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IN PRACTICE

Maintaining Family Relationships for Children in the Child Welfare System

by Rose Marie Wentz and Kelly Lynn Beck

Everyone needs to be connected to family and others who are important to them. Children[1] who have been removed from their homes and placed in the child welfare system are often cut off from their families or inner support networks. Their family status is taken from them when they are placed with strangers and they are not always granted contact with close family members. This initial removal can be viewed as the beginning of a series of insecurities, attachment difficulties, and inner isolation for these children.

- How will children who are in care without a permanent family relationship or a sense of permanent belonging ever learn or re-learn to build these relationships in the future?
- How will they begin to trust others when they believe the people whom they have loved or relied upon have left them?
- Will they ever be able to be part of a permanent family again?

Recent federal legislation seeks to maintain children's connections to family members who can serve as permanency resources and supports. The 2008 Fostering Connections to Success and Increasing Adoptions Act[2] (Fostering Connections) requires states to identify, locate, and notify "relatives" when a child is removed or is at risk of removal from the home. Notice must take place within 30 days of removal. Four years after Fostering Connections was passed, most court systems are not notifying ALL relatives and encouraging them to participate in planning for the youth's future. Family members are often not contacted and told one of their family members has entered the system.

As a child law professional, you likely know of this legislation. However, training and support to meet its mandates may be lacking. Each professional involved in a child welfare case has a responsibility and plays a crucial role in helping the child find permanency. This includes the judicial officer, all attorneys, CASA volunteers, and the social worker charged with locating and notifying all adult family members and engaging them in a meaningful way.[3] Everyone involved should work to ensure no stone is unturned and no options are lost. This article:

- offers guidance to help support youth who are removed from their homes and placed in the child welfare system;
- highlights an effective family-finding and engagement model used to maintain a child's natural support system or build an alternative support network; and
- explains how, even in the face of fiscal, institutional, and personal challenges, meeting Fostering Connections' mandate to find and engage relatives is possible.

Defining Relatives

Fostering Connections does not define "relative." Individual state statutes do. Federal guidance suggests states include relatives up to the third degree, at a minimum. Some states include fifth-degree relationships in their relative definitions.[4]

A Model for Engaging Youth and Family

An effective family-finding model is a child-centered model. It incorporates

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CASE LAW UPDATE

Alaska High Court Upholds Deviation from ICWA's Placement Preference

Roy S. v. Dep't of Health & Social Servs., 2012 WL 2203036 (Alaska).

The Alaska Supreme Court found good cause to deviate from Indian Child Welfare Act's placement preference where child had been with an unrelated foster family for two years at time of trial, the parents had failed to object over the course of three review hearings, and an expert witness testified that the proposed placement out-of-state was not in the child's best interests.

A child welfare agency took custody of the child and her siblings when their mother was arrested and the father's whereabouts were unknown. The children were found to be Indian children for the purposes of the Indian Child Welfare Act (ICWA) at the outset of the case.

The agency investigated several possible relative placements while the children were in temporary foster placements. A number of uncles were unable to take the child or her siblings. The child was briefly placed with a great-aunt, but she was removed after the agency received an unfavorable reference from a mental health clinician. The agency also submitted a request for an Illinois home study on the paternal grandmother through the Interstate Compact on the Placement of Children.

For six months, the children lived with their maternal grandmother. The agency provided her with various assistance, including housing, heat, transportation, and day care. The grandmother also received services for alcohol dependence. A family team decided to move the child to an unrelated foster family after the grandmother reported she was struggling to maintain the children.

The trial court reviewed the placement with the unrelated foster parents at least five times over the year and a half before the termination of parental rights. At the first permanency hearing, a tribal representative attended and expressed concern over separating the siblings, but did not object or offer an alternative placement that could accommodate all the siblings.

At the next two hearings, the court considered the possible placement with the paternal grandmother in Illinois. It noted the continued plan for reunification, the child's need to be near family, and the child's stronger bond with her foster family in Anchorage. It therefore found good cause to deviate from the ICWA's relative preferences. None of the parties objected to these orders.

The parents only made clear objections to the foster home placement at the third hearing during the year-and-a-half period, contending the court should have placed the child in Illinois or with a cousin in Alakanuk in far western Alaska. Again, the court found the continued placement was appropriate in order to retain ties to family in Anchorage.

The trial court ultimately found grounds for termination and that termination was in the child's best interests based on her bond to her foster family. Finding good cause to deviate from the ICWA placement preferences under the circumstances, the trial court terminated the parents' rights. The father appealed.

The Alaska Supreme Court affirmed the trial court order terminating father's parental rights. The court first reviewed whether the agency made active efforts to assist the father with his case plan as required by the ICWA. The Court noted that active efforts differ from reasonable efforts in that they require the state to take "the client through the steps of the plan rather than requiring that the plan be performed on its own."

The supreme court found the trial

court properly found the agency made active efforts. The Court noted the agency repeatedly attempted to contact the father despite his failing to keep the agency updated about the changes in his contact information. In fact, the father's whereabouts where unknown for several periods for months at a time. The court also found the father had failed to address his substance abuse issues despite services including an unsuccessful residential program.

The Supreme Court held the court did not err in finding that the termination was appropriate considering the ICWA placement preferences. The court noted the ICWA does not "require consideration of placement options in determining whether to terminate parental rights." The exception is where a placement decision adversely impacts the parents' ability to complete the case plan. Here, the trial court kept the child in a placement in Anchorage to enable visitation with her parents. This was consistent with the Act.

Child Born to Parent in Agency Custody Was Not Presumed Neglected

In re S.D., 2012 WL 1948788 (Ga. Ct. App.).

The Georgia Court of Appeals reversed an order finding a child neglected because teenaged mother was herself in agency custody. No evidence was presented that the mother lacked an ability to adequately parent child or that child was being deprived of any necessities because of the circumstances.

Immediately after a child's birth, the county agency filed a petition alleging the child was deprived because his teenaged mother was in the agency's custody. The trial court granted the petition, noting the mother was in agency custody, refused to go to school, was unemployed, and lacked independent housing. It also noted the mother had completed parenting classes and her grandmother had been approved as a placement for her and her child upon discharge from the hospital.

At the second hearing, the agency reported the child was placed with his mother in her grandmother's home. The caseworker testified that even if the child was not in the agency's custody, the grandmother would receive foster care support payments for his care. The caseworker also testified that the child had suffered no abuse or neglect and the agency was only involved in his case because his mother was in custody such that there was a likelihood of "possible future deprivation."

A life coach with the Teen Parent Connection testified that she worked with the mother for six months and that the mother had complied with all parenting classes. She further stated that she observed the mother with the child and the mother was "very attentive," and she did not feel the child was at risk.

The Georgia Court of Appeals reversed, noting that a child cannot be adjudicated dependent without evidence that the child is presently deprived of proper parental care and control. In this case, the record showed the mother was properly caring for the child. Imminent risk of harm, not future possible deprivation, is the proper standard for adjudicating a child dependent.

Further, prior records from the mother's case that she had unspecified behavior problems, even assuming the court could take judicial notice of records from the mother's case for the child's case, were never properly admitted into evidence. Thus, it was improper for the juvenile court to consider those records in reaching its conclusions.

ABA Hails Supreme Court Decision on Juvenile Sentencing

Statement of Wm. T. (Bill) Robinson III, President, American Bar Association
Re: Supreme Court Ruling in *Miller v. Alabama* **and** *Jackson v. Hobbs*

The American Bar Association hails the Supreme Court's ruling in *Miller v. Alabama* and *Jackson v. Hobbs* eliminating the mandatory imposition of a sentence of life without parole on juvenile offenders.

We are gratified that the court followed its precedents in *Roper v. Simmons* and *Graham v. Florida* in determining that juvenile offenders are constitutionally different from adults for sentencing purposes. Juveniles are less morally culpable and more capable of rehabilitation than adults convicted of the same crimes.

The ABA has long maintained that the possibility of parole for juveniles will not compromise public safety or penal objectives. While not all juveniles will be able to establish that they should be granted parole, they should not be denied the opportunity to be considered for parole before they die in prison.

The ABA's amicus brief in *Miller v. Alabama* and *Jackson v. Hobbs* is available online:
www.abanow.org/wordpress/wp-content/files_flutter/1326901671miller_jackson_amicus_011712.pdf

STATE CASES

Delaware

Morris v. Div. of Family Servs., 2012 WL 1883081 (Del.). TERMINATION OF PARENTAL RIGHTS, BEST INTERESTS
Trial court did not err in finding termination was in child's best interests despite claim that the court should have put more weight on the child's relationships with parents and their relatives. Fact that father stated he was no longer interested in pursuing reunification and that mother did not return to court for a second day of hearing supported finding that parents had a greatly diminished relationship with child and there was no abuse in discretion in failing to put weight on extended family relationships when child was merely two years old.

Florida

D.B. v. Dep't of Children & Families, 2012 WL 1934602 (Fla. Dist. Ct. App.). TERMINATION OF PARENTAL RIGHTS, CASE PLANS
Trial court properly terminated father's rights even though he was not provided a case plan because father was not amenable to treatment. Father was provided mental health treatment for paranoid schizophrenia over eight years and consistently failed to take his medication resulting in hallucinations. A therapist also reported that the father would not be able to safely parent.

Georgia

Brown v. State, 2012 WL 2044400 (Ga. Ct. App.). CHILD ABUSE, EVIDENCE
Trial judge in criminal child abuse trial did not abuse discretion by denying mother's request to redact portions of a recorded police interrogation. Any prejudicial effect of presenting the portion of the interview where the officer cursed at the mother and implied that he worried he would find her child dead in the future if they were reunited was minimal. The officer had arrested the mother for child cruelty and the jury would likely understand of the nature of police interrogations.

In re C.A., 2012 WL 2125856 (Ga. Ct. App.). TERMINATION OF PARENTAL RIGHTS, HEARSAY
In case where mother contested whether she had schizophrenia and trial court found she was unable to parent because of her mental illness, trial court erred in relying on reports and testimony describing her condition because the alleged diagnosis was supported only by hearsay statements of third parties who were not subject to examination.

Indiana

In re D.K., 2012 WL 1940703 (Ind. Ct. App.). TERMINATION OF PARENTAL RIGHTS, FAILURE TO IMPROVE
Trial court properly terminated mother's parental rights because she failed to remedy the conditions that led to removal over a two-year period where she continued a pattern of homelessness, moving frequently, and living with friends for several weeks despite having successfully obtained jobs that would support her maintaining her own housing.

In re D.W., 2012 WL 2024003 (Ind. Ct. App.). TERMINATION OF PARENTAL RIGHTS, FAILURE TO IMPROVE
Trial court properly terminated father's parental rights for failing to remedy the conditions that led to removal where, despite father's contention that children were removed due to mother's actions which he could not control, fact that he had failed to participate in substance abuse services or remain drug-free supported determination.

Kentucky

N.L. v. W.F., 2012 WL 1886490 (Ky. Ct. App). DEPENDENCY, DISPOSITION
Family court erred in granting permanent custody to fathers after removal from mother without making detailed findings according to the statutory criteria under the modification statute. Though order noted the problems that brought the children into care, including mother's substance abuse, order did not contain information that placements with the fathers were in the children's best interests.

Louisiana

In re R.E., 2012 WL 2016239 (La. Ct. App.). TERMINATION OF PARENTAL RIGHTS, GROUNDS
Trial court properly terminated parental rights to child despite case being open less than a year. Agency had been working with mother for over a year on case with sibling. Ground which permits termination when a child has been in care a year and parent has failed to substantially comply with case plan allows a court to terminate earlier if supported by the facts. In this case, the mother had been using drugs almost constantly since age nine and did not comply with her substance abuse services.

Maryland

Dep't of Human Res. v. Hayward, 2012 WL 1862001 (Md.). ABUSE, REGISTRIES
School staff, who had been investigated for child abuse resulting in an unsubstantiated finding, had a right to appeal that decision. Though agency regulations purported to allow appeal only for individuals found responsible for child abuse, this conflicted with the statute and was unjust. Petitioners should be able to challenge their effective classification as persons suspected of child abuse on the central registry given the potential collateral consequences.

Missouri

In re K.D.P., 2012 WL 2094575 (Mo. Ct. App.). TERMINATION OF PARENTAL RIGHTS, MENTAL ILLNESS
Trial court did not improperly terminate mother's parental rights solely due to disability where testimony showed she had been provided numerous services for years and continued at time of trial to have untreated mental health needs because she had failed to fully participate in the services. Record showed she lacked commitment to remedy the situation, including her own testimony that she could not afford the $4 a month for bus tickets to get to therapy but paid $80 a month for illegal drugs. She also failed to engage in treatment.

Nebraska

Carlos H. v. Lindsay M., 2012 WL 2164111 (Neb.). ADOPTION, MINORS
In case where father contested mother's voluntary placement of child for adoption, trial court lacked jurisdiction because neither parent, both aged 15, was represented by guardians or next friends. Under state law, a minor cannot maintain a case under their own name, rather the court could appoint a guardian or next friend to prosecute it on the minor's behalf.

In re Kendra M., 2012 WL 2164147 (Neb.). TERMINATION OF PARENTAL RIGHTS, GROUNDS
In case where mother had agreed to place her children in guardianship with foster parents after having difficulty complying with her case plans, children were in 'out of home placement' for purposes of termination ground. Ground allows termination of parental rights of children placed out of the home for 15 of the last 22 months.

Fact that mother agreed to placement that may have been meant to be temporary did not distinguish it from other out-of-home placements under applicable statutes.

New Jersey

Div. of Youth & Family Servs. v. T.S., 2012 WL 1948666 (N.J. Super. Ct. App. Div.). DEPENDENCY, DISPOSITION

Where parents made arrangements for others to care for children while they were incarcerated, but father's fiancée later left child with grandmother with abuse history, trial court erred in making dispositional order after finding parents had not abused or neglected children. The court should have held a hearing on a motion or petition to compel cooperation after dismissing the case at the adjudicatory stage.

New York

Admin. for Children's Servs. v. Erica A., 2012 WL 2069656 (N.Y. Fam. Ct.). CONFIDENTIALITY, RIGHT TO PRIVACY

In case where mother's attorney sought to record child and mother for use in a training video to highlight their law office's holistic approach to child welfare advocacy, parties were entitled to an evidentiary hearing on whether including child in video was in his best interests. Though the mother had reportedly agreed to let her son participate in the video, the child's individual rights represented by a guardian ad litem and the agency's interest justified a full hearing on the matter.

In re Carmen C., 944 N.Y.S.2d 214 (App. Div. 2012). TERMINATION OF PARENTAL RIGHTS, SUSPENDED JUDGMENT

Family court properly terminated suspended disposition in termination case after mother was unsuccessfully discharged from her substance abuse treatment program. Court was not required to hold a separate dispositional hearing to enforce the suspended judgment where it had presided over the case for some time, was well acquainted with the issues in the case, and considered the children's best interests in ending suspension.

In re Chaim R., 943 N.Y.S.2d 195 (App. Div. 2012). DEPENDENCY, DOMESTIC VIOLENCE

Family court erred in finding children were neglected where petition was based on single domestic violence incident between parents and where there was no evidence that children were in harm's way or emotionally impacted by incident. While domestic violence may form basis for neglect finding, facts must show harm or an imminent threat to a child's safety.

In re Idhailia P., 2012 WL 1940579 (N.Y. App. Div. 2012). DEPENDENCY, COLLATERAL ESTOPPEL

Family court properly granted agency's motion for summary judgment on its dependency petition regarding siblings where father pled guilty to raping his older daughter in criminal case. Collateral estoppel may apply in family law case where a defendant has an opportunity to litigate the identical issue in a prior criminal case and fact that father repeatedly raped daughter in case showed he had fundamental defect in ability to safely parent her siblings.

In re Jamal B., 2012 WL 1948147 (N.Y. App. Div. 2012). TERMINATION OF PARENTAL RIGHTS, ABANDONMENT

Family court properly terminated father's parental rights on ground of abandonment where he visited only twice in a six-month period. Father's lack of visitation was not adequately explained by his transportation issues since he was able to arrange transportation for other purposes. He also did not send letters or cards to his children.

In re Santino B., 941 N.Y.S.2d 743 (App. Div. 2012). DEPENDENCY, EDUCATIONAL NEGLECT

Evidence supported family court's finding of educational neglect where brothers were absent or tardy dozens of times without excuse during the year. Parents failed to adequately address the issue by refusing to allow special education testing and not meeting with teachers to discuss the problems.

Texas

Garcia v. State, 2012 WL 2008232 (Tex. App.). CHILD ABUSE, EVIDENCE

Evidence was insufficient to convict mother of child endangerment after officers found child in 58 degree weather wearing only a diaper. No evidence was introduced showing how long child had been exposed to the cold and mother had sought shelter in a car and was attempting to keep child warm by holding him.

In re M.P.A., 2012 WL 1759513 (Tex.). DELINQUENCY, EXPERT WITNESSES

Child who was adjudicated delinquent for sexual assault was entitled to a new dispositional hearing. Since psychologist who testified as an expert witness was found to have testified falsely about the reliability of the test he used to determine the youth was a pedophile. Several errors were made in psychologist's testimony including that the Abel test had been found to be 85 rather than 65% reliable and the an independent study had found it reliable. The prosecution's repeated use of the study in their closing statements showed it was likely he would be given a different disposition had the testimony been accurate.

Utah

In re A.A.A., 2012 WL 1869044 (Utah Ct. App.). GUARDIANSHIP, PRESUMPTIONS

Where grandmother filed for termination of parental rights, but mother agreed to order granting guardianship to the grandmother, trial court did not violate mother's right to a presumption of fitness. Mother's voluntary transfer of custody ended the presumption.

Washington

In re J.A.F., 2012 WL 2086965 (Wash. Ct. App.). TERMINATION OF PARENTAL RIGHTS, ICWA

Trial court properly found the Indian Child Welfare Act did not apply in termination case. Notice to Bureau of Indian Affairs was appropriate to fulfill notice requirement of the Act. Although parent first claimed Cherokee ancestry, all three Cherokee tribes responded to notices in the negative, and mother and grandfather could not identify another existing tribe.

FEDERAL CASES

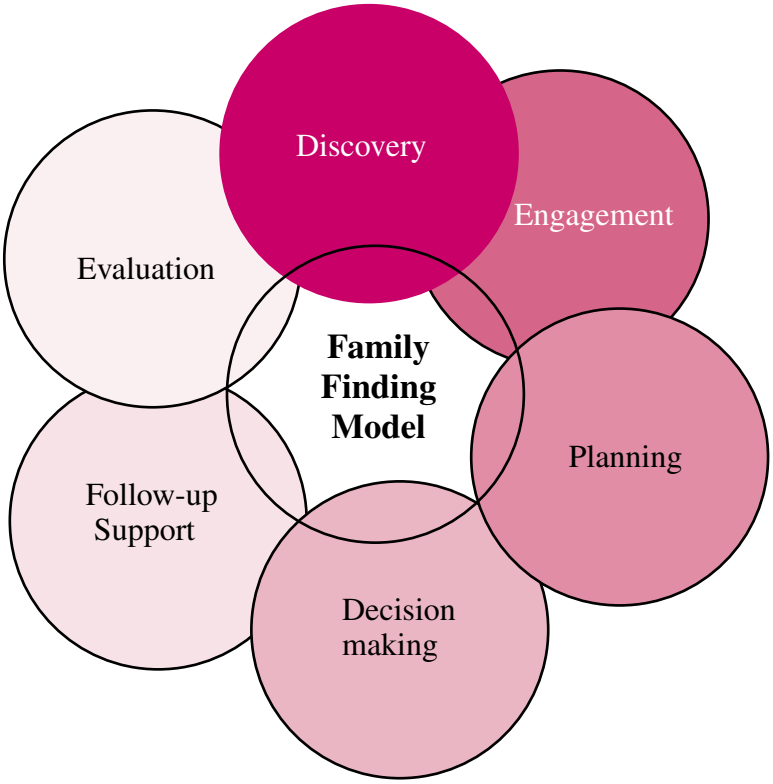
Eighth Circuit

United States v. Shinn, 2012 WL 2094321 (8th Cir. 2012). CHILD ABUSE, JURY INSTRUCTIONS

Trial court did not err in denying defendant's request for a jury instruction on entrapment in criminal trial for attempting to induce a child to engage in sexual activities. Defendant participated in chat room exchanges with a deputy posing as a 14-year-old girl. Though defendant had entered a chat room with an adult designation where the deputy purported to be a 14 year old, it was defendant who initiated sexual discussions and a plan for an in-person meeting, showing defendant was predisposed to commit the illegal act.

Family Finding Model

Components do not necessarily occur in order or only once.



(Continued from p. 97)

discovery and engagement elements, among other things. It is not just a one-time event. The Family Finding and Engagement Model[5] (FFE) focuses on organizing a working permanency team when a youth enters care or is removed from the home. This team includes all professionals, identified relatives, caregivers, and the child. They collaborate and organize discovery activities and seek to engage family members and others who share a connection with the child.

Engagement tools are then used to help youth and families identify these additional relatives and connections. The tools are also useful in relationship-building for the child and the professional. With the additional committed family and connections, the team morphs into the child's "Lifetime Family Support Network" and devises several permanency options. It assumes responsibility for raising the child, rather than the system. The professionals eventually take a back seat and support the family.

In this model, the identified permanency plans have a greater chance of succeeding when the family members agree to support the parents, child, and the child's caregivers. The Lifetime Family Support Network identifies community supports needed to eventually dismiss the case and ensure the child never returns to foster care.

This model allows the family to participate on many levels and with a greater sense of urgency when planning for permanency for children. This process can be used at the front-end of a case, when a child transitions from foster care, and any time in between. The model creates a shared sense of responsibility and accountability among all members, instead of placing the burden on one individual or the child welfare agency.

Overcoming Obstacles

The professionals who support the child and parents often are overburdened by many responsibilities, lack resources, and face dwindling budgets and loss of staff. Studies and program evaluations show the FFE model works to quickly locate family members, engage family in case planning, and increase the number of children achieving permanency.

Children who remain in the system for long periods require the most resources. Using this model increases the number of children who reach successful permanency and allows resources to be used in other parts of the system. Many professionals focus on the crisis of today versus proactively working on and developing solutions. A permanency team supports proactive, collaborative efforts that help move the responsibility for the child from the professionals to the family.

Using FFE in practice can raise questions and challenges depending on the nature of the case. Many challenges that arise are presented here with solutions drawn from professional experience and from the FFE field training and coaching sessions. A creative can-do approach goes far when working through these issues.

1. Probation or Dually Adjudicated Youth

Question: I am working with a 16-year-old child who will be in custody until she is 18. She has a case plan of independent living. She wants nothing more than to turn 18, get away from the system, and live on her own. Why would I need to locate her family now or work on any other permanent plan for her? She knows what she wants and doesn't want to work with me on this permanency stuff.

Response: All children with an "out-of-home" placement order (even if they also have criminal orders) must have an opportunity to form permanent relationships that support the youth while in detention and upon release.

Children need ongoing support, a connection to family, and a sense of belonging. Many children who have been removed from their

families, whatever the reason, suffer from trauma, loss, and unresolved grief. Often children do not know and are not provided the opportunity to work through their grief. These children build protective shields and layers of unresponsiveness to cope with feelings of fear of rejection and isolation.

Needing family support and a chance to work through grief does not end at age 18. If we wait until a child ages out of the system, we may have lost the only opportunity we have to help meet the child's needs. When you consider the average age young adults leave home for good is about 26 years, how is it we assume foster children will be ready to leave at age 18?[6]

It is more likely the child will return to a "system" through mental health needs, homelessness, joblessness, criminal activity, etc., if we don't continue to address the child's resistance.[7]

> "..while independent living programs may offer the skills and knowledge needed for successful emancipation, it is not clear to what extent if any these programs can combat isolation and provide social support."[8]

(See Resources, p. 107, for more ways to help children address these feelings and assist in engagement efforts.)

2. Extending Foster Care Age

Question: Our state has just extended foster care until a youth is 21 years old, provided children meet certain criteria. If we have not located family by the time a child is 18, must we continue permanency planning efforts since reunification, adoption, or guardianship seem unlikely?

Response: Yes. Permanency planning should continue past age 18.[9] All Title IV-E protections and case review requirements apply to youth over age 18, including:

- periodic reviews;
- permanency hearings and TPR requirements;
- monthly caseworker visits; and
- a judicial determination that the agency made reasonable efforts to finalize a permanency plan every 12 months for youth over age 18 receiving title IV-E foster care who were removed via court order.

However, an agency has flexibility in how to apply these requirements, such as:

- focusing agency and caseworker permanency efforts on the goal of independent living and the child's progress in meeting this goal; and
- conducting hearings/visits and delivering services in an age-appropriate manner.[10]

Fostering Connections allows foster care to extend beyond age 18. It requires all children who will be exiting the system to have a "transition plan" developed at least 90 days before exiting care. The development of this plan should be conducted well before the 90-day window, should be personalized at the direction of the child, include specific options for housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and be as detailed as the child elects.[11]

3. ICWA—Tribal Involvement

Question: While preparing for the termination of parental rights hearing, we learned the child is Native American. The child has now lived with a nontribal foster family for 12 months. Both parents have consented to the foster parent adopting the child. Do we have to contact the tribe at this late stage?

Response: Yes, you must contact the child's tribe as soon you know the child may be a Native American. The tribe can intervene anytime during the proceeding.[12]

If the tribe intervenes, it may or may not agree with the parents and others about the permanency plan. The Indian Child Welfare Act does support the tribe's right to make permanency planning decisions that may not be supported by the birth parents. Therefore, the tribe must be contacted even if the parents agree to the adoption. In several cases across the country, the tribe was not notified and permanency orders were overturned.[13] Asking about Native American ancestry should occur at the first hearing, if not before.

4. Immigration

Question: A child was placed in care after his parents were arrested. The parents are now in the custody of Immigration Services and will likely be sent back to their country of origin. The child is an American citizen and has never lived in his parents' country of origin. Do we have to contact the relatives in that country and, if yes, how should permanency work be addressed?

Response: Yes, relatives within and outside the U.S. must be contacted. There are many possible outcomes for this child:

- return to the parents' care in the country of origin;
- placement with relatives in the U.S. or another country;
- continued placement in a U.S. foster home in the hope that the parents will not be deported; or
- permanent placement with a U.S. family or relatives with continued relationships with all relatives and important connections.

The Immigration Services hearings can take months to years to complete. Communication between child welfare professionals and Immigration Services (IS) can be challenging and increase the difficulties in making informed decisions about the child.

Over 5,100 children are in U.S. foster homes waiting for the IS hearings to take place.[14] Now that this child has been removed from his parent, concurrent planning efforts can begin while seeking return to the parents. Finding relatives in the parent's country of origin could help in

this transition phase and international home studies could be obtained during this time.

5. Family outside the U.S.

Question: This child has relatives in a third world country and their lifestyle differs from how the child lives in the U.S. The child does not want to live in a country he does not know with people he has never met. Am I still required to engage these relatives?

Response: Yes. ALL relatives must be contacted no matter where they live or what their lifestyle. Nothing in federal law limits the search to U.S. residents. In fact, some state statutes require looking outside the U.S. for family.[15] Do not assume all families in that country are too poor to raise a child or use American cultural standards in making decisions about which place would be better for the child. Decisions must be based on the specific needs of the child and that family's ability to care for the child.

Contacting these relatives does not guarantee the child will be placed with them. It may lead to identifying other supports for the child. Having relatives serve as resources can support the child during a difficult time and help him make decisions.

The child is not likely to have the facts or ability to make a decision about living in a country he has never visited or with relatives he has not met. We must ask and listen to the child's request, then allow the family and professionals to make the difficult permanency decisions based on what would benefit the child, including maintaining connections with all family members.

6. Absent Father

Question 1: The child does not want a relationship with his father. The father has not been involved in the child's life. Do we have to locate the father and engage him in this process?

Response: Each parent has the right to have a relationship with their child and the child has the right to have a relationship with his parents. Contact both parents and engage them in this process. How much to involve them in the process will depend on several factors, including whether there is documented proof of domestic violence orders or other evidence that contact is not in the child's best interest. Regardless, absent documented or other evidence of domestic violence the judicial officer must consider and require notice to that parent.

If the child has never had a relationship with his father, seek to offer support to develop that relationship. Sometimes a child is told false stories about why one parent (and family members) is missing. This can influence the child's perception of the incarcerated parent or his family.

Locate the father; if he is interested in developing a relationship, provide supportive visits. Even if he is not interested, gather contact information about his family so they can be notified about the child.

This relationship does not guarantee the parent will be given custody of the child. The professionals must try to find a way for the child to have a relationship with her father and not be placed in loyalty binds by other family members or current caregivers.

Question 2: The child's father is incarcerated and sentenced to 20 years. He has never been involved in raising his child. Do we need to involve him in the child's life?

Response: Incarceration does not change the legal mandate to notify the father. Though it is unlikely the father can ever provide daily care, he may be able to offer other resources to his child. These include access to paternal family members, family history, culture, medical information, and a sense of belonging. The child has the right to decide whether to have a relationship with the father through contact or visits.

7. Disrupted Adoption

Question: The child was adopted as an infant. Now the child is in foster care due to maltreatment by the adoptive parents. The child wants us to find his biological family. Can I help locate his birth family?

Response: If the adoptive parent(s)' rights have not been terminated, typically states do not allow the agency to search for birth parents and their relatives without the adoptive parents' consent. You must obtain the consent of the adoptive parents before looking for the birth family. California allows the agency to contact the birth-family without the consent of the adoptive parents when there is a disrupted adoption.[16]

Most preadoption records are sealed, including the original birth certificate.[17] Some states allow adult adoptees to receive a copy of the original birth certificate. These laws only allow adoptees who are now adults (in some states the adult must be over 40 years old before they make this request). Most states require filing a motion to unseal these records. The youth should be offered psychological support regarding the issues related to locating a birth family.

8. Identified Relatives

Question: What if my client identifies family members, I provided those to the child welfare social worker, but he/she does nothing to follow up?

Response: There are several things you can do:

- Have an informal discussion with the social worker and ask why?
- Discuss the matter with the social worker's supervisor and/or county counsel.
- Ask for permission to follow up with those family members or other adults, then do so.
- Raise the issue at monthly stakeholder meetings.
- If no stakeholder meetings are

conducted, arrange one and invite representatives from all involved organizations. Alternatively, set up a brown-bag training session so all are familiar with the goals of family finding, the legal requirements, and roles and responsibilities.

- Request an interim review hearing, or file a motion to set one. Cite Fostering Connections research, recommended best practice, and your attempts to have the social worker follow up.
- Ask your client or parent's counsel to bring the family members or other concerned adults to the next hearing and introduce them to the court.
- Make a record (in court, reports, or pleadings) of the individuals you have located and your attempts to follow up with the social worker.
- For more information on roles and responsibilities of all parties to locate family, see the Resources, p. 107.

9. Judicial Leadership/Buy-In

Question: How do I ensure the judicial officer understands the importance of the family's role in visitation, concurrent planning, sibling contact, and post-adoption contact?

Response: Take these steps:

- Set a stakeholder meeting. Include the judicial officer. Discuss training and funding available through the Fostering Connections grants. Set up a conference call with a Finding Family and Engagement (FFE) training entity.
- Provide research and articles showing poor outcomes for children who are not connected to family and lack a sense of belonging.
- Provide the handout "Judicial Guide to Implementation of Fostering Connections," other leadership resources, and handouts listed in the Resource List to start the conversation.
- Collaborate with child welfare agency staff and discuss permanency outcome data with the judicial officer.

10. Permanency for Every Child

Question: How will I know if we have found permanency for a child?

Response: Start by finding out what permanency means to the child.

- Permanency is not just a legal determination. It is an inherent sense of well-being, connectedness, an unconditional commitment, as well as a sense of belonging.
- Review these questions with the child's Lifetime Family Network:
  - "If this plan fails, will the child remain or return to the foster care system?"
  - "Have we identified and engaged an adequate level of enduring support for the child and the child's caregivers?"
  - "Has the team created a plan that includes family members and other adults willing to offer their support if Plan 'A' is unsuccessful?"
  - "Are there at least three options?"
  - "If challenges arise that threaten the child's safety and stability, will the team reconvene?"
  - "What does the child want and have to say about the options?"
  - Unconditional commitment by safe, healthy, and nurturing adults is available.

11. Resistant Youth

Question: How can I get my teenage clients to open up and discuss permanency, family, and important connections?

Response: Don't give up! If you stop asking about permanency, the teen may feel no one wants him. Don't stop asking because you've asked once.

- Develop a child's connectedness map. Discuss who is missing from the map. With whom does the child want to reconnect? Ask if they want to find out how big their family really is?
- Perform a Mobility Mapping exercise with the youth.
- Use other "engagement" tools to start or continue the discussion.[18]
- Help the child develop a "Lifebook."
- Continue the discussion at different times. Sometimes riding in the car or talking on the phone is an opportunity to start or continue the conversation.
- Use "active listening" skills to have a discussion with the child.
- Discuss loyalty issues with the child. Does the child feel that choosing a permanency option like adoption means being disloyal to his birth family? Is he curious whether adoption means changing his name, or if he will ever see his birth family members again if he is adopted?
- Ask opening questions like:
  - "I'm not giving up on finding a forever family for you; can we talk about it more?"
  - "Do you know that adoption doesn't necessarily mean you will never see or have contact with your biological family?"
  - "What is your fear or concern about being adopted?"

12. Retraumatizing Children

Question: I think talking about his family and past will revictimize the child and he should stay with the foster parents who can keep him safe. Why would I want to involve family members who have harmed the child?

Response: Consult and involve the child's therapist or request that the child work with a professional who can help him explore his feelings. Work through these tough issues now while the child is in our care and can

learn about and start to form healthy relationships, not when he ages out and seeks out these relationships on his own. If you wait to work with the child on these issues until he ages out, he truly will not be able to attach to a permanent family.

Children cannot just forget the past. They need to work through their feelings and emotions surrounding grief and loss.

13. Professional is the Constant in the Child's Life

Question: I have been the only constant in the child's life. If he needs one connection, I am here for him. Why pursue family?

Response: Having a professional relationship with you is important but does not replace the child's need for a permanent family. The goal is to have the family raise this child, with the professionals/child welfare system phasing out their roles. Remember, children have a right to know what happened to their families.[19] When they are old enough, most will look for their families, whether you want them to or not. Your responsibility is to help the child make a well-informed decision, not deny the opportunity to make a family connection.

14. Sibling Contact

Question 1: Many children have complex family relationships with siblings with different parents, or siblings with whom they have never lived. Isn't it better to simplify the child's life by limiting the expectation for visits with all siblings?

Response: A child should have a chance to get to know his siblings. Sibling relationships are some of the longest, most important relationships for children. Siblings benefit from these relationships even though they may include fighting, rivalry, and negative emotions. Sibling bonds can help the child address trauma. Fostering Connections requires reasonable efforts to place siblings together or allow them to have visits if placement is not possible.[20]

Question 2: The child's sibling has many behavioral problems that the birth parents cannot handle. If I insist on placing siblings together it could jeopardize reunification plans. Which is more important: reunification with parents or living with a sibling?

Response: There is no right answer. Either option means the child will lose a critical family relationship. The parents, caregivers, and professionals should work towards a third option that gives the child an ongoing relationship with both parents and the sibling, even if living with all family members is not possible. Building the Lifetime Family Support Network can help maintain these relationships by facilitating visits, respite care, or placement. It also helps model good parenting. The child must never be blamed or made to feel loyalty binds. A caregiver's ability to help the child maintain all relationships would be ideal in determining the best option for the child.

15. Resistant Parent

Question: I represent the mother and she wants to reunify. She doesn't want her child placed with anyone else and just wants to focus on having her child returned to her. It is my ethical duty to argue for what my client wants, why would I do otherwise?

Response: Parent's counsel must be aware of what the client wants. To facilitate reunification with the child, the parent needs a support system. Involving family and reestablishing relationships for the parent improves the chances that the parent will reunify sooner and the child will remain in the parent's care. Discussing this with a parent helps them understand the goal is to help them succeed and to enable the child to stay with the parent without further court or CPS involvement.

16. Domestic or Family Violence

Question: The mother told me the child's father abused her. She has left him and wants to keep her location a secret from him. She is terrified what will happen if he is contacted.

Response: Address the issue with the judicial officer. Fostering Connections provides that no notice is required in family or domestic violence situations. There should be some documented proof of domestic violence or at least a history of such provided under oath by the mother. It is not clear if the court can waive the requirement to locate and notify the other paternal relatives. Without such a court waiver, the agency must exercise due diligence to locate the father and his family. It must ensure the parent who has been victimized is protected. Below are recommendations:

- Follow up to determine the facts of the abuse and intimate partner violence. Assume the parent is a victim of intimate partner violence unless there is clear evidence there was no physical, financial, or emotional violence.
- Ensure all parties know about the intimate partner violence and that everyone seeks to ensure the safety of the parent who has been victimized, including keeping information about that parent confidential.
- Make sure court orders, court reports, and other documents do not contain the location of the parent, children, or children's caregiver.
- Copies of court orders and agency case plans shared with the batterer should not identify when or where visits with the parent victim and the children will occur.
- Court practices in family law-related intimate partner violence cases should be used for any dependency hearings.

Family Engagement Resources

Select resources appear below. Visit the July 2012 issue online to for a complete list.

Family Finding and Engagement Models

- Seneca Center. <www.senecacenter.org/familyconnectedness>
- "Family Finding: Does Implementation Differ When Serving Different Child Welfare Populations?" *Child Trends Research Brief,* October 2011. <www.childtrends.org/Files/Child_Trends-2011_10_17_RB_FamilyFinding.pdf>
- Louisell, Mardith J. *Six Steps to Find a Family: A Practice Guide to Family Search and Engagement.* National Resource Center for Family Centered Practice and Permanency Planning & California Permanency for Youth Project. <www.hunter.cuny.edu/socwork/nrcfcpp/downloads/SixSteps.pdf>
- California Permanency for Youth Project (CPYP) Resources. <www.senecacenter.org/perm_resources>
- *Six Steps for Family Finding*, Evaluation step. <www.nrcpfc.org/downloads/SixSteps.pdf>
- National Resource Center for Permanency and Family Connections (NRCPFC). <www.hunter.cuny.edu/socwork/nrcfcpp/info_services/family-search.html>
- EMQ Families First. <www.emqff.org/>
- "Lighting the Fire of Urgency: Families Lost and Found in America's Child Welfare System." P*ermanency Planning Today* (Newsletter of the National Resource Center for Foster Care & Permanency Planning at Hunter College of Social Work), Fall 2003. <www.nrcpfc.org/newsletter/ppt-fall-2003.pdf>
- Child Welfare Information Gateway. <www.childwelfare.gov/pubs/f_search.cfm>

Youth/Family Engagement Tools

- "Unpacking the No." Power Point presentation. <www.nrcpfc.org/webcasts/archives/24/Ohio.unpacking.pdf>
- National Resource Center for Permanency and Family Connections, Youth Permanency Resources. <www.hunter.cuny.edu/socwork/nrcfcpp/info_services/youth-permanency.html>
- Lewis, Bob and Maureen Heffernan. *Families for Teens,* October, 2004. <www.thetoolkit.org/, www.rglewis.com>
- Lewis, Bob. *Engaging Youth and Those Around Them in the Process of Permanency.* <http://rglewis.com/talking_with_youth.htm>
- Connectedness Map Training-PPT, available at www.senecacenter.org/familyconnectedness. For more information, send an e-mail to: familyfinding@senecacenter.org
- NCJFCJ Webinar Series on Fostering Connections, "Finding Family, Finding Home." <www.ncjfcj.org/archived-fostering-connection-webinar-series>
- Mobility Mapping— A tool used to gain information from youth that might be missed in a standard one-on-one interview. Drawing stimulates youths' memories, increasing their recollection of significant relationships, past addresses, nicknames, places visited and favorite memories. *See:* Bridget DeLay, MSW. *Mobility Mapping and Flow Diagrams: Tools for Tracing and Social Reintegration work with Separated Children.* <www.crin.org/docs/Mobility%20Mapping%20and%20Flow%20Diagrams.pdf>
- Henry, Darla. "The 3-5-7 Model: Preparing Children for Permanency." *Child and Youth Services Review* 27, 2005, 197-212. <http://humanservices.ucdavis.edu/academy/pdf/The357model.pdf>
- Damiano, J., Family Design Resources. <www.familydesign.org/>

Trauma, Loss and Attachment

- Barish, Noah. "Using the Harm of Removal and Placement to Advocate for Parents." *Juvenile Law Resource Center, Juvenile Rights Project, Issue Brief;* January 7, 2010.
- Fahlberg, Vera I., M.D. *A Child's Journey through Placement.* Jessica Kingsely Publishers, 2012, 22-23. <www.jkp.com/catalogue/book/9781849058988>
- National Child Traumatic Stress Network. *Child Welfare Trauma Training Toolkit Module 2,* 2008. <www.nctsnet.org/content/child-welfare-trauma-training-toolkit-2008>
- Henry, D. and G. Manning. Integrating Child Welfare and Mental Health Practices: Actualizing Youth Permanency Using the 3-5-7 Model. *In* American Humane Association. "Love and Belonging for a Lifetime." *Youth Permanency in Child Welfare* 26(1), 2011. <www.americanhumane.org/assets/pdfs/children/protecting-children-journal/pc-26-1.pdf>

Fostering Connections

- ABA Center on Children and the Law et al. *Judicial Guide to Implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008*, 2011. <www.grandfamilies.org/Portals/0/JudicialGuidetoFosteringConnections2011[1].pdf>

- The batterer parent should arrive first and leave last. This allows the victimized parent to participate in hearings without being identified or followed after the hearing.
- Prevent the batterer from talking to the parent victim or making threatening comments.
- Consider separate hearings if the above suggestions cannot occur or the parent victim is so threatened by the past behaviors that she or he will not attend court if the batterer attends.
- Consult local domestic violence or intimate partner violence experts on services, supports, and guidelines.

Conclusion

Children have a right to have their biological and emotional relationships maintained and enhanced. These relationships allow a child to develop resiliency and to work through and overcome the trauma they have experienced.[21] Child welfare and juvenile justice professionals have not always viewed family finding as a tool to prevent removal and seek reunification and other permanency options. We typically focus on "fixing" the abusive custodial parent without involving the noncustodial parent and the extended family system, convinced perhaps that it's too difficult to locate missing parents or relatives.

New laws and practices clarify that it is our responsibility, as a system, to locate, inform, and engage the child's family members even if the custodial parent requests that we not locate relatives. These relationships help the child survive maltreatment and develop into a healthy successful adult.

When in doubt about whether to involve family, ask:

- If my child, grandchild, brother, sister, niece, nephew, godchild, etc. were in foster care or in jeopardy of being placed into foster care; would I want to be notified and would I have something I could offer that child?
- If I was in foster care would I want people to find the healthy members of my immediate and extended family and help me to learn how to have safe relationships with them and others?

Incorporating a family-finding process early can thwart unnecessary losses for children. It also lets children maintain their natural support systems, rather than dismantling them, only to seek rebuilding in the future.[22]

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Endnotes

[1] See Fostering Connections to Success and Increasing Adoptions Act f 2008, P.L. 110-351—definition of child as 18 years old or younger. However, Fostering Connections has also included "child" to mean a youth age 18-21, provided they meet certain criteria to remain in foster care, such as being a full-time student, completing secondary education or training per the State's 1996 title IV-A Aid to Families with Dependent Children (AFDC) plan.

[2] Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351.

[3] Beck, Kelly, et al. "Finding Family Connections for Foster Youth." *ABA Child Law Practice* 27(8), October, 2008.

[4] ACYP-CB-PI-10-11, Section H.

[5] Seneca Center FFE Model, first developed by Kevin Campbell and modified into current FFE Model.

[6] Furstenberg, F. "On a New Schedule: Transitions to Adulthood and Family Change." *The Future of Children* 20(1), Spring 2010.

[7] Xiangming Fang et al. "The Economic Burden of Child Maltreatment in the United States and Implications for Prevention." *Child Abuse & Neglect* 36(2), February 2012, 156-165. <http://www.sciencedirect.com/science/article/pii/S0145213411003140>

[8] Avery, Rosemary. "An Examination of Theory and Promising Practice for Achieving Permanency for Teens Before They Age Out of Foster Care." *Children and Youth Services Review* 32, 2010, 399-408 (citing Iglehart, 1995).

[9] Children's Bureau and U.S. Department of Health and Human Services, Administration on Children, Youth and Families, ACYF-CB-PI-10-11; July 9, 2010. <www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Fostering_Connections_PI%20for_p2p-Elizabeth_Sharp.pdf > <www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2010/pi1011.htm>

[10] PowerPoint on Fostering Connections presented by Elizabeth Sharp, Program Specialist, Policy Division, Children's Bureau, on October 4, 2010 at the 2010 Policy to Practice Dialogue Conference in Washington, DC. 42 U.S.C. §675(5); 45 C.F.R. §1356.21(b)(2)(i). <http://www.nrcpfc.org/fostering_connections/>

[11] Social Security Act, §475(8)(B)(iv)). <www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0805.htm>

[12] ICWA reference—tribe can intervene at any time, 25 USC §1911(c).

[13] *See, e.g.,* In re J.R.S., 690 P.2d 10 (Alaska 1984); In re M.E.M., 725 P.2d 212 (Mont. 1986); In re Child of Indian Heritage (Indian Child II), 543 A.2d 925 (N.J. 1988); In re Baby Boy Doe (Baby Boy Doe I), 849 P.2d 925 (Idaho 1993); <http://narf.org/icwa/faq/voluntary.htm#Q7>

[14] Wessler, Seth Freed. "Shattered Families: The Perilous Intersection of Immigration Enforcement and Child Welfare System." *Applied Research Center,* November, 2011.

[15] Colorado, CRSA §19-3-403] and Rule 7.304.52

[16] Cal. Welf. & Inst. Code §361.3(f)(1)-(3)

[17] Illinois Adoption Act, 2010. <http://newillinoisadoptionlaw.com/>

[18] Beck, K. "Family Finding Connections for Foster Youth." *ABA Child Law Practice* 27(8), 2008.

19 *See* The Geneva Convention of 1947. "The primary need inevitably cited by the families of missing persons is the right to know what happened to their relatives." The Missing, The Right to Know, December 2003, ICRC.

[20] <www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2010/pi1011.htm#sectg>

[21] Masten, Ann S., Karin M. Best, and Norman Garmezy. "Resilience and Development: Contributions from the Study of Children Who Overcome Adversity." *Development and Psychopathology* 2, 1990, 425-444.

[22] In re JW, 226 P.3d 873 (Wyo. 2010).

Improving Oversight of Psychotropic Medication Use with Children in Foster Care

by Eva J. Klain

Overuse of psychotropic medication with children in foster care presents challenges for child advocates. The Children's Bureau, Administration on Children, Youth and Families, is boosting state oversight in this area. It recently issued an Information Memorandum, *Promoting the Safe, Appropriate, and Effective Use of Psychotropic Medication for Children in Foster Care,* that explains increased state oversight through state plans and monitoring (ACYF-CB-IM-12-03, found at www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1203.pdf).

Planning and Oversight

The Child and Family Services Improvement and Innovation Act requires that states develop protocols for the appropriate use and monitoring of psychotropic medications. This requirement builds on the provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008 to develop a plan for oversight and coordination of health care. The state protocols now must be explicitly addressed in state Annual Progress and Services Reports (APSRs), which were due June 30, 2012.

States' plans will be evaluated on whether they address five common elements:

- Comprehensive and coordinated screening, assessment, and treatment evaluation mechanisms to identify foster children's mental health and trauma treatment needs.
- Informed and shared decision-making mechanisms to promote continuous communication among the prescriber, child, caregivers, caseworker, and others.
- Adequate and effective medication monitoring at the client and agency level.
- Availability of mental health expertise and consultation by board certified or board-eligible child and adolescent psychiatrists on consent and monitoring issues.
- Ways to access and share accurate and up-to-date information and educational materials related to mental health and trauma-related inventions with clinicians, child welfare staff, and consumers.

The Children's Bureau will work with states to develop quality plans. A summit scheduled for August 2012 titled "Because Minds Matter: Collaborating to Strengthen Management of Psychotropic Medication for Children and Youth in Foster Care" will bring together teams from all 50 states, the District of Columbia, and Puerto Rico. The teams will develop action plans to improve upon and implement their existing oversight protocols.

What Advocates Can Do

Advocates can provide input in several ways:

- Review the state APSR (often posted on the child welfare agency's website or provided on request) and provide feedback.
- Identify members of the state teams attending the August summit, which consist of two representatives from child welfare, mental health, and Medicaid. Give them input on the oversight protocol.
- Work with other stakeholders to identify mechanisms to address each of the five common elements required in the oversight plans.
- Ask to participate in any pre-summit meetings or work groups to fine-tune the state's APSR.

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Resources:

- *Psychotropic Medication and Children in Foster Care: Tips for Advocates and Judges,* by JoAnne Solchany, PhD, ARNP (www.americanbar.org/content/dam/aba/administrative/child_law/PsychMed.authcheckdam.pdf)
- Child Welfare Information Gateway (www.childwelfare.gov)
- "Joint Letter to State Child Welfare, Medicaid, and Mental Health Authorities on the Use of Psychotropic Medication for Children in Foster Care" (www.childwelfare.gov/systemwide/mentalhealth/effectiveness/jointlettermeds.pdf)
- Use of Psychotropic Medication Among Children in Foster Care Webinar Series (http://gucchdtacenter.georgetown.edu/child_welfare.html#Upcoming)
- *HHS Guidance Could Help States Improve Oversight of Psychotropic Prescriptions: GAO-12-270T* (December 2011) (www.gao.gov/products/GAO-12-270T)

Addressing Child Trauma by Working Together

The Need for Coordination among Child-Serving Systems

by Claire Chiamulera

Trauma-exposed children often interact with several systems, among them child welfare, education, juvenile justice, and mental health. When these systems have a shared view of trauma's impact on children and provide a coordinated system of care, children can thrive.

A new Chapin Hall report, *Responding to Students Affected by Trauma: Collaboration across Public Systems*, explores how public child-serving systems can work together to help children affected by trauma. It finds that child welfare, juvenile justice, public schools, and mental health/substance abuse agencies struggle when handling the behaviors of children affected by trauma. Responses either focus on protecting public safety or rehabilitating the child, with wide differences within and across systems.

Child-serving systems often intersect and overlap, according to the report. For example, a school may refer a youth who acts out to the juvenile justice system. Or, the juvenile justice system may have to decide how to transition a youth back to the education system. Different approaches within and across these systems to handling a child's trauma-induced behaviors can clash, further affecting children's behavior. Adopting trauma-informed approaches and coordinating efforts would benefit children.

Lessons Learned

Changing fragmented approaches and ensuring child-serving systems are on the same page when responding to traumatized children is the aim of a fairly new movement. Some child-serving systems are using trauma-informed approaches that address a child's safety and risk behaviors and draw on family and protective factors. Work in this area has often focused on the education system, likely because children spend so much time at school. Approaches are also expanding to the child welfare system. The report describes assessments of three approaches, one child welfare agency-based and two school-based. The assessments have have uncovered the following themes:

Assessing a child's and family's experiences aids the response.
An assessment of an Illinois child welfare agency program (the Illinois Department of Children and Family Services' Integrated Assessment Program) finds a trauma-informed approach helped the agency match appropriate services with a child's individual circumstances and needs. The program uses integrated assessments by child welfare caseworkers to evaluate children's educational experiences and status in school. School staff receive information about the children's and family's circumstances to help put children's behaviors in context and view a child's learning and behavior issues through a trauma-informed lens.

Behavior is seen as an expression of trauma.
An approach by Chicago public schools uses a three-tiered framework to identify traumatized children's social, emotional, and behavioral needs. Evidence-based interventions are identified for each tier that increase in intensity based on the level of need. Evaluations have found school staff shift their focus once they adopt a trauma-informed approach. Instead of seeing problem behavior as anger-based, they begin to see it as an expression of trauma. Rather than perceiving a child's violence as threatening, a trauma-informed view enables staff to see it as a response to feeling unsafe or threatened. Instead of referring a child to anger management, the three-tiered framework allows staff to make referrals to the evidence-based interventions designated for each tier or level of need.

A trauma-sensitive environment promotes healing.
Another school-based approach in Massachusetts, Helping Traumatized Children Learn, creates trauma-sensitive school environments to enhance children's sense of safety. Clear behavioral expectations, supportive relationships, and established routines are key supports used to create this environment. Teachers also receive guidance on tailoring instruction to support learning for traumatized children. The program benefits children with identified trauma exposure, as well as those whose trauma has not yet been identified.

Family involvement is key.
As interest in trauma-informed approaches and advocacy grows, the need to coordinate efforts to engage families, especially "hard-to-reach" families is gaining attention. The underlying thinking is that:

- Parents need support handling their children's behaviors and issues of their own that may contribute to the child's behaviors.
- Families can provide valuable information about a child that is critical to the system serving the youth.
- A family's support may reduce a child's anxiety and aid treatment.

Schools have a harder time reaching and engaging "hard-to-reach" families. Yet, juvenile courts, the child welfare and juvenile justice systems, and mental health/substance abuse agencies often engage with them. Improved coordination among these systems and schools could help bridge this gap.

Developing a child's strengths lessens trauma's impact.
Studies show that helping a child develop talents and interests, grow stable relationships, and experience success are key to resolving trauma's impact and preventing risky behaviors. Schools, in particular, can provide children with stable adult relationships, and opportunities to experience success academically and socially. Other systems can also work creatively to surround children with strong adult role models, opportunities to develop talents, and positive experiences.

How child-serving systems respond to child trauma is gaining attention and a push for trauma-informed responses is underway. The report notes that juvenile courts are uneven in their responses depending on their views about punishment versus rehabilitation. However, with the growing focus on child trauma, more programs are finding their way into educational, juvenile justice, child welfare and mental health/substance abuse systems. Sharing the experiences of these programs across systems is needed to promote a more collaborative cross-systems approach.

Claire Chiamulera is CLP's editor.

Child Trauma Resources

Coming Soon: New Resources from the Safe Start Center, ABA Center on Children and the Law and Child & Family Policy Associates.

- Issue Brief on Trauma Informed Legal Advocacy
- Identification Tool and Resource Guide on Polyvictimization and Trauma among Court-Involved Youth

Will be available at www.safestartcenter.org

Understanding Children's Exposure to Violence. E. Cohen, et al (Safe Start Center), 2009. <http://safestartcenter.org/pdf/IssueBrief1_UNDERSTANDING.pdf>

Child Welfare Trauma Training Toolkit. National Child Traumatic Stress Network Child Welfare Committee, 2008. <www.nctsn.org/products/child-welfare-trauma-training-toolkit-2008>

Birth Parents with Trauma Histories and the Child Welfare System: A Guide for Judges and Attorneys. National Child Traumatic Stress Network, Child Welfare Committee, 2011. <www.nctsn.org/sites/default/files/assets/pdfs/birth_parents_trauma_guide_judges_final.pdf>

CAC Directors' Guide to Mental Health Services for Abused Children. National Child Traumatic Stress Network, Child Welfare Committee & National Children's Alliance, 2008. <www.nctsnet.org/sites/default/files/assets/pdfs/CAC_Directors_Guide_Final.pdf>

Polyvictimization: Children's Exposure to Multiple Types of Violence, Crime, and Abuse. (Juvenile Justice Bulletin – NCJ 235504.) Finkelhor, D., Turner, H., Hamby, S., & Ormrod, R., 2011. <www.unh.edu/ccrc/pdf/jvq/Polyvictimization%20OJJDP%20bulletin.pdf>

How Trauma Impacts Children

According to the Chapin Hall report, studies find high rates of child trauma for youth involved in public child-serving systems:

- 97% of youth in the Illinois child welfare system for abuse or neglect experienced a traumatic event, and 25% had an identifiable trauma symptom;
- 75% of youth in the juvenile justice system have experienced traumatic victimization, with as many as 50% experiencing post-traumatic stress symptoms.

The effects of trauma exposure observed by public systems include behavioral, cognitive, and social.

Behavioral effects:
- Risk taking
- Acting out
- Rule breaking

Cognitive effects:
- Compromised cognitive abilities (attention, memory, executive functions, verbal abilities) and skills development.
- Difficulty with language, concentration, understanding, and responding to classroom instruction.
- Challenged ability to problem solve, make abstractions, participate in groups, adjust to classroom transitions, form relationships, regulate emotions and organize material sequentially.

Social effects:
- Impulsivity
- Aggression
- Defiance
- Withdrawal
- Challenged relationships

NEW IN PRINT

The Role of the Juvenile Court Judge: Practice and Ethics, by Judge Leonard Edwards, Ret.
Reviewed by Judge Margaret Henry

Juvenile court is different and so are the ethics that apply to the judges who sit in juvenile court. I recall at an ethics training early in my juvenile court judicial career that the instructor said, "A judge may not accept a gift from any party, ever. No exceptions." My hand shot up. She looked at me and repeated: "No exceptions." I said: "What about a picture from an eight-year-old autistic boy who is a dependent appearing in front of me?" She stared at me for a few seconds, and then said, "OK. There is an exception."

There was nothing in writing at that time – more particularly, nothing in Judge David M. Rothman's California Judicial Conduct Handbook that supported the position of an exception. Judge Rothman's book is, of course, the gold standard of judicial ethics books in Califorina. As comprehensive as it is, it does not detail the distinctions in the role of the juvenile court judge.

Judge Edwards' new book explains the unique role of the juvenile court judge in the context of discussions of ethics. The book takes a very different approach, in structure and content, from California Judicial Conduct Handbook. Judge Edwards' book uses hypothetical scenarios that juvenile court judges may encounter in their work on the bench, identifies practice and ethical issues, and proposes approaches, offering advice and solutions to the judicial officer. The focus is on practical, ethical issues that the juvenile court judicial officer encounters.

The book is well indexed and organized. It is divided into three parts: Running the juvenile court, ex parte communications, and working off the bench. Each has approximately 30 sections with several scenarios. The table of contents can be used to find an exact discussion of an issue facing a juvenile court judge.

The author explains the role of the juvenile court judge and that judges must not shy away from the responsibilities that come with the role. The Introduction should be mandatory reading for all new juvenile court judges. Experienced juvenile judges will read it and think, "Exactly. That explains the difference in our role."

This is a book for specialists—juvenile court judges. It should be kept in easy reach of each of us, in chambers.

$89.95. Order at:
www.caljudges.org

Judge Margaret Henry, is a judge in the Edmund D. Edelman Children's Court, Los Angeles, CA.

Video Interview with Judge Edwards: Visit www.childlawpractice.org for our exclusive interview with Judge Edwards about his new book.

Ethics Training for Juvenile Court Judges and Attorneys
Through the National Resource Child Welfare Resource Center on Legal and Judicial Issues, Judge Edwards offers technical assistance and training on legal ethics for juvenile court judges and attorneys based on his new book. Contact *Jennifer Renne* for more information, 202/662-1731.

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