Areas most in need of our attention/most in need of reform

From ABA Center on Children and the Law

Ensure system provides high quality legal and other services to families, with a focus on respect

- All children and families involved with the system are entitled to respect and support. But, unfortunately they experience negative treatment from the initial contact, throughout the case. Judges, attorneys, caseworkers, and others working with families need better training and resources to ensure a positive experience. Those working in the system must eliminate cultural, racial, economic, LGBTQ and other bias. They must understand the impact of trauma on both children and parents.
- Sample Strategies: 1. Well-trained multidisciplinary teams providing quality representation to children and parents. There are a handful of jurisdictions that employ this model. There should be resources spent to replicate and evaluate these model programs to best support families. 2. All parties (the agency, children and parents) must be represented by high quality, well-trained, adequately compensated attorneys who have reasonable caseloads and time to spend with clients outside of court. 3. Judges that hear child welfare cases should also be specialized and well-trained.

Increase and re-allocate resources to better support children and families at home

- Ultimately most of the challenges of the child welfare system come down to money. There is a lack of allocation of resources by federal and state lawmakers, especially given recession and other financial constraints. Additionally, the current allocation of resources are tied to outdated funding mechanisms that favor out-of-home placement over supporting children with their families of origin (parents and kin). If even the current federal and state funding for child welfare were focused on prevention and family support, the system would be improved. But, far more funding is needed to actually meet the needs of those involved with the system. The system must work with families to maintain children at home rather than default to removal as removal causes trauma to children. Removal should only occur when necessary for the safety of the child.
- Sample Strategies: 1. Federal Child Welfare Finance Reform – all children who are touched by the child welfare system should be entitled to IV-E dollars; priority for resources should be given to strengthening prevention with services/programs that really work for families; kin who are deemed safe to care for children should be able to receive money; agencies should be open to spending resources on parents and kin in the way they support foster families. 2. Dollars and resources should be allocated to increase and improve family time/visitation as this is the number one indicator of safe reunifications.

Connect child welfare reform with broader issues related to poverty

- Poverty is intricately linked with the child welfare system. Rather than work on fixing the child welfare system in a silo, we need to think about how to address the broader challenges to ensure that children and families have high quality education, employment opportunities, health care, and housing.
- Sample Strategies: 1. Community coalitions and advocates collaborating to create common messages and work on leveraged funding. “Reunification Month” helps to raise awareness of the significant challenges families face and the positive outcomes when given the right respect and services. 2. Engage judges and other influential community
stakeholders when focusing on community challenges. 3. Implement social and legal prevention services aimed at poverty-related collateral issues such as housing (e.g. Detroit Center model).

From Melissa Adamson
Some suggested areas for foster care reform discussion:
1. Medical care/records continuity (especially for children with chronic health conditions)
2. Mental health care (and curbing the over-use of psychotropic medication prescription)
3. Cross-over youth in the delinquency context

From Stacie Bladen
1) Reform to be more proactive and less reactive
   Expanded prevention
   National Incidence Study (NIS) reports and other predictive models reveal the environment, familial factors, and parent and child characteristics associated with future maltreatment. This information should be used to offer supports and voluntary services to families at risk before abuse or neglect occurs. Evidence-based interventions should be used, like nurse-family partnership, and other home visitation models. Goal: Decrease the percentage of confirmed investigations from 25% to 15%. Improve family protective factors and parenting capacity.

2) Reform to rely less on out of home care
   Tailored In-home CPS services
   Instead of removing children from their homes, the same (or higher!) level and intensity of service provision, supports, and oversight that are currently applied after a child is removed, should be available to the family to prevent removal.

   This will require a change in programming approach to focus intervention on a family’s underlying issues (not just symptoms and behaviors) and myriad practical needs (housing, transportation, employment). Services will include thorough assessments and trauma informed and evidence based interventions. Type of services and duration of intervention and oversight will vary but allow for extended involvement (i.e. 18 months-2 years) w/ community transition plan of support.

   Petition requests for out of home care should be limited to only those cases in which predictive models are applied to the case facts and indicate a high likelihood of abuse and no amount of in-home supports and service provision, however intense or extended, will keep the child safe. Goal: Decrease annual foster care entries from 6,600 children to less than 3,000. Decrease foster care population from 12,830 children to less than 6,000.

3) Workforce and caregivers: top-quality
   Increase pay and reduce caseloads to enable strong engagement with families, attention to detail, quality decision-making, supervisory support, ongoing training, and work/home balance.

   Temporary caregivers should be well-trained, system should retain high-standards where only capable parents are licensed. Caregivers should be well-supported with formal and informal services to meet the needs of children placed in their care. Goal: Workforce turnover of less than 5%. Placement stability where majority of children experience 2 or fewer placements. 98% of children remain in family home setting. 100% of children will be free from maltreatment in care.

   Additional areas of focus:
   Quality of parent and child representation
   Training on making unbiased, quality decisions in child welfare
   Public Health role in preventing maltreatment
   Data transparency
   Trauma informed practices

From Bobbe Bridge and Gina Cumbo
1. Racial and Ethnic Disparities
2. CSEC pipeline
3. LGBTQ Youth
4. Cross-over/Dual System Involved Youth

From Paige Chan
(1) Education (improving school stability, trauma-informed training)
(2) Standards for foster parent licensing and quality of caregiver training
(3) Breaking down silos between systems (child welfare, education, mental health)

From Diamond Conley
* I would like to hear and learn more about what lawyers are already doing to reform the system and what expectations can be placed onto future lawyers to identify some of the areas that weaken the foster care system and prepare to strengthen it.
* I would like to look more at the way the foster care system handles race and cultural differences. One of the articles posted, touched on the fact that “one size does not fit all” when trying to help diverse families involved. I would like to learn more about how the system is handling the differences that families from different races and cultures might bring and where the system still needs a bit of work.
* I am also aware of some of the difficulties that youth face when they have to "age-out" of the foster care system. I would like to learn more about what programs are in place if any, for children who are not adopted or cannot find a long term placement, and therefore will grow up in the system. Is the system handling them a little differently and thinking about giving them a bit of extra support? Also, what can the system do better to make the "aging out" transition better?

From Justice Corrigan
I see two significant topics that require attention: 1.) the topic of worker retention, both at the leadership and front-line levels and 2.) child safety, particularly the use of predictive analytics to enhance the likelihood a child can avoid harm.

From Kristi Erickson
In the past when I have identified this area of potential reform, I have gotten a lot of push back. I think it is controversial, but I will share anyway.

Before attending law school, I worked at a residential treatment center for foster children. We specialized in treating children suffering from extreme behavioral and emotional challenges due to the severe abuse and neglect they endured at the hands of their caregivers. We were licensed to care for children ages 3 -12, although I only cared for children ages 6 – 12. I was very lucky to have stumbled upon a residential treatment center that operated under the philosophy that children should be cared for in a family-like setting. We were radically opposed to warehousing children.

The mandate to place children in the “least restrictive” environment was well intentioned, but, in my experience, it has resulted in children “failing-up.” It was not unusual for us to care for children who were on their 12th, 14th, 16th placement. Because of their out-of-control behaviors, these children were moved from kinship placement to kinship placement, from foster home to foster home, until residential was the last resort. These moves were “reasonable” because children need to be in the least restrictive environment, and residential was not yet justified. Once a child was in our care, there was pressure to treat the child in 90-days, as if 3-months of specialized care could cure 7-years of trauma. We underwent great scrutiny for keeping children 12 to 18 months. I often felt convinced that if this child had been in our care 3 or 4 years prior, a 90-day stay might have been appropriate. Instead, the child came to us physically bigger and more dangerous, the child has been let down by family after family, and the emotional trauma was unrelenting. 90-days was just long enough for us to convince the child that we were trustworthy, not long enough to instill emotional regulation skills enabling a child to be safe for a foster home or adoption.

All this to say that I believe there is a war on residential treatment—a well-intentioned effort to keep children from languishing in foster care. I agree that residential is not for every child, in fact, not for most children. I agree that some residential programs are poorly operated and managed. But, I believe the systematic closure of residential will result in a spike in foster youth crossing over into delinquency system.
I would like to focus on two areas: (1) changing the “least restrictive” environment to permit high-risk, high-needs children to be placed in more restrict environments initially, to work their way down into foster care or into an adoptive placement, rather than creating a world where a child “fails up,” making adoption or permanency unlikely given their long history of aggressive and atypical behaviors, (2) reforming residential treatment rather than gradually eliminating residential treatment. There are advantages to 24-hour care, staff members that can switch out, and programing that is highly child-specific and monitored by impressively credentialed mental health professionals. These advantages can only be fully realized when residential is a preventative measure for children who need it, rather than a treatment of last resort.

Thirdly, and unrelated, I think intervention statues are fascinating. So, I would love to talk about that next week. There seems to be a disconnect between the professionals in court speaking to a judge and the caregivers interacting with children on daily basis. I think by taking advantage of intervention statutes, in states that make them available, caregivers would have more “face-time” with the judge and more power in the dependency process.

From Josh Gupta-Kagan
1) We need to invest significant funds to provide evidence based primary (i.e. nurse home visiting) and secondary (functional family therapy, MST, etc.) prevention programs to all families for whom such services are indicated.
2) We need to increase the formality and determinacy of child protection proceedings to (a) require specific findings about the most important issues, and (b) provide more meaningful standards to reflect the values we want applies.
3) Effective representation of all parties.

From Amy Harfeld
Topics to focus on:
1. Child welfare finance reform. Linking CAPTA and 4E funding. Protecting the entitlement and SSBG. Recovering from the sequester. Fixing CAPTA.
2. Improving oversight and enforcement of federal child welfare laws.
3. Protecting due process of maltreated children through effective attorney representation in dependency cases.
4. Implementing recommendations of commission to eliminate child abuse fatalities.

From Mary Beth Kelly
- Recognition that the Child Welfare, Juvenile Justice and Mental Health Systems must be coordinated (i.e. “They are all the same the kids”)
- Disparity of treatment of youth within a state, whether because of funding, ethnicity, etc., is a constitutional due process issue.

From Cathy Krebs
· Keeping kids with families/reasonable efforts (preventing removal from families in the first place)
· Robust due process when children are removed, both at the initial removal hearing and then throughout the case
· Appropriate placements, with well supported foster parents, that actually meet a child’s needs, when a child does need to be removed and placed into foster care
· Post removal: effective and timely services, aimed at meeting a parent’s actual needs and with a goal of return of the child to the family.
· Connecting children who have been freed for adoption with mentors/caring adults/adoptive families and effectively preparing them to transition successfully to adulthood.

From Lyman Legters
1. Well Being: without diminishing the importance of safety and permanency, we need to expand the notion of well-being, elevating it to an over-arching, or umbrella, set of goals for children in foster care. Expanding learning developmental science, exposure to violence and trauma require us to address healing and wellness of our children in a much more intentional way. It also compels us to see the children we serve from a life-course perspective rather than a set of point-in-time circumstances that our systems responses tend to focus on. While ensuring that our children are safe and headed towards permanence, we need to also ensure that they are becoming well...being healed. This notion, I
believe, can also catalyze and align cross-systems efforts between the multiple systems that touch our most vulnerable children.

2. Systems Alignment/Integration: we need to consider a nation-wide effort to align the systems that touch our children (Child Welfare, Juvenile Justice, Education, Mental/Behavioral health, Courts). Much has been done over the last decade in jurisdictions to understand the importance of systems integration and alignment, and there are several organizations addressing these ideas nationally. Despite significant progress we still have structures that separate the systems and create barriers to best outcomes for children and families being served. More research is needed, and improved data collections methods developed. Policies and statutes that govern the systems need to be revised to strengthen support for cross-systems efforts. The Courts can, and do, play a major role in advocating for improved alignment and integration.

3. Racial Equity; again, despite significant improvements, we are still perpetuating policies and practices that result in unacceptable racial inequities on our child welfare systems. The national discussion needs to be re-invigorated. Eliminating racial disparities, as well as other inequities, needs to be elevated to a primary priority.

4. Workforce Development: the systems that are working with our most vulnerable children must be well credentialed, well trained, and well compensated. Developing clear sets of standards, along with building evidence that investing in such a workforce will realize significant returns (both in child/family outcomes and fiscally), should be a priority at federal and state levels. There are jurisdictions that where child welfare staff are clients of economic services...unacceptable.

From Clark Peters
1. Ensuring meaningful engagement of youths and (increasingly) young adults with their cases.
2. Building better accountability (and transparency) of court performance around due process outcomes.
3. Building better accountability (and transparency) of court performance around substantive outcomes.
4. Building capacity for rigorous examination (i.e., randomized control trials) of innovative court reforms, including new representation models, expedited case processing, and ways of engaging youth.

From Robbin Pott
- The agency's role once a family becomes court-involved.
- Protection of due process rights while attempting better integration of service sectors.
- Workforce development – recruit, train, support (resources and compensation) and retain committed professionals in all positions.

From Patricia Rideout
In response to your request for concrete areas or issues I believe are most in need of reform, here are just a couple:
1. as a matter of both practice and policy, I think the whole area of diversion (eg, into unpaid kin care, away from court involvement, etc.) needs much more study and impact analysis; our system simply doesn't collect enough information about such practices to enable an understanding of their impact on child well being.
2. the intersection between 'classic' child welfare service -- driven by the notion of child maltreatment -- and the ever-growing needs of families impacted by conflict between parents and older children/youth; our systems are ill prepared for the impact of successful (and necessary) detention reform and more youth are at risk of entering and aging out of foster care as a result

From Judith Sandalow
I believe that there will be a general consensus that fewer children should be brought into foster care and less family court involvement. I’d like to have the group’s thinking on how we provide adequate community oversight to ensure that the government is providing the necessary supports and services to keep children safe and promote well-being.

From Atasi Uppal
Here are a few areas for reform that I would like to focus on during the conference.
1. Lack of education stability while in foster care/lack of focus on foster youth's education, generally
2. Disproportionate minority contact in the child welfare system
3. Lengthy duration of stay in out-of-home placement
4. (Related to above) Lack of meaningful partnership between parents and child welfare workers in order to facilitate reunification