

## Use of Court-Appointed Advocates to Assist in Permanency Planning for Minority Children

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SHAREEN ABRAMSON

*Despite federal law on reuniting children in care with their families, minority children remain in dependency longer and are more likely to be placed in long-term foster care than white children. This article describes a program of volunteer, court-appointed advocates to assist in cases of abuse and neglect involving minority families, and an outcome study. Significantly fewer children were placed in long-term foster care and significantly more children were placed in adoptive families than in a comparison group of families.*

The Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, requires that "reasonable efforts" be made to reunite children who have been abused or neglected with their families and imposes strict time limits

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*Shareen Abramson, Ph.D., is Professor, Victim Services Program, School of Education and Human Development, California State University, Fresno CA. She is Project Director of the Fresno Amicus Program. This project was supported by grants awarded by the Department of Health and Human Services, National Center on Child Abuse and Neglect (#90-CA-1040-01); California State Department of Social Services, Title XX, Families at Risk (A-85-554, A-86-454, A-87-557, A-88-527); State of California, Office of Child Abuse Prevention, Child Abuse Prevention, Intervention and Treatment Projects, (A-86-286, A-87-329, A-88-527).*

for dependency review and disposition. The act also compels child welfare agencies to formulate specific, written case plans for each child removed from home and to include parents in case planning. It is implicit in the law that parents and children have a right to understand the court process, case plans, and implications of court decisions [Norman 1985].

The problem of deciding whether children and parents should be reunited or separated is difficult enough. It is further complicated by a family's ethnic, cultural, or language differences, which may cause misunderstandings on the part of both the family and the judge, and result in an incorrect evaluation of the family by the court [Aguirre 1982; Pena 1978; Smart 1982]. Failure on the part of minority families to comprehend fully the nature of the court process has led to harsh consequences for some parents and children [for illustrative case studies, see Smart 1982]. Compared to white children, black, Hispanic, and Native American children not only have higher percentages in out-of-home care, but also have higher percentages remaining in long-term care beyond five years [Washington and Baros-Van Hull 1985].

### **Intervention with Minority Families**

Child abuse and neglect intervention with minority families presents special challenges to the social welfare system. The underutilization of family and mental health services by minorities poses a major social welfare issue [Cuellar 1982]. Work with minority clients must be predicated on an understanding of their ethnic and cultural background [Washington and Baros-Van Hull 1985]. The availability of minority staff members appears to enhance the effectiveness of service delivery to minority clients [Cuellar 1982], yet there is a critical shortage of minority social workers and program administrators [Norman 1985].

Using trained, indigenous support persons is an alternative approach in the effort to bridge communication between agencies and minority clients [Pedersen 1985]. Court-appointed, neighborhood volunteer committees have been successful in mediating family problems already in court [Pena 1982].

### **Court-Appointed Special Advocates (CASA)**

An increasingly popular program for assisting permanency planning in child abuse and neglect cases involves the use of trained lay volunteers acting as **Court-Appointed Special Advocates (CASA)** [Blady 1981; U.S. Department of Justice 1985]. The National CASA Association, based in Seattle, Wash-

ington, is the parent organization for CASA programs throughout the U.S.

To function effectively, CASA programs must be sanctioned by the court. The judge formally appoints the CASA, giving the volunteer access to all parties, including dependents, and to confidential records pertaining to the case. Furthermore, court appointment invests the volunteer with the power and authority of the court, resulting in greater cooperation from agencies as well as the family. Typically, the CASA conducts an independent investigation of the case, interviews all parties, monitors court orders, evaluates facts, advocates for the child's best interests, and makes recommendations to the court via reports and/or direct testimony.

Research on CASA programs is limited. Duquette and Ramsey [1986] showed that carefully selected and trained volunteers who were supervised by an attorney were as effective in performing duties representing abused and neglected children in dependency actions as trained attorneys and law students. Moreover, children represented by advocates were less likely to be made wards of the court or come back into the system as compared to children represented by a control group of attorneys.

No research was found concerning the use of CASAs or other volunteer advocates for abused and neglected minority children. Nevertheless, the advocacy concept appears to have promise for overcoming obstacles that exist for many minority families in the court system.

### **Fresno Amicus Program**

The Fresno Amicus Program was organized to assist permanency planning for abused and neglected children and to ensure equality of treatment of minority families in the Juvenile Court of Fresno County, California. In 1985, 56% of all adjudicated dependency cases in Fresno County involved minority children, the majority from Hispanic backgrounds [Abramson 1986]. An interagency coalition of individuals and agencies comprising representatives from the Juvenile Court, the County Department of Social Services, the local Council on Child Abuse Prevention, California State University, Fresno, and the community at large was responsible for developing the program and hiring a program coordinator. The Fresno Amicus Program is a member of the National CASA Association.

The program makes a major commitment to recruiting and training minority and bilingual volunteers for court appointment. Volunteers are matched with minority families sharing similar ethnic, cultural, and language backgrounds. The amicus (friend) volunteer is seen not only as an advocate for the best

interests of the child but also as an advocate for the family. The amicus empowers both parents and children by increasing their understanding of and participation in the court process. Families look to volunteers as empathetic persons outside the system who can be trusted.

The amicus provides essential information to the court concerning the child's adjustment, parent-child interaction, home environment, and response to court-ordered services. In situations where parental rights must be terminated, the volunteer's observations help to identify a family member, relative, or other individual able to adopt or act as guardian, thus preserving the child's extended family ties and ethnic and cultural heritage.

Approaching the best interests of the child from this family perspective is consistent not only with the law, but also with the ecological theory of human behavior [Bronfenbrenner 1979], which holds that behavior is a result of the dynamic interaction of the individual with the settings in which the individual operates. An ecological orientation to social work and social support services can improve the effectiveness of child abuse intervention [Miller and Whitaker 1988]. The amicus program recognizes that the needs of the child should be understood within the multidimensional contexts of family, culture, and society.

To assess the efficacy of the amicus program, a research design was incorporated into its implementation plan to examine case outcomes and the rate of recidivism for families served by amicus volunteers.

## Method

Eligibility for amicus program assistance was decided at Child Protective Services' (CPS) initial case staffing. To qualify, families had to meet at least one of the following criteria: language other than English spoken in the home; ethnic or cultural differences; or limited education (no high school diploma). Priority was given to families in the first two categories. The third category was included however, because these families were also in need of volunteer support services.

For every two families that met the criteria, one family was randomly assigned to receive a volunteer (amicus group) and the other family was not (comparison group). This plan allowed groups to be balanced as to time of entry into the system. Prospective amicus families were informed about the program, and voluntary, written consent was obtained. The rate of participation was 96%. To allay ethical concerns, comparison group families were given the program coordinator's card and advised to call if they needed assistance from a resource person who was also bilingual.

At the first court hearing, CPS requested an amicus volunteer for the identified family, and the judge ordered the appointment.

### *Sample*

The sample consisted of 28 amicus families and 28 comparison group families who did not receive a volunteer, over the first 18 months of program operation, January 1986 through June 1987.

The ethnic breakdown of the families was as follows: for the amicus group, 24 Hispanic, one black, and three white families; for the comparison group, 19 Hispanic, two black, one Indian (Sikh), and six white families. Amicus families ( $n = 20$ ) were significantly more likely to have had previous referrals to CPS than comparison group families ( $n = 11$ ) ( $\chi^2 = 5.85$ ,  $df = 1$ ,  $p = .0156$ ). All cases in both groups involved a variety of abuse and neglect problems.

A total of 122 children (dependency cases only) were associated with sample families, 60 children in the amicus group and 62 in the comparison group. The number of children per family with court dependency status ranged from one to five in the amicus group and one to seven in the comparison group, with an average number of court-dependent children per family of 1.97 in the amicus group and of 2.03 in the comparison group. Ethnicity of the children was as follows: for the amicus group, 53 Hispanic, three black, and four white children; for the comparison group, 38 Hispanic, ten black, one Indian (Sikh), and 13 white children. There were significantly fewer white and black children and more Hispanic children in the amicus group than in the comparison group ( $\chi^2 = 11.00$ ,  $df = 2$ ,  $p = .004$ ). The amicus group consisted of 21 boys and 39 girls, and the comparison group consisted of 23 boys and 39 girls. Children's ages ranged from three months to 17 years with an average age of 6.69 for the amicus group and 7.26 years for the comparison group.

### *Volunteers*

Volunteers for the program were recruited from the local community, screened, and interviewed by the program coordinator. Before being assigned to a family, the volunteers completed an intensive 40-hour training program. The program contained a substantial component on cultural issues related to child-rearing styles, family dynamics, and child abuse and neglect. Trainers themselves represented a variety of ethnic and cultural backgrounds. From July 1985 through June 1987, 20 volunteers successfully completed the training. Thirteen were Hispanic, five white, one black, and one Southeast Asian (however, no Asian families were referred to the program). In all but two

cases, volunteers had the same ethnic and cultural background as the families to whom they were assigned.

After appointment, the volunteer had regular contacts with family members, including visits to the parents' home and to the children's placements at least twice a month. The volunteer attended all CPS staffings and court hearings affecting the family and monitored compliance with court orders by family members and service providers. The amicus then prepared a written report for the court regarding the family and was ready to testify in court. The program coordinator supervised all amicus activities.

## Results

Data were collected from CPS files concerning amicus and comparison group outcomes at the end of the third year of program operation in July 1988, one year after the last family had entered the study. Findings, for the most part, are reported for children rather than families, since children in the same family had individual case plans that sometimes differed. Whenever helpful to interpretation of the results, the children's family membership and/or ethnic background is noted.

### *Dismissed Cases*

The majority of cases in both groups had been dismissed by the court at the conclusion of the study with no significant differences in rates of dismissed and pending cases. In the amicus group, 37 cases had been dismissed and 23 cases were still pending. In the comparison group, 40 cases had been dismissed and 22 cases were still pending ( $\chi^2 = .11$ ,  $df = 1$ ,  $p = .7443$ ).

For cases that had been dismissed, there were significant differences between amicus group and comparison group children's permanent placements ( $\chi^2 = 7.15$ ,  $df = 2$ ,  $p = .028$ ). (For purposes of chi-square analysis, two dismissed cases were excluded, one amicus group child who attained the age of 18 and one comparison group child who was placed in a juvenile detention facility.)

Table 1 gives permanent placements for children whose cases were dismissed. Placements for amicus group children were as follows: 29 children with one or both parents, two children with relative-guardians, and five children (Hispanic) with adoptive parents. The last group of children were five siblings adopted by an aunt and uncle who had been acting as foster parents. Placements for the comparison group were as follows: 33 children with one or both parents and six children with relative-guardians.

**TABLE 1 Amicus Group and Comparison Group: Permanent Placements of Children Whose Cases Were Dismissed**

Placement*	Amicus Group (n = 36)		Comparison Group (n = 39)	
	f	%	f	%
Parents	29	38.7	33	44.0
Guardian	2	2.7	6	8.0
Adoption	5	6.7	0	0

\* $\chi^2 = 7.15$ ,  $df = 2$ ,  $p = .028$

Note: For purposes of this chi-square analysis, two dismissed cases were excluded, one amicus group child who attained age 18 and one comparison group child who was placed in a juvenile detention facility.

### Pending Cases

Plans for amicus and comparison group children with pending cases are presented in table 2. Significant differences were found in case plans for pending cases ( $\chi^2 = 14.16$ ,  $df = 3$ ,  $p = .0027$ ).

Case plans for children with pending cases were as follows: For the amicus group, nine children (Hispanic) had reunification as the case plan, three children (Hispanic) had long-term foster care, five children (two Hispanic, three black) had guardianship, and six children (five Hispanic, one white) had adoption, with four siblings to be adopted by their foster parent; for the comparison group, four children (two white, one Hispanic, one black) had reunification as the case plan, 13 children (nine Hispanic, four white) had long-term foster care, and five children (four black, one Hispanic) had guardianship.

### Recidivism

Recidivism was measured as a function of new referrals of families to CPS after dismissal of cases included in the study. Referrals were classified into three categories: (1) referral to CPS of at least one or more children included in the study, resulting in a new petition being filed in court; (2) referral to CPS of a new child (frequently, a baby), resulting in a new petition being filed in court; and (3) referral to CPS, but with no new petition filed. For the 16 amicus group families whose cases had been dismissed, a total of six new referrals had been made and were classified as follows: category 1, two families; category 2, one family; and category 3, three families. For the 19

**TABLE 2 Amicus Group and Comparison Group: Case Plans of Children Whose Cases Were Pending**

<i>Plan*</i>	<i>Amicus Group</i> ( <i>n</i> = 23)		<i>Comparison Group</i> ( <i>n</i> = 22)	
	<i>f</i>	%	<i>f</i>	%
Unification	9	20.0	4	8.9
Foster Care	3	6.7	13	28.9
Guardianship	5	11.1	5	11.1
Adoption	6	13.3	0	0

\* $\chi^2 = 14.16$ ,  $df = 3$ ,  $p = .0027$

comparison group families whose cases had been dismissed, a total of eight new referrals had been made and were classified as follows: category 1, four families; category 2, three families; and category 3, one family. As detailed in table 3, three of the six new referrals of amicus group families resulted in new petitions being filed in court, and seven of the eight new referrals of comparison group families resulted in new petitions being filed. This proportional rate of new referrals to new filings approached statistical significance ( $z = 1.52$ ,  $p = .0655$ ).

## Discussion

Findings of this study of the Fresno Amicus Program indicate that use of trained, court-appointed advocates is a promising approach for enhancing permanency planning efforts for abused and neglected minority children. Intervention in dependency cases by an amicus volunteer was associated with significant differences in permanent placements for dismissed cases and in case plans for pending cases as compared to cases that did not receive amicus assistance.

In cases still pending, nine children in the amicus group were still planned for reunification with parents as compared to four children in the comparison group. Although the amicus group had only three children (all Hispanic) planned for long-term foster care, 13 children in the comparison group (nine Hispanic, four white) were destined for long-term foster care. These results occurred in spite of initial differences tending to favor the comparison group, because the amicus group had more families with previous referrals and more minority children than the comparison group.

**TABLE 3 Amicus Group and Comparison Group: New Referrals of Families by Category, Total New Referrals, and Total New Petitions**

Referral	Amicus Group		Comparison Group	
	f	%	f	%
Category 1	2	14.3	4	28.6
Category 2	1	7.1	3	21.4
Category 3	3	21.4	1	7.1
Total Referrals	6	42.9	8	57.1
Total Petitions (I + II)	3	30.0	7	70.0

*Proportion of Total Referrals to Total Petitions:  $z = 1.52, p = .0655$*

*Category 1: CPS referral resulting in new petition filed, at least one child from sample involved.*

*Category 2: CPS referral resulting in new petition filed, new child.*

*Category 3: CPS referral, no new court petition filed.*

Even more encouraging, when plans for dismissed and pending cases were combined, a total of 11 amicus group children, ten of whom were Hispanic children, had been adopted or were planned for adoption, with two large groups of siblings remaining intact. An amicus group adoption rate of 16.7% for minority children is dramatically different from the grim statistics on minority children in out-of-home care. None of the comparison group children had been or were scheduled for adoption.

Families who had been served by the amicus program appeared less likely to return to court after case dismissal, although this finding was not statistically significant. Although a comparable number of families in each group whose cases had been dismissed received new referrals to CPS, only three of the six referrals on amicus families resulted in new petitions filed in court whereas seven of the eight comparison group referrals led to new petitions.

By offering children permanent homes and reducing the likelihood of future court involvement, the program is highly cost effective. In addition, as has been described in the literature, volunteer advocates, when carefully trained and supervised, can provide the same quality of services as paid professional advocates at a significant reduction of cost.

The Fresno Amicus Program has become a valued resource for families in the court system, with new volunteers continuing to be recruited and trained. The response of the court has been very positive. Not only the court, but the district attorney and public defender have come to rely on the services of the amicus in assisting families. A good working relationship exists with CPS. Both CPS and the court now refer families to the program. Such a partnership

of agencies and concerned citizens willing to donate their time as volunteers can only benefit the welfare of abused and neglected children and improve their chances for a better future. ♦

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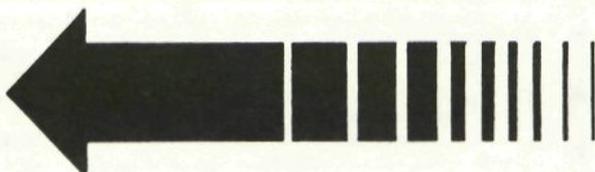
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*(Address requests for a reprint to Shareen Abramson, Victim Services Program, School of Education and Human Development, California State University, Fresno, CA 93740-0002.)*

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