

NEW
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Child Welfare

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Court Improvement Project

Best Practices Bulletin

Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families



“Cornerstone Advocacy” is a promising approach to supporting family reunification that involves intensive advocacy during the first 60 days of a child welfare case. This issue of the Best Practice Bulletin summarizes key elements of the Cornerstone approach, and the use of preliminary conferences to ensure timely and well-informed decisions regarding placement, visiting and services.

Cornerstone Advocacy was introduced to a national audience in an article by the New York City Center for Family Representation’s Jillian Cohen and Michele Cortese that appeared in the May 2009 issue of the American Bar Association’s publication *Child Law Practice*.

There are four key areas of focus to Cornerstone Advocacy:

- 1. Placement:** Appropriate placement eases the child’s transition to out of home care, keeps parents engaged, and supports reunification. A placement that helps children stay connected to family, friends and community minimizes disruption in the child’s life, as do care givers willingness to support a child and parent’s relationship.
- 2. Services:** Creative, flexible and meaningful services structured with input from the parents and family members, keep parents engaged, addressing their needs and building on their strengths.
- 3. Conferences:** Important decisions about a family are often made outside court in family conferences, yet there can be a disconnect between the social work and legal communities in terms of sharing information from those conferences.
- 4. Visiting:** Visiting enables parents to continue the relationship with their children, engaging them in work toward reunification. It helps children cope with out-of-home care and ultimately the transition home. Meaningful and frequent visitation is the single best predictor of safe and lasting reunification.

Focusing on the first 60 days post removal creates an appropriate sense of urgency, capitalizes on the parties’ optimism at the beginning of the case, and sets the direction towards reunification from the outset.

Using this strategy, the Center for Family Representation (CFR) achieved a dismissal rate of 33% in 2009 compared to 11% in the year prior to CFR taking court assignments. They noted a median length of stay of 57 days for children entering care compared to the 8.9 month New York City median.

The Child Welfare Court Improvement Project (CWCIP) is delivering regional training on this topic to teams from counties that are participating in the CWCIP’s Enhanced Interdisciplinary Practices Initiative. The “Frontloading without Railroadings” trainings introduced participants to the key elements of the approach and encouraged them to discuss small practice changes that each professional in the child welfare legal/judicial arena can make to improve outcomes for children.

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Community Efforts at Frontloading: Making an Early Difference

The Center for Family Representation's Cornerstone Advocacy project is only one of many initiatives seeking to improve child welfare practice in the first 60 days. Across New York State, a number of communities have embraced the goal of frontloading child welfare practice to achieve better outcomes for children and families. The Child Welfare Court Improvement Project (CWCIP) is working in communities across NYS that have embraced the goal of frontloading child welfare practice toward better outcomes for children and families. This article highlights some of these counties that are implementing best practices in the four cornerstone areas: visiting, placement, services and conferences.

Placement

As described in the Cornerstone Advocacy approach, as well as supported by research and anecdotal observations, the meaningful and deliberate consideration of a first placement is time well spent. Best practice encourages multi-party, family-involved discussions about alternatives to placement outside of the home. It also supports placement options that value the child's pre-placement connections, invite the continued involvement of parents and utilize the natural resources available to the family.

As part of their collaborative efforts to recognize and address the disproportionate placement of minority youth in out-of-home care, Judges in the Erie County Family Court and the Bronx Family Court are piloting the **National Council of Juvenile and Family Court Judges (NCJFCJ) Disproportionate Minority Representation (DMR) Benchcard** at the first appearance of the respondent with counsel to make more culturally sensitive decisions. See

http://www.ncjfcj.org/images/stories/dept/ppcd/CCC/ccc%20bench%20card%20bulletin_web.pdf.

In Erie County, the Judge specifically asks the respondent to identify her race or ethnicity, the race or ethnicity of her child, what religious or cultural considerations could impact the child's adjustment to care and to identify relatives or others who could be a placement or supportive resource. Since the pilot began in January 2010, the protocol has been followed in approximately 50 cases. The initial impact of asking these key questions from the bench has been overwhelmingly positive; for example, increasing the identification of Native American children, tailoring services and training for foster parents caring for children who require religious or cultural accommodations and developing a more comprehensive list of potential family resources for the child. In the Bronx, respondents are being asked by their attorneys to complete a questionnaire identifying their race and ethnicity and that of every member of their immediate family. Attorneys are reviewing the questions with a parent or other person legally responsible for the care of the child to be sure there are no comprehension or literacy barriers. The results of the questionnaires are being sent to CWCIP staff, and compared to ACS data from 2008 from the same time period to assess whether efforts to reduce disproportional placements are having an impact.

Ten years ago, in order to prevent placements where possible and maximize the use of relative resources, the Erie County Department of Social Services began to utilize **Family Group Conferencing (FGC)**. Facilitated initially by the Department's Clinical Specialist Team, cases are recommended for referral at the point where placement seems likely. In 2001, referral was made mandatory for all children under the age of five and their siblings. FGC focuses on engaging family and friends who care about the child in suggesting placement alternatives and taking a role in supporting the child and the family.



Services

The Cornerstone Advocacy approach encourages professionals working with families to challenge formulaic service plans. It advocates opting for plans that are narrowly tailored to address safety concerns and are meaningful to support the parent/child relationship. Services should build on the strengths of the child and the parent(s) and should reflect language, cultural, developmental and other considerations.

A critical element to all settled cases in the Erie County Family Court is the development of a **dispositional contract** known locally as the “menu.” This tool addresses placement, visitation, and services for the child and the parent(s) and must be customized to meet the needs of a particular case. It lists common service requests and service providers, providing a convenient tool for negotiating a case-specific disposition. Any ‘menu’ of services is obviously limited by the individual complexities of each case. Families are unique and the services provided to each family should reflect consideration of the families’ strengths and areas in need of assistance. A menu can serve to make sure that options are not overlooked, that all aspects of the case are being addressed, and serve as a starting point for creative and collaborative and unique support services to each family.

Conferencing

When the parent(s), child (as appropriate), key family members, and advocates are not encouraged to participate in planning conferences, the disconnect widens between the social work and the legal work being done in a case. Utilizing the Cornerstone model, all conferencing, whether in or out of court, provides an opportunity for problem-solving, reviewing status and engaging all the parties toward compliance and permanency.

Many counties, including the Family Courts of Oneida and Oswego Counties, schedule preliminary conferences to review and outline the initial plan for child welfare cases. Both follow the **Preliminary Conference Checklist** developed by the CWCIP. These conferences, scheduled with a Judge or a Court Attorney Referee within two weeks of the first court appearance, focus on initiation of services, implementation of a visitation plan and placement issues. In Oswego County, the conference results in a scheduling order that sets discovery, pre-trial and trial dates. In Onondaga County, at least one judicial part has established a time each week for all attorneys to meet together outside of the courtroom to confer on plans for cases with upcoming hearing dates.



In the five New York City Family Courts, formalized case conferencing is taken beyond the preliminary conference. In most instances, two additional conferences are scheduled with the Judge’s Court Attorney to keep the court proceedings moving ahead. The second case conference, entitled the **Compliance and Pre-Settlement Conference**, focuses on reviewing the status of the case in terms of continuing engagement of relatives, visitation, service provision and compliance and discovery issues. Parties are also encouraged to begin settlement discussions, utilize alternative dispute resolution options and prepare for fact-finding. The final preliminary conference, called the **Final Settlement Conference**, is scheduled to consider any settlement proposals, review the cases status and, if not already accomplished, set the fact-finding and disposition dates. These court-based conferences are complemented by a series of multi-party conferences facilitated by NYC’s Administration for Children’s Services (ACS). ACS also uses the Family Team Conference, based on the family group decision-making model, to convene conferences for children in care, when it becomes apparent that the child may be moved to another placement. Conferences serve to bring everyone to the table to discuss ways to prevent replacement. In addition, conferences are convened every three months to discuss overall permanency planning and other related issues.

In Dutchess County, a pilot program is under way to schedule preliminary **out-of-court conferences** from the bench and to mandate the attendance of all parties. As part of a scheduling order, the Court sets a date for a conference at the Department of Social Services and states that attendance is required “as though it was a court appearance.” Since this pilot began, parties are seeing cases move more rapidly, with fewer adjourned court appearances and more creative case plans.

Earlier this year, ACS developed a **Transition Meeting** to occur at 72 hours from placement based on the methodology of a family group conference. The Transition Meeting has three phases held one after another. The first supports a relationship between the parent, the ACS worker and contract agency worker by explaining the process, describing the roles of the different professionals, outlining expectations and making sure that there is clarity about the reason the child entered care. The second meeting is entitled the “Parent to Parent” meeting and is largely between parent and foster parent. During this phase of the meeting, they can discuss the children’s needs, their likes and dislikes, any religious or cultural concerns and other things that would aid the children’s transition to care. The third phase is the first parent-child visit where special care is taken to support attachment of the parents and the child.

Family engagement is a fundamental aspect of the Monroe County Center for Juvenile Justice **Reform Crossover Youth Practice Model**. The engagement process for crossover youth is complicated by the fact that the family is involved in two child-serving systems. Each system, with its own complexities, language and expectations, can be overwhelming for the youth and family. The Family Team meeting is coordinated within 10 business days of the determination that the youth meets the criteria of the Crossover Youth pilot. The Family Meeting is facilitated by the Department of Human Services (DHS) caseworker and probation officer who describe the process and how the child welfare and juvenile justice systems will partner to support and provide services. During the Family Meeting, the team discusses the strengths and challenges of the youth and family, and outlines available options. A joint Family/DHS/Probation written case plan is developed at the Family Meeting; copies of the plan are given to all parties. The Probation Officer and the DHS Senior Caseworker will make a joint written recommendation to the Judge and include a copy of the plan developed at the Family Meeting.

Visiting

In the Cornerstone Advocacy approach, visiting, or more accurately 'parenting time,' is the key to parental engagement and reunification. It is not natural for a parent to "visit" with a child. Good programs encourage parenting time where parents and children are able to participate in activities that are normal for them; this can range from attending children's sporting events, to helping with homework, to dining out at favorite restaurants or attending health care provider appointments. Good visiting programs include components that support, prepare and debrief the parents.



Visit Coaching is a method of supporting safe, productive and fun parenting time between parents and children placed in out-of-home care. The unique elements of visit coaching include the active participation of the coach in supporting the parent throughout the visit, encouraging the parent to identify and meet the child's needs and providing opportunities to practice parenting techniques. With the support of the NYS Office of Children and Family Services (OCFS) and their local CWCIP collaborative, the Cortland County Department of Social Services has implemented a visit coaching program that focuses on training workers and foster parents as coaches. Monroe County DHS also has a long standing visit coaching program.

The VISIT Program is a coordinated effort between the Courts, DSS and the Institute for Parenting at Adelphi University in Nassau County. It provides an intensive therapeutic environment for visitation. Referred by a DSS caseworker at the earliest possible point, the parents and children who come into the VISIT Program will undergo a comprehensive clinical assessment. This assessment will become the basis for the case services plan as well as a therapeutic visitation plan. Modeled after the Miami/Dade County 0-3 Program, visits are supervised by a clinician who meets with the parent both before and after the visit to develop strategies, promote skills and support the emotional well-being of the parent. The program is currently offered for children under three years of age, but hopes to expand to older children based on capacity in the future.

Also modeled after the Miami/Dad program, the **Infant-Parent Court Affiliated Intervention Project** is implemented by the Early Childhood Center of the Albert Einstein College of Medicine in collaboration with the Bronx County Family Court. The program consists of at least 26 weekly dyadic child-parent psychotherapy sessions. Through these sessions, the clinician guides the parent to improve parenting responses and support positive attachment. Psychologists with a specialty in infant mental health provide comprehensive assessments and reports to the court, in person whenever possible, in order to enable the Judges to make well-informed decisions.

The Fordham Interdisciplinary Parent Representation Project is a dynamic project, engaging representatives from many roles and jurisdictions and focusing on defining best visitation practice for New York City's Administration for Children's Services (ACS). The group is in the final stages of developing two tools. The first is a caseworker desk aid that outlines developing visitation options, preparing a family to participate in a visit, developing a comprehensive plan, setting expectations between visits and determining when to review the plan. The second tool will assist all parties in determining the appropriate level of supervision needed for a particular child and parent. Once available, these tools may be very helpful to others in supporting conversation in their own communities.

In Onondaga County, the majority of children who are placed in foster care initially go into the short-term residential care at the **Family Support Center** (operated by Elmcrest Children's Center). The goal of this model is to effectuate swift reunification whenever the child can be safely returned, and avoid the need for long-term foster care. The Center facilitates family meetings as a way to process placement alternatives, discuss services, promote visitation and begin planning discharge. Key goals of the Center are to keep siblings together during this very traumatic time and to provide nearly unlimited opportunity for family visitation – immediately and often. Children are generally placed at the Family Support Center for a two week period before being transitioned home, to a relative or to a longer term foster care placement. Only a little more than half of the children who are placed in the Family Support Center stay in foster care after their two-week stay. More information is available on their website at <http://www.elmcrest.org/commservices/famsupport.php>.

Resources:

Center for Family Representation, Inc.

The Center for Family Representation provides families in crisis with free legal assistance and social work services that enable children to stay with their parents safely. Information about training and technical assistance resources are available at: www.cfrny.org.

National Project to Improve Representation for Parents Involved in the Child Welfare System

The ABA Center on Children and the Law provides information on effective parent representation in child welfare cases. View report at: http://www.americanbar.org/groups/child_law/projects_initiatives/parentrepresentation.html

Family Team Decision-Making Conferences

Information and technical assistance on family team decision-making conferences is available on the Annie E. Casey foundation's website, including "Ten Tips for Supervisors/Managers for Effective Team Decision Making Meetings." To view, go to: www.aecf.org

Research on Family Reunification

The Administration for Children and Families' Child Welfare Information Gateway includes a number of reports on family reunification strategies, including a summary of research at

http://www.childwelfare.gov/pubs/issue_briefs/family_reunification/research.cfm

"Parental Visiting and Family Reunification: Could Inclusive Practice Make a Difference?"

Author Sonya J. Leathers' study examines whether inclusive practice, or parental involvement in foster children's lives while in placement, is correlated with more frequent visiting and a greater likelihood of reunification. The article, published in the journal *Child Welfare* 81(4), Jul-Aug 2002, 595-616, is available for purchase at www.cwla.org

Using the Preliminary Conference Checklist to Improve Outcomes for Children and Families

Time is of the essence in child welfare proceedings. Courts can improve the efficiency of these matters, and ultimately improve the outcomes for children and families, by providing targeted inquiries and heightened judicial oversight of these cases from their inception. Preliminary conferences are a way to identify familial needs immediately upon a case coming to court, identifying important family connections, establishing realistic service plans, and ensuring appropriate visitation. The court is uniquely situated to provide guidance to all parties subject to these proceedings and to provide for a clear roadmap for individuals and agencies to follow to ensure safety for the children who are the subject of these proceedings.

In order to assist judicial officers in providing these targeted inquiries, a committee was formed to develop a Preliminary Conference Checklist. The checklist has several components. The first is a list of who should be present. Because the inquiries are designed to provide clarity to the next steps in a very complicated process, all parties should be present

in person and not merely represented by counsel. There is value in all participants hearing the same information in the same way, at the same time. Questions can be asked and confusion resolved. In addition to parties (which includes a non-respondent parent), any person who has an interest in the well-being of the child should be invited and allowed to attend including in appropriate circumstances the child. Service providers already engaged with the family as well as CASA can also assist in providing clarity to the needs of the family and assist the judicial officer in establishing the roadmap.



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PRELIMINARY CONFERENCE CHECKLIST

PERSONS WHO SHOULD BE PRESENT:

- Respondent(s)
- Parents whose rights have not been terminated, including non-respondent parent(s)
- Assigned caseworker
- Agency attorney
- Attorney(s) for parents
- Attorney for the child

PERSONS WHO MAY BE PRESENT:

- Other extended family members /support persons
- Relative providing care
- Age-appropriate children
- Foster parents
- Service providers
- CASA

COURT INQUIRIES:

PROCESS QUESTIONS:

- Have all parties including non-respondent parents been served?
- Have all respondents been advised of their rights and appointed counsel if qualified?
- What efforts has the agency made to locate missing or non-respondent parents?
- Are there any paternity issues?
 - Parent Locator Checklist?
- Have related petitions been filed?
- If removed, does removal continue to be necessary? What are the risk/safety factors if the child returns home?
- If not removed, are there any risk/safety factors if the child remains home?
- If the child is not in the home, what type of placement is the child in?
- Are siblings placed together? If not, why?
- Have relatives or other important people in the child's life been identified and investigated?
- Have potential relative resources been advised of all placement options?
- Does the Agency have the child's birth certificate?
- Is the child a Native American child subject to ICWA? If so, has the tribe been notified?
- Identify discovery needs and set time frames for compliance.

IDENTIFICATION OF SERVICES REQUIRED TO ACHIEVE THE PERMANENCY GOAL:

- Explain that cooperation with services is voluntary prior to any finding of abuse/neglect.
- For children who are placed, explain benefit of voluntary cooperation (TPR time frames).
- Explain that agreement to participate in services cannot be used as an admission during the fact-finding hearing.
- Discuss appropriateness and necessity of services for all family members.
 - Requested by agency
 - Requested by respondent(s)
 - Requested by non-respondent parent(s)
 - Requested by attorney for the child
- Have referrals been made? If not, direct by a date certain.
- Address necessary releases which must be signed.
- Issue or modify Temporary Orders as appropriate.

(continued on page 7)

In addition to the inquiries surrounding due process (service effectuated and right to counsel advised), the court should take the time to attend to other process issues, such as the effect of other existing petitions, whether a paternity petition should be explored. Within the process questions are questions concerning safety, placement and cultural considerations.

The next inquiries involve service identification. Most families who are seen in family court have a history with the social services district and

services which have already been in place or previously offered should be discussed. All persons should weigh in on the need for services, and, in difficult economic times, the court has the unique ability to ensure that services are not overly broad and are specifically tailored to the needs of the family.

Visiting is of paramount importance when a child is removed and the permanency plan is reunification. Sibling visitation (if the placement inquiry resulted in a sound decision for siblings to be separated) must be attended to in a meaningful way. Visitation with other family members may prove an important element to the child's continued well-being.

The last set of inquiries and

arguably the most important are those questions that address the well-being of the child. Far too often the child's needs are not adequately attended to until a permanency hearing. In recognition of the trauma the child experiences when removed from his or her home, these questions are designed to minimize the disruption in the child's life and provide for stability and services to meet the child's unique needs.

PRELIMINARY CONFERENCE CHECKLIST *Continued*

COURT INQUIRIES:

VISITING:

- What is the proposed or current frequency, duration and quality of visits?
- Is either parent incarcerated? If so, what is the visitation schedule?
- Explore whether supervised visitation is necessary.
- For siblings not placed together, is visitation occurring? What is the frequency, duration and quality of the visits?
- Do the terms of visitation for parent(s), custodian or siblings need to be modified?
- Are there other family members or important people to the child for whom visitation should be considered?
- Issue or modify Temporary Orders as appropriate.

SPECIFIC INQUIRIES REGARDING THE CHILD:

- If removed, how is the child adjusting to the removal and temporary placement?
- Discuss the child's well being.
- Did the child receive a comprehensive medical exam upon entering care?
- Does the child have immediate medical needs, or other physical or emotional health needs?
- What are the diagnosis and current treatments?
- Are the child's immunizations up to date?
- Discuss the child's current educational or vocational plan.
- For children 0 – 3:**
 - Has the Early Intervention Program been referred?
 - Has Early Head Start or another quality early childhood program been referred?
- For preschoolers:**
 - Has Head Start or another quality early childhood program been referred?
- For school age children:**
 - If removed, has a determination been made whether the child should remain in the same school?
 - If not:
 - Are they enrolled in the new school?
 - Have school records been transferred?
 - If there is an IEP, has it been transferred and implemented?
 - Are there any services the child needs that the new school does not offer?
- For children 16 and older who are no longer in school,** have there been vocational referrals?