

**THE  
LONG ROAD/  
ONE YEAR  
HOME  
SYMPOSIUM**

**PROCEEDINGS**

Held July 20, 2011  
The Children's Center  
New York, NY

ISSUED NOVEMBER 2011





**CHILDREN'S RIGHTS**

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In addition, we thank the members of the Symposium discussion panel and the facilitators of the breakout sessions. Their names and affiliations are listed below in the body of these proceedings.

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Marcia Robinson Lowry  
Executive Director



William Meezan  
Director of Policy and Research



## EXECUTIVE SUMMARY

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The Children's Rights report, *The Long Road Home: A Study of Children Stranded in New York City Foster Care*,<sup>1</sup> published in 2009, focused attention on the plight of children spending years in foster care. Shortly after the release of *The Long Road Home*, the New York City Administration for Children's Services (ACS) developed the "One Year Home" campaign, which aims to achieve permanency for children within one year of entering foster care. The New York City Family Court also initiated reforms collectively known as The Child Protective Plan at about the same time.

On July 20, 2011, Children's Rights and ACS co-sponsored The Long Road/One Year Home Symposium at the ACS Children's Center. At the Symposium, critical players involved in New York City's foster care system were invited to review data regarding permanency to see if progress had been made, look at the efforts to reduce long stays in foster care, celebrate successes, identify areas that need improvement, and collectively develop plans to strengthen efforts to better serve New York City's foster children. The Symposium identified numerous actions needed to ensure that children in foster care move into safe, loving, and permanent homes as quickly as possible.

The Symposium started by focusing on changes that have occurred in New York City's child welfare system and Family Court over the past several years. In 2011, fewer than 15,000 children were in foster care on a given day — a historic low for the city. The foster care census fell by 28 percent from 2004 to 2010. In April 2011, child welfare professionals cheered the addition of 2,900 preventive service slots to the city's baseline budget.<sup>2</sup> The median time to reach fact finding after the filing of an abuse/neglect petition in the Family Court was shortened from 8.4 months in the period from July to December 2009 to 7.2 months in the period from July to November 2010. From December 2008 to December 2010, the caseload in the Family Court decreased by 16 percent.<sup>3</sup>

Despite these achievements, clearly there is much to be done to improve the situation of children in foster care in New York City. More than one third of the children in care, or 5,000-plus young people, have spent three years or longer in foster care.<sup>4</sup> When children spend this much time in care, government breaks the promise that foster care is a *temporary* stop on the path to a safe, loving, and permanent home. Long-stayers have worse outcomes than children with shorter stays in care. They are at higher risk of not being reunified with their families, of experiencing multiple placements and school changes, and of not achieving other forms of permanency, including adoption and of "aging out" of the system without needed skills and supports. And while child safety and well-being are the highest priority, the expense of foster care mounts when children spend years in care. The conclusion reached by the authors of *The Long Road Home* remains true today: in New York City, too many children are growing up in the custody of the state rather than in the care of permanent families.<sup>5</sup>

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<sup>1</sup> [http://www.childrensrights.org/wp-content/uploads/2009/11/2009-11-02\\_long\\_road\\_home\\_full\\_report\\_final.pdf](http://www.childrensrights.org/wp-content/uploads/2009/11/2009-11-02_long_road_home_full_report_final.pdf). This report is referred to herein as *The Long Road Home*.

<sup>2</sup> See "City Baselines Preventive Services Funding Following Report on Pierce Case." *New York Nonprofit Press*. April 4, 2011.

<sup>3</sup> See Children's Rights Symposium Supplemental Data Report, Figure 10. At [http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf).

<sup>4</sup> See Children's Rights Symposium presentation, Figure 5. At [http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf).

<sup>5</sup> See *The Long Road Home*, p. 2.

The discussions that took place at The Long Road/One Year Home Symposium identified numerous ways to address this problem, even in a period of fiscal retrenchment. Among the conclusions and recommendations that flowed from the Symposium were the following:

1. **There needs to be a better use of data.** Both ACS and the New York State Office of Court Administration (OCA) have made strides in sharing data, but regular, public reports on permanency and other child welfare indicators are still needed. Moreover, despite the overlap in their missions and responsibilities, ACS and OCA do not routinely share data with each other, nor do they share data in ways that are easily accessible to frontline workers and supervisory staff. Participants believed that there should be a standard set of benchmarks established within the Court, and a process by which those benchmarks are regularly reviewed for each Court part and borough. Ideally, this would create data reports designed for caseworkers and/or their supervisors, as well as joint reviews of data by senior managers at ACS and the Family Court, so each agency would better understand the challenges the other faces. Each agency would also be able to see how trends in one system impact operations in the other and develop solutions to common obstacles.
2. **There is a need to streamline the adoption process.** Participants believed that the glacial pace of adoptions is primarily attributable to case processing delays, not the substance of cases. Nationally, for the last three years for which data were available, New York State ranked at or near the bottom in the proportion of children adopted who spent at least 36 months in care.<sup>6</sup> In order to streamline the adoption process, participants believed that there is a need to a) create a fully standardized set of documents that is required by and accepted in all Court parts; b) coordinate all stages of the adoption process by establishing effective ways for the Court and ACS to communicate information about adoption cases and streamline information exchange; and c) use electronic diligent search to shorten the termination of parental rights process.
3. **We must reduce adjournments and delays in Family Court.** To speed all case processing, including adoption cases, the Family Court should: 1) allow teleconferencing for caseworkers whose presence is requested/required in Court; and 2) schedule cases in accordance with the likelihood of the case settling.
4. **Practice with families to increase reunification must be improved.** This would include: 1) increasing investments in preventive services, since providing families with the supports they need could allow many children to stay at home safely; 2) maintaining reasonable caseloads of no more than 12 children per caseworker; 3) expanding the role of parent advocates (parents who have reunified with their children after a stay in foster care and who have received training in child welfare policy, regulations, and law) to facilitate engagement with services, identify family resources, and help to negotiate delicate issues around surrenders and terminations of parental rights.

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<sup>6</sup> See <http://cwoutcomes.acf.hhs.gov/data>, Outcome 5.1, which reports the proportion of adopted children who spent at least 36 months in care by each of the 50 states, Puerto Rico and the District of Columbia. The three most recent Federal Fiscal Years for which data are available are 2007, 2008 and 2009. In 2007, New York State ranked 50th of 51 jurisdictions reporting data. In 2008, the state ranked 52nd of 52 jurisdictions and in 2009, New York ranked 50th of 52 jurisdictions.

5. **Funding for child welfare services in general, and foster care in particular, must be made simpler and more flexible.** With dozens of funding streams and more than 100 different reimbursement rates, providers spend too much time and effort deciphering how to pay for the services they provide instead of working with families. Furthermore, foster care funding is often based on per-diem rates that limit strategies to speed reunification. To ensure that child welfare financing supports permanency, New York City needs to work with the state to make funding simpler and more flexible, and advocate for more flexible funding at the national level. New York City should also urge the state to adjust the method used to calculate the per-diem rates that private agencies receive for providing care to make it more consistent and less complicated. In addition, ACS should consider expanding Improved Outcomes for Children, a demonstration program that provides more flexible funding.
  
6. **The Kinship Guardianship Assistance Program should be implemented aggressively.** In many situations, relative caregivers and the children they foster feel uncomfortable with adoption. Many relative caregivers, however, need the support of foster care payments to take care of kin children. To prevent these situations from leading to long stays in foster care, New York City needs to aggressively implement the new Kinship Guardianship Assistance Program (KinGAP). KinGAP allows relative caregivers to become legal guardians of children and receive payments similar to those provided to adoptive parents. To implement KinGAP aggressively, ACS and the Family Court will need to a) provide KinGAP training for all child welfare stakeholders; and b) track and publish key indicators of the implementation of KinGAP.
  
7. **Management, communication, and collaboration must be enhanced.** ACS and the Family Court need to monitor their progress on key indicators and improve their communication regarding the processes and trends within and between their organizations. The Court and ACS depend on one another to meet their missions, yet too often act without considering the administrative or substantive impact of new procedures or developments on the other. Only by acting transparently and collaboratively can ACS, the Court and the many other professionals that make up the child welfare system fulfill the promise that government makes to children when they are removed from their families.

These recommendations are within reach. Purposefully, many of them are cost-neutral and simply require commitment, will, and inter-organizational trust and cooperation. It is our fervent hope that as many of these recommendations as possible will be adopted and implemented so that New York City's foster children and their families will be better served.



# SYMPOSIUM AGENDA

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**9:00-9:15**     **Welcome and Overview of the Day**

Children's Rights Executive Director Marcia Lowry (5 minutes)

New York City Administration for Children's Services Commissioner  
John B. Mattingly (10 minutes)

**9:15-10:30**     **Data Presentation and Discussion (30 minutes)**

Overview of the Children's Rights report *The Long Road Home* and data from ACS and  
Family Court since the report's publication

Laurie Bensky, Senior Policy Analyst, Children's Rights

**Responses and Initiatives (45 minutes)**

New York City Administration for Children's Services:

Deputy Commissioner Lorraine Stephens

Deputy Commissioner Gilbert Taylor

New York City Family Court:

Brooklyn Family Court Supervising Judge Paula Hepner

Data Specialist Virginia Gippetti

**10:30-10:45**     **Symposium Participant Questions and Observations**

**10:45-11:00**     **Break**

**11:00-12:00**     **Moderated Discussion**

Panelists:

1. Marcia Lowry— Children's Rights

2. Hon. Edwina Richardson-Mendelson— New York City Family Court Administrator

3. John Mattingly— ACS Commissioner

4. Karen Freedman— Lawyers for Children

5. Kara Frank— Bronx Defenders

6. Jeremy Kohomban— The Children's Village

7. Poul Jensen— Graham Windham

Moderator: Steve Cohen, Annie E. Casey Foundation

**12:00-12:30**     **Symposium Participant Questions and Observations**

**12:30-1:15**     **Lunch**

**1:15-2:15 Breakout Sessions**

Breakout sessions of 8-12 participants per group discussed the topics below. Each group produced one or two short-term recommendations that can be accomplished without additional resources and one longer-term recommendation that may require more resources.

**Breakout topics**

1. Using data to improve the child welfare system
2. Improving Family Court scheduling and participant preparation
3. Strengthening the Family Court's connection to service planning
4. Supporting older adolescents to achieve timely permanency
5. ACS relationship with private providers
6. Supports to child welfare workers
7. Strengthening practice with birth families
8. Expediting permanency through adoption
9. Implementing KinGAP

**2:15-2:45 Reconvene: Breakout-Session Summaries Posted and Reviewed by Participants**

**2:45-3:15 Symposium Participant Discussion: Steps Toward an Action Plan**

**3:15-4:00 Moderated Panel Discussion – Reflections From the Break-Out Groups**

(Same Moderator and Panelists as Morning Panel Discussion)

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# PROCEEDINGS

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## WELCOME AND OVERVIEW OF THE DAY

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After an introduction from the Symposium's facilitator, Steve Cohen of the Annie E. Casey Foundation, Children's Rights Executive Director Marcia Lowry welcomed Symposium participants and reminded the group of the event's purpose. Foster care is supposed to be temporary—a stop on a child's path to a safe, loving, and permanent home. Staying in State custody for long periods of time, moving frequently from one place to another and returning to care after going home all expose children to trauma and put them at risk for poor long-term outcomes. Recognizing the importance of speeding and maintaining permanence, and spurred by the Children's Rights report *The Long Road Home*, the New York City Administration for Children's Services (ACS) and the Family Court have advanced initiatives designed to shorten the length of time children spend in care and improve other critical permanency indicators.

At this Symposium, Ms. Lowry continued, those involved in New York City's foster care system will look at where we started, celebrate our successes, identify areas in which we have not made progress and that need improvement, and collectively develop plans to strengthen our efforts to better serve the children in our care. By the end of the Symposium, we hope to have identified the next steps needed to ensure children in foster care move to safe, loving, and permanent homes as quickly and safely as possible. Ms. Lowry then introduced ACS Commissioner John B. Mattingly.

Commissioner Mattingly noted that ACS is working collaboratively with all parties in the child welfare system, including the Courts, foster care provider agencies, parents and children, on behalf of system changes that will lead to more timely and stable permanency outcomes for children in foster care. He described the One Year Home campaign as one of ACS' mission-critical efforts to help improve the permanency outcomes for children who enter foster care. The development of One Year Home involved: reviewing data trends with providers and other key stakeholders; using data analysis and best practices as catalysts for change and to measure success; reviewing processes that affect time in care and permanency; identifying where existing services and protocols needed to change; and sending a consistent message that speedy but safe permanency matters throughout system.

One Year Home includes several efforts to improve family engagement, prevent entry into foster care and promote the use of family-based settings when placement occurs. In Family Court, One Year Home focuses on improving timeliness to adjudication and disposition on pending cases. This involves more rapid filing of permanency hearing reports, faster completion of TPRs and adoptions, improving caseworker appearance rates and preparedness for Court proceedings and working jointly with the Family Court to find other efficiencies in the system.

Commissioner Mattingly said that these efforts have achieved some significant results. In the last year, placements in family-based settings and with relatives have increased, as has the reunification rate. ACS also has pursued more aggressively adoption finalization for the 1,000 children in care who are legally free and in pre-adoptive homes.

Commissioner Mattingly presented data showing these and other trends. The number of children in care decreased by 28 percent from 2004 to 2010, despite an increase in child maltreatment reports since 2006. The proportion of children reunified with their families within one year rose from 34 percent in 2005 to 45 percent in 2010. The median time to fact finding decreased from 8.4 months in 2009 to 7.2 months in 2010. The number of children in care for more than two years who were subsequently adopted in the next seven months increased from 2008 to 2011.

As part of the One Year Home campaign, ACS created financial incentives for agencies to achieve permanency for children in care for two or more years. The agency is reinvesting funds saved through this effort into agencies that have had the best results in achieving permanency for this group. The agency will also invest \$30 million in new preventive funding that is now baselined into ACS's budget. The \$30 million is for a range of preventive services, including teen-focused programs, General Preventive services, Family Treatment and Rehabilitation services, and Specialized services.

Despite these gains, Commissioner Mattingly pointed out that about one-third of foster children under the age of 18 years have been in care for three or more years and that this proportion has not changed over recent years. New York City is still far from meeting the federally mandated goal of time to fact finding of between 30 days and 90 days. Although improvements in the right direction have been made, there is still a long way to go.

# DATA PRESENTATION AND DISCUSSION

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## Overview of *The Long Road Home* and data from ACS and Family Court since the report's publication

Laurie Bensky, Senior Policy Analyst, Children's Rights

### Responses and Initiatives

New York City Administration for Children's Services

Deputy Commissioner **Lorraine Stephens**

Deputy Commissioner **Gilbert Taylor**

New York City Family Court

Brooklyn Family Court Supervising Judge **Paula Hepner**

Data Specialist **Virginia Gippetti**

### MS. BENSKY

Laurie Bensky, Senior Policy Analyst with Children's Rights, presented data related to children in the New York City foster care system, the One Year Home campaign, and Family Court practice, which were provided to her by ACS and the Family Court. Ms. Bensky noted that the presentation was designed to identify trends and show patterns, not to argue a position or support any specific plan for reform. The data presented at the Symposium and additional data are available on the Children's Rights website.<sup>7</sup> Readers are strongly encouraged to review the data to fully understand these proceedings.

Ms. Bensky highlighted the following points: The ACS data shows that the foster care census decreased by 28 percent from 2004 to 2010. However, more than one third of the children (38 percent) have been in care for three or more years. The most recent data indicates that 45 percent of children entering foster care were reunified with their families within one year of placement and that four percent were adopted within three years. Data from the Family Court shows decreasing caseloads for child protective judges and increasing caseloads for referees. However, the median time from filing an Article 10 (child abuse/neglect) petition to reaching a disposition continues to be lengthy at 10 months.<sup>8</sup>

In addition, children with a permanency goal of adoption have an especially high chance of experiencing long stays in foster care. For children placed in 2004, the median time from placement to adoption finalization was 53 months, or almost 4.5 years. This time to adoption is not driven by any one Court process; rather each of the steps involved in adoption is lengthy. The median length of time from filing a termination of parental rights petition (TPR) to completing a disposition is 14 months. Of the 1,865 children in care for at least 15 of the last 22 months as of February 2011, the time between filing a TPR petition and freeing exceeded two years for 36 percent, or 678 children.<sup>9</sup> Of all legally freed children in care for at least 15 of the last 22 months<sup>10</sup> as of February 2011, the time between placement and freeing was *four or more years* for 44 percent, and *seven or more years* for 13 percent of this group.<sup>11</sup>

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<sup>7</sup> [http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf).

<sup>8</sup> See Children's Rights Symposium presentation, Figures 4, 20 and 22. At [http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf).

<sup>9</sup> See Children's Rights Symposium presentation, Figures 14. At [http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrensrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf).

<sup>10</sup> The time frame "15 of 22 months" refers to a timeframe established by the federal Adoption and Safe Families Act of 1997 (PL 105-89). ASFA mandates that child welfare authorities must file a termination of parental rights (TPR) petition for any child in care for 15 months of any 22 month period, or identify in Court a compelling reason why a TPR petition is not in the child's best interest.

<sup>11</sup> Children's Rights Symposium presentation, slide 15.

Ms. Bensky's presentation concluded with three points. First, the One Year Home campaign has not reduced the proportion of children who spend three or more years in foster care. Second, the time to move cases through Family Court Article 10 and TPR processes remains very long. Finally, the data raises the question of how leaders in the child welfare system can work together to make sure that children no longer spend years in foster care.

## **MS. STEPHENS**

Lorraine Stephens, Deputy Commissioner for Family Permanency Services, then described several ACS initiatives aimed at improving permanency results. After noting the improvements highlighted by Commissioner Mattingly, Ms. Stephens focused on the conferencing and meeting practices ACS has implemented. ACS has employed Family Team Conferencing, a method for working with families on child-safety, well-being and permanency issues by convening networks of family members and community supporters to address these issues at critical points in each case. In addition, ACS conducts Child Safety Conferences, where safety decisions are made and refined, service plans are made and reviewed and decisions concerning the permanency goals for children are discussed with families and their supporters. Ms. Stephens indicated that more than 1,000 Child Safety Conferences have taken place since January 2011.

In addition, ACS is working on ways to better align the agency's foster care resources with children's permanency goals when placement is necessary. ACS aims to make as many initial placements as possible with family members or caring adults already known by children. With provider agencies, ACS has re-vamped foster parent recruitment efforts so that foster homes are better suited to the needs of children entering foster care. Widening networks of potential foster families and more targeted advertising have produced a stronger pool of foster care providers. More information for foster and adoptive parents is now available electronically, furthering recruitment efforts and making the process more efficient.

Ms. Stephens also described the challenges that remain: 1) more needs to be done to recruit potential foster families in the communities where children live so that they may be placed in familiar settings; 2) because the termination of parental rights process takes so long, ACS and providers need to improve the ways in which foster care staff and Court actors talk to parents about surrendering their rights; 3) ACS needs to improve family engagement, both when children enter foster care and after children reunify with their families; 4) reducing the number of placement moves for children in care and achieving permanency for older adolescents; and 5) ACS, in partnership with the Family Court, needs to reduce time frames in the adoption process. Reductions in medical coverage, substance abuse treatment, and other services are additional challenges, as reunification depends on their availability in many instances.

To meet these challenges ACS is taking a number of steps including: 1) renewing efforts to support placement stability and strengthen decision making through family team conferencing; 2) engaging in enhanced performance evaluations using more refined data analyses and providing targeted technical assistance to ameliorate performance issues; 3) developing more formal practice guidelines; and 4) implementing alternative permanency options, such as the kinship guardianship program, which should be especially helpful for moving older teens to permanency.

## **MR. TAYLOR**

Gilbert Taylor, Deputy Commissioner for Family Court Legal Services (FCLS), discussed ACS's One Year Home efforts to move cases through the Family Court more expeditiously. Mr. Taylor noted that there are several barriers to resolving cases quickly, and noted that One Year Home consists of several strategies, each designed to speed the processing of child maltreatment cases. For example, One Year Home attempts to pursue more aggressively expedited Court case processing on newly filed cases involving children who are placed in foster care. In an effort to accomplish this, ACS now requests

expedited trial and disposition dates on newly filed abuse and removal cases in Family Court with the goal of a trial within 60 days and disposition within 90 days. Furthermore, FCLS has reissued and refined internal policy guidance related to settling Court cases and is training ACS attorneys on best practices for quickly moving cases through the Court system to permanency. FCLS is also a participant in the Family Court's Child Protective Plan and in the ACS Family Team Conference continuum.<sup>12</sup>

Mr. Taylor reviewed some data that showed Court filings and processing times have declined from 2007-2010; however, child welfare cases still take a very long time to move through the Court process.<sup>13</sup> The split between remand and supervision cases has remained steady; Mr. Taylor noted that FCLS consistently files more supervision cases than removal cases citywide.

To reduce the time needed to achieve permanency, Mr. Taylor said that FCLS aims to reconfigure the business process in each Court unit to ensure that FCLS attorneys will be available to proceed on all cases without delay. This builds on the model that has been in place in Queens Family Court for many years, where ACS attorneys and attorneys representing children are dedicated to individual judges. Mr. Taylor also talked about other internal steps and measures that have been taken by ACS to move cases more quickly through the NYC Family Courts.

## JUDGE HEPNER

The Honorable Paula Hepner, Supervising Judge for the Brooklyn Family Court, described efforts in the Family Court designed to reduce caseloads, improve procedures and increase resources. She described the NYC Family Court's Child Protective Plan, which was implemented in the summer of 2009. The Plan brought uniformity to the processing of child protective cases throughout the five boroughs through the utilization of mandatory case conferencing, the structuring of appearances with a time certain to begin and conclude, and a reduction in the number of adjournments. The Plan also explicates a commitment to improving time to fact finding and time to disposition. In addition, the Court has supported expanding the use of institutional providers of legal representation for parents and developed a guide for jurists in utilizing a system of graduated sanctions to achieve agency compliance with Court orders. Many of these improvements are consistent with recommendations from *The Long Road Home*.<sup>14</sup>

Judge Hepner said that these and other initiatives aim to make every Court appearance meaningful for children, youth and families, which is consistent with the Symposium's focus on achieving permanency quickly and reducing the length of stay in foster care. She noted that to make Court appearances meaningful, calendar management must be improved and there needs to be training for jurists in the variety of techniques, such as block scheduling and other refinements, which would reduce delays and adjournments. Judge Hepner noted that she disagreed with *The Long Road Home's* recommendation to enact mandatory time frames for Article 10 and termination of parental rights cases.<sup>15</sup> Rather, she urged continued study of the types of child protective cases that the Court handles to assess what realistic timeframes for particular types of cases would look like, and that mandatory time frames reflect these case differences.

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<sup>12</sup> Judge Hepner and Ms. Gippetti describe the Child Protective Plan in their comments. Mr. Taylor's reference to ACS's Family Team Conference continuum refers to meetings that include child welfare staff, family members, and other community members of the family's choosing, and which are held at specified intervals and at critical decision points throughout a case. Family Team Conferences aim to arrive at a consensus decision regarding plans that will promote the safety and best interest of the child and the family.

<sup>13</sup> Mr. Taylor noted that children still have relationships with the courts that last too long.

<sup>14</sup> See *The Long Road Home*, pp.19-22.

<sup>15</sup> See *The Long Road Home*, p.19.

Judge Hepner then described some of the findings from *The Long Road Home* report that pertained to the Family Court. The recommendations included: improving Family Court processes and accountability by providing public reports on key measures; greater application of use orders and sanctions to achieve agency compliance; adding more judgeships; enacting mandatory time frames for Article 10 and termination of parental rights cases; implementing time-certain hearings, continuous trials and Court conferencing; and expanding the use of institutional providers of legal representation for parents.<sup>16</sup> She noted that while many of these recommendations aligned with many of the goals of the Family Court's Child Protective Plan, without additional judges some of these goals would be difficult to achieve.

In addition, Judge Hepner said that case conferences should focus on developing clear expectations for everyone involved in a case and ensure that all participants understand the specific recommendations being considered by the Court. Furthermore, she advocated for increasing the use of technology to improve Court practices and decisions. She ended her remarks by noting that the Family Court needs to continue to monitor and publish its progress, especially around the timing of child protection and termination of parental rights proceedings.

### **MS. GIPPETTI**

Ms. Gippetti began by noting that because of the size of the system and the number of agencies involved, change to promote speedier permanency is like moving the Titanic and not a "quick fix" for either ACS or the Family Court. At the same time, the Court has made progress in implementing the Child Protective Plan and recommendations from *The Long Road Home*. Conferencing parts have been identified and equipped, Court attorneys have been trained in conferencing procedures and forms have been developed and are used to track and monitor conferences. The Court has also redesigned the role of case coordinators to free up Court time.<sup>17</sup>

The Court has also increased its use of data and research. New data metrics for performance measurement have been identified and will soon be implemented. Before the implementation of the Child Protection Plan, the Court conducted various studies to develop baseline information about the state of practice and this information will be used to measure progress. Several of the study reports have been distributed, including the Time Card Study, the Conferencing Report, and the Blueprint for Change. In addition, each county Court sent a team of representatives to the Ready, Set, Go Conference, which was co-sponsored in March 2010 by the Child Welfare Court Improvement Project and the Office of Children and Family Services and focused on planning for the implementation of the Child Protection Plan's Shared Goals and Action Steps.

Ms. Gippetti stated that the majority of cases are now scheduled for time-certain beginnings and endings. The Court developed, tested and implemented electronic attorney check-in and has now made it mandatory. It has also established citywide Child Protective and TPR/Adoption Committees, which report to the Family Court Advisory Council of the Administrative Judge and explore next steps needed to improve time to adoption and strategies to address family engagement, as well as other issues. Each county has a local Child Protective Plan Implementation Committee that reviews the progress made and the barriers to bringing the Plan into practice on a local level.

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<sup>16</sup> See *The Long Road Home*, pp.19-22.

<sup>17</sup> Case coordinators assist judges with scheduling adjournments, determining the status of cases in advance of the court date, ensuring that necessary reports are filed in a timely fashion, confirming the availability of the attorneys and other necessary parties to the litigation, and providing general support to the judge. See *2010 Plan for the Future of the New York City Family Court*. New York: New York State Unified Court System, p. 4, available at <http://www.nycourts.gov/courts/nyc/family/Plan-4-NYC-Family-Ct-Jan2010.pdf>.

Ms. Gippetti said that data indicates these efforts are showing results: dispositions now exceed filings, which means more Article 10 cases are closing than opening; pending caseloads of judges—i.e. cases with open dispositions—have decreased by 13 percent between 2009 and 2011; the number of case conferences increased while the number of calendared Court appearances decreased from 2009 to 2010; the proportion of cases reaching fact finding at six months rose steadily from 29 percent in the first quarter of 2008 to 41 percent in the third quarter of 2010 (the last quarter for which data is available); more cases are reaching disposition earlier; and overall time to disposition is decreasing.

She also noted that time to disposition is particularly sensitive to the volume of filings. When neglect filings doubled in 2006, the time to disposition quickly increased from 8 months to 11 months. To provide some relief, the Court made the difficult choice to reallocate judges to the Child Protective Specialty, at the expense of other specialties.

Ms. Gippetti said the Court has several initiatives in place designed to improve upon these positive trends. One county is experimenting with an “Emergency Court Part” to minimize daily calendar disruptions. Another has an “Adolescent Transition Part” to engage older youth in their permanency hearings and to prepare them for their transition out of foster care. The Family Court is part of a city-wide initiative that focuses on addressing issues related to disproportionate minority representation in the child welfare system.

Ms. Gippetti concluded by highlighting a joint project between ACS and the Family Court, conducted through the Vera Institute of Justice, to review the case processing flow from intake to permanency in two counties. That initiative will soon make recommendations related to Court scheduling, serving notice of Court hearings to caregivers, and adoption timelines.



## MODERATED DISCUSSION (MORNING)

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After a short break, Mr. Cohen convened the following discussion panel:

**Marcia Lowry**, Executive Director, Children's Rights

**John Mattingly**, Commissioner, New York City Administration for Children's Services

**Hon. Edwina Richardson-Mendelson**, Administrative Judge, New York City Family Court

**Kara Finck**, Managing Attorney, Family Defense Practice, Bronx Defenders

**Karen Freedman**, Executive Director, Lawyers for Children

**Poul Jensen**, President and Chief Executive Officer, Graham Windham

**Jeremy Kohomban**, President and Chief Executive Officer, The Children's Village

Mr. Cohen began by asking the panelists to remark on information from the preceding presentations that they found interesting or surprising. The panelists agreed that achieving permanency more quickly is a broadly shared goal, that focusing a Symposium on permanency is worthwhile and that all participants in the system should have a sense of urgency to move children quickly to safe and permanent homes. Panelists also remarked on the decline in the number of children in foster care. Their comments, which reflect their understanding of the issues and their perspectives on them, follow.

### MS. FREEDMAN

Ms. Freedman believes that there continues to be a serious lack of resources across the board with crushing caseloads for judges, FCLS attorneys, children's attorneys, and front line agency caseworkers. While acknowledging that this cannot stop us from trying to improve the quality of service provided, she stated that at some point the lack of resources will impede further progress. Moreover, she noted that an imbalance in resource distribution will cause problems. For example, if ACS caseloads decrease but resources are cut to agencies, ground will be lost; if Court caseloads decrease but caseloads for attorneys stay the same, ground will be lost; if congregate care facilities are closed before there is an increase in foster home resources, ground will be lost. While incremental improvements are being made in some areas, a stark reminder of our lack of overall progress is reflected in the data showing the percentage of children who return to care after discharge. This one statistic highlights what happens when society fails to devote sufficient economic and intellectual resources to legal and social services throughout the child welfare system—to the Courts, preventive services, foster care services, and after care services.

Ms. Freedman added that the data are not as encouraging as many seem to believe; a one- or two-percent change does not say much about children's experiences in foster care. For example, the data on length of stay does not tell the relevant story for older youth with a goal of Another Planned Permanent Living Arrangement (APPLA). These youth may be better served by remaining in care as long as possible. For youth aging out and other children in care, there is an opportunity to achieve greater success by increasing their engagement in planning. An example of this can be found in the new Transition Planning Court in Manhattan, which conducts permanency hearings for youth with a goal of APPLA. This part has already driven up the number of youth participating in their own proceedings and, by consistently making "no reasonable efforts" findings when an agency fails to serve a youth, the part is raising the quality of front line service for APPLA youth.

**MS. FINCK**

Ms. Finck asserted that the way the system works alienates parents. Too often, decisions about children and families are made without parental input and without the knowledge that parents bring to the table. If people throughout the child welfare system listened more to parents and worked more closely with them to ensure that they had a real role in the decisions made about their children, children would achieve permanency more quickly. She added that Court orders do not lead to greater engagement; positive engagement comes from good front line practice.

She also urged participants not to prefer speed to sound decision-making. There are many challenging family situations that take time to address, especially when access to services is an issue. Sometimes workers, families, and the Court have trouble agreeing on a reasonable plan because the issues involved are challenging. Sometimes it takes longer to work out a plan that will work for a family, but pushing children into the adoption track too quickly will lead to more children staying in foster care for long periods, not less.

**MS. LOWRY**

Ms. Lowry also noted that the road to adoption is often long and difficult. By the time many children are legally free and able to be adopted, they have been in the child welfare system for many years. Speeding this process, when it is necessary, should be a priority. She suggested that the current length of the adoption process for so many children should spur us all to make every effort to locate kinship caregivers for children. Being with family members feels much more like permanency for many children and youth, even when adoptions or guardianships have not been finalized.

Ms. Lowry commented that she was struck by the percentage of children coming back into care within one year of reunification. With eight to ten percent of children reentering care after reunification, we must understand the circumstances under which this occurs. It is also necessary to explore how greater engagement between staff and families may diminish the number of children who return to foster care.

**MR. MATTINGLY**

Mr. Mattingly said the discussion thus far had not focused on the difficulties in doing the work in the foster care system or on why many children stay in foster care for three years or more. The decline in the number of children in care offers opportunities and challenges. With fewer children in care, existing resources can be concentrated on the remaining children. At the same time, the children that remain in care often have very challenging situations that make achieving permanency difficult. On the whole, the children who are currently in care and their families have fewer resources and more significant and chronic issues than the children and families who were involved with the foster care system several years ago. While this does not lessen our obligation to find permanent homes for these children, we need to recognize that efforts will need to be redoubled to make further progress.

**DR. KOHOMBAN**

Dr. Kohomban urged Symposium participants to support funding for aftercare services. Caseworkers are reluctant to reunify children with their families when they know that after reunification families may not be provided with the assistance they may need to continue to make progress. In the absence of aftercare services, the system places caseworkers in a difficult position: keep a child in care beyond the appropriate time frame, which is not desirable, or send a child home with the knowledge that the family's condition may deteriorate, which may not become apparent outside the family for some time. Children's Village has raised private money to support some aftercare services, but it is not enough, and most other agencies do not have these funds.

Dr. Kohomban urged participants to change the language we use in our work, as the language used to define the way youth behave also defines how they will be treated. For example, he is stunned by how much medical vocabulary there is in case records. He recalled reading a file where one youth received diagnoses of conduct disorder, depression, anxiety disorder, and several other diagnoses. This type of labeling has real consequences and, often, the longer youth stay in care, the more labels they accrue, and the harder it is for the people who work at Children's Village and elsewhere to find homes for them. Mr. Kohomban pointed out that we should expect most youth to act out and feel sad and anxious when they are in foster care -- that's normal behavior for a child who has been separated from their parents and who does not know what lies ahead. He asserted that we need to start defining behavior in ways that do not punish children and youth.

## **MR. JENSEN**

Mr. Jensen indicated that, as a field, we need new and more effective ways to engage older adolescents who are a large part of the long-stayer population. We also need to stop denying the real safety issues youth face in their families, their communities and their schools. The situations that older adolescents face are very different than the situations faced by younger children in care. Many older adolescents are in communities where they are not safe and in schools that are not providing the education they need to survive independently as adults. In many circumstances, we can succeed in moving youth back to their families or to adoption, but we may not have addressed the real safety issues they face. Too often, we focus narrowly on family issues without taking the other safety concerns that young people face seriously. He urged everyone to work on improving safety for youth.

Mr. Jensen also noted that we need to do a better job of identifying the problems this population faces and work with the youth and their parents to develop and implement appropriate solutions. We should not give up on the families of older youth as these youth may still be reunified. We should also not give up on adoption for older youth because they can be adopted. Mr. Jensen asserted that only by taking a realistic approach to the problems that youth face can we give them the hope that their lives will improve.

## **JUDGE RICHARDSON-MENDELSON**

Judge Richardson-Mendelson said that she agreed with the ideas expressed by the other panelists. Too many children stay in care too long and processes throughout the child welfare system take longer than they should. Everyone wants the numbers to improve, but if there are no increases in judges and no way to finance all of the mandates, changes are likely to be modest. In addition, judges need more supports and resources to make the best decisions possible.

Within this context, however, Judge Richardson-Mendelson noted that the Family Court will continue to work hard to carry out its Child Protective Plan. Judges and other Court staff meet frequently to assess how to make the system more efficient and effective. Judge Richardson-Mendelson also said there is a constant focus on making sure Court intervention is necessary in each case that is brought before the Court and to examine what is working and what is not on every case.

### ***Concluding Remarks***

Mr. Cohen asked the participants if they had some final words before the lunch break.

Dr. Kohomban said that we should not leave the conversation before acknowledging that almost all children in foster care served through ACS are black and Latino. This disproportionate number of minority children in foster care has been present for many years and has not shown any signs of changing.



## BREAKOUT SESSIONS<sup>18</sup>

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Facilitators of each breakout session charged their groups with a common task: to identify three ideas that would improve performance in the topic area and thereby reduce the number of long stayers in the foster care system.<sup>19</sup> Of the three ideas, two needed to be able to be implemented with few or no additional resources and within a short time span. Implementation of the third idea could extend over a longer period of time and might require additional resources when and if they became available.

Facilitators reminded the group that the purpose of the Symposium was to create an *action plan* for improving performance. As such, ideas needed to be grounded in the reality in which the system exists. More aspirational ideas that might require system restructuring or the infusion of substantial financial resources, while valuable in other forums, were discouraged. Facilitators suggested that shorter-term ideas might include practice or policy changes or ways to improve the flow of information. Longer-term ideas might include a demonstration program, capital investments or new services. In selecting ideas, group members were encouraged to think about impact, cost-effectiveness and the likelihood that the idea would receive needed political, financial and other supports.

The three ideas selected by each group were recorded on flip-chart paper. Once the breakout sessions concluded, all of the flip charts were displayed in the auditorium, and Symposium participants spent 30 minutes reviewing the recorded ideas and asking questions of the facilitators and other members of the breakout sessions. Note takers were assigned to each session, and their notes form the basis of the summaries below. The respective facilitators of each session were given the opportunity to review the summaries for accuracy.

### BREAKOUT TOPICS

1. Using data to improve the child welfare system
2. Improving Family Court scheduling and participant preparation
3. Strengthening the Family Court's connection to service planning
4. Supporting older adolescents to achieve timely permanency
5. ACS relationship with private providers
6. Supports to child welfare workers
7. Strengthening practice with birth families
8. Expediting permanency through adoption
9. Implementing KinGAP

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<sup>18</sup> The content and recommendations that are reported for each of the breakout sessions represent the understandings, views, and recommendations of those who participated in that session but not necessarily the views of the Symposium sponsors or other organizations or people at the Symposium.

<sup>19</sup> Each facilitator received a script to guide the breakout sessions.



# USING DATA TO IMPROVE THE CHILD WELFARE SYSTEM

**Facilitator:** Judith Meltzer

**Session members:** Linda Bryant, Virginia Gippetti, Hon. Douglas Hoffman, Jeremy Kohomban, Tim Ross, Dawn Saffayeh, Sarah Workman, Frank Woods

*Why a breakout session on using data to improve the child welfare system?*

Until recently, administrators of child welfare agencies and Family Courts were often forced to make decisions with limited information. In the past two decades, government at all levels has invested billions of dollars in information technology, which has made a wealth of data available to guide management and decision making. Agencies and Courts now have the opportunity to learn much more about the many issues related to long stayers in foster care, to establish benchmarks for performance and to hold themselves accountable for outcomes.

*The Long Road Home* included a recommendation that both ACS and the New York State Office of Court Administration (OCA) “develop and issue periodic public reports on key measures of the permanency process.”<sup>20</sup> Both ACS and OCA have made strides in sharing data, but regular, public reports on permanency and other child welfare indicators are still needed. Moreover, despite the overlap in their missions and responsibilities, ACS and OCA do not routinely share data with each other, nor do they report data in ways that are easily accessible to frontline workers and supervisory staff.

## THREE IDEAS FOR USING DATA TO IMPROVE THE CHILD WELFARE SYSTEM

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

#### *Idea 1: Implement “CourtStat”*

Modeled on the New York Police Department’s “CompStat,” ACS instituted ChildStat in July 2006. ChildStat consists of two components: large meetings where executives and senior managers review aggregate indicators with supervisors and managers; and 2) discussions of individual cases with the supervisors and workers. Throughout the process, agency executives question the supervisors and managers, celebrate successes, and note areas for improvement. The review of a standard set of data and structured case analyses have connected managers to the front lines of practice and provided teaching, learning and oversight opportunities. ChildStat is widely seen as an important innovation that is spreading to other child welfare agencies.<sup>21</sup>

The members recommended that the Family Court pilot “CourtStat.” Members envisioned a process whereby a supervising judge or the administrative judge of the Family Court reviews and discusses a standard set of data with other Court actors. In addition, a judge or clerk would present an individual case to review how it developed over time, the process used in decision making, and the resulting outcomes. Participants might include judges and other Court personnel, Family Court Legal Services attorneys, parent’s attorneys, children’s attorneys, caseworkers, and other participants in the Court process. Like CompStat and ChildStat, participation might rotate from borough to borough and Court part to Court part.

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<sup>20</sup> See *The Long Road Home*, p. 19.

<sup>21</sup> New Jersey, for example, instituted a version of ChildStat in 2010.

By establishing and reviewing performance benchmarks for each Court part and borough, and by regularly reviewing decision-making practices, CourtStat would identify strengths and weaknesses in the system and strengthen oversight of the court. Since indicators such as length of time to fact finding, disposition, and termination of parental rights, as well as other process indicators, would need to be part of CourtStat, those involved would have the ability to identify and explore trends to learn about emerging problems and best practices. Innovations based on data and case discussions would allow the Family Court and those who practice in Family Court to improve case processing related to long stayers, such as the time needed to complete adoption processes.

***Idea 2: Create data reports that are meaningful for and accessible to casework staff***

Members described how most of the data reports generated by ACS and the Family Court are designed for use by mid-level and senior managers; few are designed for caseworkers or their supervisors, who often need data presented in an easily accessible way to track progress on an individual case or caseload or on a supervisory or management unit. In the absence of more granular and accessible data reports, supervisors may struggle to identify issues and develop solutions on the front lines.

Members identified a specific example of a report needed to improve practice and hasten permanency. Ready access to a report on collateral contacts on individual cases, especially contacts identified during the investigation stage of the case, would be valuable throughout the life of a case—especially for longer-term cases where workers may have changed.<sup>22</sup> These contacts, which might include family members, friends, teachers, pastors and others who have relationships with children and families, are often the best chance that children have for permanency when they cannot safely return home. In many cases collateral contacts are not initially used as placement resources because the contacts are either unwilling or unable to provide care. Circumstances change, however, and a collateral contact may want to provide a permanent home to a child in ensuing months or years. Members believed that too often information about these collateral contacts is difficult to find in electronic databases like CONNECTIONS. Given high turnover rates and caseloads, members were concerned that workers will only mine collateral contact information if it is easy to find and if supervisors have a way to learn how often caseworkers are making such contacts.

Members thought that a related idea would be to train Child Protective Services workers to collect as much collateral contact information as possible. CPS workers should not wait to enter this information until a disposition, but should record it as a matter of routine practice.

Members pointed out that tracking and reviewing collateral data is just one example of the larger idea of working with caseworkers and supervisors to identify the information they need to improve their performance.

## **LONGER-TERM/MORE RESOURCE-INTENSIVE IDEAS**

***Idea 3: ACS and the Family Court should jointly and routinely review data on process and outcomes***

The missions of ACS and the Family Court are intertwined, and neither entity can achieve their goals without a strong operational relationship with the other. Family Court judges, for example, rely heavily on information from ACS and its provider agencies to make decisions, and efficient Court hearings require that ACS's Family Court Legal Services attorneys come to Court prepared to proceed. ACS, in turn, needs efficient Court calendaring and timely processing of case-related paperwork to meet its permanency time frames.

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<sup>22</sup> A collateral contact is a term child protective services staff use to refer to a source of information that is knowledgeable about a client's situation and serves to support or corroborate information provided by a client.

Despite this mutual dependence, senior managers at ACS and the Family Court do not routinely review data together to understand the challenges each agency faces and how trends in one system might affect operations in the other, or to develop solutions to common obstacles. Some members of the group believed that the lack of data sharing reflects the time pressures experienced at both agencies. Others cited the Court's need for impartiality; since ACS is a litigant, judges and administrators must be careful not to develop the appearance of a relationship that favors ACS. Group members, however, agreed that sharing data on a regular basis would lead to adaptations that would make case processing more efficient without compromising the Family Court's independence. More efficient case processing, in turn, would decrease the length of time to permanency for many children.

Building on new/about-to-be-released data from the Court Improvement Program, members recommended that senior managers at each agency hold routine meetings to review data, examine implications, inform each other of plans that might impact operations going forward, and set goals. These meetings might take place on different organizational levels. One level might consist of data analysis staff in each agency meeting to review data for accuracy and coherence. For example, even for the Symposium the Court and ACS report different numbers of children in foster care. It is believed that one of the reasons this discrepancy occurs is that the Court counts children on trial discharge as still in care while ACS does not; however, this may not account for the full discrepancy in the data. A second level of meetings might consist of senior managers meeting to review operational data. For example, if Court data indicates that filings are rising, ACS might check whether this is a result of the types of cases coming in, case practice, or some other reason, and let the Court know why the increase is occurring and if they expect the trend to continue.

By sharing operational data, both agencies might be able to better allocate resources. One member of the group reiterated the recommendation in *The Long Road Home* that both ACS and the Court need to use data for accountability and performance, and to disseminate that data more broadly.<sup>23</sup> Another group member commented that better dissemination would go a long way toward increasing the use of data for decision making and accountability.

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<sup>23</sup> See *The Long Road Home*, p. 19.

# IMPROVING FAMILY COURT SCHEDULING AND PARTICIPANT PREPARATION

**Facilitator:** Avi Khullar

**Session members:** Clifford Greenberg, Gilbert Taylor, Hon. Carol Stokinger, Kara Finck, Tionnei Clarke, Judith Wildfire

*Why a breakout session on improving Family Court scheduling and participant preparation?*

Report after report describes how delays in Family Court lead to delays in permanency for children in care.<sup>24</sup> High caseloads, scheduling delays, missed Adoption and Safe Families Act deadlines, and multiple adjournments are described by many Court participants. The reasons for these delays are complex, but an insufficient number of judges is frequently cited as one critical factor. Inefficient scheduling, a lack of preparation, and a lack of accountability, however, also are believed by many to contribute to delays.

*The Long Road Home* found Court delays at several points in the cases of long stayers in foster care. The time needed to reach disposition exceeded one year in 44 percent of the study's sample cases, and exceeded two years in 15 percent of those cases. Many Permanency Hearings were not completed within the legally mandated thirty-day period. On average, more than two years elapsed between the filing of a termination of parental rights petition and the actual termination of parental rights. The report noted that cases experienced numerous adjournments for many reasons, including one or more parties not being ready to proceed. Making scheduling more efficient and ensuring that participants are prepared for hearings should help children achieve permanency faster.<sup>25</sup>

## THREE IDEAS FOR IMPROVING FAMILY COURT SCHEDULING AND PARTICIPANT PREPARATION

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

#### *Idea 1: Schedule cases in accordance with the likelihood of the case settling*

Members noted that Family Court cases are scheduled in different ways in each of the boroughs and often by each of the judges within each borough. Members reported that many judges allocate time for fact-finding hearings either at the intake appearance or at the preliminary conference. When cases settle, the Court time allocated to fact-finding hearings becomes free. However, since cases may settle shortly before scheduled fact-finding hearings, the newly open time slots often go unused. As a result, in a system with high caseloads, Court parts are frequently inactive during Court hours. When fact-finding hearings take place, there is often insufficient time to complete the hearing, resulting in an adjournment and rescheduling for another date.

The group stated that scheduling cases based on the likelihood of a case settling would reduce delays. If case characteristics that predict the likelihood of settlement can be identified, then fact-finding hearings could be scheduled accordingly. Cases with a high likelihood of settlement would have little or no fact-finding time scheduled unless and until a settlement is determined to be impossible. Conversely,

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<sup>24</sup> See Special Child Welfare Advisory Panel. (2000). *Advisory Report on Front Line and Supervisory Practice*. New York, NY: Special Child Welfare Advisory Panel; Citizens Committee for Children. (2002). *The Adoption and Safe Families Act (ASFA) and the Family Court*. New York, NY: Citizens' Committee for Children; and Judith Kaye. (2008). *The State of the Judiciary 2008, A Court System for the 21st Century*. Albany, NY: New York State Unified Court System.

<sup>25</sup> Statistics cited in this paragraph are from *The Long Road Home*, pp. 13-15.

cases likely to go to fact finding would have sufficient time scheduled for such hearings to ensure that they could be completed in one session. Flexible or free time on the Court calendar would be allocated for cases expected to settle that do not settle and instead require fact-finding hearings.

A related idea is to have individuals other than judges designated to schedule hearings, as scheduling future hearings currently consumes valuable Court time. The results would be judges spending more time conducting hearings and faster case processing. Ultimately, many group members believed that speeding Family Court case processing would translate to faster permanency for children.

***Idea 2: Dedicate attorneys to Court parts***

Members cited conflicting schedules as one reason for delays in hearings. Attorneys for ACS, for children and for parents may be scheduled in different courtrooms throughout the day. In some court-houses, courtrooms are on different floors. When an attorney is delayed by a longer-than- anticipated hearing and/or because of crowding in halls and elevators, delays may cascade throughout the system.

To address this issue, the Family Court and ACS conducted a pilot in Queens that involved dedicating attorneys to specific Court parts. This means that teams of attorneys representing attorneys for children, respondents and the petitioning agency are designated for each judge. The same group of attorneys appears in front of the same judge for all cases that come in on that judge's intake day. Members noted that the pilot in Queens showed that cases were processed more efficiently.

Some members expressed concern that expanding the system of dedicated Court parts might limit attorney career development, since the same attorneys would appear in the same courtroom every day. Denied exposure to different judges and attorneys, the work might become too routine and lead to greater attorney turnover. One member questioned whether existing resources would allow for teams of dedicated attorneys to cover every Court part. The group took these concerns into account and decided that dedicating attorneys to Court parts should be further discussed at broader stakeholder meetings and that the pilot in Queens should be evaluated rigorously.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

***Idea 3: Hold participants accountable for process and outcomes***

Paralleling a discussion in *The Long Road Home*, members said that participants, particularly attorneys, need to be held accountable for delays. Members stated that increased accountability could be facilitated in two ways. First, judges should hold to schedules, have a higher standard for granting requests for adjournments, and enforce their decisions on scheduling. Second, data regarding requests for adjournments, lateness, and other actions that contribute to delays should be routinely collected at the attorney level. This monitoring system would notify attorneys of their performance on a set of efficiency metrics. Group members believed that these recommendations would enhance the stature of timeliness and efficiency in the Court culture.

# STRENGTHENING THE FAMILY COURT'S CONNECTION TO SERVICE PLANNING

**Facilitator:** Jane Spinak

**Session members:** Hon. Helene D. Sacco, Nancy Thompson, Pat White and Andrew White

*Why a breakout session on strengthening the Family Court's connection to service planning?*

Child welfare policy in New York City dictates that services to remedy issues identified in child welfare cases are provided to families so that children can live safely with their parents when appropriate. One of the Family Court's roles is to determine if the service plan is appropriate given the family's needs and presenting issues. Whether parents access services often makes a difference in Court decisions regarding the families and their children.

*The Long Road Home* report found that among long stayers, Family Assessment and Service Plans (FASPs), which include descriptions of the services that parents need to remedy safety concerns and other critical information, were often of low quality. Services offered to parents were frequently generic and some parents complained of "service overload."<sup>26</sup> The Family Court is one forum where these issues should be addressed. Better service planning and accountability, in turn, should contribute to readily accessed services that address safety concerns effectively, and thus faster reunifications and reductions in the number of long stayers.

## THREE IDEAS FOR STRENGTHENING THE FAMILY COURT'S CONNECTION TO SERVICE PLANNING?

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

*Idea 1: Educate judges and other Court personnel about ACS conferencing and service planning processes*

Members noted that over many years ACS has refined how it engages families. Family Team Conferences, Child Safety Conferences, and FASPs are now standard engagement tools for workers. Many Family Court personnel, members said, have an incomplete understanding of how ACS workers engage families, the conferences ACS organizes, and the process used to develop FASPs. Both families and workers find it frustrating when the Court does not use information from conferences or FASPs in its decision making. In some cases, after working with ACS to establish one plan, a family has to adjust to an entirely different plan established by the Court that does not take into account the work that ACS has already done with the family.

Members suggested that judges, clerks, referees, and other Court personnel attend trainings on ACS conferencing and service plan development. The trainings would inform Court personnel of the model used for engaging families and developing service plans, establish common definitions of terms, and explain the theoretical underpinnings of these processes. Armed with this understanding, Court personnel would be better equipped to assess the quality of casework and to understand the reasoning behind ACS's service plan recommendations. The result would be more coherent decision making, enhanced accountability, and more efficient case processing. Members noted that educating Court personnel about these processes is not aimed at increasing conformity with ACS recommendations.

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<sup>26</sup> See *The Long Road Home*, pp. 78-82.

Rather, it is expected that a greater understanding of the process might allow judges and attorneys to ask more targeted questions and engage in more meaningful and informed conversations with families and caseworkers.

By promoting a common platform of understanding, members believed that families, ACS, and the Court would have a better understanding of expectations and processes in the child welfare system. Clear and consistent expectations, in turn, would lead to faster and better decision making, and greater compliance with Court orders, all of which would expedite permanency for children.

***Idea 2: Implement protocols for conveying case plans and service information during Court proceedings***

Members of the group reported that most case presentations in Court are not currently standardized. As a result, important information about service delivery in individual cases may not come to the attention of the Court. Group members stated that judges are often dependent on ACS for service information, especially at the beginning of a case, but do not know why ACS caseworkers make their specific recommendations. One member commented that judges need to know what services are being recommended, and the how, when, and why of service planning and provision.

Members recommended that a task force composed of Court participants meet to create a protocol for conveying service plan information in Court. The protocol would include standardized information that caseworkers would include for every case. Another option would be for the task force to develop a guide that has core information that caseworkers should convey depending on the type of case. Yet another option might be to develop bench cards with five to ten questions that judges would ask in every case. Combined with the education of judges that is described above, standardizing case presentations could provide judges with a better understanding of cases, and the quality of casework and service plans.

Members noted these low cost ideas would have multiple benefits related to permanency. First, it would provide a more consistent way for the Court to obtain information about what is happening in each case. Second, having clear case plans for each child and family demonstrates to families and others involved in the process regarding the Court's expectations. Finally, having clear expectations for families should lead to faster and better decision making by the courts and therefore increase the likelihood of achieving permanency within a reasonable period of time. In addition, training child welfare workers on the type of information needed for Court presentations would reinforce practice standards and lessen the stress that workers often report feeling in Court.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA**

***Idea 3: Inform judges about the availability and quality of services***

Members stated that the Court often lacks information about the service environment. The Court may know whether a parent participated in a particular service in a specific case, but data on the aggregate use of ordered services and the effectiveness of those services is rare. In the absence of aggregate data, judges may order services that are ineffective, have a poor record of engagement with parents involved with the child welfare system, or have long waiting lists. One member commented that it is not useful when a judge orders a family to receive help with housing when there are no housing resources available. In such cases, the result is worker and parent frustration and noncompliance with Court orders. Noncompliance and expressions of frustration, in turn, may lead judges to delay reunification or accelerate moves to terminate parental rights.

Members recommended that judges receive a consolidated set of information about the type, quality and availability of services in the neighborhoods of the parents and children who come before them. The Court should have enough information to assess how realistic services plans are and to have realistic expectations about what various services can accomplish. While agreeing with this recommendation, members understood that this idea would be difficult to implement. Studies of the effectiveness of various services are not readily available to *anyone* in many cases, and the accessibility and quality of specific services may change frequently. Members also noted that judges are not in the position to find services for families and must rely on workers to provide much of this information. Nonetheless, providing even a limited amount of information about the availability and quality of services in specific areas on a regular basis would improve decision making and case processing.

# SUPPORTING OLDER ADOLESCENTS TO ACHIEVE TIMELY PERMANENCY

**Facilitator:** Betsy Krebs

**Session members:** Susan Gordon, Jackie Roth, Julie Farber, Karen Freedman, Maryanne Schretzman, Melissa Baker, Poul Jensen, Robert M. Harris, Susan Magazine

*Why a breakout session on supporting older adolescents to achieve timely permanency?*

The plight of older adolescents in foster care has received increased national attention in the past 15 years. In 1999, The Foster Care Independence Act provided federal funding for education, training, housing assistance, counseling, and other services for youth involved in the child welfare system. In 2002, researchers at the Chapin Hall Center for Children started the first large-scale prospective study, known as the Midwest Study, of older youth leaving care. The study was to provide more information about youth leaving care without permanency, or “aging out,” and documented the dismal outcomes for these youth.<sup>27</sup> The 2008 Fostering Connections to Success and Increasing Adoptions Act provided financial incentives for states to raise the age that youth can stay in care and the development of kinship guardianship programs, and included several other provisions aimed at supporting older foster youth.<sup>28</sup>

The data presented at the Symposium shows that 68 percent of youth in care who are 18 to 21 years old have spent three or more years in care—the highest proportion of any age group.<sup>29</sup> Older youth in care, moreover, often face a host of issues that their younger counterparts do not, including finding a job, completing their education, living on their own and, in some cases, parenting. The number of young people aging out of care in New York City routinely exceeds 1,000 each year and outcomes for this group are generally poor.<sup>30</sup>

## THREE IDEAS FOR SUPPORTING OLDER ADOLESCENTS TO ACHIEVE TIMELY PERMANENCY

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

*Idea 1: Support the development of youth advocacy skills throughout the foster care experience*

Members said that caseworkers should always continue efforts to establish traditional forms of permanency for older youth but need to recognize that these efforts are not enough to ensure youth well-being. Members noted that older youth in foster care need the skills and resources to successfully navigate life after foster care, whatever their permanency plans or the length of time they have spent in foster care. These skills include being able to advocate for themselves in situations regarding employment, higher education, housing, healthcare, and other adult environments. Advocacy skills need to be taught and modeled throughout a youth’s foster care experience. ACS and its foster care provider agencies need to build youth advocacy training and advocacy skills development into every aspect of their work with youth.

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<sup>27</sup> See <http://chapinhall.org/research/ongoing/midwest-study-adult-functioning-former-foster-youth>.

<sup>28</sup> See [www.fosteringconnections.org](http://www.fosteringconnections.org).

<sup>29</sup> See Children’s Rights Symposium presentation, Figures 4. At [http://www.childrights.org/wp-content/uploads/2011/07/2011-07-20\\_long-road-one-year-home-symposium-data-report.pdf](http://www.childrights.org/wp-content/uploads/2011/07/2011-07-20_long-road-one-year-home-symposium-data-report.pdf)

<sup>30</sup> See Allon Yaroni, Rachel Wetts, and Tim Ross. *The Academy: A Program for Older Youth Transitioning Out of Foster Care*. New York: Vera Institute of Justice, 2010, p. 4; Tom Hilliard. *Fostering Careers*. New York: Center for an Urban Future, 2011.

There are several ways to develop advocacy skills. First, members discussed using peer or youth advocates to share strategies and advice with youth in care. Members noted that teens prize interactions with their contemporaries and may have a difficult time listening to the adults charged with making decisions about them. Some members stated that adolescents in foster care are more open to advice from adult graduates of the foster care system who have “made it” and who can serve as a source of encouragement and support, foster bonds based on shared experiences, and serve as examples of people who successfully advocated for themselves.

Members also said that foster parents and caseworkers need to teach and model advocacy skills in their work. This may require adjusting existing training of foster parents and caseworkers, or investing some resources into providing new training. Further, the group believed that training is not enough; youth need opportunities to practice the advocacy skills they learn while in care by participating on youth advocacy boards, youth councils and other forums. ACS might mandate the development of these youth advocacy boards in future foster care Requests For Proposals.

Members noted that youth should be encouraged to participate in advocacy training provided by educational and nonprofit organizations. Some youth participate in structured self-advocacy education courses, such as the Getting Beyond the System seminars. Taught by law students on university campuses, these seminars teach foster youth advocacy skills and prepare them for informational interviews with local professionals who provide career and education guidance.

Group members also stated that all of these tactics could be incorporated into a strategy to increase youth participation in the decisions that shape their trajectory through foster care and in adulthood, and that greater participation could, in turn, lead to better decisions and faster permanency in the many forms it may take for older youth in care.

***Idea 2: Engage government and private resources outside of foster care to work with older youth***

Members stated that ACS on its own does not have the resources or the expertise to address all of the issues related to older youth and should not be expected to take sole responsibility for providing services to this group. Other government and nonprofit agencies must recognize that older youth in foster care need special services and accommodations, and that government and its contracted nonprofit providers have a broad responsibility to provide them. Members specifically mentioned the need for the New York City Departments of Youth and Community Development, Education, Housing and Preservation, and Labor, as well as the Mayor’s Center for Economic Opportunity, to expand their existing work with this population and with ACS. Programs and services throughout city government need to be more “foster friendly” to facilitate greater participation.

Members said that when the state removed these children from their families it made a commitment to support them in the same way as other parents do. Group members recommended that New York City officials initiate a multi-agency plan for developing targeted, community-based programming for older foster youth aimed at ensuring their self-sufficiency. There are models for such programming, including The Chelsea Foyer and The Academy, but they are small relative to the need and predominantly privately funded. Private philanthropy does not have the resources to scale up these programs, nor do most foundations see bringing programs to scale as their role. Only public funds can create a sustained, multi-faceted and universally available effort to address the issues of older foster youth.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:*****Idea 3: Create a specialized casework practice and workforce for older youth***

Older youth in care have a unique set of circumstances and needs and are usually challenging to engage, especially those young people who have spent several years in foster care. Members recommended that ACS, Family Court, and foster care providers develop and support a case practice model that specifically targets older youth. The model should include training materials designed specifically for caseworkers working with older youth, should bolster organizations already working effectively with this population and provide additional funding to support practice and workers.

Members suggested that the older youth case practice model might be centered on developing and maintaining a “permanency pact.” A permanency pact is a contract between a foster youth and a supportive adult or adults in their community. Pacts focus on: providing concrete supports for youth after they exit foster care, including agreeing to share special occasions and milestones; providing phones, computers, laundry facilities, and clothing when needed; and providing advice and emotional support to young adults after they exit the system.<sup>31</sup>

The group recommended that ACS, the Family Court, and foster care providers make targeted efforts to recruit staff who want to specialize in working with older youth. Higher education, employment, and housing should be emphasized as critical areas in which staff should gain expertise. Once recruited, many of these staff need to be taught techniques to positively engage youth and work with them when they act out. Absent specialization, members noted that many staff gravitate to cases involving younger foster children at the expense of the older population. Members believed strongly that judges, referees, attorneys, agency personnel, foster parents, educators, and counselors who want and have been trained to work with older youth could help these young adults achieve better outcomes.

Working with older youth often requires that workers take additional time to evaluate their individual needs and rethink what permanency means for this population. Furthermore, older youth need the adults in their lives to come to a common understanding of permanency goals to avoid mixed messages and working at cross purposes. Members stated that for many older youth, permanency needs to be redefined to include outcomes other than adoption, guardianship, or independent living. For some older youth, permanency may need to be redefined as reaching education goals, forming a community of support and connections (regardless of their biological relationship), and/or becoming financially self sufficient. Members were careful to note that redefining permanency does not mean that adoption, guardianship, or reunification should be discarded; these traditional forms of permanency should always be considered as long as a youth is in care.

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<sup>31</sup> To learn more about permanency pacts, see <http://transition.fosterclub.com/article/permanency-pact>.

# ACS'S RELATIONSHIP WITH PRIVATE PROVIDERS

**Facilitator:** John Courtney

**Session members:** Paulette LoMonaco, Marcia Lowry, Belinda Conway, Nancy Martin, Fred Harris, Eden Hauslaib and Alan Mucatel

*Why a breakout session on ACS's relationship with private providers?*

New York City contracts out virtually all of its foster care services to private nonprofit providers. This arrangement creates a mutually dependent relationship: providers depend on contracts from ACS for their financial health, and ACS depends on providers to properly care for the children for whom they are responsible. In addition to selecting providers through a competitive bidding process, ACS is responsible for oversight of the providers. Oversight includes monitoring providers to ensure that they are following policies and procedures and meeting performance goals. The group noted that when providers fall short of their obligations, ACS has several options, including providing technical assistance, approving improvement plans developed by the agency and, ultimately, terminating an agency's contract. The latter option is reserved for extreme cases, as terminating an agency's contract means moving responsibility for children in the agency's care to a new provider—a disruptive process for children, families, and professionals.

*The Long Road Home* found that “cutting across all parts of the New York City child welfare system, a lack of *urgency*, a lack of *accountability*, and a lack of adequate *resources* combine to keep many children in foster care for a very long time.”<sup>32</sup> While ACS shares responsibility for the child welfare system with many other organizations, it is ACS's job to ensure accountability from providers. Working to align this relationship to increase accountability and improve performance is one way to reduce the number of long stayers in foster care.

## THREE IDEAS RELATED TO ACS'S RELATIONSHIP WITH PRIVATE PROVIDERS

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

#### *Idea 1: Make funding simpler and more flexible*

Overall, members strongly agreed that ACS/provider relationships have improved over the last several years, yet members noted that child welfare funding rules and regulations are too complex and inflexible. New York State has numerous funding streams, each with different rules and regulations, and state child welfare financing mechanisms have changed frequently over the years. In addition, more than 40 different federal funding streams support at least some aspect of child welfare services in New York City, also with their own rules, regulations, and eligibility criteria.<sup>33</sup> ACS adds additional layers of regulations. The result of this patchwork of funding rules and regulations is a very complex system that makes providing the best service challenging and complicates ACS's ability to conduct proper oversight.

To improve agency performance, including permanency outcomes, members proposed that ACS simplify its rules and advocate for greater funding flexibility at the state and national levels. Providers, for example, need the flexibility to spend more money on the individual needs of children and families at the beginning of cases, not at the constant rate that per diem reimbursement implies.

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<sup>32</sup> See *The Long Road Home*, p. 5. Emphasis original.

<sup>33</sup> See *The State of Child Welfare in New York: Shaping Things to Come*. Albany, NY: New York State Office of Children and Family Services, 2010, p. 4.

As part of simplifying funding, members suggested changing the way the state calculates the Maximum State Aid Rates (MSARs), which are the per diem rates that private agencies receive for providing care. There are more than 140 different rates set by the state, and the group members noted that the method for calculating the MSAR can create perverse incentives. A portion of the formula, for example, reduces the MSAR for congregate care facilities that have many empty beds. This creates an unintended financial incentive for facilities with empty beds to keep children in care longer.

Members pointed out that there are potential near-term opportunities to simplify financing of child welfare services. On the state level the Child Welfare Financing Law sunsets on June 30, 2012, and on the national level federal child welfare finance reform may offer the possibility of federal waivers and other opportunities to provide more flexible funding to providers.<sup>34</sup> At the local level, some group members believed that the Improved Outcomes for Children (IOC) initiative helped agencies move children to permanency faster by allowing more upfront investments, and that expanding this initiative should be considered.

### ***Idea 2: Increase collaboration between ACS and provider staff***

Members recommended that ACS and the provider agencies hold regular meetings between frontline workers, supervisors, and mid-level managers. These meetings should focus on problem solving, mutual support, and how to best implement new initiatives. The meetings might also focus on sharing data and discussing trends to improve their work. Members also proposed that ACS and private agency workers should be trained together to create more solidarity in their work with children and common understandings of missions, values, goals, and procedures. Group members pointed out that there are many meetings between providers and ACS at the executive level. These meetings help build trusting relationships that allow for open discussion of problems, better understanding of the operations of each agency, and a sharing of ideas and goals for children. Unfortunately, few such meetings take place between colleagues below the executive level. The result is that most professionals in the child welfare system have limited opportunities to learn about different approaches, new developments, or better practices.

Taken together, members believed that increasing collaboration on the supervisory and worker levels would allow for improved practice and more accountability. Currently, accountability is a top-down process driven largely by looking at aggregate numbers. Members stated that reform in child welfare must take place on the front line, worker by worker. If frontline workers at ACS and the provider agencies have a shared sense of responsibility, the lack of urgency and accountability noted in *The Long Road Home* might be more easily addressed.

### **LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

The group did not arrive at consensus for a longer-term idea. The group expressed solid agreement for ideas 1 and 2 above.

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<sup>34</sup> On October 1, 2011, Public Law 112-34, The Child and Family Services Improvement and Innovation Act took effect. Among other things this law renews United States Department of Health and Human Services' authority to approve up to ten new child welfare demonstration projects (Title IV-E waivers) in each of FY 2012-2014. On the state level, Chapter 57 of the Laws of 2009 extended the Child Welfare Financing Law to June 30, 2012. See New York State Office of Children and Family Services transmittal 11-OCFS-LCM-O dated May 13, 2011. For a discussion of federal child welfare financing issues, see *Ensuring Safe, Nurturing and Permanent Families for Children: The Need for Federal Finance Reform*. 2010. Seattle, WA: Casey Family Programs.

# SUPPORT FOR CHILD WELFARE WORKERS

**Facilitator:** Denise Rosario

**Session members:** Amy Baker, Craig Longley, Emmanuel Tchividjian, Jackie McKelvey, Peggy Grauwiler, Richard Altman, Sabra Jackson, Suzanne Barnard

*Why a breakout session on support for child welfare workers?*

Skilled frontline staff is a necessity of every child welfare system. Developing skills to engage families and move children to permanency takes time. Learning how to work with families and make sound judgments regarding safety, permanency, and well-being are one set of essential skills. In addition, frontline workers must learn how to move paperwork, handle Court hearings, assess the array of available services and the best ways to access them, and other aspects of functioning in a large organization. Yet despite the current efforts made to train frontline staff, high turnover rates in many parts of the child welfare system are the norm, not the exception.

*The Long Road Home* identified supporting the development of a skilled child welfare staff as one way to reduce the number of long stayers in foster care.<sup>35</sup> In the cases Children’s Rights examined, more than half of long stayers had three or more caseworkers during a two-year period. When this occurred, casework was disrupted, and the challenge of engaging children and families likely increased as concerns about caseworker turnover hindered efforts to build trusting relationships. Studies indicate that the costs of an employee leaving, especially after a short period at an organization, are substantial due to the need to recruit and train new staff and the time it takes for those staff to become effective.<sup>36</sup>

## THREE IDEAS FOR SUPPORTING CHILD WELFARE WORKERS

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### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

#### *Idea 1: Support teaming models for caseworkers*

Members noted that though workers have supervisors and colleagues, typically a worker’s caseload is their own. The burden of having sole responsibility for the challenging lives of children and families involved in the foster care system often contributes to worker “burnout” and stress.

To create a more supportive environment for workers, some agencies in New York and elsewhere have developed models for “teaming.” Teaming involves having two or more caseworkers collaborate across cases to take advantage of mutual experience and expertise. Teaming also refers to working across different agencies that are handling the same case. Members believed that teaming supports child welfare workers by enhancing confidence, sharing experiences, providing readily available and knowledgeable back up during vacations and illnesses, and ultimately reducing staff turnover.

There are different models of teaming. One agency uses a teaming model called PIPS (Partners in Planning), which pairs a more experienced caseworker who has an MSW degree with a new caseworker who has a bachelor’s degree; together they handle 30 cases. A supervisor oversees three PIPS teams (six caseworkers total). The work is divided among each pair of workers with responsibilities varying depending

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<sup>35</sup> See *The Long Road Home*, p. 21.

<sup>36</sup> See U.S. General Accounting Office. (2003). *Child welfare: HHS could play a greater role in helping child welfare agencies to recruit and retain staff*. Washington, DC: US General Accounting Office; The Annie E. Casey Foundation. (2003). *The unsolved challenge of system reform: The condition of the frontline service workforce*. Baltimore: MD.

on the characteristics of each case. One member reported that the program aids in worker retention, and that caseworker turnover is approximately 15 percent over the past six years, while many agencies that do not use PIPS have experienced far higher rates.

Members also described other models of teaming. In one variation, workers are split into five-person teams. Each team has one intake worker and two two-person teams, with each two-person team consisting of a family worker and a child worker. Workers report that they feel more supported than in single caseworker models. Another model is a three person team: one crisis social worker, one group work social worker and one therapeutic recreation specialist. In this model, all team members work together and carry a caseload of 16 cases each. Group members pointed out that a challenge of “scaling up” teaming models is the need to understand how to create effective teams and handle situations where team members have personal or professional conflicts.

Members recommended that private agencies, ACS, and philanthropic organizations work together to make teaming a standard practice. The design and initial implementation of teaming is often supported by private funding that allows for lower caseloads and more training. However, the group members posited that even without external funding, developing teaming models across the child welfare workforce might improve current practice. ACS might facilitate teaming by distributing best practices and other information from agencies already engaged in teaming, supporting studies to establish whether teaming reduces worker stress and turnover, providing training on teaming at the Satterwaite Academy and, if research supports its effectiveness, incorporating teaming into future RFPs.

By reducing turnover and bringing additional expertise to bear on each case, members stated that effective teaming might help to address the problems in casework practice that *The Long Road Home* found contributed to long stays in foster care.

### ***Idea 2: Allow caseworkers to appear in Court by teleconference***

Court hearings usually require the presence of numerous participants, including judges, Family Court Legal Services attorneys, attorneys for children, parents and their attorneys, and caseworkers. Members said that caseworkers frequently become frustrated when hearings are delayed, postponed, or cancelled. Unlike many other participants who spend most of their days at the courthouse, caseworkers cannot easily complete other work while waiting for a proceeding. Delays and postponements often result in hours of wasted time both in travel and waiting for hearings. The lost time contributes to stress and burnout, and delays work on other cases.

Group members reported that Court scheduling procedures also contribute to delays – that judges, clerks and other staff that schedule hearings place priority on the time of attorneys at the expense of caseworkers. Members said that hearings are sometimes scheduled at times when the Court has been informed that caseworkers cannot appear, yet court personnel are often frustrated when caseworkers cannot appear or send other workers with less knowledge in their places. Many workers feel a lack of respect for their time, which in turn makes the work environment much more challenging.

Members recommended that caseworkers be allowed to appear in Court by teleconference, which would resolve or ameliorate many of these issues. Technology such as Skype allows for low-cost teleconferencing and caseworkers, judges, and other participants have ready access to computers. Teleconferencing would greatly reduce travel time, allow caseworkers to be productive when cases are delayed, and make caseworkers more readily available to the Courts. Members worried that teleconferencing might increase requests for caseworkers to appear and cautioned that the Court should only schedule teleconferences when they are really necessary.

This recommendation would contribute to achieving permanency in at least three ways: 1) caseworker appearance rates would increase, enabling the workers to provide the Court with information about each case; 2) the number of adjournments caused by workers failing to appear would be reduced; and 3) the efficiency of caseworkers would increase by reducing travel time and enabling workers to continue to work on other tasks when there are Court delays or adjournments.

### **LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

#### ***Idea 3: Caseworkers should have caseloads of no more than 12 children each***

Group members agreed that the single biggest impediment to permanency—and thus to preventing long stays in foster care—occurs when caseworkers fail to build connections between children, their families, and their foster parents. The group noted that “the number one reason” this happens is that caseworkers have too many cases and do not have the time needed to build connections in each child’s case. The solution is a commitment to keep caseloads to a manageable level and consistent with the New York State Child Welfare Workload Study recommendations.<sup>37</sup>

Members described frontline caseworkers as “beleaguered all the time.” And yet members noted that the number of mandates continues to grow, forcing staff to focus on compliance and monitoring instead of on the quality of their work with children and families. Members stated that high caseloads set caseworkers up for failure and staff that often feel that they are doomed to fail soon look for jobs that offer the possibility of success.

High caseloads also lead to lost opportunities. Members reported that many caseworkers feel so overwhelmed that they cannot take advantage of free trainings when they are offered. Not having time for training prevents caseworkers from developing specialized skills to address issues such as substance abuse, domestic violence, or mental health. And members of the group believed that developing specialized expertise allows caseworkers to become more efficient and effective and to experience greater job satisfaction. Lowering caseloads to 12 would also allow new caseworkers to receive additional training and start with manageable caseloads while they learn their jobs and build confidence.

As with the ideas above, members stated that a more stable and efficient workforce might have greater success in reducing the number of long stayers in foster care.

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<sup>37</sup> See Yuan, Ying-Ying T., John D. Fluke, Charles E. Wheeler, Elizabeth Oppenheim, Lisa Branton, Katharine Lewis Brown, Myles T. Edwards, Paul Frankel, Joanna D. Reynolds. 2006. *New York State Child Welfare Workload Study*. Albany, NY: New York State Office of Children and Family Services. Walter R. McDonald and Associates conducted this study with the assistance of the American Humane Association.

## STRENGTHENING PRACTICE WITH FAMILIES OF ORIGIN<sup>38</sup>

**Facilitator:** Theo Liebmann

**Session members:** Arlene Goldsmith, Christina Richburg, Dale Joseph, Hon. Monica Drinane, Joana Eder, Lauren Shapiro, Michael Arsham, Patricia Beresford

*Why a breakout session on strengthening practice with families of origin?*

For most children who enter foster care, reunification with parents in a safe home is the first goal set by the child welfare system. Successful reunifications are usually the fastest path to permanency, prevent the trauma of permanent removal, and reduce costs throughout the child welfare system. The stakes for children, families, and government are high; legally dissolving family bonds has lifelong implications.

*The Long Road Home* found that among long stayers in foster care, “substantial numbers of parents did not receive needed services due to both parents’ lack of participation and casework failures.”<sup>39</sup> Regarding casework failures, the study found insufficient contact with parents, a pattern of disrespect in communication with parents, and other casework issues. Despite documented needs, many parents did not receive mental health, substance abuse, or parenting services. Though service breakdowns occur for many reasons, the report made it clear that practice needs improvement.

### THREE IDEAS FOR STRENGTHENING PRACTICE WITH FAMILIES OF ORIGIN

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#### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

*Idea 1: Make evaluation of parent engagement, including parent feedback, a part of agency assessment*

Members recommended that ACS and provider agencies work together to make assessing parent engagement practices a more regular and meaningful part of routine quality-assurance activities. This could be accomplished by regularly collecting feedback from parents, perhaps through a survey, and incorporating an assessment of parent engagement into caseworker supervision, ACS oversight, and RFP scoring. Greater use of the community partnerships that ACS funds would strengthen practice, and community partnership feedback on parent engagement should become part of supervisory and oversight evaluation. Many members agreed that community partners were underutilized and in some instances viewed with suspicion.

Members noted that strengthening parent engagement could lead to better case plans and clearer communication regarding the next steps that both parents and caseworkers need to take. This clarity and communication, in turn, should lead to more appropriate placements, higher rates of reunification, and fewer reentries. In the event that adoption or guardianship options are pursued, stronger relationships between caseworkers and parents could increase parent appearances at Court and reduce appeals of terminations of parental rights, thus speeding Court processing and reducing length of stay.

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<sup>38</sup> The title of this breakout session was changed from “Strengthening practice with birth families” at the suggestion of a participant.

<sup>39</sup> See *The Long Road Home*, p. 9.

***Idea 2: ACS should develop a worker training focused on positive engagement with parents***

Consistent with *The Long Road Home*, members reported that interactions with parents are too often characterized by disrespectful language and actions, and that cynicism concerning the capacity of parents to remedy child safety issues is common. Parents, for example, often bristle at being referred to as “birth parents” or being addressed as “mom” instead of by their name. These slights, in some cases inadvertent or unintended, chip away at caseworkers’ chances to meaningfully engage with parents. Other actions, like openly questioning a parent’s commitment, skills and caring for their children are even more damaging, especially if they occur during an initial meeting.

Working with parent groups, private agency staff, and their own staff, ACS should develop a required caseworker training that promotes the use of respectful language with parents, exposes caseworkers to parent success stories, and describes successful techniques for engaging parents from the initial contact through the closing of cases. The group emphasized that the training needs to be about more than sensitivity and respectful language; caseworkers need to understand that parents are experts on the needs of their families and communities.

The training could draw on materials that promote respect for parents, such as RISE magazine.<sup>40</sup> It should include presentations and question and answer sessions with parents who reunified with their children, and should focus on the perspectives of families that have come into contact with child welfare workers. Caseworkers should also be trained on ways to work with relatives and fathers—groups that some members believe are omitted from case planning because their inclusion often increases the complexity and amount of work involved in a case.

The group believed that giving parents meaningful, compensated roles as trainers sends a clear and powerful message to caseworkers. The group thought that exposing caseworkers early in their careers to smart, competent parents who have direct life experience with foster care could fundamentally alter the way caseworkers engage with parents. This, in turn, might reduce entries into foster care, lead to more reunifications over a shorter time period, and over time decrease the number of long stayers in foster care.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

***Idea 3: Expand the role of parent advocates***

Expanding the role of parent advocates—parents who have had their children removed and then reunified who have also received training in child welfare policy, regulations, and law—has received rhetorical backing from professionals working across the child welfare spectrum, including city and state child welfare commissioners. Despite this broad support, members reported that the number of parent advocates working in the field remains small, and that many are underutilized. In some agencies, for example, parent advocates are only required to visit each family once every six months. Parent advocates are not required by ACS, and were only “encouraged” in the recent foster care and preventive service RFPs, which resulted in new agency contracts.

Members supported the expansion of parent advocates because they believe parent advocate efforts speed permanency. These advocates should be meaningfully involved throughout child welfare cases and especially during the initial stages of relationship building between caseworkers and parents. Because parent advocates facilitate engagement, members believe that children are reunified more often and more quickly. In cases where reunification is not a permanency option, parent advocates may facilitate identifying family resources or help negotiate delicate issues around surrenders or terminations of parental rights.

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<sup>40</sup> RISE magazine contains stories for and by parents affected by the child welfare system. See [www.risemagazine.org](http://www.risemagazine.org).

# EXPEDITING PERMANENCY THROUGH ADOPTION

**Facilitator:** Ernesto Loperena

**Session members:** William Meezan, Hon. Edwina Richardson-Mendelson, Trudy Festinger, Nancy Guss-Matles, Pat O'Brien, Lorraine Stephens, Aubrey Featherstone, Commissioner Mattingly

*Why a breakout session on expediting permanency through adoption?*

For children in care who cannot be reunified with their parents, adoption is the most common form of permanency. Arranging appropriate adoptions quickly is especially important to reduce the incidence of long stays in foster care. Children are usually in care at least a year before their permanency goal is changed to adoption, and thus are already at risk of becoming long stayers at the point of this goal change. For children who entered New York City foster care in 2004, the median time from placement to adoption was 53 months, about four and a half years.<sup>41</sup> With about three-fifths of the state's foster care population, New York City contributes to New York State's dismal record. Among the 50 states, Puerto Rico and the District of Columbia, New York State ranked at or near the bottom nationally in the proportion of children adopted who spent at least 36 months in care in the last three years for which data are available.<sup>42</sup>

*The Long Road Home* study found delays throughout the adoption process, from a permanency goal change to adoption, to filing of termination of parental rights petitions (TPR), to achievement of TPR, to granting children legally free status. Since reunification after a 36 month stay in care is uncommon, speeding the adoption process is essential to reducing the number of long stayers in foster care.

## THREE IDEAS FOR EXPEDITING PERMANENCY THROUGH ADOPTION

### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

*Idea 1: Streamline adoption by creating a standard set of required documents and more efficient procedures*

While a core set of documents must be prepared for the Court by provider agencies for all adoptions, members noted that judges can request additional documents or photos before allowing the adoption process to proceed. The result is that, in practice, the documentation required for an adoption differs from Court to Court. In addition, adoption paperwork compiled by the foster care agency worker and the adoption attorney must be reviewed and approved sequentially by several Court staff (the clerk, the County Attorney, the judge) before an adoption is finalized. The time needed to assemble and review the documents causes some required forms to lapse, especially when additional documents are requested after the start of the adoption process. Criminal background checks of adoptive parents, for example, must be done within a year of adoption approval for an adoption to be finalized. If the adoption process lasts more than a year, the background check must be rerun and adoption paperwork resubmitted, which means that the documents again go through several layers of review. Absent a fully consistent set of paperwork and more efficient procedures, agency adoption workers need to attend to the paperwork required by each judge, which can limit efficiency and cause delays.

Members called for a uniform set of paperwork and procedures for all adoptions across all boroughs. The standard forms and submission process should be posted online. Members pointed out that

<sup>41</sup> Children's Rights Symposium presentation slide 18.

<sup>42</sup> See <http://cwoutcomes.acf.hhs.gov/data>, Outcome 5.1, which reports the proportion of adopted children who spent at least 36 months in care by each of the 50 states, Puerto Rico and the District of Columbia. The three most recent Federal Fiscal Years for which data are available are 2007, 2008 and 2009. In 2007, New York State ranked 50th of 51 jurisdictions reporting data. In 2008, the state ranked 52nd of 52 jurisdictions and in 2009, New York ranked 50th of 52 jurisdictions.

standardization will not and should not reduce the level of scrutiny that adoptions receive, but might significantly reduce the time needed by all parties to assemble and review documents. Reducing the review, in turn, could shorten times to adoption and decrease the number of long stayers in foster care.

***Idea 2: Coordinate stages of the adoption process***

Members pointed out that for an adoption to take place, a child's permanency goal must be changed to adoption, TPR hearings must be conducted for both the mother and father, and an adoptive home must be studied and approved. A different set of agency and Court staff often handle each of these stages. Members asserted that communication gaps between these parties can cause significant delays. In particular, members noted that there is often a communication gap between ACS and provider agencies and between referees and judges in the Family Court. Group members noted that this can lead to delays that are unrelated to the substance of cases. They believed that there is a need to figure out exactly where delays in the adoption process are occurring, and where the information exchange between the various parties involved in the adoption process could be improved and expedited.

To remedy this problem, the Court and the involved agencies need to make a concerted effort to improve the ways in which information about adoption cases is communicated. After identifying the causes of communication gaps, a process to streamline information exchange needs to be developed. This might consist of a written protocol or an electronic adoption information system with built-in "ticklers" to remind the appropriate parties of required actions. An adoption subcommittee, chaired by former Family Court judge and now ACS Commissioner Ronald E. Richter, is examining ways to improve the adoption process and might be a useful forum to examine this issue.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

***Idea 3: Use electronic diligent search to shorten the TPR process***

Lengthy periods between the filing of a TPR and the actual termination of rights stretch the time it takes to finalize adoptions. The time needed to properly serve parents with legal notice—a requirement for TPR hearings—often contributes to delays. One member noted that process serving takes a median of 40 days, since the search for parents whose whereabouts are unknown often starts only after the TPR petition is filed. Standard practice for conducting a diligent search is to write inquiries about the whereabouts of a parent to public agencies at the local, state and federal levels, including departments of corrections and mental health, as well as the armed services. These agencies may, in turn, take weeks or months to reply.

Members proposed greater use of electronic diligent search processes. USA Search and other companies charge a nominal fee, usually under \$50, to conduct searches of online databases to locate current addresses of parents and family members who may know how to contact a parent. The same tool is used in "family finding" programs to locate kin who may serve as resources for children in care and the searches are usually available in less than a week.

Members also recommended using electronic searches to compile extensive lists of family members at the beginning of a case. Family member names and other contact information are not only helpful in identifying potential placement resources at the beginning of cases, but can also be updated when looking for parents during TPR proceedings. A centralized unit could run all searches, eliminating the need to provide training to every caseworker. In cases where workers know that a parent will be hard to find, an updated electronic search could be conducted prior to filing the TPR petition to speed the service process.

Members noted that using technology may create errors. However, there are safeguards that can be put into place, and family-finding programs have used electronic searches successfully in the child welfare context. Other members pointed out that the error rate in electronic searches may be the same or smaller than in the manual searches currently conducted. Although implementing electronic diligent search would require some initial costs, members believed that savings would accrue quickly by decreasing worker time spent on manual searches and speeding permanency for foster children.

# IMPLEMENTING KIN GAP

**Facilitator:** Stephanie Gendell

**Session members:** Sandra Killett, Ray Kimmelman, Janet Fink, Hon. Paula Hepner

*Why a breakout session on implementing KinGAP?*

The Symposium included a session on implementing the Kinship Guardianship Assistance Program (KinGAP) because of its potential to move long stayers out of foster care if it is implemented effectively. KinGAP became operational in New York State on April 1, 2011. The program is designed to provide monthly payments and other benefits to qualified relative guardians of foster children who have been discharged from foster care. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) gave states the option to operate a KinGAP and amended Title IV-E of the Social Security Act to establish eligibility and other requirements that allow for state reimbursement of a portion of KinGAP costs.<sup>43</sup>

*The Long Road Home* recommended that New York State establish and adequately fund a KinGAP program and noted that nineteen other states had KinGAP programs at that time. The success of these programs prompted the federal government to support this option. Studies have shown KinGAP to be especially effective in moving children with long stays in relative placements out of foster care.<sup>44</sup> In many situations, neither children nor relative caregivers feel comfortable with adoption; some youth feel that agreeing to adoption by a relative is disrespectful to their parents, while some relative caregivers feel that an adoption would disrupt family relationships. At the same time, many relative caregivers need the support of foster care payments to take care of kin children. Absent a KinGAP, such situations may lead to long stays in foster care.

## THREE IDEAS FOR IMPLEMENTING KINGAP IN NEW YORK STATE

### SHORTER-TERM/LESS RESOURCE-INTENSIVE IDEAS

#### *Idea 1: Training for all child welfare stakeholders*

ACS and the state need to provide training for caseworkers, attorneys, judges, parent advocates, middle managers, senior executives, and older youth on KinGAP rules and regulations. Most child welfare stakeholders are not yet aware of the rules and regulations for KinGAP, and therefore cannot easily explain the program to relatives and fictive kin who might consider KinGAP. As part of the training, ACS should prepare accessible materials in multiple languages that are shared with families when a child enters foster care. ACS also needs to prepare materials for older youth that include some of the important details of the program (e.g. that to receive college funding subsidies, youth need to initiate KinGAP after age 16). To develop the training, ACS will need to draft and issue a formal policy on KinGAP. In the absence of such policy and training materials, group members believed that the KinGAP option would be underutilized.

Members agreed that the training should emphasize the need to inform relatives about KinGAP at the time a case is open. This is important because some relatives may be willing to serve as placement resources if they know that taking care of children does not mean years of caseworker visits and other intrusions into their parenting. Others may be relieved that they will not have to adopt a child when

<sup>43</sup> See [www.fosteringconnections.org](http://www.fosteringconnections.org).

<sup>44</sup> For those interested in learning more about New York State's KinGAP program and prior studies of kinship guardianship, see Mark F. Testa and Leslie Cohen, *Pursuing Permanence for Children in Foster Care: Issues and Options for Establishing a Federal Guardianship Assistance Program in New York State*. New York State Office of Children and Family Services, 2010.

that might lead to family tensions. In addition, kin caregivers should be told that they may not qualify for KinGAP, as federal rules require that guardian homes be licensed and caregivers need to meet additional eligibility criteria. By informing relatives at the beginning of a case, group members believed that more relative homes would become available, and that the use KinGAP would speed permanency.

Members suggested that a low-cost corollary to training is to revise Permanency Hearing Reports to include assessments of KinGAP eligibility and to incorporate routine discussions of KinGAP into permanency hearings. These measures might help ensure that new caseworkers become aware of KinGAP more quickly and that relative caregivers hear about the option in the event that information about the program “falls through the cracks” in other venues. Judges often have longer tenures than other child welfare stakeholders, so making KinGAP a part of routine judicial practice could help the program proliferate throughout the child welfare system.

***Idea 2: Track all aspects of the implementation of KinGAP***

Members suggested that ACS should determine the types of data that need to be tracked and develop a reporting system to ensure that the program is implemented efficiently and effectively. Needed data might include tracking the development of materials and forms for the program, the promulgation of regulations, the number of stakeholders trained about the program (by category), the number of fair hearings and the number of finalized KinGAP guardianships. Feedback on the process should be collected from kin and parents to ensure the process is “user friendly.” ACS should also track the time it takes to finalize guardianships and examine bottlenecks and logjams that slow the process.

As part of tracking the implementation of KinGAP, ACS and the Court should develop a process to ensure that the lessons learned are incorporated into a “clean-up” bill that would go to the legislature to remedy any implementation issues. As part of this process, ACS and the Court should keep careful track of records of KinGAP cases during the first year of implementation. These cases should be reviewed collaboratively by ACS and Court staff to identify and resolve any processing problems. This review would indicate whether portions of New York’s law, such as the omission of support for half-siblings (where only one child is related to the caretaker), and different age deadlines for children to qualify for provision of college funding and medical services, are effecting implementation.

**LONGER-TERM/MORE RESOURCE-INTENSIVE IDEA:**

***Idea 3: Make aftercare services available to kinship guardians***

Kinship guardians do not receive regular visits from caseworkers, do not have to obtain permission for medical procedures or for taking children out of the state, and do not have to comply with other regulations that are part of being a foster parent. Some kin caregivers experience the requirements that are part of foster parenting as intrusions into their homes and families and are happy to leave the foster care system. For others, however, caseworkers provide critical support in handling challenging situations.

To ensure that new kinship guardians do not lose support they want and need, members recommended that kin have the option to select from a menu of aftercare services for a period after their guardianship is finalized. These post-permanency services should be funded from open-ended preventive money, not the foster care block grant.

Members supported this idea in part out of fear of “disrupted guardianships.” Following adoption, for example, some families are left without the support they need to effectively parent a child. When adoptive parents return a child to foster care, the results are often devastating; already fragile children usually feel more rejection by adults, experience an increase in behavioral issues, and are less willing to entertain future adoptions, while adoptive parents may experience guilt and shame. The same dynamic is likely if disrupted guardianships occur, and members stated that kin guardians should receive the support that they feel they need to maintain guardianship.

## **SYMPOSIUM PARTICIPANT DISCUSSION: STEPS TOWARD AN ACTION PLAN**

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After Symposium participants reviewed the ideas displayed by each breakout session, Mr. Cohen asked participants if they had comments or suggestions for developing an action plan.

Several participants voiced support for the recommendations from the breakout sessions. One participant recommended that ACS and the Family Court work together to reduce the burden of paperwork in adoption procedures. She said that there are 41 separate documents required for the adoption process and placing these documents online could help children be adopted more quickly and lessen the current frustrations experienced by all involved with the adoptive process.

One participant believed that data on Court processing and outcomes made judges nervous. She urged judges to embrace the data and make greater use of data to improve decisions. In a similar vein, another participant commented that data should guide the setting of various benchmarks for which agencies are held accountable. She noted that children of different ages have different needs and therefore work on their cases should be held to differential benchmarks.

A parent advocate commented that in her personal experience and in her work as a parent advocate a lack of communication and trust between caseworkers and parents often exists, which can lead to missed opportunities to help children achieve permanency. For years, professionals throughout the system have voiced support for the work of parent advocates and more parent-friendly practice, but the resources provided for parent advocates are paltry. For the system to work better for children, for parents, for communities, and for government, support for parent advocates needs to translate into the resources needed to provide a parent advocate for every case. She said that this change alone could prevent children from entering care and lead to more family placements and faster permanency when children do enter care.

Two participants stated that the Symposium and the breakout session recommendations missed aspects of child welfare that should be considered. A judge expressed concern about younger children who leave care within one year only to re-enter foster care a year or two later. In some cases, this happens more than once. The judge noted that reuniting children within one year may not be the best option for all children; some families need more time to address the serious challenges they face. In other situations, caseworkers need to move forward on an adoption path more quickly. This comment led to a discussion of how to improve the use of family conferencing. Some participants thought that more people should receive training and become involved in these meetings, including attorneys, front line staff, judges, and community members.

In addition, one participant commented that discussions of child welfare in New York City should acknowledge and question why the system is composed disproportionately of minority children, especially African-American males. This participant stated that more needs to be done to address the needs of this group.



## MODERATED DISCUSSION – REFLECTIONS FROM THE BREAK-OUT GROUPS

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Mr. Cohen reconvened the discussion panel and asked for reactions to the breakout sessions and participant questions. Several panelists' comments supported breakout session ideas and some reiterated comments from the first panel discussion.

In addition, Judge Richardson-Mendelson said that one idea needed to be added to the discussion. If everyone involved in the child welfare system did their jobs, the system would significantly improve. If every caseworker came to Court prepared for the purpose of their appearance, if every witness was prepped, if all attorneys, staff, and other personnel came ready to work each day, great changes in the lives of children and families would occur without spending any additional funds. Every report given to the Court should be meaningful, and the information provided to the Court should be uniform and easy to understand. Accountability is central: everyone must be accountable for their work. Status reports on times to disposition, Family Court appearances, adoption requirements, and other procedures would create more accountability. She also urged participants to create sense of urgency when it comes to permanency.

Mr. Cohen then asked panelists if they had any additional comments on the day's discussions or closing statements.

Dr. Kohomban remarked that we should not give up on adoption for teens and older youth. In addition, he believes the system must continue to assess the progress families are making and that support should not stop once a child leaves care. He noted that there is an urgent need for aftercare services to prevent children from reentering care at a later date, and that those involved with children and families cannot wash their hands of children and expect that everything will turn out okay simply because they have reached the legal definition of permanency.

Dr. Kohomban also stated that we need to work to make it easier for kinship care to happen for family members who are often ignored in the current system. Too often, there is a lack of information that limits what we know about available kinship placement resources. In particular, we need to do a better job exploring fathers' relatives.

Ms. Finck advocated for an increase in parent participation in Family Court. Too often parents are treated as bystanders, which creates many missed opportunities. In addition, more emphasis is needed on prevention and on providing strengths-based services to parents that are at a risk of losing custody of their children.

Ms. Freedman commented that family engagement often translates into efforts to engage parents in planning but too often excludes children and young adults. Especially now, when so many "long stay" youth in the system are older adolescents, successful outcomes will rarely emerge for young people absent their full participation. For example, from 2006 to the present, we appear to have lost ground in placement stability, moving from 68 percent of children with no moves to 64 percent of children with no moves. Placement moves may have no adverse impact if they are made in response to young peoples' request for better or safer placements, but when young people are moved without their consent or understanding, successful outcomes will invariably decrease. While some improvement has been made in increasing a young person's meaningful involvement in family conferences, many are still held without the young person and most without adequate notice to the child's attorney. This must change; with more adolescents in care we need to make sure that staff encourages them to engage in the process

responsibly. With specific training and identification of front line staff as “adolescent specialists” at every agency, we should be able to promote a better understanding of the type of youth and family engagement that is relevant and effective for older youth in foster care.

Mr. Jensen reiterated the need to take an honest look at safety for youth at home, at school, and in the community. Much of the practice in child welfare is based on aims created for young children; the policies, rules, and regulations are often inappropriate for older adolescents who are an increasing proportion of the foster care population. Young children and older youth are populations with different characteristics and needs. We should work with these populations based on what they need and the outcomes that are best for them. Ultimately, this work is about what happens on the front lines between workers and families, and we need to do all that we can to support the people that work with the children and families we care about.

Judge Richardson-Mendelson said that while there are changes that can be made, we cannot ignore the fact that we need more resources to do the job.

Commissioner Mattingly said that in his many years of work in child welfare, no other jurisdiction in the country has providers, advocates, and experts with the knowledge and dedication he has seen in New York City. We should not lose sight of the fact that we can make a difference even in these challenging times, and that we can still change and improve practice at the direct care level. Commissioner Mattingly noted that while the progress made by One Year Home to speed permanency is real, we need to do better. Older youth in care need more attention and their needs and abilities must be understood better. He urged participants to “stay tuned” as ACS continues its reform efforts.

Ms. Lowry said that the Family Court needs to work as a court of law and that attorneys and case-workers need to be ready to proceed precisely at the start of scheduled hearings. She added that how decisions are made concerning children who are in care for 15 months in a 22 month period needs to be explored. She voiced concern that change was not coming quickly enough, and that many children continue to languish in care. She urged action to improve the performance of the system in terms of achieving permanence, particularly for children who are moving toward adoption.

Ms. Lowry closed the Symposium by thanking the participants for attending. She said that she appreciated the thoughts and enthusiasm expressed at the conference, but in the end, the data needs to change. Children should not and must not spend long periods in foster care. The ultimate indicator of the success or failure of the Symposium will be what happens in the future to the children in foster care.

## **APPENDIX: THE LONG ROAD/ONE YEAR HOME SYMPOSIUM PARTICIPANTS**

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Lily Alpert, Children's Rights  
Richard Altman, Jewish Child Care Association of New York  
Michael Arsham, Child Welfare Organizing Project  
Bill Baccaligni, New York Foundling Hospital  
Melissa Baker, Casey Family Programs  
Amy Baker, New York City Administration for Children's Services  
Suzanne Barnard, Annie E. Casey Foundation  
Brenden Beck, Children's Rights  
Rachel Bennek, Children's Rights  
Laurie Bensky, Children's Rights  
Patricia Beresford, New York State Office of Children and Family Services  
Stephanie Berger, Children's Rights  
John Borrillo, The Hope Program  
Tionnei Clarke, New York City Family Court  
Steve Cohen, Annie E. Casey Foundation  
Belinda Conway, New York City Administration for Children's Services  
John Courtney, Fund for Social Change  
Alissa Deakin, St. John's Residence and School for Boys  
Sejal Desai-Perera, New York City Administration for Children's Services  
Monica Drinane, Bronx Family Court  
Joana Eder, Office of Attorneys for Children  
Michael Fagan, New York City Administration for Children's Services  
Julie Farber, FEGS Health and Human Services System  
Aubrey Featherstone, Edwin Gould Services for Children  
Trudy Festinger, New York University School of Social Work  
Kara Finck, Bronx Defenders  
Rachel Fine, Children's Rights  
Jan Fink, New York State Unified Court System  
Susan Fojas, New York City Administration for Children's Services  
Karen Freedman, Lawyers for Children  
Stephanie Gendell, Citizens Committee for Children  
William Gettman, New York State Office of Children and Family Services  
Virginia Gippetti, New York City Family Court  
Jane Golden, Children's Aid Society  
Arlene Goldsmith, New Alternatives for Children  
Julie Goodman, Children's Rights  
Susan Gordon, Heartshare Human Services of New York  
Clifford Greenberg, Adoption Attorney  
Nancy Guss-Matles, Office of Attorneys for Children  
Fred Harris, Annie E. Casey Foundation  
Robert Harris, St. Vincent's Services  
Diane Heggie, Council of Family and Child Caring Agencies  
Paula Hepner, Brooklyn Family Court  
Makiko Hiromi, Children's Rights  
Douglas Hoffman, New York City Family Court  
Stephanie Hooker, Lutheran Social Services  
Paula Benjamin Howard, Lutheran Social Services  
Montague Hung, Children's Rights

**Sabra Jackson**, Child Welfare Organizing Project  
**Poul Jensen**, Graham Windham  
**Dale Joseph**, New York City Administration for Children's Services  
**Avi Khullar**, Vera Institute  
**Sandra Killett**, Children's Village/Child Welfare Organizing Project  
**Ray Kimmelman**, New York City Administration for Children's Services  
**Jeremy Kohomban**, Children's Village  
**Betsy Krebs**, Youth Advocacy Center  
**Linda Lausell-Bryant**, Inwood House  
**Antony Leberatto**, Action Research  
**Brooke Levy**, New York City Administration for Children's Services  
**Theo Liebmann**, Hofstra University  
**Grace Lo Grande** (substituted unknown attendee), Little Flower  
**Paulette LoMonaco**, Good Shepherd Services  
**Craig Longley**, Catholic Guardian Society and Home Bureau  
**Ernesto Lopereno**, Council on Adoptable Children  
**Susan Magazine**, New Yorkers for Children  
**Nancy Martin**, New York City Administration for Children's Services  
**John Mattingly**, New York City Administration for Children's Services  
**Jackie McKelvey**, Mercy First  
**William Meezan**, Children's Rights  
**Judith Meltzer**, Center for the Study of Social Policy  
**Alan Mucatel**, Leake and Watts Services  
**Pat O'Brien**, Ya Gotta Believe  
**Marie Philippeaux**, New York City Administration for Children's Services  
**Andrea Reid**, New York City Administration for Children's Services  
**Edwina Richardson-Mendelson**, New York City Family Court  
**Christina Richburg**, New York Foundling Hospital  
**Ronald Richter**, Queens County Family Court  
**Marcia Robinson Lowry**, Children's Rights  
**Denise Rosario**, Coalition for Hispanic Family Services  
**Tim Ross**, Action Research  
**Jackie Roth**, New York City Administration for Children's Services  
**Kathy Rowings**, Children's Rights  
**Helene Sacco**, Staten Island Family Court  
**Dawn Saffayeh**, New York City Administration for Children's Services  
**Jane Schreiber**, New York State Supreme Court, Appellate Division  
**Maryanne Schretzman**, New York City Hall  
**Lauren Shapiro**, Brooklyn Family Defense Project  
**Susan Singh**, New York City Administration for Children's Services  
**Renee Skolaski**, SCO Family of Services  
**Jane Spinak**, Columbia University  
**Lorraine Stephens**, New York City Administration for Children's Services  
**Gilbert Taylor**, New York City Administration for Children's Services  
**Emmanuel Tchividjian**, Children's Rights Board Member  
**Nancy Thompson**, New York City Administration for Children's Services  
**Laura Velez**, New York State Office of Children and Family Services  
**Andrew White**, Center for New York City Affairs  
**Pat White**, New York Community Trust  
**Judith Wildfire**, Annie E. Casey Foundation  
**Stephanie Wilson**, New York City Administration for Children's Services  
**Laura Wolff**, Robert Sterling Clark Foundation  
**Frank Woods**, New York State Office of Court Administration  
**Sara Workman**, New York City Administration for Children's Services





[www.childrensrights.org](http://www.childrensrights.org)