up moving back into foster care because it got, like, crazy. It would have been crazy [to have stayed] because I had to finish school at my high school. So, my senior year I moved into another placement.*

Similarly, this female participant described her experience in getting placed with her father who was not ready to take her back due to substance abuse issues. Again, due to lack of preparation by the social worker, the placement with family did not work out:

> *They tried to reunify me with my father, I went there on a 30-day trial, but on the night of my court date he was drunk and he put his hands on me, but it didn't work. I told my social worker I wanted to reunify with my mom or dad. They sent me back and forth with visits. I flew to NY to see my dad. I told them I was okay with visits, but that I did not want to live with him. My SW was respectful of what I wanted.*

Similarly, this female participant discussed being reunified with her mother, who was not prepared to take her and her brother back home. She wanted to return home to her mother, but in looking back she realizes that her mother was not ready to raise two children due to her mental health issues. The participant also mentions that her social worker did nothing to emotionally prepare her and her brother with the reunification:

> *I wanted to go home so bad so I didn't care how we went back home. But now thinking about it, I think they should have did steps to lead her up to like taking two kids in that she really didn't raise. She never took care of kids our age before so she didn't know how to do that then she became pregnant and our mom is Bipolar so she has to take medication so when she got pregnant she couldn't take her medication so things that we did irritated her. They should have prepared her for it, but they didn't. We knew that in a couple weeks we was going home, but there was no, we just knew we was going home on that day. Like they was coming to pick us up on that day.*

Another potential conflict that can affect a placement can be a lack of understanding about expectations between a foster youth and his/her care providers about being able talk to birth parents while in placement. One female participant thought that her contact with her mother was causing conflict in her kin placement with her aunt:

> *The first time I was in there I was placed with my aunt. I don't know what they told my aunt, but we couldn't have communication with my mother. And then I don't know what happened, maybe a disagreement, but they took us to Sacramento. My social worker didn't prepare me to live with my aunt. We really didn't feel uncomfortable because we knew her before. So, we didn't trip and we really didn't start getting aware of it until we couldn't talk to our mom.*

A few participants reported that they were not clear whether they were supposed to be able to talk to birth parents or other family members. They thought that some contact with family resulted in their actually losing a placement with foster parents. For example, this female participant thought her foster parents were unhappy with her contacting her birthmother:

> *I tried reuniting with my mom but that didn't happen because she was still under the influence of drugs. I started visiting my mom when I was in the foster home and the foster parents didn't really like that so they kicked me out.*

Some of the participants expressed fear about having contact with, or being placed with, family members. Foster care youth may not always express their fears because they may not want the placement to fail, they may not feel as if they have a choice, or they may not trust their social workers enough to do so. One male participant reported that he did not discuss his fears with his social worker:

> *I was more scared than anything because I was out here by myself, so when they said, "We're gonna try to find family for you," I never had my hopes up I knew there was no way you guys can find nobody from my town out here to come get me - you guys can't find my mom and dad. So I was more on the scared side, but then I was like when I first got out here, right when I got out here, I was like it smells like money out here. I just want to get my high school diploma and go home, I didn't even care after that point.*

It has been illustrated in a few research studies that placement moves can be detrimental to foster care youth (see Leathers, 2002; Newton, Litrownik, and Landsver, 2000) especially if they have not been adequately emotionally prepared for such moves. Unrau, Seita, and Putney (2008) conducted in depth qualitative interviews with 22 former foster care youth about how multiple placement moves while they were in foster care affected their later lives. Participants reported that multiple placement moves had lasting detrimental impact on present day lives, such as emotional loss and trust issues with others (Unrau et al., 2008, p. 1263). A male participant from this study

describes how he received no preparation with an abrupt placement move and how that affected him emotionally and socially:

> *I remember I was in a group home at the Oakland hills, Skyline Blvd. and next thing you know I see this big brown van pulling up and my foster mom was like, "Oh I forgot to tell you, you know your uncle is coming to get you today." And I've never met this guy before. And she was like "I think they're right outside" and they beeped the horn. Bags were already packed you know. No goodbye. She was like, "Ok have a nice life make sure if you get successful you have me to thank I was your first placement." I was just finally getting used to this one home, finally getting new friends. And I get moved from Oakland to Vallejo just like that.*

Some participants reported that their social workers did prepare them for placement with relatives. A few youth had a short period of time to "check out" a potential placement before a final decision was made. This youth felt that she had a voice in process:

> *Yeah I guess they prepared us, they sent us out there gave us two weeks to let us know what it would be like if we actually lived there, and we had been out there previous to that the summer. We went there a few times, but yeah I guess they prepared us, I don't remember, there was no special meetings or anything like that.*

Only one participant reported having a more structured preparation process to be placed with family, such as counseling. However, this female participant did say that although she thought the counseling was helpful, it would have been more helpful if her social worker had helped her mother with more tangible services such as substance abuse treatment and connections to employment. Unfortunately, she was not able to be

reunified with her mother because her mother could not get stable enough to take her back:

> *My social worker helped me with counseling to prepare me to live with my family members. It was my understanding that my mom had a sickness with drugs and alcohol. My dad did improve on stopping drinking alcohol, but I still didn't want to go and live with him. But, it was the simple fact that I did not want to take on the responsibility to make sure that he didn't. The counseling helped me recognize my parents' diseases instead of it being my fault. So, that how it was. My social worker could have helped by putting my mom in rehab, helped her clean up her act, helped her get a better job or a job. I feel like they could have helped her more, and if they had done more to help my family it could have been better for me. We could have reunited.*

Preparation is also related to having youth prepared to move to a vastly different area for a new placement (either when first being placed or when there is a placement disruption). When foster care youth are offered a placement or are physically placed, in areas outside of their neighborhoods and communities it can be difficult for them. They may have to move to a different area, possibly out of the county or the state, and consequently leave friends, schools, and areas that they are comfortable with and used to. One participant was told what city he might be placed in and given the option to reject the placement:

> *They were like do you have any other family and the only people I could think of were my auntie and my grandpa's sister, they live in Oakland, they found them but I told them I didn't want to go because I, at that point I was scared of Oakland. I was so new, I was just scared even the name Oakland you know I was like oh man do I really want to go live out there. I just said for myself because I'm from the south and I read so many stories about it. I was like no I'm not gonna take the risk so I was like I'll stay in county or put me in a group home or something. Yeah they wanted me to move to*

> *Oakland, but I declined because I was more scared, it was out of my comfort zone I'll say.*

Having a Choice with Placements or Contact with Family

Not surprisingly, there were some youth that reported that they did not have a choice about whether to live with family members or not. Simply put, one participant said, *"I wasn't allowed to live with any family members."* It is unclear about whether this participant discussed with her social worker potential family members who were not those who were her initial caregivers. Other participants reported not feeling that they, or their siblings had a choice in terms of where to be placed. This male participant thought that adolescents should sometimes have a say about where they are placed, especially if they do not like where they are currently placed:

> *I don't like the way my little brother's being treated right now and he doesn't like living there so I'm just like if he doesn't like living there and she acts like she doesn't want him there and he doesn't want to be there, he's like 13-14 he's a freshman and I think he should have a say in where he wants to live. He's old enough, he's at that point, I know I felt the same way, when you're that old you know what you want to do you know where you want to live, if you don't like it there you shouldn't have to stay somewhere, isn't that the whole reason they have us in the system?*

There were a few participants in the study who were placed in out-of-home placements through Juvenile Probation. They all felt as though they did not have any sort of choice with which family members they lived with. In fact, most stated that they were forced to live in a group home even though a family placement in another area may have been available and better for them. It is unclear if the decision about their placements came from the judge presiding over their care, or if their social worker could have recommended another placement, such as with family:

> *My experience was real negative all the way around. I wasn't in foster care, but I was placed in a group home because of my outstanding criminal activity, so I couldn't go back home. But, I couldn't stay with my mother, I couldn't stay with my father, I guess my social worker didn't want me to be with no family, I guess she wanted me to go to a group home and experience that. But, it's like I didn't have no bad record, or none of that, so I didn't see why I couldn't go live with my father in another city.*

There were some participants who were satisfied with their placements with family, mainly because they felt they had a choice and a voice in the process. This young female participant was quite pleased with her experience with her social worker because she alone was able to choose which family member she wanted to live with:

> *My experience was perfect because she [my social worker] let me choose which family member that I wanted to stay with.*

Connections to Siblings Who Were Also in Foster Care

Although there has been much discussion about foster care youth having connections to family while in care, there is something unique about the relationships they have with siblings who are also placed in foster care. Children placed together offer the continuance of the child's own family life, which can be critical in a child's adjustment to a new home (Groza et al., 2003, p. 482). There have been a number of studies in the last two decades examining the outcomes of siblings placed in foster care.

Some young people are placed with their siblings while in care, while others experience the difficulty of being placed away from their siblings. Many studies have found that siblings that are

placed together while in care have better outcomes than those who are placed in separate placements (see Thorpe and Swart, 1992; Drapeau, Simard, Beaudry, & Charbonneau, 2000; Smith, 1998). Yet, many young people experience a placement disruption that includes not being able to live with a sibling(s). Staff and Fein (1992) found that 70 percent of the children in their study were placed with siblings initially, but only half were still placed together at the end of the study period (between 1976 and 1990).

One female participant discussed her experience with demanding to be placed with her two younger sisters. She was an older adolescent at the time of the placement so perhaps she was a stronger advocate for herself because of her age or maturity. She also mentions how her social worker did explore family placements for her and her siblings, but that due to the fact there were three of them, it was more difficult to secure a family placement that would take all of them. In fact, she reported it was also difficult to find a non-kin placement that would take all three of them:

> *The second time I was in foster care a similar thing happened to us, me and my two siblings. The second time I was in I was 17 and my sister had just turned 16 and my younger sister was like 10 or 11. As soon as we got to the placement center they said they would be looking for a home for us, but they couldn't find it and they were going to split us up. And we were like, no you can't split us up. They said they couldn't find a house big enough for us, because there is three of us. They were like, we have to split you up. So we spent the night in the placement center over night. They did ask us about being placed with family, but my family wasn't in contact or on good terms with my mother – they didn't get along at that time. So they contacted my aunt, but she couldn't do it because of financial and she didn't have a big enough place. They didn't want to go to my uncle because he lived all the way in Sacramento and that was too far because we were in Oakland. They said our dad, but we didn't want to live with our dad because we didn't know our dad.*

Many youth in this study experienced being permanently separated from siblings due to the inability for some placements to take all of the siblings. One participant chose not to live at his grandmother's house (a kin placement) with his other younger siblings because he understood that she was not able to adequately handle that number of children in the same house:

> *For me it was like, let's see, I have 7 brothers and sisters, two of them have been adopted and they live in some other state, I forget where, and I have a older brother who's been in and out of group homes, in and out of jail all that so he's just messing up all across the board. The reason I didn't go stay with my grandma is because I understood more, I understood that she can't, 'cause we lived with my grandma when we first went into foster care, I understand that she can't take care of all of us by herself like she's not capable of doing that, there's too many of us so me and my older brother we decided were older, we know what's going on, we can handle ourselves. We can live with somebody else and its fine so she needs to take the younger ones in if anything.*

Many participants in the study discussed their experiences with having siblings adopted or placed far away from them while in foster care. As aforementioned, none of the study participants were adopted while in foster care, but the distance between the siblings' placements may have contributed to their emotional stress. In 2007 the Center for Social Services Research (CSSR) examined the distance from all foster care youth's home address to their first placement address; these youth had been in care for more than twelve months. The researchers found this percentage of youth were placed 11+ miles from home for kin placements: 1) Alameda - 31%, 2) Contra Costa – 28% and 3) Santa Clara – 43%. For non-kin placements it was: 1) Alameda - 50%, 2) Contra

Costa – 48% and 3) Santa Clara – 43% (Needell et al., 2009). These are very high percentages of youth placed many miles away from their communities, neighborhood, schools and families.

One male participant described his experience of being placed with his sister while in care (they also had a brother in foster care) and how they lost all contact with each other as a result of changes in placements and the adoption process. Clearly, the social worker of the study participant did not follow-up with the participant's sister or brother's social worker to maintain contact. It is unclear who is ultimately responsible for bringing the siblings together for face-to-face meetings, especially when the siblings are placed so far away from each other and may have different social workers. The male participant stated,

> *What happened was my sister and I were always placed together and then we got a court order to always be placed together and then a couple months after that we were already in this placement and they kicked me out and they kicked my little sister out a year or so later and then I haven't seen my little sisters for like 6 years. She got adopted from the system. At one point I was living in Antioch, my sister was in Sacramento, my brother was in Ukiah, and my two sisters were in Oakland so we were like all over and now all of us, I live in san Jose, my three sisters live in Oakland and my brother lives in Los Angeles.*

Similarly, this male participant mentioned how he was placed extremely far away from both his brother and sister. In fact, he and his siblings were placed in various counties throughout Northern and Southern California. This participant's experience illustrates an outcome from the Wulczyn and Zimmerman (2005) study which shows that when siblings are placed in foster care on different days they are more likely to be in separate placements, as compared with siblings

placed in foster care on the same day. This participant does mention that he was able to meet with his sister, and that she had to be flown up to Oakland to see him:

> *My brother he was in the system before I was. But then I got in the system. They placed him so far, they placed him in like San Bernadino. My little sister, they just got out like 2 months. They had her all they way in Los Angeles. When she was able to get a visit or whatever, they had to fly her out here and fly her back.*

Many participants in the study reported not knowing why they were unable to be placed with, or meet with, their siblings while in foster care. They felt as though their social workers simply did not communicate with them enough about their foster care rights and/or needs. For example, this male participant stated,

> *My brother and I were separated. My brother was in the system before I was. I was juiced to see my brother. So I called my social worker to see if I could move in with my brother. And, they wouldn't let it happen for whatever reason. They wouldn't let me live with my brother and they wouldn't let my brother live with me. They didn't tell me why. I just think the social worker was keeping me away from my family, my immediate family. They were placing me away from my siblings and didn't give me any explanation. They wouldn't even help me get in contact with him. I never knew about my foster care rights. I was never taught about that from my social worker.*

Possibly due to lack of information from social workers, some youth developed their own theories about why they were not placed with their siblings to help maintain family connections. This female participant hypothesized,

> *They usually say they won't place a kid with her brothers and sisters because of AWOLing. Like if one is at a group home and the other is at foster home and they place them both together and they can leave together. I knew of this girl and her brother. They got to live together. They earned money and saved money, and then they just left, and now they are wandering the streets. So I guess they try to keep the safety of you not being with your family, which is kinda wrong in a sense. But in another sense would have to think about what a child will think, "okay like this is my family, but we want to get out of here and live on our own." And, then they can be in danger.*

A few participants talked about becoming a legal guardian to their younger siblings when they themselves aged out of foster care. If appropriate, sibling legal guardianship could provide for stability and permanency for the family. However, some participants felt as though their social workers did not assist them with pursuing that option, or preparing them to eventually be a legal guardian, and they did not know why:

> *One of the reasons that we were in foster care was because my little sister and my mom don't get along and I could do independent living and then when I turned 18 in 3 months I could take my sister with me if I was stable in the program. But, no one helped me, so I did the best I can.*

Multiple Placements – Resulting in a Lack of Permanency

One can imagine that moving in and out of placements while being in the foster care system can affect a young person's ability to stay connected to family, make and maintain friendships, as well as begin emotional connections to other adults in their community. This male participant describes his experience with moving multiple times and not being allowed to stay connected to his siblings:

> *I was moved hecka times, like half the times I would find out like that moment and just have to come home and bags would be packed. One time I didn't even get to come home my bags were packed and in the car. That's when my sisters were there and I didn't get to say bye or anything.*

The youth in the study also discussed how multiple placements could affect relationships and permanent connections. Many youth reported having strong emotional ties to their foster parents, but then had to move placements. This may have dramatically affected the youth's ability to develop permanent emotional connections with adults in a new community. This young woman felt like her foster mom treated her like family,

> *They moved me away from my foster mom too. My first foster mom always treated me like I was her daughter.*

Some participants did not understand why they had to move placements, and hypothesized about why they had to move and leave a potentially strong emotional connection with their care providers. This lack of understanding may be due to little or no communication between the youth and their social workers. One female participant assumed that her social worker did not like the fact that she had connected to her foster mom and stated,

> *My social worker, she didn't like it so much that I connected so well with my foster mom. And, I just saw her yesterday too. But, I connected so well with her that she hated the fact that I had a bond with her so she took me to Modesto with an uppity group home.*

Another female participant made a similar assumption,

> *They took me away from my foster mom too. I was placed with this lady and she always treated me like her daughter. But they took me away from her.*

Type of Placements Affecting Relational Permanency

The type of placement may greatly affect whether foster care youth can develop permanent emotional connections with family and other adults. Obviously, if a foster care youth is placed with family until they age out they are more likely to maintain those relationships and emotional connections after leaving care. Most of the participants who were placed with family said it was a positive experience. Also, those who had siblings stated that when they were in placements where they could live, or have contact with, their siblings it was very helpful:

> *I had a really good experience. My foster family would take me with them all over the world. I never saw my SW. I lived with [my foster mom] from 3 to 18 and lived in New Orleans. We called her Aunt Carrie. I called her Mom. She actually got Guardianship of me because we were tired of seeing social workers. I haven't seen her in awhile, but I want to talk to her. She did a lot for me. When my brothers were in foster care homes, she got it so they could come and stay with us. One of my brothers, he was a real bad ass and on probation, and stayed in group homes. But, he could come and stay with me until all the way. The county workers got it all set up for us.*

Yet, many youth who had group home placements or more strict foster home placements discussed having limits that included not being able to leave the residence, except for attending school. They believed that those limits may have affected their ability with developing permanent emotional connections with family members and others because they could not go places easily. One youth noted,

> *You had to stay at home in group homes. If you wanted to go to the park, they had to walk you to the park and stay there.*

Another youth talked about not being able to see his siblings or other family members because of limits or restrictions in his group homes. When he was previously placed in foster home placements he had much more freedom:

> *When I went from my foster home to my group home – you know at the foster home it'd be different, you used to be able to do what you want. When I got to that group home they wouldn't let me go nowhere. I couldn't visit my uncle, I couldn't go visit my sister in San Francisco. They were like, we don't have permission from your social worker and we don't got fingerprints and background checks. And, I am like, that is ridiculous.*

When foster care youth live in out-of-home placements they are able to meet with family members only when it is approved by the placement provider and the youth's social worker. The social worker has to provide a home pass that they sign off on for approval. Many youth in this study described home passes as an integral part of helping them stay connected to family members, even extended family members:

> *The best thing the group home staff did for me was allow me to have my home pass. See my cousins and kickin' and chill and go back to the group home.*

Another female participant reported not being able to secure home passes from her social worker. Therefore, she was not able to contact her mother while in care, except for one face-to-face visit:

> *The weekend home passes, I didn't have that. Even though one time I went to Oakland voluntarily and [my social worker] asked if I wanted to meet my mom. We only met with her for like an hour. But, other times of the week if we asked to meet with our mother we couldn't and we couldn't even call her.*

Similarly, a male participant reflected on his experience with living in a foster care placement with a great deal of structure. He felt as though that experience seriously affected his ability to have contact, and connect with family members such as his siblings:

> *But then when I got a new social worker and was living at a new place with an older lady. I couldn't go out on the weekend. I couldn't spend time with my family, I couldn't even take rides with my older sister to go and see my little sister. So, just little stuff like that, my social worker was hecka over protective and everything. I couldn't do nothing.*

Out-of-county placements are common in the California child welfare system (Needell et al., 2009). The distance that foster care youth are placed away from their communities may contribute to why some youth are not able to maintain family connections while in care. For example, the distance could possibly contribute to the social worker not really getting to know the youth and their specific needs. This participant stated,

> *Social workers don't get to know the youth and so the youth have a hard time getting to know the social worker because the social worker is placing the youth outside of the county, somewhere far from their family or their siblings or their community and they are out their on their own and not knowing what to do.*

This participant thought that out-of-county placements could be very helpful to a young person if the experience was positive. However, she was clear that those types of placements had to involve much contact with family, even if it was by phone:

> *If you are going to take someone all the way up there (a group home near the Oregon border), and they'll have a good experience, I think it is worth it. As long as you keep them up with communication with their family. If they have that communication.*

This participant felt that his group home placements emulated a home environment for him, but he understood that all foster care youth often do not have the same experience:

> *I was involved a lot in my group home and helped out with other kids – I would interact with them if they were getting emotional and tried to help calm them down. It was kinda like home – it's all how you make it and how your attitude is.*

Other participants discussed a sense of raising themselves in group home placements. Some found a feeling of home, but others reported not having a normal childhood in these placements, and growing up on their own. These experiences illustrate that youth who live in group homes may have very different perceptions of relationships, attachment and permanency than youth who are raised by foster parents in their homes. This male participant stated,

> *I didn't really find myself, who I was, cuz I am still looking, but it did help me understand like life. Like you are growing up real fast, you're in a group home, so you really take care of yourself. They take care of you, but you really doin' things for yourself, for real. Especially at a young age.*

This young man was first placed with family (his grandmother and brother), but was then placed in group homes. He describes a similar experience of feeling as though he was in charge of his own growth, learning, and development during adolescence because of his group home placements:

> *The first one was my grandmother, the second one tried was my brother, but I mostly just lived in group homes and raised myself. I basically remembered learning everything myself. I couldn't let anything pull me down or hold me back. I had to stay focused, kinda like a lot of older males around here.*

It is important to mention the aspect of safety when discussing group home placements. Safety may be related to physical safety, emotional safety, and the safety of one's belongings. Many foster youth move throughout the system with few personal belongings and those items can be put in jeopardy in placements housing multiple youth, like group homes. For some young people, being violated by having personal items taken by other youth can make the placement seem even *less* like a safe family home. This male participant described the chaos of group homes and the fear many young people have about the safety of their belongings:

> *In group homes, it is like crazy. You have to watch your back all the time and you gotta keep an eye out for everything, especially when you go to sleep. Because people may be going through your stuff.*

Youth Mental Health Issues Can Affect Permanency

> *There are a lot of kids who emotions coming up and down. And, they have their personal problems. They need that social worker to get them through life. (female participant)*

Research has shown that foster care youth suffer from mental health issues more frequently than youth in the general population (see Pecora, Jensen, Romanelli, Jackson and Ortiz, 2009). Therefore, it is important to note that whether youth develop and maintain family and adult relational permanence may be affected by the youth's mental health status and resulting behaviors.

Many youth in this study mentioned the unique emotional and behavioral needs of foster care youth. This male participant used the term, "going off" to refer to a young person's behavior and how that behavior might affect the relationship with the social worker. For example, youth behavior might affect how the social worker sees the youth and develops rapport with the youth, which in turn might affect whether and how the social worker works with the youth around building connections with other adults in care:

> *If the child is going off……then you need to realize that you may not know anything about them. It is people skills. Make that child feel comfortable with you. Whatever you do don't try to make the child feel like you came from a good home and he or she came from a broken home and you're much better. That can easily be portrayed not just in words, but in actions. I have actually seen a lot of social workers, it is a look, if you have a passion about that child and you want to know about that child you can feel it.*

Similarly, this participant believes that foster care youth are vulnerable and perhaps need extra support and understanding from their social workers:

> *Social workers should understand that a lot of youth who are in the system are very vulnerable when they come in and so social workers don't understand that when you don't communicate with the youth or you neglect, that can cause more hurt than help. That can make things even worse. That could be why youth run away. I wanted to run away.*

Some participants were much more clear about the mental health issues of foster care youth. This female participant discussed the high rates of suicidal ideation among foster care youth and how it may be related to youth not being in contact with family:

> *When you're young and you see other people with their families and you're like, 'where's my mom? Where's my dad? Where's my sisters and why aren't we together?' I feel for people, because my situation even though it is still kind of shaky, it could have been worse, way worse. I've met people who have committed suicide since I've known them. All somebody said to them was that they were or ugly or little stuff like that and they committed suicide over little things like that. Because of everything that just built up around them and I think if you approach a child or a teen before it reaches that point, you could put a stop to it. Suicide would not be an issue. Suicide has a lot to do with them feeling unwanted and un-needed.*

Mentors in the Community as Permanent Connections

> *Mentorship is the key to whole foster care system. I really think that foster care youth need mentors, every last one of them. Whether they want one or not, they all need mentors. I think if they had mentors or felt like someone care about them, you would have less teen pregnancies, less teen suicide, teens smoking cigarettes, drinking. (female participant)*

It is clear that mentors can help older foster care youth (see Ahrens, DuBois, Richardson, Fan & Lozano, 2008). Munson and McMillen (2008) examined the psychosocial outcomes of older foster care youth who had mentors. The researchers found that the presence of a mentor and the duration of the relationship at age 18 were associated with better psychological outcomes, less stress, and more satisfaction with life for the foster care youth sample (p. 104). In addition,

Munson and McMillen (2008) found that when compared to youth without a mentor, youth with a natural mentor had less stress and were less likely to have been arrested by age 19.

Almost all participants in this study who had mentors reported very positive experiences with the relationship, both while they were in foster care and after they left care. For example, this male participant spoke of how his relationship with his mentor is supportive and how it continues to this day:

> *My mentor will text me every day and ask me how I'm doing. But he's a real good friend still to this day, and he taught me a lot, I think he is the one who taught me a lot of stuff as a man you know it's either be bad all you want and go that route but I won't be here but you come successful everyone's gonna be here you know your mom's gonna be here.*

Mentors offered youth advice with life's decisions, provided emotional support, created a sense of belonging, assisted with career exploration, and offered tangible support with the transition out of foster care and in to adulthood. This male participant continues to receive much support from his mentor, even after leaving care:

> *I still deal with him [my mentor]. Basically if I need anything or have any questions or long-term investments he is the guy that I can go to, answer to and he will look to invest in my ideas. I had him and I participated a lot in my group home.*

Not surprisingly, some participants noted that their mentors would also offer tangible financial support, such as buying daily living necessities like clothes and food. This support is often provided to the youth after they have aged out of care:

> *I met an adult mentor through respite. Now we can go to her for anything like if we need our clothes washed she lets us use her washing machine, she'll take us shopping. Yeah she bought us all coats, and what she did for me she bought my sister something so when I went to Seattle that year it was my first year going back since I been in California and she bought my niece something, my little sister something, my grandma something and my mom something. She really hooked us up. And every year when our birthday comes around she asks us, "What meal would you want for your dinner?" And she makes it for us. For me she's that one person that tugs when I need to be tugged. Sometimes she gets really concerned like I tell her something and then I have social workers calling me saying, "Anytime you want to set up an appointment with a therapist."*

Some youth had developed long-term relationships with other adults in their lives that were not traditional mentors, but were legal advocates such as Court Appointed Special Advocates (CASA). CASA workers are private citizens who volunteer their time to be advocates for children and youth in foster care. They are appointed by judges to watch over and advocate for foster care youth to make sure they do not get lost in the legal and child welfare systems (National CASA, 12 June, 2009). Most counties in California have CASA chapters and link as many children as possible with advocates. Often CASA workers are given to younger children in foster care, who do not have the language or cognitive skills to advocate for themselves during the court process. Recently there has been more of a push in the CASA community to have adolescents who were placed in foster care at an older age become connected with CASA workers. Yet, this is often difficult because the lack of CASA volunteers available (M. Moses, personal communication, 2007, date unknown). Yet, sometimes CASA workers can become informal mentors for adolescents if they have kept the same worker for many years. Participants in this study reported

having very positive and supportive relationships with their CASA workers, such as this male participant:

> *One mentor is my CASA worker. He is like a friend I can call anytime day or night. He actually took me out a lot, encouraged me a lot; it was bad times and good times to push the negative out.*

This male participant describes how the relationship with his CASA worker changed from being more formal to more of a mentor/friendship because the worker began to offer helpful advice and tangible support (like a social worker) to the youth:

> *My advocate [a CASA worker] and I call each other we can go out to eat. There was this one moment when I knew he was not gonna be my advocate no more, he was gonna become my friend. I was in the group home and I got in trouble I was about to get kicked out and he ran to my house the next morning came and picked me up drove around. Gave me my motto, he said, "You're like a fork in the road you can go this route where you can be successful and have kids and all that or you can go the bad route where you're not successful you go to jail and yeah I'll be your friend for a good like five or six years but I don't think I'm gonna last that long. But if you go the other route will stay with you through thick and thin I don't care if you got bills to pay whatever," and since then I knew him not as my advocate no more but as my friend. To this day I think he was like my true social worker because he put in the effort for me to get where I'm at today. He the one that really got me the meetings and the resources for what I got today. He worked in the county building so he talked to my lawyer about finding family he talked to my lawyer about putting me in the right placement. He was like my real social worker, I could call him.*

Similarly, this male participant discusses how a former foster brother of his had developed a very strong relationship to his CASA worker. After five years of a relationship, the CASA worker is now seen as family to the former foster brother:

> *Like my former foster brother, which he lives here in the dorms he's about 5 floors below me, we are real tight I call him my brother. He had an advocate and he calls her sister he's had her for about 4-5 years and they really just have a bond like even now they go out. Him, his girlfriend, her husband and her, they still go out now, they go out to eat. Yeah like before he makes big decisions, like before he goes to the airport, he talks to her about it. Even though she has no control over anything it's just like she's there for him and they have that bond. It's really like his sister, he really cares for her and she really cares for him and she cares about what happens to him and things like that.*

There were a few discussions with the participants about how culture may play a role in the amount and type of relationships they may build with adults while in foster care. One young woman said that when she was approached by CASA to get connected with a worker she stated that she wanted her CASA worker to be of a specific race, but she got another individual instead:

> *I wanted a black CASA worker, but got an African white man instead.*

Some youth reported having tried to secure mentors while they were in foster care, but that they were not able to get connected to one. For example, this young man stated,

> *I tried to get an advocate so many times, which is what I think you're talking about an advocate which is like a mentor, like an older brother type thing and that never happened.*

Other participants thought that their social worker waited too long to get them linked to a mentor. For example, on participant said, "*My first conversation about having a mentor happened at age 18."* While other participants were clearly disappointed because they never had a mentor while in foster care and never had their social worker try to connect them with one. This participant simply stated,

> *My social worker never tried to find a mentor for me. I even had the same social worker for a while.*

But, many youth were very enthusiastic about the chance to develop a relationship with a mentor in the community, because they did not have anyone to communicate with out of the child welfare system. This male participant stated,

> *I was hooked up with my advocate through my lawyer because after court that day they asked me right there do you want an advocate. I was like I don't know what that is and they were like, "Mentor, guidance." Right then and there I said yes cause I was scared I don't have nobody out here so I just wanted someone to talk to cause I knew my social worker wasn't going to, I had a feeling right then and there.*

Interestingly, some participants stated that their social worker did not coordinate their mentor relationship, but that their group home staff set up the connection. This raises the issue of who is ultimately responsible for ensuring that older foster care youth develop permanent adult connections while they are still in care.

> *When I was in a group home they wanted to get us hooked up with a mentor – someone to talk to, to support us, and to give us that extra push.*

> *And, I just said yeah, yeah. And, ever since then I have had a good mentor.*

A few other participants mentioned that they felt their mentor was their attorney. This female participant had a very close relationship with her attorney; and was even able to spend the night at her attorney's house when she had passes to leave placement. This close, mentoring relationship even continues today, well after the young person has left foster care:

> *When I was growing up my attorney was my mentor. She was my attorney when I was 8 and we became friends. She let me spend the night at her house when I had my weekend passes. She was the one that mostly was there for me. I still talk to her.*

Social Workers as Mentors and Permanent Adult Connections

Social workers are often seen as major social support for youth in foster care. Samuels (2008) found that 18 of 29 youth interviewed put their current or past social worker down on a social network map that illustrated all types of social support for the youth. As one can imagine, many participants in this study reported that their social worker was a permanent emotional connection for them:

> *My first permanent connection with an adult was with my social worker.*

Many participants stated that they still had contact with their social workers, even a few years after leaving care. One youth stated, "*My social worker was pretty much was my mentor, and still is.*" Another female participant reported that she still has really close contact with her social worker, who talks to her on the phone and gives her updates on how her siblings are doing:

> *My social worker and I mail like once a week and I talk to her on the phone probably like once every 3 months but I email her and she responds, she always keeps me updated with my siblings' visits with our, their biological parents.*

Independent Living Skills Program (ILSP) social workers are also of great support and take on a mentorship-type role with the former foster care youth in this study. Often, ILSP workers have more frequent contact with former foster youth than a regular social worker because the youth may be accessing ILSP services on a regular basis. This participant talked about how his ILSP worker specifically assists him and offers "friendship" and support since leaving foster care:

> *I still have a relationship with my ILSP worker, even though he is not my social worker anymore we still keep in contact. He still comes and gets me, takes me to lunch. He is really awesome. I haven't talked to him recently because I have been so busy with school and stuff but when I call him he is always there; always. He usually calls every once in a while just to make sure everything is okay, how I'm doing, how I'm doing in school; if there is any way he can help. He is my friend, that is my guide, that is my friend; I love him. He is the person I could truly say stands out among most people I know.*

Similarly, this male participant discussed how his ILSP worker is someone who cares and would go to great measures to offer the former foster care youth a lot of support:

> *He worked so hard for me; did everything he possibly could to make me happy and he didn't have to. He would go to the extremes; that made a big difference as opposed to someone who stands on the corner who has no mom who cares about them, no dad who cares about them. Nobody at all, you know what I mean. That makes a big difference in teens' lives.*

This young woman talked about how her social worker would take her clothes shopping, to get a haircut and to a doctor's appointment. We typically think of these personal experiences as things a person does with a family member. This social worker even went so far as to want to offer her home as a placement for the participant, but the county did not allow it:

> *I had the best social worker. She was white. She lived in Sacramento but worked out here. She would drive to see me. I lived in Modesto and every Friday she would come and meet me and take me out. She would take me shopping, get my hair done, she made sure my doctors appointments were up to date. When she tried to get guardianship of me in Alameda County they told her no because I was black and she was white. They also said it was because she worked for Alameda County and she couldn't have a former foster youth come and live with her. And she said that she wanted to adopt me and they said you can't do it.*

Social workers can also take on a parental role with foster care youth. By offering advice, providing support, and being an emotional care provider, the role can change from service provider to "family" support:

> *My social worker would give me advice about money about not going to crazy parties, he would be there like a parent and he would everyday he would call me, where you at? I'm coming to get you. You know just like a parent would. And that's how I feel a social worker should do to them instead of just taking the kid out to eat, take them out to lunch take them for a drive throw a football around, just be real with them.*

This female participant developed a very strong relationship with her social worker. This worker not only provides tangible support such as referrals to services, but also emotional support

by helping the youth stay connected to family (even in Southern California) even after aging out of foster care:

> *My social worker got my case when I was 16, me and her didn't really start to have a relationship until I was almost emancipated, but when we did get that relationship I can really tell that she was there for me. Cause she was always there for me, it's just I always pushed her out so I think for me was giving her a chance earlier and not just because I needed her because I was gonna emancipate, she had what I needed, she had the connections I needed, so I guess in a way you could say I used her. But I was always told to pimp the system; get your resources. Yeah even now I talk to her more now than I did when I was in the system, she is the one who is gonna take me to see my brother in L.A. so now we have a really good relationship and I have been emancipated for two years and you know she's still taking me and my family down to go see him.*

A few participants from the study reported that they were now working in social services and some were even working in past group homes where they lived. They had developed such strong relationships with the group home staff that they wanted to continue the relationship by securing work in the facility after aging out. This female participant discusses how she was able to continue the mentoring-type relationship she had with group home staff because she now sees them every day during the course of her workday. In fact, she refers to the staff as, "family":

> *I am still in contact with three staff from the group home I lived at and now I am a staff person at that group home – the same one I lived at. I see the majority of them on a daily basis. I talked to them outside the group home, on the phone. They are like family.*

Hard to Create Permanency When Relationship with the Social Worker is Not Strong

> *I didn't care about my last social worker because she didn't care about me. (female participant)*

There were many participants in this study who felt as though their social worker did not care about them or their growth and development. It seems like it would be very difficult for a social worker to know the relational permanency and emotional needs of foster care youth if the worker does not have a strong relationship with the youth. Additionally, one can imagine that social workers may be the first adults foster care youth may come in contact with besides their birth parents or care providers. If the social worker and youth do not have a strong relationship or positive rapport, it may be difficult for youth to feel as though they can develop a relationship with other adults in their lives:

> *The social worker is the first adult you come in contact with. And, by that being the first adult, if you feel like that adult wasn't cool, then that is how you will look at all adults. Then you'll be like, I don't want to be here because they don't care about me. They are just a staff and they are just coming for a check. That stays in your mind and you don't want to get know nobody because that social worker didn't want to get to know you. Then they might turn it into anger and they might want to run away because they think nobody likes them. The youth then thinks that the adult is just here for money and a check.*

Many youth in the study described not having a positive experience with their social workers. In fact, youth reported not seeing their social workers very often; many youth said they did not see their social workers for the federally-mandated *monthly* child welfare worker visits (see

Public Law 109-288, the Child and Family Services Improvement Act of 2006). Very simply, a female participant stated,

> *My social worker, I kinda didn't see her. Never really saw her a lot.*

Similarly, another male participant stated,

> *My social workers would always last like a month or so, like a visit or two and then I had this one social worker for hecka long, I would see her like once every 6 months so I only saw her twice too, ok three times.*

Many participants thought that their social workers were not doing their jobs by not making the required monthly visits, building rapport with the youth, or returning phone calls from the youth. It may be that these social workers may not have been able to make family and other permanent connections for youth while they were in foster care. One participant stated, "*I don't even think my social worker was at my emancipation conference."* And, another female participant stated,

> *Then the social workers say, "if you need anything give me a call." But then they don't answer their phone! But then I call again and their voicemail is full. So what kinda message is that? So call their supervisor and their voicemail is full. So what is the point?*

Another female participant concurred:

> *My social worker when I thought she was being cool, it was really that she wasn't doing her job. When I started to need her – I started to need services, rides, money – she was never around and wouldn't answer her phone.*

Participants also commented on the unresponsiveness of their social workers after they left them messages; many reported that their social workers did not return their phone calls. Perhaps the unresponsiveness of some social workers is related to foster care youth not being able to see their families and build permanent connections with other adults while in care. One male participant was able to articulate that most foster care youth want their placements to be as close to a family setting as possible:

> *There are the kids who say – my social worker didn't tell me this or that. And, when the staff call the social worker, the social worker doesn't call them back. Like the kids want day passes, home passes, sometimes they have to get an authorization from the social worker to see if that's okay. And, if the social worker doesn't get to them in time and the kids end up AWOLing and their program goes downhill. If their social worker is stable, the kids are stable. And, the kids need someone that is going to be there for them and actually care for them and show that they care for them. Then they are going to stay. The kids are mostly looking for a family setting. And we try to be as much as family as possible. It is hard work. I wish I was still in a group home with someone taking care of me.*

Lastly, this participant had a very clear perspective about how her relationship with her social worker may have negatively affected her transition out of the system and into adulthood:

> *Personally, I think that If I would have had a better relationship with my social worker I think I would be doing ten times better than I am doing today.*

If foster care youth are not able to develop a strong relationship with their social workers, and as a result not be connected to permanent emotional connections before leaving care, then the youth are potentially even more isolated after leaving care. This female participant reflected on this devastating consequence:

> *If [social workers] aren't there for foster youth to help them learn that there are steps in life, then what are they doing for them besides closing them off to the world?*

When asked about their relationship with their social worker many participants had negative feedback. Due to not seeing their social workers often, lot of youth felt like they did everything for themselves on their own, without assistance from their social worker:

> *I talked to my social worker, but, everything I was doing was on my own. My social worker wasn't seeing me regular like she was supposed to. She would probably see me like twice every six months. That was low, and I felt like I needed more action from my social worker like she needed to come and see or listen to what I needed to say. Everything I did was just on my own. I guess I learned a lot from my grandmother before she passed away.*

This female participant also did not have much communication with her social worker, even when she was placed in a foster home that was not appropriate.

> *The big issue that we had was that we had a social worker and met her once. We saw her once for 10 minutes and then the only other time we would see her was right before court. We didn't see her any other times. The only other communication we had was we would call her and she would never call us back. Especially when we were in the first home and we wanted to be placed with another family because we started not getting along with the family and we didn't want to live there anymore. They had a dirty house. We asked to be moved and she didn't get back to us. When we got home we didn't get any assistance, like with making sure my mother was doing what she was supposed to do. They just checked out the house and that was it.*

There were some participants who described having positive and strong relationships with their social workers. These young people felt as if their social workers had their best interests in mind when it came to placements and family connections:

> *My social worker knew that another placement would be good for me and it was. I even stayed there after I graduated. We came to a compromise. He always had my best interests at heart. My social worker knew what kind of person I was and searched for the best place for me. He always listened to me.*

Lack of Contact with Connections After Aging Out

Although youth might have connections with social workers or group home staff while they are in care, the goal of permanency interventions is for youth to have those permanent emotional connections after leaving care. Unfortunately, for many youth in our study, the connections they made with social workers and staff often ended after they aged out of care:

> *I had a counselor inside the GH that stayed in the home with us and supported us. We could talk to her about anything. They had classes like lifeskills so when we aged out, like, we would be able to know how to put in an application and how to do a resume. My probation officer hooked me up with that counselor. My social worker stayed in the house. I don't still have contact with the counselor. I haven't had contact in a few years.*

Another female participant talked fondly of a relationship she made with a female staff person at her group home in Northern California. After she left foster care she, like many former foster youth, had to move and lost most of her belongings. She wanted to contact the staff person, but could not remember the name of the group home. Unfortunately, she was not able to connect with the staff person because she thought she had no way to reach her:

> *The lady staff person at the group home, we used to call her grandmother. She was really good and like her a lot. She wanted to keep in contact with me after I left. After I got out I moved and lost all my contacts. Everything was lost. After I aged out I couldn't remember the name of the group home, but her name never faded away.*

Similarly, this male participant discussed the connection he made with a male group home staff member. Unfortunately, the youth also lost contact with the staff member after aging out of care:

> *One person that I did get good with was the staff at the group home. A man from Oakland. I see him but I don't have his number. Everytime I always want to talk to him. He was a cool staff.*

In contrast, there were two youth who mentioned still having contact with foster parents after leaving care. The hope is that these emotional connections will continue long after the youth leave foster care. This female participant describes that her foster parent is like family to her now:

> *One foster home, the foster parent I still [have contact with], her and her family, she was the only one that I've kept in contact with out of all the homes I've been in. We talk like once a month and sometime once a week. Like I really feel like she's part of my family, it's not like you're the foster parent and I'm the foster child, like we really are family.*

> *If you are going to be in the system, then families should stick together, because that is all you are going to have. That is who you are going to trust.*

This report illustrates that former foster care youth have very different experiences with developing permanent, emotional connections to adults while in foster care. Some youth reported very positive experiences with being placed with and connected to family, yet many others did not feel as though their social worker did all that they could to connect them with family or other adults before leaving care. However, a few young people described having close relationships with family, past social workers, past residential social work staff, and mentors, since they were able to develop these relationships while in care. Yet, it is important to note that some of these relationships did not continue after the youth left foster care. And, their experiences may have varied depending on the relationship between the social worker and the youth, the availability and willingness of family to take in or be connected to youth, type of placement, location of placement, and whether the social worker made the effort to explore family and other adults (e.g. mentors) as emotional connections for the youth.

Youth in this study described a strong feeling of loneliness while in foster care, sometimes a lack of emotional connection to others, and isolation from siblings. Most young people in the study said it was necessary for them to remain in close contact with their siblings while in care, especially when they were not able to be in the same placement as their siblings. Similar to the Samuels (2008) study, this study clearly illustrates that youth need emotional, supportive, and permanent connections to others as they leave the foster care system:

My social worker helped me maintain my adult relationships. My social worker was the person I could call day or night.

Yet, before this study there had been no research to date examining the *process* that youth go through to help them develop permanent connections with others before leaving care. Specifically, there have been no studies examining the process from a youth perspective. Social workers are ultimately responsible for helping foster care youth develop strong and permanent emotional connections with others while in care. For the most part, the majority of the youth in this study did not feel as though their social workers did enough to link them with family and other adults, and to prepare them for such relationships and/ or placements.

Social workers should focus on keeping siblings together in placements or in close proximity to each other, making sure youth are not placed too far away from extended family, ensuring youth get adult mentors, and making it a long-term goal for youth to develop permanent connections while in care. But, there are many barriers keeping social workers from helping youth develop permanent emotional connections and the following section describes these barriers.

Barriers to Seeking Permanent Connections for Older Youth

There are many barriers for social workers to seek permanent emotional connections for foster care youth. First, social workers may not be adequately trained in helping youth develop permanency planning from an emotional connection standpoint. Current federal legislation mandates that social workers work on finding youth permanent placements while in care, but does

not address permanent emotional connections. In fact, most social workers are not necessarily specifically trained in linking youth with permanent emotional connections.

And, although the research examining the outcomes of permanency planning for older youth in foster care is slowly growing, there is still an overall paucity of research. Therefore, it is unclear what permanency interventions work and which ones do not. There are very few empirically-based and best-practice-type outcome studies of the various permanency interventions in the child welfare system today. Most studies have been pilot studies of smaller programs. Thus, it is important to examine why child welfare agencies and social workers may not focus more of their efforts on helping youth develop permanent connections with adults while they are still in foster care. In addition, when best practice research in this area is conducted, social workers should be made aware of the outcomes of such studies.

Also, given the adolescent developmental stage of individuating, there are often assumptions made that young people may not want or need a permanent connection. Youth may say they do not want a relationship with family, other adults, or mentors, but it is imperative that social workers continue to bring up the possibility and not cease to do so. Given the results from this study it is apparent that older youth in foster care want and need such relationships, but may not be ready to admit it. Therefore, it should be something their social worker brings up periodically and most definitely at every emancipation conference, well before youth leave foster care at age 18.

Staff turnover is another barrier that may prevent youth from developing relational connections while in foster care. Child welfare is an area of social work that is notorious for high staff turnover. Drake and Yadama (1996) found that most research shows that turnover rates are

between 23 and 60% depending on the study. And, the USGAO (2004) is still concerned about low wages, high caseloads, and employment stress contributing to low rates of retention in the field of child protection. With high staff turnover comes a lack of trust of social workers among foster care youth. When youth get multiple social workers while in care it may be difficult for trust and rapport to be built, which are essential to helping youth build other emotional connections while in care. Also, it is necessary for child welfare agencies to constantly train new staff. So, when a program like the California Permanency for Youth Project (CPYP) is contracted with a county to do a pilot program, they may only be training a small number of staff. Trainings on permanency should be mandated in policy for all social workers in all counties, just as mandated training is done for all workers on other legal aspects of child welfare.

High caseloads may also contribute to why social workers are not able to take the time and effort to help youth on their caseload develop permanent emotional connections to adults and family while in care. Many youth in this study described that their workers were focusing the "here and now" regarding their case goals, placements and education, but not on the long-term goal of permanent relationships. Many youth thought their workers did not have enough time to assist. In addition, many youth stated their workers did not have enough time to even return the youth's general telephone calls, let alone assist them with long-term relationships.

Another potential reason social workers do not focus on permanent emotional connections for youth is a lack of clinical training. For example, workers may not have the clinical skills to manage feelings of grief, loss, or rejection that may arise when youth are linked to family and other adults in their lives. There may be a rejection from family members or other adults and the social worker may not have the skills or the time to manage a relationship. Given the outcomes of

this study, the following section describes the practice, policy and research recommendations related to youth developing permanent emotional connections to adults while in foster care.

Actions Items for Child Welfare Agencies

Social Work Practice

1. Implement Family and Permanent Connection Finding (FPCF) services for all youth in foster care not placed with kin, especially those youth over the age of 13
    a. Continuously train new child welfare workers, supervisors and managers on the importance of promoting family placements and helping youth develop permanent emotional connections with adults in care for at least three years before the youth ages out
    b. Run a family finding report on every youth in foster care (Weinberg, 2009)
        i. Shift FPCF focus to front end of child welfare interventions (i.e. dependency proceedings and emergency response)
        ii. Conduct family finding even for undocumented youth in foster care
    c. Social workers should add permanent connections to family (especially siblings) when making decisions about placements (especially out-of-county placements)
    d. Examine the cost-effectiveness of the Family Finding model to examine if it should be implemented within the county system, or be contracted out to a private non-profit

i. If services are contracted out, it is important to identify who is ultimately responsible for the FPCF services (especially if the youth has the closest relationship with their child welfare social worker)

e. Make sure all foster care youth have a voice in their placements with family and connections to adults while in care (when developmentally appropriate)

f. Link youth with mentors in the community

i. Develop more linkages with private non-profit mentor programs

g. All FPCF services should offer pre- and post-planning interventions including support for relationship disruptions for at least one year after a connection is made

Charles and Nelson (2000, p. 18) believe that child welfare agencies should have practice goals related to permanent emotional connections for in older youth. For example, all foster care youth should be able:

- To love and be loved by a safe, committed and competent adult (with an expanded definition of family)
- To have a secure base to come back to for re-direction, re-fueling and a sounding board
- To achieve meaningful connections in their lives and community to sustain a safe and productive life
- To develop the ability to successfully handle life's transitions
- To develop and maintain connections to siblings
- To increase a sense of cultural and self-identity

- To develop traditions, values and mores
- To develop increased self-esteem and self-efficacy through continuous positive reinforcement from adults
- To be prepared for adulthood and all of its responsibilities

Social Work Policy

1. Add a "Permanent emotional connection" section to CWS/CMS for data tracking (perhaps in Special Project Tab area)
2. Mandate that siblings have the same social workers while in foster care
    a. Develop policy to state who is responsible for bringing siblings together for contact if they have different social workers

Social Work Research

1. Conduct a longitudinal study exploring the outcomes of the Family and Permanent Connection Finding model to examine:
    a. Kin placement rates and length of time kin placements last (i.e recidivism)
    b. Emotional connection relationship rates and whether relationships last
    c. Foster youth satisfaction survey to examine the process of specific intervention

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Permanency: More Than Just Homes

Martin Westerman

Yvonne sits at a cafe table outside the West Seattle PCC Natural Foods Market, wrapped in her red plaid blanket and selling *Real Change*, Seattle's homeless community newspaper. She has been a friendly fixture there for nearly four years, smiling at shoppers through her black-rimmed glasses and accepting their support, including her blanket and gift cards for meals. "Yeah, I bounced around the foster care system in Los Angeles before I came up here. It's a nice present for my 50th birthday, finding a place that feels like home."

Yvonne had passed through eight foster homes and aged out of the system in a boarding school before the first CASA volunteer was deployed in 1977. So she has had to make a home and community on her own. But in the years since, there has been an explosion of "permanency" studies, policy-making and projects. Concurrent planning, foster-adopt options and family mapping were developed; the Adoption and Safe Families Act (ASFA) was passed in 1997, helping double US adoption rates; and CASA programs have helped permanently settle more than two million children. It is a different world from the one Yvonne faced 30+ years ago.

Permanency: It's in the Relationships

To young people 18 and older, permanency is about building relationships with one or more reliable adults; preserving important connections, including those involving neighbors, community, faith, family, school and friends; and accessing resources that can provide support and guidance long after they emancipate from the child welfare system. (See the *Judges' Page* issue mentioned in the resources sidebar, particularly articles by Parnell/Swenson-Smith and DuRocher.)

For minors, permanency is a behavioral health issue. Quick, seamless, permanent placement minimizes trauma and improves brain development, self-esteem and social relationships. Furthermore, long-term costs to the child welfare system and courts are reduced or eliminated.

Each year, children aged 6 or younger make up half of the 300,000 entrants into America's child welfare systems. Sadly, children's likelihood of being adopted decreases by 50% the moment they turn 9. The good news is that of the nearly 300,000 children who exit the system each year, 17% are adopted, and 53% are reunited with their birth families after safety can be ensured. (See "Children's Bureau" in the sidebar.)

But while ASFA has helped improve the pace of permanent placements, achieving them remains a major challenge in a system that harbors more than 780,000 children each year and is accustomed to moving in a slow, straight line, from intake (protective services), to reunification attempts (welfare department), to permanent placement efforts (guardianship-adoption).

Visualize the Endpoint First

To counteract this inertia, CASA of Frederick County, MD, Program Coordinator Jennifer Fuss visualizes the endpoint first. "We get our volunteers excited about the ending, then provide the eyes and ears for the court to get there," says Fuss, who trains her volunteers in concurrent planning.

Web-Based Resources on Permanency

Child Welfare Information Gateway
(childwelfare.gov)
This service of the US Department of Health & Human Services (DHHS) provides a wealth of data, research and listings of federal, state and tribal laws on topics related to abuse, prevention, foster care and permanency. Search for their page on the Adoption and Safe Families Act (ASFA). ASFA tightened permanency hearing requirements, listed "concurrent planning" as a best practice and helped double the rate of US adoptions.

Child Welfare League of America
(cwla.org/programs/fostercare)
CWLA helps build public will to ensure safety, permanence and well-being of children, youth and families by advancing public policy and promoting best practices. See especially links to the National Data Analysis System (ndas.cwla.org), which includes state-by-state and national findings.

Children's Bureau
(acf.hhs.gov/programs/cb/)
This bureau of DHHS supports services and productive partnerships with states, tribes and communities to provide for children's safety, permanency and well-being. See especially the latest information from the Adoption and Foster Care Analysis and Reporting System (AFCARS). From the above page, search for "report 14."

EMQ FamiliesFirst
(emqff.org)
Provides direct services in California as well as innovative national trainings on mental health treatment, foster care and social services. Follow links to Training/Education, then to EMQ's Family Partnership Institute, then to the *Family Search & Engagement Practice Guide*, co-published by Catholic Community Services of Western Washington and EMQ Children & Family Services. See page 63 for section on connectedness mapping.

The Judges' Page
(CASAforchildren.org/judgespage)
Published by the National CASA Association and the National Council of Juvenile and Family Court Judges, this online newsletter is of interest not only to judges but also to child welfare professionals and CASA volunteers. From the archives at the bottom of the page, look for the link to the July 2008 issue, "The Role of the Dependency Court in Achieving Timely Permanency."

Lutheran Community Services Northwest
(lcsnw.org)
A nonprofit human services agency serving communities throughout Washington, Oregon and Idaho. Carries *Concurrent Planning: From Permanency Planning to Permanency Action* by Linda Katz et al., revised 2000. From the home page, search for "concurrent planning."

National CASA Association
(CASAnet.org)
See especially *How Are the Children?*, a report on focus groups of teens living in foster care. From the home page, look for the link "2008 Foster Youth Focus Groups."

Urban Institute
(urban.org)
Provides social and economic issue data, research and program evaluations to foster sound public policy and effective government. See especially their 2004 report *Foster Care Adoption in the United States: A State-by-State Analysis of Barriers and Promising Approaches* by Jennifer Ehrle Macomber, Cynthia Andrews Scarcella, Erica H. Zielewski and Rob Geen. From the home page, search for "state-by-state."

"It's not a good idea to just develop one plan, around reunification with the birth family," she points out. "What if that doesn't work? You're left with 'long-term foster care' and no permanency."

Concurrent planning, dual tracking toward reunification and adoption or permanent guardianship with a relative, conflicts with the child welfare system's linear structure. But without a backup plan, many children end up "drifting" in foster care for years without finding a place to call home, at great costs to themselves and to society. When they emancipate at age 18, they find themselves without permanent connections to families and resources they need for success as adults. (See Macomber et al. in the sidebar.)

"There's no reason why things have to stay this way," asserts Linda Katz, who helped invent the concept of concurrent planning in the 1980s and is now program manager of the Dependency CASA Program in King County, WA.

In the 1970s, when she worked at Lutheran Child & Family Services (LCFS) in River Forest, IL, Katz found a small number of social workers doing dual-track planning. She started insisting on placing children with foster families who agreed to the possibility of adopting, if that became an option, and named the program "Foster Adopt." She helped LCFS secure grant funding, garner publicity and publish statistics showing that the program could help children get into permanent homes faster, cutting their stays in foster care by about two-thirds, preventing emotional turmoil as well as saving thousands of dollars per child per year for board, Medicaid, social work, therapy, court hearings and other expenses.

Katz offers two contemporary Washington cases for comparison:

- In the first, an 11-year-old girl who did not get the benefit of concurrent planning has gone through 12 placements and

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[Cover Story continued from page 9]

now may never be adopted, which leaves her likely to suffer emotional consequences.

- In the second, a "preemie" boy with a backup plan was sent directly to a foster home with the option to adopt. The birth family could not be found, so the boy will now move out of the foster care system, saving himself years of emotional stress by becoming a member of a secure, loving family.

"That [second example] is how it's supposed to work," says Katz.

Holistic Approach Trumps Piecemeal: Dual Licensing, Family Mapping

Where it happens, licensing of foster families to simultaneously foster and adopt is a giant step toward achieving permanency. "Formerly, child welfare agencies kept those areas separate to keep 'cleaner' relationships in each area they handled," Katz continues. "But that necessitated moving the child between homes, schools, locales and friends at each new stage and causing new trauma every time."

Katz goes on to extol the benefits of a holistic approach. "Dual licensing has helped families look at the process as a whole, so they can elect to open their homes long-term rather than as just one more in a series of temporary housing options. It has helped create a more seamless process that is better for the child. It eliminates instability in a system built to stay unstable."

In California, social workers are legally bound to develop concurrent plans for minors at the jurisdiction-disposition hearing. But many social workers are overscheduled and cannot devote much time to concurrent planning at the beginning of a family's journey through the dependency system.

"Our program encourages advocates to support social workers by helping them develop the concurrent plan early in a child's case," says CASA of Santa Cruz County, CA, Program Manager Kelly Wolf. A key element in developing that child's "Plan B" is a connectedness map or family map (see example).

The Connectedness Map

Key: Blue = Blood (biological) connection
Red = Heart (love) connection
Purple = Spiritual connection
Green = Mind (mental) connection

Place the child in the *center* of the page. Ask her to think of all the people (living or deceased) she is connected to. Include family members, friends, teachers, coaches, pastors, rabbis, etc.—anyone with whom she has/had a connection.

Use one shape to represent males and a different shape to represent females.

Example: Δ = Male O = Female

Next to each shape, write the person's name and age (if known).

Place individuals who are of similar age to the child on the same level as the child, older people above the child and younger people below to show different generations.

Ask the child how he/she feels connected to each person. Is this person a blood relative? Does the child love this person? Does this person teach the child, or do they have good, meaningful talks together? Does the child feel a spiritual connection with this person? The child should then draw the appropriately-colored line between him/herself and the other person. If there are multiple connections, there will be multiple lines.

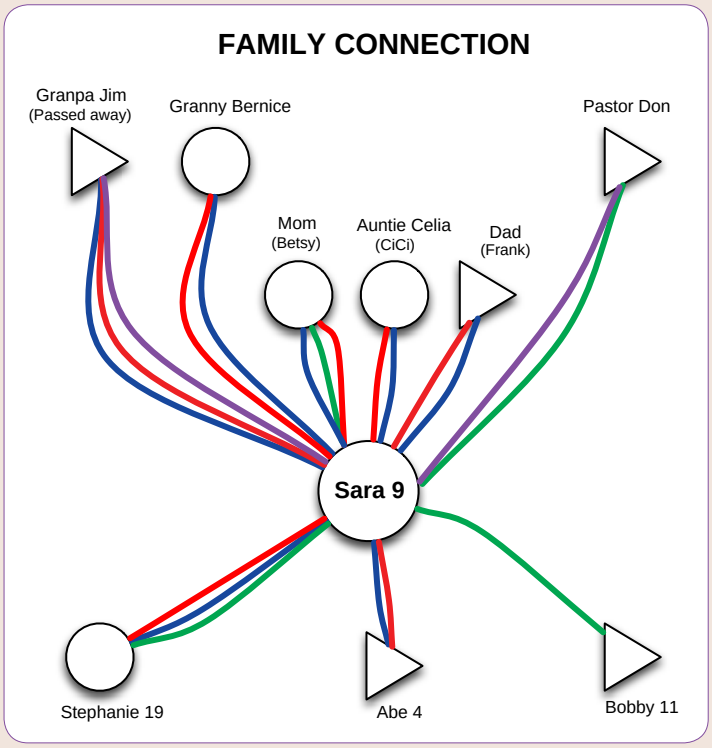

Diagram created by Ray Sherrod

When children have completed their connectedness maps, they may want to hang them up in their rooms. This can be a consistent reminder of all the people in the world with whom they are connected.

Courtesy of the Santa Cruz County CASA Program, CA

Wolf is among the growing number of practitioners from Hawaii to New York who ask children to generate their own connectedness maps. They do it with the help of supportive adults, informing and adding to the social worker's own list of placement options.

Children's family finding maps incorporate all the people they are, or ever have been, connected to, including family and non-extended relative family members—also known as "family of choice" or "fictive kin." Wolf trained with Kevin Campbell, who now works with EMQ FamiliesFirst (formerly Eastfield Ming Quong) and is known as the originator of family finding. Campbell saw that creating the map reminds foster youth, who frequently feel alone in the world, that they are really surrounded by support.

The maps often include extended relatives, former caregivers, family friends, teachers, neighbors, friends' parents, coaches, godparents and others with whom the child has lost touch. Youth may provide the map to the child's social worker so it can be used as a tool for concurrent planning.

"Frequently, if these people can be found, they are very open to reconnecting with the child," says Wolf. "It's a better option than relying on the general populace to help out."

Once foster candidates are found, alternative placement options present themselves, according to Vicki Wilson, director of Cambria County CASA Beginnings in Johnstown, PA. "Specialized permanent legal custody or guardianship can work for older children who don't want to be adopted and whose parents' rights are not terminated," she says.

Permanency-Related Tips for CASA/GAL Volunteers

1. Understand federal laws related to permanency.
2. Support the social worker in creating a concurrent plan.
3. Ensure that the child produces a connectedness map as a tool in moving concurrent planning forward.
4. Keep an up-to-date document that tracks kin and significant others, and make sure this information is incorporated into the case plan and prominently placed in the current volume of each case file.
5. Include a review of movement toward permanency in the child and family team process throughout the case, not just at the end.
6. In the CASA report, highlight how long a child has been out of the birth home, and indicate approaching limits. When appropriate, request a ruling from the court about progress toward meeting permanency deadlines.

Compiled by the author from interview sources.

A relative can qualify for the federal Kinship Guardianship Assistance Payment (Kin-GAP) program in cases where the child-relative relationship has proven stable, the relative is not willing to adopt, and birth parent reunification efforts have failed. Such cases are closed through dependency court, but the guardian(s) still receives some financial assistance and support.

"Each child, situation and set of permanency goals is unique and needs to be approached differently," says Wilson.

Collaboration: The Antidote to Linear Thinking

Beyond involving children in decision making, several systems are bringing courts and agencies together in successful partnerships.

The Pima County Juvenile Court in Tucson, AZ, was the test bed for Susan Parnell's and Chris Swenson-Smith's 2006 pilot Permanency Collaborative Review Hearing model, designed to help move children who had spent two or more years in care toward permanent solutions. The model brings together case managers, supervisors, the CASA volunteer, the children's attorneys, a behavioral health designee and other involved parties to set agendas and assign actions. It relies on judges to lead processes and conversations; tracks cases on a quarterly basis by child, judge and time in care; sets action goals with courts; and monitors progress toward permanency. In the pilot program, the hearings succeeded in restoring, developing or newly forming connections for 66% of the 26 children they served.

In many cases, it is important to retain cultural connections for children moving toward permanency. Donna Goldsmith and Korey Wahwassuck (see the *Judges' Page* issue referred to earlier) describe groundbreaking agreements in Minnesota that merged Ojibwe Tribal and 9th District state courts into the Leech Lake-Cass County Wellness Court. While it adjudicates post-sentencing

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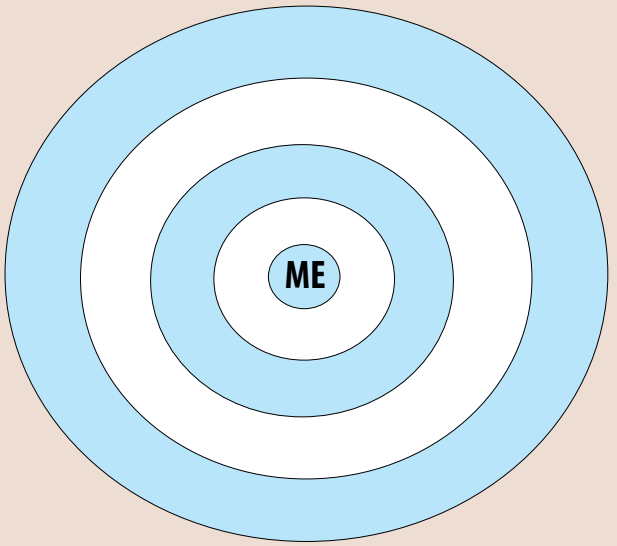
[Cover Story continued from page 11]

Research on Youth Connections Commissioned by National CASA

In 2008, National CASA commissioned a research study centering on a series of focus groups of teens in foster care. Fifty youth in five US cities participated, providing their insights into their experiences in care. These young people shared their thoughts about the effect of the child welfare system on their motivation, the impact of an adult presence in their lives and the prospect of aging out of foster care.

One exercise used in the discussion groups was completing a "Connection Circle." Youth were asked to place the people in their lives in various circles, depending on how close the relationship is. Teens placed those closest to them within the innermost circle. Results showed that these young people in care feel most strongly connected to their siblings and biological parents. Regarding the latter, one young woman from Anchorage seemed to sum up how



many of the youth felt: "I talk to my mom on the phone. I don't want to move back in with her or anything, but we do have a relationship."

Next highest on the list were youths' best friends and other relatives (especially grandmothers). Foster parents and CASA/GAL volunteers were close behind these groups in the number of mentions. The main criteria youth identified for placing individuals in their inner circle include: "You can relate to them," "They will listen to you," "They're always there for you," "They believe in me" and "They had a positive impact on my life." These qualities mirror those that our volunteers are known for.

For the full results, see "2008 Foster Youth Focus Groups" on the home page of CASAnet.org.

hearings for tribal and non-tribal plaintiffs, the authors see potential in it for managing child welfare cases.

"The joint work of the courts is breaking down cultural barriers and resulting in more effective administration of justice in northern Minnesota," they write. They suggest that this tribal-state model could be modified to handle Native American youth permanency cases, bypassing the need to decide which court has jurisdiction and resulting in decisions that best reflect the child's best interests.

Retaining cultural influences in a child's life is also the goal of Hawaii's EPIC (Effective Planning and Innovative Communication) family welfare programs. Wilma Friesema highlights three cooperative, statewide models that partner Hawaii's Department of Human Services with family courts and community agencies to help improve Polynesian family and cultural relationships (see *Judges' Page*).

Ohana ("family") conferencing blends alternative dispute resolution techniques with sensitivity to the cultural mores of Polynesian families. The Keiki ("child") Placement Project helps find the extended families of children aged 0–3 as soon as they enter the foster care system. Often, the Keiki and Ohana models are combined, as in the case of "Isaiah," the newborn child of a drug-addicted, homeless woman. Keiki was able to locate and contact Isaiah's 42-member extended family, then hold an Ohana conference, which led to the mother's grandparents agreeing to adopt the child. Finally, E Makua Ana Youth Circles is a youth-driven process that empowers teens aging out of the system to clarify their goals and identify supportive people and resources. They can ask for a Youth Circle whenever they feel alone or run into difficult challenges as they face adulthood.

The Best System Defense Is a Good Advocate's Offense

Inertia is built into the child welfare system—partly to provide time for families caught up in it to process their options and make appeals, as Jennifer Macomber and colleagues point out in their Urban Institute study (see sidebar). But ASFA and many states require that permanency hearings begin within 12 months of a child's separation from home.

To help drive permanency proceedings to successful conclusions, advocates must know laws, procedures and personnel. As Linda Katz asserts, "The CASA volunteer should be able to say, 'This needs to move; this should be heard; this should be decided.'"

It is that kind of strong advocacy that will help move children in foster care most quickly into homes they can call their own.

Martin Westerman, father of two sons and author of three books, teaches communications and sustainable business practice in Seattle. This is his third feature story for The Connection.

CASA
Court Appointed Special Advocates
FOR CHILDREN

Conversation Starters

Network Circles help the youth think about who he is close to and make a list of people he wishes he could see more often or have a better relationship with.
Conversation Starter: "Let's talk about the people who are really important to you and you can't imagine your life without…"

A Timeline is simply a graphic representation of important events in the youth's life. This can help a youth recall people in his life who were present pre and post entering foster care.
Conversation Starter: "Let's think back to before you came in to foster care and the people who were important to you then…"

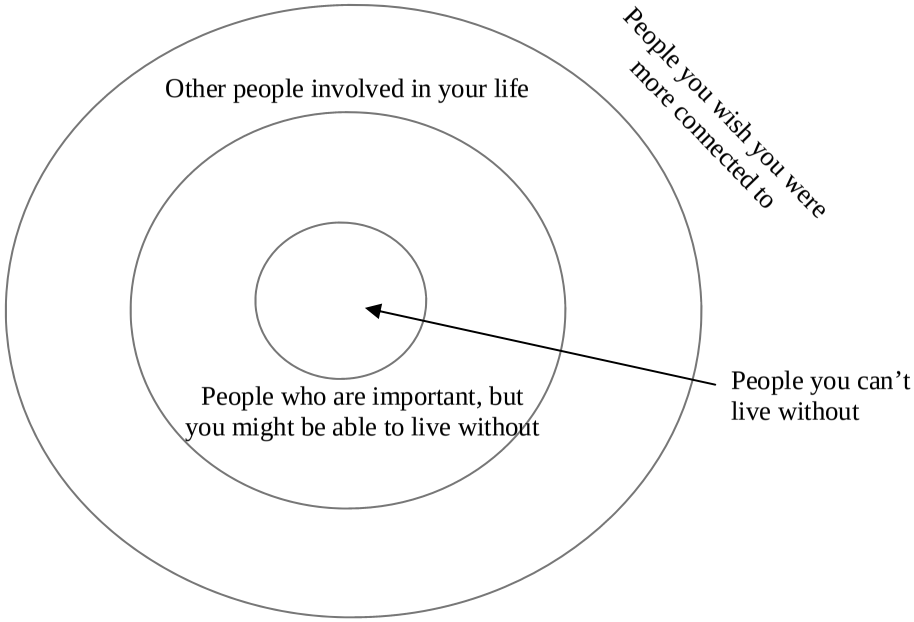
A Genogram or Family Tree is a basic way of organizing familial relationships. This can help a youth identify those who are related to him, but can also include non-relatives who are important people in his life.
Conversation Starter: "Let's draw a family tree to help me understand who is in your family…"

Other Ideas...

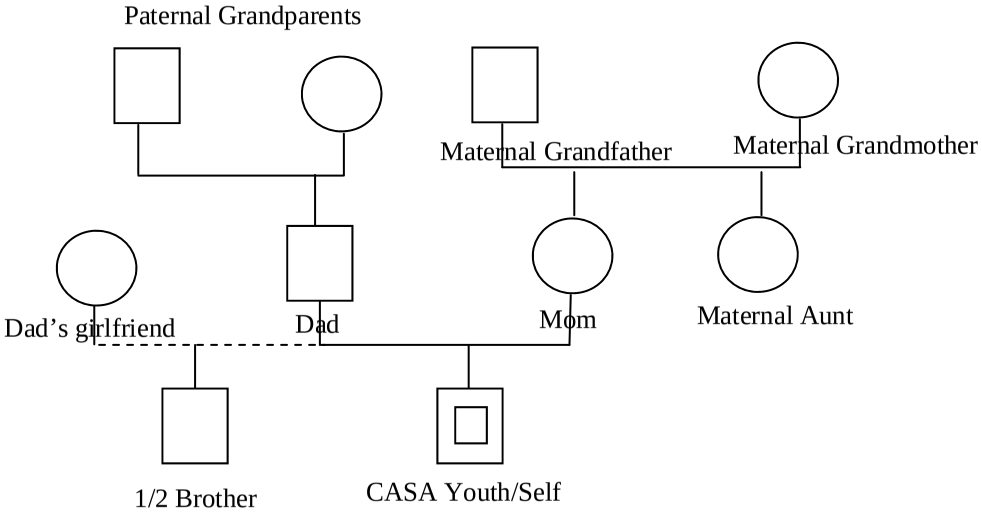
- Have you thought about whom you'd like to spend time with as you get older?
- I'm sure there are people in your past or present whom you like or feel a connection to…"
- If you could leave foster care right now, name the top 10 people you would want to go live with.
- Who has paid attention to you, looked out for you, cared about what happens to you?
- Where did you spend holidays or special occasions before coming into foster care? Who do you spend holidays with now?
- Who do you call (or want to call) when something really important happens?
- Who do you like and enjoy being with?
- Who do you admire?
- Who believes in you?
- Who do you imagine still being important to you in 5 years?
- Is there anywhere that you go and you feel like you really belong there?
- Where would you feel most comfortable living right now?
- Are there any neighbors, family friends or church friends you remember feeling close to?
- Are there friends from school you are (were) close to? Are (were) you close to their parents?
- Who are the adults programmed into your cell phone?

These conversation starters can be altered to apply to a child reunifying with his family or changing placements so the people he met in foster care and he doesn't want to loose connection with can be identified.

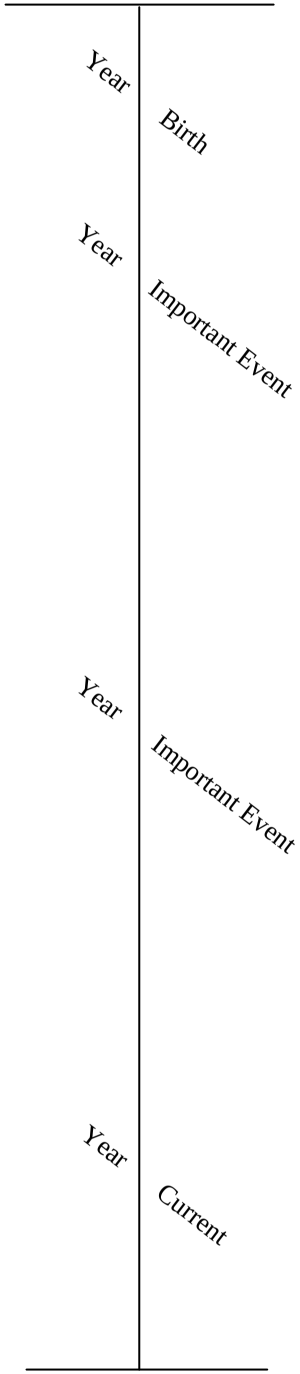
Network Circles



Family Tree



Timeline



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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
LAMOREAUX JUSTICE CENTER
FEB 27 2007
ALAN SLATER, Clerk of the Court
BY BEVERLY MacLAREN

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

SITTING AS THE JUVENILE COURT

MISCELLANEOUS ORDER – 541.1

TITLE: **FAMILY CONNECTIONS PROTOCOL AND AGREEMENT**

TO: **ORANGE COUNTY COURT APPOINTED SPECIAL ADVOCATES AND ORANGE COUNTY SOCIAL SERVICES AGENCY, CHILDREN AND FAMILY SERVICES DIVISION**

Upon information duly received, the Court finds as follows;

1. In June of 2006, Michael L. Riley, Ph.D., Division Director of the Orange County Social Services Agency (SSA) Children and Family Services Division, and Greg Bradbard, Executive Director of the Orange County Court Appointed Special Advocates (CASA), executed and entered into the FAMILY CONNECTIONS PROTOCOL AND AGREEMENT.

2. GOAL: The goal of the FAMILY CONNECTIONS PROTOCOL AND AGREEMENT is to provide a service for the identification, search, and engagement with family members and/or significant others of dependent children in the foster care system in order to serve as a means to establish or re-establish communication between them and the child and explore possible permanency options.

3. POPULATION TO BE SERVED: CASA will provide FAMILY CONNECTIONS services to children who are Orange County Juvenile Court dependents, under the supervision of SSA and placed in out-of-home care. CASA will select children from active CASA cases and the CASA waiting list. CASA will promptly inform the assigned SSA Senior Social Worker when a child has been identified to receive FAMILY CONNECTIONS search and engagement services.

4. FAMILY CONNECTIONS VOLUNTEERS: CASA will use trained, experienced CASA volunteers to conduct family search and engagement services. CASA volunteers who participate will be carefully screened for competence, judgment and understanding of the sensitive nature of this process. They will receive training in the FAMILY CONNECTIONS model developed by Catholic Services of Western Washington. They will receive on-going training as needed. They will be supervised by CASA staff who are also trained in the FAMILY CONNECTIONS model.

5. SERVICES: There will be regular contact between the FAMILY CONNECTIONS volunteers and the assigned Senior Social Workers throughout the period of FAMILY CONNECTIONS search and engagement to ensure that shared decision making and agreement on key decisions are achieved. Key decisions include who will talk to the youth about important connections and which relatives and significant others may be the most appropriate to begin communication with. CASA FAMILY CONNECTIONS volunteers will be allowed on-site access to the youth's SSA Children and Family Services service files as an aid in identifying family members, relatives and significant others. The SSA service files will be reviewed at the SSA offices. The FAMILY CONNECTIONS identification, search, assessment and engagement process may include, but shall not be limited to telephone calls, internet searches, e-mails, and in-person visits. CASA FAMILY CONNECTIONS volunteers will develop a geneogram or family tree for each youth based on information gleaned from records reviews, child friendly interviews, interviews with parents, relatives and acquaintances of the family that could assist in the development of a family connection. Relatives and significant others who may be the most appropriate to begin communicating with the youth will be identified. The CASA FAMILY CONNECTIONS volunteers will talk with family members to assess the potential benefit of contact with the youth, interest in the youth, and appropriateness of the contact. The CASA FAMILY CONNECTIONS volunteers in conjunction with the assigned SSA Senior Social Workers will explore resources available to the relatives and significant others when considering a visit, extended visit, placement or shared parenting arrangement.

6. ADDITIONAL CASA RESPONSIBILITIES: CASA FAMILY CONNECTIONS volunteers and/or staff will appear and testify at Juvenile Court hearings as required. CASA FAMILY CONNECTIONS volunteers and staff will prepare and maintain accurate and complete records on youth

served with regard to progress and results.

7. OTHER ISSUES: CASA's Director of Programs and/or Program Manager will be available during business hours to act as a liaison for programmatic concerns. SSA's California Permanency for Youth Project (CPYP) Program Manager or his/her designee will be available during business hours to act as a liaison for programmatic concerns. Regular oversight meetings will be held between CASA staff and SSA staff, the frequency of which is to be determined by the oversight committee.

FOR GOOD CAUSE SHOWN THEREFORE, IT IS HEREBY ORDERED that pursuant to the FAMILY CONNECTIONS PROTOCOL AND AGREEEMNT, SSA is authorized to allow CASA FAMILY CONNECTIONS volunteers to review and take notes of SSA service files of dependent children on-site at designated SSA's offices; the files are to remain in SSA's offices; copies of any documents contained in SSA's files are not to be provided without the express written order of the Presiding Judge of the Juvenile Court.

Dated this 27 day of FEB., 2007

Robert B. Hutson

Robert B. Hutson
Presiding Judge of the Juvenile Court

THURSDAY – JUNE 3, 2010

9:30 am – 10:45 **Workshop Session I**

I.E.

target audience:
attorneys
CASAs
judicial officers
probation officers
social workers

Delinquency Legal Update

This workshop provides a review of the new cases and legislation impacting delinquency law and policy.

Learning Objectives:

- Identify new delinquency case law.
- Identify new laws impacting delinquency.

Faculty:

- **Hon. Kurt Kumli**
  Supervising Judge, Superior Court of Santa Clara County

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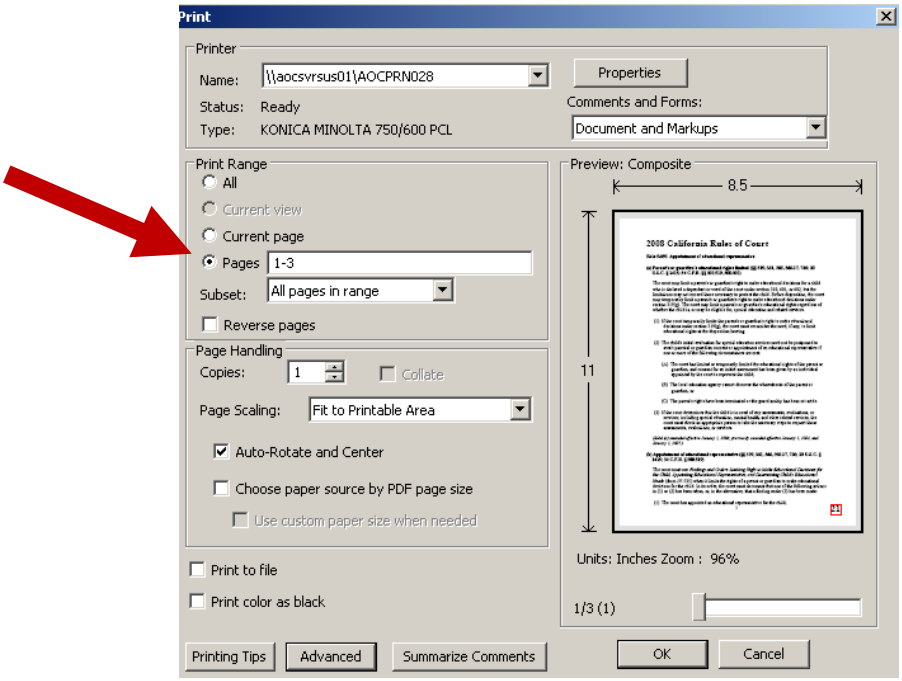


Delinquency Legal Update

Judge
Kurt E. Kumli
Santa Clara County

Beyond the Bench
June 3, 2010

In re Z.R. (Dec. 11, 2008) 168 Cal. App. 4th 1510; 86 Cal. Rptr. 3d 495

Two minors were observed by a school resource officer climbing over a fence onto campus. The officer confirmed the minors did not have permission to have left campus and confiscated the minors' backpack. Upon searching the backpacks the officer found 'a razor blade knife that had a razor exposed' in Zachary's backpack.

A petition was filed alleging violation of §626.10(a) PC. Zachary testified at a jurisdictional hearing that he brought the weapon to school because he thought he was going to be "jumped" and he was going to use it as a weapon. Minor further testified the box cutter blade was "closed" at the time it was found in his backpack at school. The juvenile court found the weapon to be a box cutter. On appeal, Zachary contended possession of a box cutter on school grounds is not a violation of § 626.10.

The appeals court determined the issue to be whether a box cutter with an exposed blade falls within the prohibitions of § 626.10(a) PC. The court distinguished *In re Michael R.* (2004) 120 Cal.App.4th 1203 (box cutter where the blade is retracted into its casing not covered by § 626.10(a)), because in the instant case, the box cutter blade was exposed. The plain language of the statute ("razor with an unguarded blade") applies to a box cutter with an exposed blade.

In re Noelle M. (Dec. 16, 2008) 169 Cal.App.4th 193; 86 Cal. Rptr. 3d 663

Noelle and her co-participant sold methadone pills to seven students at a football game. Two of those students died of an overdose. She admitted two counts of involuntary manslaughter and five counts of selling methadone. The court committed her to DJJ and sentenced her to consecutive terms for the 5 sales counts.

On appeal, Noelle claimed Penal Code section 654 PC precluded the juvenile court from imposing five separate terms for the students who survived since she had a single objective (sale of methadone) during an indivisible course of conduct.

The court found there was no section 654 PC violation since each sale was unique, Noelle had separate objectives in making each sale, and her culpability increased with each.

In re J.P. (January 7, 2009) 170 Cal. App. 4th 1292; 89 Cal. Rptr. 3d 17

In 1998 when defendant was 12-years-old he called CPS to report doing "nasty things" to his little brother. A petition was filed alleging lewd contact with his sister and forcible oral copulation on his brother. As part of a negotiated disposition, a count of non-forcible oral copulation of a victim under 18 was added (288a(b)(1)) and sustained. Minor was placed in several out-of-home placements over the next 2 years but was eventually committed to CYA in 2000. Minor's commitment was extended twice pursuant to §1800 W&I but he was eventually released in 2006. In March 2007, J.P. was charged with failure to register as a sex offender.

J.P. moved to be relieved of the sexual offender registration requirement, which the trial court denied. He appealed arguing it would violate equal protection to mandate registration for persons convicted on non-forcible oral copulation when it is not mandated for persons convicted of non-forcible sexual intercourse.

The appellate court noted that persons who engage in unlawful sexual intercourse with a minor (§ 261.5 PC) are not required to register. Persons who commit non-forcible oral copulation are similarly situated with persons who have committed unlawful sexual intercourse. While the People argued J.P.'s conduct constituted a lewd act in violation of § 288 PC, the court disagreed. Mandatory registration (required once a minor has been committed to DJJ) is tied to the offense for which the minor is adjudicated, not the underlying conduct. Requiring those convicted or adjudicated of non-forcible oral copulation to register but not those who commit unlawful intercourse denies equal protection. J.P. should not have been required to register as a sex offender.

In re Walter P. (Jan. 14, 2009) 170 Cal.App.4th 95; 87 Cal. Rptr. 3d 668

Walter possessed less than an ounce of marijuana. At disposition the court placed Walter on probation for six months without wardship with special conditions including home supervision for 45 days and 8 days in the juvenile work program. On appeal he claimed these conditions could not be imposed since the maximum penalty for the offense is a $100 fine.

The purpose of the Juvenile Court Law is to rehabilitate the minor and to protect the community. Pursuant to §725(a) the court may not impose incarceration as a condition of probation and the court is required to impose the conditions required by §729.2, but may also impose other conditions. These provisions are the floor not the ceiling, so to speak, for probation conditions.

The juvenile court has broad discretion to fashion probation conditions in order to rehabilitate minors. The court found the trial court properly imposed home supervision since he was not removed from parental custody, it is not "secure confinement" as defined in §726(c) and it is contemplated under §202(e)(3). Section 202(e)(2) specifically lists compulsory service without compensation as a permissible sanction…and further, since §202(e)(3) contemplates that a restriction on the minor's liberty is more severe than community service, and the home supervision was permissible, so too is the compulsory work program.

In re Jose C. (Jan. 22, 2009) 45 Cal. 4th 534; 87 Cal. Rptr. 3d 674

Minor was arrested by U.S. Border Patrol after he was found assisting several people crossing the Mexico-U.S. border. The DA filed a 602 petition alleging violation of Title 8 U.S. Code §1324(a)(2)(B)(iii), illegally bringing aliens into the U.S. without presentation at the border. Defense counsel objected claiming the juvenile court lacked jurisdiction to adjudicate a federal criminal violation. The court overruled the objection relying on §602 W&I language that the juvenile court has jurisdiction when any person under 18 "violates any law of this state or of the United States…." After a trial, the petition was sustained and the minor placed on probation. The minor appealed claiming §602 is unconstitutional in so far as it permits California courts to adjudicate federal criminal law violations in a juvenile proceeding.

The Court determined that (1) Neither the federal Constitution's supremacy clause, 18 U.S.C. § 3231 (giving federal courts exclusive jurisdiction over federal criminal offenses), nor any other federal statute preempts § 602 jurisdiction over violations of federal law; (2) juvenile delinquency proceedings are "hybrid" proceedings, which have been characterized as "de facto criminal" or "genuinely civil" depending on the circumstances, are separate and distinct from adult criminal cases since these proceedings are designed to treat and rehabilitate juveniles; and (3) even when the alleged offense is a violation of exclusive federal immigration jurisdiction, immigration laws do not preempt application of § 602.

In re R.L. (Feb. 5, 2009) 170 Cal.App.4th 1339; 88 Cal. Rptr. 3d 854

Minor was already a ward when he admitted possessing a "billy" club. At jurisdiction on October 29th, the prosecutor warned: "[F]or the record there ha[ve] been no promises regarding any further findings or filings based on incidents related to this event." Minor was referred for a social study. Three days later the prosecutor filed an amended petition which alleged four additional offenses committed the same day. Minor moved to dismiss pursuant to §654 PC and *Kellett* (*Kellett v. Superior Court* (1966) 63 Cal.2d 366), arguing the prosecutor should have known about the additional charges before minor admitted the possession charge. The prosecutor argued the new charges were based on information contained in supplemental police reports not received until after minor admitted the billy club charge and involved conduct not transactionally related to the billy club charge. A negotiated disposition on the additional charges was reached and minor was continued a ward on probation in his grandmother's home. Minor appealed.

The court held that *Kellett* does apply to juvenile proceedings (In general terms, *Kellett* holds that when the prosecutor knows of more than one offense in the same course of conduct all the offenses must be prosecuted in a single proceeding if possible). *Kellett* was not violated since the DA couldn't proceed on the other charges earlier because the additional facts and police reports hadn't been discovered yet. Further, under § 654 PC the amended petition was proper since minor had not yet been "sentenced,"—gone to disposition, when the amended petition was filed.

In re R.V. (Feb. 19, 2009) 171 Cal.App.4th 239; 89 Cal. Rptr. 3d 702

R.V. admitted vandalism with a gang enhancement and receiving stolen property. R.V. was an entrenched gang member, did not work or attend school, and had drug issues. While released pending disposition, R.V. immediately and repeatedly violated several provisions of his home detention agreement. At dispo for an additional probation violations, the court imposed a probation condition that R.V. wear a global positioning device (GPS) for 90 days. Minor appealed, arguing this condition is a deprivation of liberty, is not reasonably related to his offense, and improperly infringed on his constitutional rights to privacy and equal protection.

Because juvenile courts may be expected to make increasing use of GPS, the court decided to resolve the claim even though it was moot.

The juvenile court has broad discretion to fashion probation conditions even where the condition could not be imposed on an adult. In addition to the circumstances of the offense, the court should look at the minor's entire social history when ordering terms and conditions. While expressly authorized for adult probationers and parolees, there is no juvenile statute which authorizes GPS. However, if "GPS monitoring is a permissible condition for adult probation, a fortiori the condition is permissible for juvenile probation since broader conditions may be imposed on juveniles." The use of GPS did not impermissibly infringe on minor's rights against searches and to privacy given the court's broad discretion. There was no equal protection violation since the Welf. & Inst. Code contemplates that the juvenile court should give "individual consideration to the needs and circumstances of each minor." (NOTE: The "moderate risk" vs "high risk" claim held no weight, but was interesting…)

Imposition of GPS was less harsh than an order for out-of-home placement or a camp, and both of those are clearly within the court's power to have ordered.

In re T.B. (Feb. 26, 2009) 172 Cal. App. 4th 125; 91 Cal. Rptr. 3d 1

The campus police officer made contact with the minor after it was reported he was unable to stay awake in class. Minor appeared to be "out of it" and was taken to nurse's office. When asked if he had anything in his possession he should not have at school, minor replied he had cigarettes. Upon searching his backpack, the officer found cigarettes, glue, and a "multi-tool." The tool included 2 screwdriver heads, a file, a can opener, and a sharpened blade which when locked into place was one-inch in length.

A petition was filed alleging a violation of §626.10(a) PC. The court denied the minor's motion to suppress the evidence resulting from the backpack search and found the allegations in the petition true. Specifically, the court found, "it is such a small item…but in looking at this instrument…it would still be a folding knife if it was opened up properly and if it was used for that purpose."

The question before the court is whether the "multi-tool" falls within the list of items prohibited on school grounds pursuant to §626.10(a) PC. The court found that the multi-tool includes a blade which can be pulled out of the interior and locked into place—and the rest of the tool then serves as the handle. There is no requirement in the statute that a blade be any particular size, sharpness, provide ease of access, or be capable of inflicting deadly wounds. The fact this tool has several separate, distinct features and can also be used for legitimate, non-violent purposes does not alter the fact a knife is incorporated into it.

R.S. v. Superior Court (March 3, 2009) 172 Cal.App.4th 1049; 91 Cal. Rptr. 3d 546

Minor committed lewd acts on a seven-year-old child. The victim's father retained counsel to obtain monetary damages from minor's parents. The parents' insurer refused to negotiate unless it could view the videotaped interview of the victim done by the Child Abuse Services Team shortly after the lewd conduct was discovered. The victim filed an §827 motion seeking disclosure of the videotape. The juvenile court, after carefully weighing the competing interests of the minor and the victim, ordered disclosure of that videotape which was contained in minor's juvenile court file. Minor sought writ review.

The appellate court denied the writ. The juvenile court has broad and exclusive authority to balance the interests of the various parties in determining if, and to what extent, other persons may have access to confidential juvenile court records. Here, the juvenile court properly determined the need of the victim to get past the trauma of the events and avoid litigation outweighed the minor's right to confidentiality…and in fact, disclosure might provide less opportunity for stigmatization of the minor as well since he too could avoid the rigors of civil litigation.

D.M. v. Superior Court (Orange County Social Services Agency) (April 13, 2009) 173 Cal.App.4th 1117

Minor was abused from birth by her mother. Social Services removed her at age five. Petitioners adopted minor at age nine. Minor was detained for animal cruelty when in an apparent effort to upset her mother and force her to clean up a mess, minor gave prescription medications to the 2 family dogs. Both of them died. While in custody minor was evaluated and diagnosed with PTSD. The two mental health professionals opined she was "'very salvageable,'" since, despite her mental health issues, she had not used drugs or alcohol, acted out sexually, or had significant defiance or delinquent behavior other than the animal cruelty charge.

The court sustained the delinquency petition. Petitioners did not want minor back and made no effort to arrange alternative placement for her upon release. The delinquency court granted informal probation. Social services filed a section 300 petition since minor was left without any provision for support. At petitioners' request the court ordered a section 241.1 report. After consulting with minor's prior and present probation officers, the social worker filed a report reflecting the agency and probation's joint recommendation that minor remain in the dependency system. The court declared the minor a dependent. The adoptive parents proceeded by writ to challenge the dependency finding in order to be spared the "stigma" of dependency proceedings.

The court of appeals determined that a § 241.1 report was unnecessary since the delinquency court had already granted non-wardship probation. The purpose of a section 241.1 report is to resolve a scenario where dual jurisdiction may arise from petitions already filed. Since, according to the county's protocol developed for preparing section 241.1 reports, probation concurred with the social worker's recommendation, probation was not required to file a separate report and the court could presume probation had also examined the required criteria and agreed with the social worker's conclusions regarding those factors. Regardless of the various agencies' recommendations, the juvenile court makes the final determination as to status anyway. Parents concern about a "stigma" is misplaced since the 300 system is focused on the child not the parents. Further, the probation officer was not required to file a section 601 wardship petition alleging minor was beyond parental control.

In re Edward S. (Apr. 27, 2009) 173 Cal. App. 4th 387; 92 Cal. Rptr. 3d 725

The 17-year-old minor entered his 10-year-old female cousin's bedroom while she slept. He pulled down her sweatpants and ordered her to "suck his penis." She refused, and, after threatening the victim, the minor left. The court, after finding the victim was credible, sustained the attempted lewd conduct and annoy/molest counts.

Edward filed a motion for a new jurisdictional hearing and a declaration prepared by new counsel and signed by trial counsel (a deputy public defender). The declaration stated that trial counsel felt he had needed additional time to investigate, but mistakenly believed he could only obtain a week continuance; his "excessive caseload" made it impossible to "thoroughly review and litigate each and every case," including Edward's case; he was required to do his own investigation which "was 'all but impossible'" given his excessive caseload; he considered requesting an evaluation of Edward's mental condition, but failed to do so after he was informed his office would not pay for it, and he had mistakenly believed that any court-ordered evaluation would be available to the prosecutor; he did not order a polygraph of Edward since he believed the court would not pay for one and he was told his office would not pay for it; and he did not attempt to obtain funding because "my job would be jeopardized."

The court determined that motions for a new jurisdictional hearing are proper and are similar to motions brought under Penal Code § 1181; and trial counsel provided ineffective assistance because he failed to properly investigate potentially exculpatory evidence, request a longer continuance, and withdraw knowing he was unable to devote the time and resources necessary to properly defend the minor.

In re Ashlie M. (April 29, 2009) 173 Cal. App. 4th 668; 93 Cal. Rptr. 3d 168

Minor admitted to driving a car without a proper license. Facts indicate she had been driving alone around 9pm in violation of her permit. She admitted swerving to avoid a bicyclist but apparently struck a fence and then a pedestrian who later died from his injuries. Police reports indicate both the pedestrian and minor were responsible in part (darkness, no sidewalk, walking with rather than against traffic, no street lights) but that minor's inexperience was "a substantial factor." At disposition minor was placed on probation without wardship and ordered to pay restitution for the pedestrian's burial/cremation expenses as a condition of probation.

Ashlie contended the restitution order was improper and she should not be required to pay restitution for damages not caused by her conduct. Since driving while unlicensed does not entail the above circumstances, a finding of liability should only occur following a civil trial to determine whether she had been negligent.

The court found that the juvenile court properly imposed a restitution probation condition given the court's finding Ashlie was at least a substantial factor leading to the pedestrian's death. Section 730.6 W&I directs the minor to pay restitution when a victim incurs economic loss as a result of minor's conduct…this language reflects causation but does not require a minor be the sole cause of loss. Here, the trial court found the minor's conduct was a substantial factor in causing the accident and the restitution order was proper.

In re Nunez (Apr. 30, 2009) 173 Cal. App. 4th 709; 93 Cal. Rptr. 3d 242

Fourteen-year-old minor and his co-participants were involved in the kidnapping for ransom of the victim. During the attempted exchange of victim for money, the van with perpetrators fled the scene, firing 11-18 rounds at the pursuing officers. Minor was convicted of kidnapping for ransom and was sentenced to life without the possibility of parole (LWOP).

Minor filed a petition for habeas corpus on the grounds his sentence constituted cruel and unusual punishment. He presented information intended to mitigate his culpability: he was physically and verbally abused as a child by his father; he witnessed domestic violence by his father against his mother; he was shot multiple times in a gang-related shooting in which his brother was killed; he left California to live with relatives in Nevada as a result of gang-violence and PTSD from his traumatic experiences but was forced by probation to return. The CA Supreme Court directed CDCR to justify minor's sentence.

Minor contends his sentence violates the Constitution's proportionality requirement due to his youth, lack of injury to the victim, and fact LWOP is not a possibility for kidnappers who in fact murder their victim.

Appellate court found the sentence excessive, in violation of Article I, § 17 of the California Constitution's proportionality requirement, when minor's youth and lack of injury to victim are considered. Further, when compared with possible punishment for murder with special circumstances—LWOP only available to youth 16 years or older—minor's sentence is overly harsh. "A statutory regime that punishes the youngest juvenile offenders more harshly for kidnapping than murder is not merely suspect, but shocks the conscience and violates human dignity."

Finally, because minor appears to be the only youth who has committed such a non-injury offense and received such a harsh sentence anywhere in this country or the world, it amounts to cruel and unusual punishment in violation of the Eighth Amendment.

In re H.H. (Apr. 30, 2009) 174 Cal. App. 4th 653; 94 Cal. Rptr. 3d 450

Minor was stopped late at night when a police officer saw him riding his bike without proper lighting equipment. The officer asked him to get off the bike and remove his backpack. As he did so, the minor said, "I'm not on probation" and refused to give his consent for the officer to search. Feeling the minor's comments were "kind of a warning flag," the officer became concerned the minor might have a weapon and conducted a patsearch. A loaded revolver was discovered in minor's jacket.

A petition was filed alleging the minor possessed a concealed firearm, carried a firearm without a license, and carried a loaded firearm in public (§§12021, 12025, 12031 PC). The court denied minor's motion to suppress and minor admitted a misdemeanor possession of a deadly weapon (12020 PC). The minor appealed.

The issue before the court is whether, when he conducted the patsearch, the officer had a reasonable suspicion to believe the minor was armed and dangerous. The law in this area is well settled. A limited patsearch is permitted when an officer has reason to believe the person is armed and dangerous—and that a "reasonably prudent man in the circumstances" would also believe his safety (and that of others) was in jeopardy. Here, the minor was not stopped for a crime, but rather a traffic violation, he did not attempt to flee from a high crime area, and the officer was not outnumbered. While the court does not want to second-guess a police officer's decision to conduct a patsearch for his own safety, there simply were no specific or articulable facts that would have led the officer to believe the minor was armed and dangerous. And a minor's refusal to consent to a search cannot by itself form the basis for reasonable suspicion to detain or justify a pat search.

In re T.C. (Apr. 30, 2009) 173 Cal. App. 4th 837; 93 Cal. Rptr. 3d 447

In November 2006 a petition was filed in Yolo County alleging the minor violated § 10851 VC by taking a Nissan Maxima. Another count alleged the minor violated § 10851 VC by taking a Dodge Charger. T.C. admitted theft of the Maxima and all other counts in the petition were dismissed. The court advised the minor he would be obligated to pay restitution and indicated the dismissed count could be considered at disposition.

Because the minor lived in Sacramento County and had other matters pending there his case was transferred to Sacramento for disposition. At disposition the court ordered restitution for the dismissed count (theft of the Dodge Charger) as a condition of probation. At a contested restitution hearing T.C. objected to the restitution order, arguing a *Harvey* waiver was required to impose restitution for the dismissed count. All parties agreed no *Harvey* waiver had been made at the time of the admission. The juvenile court ordered restitution on the dismissed count finding that *Harvey* is inapplicable in juvenile court proceedings.

The appeals court determined that the differing needs and characteristics of the juvenile court system justify maintenance of a separate and different system apart from the adult criminal system and while courts sometimes construe juvenile procedural statutes by resort to cases interpreting adult statutes dealing with the same or analogous topics, "this doctrine does not sanction the wholesale importation of a procedural Penal Code statute into juvenile court proceedings." A *Harvey* waiver is not required for the court to consider the dismissed count for purposes of disposition. While § 730.6 would not allow restitution for a dismissed count, the juvenile court's general authority to set probation conditions, including restitution, controls as long as the probation condition is reasonably related to preventing future delinquency.

In re Richard G. (May 12, 2009) 173 Cal. App. 4th 1252; 93 Cal. Rptr. 3d 506

Following an anonymous call to police dispatch, officers received a radio dispatch at around midnight that two males were causing a disturbance outside a residence (within documented gang territory) and that one of the males was possibly armed with a handgun. Earlier in the week, one of the officers had responded to the residence because of a daytime shooting and seized two firearms. The caller described the males and their clothing and indicated they were walking toward a park frequented the area's gang. Police drove around the park and observed males near the park whose clothing exactly matched the dispatcher's description. The officers ordered the two males to stop. The minor refused and threatened the officers. The officers grabbed the minor. He resisted and punched one of the officers, but was eventually handcuffed and searched. The minor's motion to suppress was denied and he admitted to disturbing the peace.

The appellate court found that information from the anonymous call supplied a sufficient basis for the detention (and would have given a reasonable basis to allow a "frisk" of the minor). Further, where the evidence and reasonable inferences drawn from that evidence show the dispatcher actually received the anonymous call, "strict compliance" with *Harvey-Madden* is not necessary and assuming the detention violated the Fourth Amendment, a detainee's crimes committed during the detention are not subject to the exclusionary rule.

V.C. v. Superior Court (May 19, 2009) 173 Cal. App. 4th 1455; 93 Cal. Rptr. 3d 851

In 2008 the prosecutor filed a § 777 notice that V.C. had violated the probation conditions, which had been imposed following the November 2007 sustaining of one count of 314 PC (a non-section 707(b) offense) pursuant to a negotiated disposition (one of the dismissed counts would have constituted a § 707(b) offense). [As a result of SB 81, the court may only commit minors to DJJ for a § 707(b) or specified sex offense.] The minor had a prior petition sustained for violation of § 288a(b)(1) PC in 2005—which is a DJJ qualifying offense under SB 81.

Upon the prosecutor's motion, the court dismissed the 2008 petition pursuant to § 782 W&I. Two days later, the prosecutor filed a § 777 notice, relying upon probation conditions imposed in 2005 when the court sustained a petition containing a § 707(b) offense. The court committed the minor to DJJ on the 2005 petition. Minor sought writ review.

The appeals court found the juvenile court abused its discretion under § 782 when it dismissed the subsequent petition. *In re J.L.* (2008) 168 Cal.App.4th 43 is distinguishable because in that case the court used § 782 to dismiss the pending petition at disposition, "not after it." Section 782 should be interpreted in accord with case law interpreting Penal Code § 1385…dismissal can only be done to benefit the minor. The court could not use § 782 to increase the range of potential available "sanctions" and dismissal here in the interests of justice would negate the benefits of the 2007 negotiated disposition. Even if both parties and the court did not realize the significance of the plea in the 2007 case to a non-section 707(b) offense, principals of equity preclude rescission of the 2007 plea agreement. The language of § 731(c) and its legislative history indicate the Legislature intended only the most recent petition be used in determining whether the minor may be committed to DJJ.

Alex O. (May 27, 2009) 174 Cal. App. 4th 1176; 95 Cal. Rptr. 3d 438

The minor was a U.S. citizen living with his mother in Mexico. He has a poor relationship with his father who lives in the U.S. and has never lived with him. Alex was not attending school and was not gainfully employed. He admitted smuggling marijuana into the U.S. As probation conditions the court ordered Alex not to enter the U.S. except to attend school, work, or visit his father and family. Additionally, Alex was ordered to notify his probation officer before he entered the U.S. Alex sought writ relief, claiming the conditions were unconstitutional.

The juvenile court has broad discretion in fashioning probation conditions—even broader than a criminal court. That discretion when ordering probation conditions won't be disturbed unless an order has no relationship to the crime committed, relates to conduct which is not itself criminal, and requires or forbids conduct not reasonably related to future criminality. In *James C.* (2008) 165 Cal. App. 4th 1198 the appellate court found banishment from the U.S. as a condition of probation was unconstitutional. In the instant case, the juvenile court effectively banished the minor with a probation condition that bars the minor from entering the U.S. considering the limits imposed on his entry (only for school, work, family visits) and his living arrangements (with mother in Mexico). Such an order is overbroad and not reasonably related to Alex's offense. However, since any entry into the U.S. is closely related to appellant's smuggling offense, the condition Alex notify his probation officer was proper so that the officer could take steps to make certain Alex would not engage in further smuggling.

In re Branden O. (May 29, 2009) 174 Cal. App. 4th 637; 94 Cal. Rptr. 3d 520

The victim confronted the minor as he was stealing from cars. Branden then stunned the victim with a stun gun, causing the victim to take one step back. The victim tackled Branden, who again stunned the victim. Upon being shocked a second time he released Branden and then sat on the ground for a few seconds to recover. A line could be seen on the victim's upper chest where he was shocked. Minor was arrested and a petition was filed alleging violation of § 244.5(b) PC, misdemeanor assault with a stun gun.

At the jurisdictional hearing, one of the officers turned the stun gun on. He claimed, based upon his experience with taser guns, that the stun gun was capable of temporarily immobilizing the person stunned. The juvenile court sustained the petition. Branden appealed claiming there was insufficient evidence he violated the statute since the person he stunned was not immobilized and the court abused its discretion by admitting expert testimony about the stun gun.

The appellate court found there was substantial evidence the stun gun was capable of temporarily immobilizing a person by the infliction of an electrical charge since the stun interfered with the victim's freedom of movement. Further, the issue is not whether this victim was immobilized, rather it is whether the gun is *capable* of temporarily immobilizing a victim.

Regarding the officer's testimony, the court found the officer provided a sufficient foundation for his opinions and his testimony dealt with matters was beyond common experience and assisted the trier of fact.

In re H.D. (June 3, 2009) 174 Cal. App. 4th 768; 94 Cal. Rptr. 3d 627

In Santa Clara County juvenile court the minor admitted all allegations of an amended petition: § 211-212.5(c) PC and 245(a)(1) PC with 186.22(b)(1)(B) allegations that the robbery and assault were committed for the benefit and direction of criminal street gang. The matter was transferred to Santa Cruz County for disposition and the minor was committed to DJJ. The court orally set the maximum time of physical confinement at 11 years, 8 months. The clerk's transcript (not reporter's??) stated the max time was 12 years, 8 months and that was the max time indicated on the commitment papers sent to DJJ.

At a later hearing defense counsel pointed out the discrepancy and the court indicated the max time was 12 yrs, 8 mos. The court wanted to set it at 11 yrs, 8mos., apparently under the discretion the court had pursuant to § 731 W&I, but didn't think that was permissible since 11 yrs, 8 mos. couldn't be arrived at using the determinate sentencing triad. (The reporter's transcript of the dispositional hearing supported the inference the court believed it must use the lower or midterm from DSL's triad in setting a § 731(c) term less than the § 726(c) MTC.)

The juvenile court law is an indeterminate disposition scheme and "the wholesale importation" of the determinate sentencing law to juvenile court proceedings would be inconsistent with the juvenile court law's indeterminate sentencing scheme. The appellate court held that the juvenile court is not limited to choosing one of the DSL triad terms in setting the § 731(c) term. (However, the court declined to decide whether the juvenile court may set a § 731 at term at less than the DSL's lower base term.)

In re M.S. (June 12, 2009) 174 Cal. App. 4th 1241; 95 Cal. Rptr. 3d 273

Minor and nearly a dozen friends, armed with rocks, bats, bottles, and sticks with nails, approached a group of 20 kids playing at an elementary school after an exchange of words. While yelling "Norte" the minor's group attacked and one victim was stabbed, another hit in the shoulder with a bottle, and one received a 2 inch cut on the head. Minor admitted two assault counts and criminal street gang enhancements. The probation report indicated minor was an entrenched gang member, had an extensive record of offenses involving assault or weapons, had a substance abuse problem, had failed to comply with all attempts to return him to school, and was beyond his father's control.

The court rejected the minor's argument for less restrictive placements and committed him to DJJ, finding DJJ could provide for both minor's needs (medical and rehabilitative) as well as protect public safety. The juvenile court indicated it might have committed minor to a remote camp, but for the fact that camp did not have appropriate medical facilities to treat his diabetes.

On appeal minor argued the court violated the Americans with Disabilities Act (ADA) by not sending him to the camp.

The appellate court found the ADA claim is waived since it was not raised at disposition. However, even if not waived, the court found the ADA claim should not be raised at juvenile disposition, but should be brought by a separate civil action. Further, the court found that the failure to order a less restrictive placement did not violate due process since the DJJ commitment order was supported by evidence the minor would benefit and there were no appropriate less restrictive alternative.

In re M.B. (June 18, 2009) 174 Cal. App. 4th 1472; 95 Cal. Rptr. 3d 359

In 2006, minor admitted to one count of assault likely to produce GBI (245(a)(1) PC), one count of participating in a criminal street gang (186.22(a) PC), and a violation of probation pursuant to 777 W&I. In 2008, minor admitted an allegation in a subsequent § 602(a) *petition* that he had violated probation (§ 777) and another charge in the petition was dismissed (the factual basis for the violation was a crime). The court committed him to DJJ.

Minor appealed claiming he could not be committed to DJJ since § 733(c) only allows commitment for §707(b) offenses and certain sex offenses—a § 777 violation is not one of the listed offenses.

The appeals court upheld the DJJ commitment. The probation violation was not alleged in a "freestanding section 777 notice," but instead was alleged in a combination 602(a) and 777 *petition.* While the plain language of section 731(c) W&I only allows a DJJ commitment when the most recent offense sustained in a petition is a section 707(b) offense, it would put form over substance to hold the probation violation was a most recent "offense" alleged in a "petition." A probation violation not amounting to a crime is not a finding that a criminal offense had been committed. Further, the Legislature could not have contemplated that allowing a ward probation after the sustaining of a § 707(b) offense would preclude later commitment to DJJ upon a finding of a probation violation.

People v. Nguyen (July 2, 2009) 46 Cal. 4th 1007; 95 Cal. Rptr. 3d 615

Defendant was charged with 4 felonies, 2 misdemeanors and under "Three Strikes" the complaint also alleged a prior juvenile adjudication for 245(a)(1) PC, inflicting GBI. Defendant pled no contest to one felony and one misdemeanor and the other counts were dismissed. Following a court trial, the prior juvenile adjudication was found true. (In juvenile court the defendant had admitted to the one count of 245(a)(1) PC.)

Defendant appealed the use of his juvenile adjudication as a strike. The Sixth District held under *Apprendi* whether by an admission to a petition or after a contested jurisdictional hearing, a juvenile adjudication to enhance a criminal sentence "beyond the ordinary, statutorily mandated maximum sentence pursuant to the Three Strikes law violates the defendant's *Apprendi* rights."

The Supreme Court reversed, holding that the Constitution did not preclude use of sentence enhancements against adult felons who had prior, valid, fair, and reliable juvenile adjudications, where the juvenile proceeding had all the constitutional protections except the right to a jury trial. At most *Apprendi* requires the FACT that may increase the punishment for the underlying conviction (the existence of a prior felony conviction) be subject to a jury's determination. In this case, the minor waived his right to a jury trial on his juvenile adjudication. It makes no sense that the Constitution would find a judgment of "juvenile criminality" fair and reliable enough to justify confining a minor in a custodial institution, but then find it inadequate to be used later to prove the defendant's recidivism.

In re H.C. (July 14, 2009) 175 Cal. App. 4th 1067; 96 Cal. Rptr. 3d 793

A petition was sustained for violation of § 12025(a)(2) PC after minor was arrested for carrying a loaded and concealed weapon. He was put on probation and given multiple probation conditions.

Minor challenged two orders: 1) he "not associate with any known probationer, parolee, or gang member" and 2) that he not "frequent any areas of gang related activity and not participate in any gang activity." Minor argues the conditions are vague and overbroad.

The appeals court modified the first condition provide adequate notice…so it directs that the minor must not associate with anyone ***known to him*** to be on probation, parole, or is a member of a criminal street gang. After finding the word "frequent" less than clear (as a verb "to visit" or "resort habitually"), the court remanded to the trial court for modification of the second condition to be more precise…for example to direct minor not to visit areas ***known to him*** to be a place of gang-related activity.

In re R.P. (August 7, 2009) 176 Cal. App. 4th 562; 97 Cal. Rptr. 3d 822

Minor was on probation for a 245(a)(1) PC. A second petition was filed for second degree robbery after minor forcibly took a chain from victim's neck. The petition was sustained and minor placed in a camp. He was ordered not to possess any "dangerous or deadly weapon."

Minor appeals, arguing the weapon condition is unconstitutionally vague because any object could be used as a deadly weapon.

After explaining the broad discretion granted to the juvenile court in fashioning probation conditions, the court found the probation condition was not void for vagueness. The statutory and case law definitions of "deadly or dangerous weapon" are clearly defined in the law (some weapons are specifically delineated while other items are not deadly per se but can be used to cause injury or death). The probation condition is sufficiently precise for minor to know what is required.

Minor's argument the probation condition would permit police to enforce the weapon prohibition as a strict liability offense has no merit. Like any probationer, minor, if charged with a violation, would be free to argue the item were not a dangerous or deadly weapon under the specific circumstances…

In re Julian R. (August 17, 2009) 47 Cal. 4th 487; 213 P.3d 125; 97 Cal. Rptr. 3d 790 (Overrules Jacob J. (2005) 130 Cal. App. 4th 429)

Minor admitted two counts of assault likely to produce GBI with a gang enhancement, against separate victims, in lieu of a carjacking charge. He was committed to the Monterey County Youth Center. After failing his placement at the Youth Center, minor appeared in court on a supplemental petition and was committed to DJJ. The court did not state the potential maximum term of confinement, nor the max time of physical confinement in light of the minor's individual facts and circumstances. However, the appropriate Judicial Council forms were completed.

The minor appealed, arguing the court should have orally pronounced the maximum period of confinement he could face and should have set a max physical time he could be held at DJJ based upon the minor's individual facts and circumstances.

Section 726(c) W&I and Rule of Court 5.795(b) require that the court "specify" the maximum period of confinement. Nothing in that language indicates that such specification need be done orally—a court's written commitment order complies with the requirement. Further, one of the cardinal rules of appellate review is that the lower court is "presumed to have been aware of and followed the applicable law." Therefore, just because the court didn't orally state that it considered the relevant facts and circumstances when setting minor's confinement period, it should not be assumed that it failed to do so.

In light of the above, the Supreme Court held that a written statement, in the absence of an oral pronouncement, of a juvenile's maximum period of confinement is sufficient. Further, on a silent record, it should be presumed that the juvenile court performed its statutory duty and was aware of its discretion to set a section 731(c) term less than the maximum.

In re Spencer S. (August 21, 2009) 176 Cal. App. 4th 1315; 98 Cal. Rptr. 3d 477

After being involved in a "fight" that had broken out at a party, a petition was filed on minor's behalf alleging violations of § 240 and § 242 PC, both misdemeanors. The court found both allegations to be true and placed minor on probation. One condition prohibited minor from associating with anyone he knows to be on probation.

Minor appealed arguing that DEJ's exclusion of misdemeanants violates equal protection and that the non-association order is unconstitutionally overbroad.

The appeals court determined that the minor may raise the equal protection issue for the first time on appeal in spite of the fact he contested the petition and failed to object in the court below. The DEJ provisions do not require a minor admit the petition even before being notified by the prosecutor that he is eligible…only that he admit the allegations sometime prior to the grant of DEJ.

Equal protection challenge requires the court to determine 1) whether the questioned classification affects 2 or more similarly situated groups unequally and then 2) whether to review the legislation under a strict scrutiny or rational basis test. The court assumed for the sake of argument that juvenile felons and misdemeanants are similarly situated. The court then concluded that the DEJ statutes do not violate equal protection because the classification of nonviolent juvenile felons rationally relates to the law's goal of getting tough on violent felons while targeting limited resources to nonviolent felons who could be rehabilitated. Juvenile misdemeanants receive other benefits such as diversion programs that don't require any court appearances and other opportunities for record sealing.

In addition, after acknowledging that broader probation conditions can be made for juveniles than for adults, the court held the non-association order was sufficiently related to the goals of rehabilitating the minor and protecting the public.

In re A.I. (August 25, 2009) 176 Cal. App. 4th 1426; 98 Cal. Rptr. 3d 501

Minor was arrested for possessing marijuana for sale. The prosecutor found him eligible for DEJ and the court found him suitable. Minor's counsel rejected DEJ and set the matter for trial. Several days later the matter appeared in front of a different judge for a suppression motion. Both counsel and the court agreed that in an effort to prevent duplicative testimony none of the witnesses from the suppression hearing would have to return for the trial and their testimony could be used for purposes of a jurisdictional hearing.

The trial court denied the suppression motion. Defense counsel then expressed interest in a grant of DEJ, to which the prosecutor objected, arguing the trial had commenced. The court agreed with the prosecutor and after finding the marijuana charges true, declared the minor a ward and placed him on probation. Minor appealed claiming the court erred in denying him DEJ.

The appeals court held that Section 791 W&I does not require a minor choose between DEJ and a suppression hearing. Neither does it require the minor request DEJ before the suppression hearing where the court would hear testimony that, because of a stipulation between the parties, would then be used for the jurisdictional hearing. Such agreements promote judicial economy and should not be discouraged.

In re R.O. (August 25, 2009) 176 Cal. App. 4th 1493; 98 Cal. Rptr. 3d 738

Minor was identified by a witness as the shooter in a gang-related murder. The juvenile court subsequently sustained a petition that alleged first degree murder and use of a firearm in commission of the crime. Minor was committed to DJF and his max time was set at 35 years to life, which the court believed was the mandatory sentence for an adult convicted of the same offense and enhancement. (Court mistakenly believed the enhancement had a 10 year term.)

Minor appealed arguing the court erred in committing him to DJF and in failing to exercise its discretion on setting his max time.

The appellate court held that §731 of the Welf. & Inst. Code required the juvenile court to consider the 'facts and circumstances of the matter' when setting max time. There are two distinct criminal justice systems; one for adults and one for juveniles. The juvenile court is not limited to imposing one of the three terms of a determinate sentencing triad prescribed for adult sentencing purposes and similarly, with indeterminate sentences, the court can set a lesser term than the indeterminate sentence applicable for adult sentences. Section 731 W&I explicitly directs the court to use its discretion to tailor the maximum period of confinement based upon the facts and circumstances of each case.

In re Luis F. (August 31, 2009) 177 Cal. App. 4th 176; 99 Cal. Rptr. 3d 174

Minor was expelled from school when found on campus with an ecstasy pill. He was cited for violating § 11377 H&S. Minor walked back onto campus and entered a restroom where he demanded money from another student and then attempted to take the victim's MP3 player. When the victim refused minor punched him in the face. Following a contested hearing the court sustained an attempted robbery charge. Minor was made a ward and placed on probation. One term of probation directed minor to "continue taking prescribed medications." According to the probation report minor was taking medication for depression and a social anxiety disorder and believed it was "effective and has allowed him to excel academically."

Minor appealed the prescription medication order claiming it was vague and overbroad—if read literally it would require he take any and all medications his doctor prescribes; and the coercive requirement he take psychotropic meds under threat of incarceration impermissibly fringes on his privacy and liberty interests.

After reiterating the broad powers and discretion the juvenile court possesses in fashioning probation conditions that promote the rehabilitation and reformation of juveniles, the court modified the condition. The minor, his father, and probation officer reported beneficial effects of the specific medications—minor never refused to take the medication. The court did not intend the order to include other, future, potential prescriptions. The minor's order was therefore limited and he is directed to "continue taking medications prescribed for depression and social anxiety disorder, as directed by his doctors."

In re L.M. (September 9, 2009) 177 Cal. App. 4th 645; 99 Cal. Rptr. 3d 350

Minor who was living in Contra Costa County with his father, admitted one count of sexual battery on his stepsister. Probation placed minor in a residential treatment program. At the permanency planning hearing probation reported minor was not progressing and recommended he be moved to a program in Riverside County. After finding there was no local alternative the court adopted the recommendations and minor was moved.

Eight months later minor filed a motion seeking an order requiring probation to pay for father's travel to and from his visits with minor in Riverside County. The court denied the request.

The appellate court acknowledged the importance of parental visitation and family reunification in delinquency placement proceedings and held that the juvenile court may, when appropriate, order probation to financially assist a parent in traveling to and from placement visitation. While it is not a constitutional right, the juvenile court can make reasonable orders for the care, support, supervision, etc…of the minor. Some of the factors that must be considered in the determination include—parents' financial circumstances, ability to pay, stage of minor's case plan, parent's conduct, degree to which minor will benefit from visitation, etc….

People v. Quiles (September 9, 2009) 177 Cal. App. 4th 612; 99 Cal. Rptr. 3d 378

Defendant was convicted in adult court of grand theft, four counts of second degree robbery, two counts of assault with a firearm. The court imposed the upper term on the grounds that Quiles's two prior juvenile adjudications were increasing in seriousness. The prior juvenile matters were a burglary, followed by a robbery. Minor appealed claiming 1) juvenile adjudications do not fall within the recidivism exception in *Apprendi* and their use as an enhancement is unconstitutional; and 2) his prior juvenile cases were not numerous or increasing in seriousness.

The California Supreme Court held in *Nguyen* that using prior juvenile adjudications to enhance an adult offender's sentence was constitutional. Although that case didn't involve use of a prior juvenile adjudication as an aggravating factor under California Rule of Court 4.421(b)(2), it obviously holds true for that as well.

As for the increasing seriousness defendant's prior juvenile adjudications…the 1999 burglary did not require proof of force or fear, etc…. The 2002 robbery however, includes use of force or fear and is classified as a serious and a violent felony. Courts are not required to use only the range of an offense's sentence to determine relative seriousness (459 – upper term 6 yrs; 211 – upper term 5 yrs); courts may also consider the elements of the offenses. Here, a robbery is by definition more serious than a burglary and defendant's prior juvenile offenses were therefore of increasing seriousness.

In re Edward Q. (September 17, 2009) 177 Cal. App. 4th 906

Minor appeared in juvenile court on 2 petitions. In the second, it was alleged that minor brought marijuana into juvenile hall. The prosecutor filed the second delinquency petition alleging a violation section 4573 of the Penal Code, knowingly bringing a controlled substance into juvenile hall. The court found the petition true. Minor appealed.

Section 4573 PC prohibits bringing any controlled substance…into a variety of adult prison, jail, forestry camp, etc…facilities. Section 871.5 W&I specifically applies to juvenile institutions and prohibits bringing the same controlled substances into juvenile hall, ranch, camp, etc…facilities.

Appellant and the Attorney General agree the minor was erroneously charged under the PC section, rather than the W&I section. The issue for the appeals court was fashioning a remedy.

The court remanded for a new dispositional hearing, considering only the first petition, as the true finding on the second, section 4573 PC petition, is reversed. The court did not, however, address whether jeopardy had attached for purposes of charging the minor with violation of section 871.5 W&I.

In re T.P. (September 17, 2009) 178 Cal. App. 4th 1

Minor was placed on probation in March of 2007 for misdemeanor street terrorism. In July 2007 a violation of probation petition was filed. Minor admitted the petition and he was continued on probation with modified terms and conditions.

In February 2008 another petition was filed alleging minor committed felony vandalism. The prosecutor found minor ineligible for DEJ under section 790 W&I because he had "been previously placed on probation which was revoked." Minor objected, but the court determined a violation of probation had been found and thus probation had "implicitly" been revoked and reinstated. In April 2008 another petition was filed alleging petty theft for the benefit of a criminal street gang. The minor admitted to misdemeanor vandalism (Feb. petition) and petty theft (Apr. petition) and was continued on probation. Minor appealed claiming the court erred in not finding him eligible for DEJ.

Section 790(a)(4) W&I precludes a minor from receiving DEJ if "probation has ever been revoked without being completed." The Supreme Court has drawn a distinction between probation violations and revocations… "the court must decide more than merely whether…a violation of probation has occurred…the court must go on to decide whether under all the circumstances this violation of probation warrants revocation." (*People v. Coleman*)

In the instant case, the juvenile court did not expressly revoke minor's probation, it simply modified the terms and continued him on probation. Minor was therefore eligible for DEJ…suitability however was never determined. Matter was remanded.

In re M.M. (September 24, 2009) 177 Cal. App. 4th 1339

In January 2008 the security department of minor's high school was notified that a vandalism had occurred on campus. When officers arrived at the scene a group of youth dispersed and started fleeing. One officer pursued minor and a few others and directed them to stop. The officer knew minor well from prior contacts and yelled to him by name to stop running…minor did not stop. The officer observed minor throw something on the ground he believed to be a can of spray paint as minor ran, and he was ultimately arrested by another officer. A petition was ultimately sustained for resisting or delaying a public officer (Sec. 148(a)(1) PC) while the vandalism charge was dismissed.

Section 148(a)(1) PC prohibits any person from resisting or delaying any "public officer, peace officer…in the discharge…of his or her office or employment…." The term "public officer" is broader than "peace officer" and as a general rule encompasses an office, based upon some law that defines duties, tenure, exists independently of the person in it, and the performance of which exercises a governmental function.

Though campus security officers may be performing a benefit for the public and the school, they do not fall within the status of a public officer. The appellate court held that a private campus security officer, hired on a contract basis by the school district, is not as a matter of law, a public officer.

In re Ramon M. (October 22, 2009) 2009 Cal. App. LEXIS 1698

From October 2005 thru June 2008 the minor had numerous petitions filed on his behalf, was in and out of custody frequently, and was continuously on probation. The offenses, all of which he admitted, included criminal threats, participation in a street gang, a gang enhancement, burglary, gang-related vandalism, and numerous probation violations. Ramon turned 18 in October of 2007. On June 2008 the ninth petition was filed alleging multiple probation violations. The minor was detained in the county jail pending further proceedings. After a hearing, the court found four probation violations to be true—all of them related to Ramon's association with gang members in gang areas. Ramon was committed to the custody of probation for placement in juvenile hall *or an appropriate facility* for one year. Since he was being held in county jail Ramon asked to be placed in juvenile hall, but the court denied his request. Ramon appealed 1) his placement in county jail; 2) that as to prior adjudications the court failed to state on the record whether some offenses were felonies or misdemeanors; 3) and that some probation conditions were unconstitutionally vague and overbroad.

The appellate court reviewed sections 202, 208.5, and 737 of the Welf. & Inst. Code which control the permissible sanctions and custodial segregation rules for juveniles. In sum, as it relates to wards under 19 years of age, county jail is not listed as an available sanction and is only to be used for detention pending disposition. Further, the court reviewed prior cases that have addressed this issue (*Jose H., Kenny A., Charles G.*). All 3 cases agreed in their holdings that a juvenile court cannot commit an 18-year-old ward to county jail. *Charles G.* however permitted the court to commit a ward aged 19 to juvenile hall, and transfer him to county jail upon the recommendation of probation. In the instant case, the court found that Ramon should have been initially placed in a juvenile facility at which time probation could have gotten an order to move him to county jail pending disposition. Additionally, the juvenile court's dispositional order should have directed probation to place Ramon in a *juvenile* facility only.

As a technical matter the court remanded the case for the purpose of declaring on the record whether the minor's prior offenses were felonies or misdemeanors, as expressly required under Section 702W&I.

In reviewing the constitutionality of Ramon's probation conditions, the court modified the non-association provisions to include a knowledge requirement (not to associate with persons he KNOWS to be members of Barrio Pobre). Finally, the prohibition on being in Barrio Pobre territory—where Ramon's daughter lives—is valid as it doesn't prohibit him from arranging visits elsewhere and courts have readily upheld prohibitions on probationers being in gang-related areas.

In re C.C. (October 27, 2009) 178 Cal. App. 4th 915;

Minor had recently broken up with his girlfriend and subsequently sent her two rather angry text messages. One text said he would come to school with a gun, kill half the people there, and then shoot himself in front of her. In the second, he called her a variety of colorful names and "lamented" her unwillingness to have sex with him, while accusing her of a willingness to have sex with her new boyfriend. She never reported the texts to police but she told a friend, word spread, and someone notified police. Minor admitted to an officer he regretted the texts and said he sent them during a heated argument.

A petition was filed alleging violation of sections 422 & 653m(a) PC. The prosecutor dismissed the criminal threat. The juvenile court sustained the second count, finding both the texts were obscene and sent with the intent to annoy, and that the first text was a threat.

Applying the substantial evidence rule in reviewing the matter, the appellate court found no basis for criminal liability in the minor's texts. "Obscene" as used in §653m was previously interpreted to mean "offensive to one's feelings; or to prevailing notions of modesty or decency; lewd." The texts were not offensive to the victim, as she herself testified to in court; the texts weren't offensive to prevailing notions of modesty or decency as there was uncontradicted evidence presented at trial the words were in common use at the H.S.; the texts weren't lewd as the vulgar words were used as verbs and adjectives and as insults to emphasize minor's feelings but did not convey he was having lewd thoughts about the victim. The meaning of words must be analyzed in context and under the circumstances in which they are used. Here, the words were used by an angry high school boy, were commonly used at the school; were exchanged in a private manner between the parties. Attaching criminal liability to these words, in this context, communicated this way, broadens the meaning of obscene too far.

In re Jennifer S. (November 10, 2009) 179 Cal. App. 4th 64

Police responded to a trailer park to investigate possible domestic dispute and found minor had been drinking—she submitted to an alcohol screen test & then admitted drinking. Minor was found to have violated County Code § 9.42.020 (which makes it a misdemeanor for a person under 21 to have a blood alcohol level of 0.01 percent or more while in a public place) and was ordered home on probation. Minor claims the Legislature has occupied the field of underage drinking leaving no room for the County ordinance and that it is duplicative of state law.

A local ordinance is preempted when the subject of the ordinance is either expressly or impliedly occupied by state statute. Where a local political subdivision regulates an area over which it has traditionally exercised control, there is a presumption the Legislature did not intend to preempt such regulation. The court found this ordinance is not "interchangeable" with provisions of the state Constitution or statutes which either prohibit public intoxication, transferring alcohol beverages to a minor, or a minor's possession of alcoholic beverages, since it properly deals with the field of alcohol consumption, enforcing with criminal sanctions having a specific BAC in public.

In re R.R., (December 17, 2009) 180 Cal. App. 4th 185;

Minor first appeared in Sacramento delinquency court on a petition alleging misdemeanor battery w/serious bodily injury and felony assault. At that time the minor was a dependent child in Contra Costa County and the court decided to dismiss the felony, sustain the misdemeanor and return the minor to Contra Costa County. The court placed R.R. on 6 months probation. After violating probation, the minor's dependency case was dismissed and the delinquency case was transferred to Sacramento. R.R. was adjudged a ward and committed to the Youth Center. Following a violation of probation, the department recommended the minor be sent to out-of-home placement due to his dependency history and refusal to participate in counseling. Defense counsel asked the court to find ICWA applicable as minor is a registered member of the Crow Creek Sioux tribe. The referee hearing the matter made a finding ICWA applied. The juvenile court judge granted a rehearing on the court's own motion and ruled that pursuant to the Sacramento juvenile court's standing order, ICWA did not apply. The standing order concludes that ICWA doesn't apply for a minor whose delinquency case plan does not include termination of parental rights. Minor filed a writ of mandate.

The purpose of ICWA is to protect the best interests of Indian children and promote the security of Indian tribes and families. By its own terms it does not apply in cases involving placement of a child based upon an act that would be deemed criminal if committed by an adult. Historically, this has meant most delinquency proceedings are exempt from ICWA.

W&I Code section 224 et seq was enacted in 2006 and is designed to protect Indian children and tribal relations by preventing involuntary out-of-home placement, and when necessary placing children with their tribal community to maintain tribal culture and relationships. These CA provisions impose a duty of inquiry and a duty of notice related to Indian heritage in delinquency proceedings where the child is at risk of or in foster care. *The court, however, distinguished between delinquency proceedings where minors are placed in foster care because they cannot return to their home for "their own safety, security or wellbeing" and proceedings where minors are placed in foster care to protect society from their delinquent behavior. (This is a factual determination to be made by the trial court.) The former are covered by the state-mandated application of ICWA, the latter are not.* (Also, status offenders where the custodians are not providing adequate care or supervision would likely be covered by state ICWA provisions as well.)

The U.S.S.C. position on the issue of preemption has been that state jurisdiction is preempted if it "interferes or is incompatible with the federal or tribal interests reflected" in the law. Section 224.3 provides for the application of ICWA in more cases and provides higher standards of protection for tribal interests, but that does not make it incompatible with ICWA—thus §224.3 W&I is not preempted by the federal law.

State law imposes a duty of inquiry and notice in delinquency proceedings and that duty attaches as soon as the court, probation or county welfare believe foster care placement is seriously under consideration. (Although this is "crystal clear" line is blurred somewhat by the factual determination the court must make regarding the reason for the foster care—the minor's home environment or the minor's delinquent behavior.)

In re W.B., (January 25, 2010) 182 Cal. App. 4th 126;

Minor was first made a ward in 2007. He was placed out of home and then later that year ordered into a Wraparound program. Following a sustained petition for robbery he was committed to a county facility. Mother mentioned possible Cherokee heritage, but no notice was given to the tribe. In late 2008 the court sustained a burglary petition and ordered the minor be placed in a suitable relative home, foster home, group home, county or private facility and directed the minor be placed in a public or private facility as necessary. The minor appealed the dispositional order, arguing the court failed to comply with ICWA notice requirements.

ICWA establishes the minimum federal standards for removing Indian children from their families and placing them in foster or adoptive homes [25 U.S.C. 1902]. It provides for jurisdiction over child custody proceedings related to Indian children living on a reservation and applies in state court proceedings related to foster care placement or when termination of parental rights is an issue in the case of an Indian child [25 U.S.C. 1911]. ICWA also **specifically excludes** from its jurisdiction cases where placement of the child is based upon an act which if committed by an adult would be a crime [25 U.S.C. 1903].

Section 224.3 W&I, which was added in 2006, provides that the court and probation have an on-going duty to inquire about Indian heritage where the minor in a 300, 601, 602 wardship proceeding is at risk of entering foster care or is in foster care.

The appellate court found that §224.3 W&I does not permit California to expand the reach of ICWA and was intended only to address "dual status" cases where foster care placement is utilized in the best interests of the minor or in delinquency cases were the acts committed by the minor would not be "crimes" if committed by an adult.(i.e. drinking under age, truancy, incorrigibility).

The court held that interpreting §224.3 W&I to expand the scope and jurisdiction of ICWA to all delinquency proceedings would be in direct conflict with ICWA's provisions. The federal statute includes an express definition of the proceedings to which it applies—which determines jurisdiction under the Act—and the state has no power to expand that definition. To permit otherwise could lead to different results in each state where delinquency proceedings are initiated. "By its express terms, ICWA is inapplicable to delinquency proceedings."

Division of Juvenile Justice Commitments.

In spite of the fact very few delinquency cases end up with a DJJ commitment, these cases seem to be an on-going subject of appellate decisions.

- §731 Time
  - In re H.D. (triad case)
  - In re R.O. (indeterminate sentence case)

- Oral Pronouncement Requirement
  - In re Julian R.

- §782 use under §733
  - In re V.C.

- §777 use under §733
  - In re M.B.

- Sex Offender Registration
  - In re. J.P.

Deferred Entry of Judgment (DEJ) cases.

The statutory scheme was enacted as a part of Proposition 21; what has changed/how has the case law evolved?

Cases continue to confirm the requirements of the statute:

- Admit the petition as alleged
  - In re A.I.

- Felony, age 14+ at time of DEJ
  - In re Spencer S.

One case with interesting definition and analysis of probation failure vs revocation:

- "Previously placed on Probation which was revoked"
  - In re T.P.

Use of juvenile adjudications as strikes…CA Supreme Court case.

- Juvenile 3 Strikes case
  - People v. Nguyen

- Use of juvenile prior to impose aggravated term in adult sentencing
  - People v. Quiles

Conflicting cases on ICWA.

What do the cases say about the application of ICWA in delinquency proceedings?

Different perspectives from 2 different appellate districts.

- 4th DCA - ICWA not applicable in 602 proceeding
  - In re W.B.
- 3rd DCA – ICWA applicable in 602 proceeding, but limited related to dependency issues of delinquent
  - In re R.R.

"The rest of the bunch."

There are a few individual cases worth mentioning.

- Restitution
  - In re Ashlie M.

- Harvey Stipulation
  - In re T.C.

- Use of Global Positioning Devices (GPS)
  - In re R.V.

- Parent Costs
  - In re L.M.

Odd or just practically speaking, doesn't make a lot of sense.

- Juvenile Court Work Program as probation condition for 11357(b) HSC
  - In re Walter P.

THURSDAY – JUNE 3, 2010

9:30 am – 10:45

Workshop Session I

I.H.

target audience:
attorneys
CASAs
judicial officers
probation officers
social workers

Juvenile Interstate Compact

The California Interstate Compact on Juveniles has been repealed and replaced with a new Juvenile Interstate Compact. This workshop will review the history of the newly drafted Compact and discuss the impacts of the new Compact on delinquency practitioners.

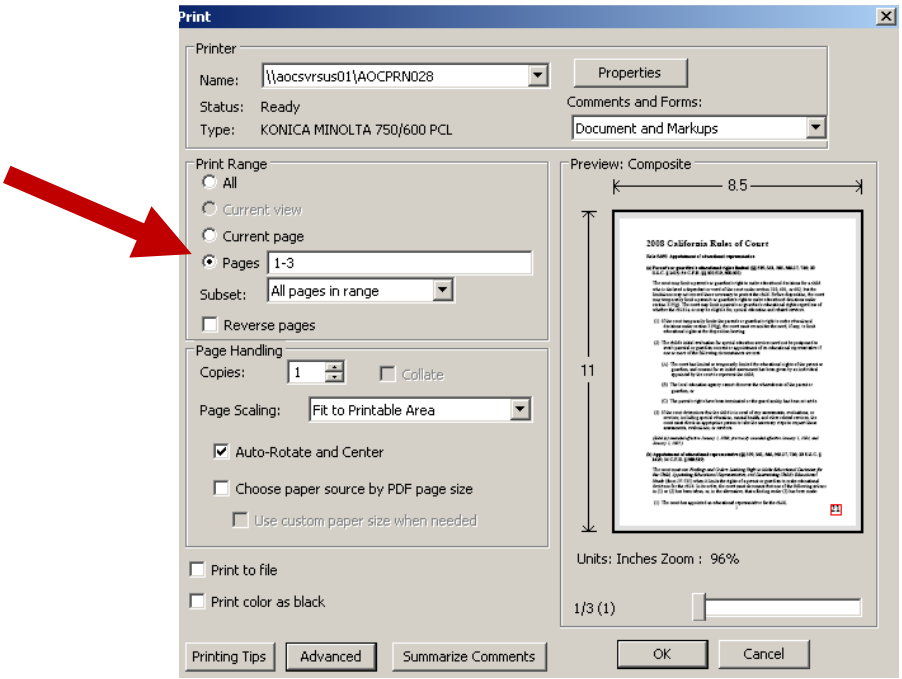
Learning Objectives:

- Understand the history of the Juvenile Interstate Compact.
- Understand the changes made by the new Compact.
- Be able to comply with the new Compact requirements.

Faculty:

- **Rachel Rios**
  Director, Division of Juvenile Parole Operations, California Department of Corrections and Rehabilitation
- **Monique Visentin**
  Parole Agent, Interstate Services Unit, California Department of Corrections and Rehabilitation

Before you choose to print these materials, please make sure to **specify the range of pages**.



Division of Juvenile Justice

Division of Juvenile Parole Operations

INTERSTATE COMPACT FOR JUVENILES

Beyond the Bench Conference

San Diego , CA
June 3-4, 2010

Introduction and History

- The original Juvenile Compact began in 1955.
- In 2008, the new Interstate Compact for Juveniles (ICJ) was enacted.
  - The law required that both the old and new Compact would exist until the 35th state joined the new Compact, at which time only states within the new Compact could transfer youth.
  - There are currently 42 states in the new Compact.

Introduction and History

- California passed Assembly Bill 1053 in January 2010 to join the new Compact:
  1. Creating the Interstate Commission for Juveniles to oversee the Compact.
  2. Naming Director of Corrections Standards Authority (CSA) as the Compact Administrator and Commissioner.
  3. Leaving the daily operations with the Division of Juvenile Justice, Division of Juvenile Parole Operations.
  4. Requiring an Executive Steering Committee to make recommendations to the Legislature by January 1, 2011.
  5. Establishing new rules that went into effect March 2010.

Purpose of the Juvenile Compact

- Provides for the welfare and protection of juveniles and the public.
- Provides the only **legal** process for returning runaways.
- Promotes public safety and ensures effective transfer and monitoring of juveniles moving across state lines.

Compact Rules

- Every jurisdiction is subject to ICJ rules
- Commission has statutory authority to enforce compliance amongst states
- Rule making authority which has force and effect of federal law

Liability

- All Compact member states can be held liable for circumventing or violating the ICJ rules
- There is a legal obligation to follow and enforce the ICJ rules as written
- The Supreme Court has ruled that Compact Law is special legislation and as such supersedes state law [Virginia v West Virginia, 246 US 565 (1918)]

DJPO – Juvenile Interstate Compact Unit Responsibilities

- Serves as a liaison on matters regarding the ICJ.
- Coordinates the transfer of **supervision** of probationers and parolees across state lines.
- Coordinates the return of runaways, absconders, escapees, and juveniles who have fled to avoid prosecution.
- Provides notification of out of state travel

DJPO – Juvenile Interstate Compact Unit

Currently oversees approximately:
1,570 transfers to other states
892 transfers to California Counties

Processes approximately 500 runaway cases each year

Application for Compact Services/MOU & Waiver

ICJ Form IA-VI

- Must be included in all referrals
- Must be signed by Judge prior to requesting Home Evaluation
  - Application does not authorize transfer of jurisdiction across state lines
- Juvenile and parent/guardian signatures can be obtained by the receiving state

Rule: 5-101 Authority to Accept/Deny Supervision

- Only Compact Administrator or designee can authorize or deny supervision
- Supervision **cannot** be denied due to age or type of offense
- Supervision may be denied when the home evaluation indicates that the proposed placement is unsuitable/not compliant with terms of supervision

Authority to Accept/Deny Supervision - continued

- If the receiving state denies supervision:
  - Sending state reviews evaluation within 10 calendar days of receipt of denial and requests from the Juvenile Court Judge a Court order to proceed with the placement taking into consideration and responding to the concerns of the receiving state (if it's in the best interest of the juvenile)
  - If judicial authority forces placement in receiving state, sending state submits Court order to receiving state before supervision is accepted

Voluntary Return of Out of State Juveniles

When an out of state juvenile is found and detained:

1. Holding state's ICJ Office will inform home state's ICJ Office of the case
   - Home state's ICJ determines juvenile's residency/jurisdictional facts
2. At a court hearing, the judge informs the juvenile of his/her rights
   - Court may appoint counsel or guardian ad litem
3. If the juvenile agrees to return, the juvenile signs ICJ Form III (Consent for Voluntary Return)

Non-voluntary Return of Out of State Juveniles

- Home state prepares a written requisition within 60 days of notification of refusal of the juvenile to consent to return
  - If the juvenile is a non-delinquent runaway, the parent/legal guardian must petition court in jurisdiction for a requisition
- Maximum amount of time juveniles can be held, pending receipt of requisition, is 90 days

Non-voluntary Return of Out of State Juveniles - continued

- **Judge in home state determines if**
  - Petitioner is entitled to legal custody
  - The juvenile ran away without consent
  - The juvenile is an emancipated minor
  - It is in the best interest of the juvenile to compel his/her return to the state
- The judge signs the requisition if it is determined that the juvenile should be returned
- ICJ Office of holding state forwards requisition to the court where the juvenile is believed to be located
  - If not detained, the court orders detainment of the juvenile

Non-voluntary Return of Out of State Juveniles - continued

- A hearing commences within 30 days of receipt of requisition
  - Time can be extended by approval of both ICJ Offices
  - The court may elect counsel or guardian at litem
  - If the requisition is in order, the judge orders the return of juvenile to home state
  - If requisition is not honored, judge will advise why it is in the best interest of the juvenile to not return
  - Order of return is sent immediately to the holding state's ICJ Office and home state's ICJ Office
- Requisitioned juveniles are accompanied while returning to home state
  - Juveniles are to be returned within 5 working days of receipt of by demanding state's ICJ Office

Contact Information

Kurt Wilson, Executive Director, Corrections Standards Authority/Commissioner

Rachel Rios, Director, Division of Juvenile Parole Operations/Alternate Commissioner

Michael Farmer, Deputy Compact Administrator

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Juvenile Interstate Compact Unit
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FAX: (916) 262-1060

www.juvenilecompact.org

Division of Juvenile Parole Operations
CASES SUPERVISED WITHIN CALIFORNIA
January 1, 2010 - March 31, 2010

	ALABAMA	ALASKA	ARIZONA	ARKANSAS	COLORADO	CONNECTICUT	DELAWARE	DISTRICT OF COLUMBIA	FLORIDA	GEORGIA	GUAM	HAWAII	IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	PUERTO RICO	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGIN ISLANDS	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	Total
Alameda			2		3					2			1	1					1			1		1			1		11			1		1				4	1					2					1	6				40
Alpine																																																						0
Amador																										1		1																										2
Butte												2		1																							1												1				5
Calaveras																																																						0
Colusa																																																						0
Contra Costa	1		5	1					1				1								1					1		3				1	1																1	1				18
Del Norte			1										2																								2												2				7
El Dorado			3										2															13							2		1							1					1				23
Fresno			4		1				1	1			1															2			2						3	1				1		1					5		2		25
Glenn									1																																													1
Humboldt													1			1																					2												3				7
Imperial			15							1																		3		1							1																21
Inyo													1																																									1
Kern			1		1					1			1	1		1				1								5		1							2					1		2					4				22
Kings					1															1																1																		3
Lake									1																																													1
Lassen																												1									2																	3
Los Angeles	1		8	1	25				3			1	8	4			2		1		3	2		1	1	2		53		7	4		1		1		7	2		1				7	3			3	15		1		168
Madera			1																1												1						1				1			1	2				1				9
Marin			1																		1																																	2
Mariposa																																																						0
Mendocino																												1									2							1					1				5
Merced			1											2																							1							1				1			1		7
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Monterey											1																	1															1					1				4
Napa																																					2																	2
Nevada																												2									1																	3
Orange			1		5				2				1	2	1		5				1						1		3									1				1		2	1	2				1		1		31
Placer		1	1	1	1								2	1														3									2							2		1			1				16
Plumas													1						1																														1				3
Riverside		3	10							1			1	2			3		1			1		1				11				2	1				4	3				1		5	3			2	6			1	62
Sacramento	2		4	1	3				1	3			3	1						1					1	4		7				1					3	2		1	1			11	1				9		1		61
San Benito					1																																											1					2
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Updated 4/1/10

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF JUVENILE JUSTICE

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Executive Director/Commissioner

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THURSDAY – JUNE 3, 2010

9:30 am – 10:45 **Workshop Session I**

I.J.

target audience:
all

Reasonable Efforts in Dependency Cases Involving Domestic Violence

This workshop will present a new tool for dependency court judges and others in the dependency court system to assist in identifying factors that should be considered when making reasonable efforts determinations in cases involving domestic violence. The discussion will focus on why judges need to understand domestic violence when handling domestic violence cases, the family context of these cases, how domestic violence affects parenting, the legal framework for making reasonable efforts findings, and the types of reasonable efforts that should be made in dependency cases involving domestic violence.

This course meets the requirements of rule 10.464 of the California Rules of Court, for judicial officers who hear criminal, family, juvenile delinquency, juvenile dependency, or probate matters.

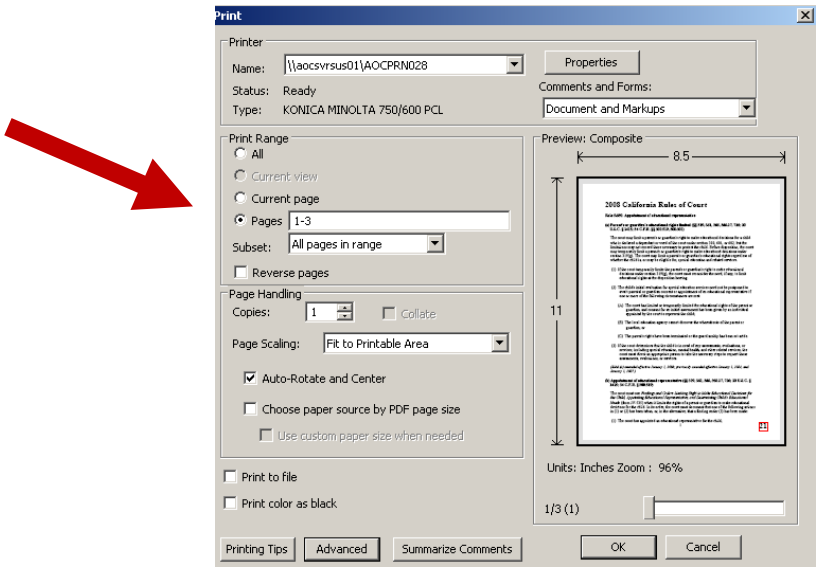
Learning Objectives:

- Identify how domestic violence affects parenting.
- Identify the legal framework for making reasonable efforts findings.
- Identify the types of reasonable efforts that should be made in dependency cases involving domestic violence.

Faculty:

- **Hon. Katherine Lucero**
  Supervising Judge of the Dependency Court, Superior Court of Santa Clara County
- **Katheryn Yetter**
  Senior Attorney, Family Violence Department, National Council of Juvenile and Family Court Judges (NCJFCJ)

Before you choose to print these materials, please make sure to **specify the range of pages**.



Reasonable Efforts in Domestic Violence Cases

Beyond the Bench
San Diego
June 2010
The Honorable Katherine Lucero
Santa Clara County, NCJFCJ

Child Welfare and DV

- Historically there has been a long standing tension between Domestic Violence Advocates and Child Welfare professionals.
- There has been a reluctance to learn from one another and use the tools and interventions in tandem to protect victims and their children.

Training on Domestic Violence

- Judges
- Social Workers
- Law Enforcement should have a protocol
- Attorneys
- Child Advocates
- Substance Abuse Treatment
- Educators
- Medical Professionals

- Santa Clara County Response:

DOMESTIC VIOLENCE INTERVENTION COLLABORATIVE

Courthouse Support

- Majority of clients seen before Dispo
- Majority are Hispanic
- Majority are also involved with substance abuse
- Services include in court support, restraining orders, victim witness applications, counseling, DV support groups, TDM's, FTM's, FWC and DDTC

Santa Clara County Social Worker Specialized Unit

- 206 children
- SW's specialize in DV and work with families and children under the court's jurisdiction
- DV Unit does not include all children who may have witnessed or been exposed to Domestic Violence.
- 10 SW, 1 supervisor
- DFCS has on going commitment to Greenbook principles

SCC Dependency Court

- 508 TRO processed since 2005; average number per year is 70 TRO's
- 313 Permanent RO filed since 2003
- Mediation Protocol
- Sheriff Support

If the Child is Removed

- The court's first opportunity to make a reasonable efforts determination is at an initial removal hearing 48 hours after the child is removed.
- The court should determine whether the parties are entitled to counsel and appoint separate counsel for the adult victim and the perpetrator, given the conflicts of interest that are likely to occur should the parties share counsel.

The court should then be focused on two questions:

1) Why was the child removed?
2) Did the agency make reasonable efforts to prevent the need for removal?

Why was the child removed?

- For the court to determine whether the agency's efforts to prevent removal were reasonable, it must first understand the agency's rationale for removing or seeking removal of the child.
- In a domestic violence case there are three potential scenarios that could result in the agency seeking removal; and each would require markedly different efforts to prevent the need for removal.

Why was the child removed? (cont)

- The agency might seek removal because the child was being physically or emotionally abused by the same perpetrator who was battering the child's mother (or because the mother failed to prevent the child from being abused).
- The agency might seek removal because the child was being physically or emotionally abused or neglected by the adult victim.
- Or the agency might seek removal because the child was exposed to domestic violence in the home.
- The court's questions about the kinds of efforts provided in each of those scenarios would be different, given the identity of the primary perpetrator (and the presence or absence of a secondary perpetrator) and the nature of the harm to the child.

Did the agency make reasonable efforts to prevent removal?

- For a judge to ascertain whether the agency's efforts to prevent removal were reasonable, a number of inquiries are necessary.
- *First, the judge should ask about the agency's investigation of the case.*

* How did the family come to the agency's attention?

(hotline report, police referral, other court referral)?

- How did the caseworker determine that domestic violence was an issue for the family?

More Questions

- *Is there a past history of domestic violence? Who is the perpetrator of that violence?*
- What injury to the child (physical, emotional, undetermined) is the agency alleging?

Further Inquiry

- *Second, the judge should inquire into how the agency sought to address the domestic violence in the family prior to seeking removal, or, in the alternative, why immediate removal was warranted.*

Why can't the child stay home?

- Did the adult victim have strategies to keep the child safe?
- *Why were those strategies not effective?*

  Did the caseworker consult with a domestic violence expert or advocate?

  Did the caseworker consult with any probation or parole officers or treatment providers involved with the perpetrator?

  Did the caseworker assess the case to determine the likelihood of future violence?

Can the child go home today?

- *Next, the court should ask whether the adult victim was offered assistance to keep herself and her children safe and together.*

  This question goes to the heart of the reasonable efforts inquiry—what services and supports could have prevented the need for placement of the child? Such services might include:

Reasonable Efforts

- Developing a meaningful safety plan
- Helping the adult victim find a family member or friend to stay with temporarily
- Giving the adult victim income to enable her to live independently
- Increasing police presence around the home

* Enlisting the support of community entities such as churches, schools, and other neighborhood organizations

Reasonable Efforts Con't

- Providing the adult victim with legal assistance;
- Helping the adult victim obtain a protective order, if the adult victim is willing to pursue such an order;
- Helping the adult victim enter shelter, if she deems it necessary;
- Connecting the adult victim with in-patient services that allow the adult victim and child to remain together (particularly in cases involving serious substance abuse or mental illness);

Reasonable Efforts Con't

- Securing counseling for the child that specifically addresses the domestic violence
- Accessing a crisis nursery or other day care services

* Providing transportation services

- Providing interpreters.

Remove the Batterer not the Children

- *The court should also ask how the agency dealt with the batterer. The court should pay particular attention to the language of the petition—does it hold the batterer accountable for his violence?*
- *The court should determine whether the agency sought to remove the batterer from the home—either through voluntary agreement or using the power of the courts.*

Getting the Child Home

- *Finally, if the child has to remain out of home, the court should ask what actions would be needed to allow the child to return home immediately and safely and what services would be needed to support the child's return.*

Next Steps

- Trauma Informed Services
- Individualized assessments
- Culturally Competent Services
- Immigration Issues should be addressed ie VOWA options
- Language issues
- Safe Place to Live
- Immediate access to substance abuse Tx

Adjudication/The Petition

- Cannot be vague or conclusive
- Agency should have assessed the child for actual harm as a result of D.V. by the Jurisdiction Hearing

Disposition/Case Plan

- Individual/group counseling for the adult victim and the child
- Housing, welfare, employment, and economic advocacy services
- Transitional living services
- Visitation center services and Step Down
- Parent group support
- Legal assistance with longer-term matters, such as immigration.

Two scenarios

- If the adult victim has chosen to end the relationship, services should address the long-term barriers to leaving that have stood in her way.
- If she opts to remain with the perpetrator, services should be focused on creating a safe environment within the home for her and her child. In assessing the reasonableness of the efforts, courts should ask whether the services mandated in the case plan are:

If Separation is the Choice

- If the adult victim has chosen to end the relationship, services should address the long-term barriers to leaving that have stood in her way. If she opts to remain with the perpetrator,
- services should be focused on creating a safe environment within the home for her and her child. In assessing the reasonableness of the efforts, courts should ask
- whether the services mandated in the case plan are:

Services Ordered

- Available
  Accessible
- Provided by those with knowledge in the field
- Tied to an identified need
- Safe
- Useful to the family
- Culturally and linguistically appropriate.

The Perpetrator and Services

- In many child welfare cases, perpetrators are invisible—never interviewed, engaged,
- made parties to the case, or provided with services.
- Adult victims and perpetrators should have separate case plans and separate counsel, even if they plan to continue their relationship
- The perpetrator's case plan should focus on the safety risk he poses to the child.

Services to the Perpetrator

- Batterer intervention programs;
- Visitation center services;
- Substance abuse/mental health services;
- Parenting classes incorporating information on the impact of the perpetrator's actions on his children;
- Probation/parole contacts
- Translator/interpreter services
- Housing services
- Employment services

The Children

- The long-term needs of children exposed to domestic violence are sometimes forgotten
- Once their immediate safety needs have been addressed. The child, too, should have a separate case plan, which should include a safety plan and counseling targeted to any
  harm suffered as a result of the violence in the home
* Visitation with both parents and any sibs
- Are relatives a safe place for children?
- Retraumatization of children should be minimal

Substance Abuse and Special Considerations

- Does the batterer have a pattern of sabotaging recovery efforts?
- Does he supply drugs or threaten her if she refuses to taken them?
- Is he more violent or lethal when he is not using or using?
- Are you aware of probation or parole requirements that compliment your case?

Post- Dispo

- Review Hearings
  - Fast Track -frequent reviews
  - Substance Abuse -immediate access
  - Mental Health -funding and access
  - DV Advocates
  - Closed Support groups
  - DV Tx and Assessments
  - Assessments of the infants and toddlers
  - Concurrent homes
  - Visits, Step Down Models
  - Reasonable Efforts Findings stated on the record

Permanency Hearings

- Even though the permanency plan does not call for reunification and the agency is no longer providing services to the parents, the court should ensure that the child continues to receive services that target any problems the child confronts as a result of exposure to domestic violence.
- The court should ask whether the child's caregivers are committed to the child's continued participation in such services. Moreover, the court should ensure that any prospective adoptive parent or guardian is screened for domestic violence to safeguard the child from further exposure to violence in his/her new environment.

Judicial Leadership and DV

- Judges and courts do not exist in a vacuum, and the community context is particularly important in cases involving family violence.
- Judges must be engaged with their communities to ensure that they are aware of available services and to increase the pool of services for the families coming into their courts.
- Judges should open their courts to communities to help them understand how the courts operate, including the constraints on the courts.
- Judges can use the reasonable efforts determination as a starting point for these endeavors.

Q&A

- Judge Katherine Lucero
  Supervising Judge of Dependency Court
  Santa Clara County

klucero@scscourt.org

Safety • Stability • Well Being

Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence

National Council of Juvenile and Family Court Judges
Family Violence Department

Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence

National Council of Juvenile and Family Court Judges
Family Violence Department

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December 2008

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On behalf of the *Greenbook* Technical Assistance Team National Council of Juvenile and Family Court Judges (NCJFCJ), the American Public Human Services Association, and the Family Violence Prevention Fund), NCJFCJ wishes to acknowledge those judges whose insightful and rich conversations at the *Greenbook* Initiative Judges' Toolbox Meeting (2002-2004) contributed to the development of this tool.

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Further Acknowledgements

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* NCJFCJ members

About the Author

Leigh Goodmark is an Associate Professor at the University of Baltimore School of Law. Professor Goodmark teaches Family Law and supervises students in the Family Law Clinic, where her students represent clients in family law matters ranging from domestic violence protective orders to divorces to international parental kidnapping.

Professor Goodmark's recent publications include *When is a Battered Woman Not a Battered Woman? When She Fights Back*, in the Yale Journal of Law and Feminism; *Going Underground: The Ethics of Advising a Battered Woman Fleeing an Abusive Relationship*, in the University of Missouri-Kansas City Law Review; *The Punishment of Dixie Shanahan: Is There Justice for Battered Women Who Kill?*, in the Kansas Law Review; *Telling Stories, Saving Lives: The Battered Mothers' Testimony Project, Women's Narratives, and Court Reform*, in the Arizona State University Law Journal; *Achieving Batterer Accountability in the Child Protection System,* in the Kentucky Law Journal; and *Law Is the Answer? Do We Know That For Sure?: Questioning the Efficacy of Legal Interventions for Battered Women*, in the St. Louis University Public Law Review.

Prior to joining the faculty at the University of Baltimore, Professor Goodmark was the Director of the Children and Domestic Violence project at the ABA Center on Children and the Law and the family law staff attorney at Bread for the City, a holistic neighborhood service center in Washington, D.C. Professor Goodmark was a member of the *Greenbook* Policy Advisory Committee from 2000-2003 and has served as faculty at various *Greenbook* Initiative conferences and training events. With Ann Rosewater, Professor Goodmark co-wrote *Steps Toward Safety: Improving Systemic and Community Responses for Families Experiencing Domestic Violence* and *Bringing the Greenbook to Life: A Resource Guide for Communities.*

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Purpose

The purpose of this checklist is to assist dependency court judges in identifying factors that should be considered when making reasonable efforts determinations in cases involving domestic violence. The checklist is divided into five sections. Section One discusses why judges need to understand domestic violence when handling dependency cases. Section Two examines the family context of these cases. This section includes information on how domestic violence affects parenting, and the interrelationships between domestic violence and mental health and substance abuse. Section Three lays out the legal framework for making reasonable efforts findings. Section Four describes the types of reasonable efforts that should be made in dependency cases involving domestic violence. And Section Five provides suggestions to help judges improve the availability and quality of services for families experiencing domestic violence in their communities. Finally, the publication includes easy reference bench cards for judges to consult when hearing dependency cases involving domestic violence.

The Rationale

Judges hearing dependency cases see families confronting a range of difficult issues—abuse and neglect of children, substance abuse, mental health, poverty, lack of housing. What these judges may not be made aware of, however, is the domestic violence lurking beneath the surface of these cases. Domestic violence affects a large percentage of the families in the dependency system; but even now, after years of attention focused on domestic violence, and the development of training for judges, caseworkers and other professionals,[1] and specialized services for these families, domestic violence in dependency cases often goes unrecognized and unaddressed.

Why should dependency court judges be concerned about ensuring that domestic violence is identified and confronted?

Because judges see families every day who are experiencing domestic violence—whether reported to the judge or not.

Child welfare agencies attempting to determine the scope of this problem have discovered domestic violence in one-third to one-half of their cases.[2] While some of these families are certainly known to the dependency courts,[3] this estimate is probably low. Many women[4] experiencing domestic violence never disclose the battering to their closest friends and family, let alone to their attorneys or a government agency empowered to remove their children. And although professional organizations such as the National Association of Public Child Welfare Administrators have stressed the importance of screening and assessing families for domestic violence,[5] some caseworkers may not make such inquiries. Moreover, the complex dynamics of child welfare cases may prevent even caseworkers who follow these recommended procedures from receiving complete information about family violence from victims in crisis, their children, or their abusers. As a result, dependency cases may reach the court without any-

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1. A tremendous amount of energy and effort has gone into initiatives to improve practice in dependency cases involving domestic violence. Most notably, in 1999 the National Council of Juvenile and Family Court Judges [hereafter NCJFCJ] released *Effective Intervention in Cases Involving Domestic Violence and Child Maltreatment:Guidelines for Policy and Practice,* authored by Susan Schechter & Jeffrey L. Edleson. Also known as the "Greenbook," the publication inspired communities throughout the country to develop collaborative efforts among courts, domestic violence advocates and child welfare agencies to better serve children exposed to domestic violence and their battered parents. A federal Greenbook demonstration project funded six communities' efforts to implement the Greenbook's guidelines; other communities have marshaled resources to do the work without external support. Copies of the Greenbook are available online at http://thegreenbook.ncjfcj.org, or through NCJFCJ's Family Violence Department at (800) 527-3223.
2. Melanie Shepard & Michael Raschick, *How Child Welfare Workers Assess and Intervene Around Issues of Domestic Violence,* 4 CHILD MALTREATMENT 148, 149 (1999).
3. The Dade County Dependency Court Intervention Project found that a "significant percentage" of the cases appearing in dependency court involved domestic violence. Christine A. O'Riley & Judge Cindy S. Lederman, *Co-Occurring Child Maltreatment and Domestic Violence: The Judicial Imperative to Ensure Reasonable Efforts*, FLA. B.J. (The Fla. Bar) November 2001, at 43.
4. While there are male victims of domestic violence, the Department of Justice estimates that 85 percent of the victims of domestic violence are women. CALLIE MARIE RENNISON, U.S. DEP'T OF JUSTICE, INTIMATE PARTNER VIOLENCE, *1993-2001* 1 (2003). For the purposes of tthis publication, victims of domestic violence will be referred to as female, perpetrators as male.
5. NAT'L ASSOC. PUB. CHILD WELFARE ADMINISTRATORS, GUIDELINES FOR PUBLIC CHILD WELFARE AGENCIES SERVING CHILDREN AND FAMILIES EXPERIENCING DOMESTIC VIOLENCE (2001), *at* http://www.aphsa.org/Publications/Doc/dvguidelines.pdf.

one having ever inquired about the presence of domestic violence in the home, and even if those inquiries have been made, without the family trusting attorneys or case-workers enough to disclose the violence.

Because children may be profoundly affected by domestic violence.

Although the experience of domestic violence is different for every child, a number of problems are common to children from violent homes. Children may be the victims of physical abuse at the hands of the alleged abuser of domestic violence or the battered parent. Child abuse and domestic violence frequently co-occur; studies estimate that in 30 to 60 percent of families experiencing one form of family violence, the other is present as well.[6] Incest and child sexual abuse are also common in families experiencing domestic violence.[7] Children may be inadvertently injured during violent episodes or forced to watch or take part in the abuse.[8] Some children actively intervene to stop a parent's abuse.[9] In the aftermath of the violence, children may experience emotional, behavioral, and cognitive difficulties, including:

- Post-traumatic stress disorder (symptoms include agitation, irritability, withdrawal, problems in social functioning, "re-experiencing" the traumatic event, sleep disturbances, emotional distress, regression in toilet training and language)[10]
- Aggression[11]
- Depression[12]
- Suicidal behaviors[13]
- Anxiety[14]
- Insomnia[15]
- Impaired ability to concentrate[16]
- Decreased verbal, motor and cognitive skills[17]

Judges who understand how domestic violence affects children can better exercise their oversight to ensure that professionals working with the family provide appropriate services.

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6. Jeffrey L. Edleson, *The Overlap Between Child Maltreatment and Woman Battering, 5* VIOLENCE AGAINST WOMEN 134-54 (1999).
7. LUNDY BANCROFT & JAY G. SILVERMAN, THE BATTERER AS PARENT 84-97 (Sage Publications) (2002).
8. Lois A. Weithorn, *Protecting Children from Exposure to Domestic Violence: The Use and Abuse of Child Maltreatment Statutes*, 53 HASTINGS L.J. 1, 82 (2001).
9. *Id.* at 83.
10. *Id.* at 87
11. Jeffrey L. Edleson, *Should Childhood Exposure to Domestic Violence Be Defined as Child Maltreatment Under the Law,* in PROTECTING CHILDREN FROM DOMESTIC VIOLENCE: STRATEGIES FOR COMMUNITY INTERVENTION 8 (Peter G. Jaffe, et al., eds., Gilford Press (2004).
12. Edleson, *id.* at 3.
13. Weithorn, *supra* note 8, at 86.
14. Edleson, *supra* note 11, at 3.
15. Weithorn, *supra* note 8, at 86.
16. *Id.*
17. *Id.*

Because involvement in the dependency system can trigger greater violence.

Perpetrators frequently threaten their victims that greater harm will come to them and their children if their abuse is reported to authorities. As a result, when the dependency system intervenes in a family, a real risk exists that the perpetrator will increase his violence. If the dependency system fails to address the domestic violence specifically and appropriately, the safety of adult victims and their children can be compromised. Similarly, the safety risk for adult victims and their children often increases when the woman initiates separation from her abuser.[18] Interventions that merely require the mother to choose between separating from her abusive partner or losing her children ignore the complex dynamics of family violence. Separation does not necessarily equate to safety for children.

Removal poses additional risks for children from violent homes. In *Nicholson v. Williams*, a federal lawsuit challenging the child welfare agency's policy of pursuing dependency cases against battered mothers who "engaged in" domestic violence (by being abused), experts testified about the primacy of the parent/child bond and how separation can provoke fear and anxiety in children, diminishing a child's sense of stability and self.[19] Disruption of the parent/child bond can be even more damaging for children from violent homes. Removal heightens the child's tendency towards self-blame; the child may see the removal as a "traumatic act of punishment."[20] Children exposed to domestic violence are often anxious about their battered parent's well-being, afraid to leave the parent for even short periods of time lest something happen to that parent. Removal from the parent greatly increases that separation anxiety.[21] As Dr. David Pelcovitz stated, "Taking a child whose greatest fear is separation from his or her mother and in the name of 'protecting' that child [by] forcing on them, what is in effect, their worst nightmare ... is tantamount to pouring salt on an open wound."[22] Removal may also mean entering a foster care system where very few foster parents are screened for domestic violence—exposing the child to further trauma without the protection of the parent/child bond.[23]

Because judges must assess whether child welfare agencies have made "reasonable efforts" for families experiencing violence.

This publication is designed to aid judges in making the reasonable efforts findings required by federal law in dependency cases involving domestic violence. It will first lay out the family context in which judges make their decisions, with a focus on the impact of domestic violence on the parenting skills of both the abused and the abusive

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18. Jeffrey L. Edleson et al., Jud. Council of Cal., Parenting in the Context of Domestic Violence 9 (2003) (summarizing studies on post-separation violence).
19. *Nicholson v. Williams*, 203 F. Supp 2d 153, 199 (E.D.N.Y. 2002).
20. *Id.*
21. *Id.*
22. *Id.*
23. *Id.*

partner. Special attention will be paid to the intersection of domestic violence and other problems, such as substance abuse and mental health issues, confronted by these families.

The publication will then review the legal framework within which judges work—the reasonable efforts requirements of the Adoption Assistance and Child Welfare Act of 1980 and the Adoption and Safe Families Act of 1997, state statutes incorporating (and in some cases, exceeding) the federal law, and case law interpretations of these requirements. It will examine the implications of these three sources of law for the reasonable efforts decisions that judges make on a daily basis.

The bulk of this piece will be devoted to helping judges think about reasonable efforts at every stage of a dependency proceeding involving domestic violence, from the initial removal hearing to termination of parental rights. At each stage, specific guidance will be offered on what reasonable efforts might include. Finally, the publication will look at ways that judges can work to ensure that agencies can comply with reasonable efforts requirements and create better outcomes for children and families experiencing domestic violence.

The Family Context

To determine whether an agency's efforts to prevent removal or reunify children and parents have been reasonable, judges must first understand the problems that the agency should be trying to address. This section examines parenting by batterers and the adult victims. Because these families often have more than one issue that requires the agency's attention, this section also looks at how domestic violence intersects with two of the most frequent reasons for dependency system interventions: substance abuse and mental health. Note: statistically speaking, 85 to 95 percent of batterers are male. This checklist will use the terms "adult victims" and "abused parent" interchangeably. Likewise it will use the terms "batterer," "perpetrator," and "abusing parent" interchangeably.

How Domestic Violence Affects Parenting

The Abusing Parent

Abusing parents typically exhibit a number of characteristics. They "tend to be rigid, authoritarian parents," expecting to be obeyed without question, with a limited tolerance for criticism.[24] They are often under-involved with their children, lacking basic knowledge about their children's daily lives and developmental abilities.[25] Abusing parents may undermine the abused parents' authority both overtly and through their behavior towards their partners, which indicates to the children that the abused parent need not be treated with respect and that using physical violence against the abused parent is acceptable.[26] Abusing parents tend to be self-centered and manipulative, focused on their own needs rather than their children's.[27] Abusing parents may seek to consolidate their power by creating division within the family and by scapegoating—and encouraging others to target—one child.[28] Paradoxically, however, abusing parents tend to perform well when being observed—for example, in a supervised visitation setting.[29] However, most abusing parents lack an understanding of where to begin the process of rebuilding their relationships with their children.[30]

The Abused Parent

Abusing parents can destroy children's bonds with the abused parent in a number of ways. They model "negative and disrespectful" attitudes towards mothers through their physical and verbal assaults.[31] They directly interfere with the abused parents' parenting (i.e., by preventing the abused parent from providing emotional or physical

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24. Bancroft & Silverman, *supra* note 7, at 30.
25. *Id*. at 32-33.
26. *Id*. at 33-34.
27. *Id*. at 35-36.
28. *Id*. at 77-78.
29. *Id*. at 36-37.
30. David Mathews, The Family Violence Prevention Fund, *Restorative Parenting: A Strategy for Working with Men Who Batter and Are Fathers*, http://endabuse.org (type "Restorative Parenting" in the search bar; then follow "Toolkit for Working with Men and Boys—Restorative Parenting: A ..." hyperlink) (last visited September 8, 2006).
31. *Id*. at 57.

care for a child in need).[32] Battering can deprive the abused parents of the physical and emotional energy needed to parent.[33] Children who are afraid to lash out at the abusing parent may turn their anger against the abused parent, further damaging their relationship.[34]

Abused parents tend to experience greater levels of stress than other parents, but that stress does not always affect their parenting.[35] Nonetheless, there is some data suggesting that abused parents may be more likely to physically abuse their children.[36] The likelihood decreases, however, when they are safe from violence.[37] In sum, the research on adult victims' parenting ability indicates "most tend to parent adequately and sometimes even compensate for the abusing parents' behaviors."[38]

Implications for Judges

Judges should be aware of how the abused parent and the perpetrator will present to social workers, court staff, and to judges themselves. On first glance, the perpetrator may appear to be the better parent—charming, cooperative, and in control of the children. The abused parent, on the other hand, may seem stressed, depleted, and an inadequate parent. Judges should understand, and help others in the dependency system to understand, the techniques used by the perpetrator to undermine the adult victim's parenting. Judges should ask about the parenting skills of each parent and ensure that if parenting classes are part of the parent's service plan, those classes address the issues faced by the adult victim and the abusing parent. Judges should examine the abused parent's parenting skills not only at the initial hearing, when her safety may still be compromised, but also when she has had time to establish a safer, more stable environment for herself and her children. Judges should not ignore physical abuse perpetrated by either parent, but should be cognizant of the research suggesting that physical abuse by the abused parent decreases markedly when safety is established.[39]

Substance Abuse & Mental Health

Substance Abuse

Substance abuse is a serious problem in families experiencing domestic violence. Studies estimate that one-quarter to one-half of perpetrators are substance abusers.[40]

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32. *Id*. at 64-66.
33. *Id*. at 67.
34. *Id*.
35. Bancroft & Silverman, *supra* note 7, at 13.
36. *Id*. at 14.
37. *Id*.
38. *Id*. at 15.
39. *See, e.g.*, Naomi Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 Vand. L. Rev. 1041, 1057 (1991); Daniel G. Saunders, *Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations* (Oct. 1998), http://www.vawnet.org/Domestic Violence Research/VAWnetDocs/AR_custody.pdf (last visited Sept. 8, 2006).
40. Patricia A. Fazzone, et al, U.S. Dep't Health & Human Serv., Substance Abuse Treatment and Domestic Violence: Treatment Improvement Protocol (TIP) Series 25 (1997).

Alcohol is often a factor in abusive incidents; Department of Justice studies estimate that more than half of the defendants accused of murdering their spouses (and almost half of their victims) were drinking at the time of the murder.[41] Another study found that 22 percent of abusive men and 10 percent of their female victims were using alcohol during abusive incidents.[42] While substance abuse does not cause battering, it can increase the risk that the perpetrator will misinterpret his partner's behavior, leading to abusive incidents; cloud his ability to consider the repercussions of his actions; reduce his ability to see that the adult victim is injured; and reduce his ability to benefit from punishment, education or treatment.[43] Curtailing substance abuse may not end the violence. In fact, physical violence may increase after the batterer begins treatment; and, even if the physical abuse ends, other forms of abusive and controlling behavior may replace it.[44]

One study conducted in Illinois in 1994 determined that there was a strong relationship between victims of domestic violence and high rates of substance and alcohol abuse. In this study, staff from domestic violence shelters were asked to estimate the number of women in their programs who were substance abusers. The results of the study suggested that as many as 42 percent of the women were abusing substances.[45] Women who abuse substances are more likely to become victims of violence; victims of violence are more likely to receive prescriptions for and become dependent on controlled substances.[46] Adult victims may use substances to self-medicate—to avoid "facing daily bouts of physical, emotional and sexual abuse" and the evidence of the impact of the violence on their children, their other relationships, and their lives.[47] Some women begin abusing substances at the behest of their perpetrators, who find them easier to control when drugged and who regulate access to alcohol and drugs in order to exercise further control.[48] Relapse is common among all recovering substance abusers, but in the case of a adult victim, may indicate that abstinence is unsafe, that the perpetrator is insisting that she continue to use with him.[49] Substance abuse can create special problems for an adult victim, rendering her unable to shield her children from her abuser's violence.

Mental Health Issues

Domestic violence and mental health intersect in two ways for adult victims of violence. First, women with mental health issues, particularly those with serious mental

41. *Id.*
42. Larry W. Bennett, *Substance Abuse and Woman Abuse by Male Partners*, (Sept. 1997, rev. 1998), *at* www.vawnet.org/DomesticViolence/Research/VAWnetDocs/AR_substance.pdf.
43. Domestic Violence/Substance Abuse Interdisc. Task Force of the Ill. Dep't of Human Serv. [hereinafter Interdisc. Task Force] Safety and Sobriety: Best Practices in Domestic Violence and Substance Abuse (2000).
44. Leigh Goodmark, *Substance Abuse and Domestic Violence in the Child Welfare Context: Where Do You Start?*, 21 Child L. Prac. 101, 102 (2002).
45. Larry Bennett & Marie Lawson, *Barriers to Cooperation between Domestic-Violence and Substance-Abuse Programs*, 75(5) Families in Soc'y: J. Contemp. Hum. Serv. 277, 280, 285 (1994).
46. Fazzone Et Al., *supra* note 40.
47. Patricia J. Bland, *Strategies for Improving Women's Safety and Sobriety,* The Source, Winter 1997, at 3.
48. Goodmark, *supra* note 44, at 103.
49. *Id.*

illness, are victimized by partners at very high rates. Secondly, adult victims of domestic violence can suffer from a range of mental health issues.[50] Depression and post-traumatic stress disorder (PTSD) are most prevalent; one meta-analysis of the studies on rates of depression and PTSD among battered women found that 48 percent suffered from depression and 64 percent experienced PTSD.[51] Somatoform disorders, eating disorders, and psychotic episodes have also been linked to family violence.[52] Domestic violence is a risk factor for suicide as well.[53] Battered women recognize these problems; one study of battered women found that 48 percent had wanted help with mental health issues in the past year.[54] Note, however, that many battered women never develop mental health conditions, and that those who suffer from mental illnesses, particularly depression, often find that their symptoms resolve when their safety and social supports increase.[55]

While battering cannot be justified as the product of mental illness, significant numbers of perpetrators also report experiencing mental health problems. In a long-term, multi-site study of men in batterer intervention programs, researchers found that one-fourth to one-third of the men reported "serious emotional states," prior to entering the program, including angry outbursts (35 percent), serious anxiety (27 percent), mood swings (24 percent), and serious depression (18 percent).[56] While 41percent of the men reported no mental health problems, almost one-third reported two or more problems.[57] Twelve percent of the men reported threatening or attempting suicide, and 22 percent were receiving some form of mental health treatment prior to entering their programs.[58] Evaluating the results of a personality test, researchers estimated that as many as 20 percent of the men may have had major mental disorders, including major depression and anxiety disorders.[59]

Implications for Judges

Families coming before the dependency court are likely to present with a number of problems, and domestic violence co-occurs with substance abuse and mental health with some frequency. Judges should understand how domestic violence interacts with substance abuse and mental illness and consider the connection between safety and the ability to engage in treatment. Judges should work with social service administrators to ensure that best practices on screening and treating families with multiple issues are being implemented. Untreated substance abuse and mental health issues

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50. Domestic Violence and Mental Health Policy Initiative, *Domestic Violence, Mental Health & Trauma: Research Highlights*, *at* http://www.dvmhpi.org/Research%20Highlights.pdf.
51. *Id.*
52. *Id.*
53. *Id.*
54. *Id.*
55. *Id.*
56. Edward W. Gondolf, *Characteristics of Batterers in a Multi-Site Evaluation of Batterer Intervention Systems* (1996), *at* http://www.mincava.umn.edu/documents/gondolf/batchar.html.
57. *Id.*
58. *Id.*
59. *Id.*

may make it impossible for parents to comply with a treatment plan focused on the violence, particularly if the perpetrator has blocked the adult victim from seeking assistance with these issues in the past. Judges should attempt to ensure that domestic violence complaints from adult victims with diagnosed substance abuse or mental illness are taken seriously; reports of violence from women with these histories are sometimes dismissed as delusional.[60] Making reasonable efforts requires addressing all of the problems that compromise the child's safety, and addressing those problems in a way that keeps adult victims of violence safe while they work on their other issues. Safety is the key to sobriety as well as to addressing the adult victim's mental health issues. For perpetrators, substance abuse and mental health issues should not be seen or used as excuses for violence, but must be addressed concurrently. Judges should not permit agencies to use mental health or substance abuse issues as excuses for failing to recognize and treat domestic violence.

60. Domestic Violence and Mental Health Policy Initiative, *supra* note 50.

The Legal Framework

Understanding what reasonable efforts entails also requires looking at three sources of law—federal statutes, state statutes, and cases interpreting those statutes. This section will examine each in turn and discuss the implication of those sources of law for the daily decisions of dependency court judges.

Federal Statutes

Adoption Assistance and Child Welfare Act of 1980

The creation of the Adoption Assistance and Child Welfare Act of 1980 (AACWA) was a reaction to the alarming increase in the number of children in foster care and the concern that children were being removed unnecessarily from their families. Congress attempted to address this problem through the creation of the reasonable efforts requirement. AACWA conditions federal funding of state child welfare efforts on a number of mandates, including the requirement that child welfare agencies make reasonable efforts to prevent removal of children from their homes and to reunify children with their parents if children must be removed.[61] The statute does not, however, define reasonable efforts.[62] While the statute itself does not specify at what point the court is required to make such findings, later regulations clarify that the court must make a finding that reasonable efforts were made to prevent removal no later than 60 days from the date that the child was removed from the home.[63] A court finding that an agency has failed to make reasonable efforts to prevent removal or to reunify can result in the agency losing federal matching funds under Title IV-E for the child's foster care placement during the time that the court found reasonable efforts were not made.[64]

Adoption and Safe Families Act of 1997

After some initial successes in decreasing the foster care population, by the early 1990s the number of children in foster care had again increased dramatically. Moreover, concerns emerged that AACWA's reasonable efforts requirements allowed child welfare agencies and courts to focus on preserving families at the expense of child safety.[65] The Adoption and Safe Families Act of 1997 (ASFA) was the response. ASFA clearly and repeatedly states that the health and safety of children are primary in all child welfare decisions, particularly in "determining reasonable efforts to be made…and in mak-

61. 42 U.S.C. § 671.
62. Alice C. Shotton, *Making Reasonable Efforts in Child Abuse and Neglect Cases: Ten Years Later*, 26 Cal. W. L. Rev. 223, 225-27 (1989-90). A recent Children's Bureau publication suggests that the federal government felt that it was more appropriate for states to develop their own criteria and suggests questions that the states should ask in developing these criteria. Admin. for Child. and Fam., *Reasonable Efforts to Preserve Families and Achieve Permanency for Children*, *at* http://www.acf.hhs.gov/programs/cb/publications/adopt02/02adpt3.htm.
63. 45 C.F.R. § 1356.21 (b)(1)(i). The regulations do not speak to when reasonable efforts findings on reunification must be made.
64. Shotton, *supra* note 62, at 226.
65. Kathleen S. Bean, *Reasonable Efforts: What State Courts Think*, 36 U. Tol. L. Rev. 321, 326 (2005).

ing such reasonable efforts."[66] ASFA clarified the reasonable efforts requirement by specifying that in certain cases involving "aggravated circumstances," reasonable efforts to reunify need not be made.[67] Aggravated circumstances can include abandonment, torture, chronic abuse, sexual abuse, or the termination of parent's rights to another child involuntarily, although ASFA leaves the states to define aggravated circumstances as they see fit.[68] ASFA also requires agencies to stop making reasonable efforts to reunify children with parents when doing so would be inconsistent with the child's permanency plan; at that point, the agency must make reasonable efforts to ensure that the child achieves permanency.[69] Findings that the agency has made reasonable efforts to finalize the permanency placement must be made at or before permanency hearings.[70]

The Indian Child Welfare Act

Unlike AACWA and ASFA, the Indian Child Welfare Act (ICWA) requires state agencies to make "active efforts…to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family" and to show that "these efforts have proved unsuccessful."[71] The active efforts requirement is more stringent than AACWA and ASFA's reasonable efforts standards. State courts have found that the active efforts requirement places an affirmative duty on state agencies to act. The agency must provide services, rather than simply make referrals or require that the parent complete a case plan without further assistance.[72] Understanding what is minimally required under active efforts can provide a sense of what the reasonable efforts ceiling might look like.

State Laws

The lack of guidance in both AACWA and ASFA as to what constitutes reasonable efforts allowed states to develop their own interpretations of the requirement, but few states have taken the opportunity. Those that define reasonable efforts typically charge agencies with using "reasonable" or "due" diligence in making efforts.[73] Others tell agencies to use this diligence or care to employ available or appropriate services to meet the needs of children and families in the system.[74] Only a few states have offered courts a detailed description of what to look for when making reasonable efforts determinations.

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66. 42 U.S.C. § 671(a)(15)(A).
67. 42 U.S.C. § 671(a)(15)(D)(i). For a discussion of how states have defined aggravated circumstances, see New Jersey Division of Youth and Family Services v. A.R.G., 824 A.2d 213 (NJ 2003).
68. 42 U.S.C. § 671(a)(15)(D)(iii).
69. 42 U.S.C. § 671(a)(15)(C).
70. 45 C.F.R. § 1356.21(b)(2)(i).
71. 25 U.S.C. § 1912(d).
72. Mark Andrews, *"Active" Versus "Reasonable" Efforts: The Duties to Reunify the Family Under the Indian Child Welfare Act and the Alaska Child in Need of Aid Statutes*, 19 Alaska L. Rev. 85, 92-93 (2002).
73. Shotton, *supra* note 62, at 225.
74. *Id.*

In New Jersey, for example, reasonable efforts are defined as "attempts by an agency…to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure."[75] The child welfare agency must consult and cooperate with the parent to develop a service plan; provide services either directly or through referrals to community services providers; inform the parent of the child's progress, development and health; and facilitate appropriate visitation.[76] The agency must also assess agency efforts through consultation with the family and service providers or direct observation of services and identify barriers to services and ways to overcome those barriers.[77] In Alaska, the agency's responsibility for making reasonable efforts includes a duty to identify and actively offer or refer the parent to family support services and to refer the parent to community based services where such services are available and requested by the parent.[78] Courts making reasonable efforts findings in Minnesota must determine whether services were relevant to the child's safety and protection, adequate to meet the child and family's needs, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances.[79] New York's statute defines diligent efforts as "reasonable attempts by an authorized agency to assist, develop, and encourage a meaningful relationship between the parent and child, including but not limited to: (1) consultation and cooperation with the parents in developing a plan for appropriate services…making suitable arrangements for the parents to visit the child…provision of services and other assistance to the parents so that problems preventing discharge of the child from care may be resolved or ameliorated; and…informing the parents…of the child's progress, development, and health."[80]

Some states have mandated that courts make reasonable efforts findings at specific points in a case. A number of states require agencies to show that reasonable efforts have been made before removal of a child is permitted.[81] Some states require that reasonable efforts findings be made at one or more hearings over the life of a case.[82] In Ohio, reasonable efforts determinations must be made whenever the court removes a child from the home or leaves the child in foster care.[83] California law requires that a reasonable efforts determination be made at every hearing, from the initial removal through termination of parental rights.[84]

Consistent with ASFA, state laws that discuss reasonable efforts are clear that safety and permanency trump all other concerns. New Jersey's statute sets forth the agency's

75. N.J. Stat. Ann § 9:6-8.84.
76. N.J. Stat. Ann. § 30:4C-15.1c.
77. N.J. Admin. Code tit. 10, 133I-4.2.
78. Ak. Stat. Ann. § 47.10.086.
79. Minn. Stat. Ann. §260.012(c).
80. NY Soc. Serv. § 384-b.7.(f).
81. Shotton, *supra* note 62, at 227.
82. *Id.* at 226.
83. Ohio Rev. Code Ann. § 2151.419(A).
84. Cal. Welf & Inst. Code §§ 306, 319, 361. 366.21(e), (f), 366.22(a); Cal. Civ. Code § 232(a)(7).

priorities: "When determining whether reasonable efforts are required to reunify the child with the parent, the health and safety of the child and the child's need for permanency shall be of paramount concern to the court. This section shall not be construed to prohibit the division from providing reasonable efforts to reunify the family, if the division determines that family reunification is in the child's best interests."[85]

Case Law

Because Congress and state legislatures have largely declined to articulate anything more than a minimal definition of reasonable efforts, courts have been left to determine whether agency efforts meet the reasonableness standard.

Reasonable efforts, generally

Since the passage of ASFA, state courts have revised their understanding of what constitutes reasonable efforts. As required by ASFA, the safety and health of children takes priority over the rights or needs of parents in recent state court determinations on reasonable efforts.[86] Moreover, courts are more willing to find that reasonable efforts are unnecessary in cases where those efforts would be "futile."[87] Professor Kathleen Bean suggests that courts look to a number of factors when making reasonable efforts determinations: the adequacy of the case plan and services provided; the timeliness of service provision; access to visitation; whether efforts were made in good faith; the parent's response to the efforts; and resource limitations.[88] Courts will not require agencies to make every possible effort and may excuse agency mistakes if the child's health and safety are not compromised. While the court may have reservations about the efforts undertaken by the agency, courts have by and large been reluctant to find that the agency has failed to make reasonable efforts.[89]

Courts are willing to make a finding of no reasonable efforts in certain situations, however. In *Division of Family Service v. N.X. and G.X.*, for example, the agency failed to address appropriately the serious substance abuse problems of the parents, despite ample evidence that the parents' drug problems drove the other issues facing the family, including the abuse and neglect of the child.[90] The court found that the department's failure to develop a meaningful case plan responsive to the severity of the parents' addiction deprived the parents of the opportunity to be reunited with their child.[91] The court concluded, therefore, that the department had not made reasonable efforts to prevent placement or reunify the family.[92]

85. N.J. Stat. Ann. § 30:4C-11.3.
86. *See*, e.g., Bean, *supra* note 65, at 334-35 (discussing cases from New Jersey, Pennsylvania, Delaware, and New Mexico).
87. *Id.* at 337-38.
88. *Id.* at 345-66.
89. *Id.* at 358-60; *see also Tina S. v. Alaska*, 2003 WL 22351630 (Alaska 2003) (holding that Alaska's statue requires "reasonableness, not perfection....[E]ven accepting Tina's premise that the division's efforts fell short of the mark or could have been better in certain respects, we think that the record convincingly demonstrates that the division's overall efforts were reasonable by any practical measure.")
90. 802 A.2d 325, 336-37 (Del. 2002).
91. *Id.* at 337.
92. *Id.*

Reasonable efforts in domestic violence cases

Courts have similarly been reluctant to find that reasonable efforts have not been made in cases involving domestic violence. *In re Charles A.* is illustrative.[93] In that case, the trial court noted that the agency had failed at every turn to identify and treat the mother as a victim of domestic violence. The agency treated the mother as a perpetrator and failed to communicate and work with her separately from her husband, whom the court called "an abusive, violent, controlling and manipulative man."[94] The trial court also found that a social worker with familiarity with domestic violence and with the agency's policy on handling such cases should have identified the mother as a victim of violence and that the agency should have communicated to the mother its belief that her continued relationship with her husband "placed her children in jeopardy and her reunification with her children in jeopardy."[95] The court found that the agency had violated its policy for handling cases involving domestic violence and "failed on at least three occasions to pick up clear signals that she was abused and a victim in need of protection."[96] Moreover, the court accepted some responsibility for the mother's plight, in that the court failed to provide the mother with separate counsel.[97] Nonetheless, the court found that because the agency had provided some services to the family, and because the parents "actively sought to deceive the service providers by failing to disclose the dysfunction, abuse, and violence within the household," the agency had satisfied the reasonable efforts requirement.[98]

Courts have relieved agencies of their duties to make reasonable efforts when parents fail to comply with their treatment plans. In *Elvira A. v. Superior Court of San Diego County*, the court found that the mother had periodically complied with treatment plan requirements to participate in domestic violence counseling, but that issues remained nonetheless.[99] After participating in services for more than 19 months in a previous case, the mother reunited with the father; and although she expressed a willingness to separate from him to regain custody of her child, she stated that she preferred to work things out with her husband.[100] The social worker believed that the mother would permit the father contact with the children, despite her promises to protect them, and concluded that the mother could not protect the children.[101] The court found that the mother's continued inability to protect the children, notwithstanding her completion of services, warranted the lower court's decision to allow the agency to terminate its efforts to reunify.[102]

93. 738 A.2d 222, 224 (1999).
94. *Id.* at 223.
95. *Id.*
96. *Id.*
97. *Id.*
98. *Id.* at 224.
99. 2003 WL 22245040 (Cal. 2003).
100. *Id.* at 2.
101. *Id.*
102. *Id.* at 3.

In other situations, however, courts have been willing to find that agencies have not made reasonable efforts with battered mothers. *In the Interest of Rayonna M.* is one example.[103] In that case, the child welfare agency failed to provide the mother, a victim of domestic violence, with any services prior to filing to terminate her parental rights; it made service referrals only after the petition to terminate was filed.[104] The court found unpersuasive the argument that the mother was unable or unwilling to benefit from efforts to reunify the mother and child, as the agency contended, since the agency had made no such efforts prior to filing. The court noted that the mother in this case had far fewer obstacles to overcome than parents in many child welfare cases and stated, "If this mother is deemed 'unable or unwilling to benefit from reunification efforts,' then the parental rights of other young mothers who get into their first abusive relationship are unfairly in jeopardy.[105] Most of these mothers should receive a fair chance to rehabilitate before the state seeks the ultimate remedy of termination."[106]

Implications for Judges

Under federal law, judges must make three reasonable efforts determinations at some point during a case: to prevent removal, to reunify, and to achieve permanency.[107] If those determinations are not made, or if the court finds that the agency has not made such efforts, the agency is denied federal foster care reimbursement for the time during which the judge determines no reasonable efforts were made. For state child welfare agencies, then, the reasonable efforts finding is a particularly important one.

This should not mean, however, that judges simply rubber stamp agency efforts. "The reasonable efforts finding is as important an element of the case as a finding on abuse or neglect."[108] Judges can help to ensure that agencies prevent unnecessary removals and facilitate reunification by requiring agencies to prove that they have made reasonable efforts and being willing to make a no reasonable efforts finding when such findings are warranted.[109] Researchers have found that caseworkers often resist changing their initial assumptions about families; when presented with new information contradicting their original assessments, caseworkers simply incorporate that information in ways that allow them to maintain their existing beliefs about the family.[110] This tendency may lead workers to suggest that making reasonable efforts is futile, that the parents are unable or unwilling to benefit from services. Judges can provide fresh perspectives on a family's potential and challenge agency assumptions about whether rea-

103. 2000 WL 195087 (Conn. 2000).
104. *Id.* at 4.
105. *Id.* at 5.
106. *Id*. at 6.
107. 45 C.F.R. § 1356.21(b).
108. Youth L. Ctr., Making Reasonable Efforts: A Permanent Home for Every Child 40 (2000).
109. *Id.* at 36. Judge Leonard Edwards has not only made such determinations, but explained that he was doing so because of the lack of services available to meet the needs of the families he saw. *See* NCJFCJ, Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases 167-68 (1995).
110. Eileen Munro, *Common Errors of Reasoning in Child Protection Work*, 23 Child Abuse & Neglect 745 (1999).

sonable efforts are warranted, rather than allowing agencies to rely on their first impressions of the family. Judges should remind agencies of the financial consequences of failing to make reasonable efforts to ensure that agencies meet their federal obligations.[111] Judges are charged with ensuring not only that the child welfare agency has made some affirmative effort to prevent removal or reunify the family, but that those efforts are tied to the problems that initially brought the family to the attention of the child welfare system. Those services should be appropriate and timely; as one judge noted, "Reasonable efforts require immediate provision of domestic violence services to families in dependency court."[112] Exactly what those services might look like will be discussed in the following section.

111. Youth L. Ctr., *supra* note 108, at 37.
112. O'Reily & Lederman, *supra* note 3, at 43.

Making Reasonable Efforts in Cases Involving Domestic Violence

Removal Hearings

The court's first opportunity to make a reasonable efforts determination is at an initial removal hearing (called a shelter or detention hearing in some states), often held between 24 and 72 hours after the child is removed. As a preliminary matter, the court should determine whether the parties are entitled to counsel and appoint separate counsel for the adult victim and the perpetrator, given the conflicts of interest that are likely to occur should the parties share counsel. The court should then be focused on two questions: 1) Why was the child removed? 2) Did the agency make reasonable efforts to prevent the need for removal?

Why was the child removed?

For the court to determine whether the agency's efforts to prevent removal were reasonable, it must first understand the agency's rationale for removing or seeking removal of the child. While this sounds fairly simple, in a domestic violence case there are three potential scenarios that could result in the agency seeking removal; and each would require markedly different efforts to prevent the need for removal. The agency might seek removal because the child was being physically or emotionally abused by the same perpetrator who was battering the child's mother (or because the mother failed to prevent the child from being abused). The agency might seek removal because the child was being physically or emotionally abused or neglected by the adult victim. Or the agency might seek removal because the child was exposed to domestic violence in the home.[113] The court's questions about the kinds of efforts provided in each of those scenarios would be different, given the identity of the primary perpetrator (and the presence or absence of a secondary perpetrator) and the nature of the harm to the child.

Did the agency make reasonable efforts to prevent removal?

For a judge to ascertain whether the agency's efforts to prevent removal were reasonable, a number of inquiries are necessary.

First, the judge should ask about the agency's investigation of the case.

- How did the family come to the agency's attention? *(hotline report, police referral, other court referral)?*
- How did the caseworker determine that domestic violence was an issue for the family?

113. A number of states define exposure to domestic violence as *per se* neglect, including California and New York, but *Nicholson v. Williams* suggests that such findings against a battered mother are unconstitutional (at least in New York), when the mother has done nothing more than be assaulted in the presence of her child. *See Nicholson*, 203 F.Supp.2d 153, 250, 251 (E.D.N.Y. 2002).

Is there a past history of domestic violence? Who is the perpetrator of that violence?
- What injury to the child (physical, emotional, undetermined) is the agency alleging?

Second, the judge should inquire into how the agency sought to address the domestic violence in the family prior to seeking removal, or, in the alternative, why immediate removal was warranted.

- Did the adult victim have strategies to keep the child safe? *Why were those strategies not effective?*
- Did the caseworker consult with a domestic violence expert or advocate?
- Did the caseworker consult with any probation or parole officers or treatment providers involved with the perpetrator?
- Did the caseworker assess the case to determine the likelihood of future violence?[114]

Next, the court should ask whether the adult victim was offered assistance to keep herself and her children safe and together. This question goes to the heart of the reasonable efforts inquiry—what services and supports could have prevented the need for placement of the child? Such services might include:

- Developing a meaningful safety plan;
- Helping the adult victim find a family member or friend to stay with temporarily;
- Giving the adult victim income to enable her to live independently;
- Increasing police presence around the home;
- Enlisting the support of community entities such as churches, schools, and other neighborhood organizations;
- Providing the adult victim with legal assistance;
- Helping the adult victim obtain a protective order, if the adult victim is willing to pursue such an order;
- Helping the adult victim enter shelter, if she deems it necessary;
- Connecting the adult victim with in-patient services that allow the adult victim and child to remain together (particularly in cases involving serious substance abuse or mental illness);
- Securing counseling for the child that specifically addresses the domestic violence;
- Accessing a crisis nursery or other day care services;
- Providing transportation services; and
- Providing interpreters.

The court should also ask how the agency dealt with the batterer. The court should pay particular attention to the language of the petition—does it hold the batterer accountable for his violence? The court should determine whether the agency sought to remove the batterer from the home—either through voluntary agreement or using

114. For example, the boyfriend of Shawrline Nicholson (the named plaintiff in *Nicholson v. Williams*) had never been violent with her prior to that incident, did not live with her or have a key to her apartment, fled the scene immediately, and was not heard from again. Coupled with Ms. Nicholson's willingness to assist the police with the investigation of the beating, an assessment could have revealed how unlikely it was that the children would be exposed to repeated violence.

the power of the courts.

Finally, if the child has already been removed, the court should ask what actions would be needed to allow the child to return home immediately and safely and what services would be needed to support the child's return.

This list of questions and services is not exhaustive. In every case, the services that the adult victim will need to keep herself and her child safe will be different. Too often, particularly in families facing multiple problems, families are offered "inept" services—services that, although available, fail to address the family's actual problems.[115] The key is for caseworkers to make individualized assessments of each family and to provide services that are tailored to the needs of that family, and for judges to ensure that agencies are performing this function when families reach the dependency court.

Judges should also ensure that services are culturally competent, linguistically appropriate, and sensitive to the particular concerns of immigrant communities. Families of color are overrepresented in the child welfare system.[116] Those families do not always respond to services developed for a white client base; research is emerging that shows how better to reach African-American men who batter, for example.[117] Agencies should find and partner with organizations developing services specifically for people of color. The agency's failure to access such services when those services are available (or to develop expertise when they are not) should prompt judges to question whether the agency's efforts are reasonable. Similarly, offering services in a language that neither the adult victim nor perpetrator speaks is unreasonable. Expecting an undocumented immigrant victim to call the police or use the courts, knowing that she or her partner could be deported, is unreasonable. Asking a woman to enter a shelter where she cannot communicate with the staff, participate in counseling, or even cook familiar foods for her children is unreasonable. Courts should hold agencies accountable for providing

Adjudication

At adjudication, the court will determine whether the allegations raised in the petition and the evidence offered to support those allegations rises to the level of child abuse or neglect, as defined by state law.

Here again, understanding exactly why the case has been petitioned is crucial. Alleging physical abuse of a child is very different from alleging a vague "harm" as a result of exposure to domestic violence.[118] Judges should understand that social science research indicates that some, but not all, children exposed to domestic violence exhibit the kinds

115. Cigal Knei-Paz & David S. Ribner, *A Narrative Perspective on "Doing" for Multiproblem Families*, 81 Fam. in Soc'y 475 (2000).
116. Dorothy Roberts, Shattered Bonds: The Color of Child Welfare 8-10 (Basic Civitas Books)(2002) (summarizing the research on the overrepresentation of children of color in the child welfare system).
117. Edward W. Gondolf & Oliver J. Williams, *Culturally Focused Batterer Counseling for African American Men*, 2 Trauma, Violence and Abuse 283 (2001).
118. Some states define exposure to domestic violence as neglect either statutorily or in case law. Weithorn, *supra* note 8, at 93-98. In those states, judges would have little discretion to analyze whether the child has been abused or neglected.

of harms discussed previously. A number of different factors may explain this variation in response: the level of violence in the home, the amount of exposure to the violence, other stressors in the child's life, the degree to which the child is involved in the violence (directly or indirectly), the child's unique coping skills, and protective and risk factors in the child's life.[119]

At the very least, then, by the time of the adjudication hearing, the agency should have assessed the child to determine what harm the child has suffered or is likely to suffer as a result of the violence in the home. The court should inquire into both the methodology and the results of that assessment before determining that a child has been abused or neglected as a result of domestic violence.

Disposition

The disposition hearing (which, in many states, takes place at the same time as the adjudication hearing) gives the court the opportunity to review the case plans for the family.

The review of the case plan dovetails with the court's obligation to ensure that reasonable efforts to reunify the family are being made; the case plan is the vehicle through which the court can assess the agency's efforts.

"In order for the plan to be reasonable, it must have been created to fix the problems that required state involvement."[120] Again, the services offered must directly address the issues that brought the family to the agency's attention, whether domestic violence is the only issue or there are other concerns, such as poor housing/living conditions, substance abuse, or mental illness. In addition to the services mentioned in the Removal Hearings section, case plans for victims of domestic violence might include:

- Individual/group counseling for the adult victim and the child;
- Housing, welfare, employment, and economic advocacy services;
- Transitional living services;
- Visitation center services;
- Parent group support; and
- Legal assistance with longer-term matters, such as immigration.

If the adult victim has chosen to end the relationship, services should address the long-term barriers to leaving that have stood in her way. If she opts to remain with the perpetrator, services should be focused on creating a safe environment within the home for her and her child. In assessing the reasonableness of the efforts, courts should ask whether the services mandated in the case plan are:

119. Edleson, *supra* note 11.
120. Bean, *supra* note 65, at 345.

- Available;
- Accessible;
- Provided by those with knowledge in the field;
- Tied to an identified need;
- Safe;
- Useful to the family; and
- Culturally and linguistically appropriate.

In many child welfare cases, perpetrators are invisible—never interviewed, engaged, made parties to the case, or provided with services. Adult victims and perpetrators should have separate case plans and separate counsel, even if they plan to continue their relationship, and the perpetrator's case plan should focus on the safety risk he poses to the child. Services for the perpetrator could include:

- Batterer intervention programs;
- Visitation center services;
- Substance abuse/mental health services;
- Parenting classes incorporating information on the impact of the perpetrator's actions on his children;
- Probation/parole contacts;
- Translator/interpreter services;
- Housing services; and
- Employment services.

The long-term needs of children exposed to domestic violence are sometimes forgotten once their immediate safety needs have been addressed. The child, too, should have a separate case plan, which should include a safety plan and counseling targeted to any harm suffered as a result of the violence in the home.

If the case plan involves treatment for substance abuse or mental health problems, the judge should ask how this treatment will affect the potential for violence in the family. The judge should elicit information on the perpetrator's response to the adult victim's attempts to address her problems. Is he hampering her efforts? Is he providing her with drugs or threatening her if she stops using? Is he more violent or more lethal as a result of his own treatment? Is probation or parole monitoring his treatment? The judge should ensure that the agency understands the interrelationship between domestic violence and these other issues and has crafted service plans accordingly.

The judge must decide where the child will reside until the next review hearing is held. If the child has been removed, the judge should ask whether the child must continue to be out of the adult victim's care to remain safe. If the child has been placed in out-of-home care, the judge should remind the parties, attorneys and agency that ASFA

requires that the agency seek termination of the parent's rights once the child has been in out-of-home care for 15 of 22 months. The judge should ask whether the family's service plans can be completed in that timeframe, bearing in mind the many barriers facing victims of domestic violence attempting to achieve safety and stability for themselves and their children. Judges should also ensure that the child welfare agency has assessed the homes of relatives or foster caregivers for the presence of domestic violence. Such assessments are not routine; while agencies inquire into the criminal histories of the residents in the caregiver's home, they do not always screen for domestic violence or check civil protective order registries. Removing children from their parents to avoid exposure to domestic violence just to place them in homes where such violence occurs is more than ironic—it can hamper the child's ability to heal from harm already suffered. Such screening is helpful later in the case as well, when determinations are made about where the child will live permanently.

Review Hearings

ASFA requires that the court hold review hearings every six months from the date that the child enters foster care.[121] At each review hearing for as long as the permanency plan calls for reunification, the judge should examine the agency's efforts to reunify the family and make a reasonable efforts determination. The judge should re-examine the adequacy of the case plan in light of any changes in family structure, completion of services, and newly discovered needs of the family. The judge should ensure that the services ordered continue to be the services needed by the family.

As long as the court has jurisdiction over the perpetrator, the judge should not allow the agency to discontinue its work with him, even if the perpetrator has left the family or the mother has decided to end her involvement with him. Remember that the child's safety was compromised by the perpetrator's violence; and the perpetrator should be held accountable for that violence, whether he remains part of the family structure or not. Moreover, many abusive men are recidivists;[122] unless his behavior is dealt with appropriately, the real possibility exists that other families will be destroyed by his violence. Even if there is no plan to reunify the child with the perpetrator, addressing his violence and involving him in services should remain a focus of the agency's efforts.

The judge should determine when the agency discovered the domestic violence in the home. If domestic violence was not the reason that the case originally came to the attention of the child protection agency, the court should ask whether the agency timely provided services to address the domestic violence when it learned that the problem

121. 42 U.S.C. § 675(5)(B).
122. Edward W. Gondolf, *Multi-Site Evaluation of Batterer Intervention Systems: A 30-Month Follow-Up of Court-Mandated Batterers in Four Cities*, at http://www.iup.edu/maati/publications/30MonthFollowup.shtm (finding that 25 percent of men assaulted new partners within 30 months of batterer intervention program intake).

existed. Moreover, the court should inquire as to whether the agency is using its concerns about domestic violence as a pretext for keeping a child in care who could safely be returned home.

Permanency Hearings

Federal law requires that a hearing to determine the child's permanency plan be held no later than 12 months after the child enters foster care, and every 12 months thereafter should the child remain in foster care.[123] At that hearing, the judge must determine whether the agency has made reasonable efforts to finalize the permanency plan. At these permanency hearings, judges should ask many of the same questions posed in the previous section.

Even if the permanency plan does not call for reunification and the agency is no longer providing services to the parents, the court should ensure that the child continues to receive services that target any problems the child confronts as a result of exposure to domestic violence. The court should ask whether the child's caregivers are committed to the child's continued participation in such services. Moreover, the court should ensure that any prospective adoptive parent or guardian is screened for domestic violence to safeguard the child from further exposure to violence in his/her new environment.

Termination of Parental Rights

If a child remains in foster care for 15 months in a 22 month period, federal law generally requires that the agency petition the court to terminate the parents' parental rights.[124] The termination of parental rights hearing gives judges their last opportunity to determine whether the agency has made reasonable efforts to reunify parents and children. Given the gravity of the consequences—for both parents and children—of termination of parental rights, it is crucial that judges conduct a comprehensive inquiry into the nature of the efforts made by the agency, the appropriateness of the efforts to the problems presented by the parents and child, and the parties' responses to those efforts.

The inquiry should include many of the same questions posed in the other sections of this publication. Judges should feel satisfied at the end of the inquiry that the agency understood the nature of the relationship between the parents and between the parents and the children; that the agency provided the adult victim, perpetrator, and child with services tailored to meeting their specific needs; that the services provided were appropriate, available, accessible, and culturally and linguistically appropriate; and

123. 42 U.S.C. § 675(5)(C).
124. Some states have shorter timelines. *See, e.g.,* Ohio Rev. Code Ann. § 2151.414 (B)(1)(d) (requiring the agency to file for termination of parental rights when the child has been in out of home care for 12 of the last 22 months).

that, for whatever reason, the parents were either unable or unwilling to avail themselves of those services in a way that would allow the child to reunify safely with the parents. Unless the judge is confident that the agency has made such efforts, the judge should not terminate the parents' parental rights.

If parental rights are severed, and the permanency plan is guardianship or adoption, the court should ensure that the agency has found a safe placement for the child. A criminal records check is not sufficient to determine whether domestic violence has occurred in the family of the guardian or the adoptive family. Agencies should search protective order registries and local court records to determine whether anyone in the guardian's or adoptive family has been a party to a protective order and should screen for the presence of domestic violence in the home. All of this should be done before the child is initially placed with the family; but if the agency has not inquired prior to the termination of parental rights hearing, the judge should mandate that it do so before any permanent order regarding the child is entered.

Judges and Communities

No one system or organization can meet the multi-faceted needs of perpetrators of domestic violence, adult victims, and their children. The agency's ability to make reasonable efforts in cases involving domestic violence is directly linked to the resources available for families experiencing domestic violence, both within the agency and in the community. Judges may find themselves frustrated by agency efforts in cases involving domestic violence, only to hear that the resources the judge believes the family needs simply do not exist. Judges have the ability to increase these resources in a number of ways.

Judges can participate in community needs assessments to determine whether adequate services exist to serve families experiencing domestic violence and to identify services that are lacking.[125] Judges have a unique perspective on these issues by virtue of their responsibility for making reasonable efforts determinations. Judges should familiarize themselves with the resources available in the community to perpetrators, adult victims, and their children. The judge should then approach the needs assessment with this question: "What services does this community need to ensure that I will be able to make positive reasonable efforts findings in cases involving domestic violence?" Judges can use their leadership position within the community to engage community members, such as business leaders and government officials, who might not respond to requests from the agency or domestic violence advocates, in these efforts.

Judges can participate in collaborative efforts to increase resources for families experiencing violence. Many judges, for example, sit on local domestic violence coordinating councils. These councils are often made up of representatives from the court; other government agencies; non-governmental programs serving adult victims of violence; perpetrators, and their children; and interested community residents. Coordinating councils engage in a variety of activities, ranging from organizing domestic violence awareness activities to helping determine how to allocate funding for family violence resources in the community. Some judges have expressed concerns that they are ethically constrained from participating in such efforts. These councils, however, are not designed to discuss individual cases or to ask judges to make advisory rulings. Rather, the councils address the systemic issues around serving families experiencing domestic violence.[126] Because they oversee services for families in crisis every day, judges can identify gaps in the service provision system and help the community think of ways to fill these gaps. Judges can also help the community better understand the court system and the legal and systemic issues facing families involved in the dependency system.

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125. Judge Richard Fitzgerald *et. al., Using Reasonable Efforts Determinations to Improve Systems and Case Practice in Cases Involving Family Violence and Child Maltreatment*, 54 Juv. & Fam. Ct. J. 104 (2003).
126. The Family Violence Department of the NCJFCJ has compiled a packet of information that addresses these concerns. *See* Family Violence Department, *Judicial Ethics: Considerations for Judicial Involvement in Community Response Efforts to End Domestic Violence.*

Demystifying the courts can help build community faith in the integrity of the dependency system and overcome community mistrust of the courts working with families experiencing domestic violence.

Judges have been active participants in projects seeking to improve the dependency system's handling of cases involving domestic violence. These projects, often known as "*Greenbook*" efforts,[127] engage courts, agencies, domestic violence service providers, and others in thinking about how systems change can lead to better outcomes for families experiencing domestic violence. Judges have been leaders in these projects.

Judges can also bring pressure to bear by the rulings they make on reasonable efforts. When agencies fail to provide appropriate services, judges should not hesitate to inform them that their efforts are lacking. Judges can send this message by making no reasonable efforts findings or by giving agencies notice of judges' intentions to make such findings if agencies are unable to locate and provide such services within a specified period of time.[128] Judges with knowledge of their communities can then encourage agencies to partner with others in the community who can provide the resources that the agency cannot—resources such as batterer intervention programs, supervised visitation programs, domestic violence legal advocacy, or community-based programs for children exposed to domestic violence.

Judges and courts do not exist in a vacuum, and the community context is particularly important in cases involving family violence. Judges must be engaged with their communities to ensure that they are aware of available services and to increase the pool of services for the families coming into their courts. Judges should open their courts to communities to help them understand how the courts operate, including the constraints on the courts. Judges can use the reasonable efforts determination as a starting point for these endeavors.

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127. In 1999, the National Council of Juvenile and Family Court Judges (NCJFCJ) published *Effective Interventions in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice*. This publication, commonly referred to as the "*Greenbook*" due to its green cover, provides guidance for child welfare, domestic violence service providers, and family courts to work together more effectively to serve families experiencing violence. From 2000-2007, the United States Departments of Health and Human Services and Justice, funded six demonstration sites across the country. The demonstration sites joined battered women's organizations, child protection agencies, the courts, and other partners in implementing the *Greenbook's* recommendations. NCJFCJ, Family Violence Prevention Fund, and the American Public Humane Association provided technical assistance to the sites. Every local site was evaluated individually, and a comprehensive national evaluation was conducted at the completion of the initiative. To learn more about the *Greenbook* Initiative, please visit http://thegreenbook.ncjfcj.org.
128. Judge Leonard Edwards used this strategy in a letter to the Department of Family and Children's Services in Santa Clara County, California. Judge Edwards informed the Department of the reasons for several judicial officers' no reasonable efforts findings, advised the Department of the ramifications of such findings, and offered to help the Department in its advocacy with the local Board of Supervisors for funds to make needed services available. NCJFCJ *supra* note 109, at 167-68.

Conclusion

Dependency court judges face a tremendous responsibility in cases involving domestic violence. They must be concerned with keeping children safe, first and foremost, but also with establishing safety for the adult victim and the child, with holding the perpetrator accountable for his actions in a way that promotes child safety, and with monitoring the agency's efforts to prevent removal of children, to reunify children and families, and to promote children's permanency. Judges can use these reasonable efforts findings as vehicles for reinforcing agency best practices in dependency cases involving domestic violence and improving service provisions to children, the adult victims, and perpetrators. Ensuring that reasonable efforts have been made in domestic violence cases will mean better agency practice as well as better outcomes for families experiencing domestic violence—in the hopes that those families will be able to live violence-free lives once their interaction with the court has ended.

Please refer to the checklists located in the back-cover pocket of this document for a quick reference of the document and further guidance on making reasonable efforts determinations in domestic violence cases.

Notes

Notes

Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence

NCJFCJ

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

est. 1937

National Council of Juvenile and Family Court Judges
University of Nevada, Reno
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(775) 784-6012 • FAX (775) 784-6160 • (800) 527-3223
www.ncjfcj.org

THURSDAY – JUNE 3, 2010

9:30 am – 10:45 **Workshop Session I**

I.K.

target audience:
all

Recent Advances in Reducing Disproportionate Minority Contact in California's Juvenile Justice System

The presentation will provide a foundation for understanding the federal, state and local objectives in reducing youth of color coming into contact with all aspects of the juvenile justice system (or Disproportionate Minority Contact [DMC]). The workshop will outline the fundamental tools to assist with implementing a multifaceted approach to reducing DMC from the state level, and providing incentives for local jurisdiction involvement. Also included are examples of the intersection of other reform efforts and a showcase of the operational aspects at the local level through the support of San Diego County's local DMC reduction efforts.

Learning Objectives:

- Identify federal objectives in reducing DMC.
- Understand California's three guiding principles in reducing DMC.
- Become familiar with California's multifaceted approach to DMC reduction.

Faculty:

- **Sandra McBrayer**
  Chief Executive Officer, The Children's Initiative, Chair of the State Advisory Group, and Chair of the DMC Committee
- **Shalinee Hunter**
  Field Representative and DMC Coordinator, Corrections Standards Authority

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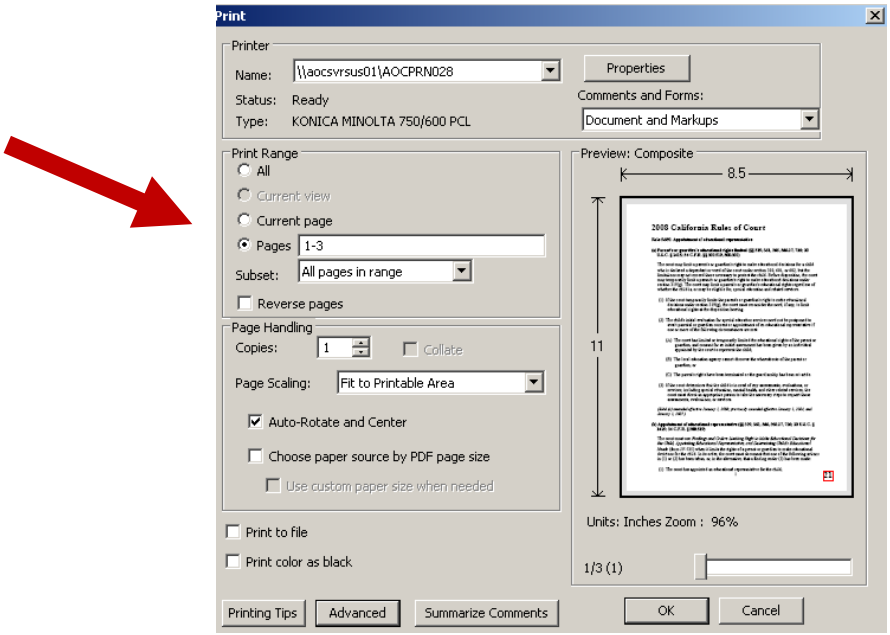


Corrections Standards Authority

Welcome

California's Multi-Faceted Approach to DMC Reduction

Corrections Standards Authority

Presenters:

- Sandra McBrayer, State Advisory Committee Chair;
- Shalinee Hunter, CSA Field Representative and DMC Coordinator

Disproportionate Minority Contact

Office of Juvenile Justice and Delinquency Prevention Leadership

- Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974
- OJJDP DMC Initiative (1992)
  - Relative Rate Index

Disproportionate Minority Contact

DMC Reduction Models

- Annie E. Casey
  - Juvenile Detention Alternatives Initiative
  - Building Blocks for Youth Initiative
- Burns Institute

Disproportionate Minority Contact

OJJDP Five-Step Research Model

- Identification
- Assessment
- Intervention
- Evaluation
- Monitoring

Disproportionate Minority Contact

"California's approach "is a forward-thinking formula" – W. Haywood Burns:

1. Focus dollars in amounts that will provide support for change;
2. Delineate expectation for disparity/disproportionality reductions; and
3. Provide intense technical assistance to jurisdictions aimed at measurable results.

Disproportionate Minority Contact

Guiding Principles and Model Behavior

1. Partner with local jurisdictions
2. Enhance knowledge
3. Ensure progress

Disproportionate Minority Contact

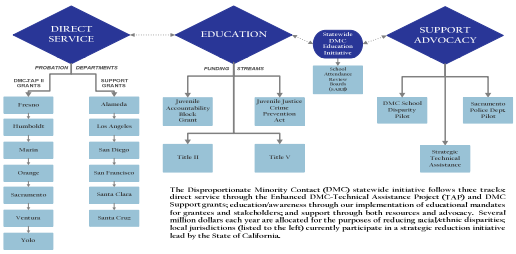
Multi-faceted Approach

1. Direct Service
2. Education
3. Support and Advocacy

$3 million annually

Disproportionate Minority Contact

California's Multi-Faceted Disparity/Disproportionality Reduction Approach



The Disproportionate Minority Contact (DMC) statewide initiative follows three tracks: direct service through the Enhanced DMC-Technical Assistance Project (TAP) and DMC Support grants; education/awareness through our implementation of educational mandates for grantees and stakeholders; and support through both resources and advocacy. Several million dollars each year are allocated for the purposes of reducing racial/ethnic disparities; local jurisdictions (listed to the left) currently participate in a strategic reduction initiative lead by the State of California.

Disproportionate Minority Contact

DIRECT SERVICE: THREE - PHASED APPROACH

1. Infrastructure (identification, analysis, education, etc.)
2. Collaboration (bringing in the Stakeholders)
3. Implementation (Reduction activities)

Build local capacity by funding department DMC coordinator And DMC Expertise

Disproportionate Minority Contact

COMMON ELEMENTS

- Enhance DMC case management and data points;
- Provide cultural competency training in addition to DMC training and as one intervention of the DMC Initiative;
- Enhance number and quality of both diversion and alternatives to detention in direct response to the data - strategically;

Disproportionate Minority Contact

COMMON ELEMENTS CONTINUED

- Enhance communication between probation, governmental stakeholders and community;
- Enhance Leadership

DISPROPORTIONATE MINORITY CONTACT

Enhanced DMC - TAP grant in vastly different and highly diverse jurisdictions: San Diego

California's Efforts

- CSA –
- Focused funding
- Provided widespread training
- Developed a response guided by the local constituents
- Started with a pilot project that is now a multi-faceted approach that continues to evolve as knew information is learned.

History of San Diego's Efforts

- DMC Committee formed in 2000
- Phase One: Identification
- Phase Two: Assessment
- Phase Three: Intervention (Reduction Plan)
- Current funding from Corrections Standards Authority

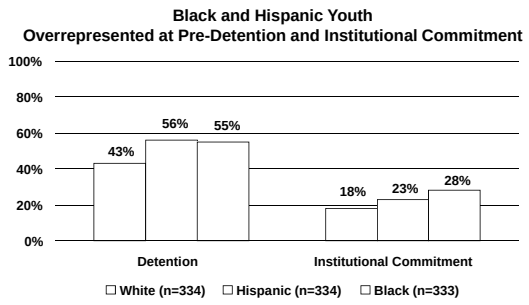
DMC Study Design

- Random selection of 1,001 juvenile probation cases that had a sustained petition in 2005
- Interviews and focus group with juvenile justice professionals
- Analyses (i.e., bi-variate and multi-variate) of over 200 background variables

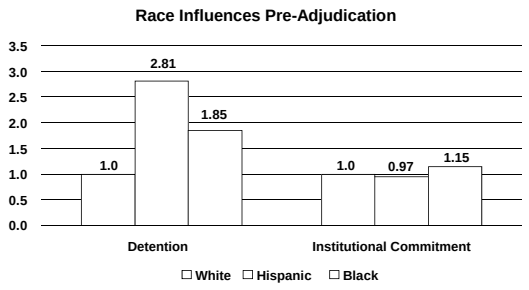
Analyses Plan

- Examination of two juvenile justice decision-making points:
  - Pre-adjudication Detention (following arrest)
  - Institutional Commitment
- Five areas of interest:
  - Current offense
  - Prior delinquent behavior
  - Family background
  - Youth characteristics
  - Adverse childhood experiences

Results



Results



Common Tenets of Why DMC Exists

- Differential Treatment
  (i.e., inequitable treatment)
- Differential Involvement
  (i.e., different offending patterns)
- Accumulation Effect
  (i.e., snowball effect once a youth enters the system)

Non-Legal Factors Influencing Pre-Adjudication Detainment

- Race (Hispanic or Black)
- Not living with either biological parent
- Living with a parent or step-parent
- Single parent
- DSM-IV diagnosis

Non-Legal Factors Influencing Pre-Adjudication Detainment

- Alcohol and drug issues
- Victim in the home
- Gang involvement
- Habitually truant

Legal Factors Influencing Pre-Adjudication Detainment

- Receipt of a prior institutional commitment
- Felony level sustained petition (current offense)
- Violent level sustained petition (current offense)
- Number of prior sustained petitions
- Age at first arrest

Non-Legal Factors Influencing Institutional Commitment

- Living with parent and step-parent
- Habitually truant
- Ever expelled from school
- Gang involvement

Legal Factors Influencing Institutional Commitment

- Violent sustained petition (current offense)
- Felony level sustained petition (current offense)
- Ever received a prior institutional commitment
- Ever received a prior detention
- Number of prior sustained petitions

Racial/Ethnic Differences Exist Among the Youth

- Black youth were more likely to:
  - Live with a single parent or no biological parent at all
  - Live in households that received public assistance or did not have a parent employed full-time
  - Have an out-of-home placement
  - Have a more extensive history of involvement in the juvenile justice system
  - Live in distressed neighborhoods (e.g., lower socioeconomics, higher violent crime rate)

Racial/Ethnic Differences Exist Among the Youth

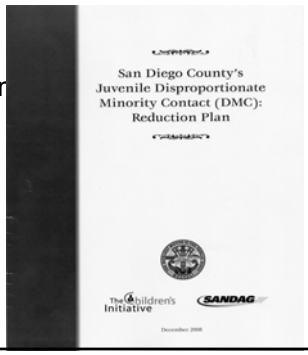
- Hispanic youth were more likely to:
  - Living with single parent
  - Be habitually truant or not attending a traditional school
  - Have a more extensive history of involvement in the juvenile justice system
  - Live in distressed neighborhoods (e.g., lower socioeconomics, higher violent crime rate)

Racial/Ethnic Differences Exist Among the Youth

- White youth were more likely to:
  - Have a history of alcohol or drug use
  - Have a DSM-IV diagnosis, and received a psychological evaluation
  - Have had a residential treatment placement (RTF)
  - Have had a documented incident of child abuse (e.g., emotional, neglect, physical, or sexual)

DMC REDUCTION PLAN

- DMC Recommendations were:
  - Research Driven
  - Developed Collaboratively
  - Vetted to the Stakeholders



DMC Recommendations: Pre-Adjudication

- Examine the detention intake process
- Explore appropriate alternatives to detention
- Strengthen and expand the involvement of stakeholders in the DMC reduction process

DMC Recommendations: Institutional Commitment

- Address the pathways to delinquency and enhance prevention services
- Adhere to recommended probation-to-client caseload ratio
- Improve family access to the Juvenile Justice System

DMC Recommendations: Systemic

- Ensure cultural competency
- Improve communication between the juvenile justice partners
- Examine the application of the risk and resiliency assessment tool
- Identify what works
- Institute ongoing monitoring and evaluation of DMC efforts

San Diego County DMC Reduction Efforts

Presented by:

The Children's Initiative

Sandra McBrayer
CEO
Children's Initiative

SANDAG

Sandy Keaton
Sr. Research
Analyst SANDAG