Securing Permanency for Children in Foster Care: The Detroit Center for Family Advocacy’s Approach

by Aeran N. Baskin

The public foster care system protects children and provides permanency. However, the number of children in the foster care system is staggering. Many of these children enter the system unnecessarily, and many stay far too long. These outcomes are contrary to the purpose and the goals of the public foster care system.

The Detroit Center for Family Advocacy (“DCFA”) is a new program at the University of Michigan Law School. One of DCFA’s missions is to reduce the number of children in the public foster care system by removing any barriers to permanency and thereby speeding the exit of children from the foster care system. This initiative is part of DCFA’s Permanency Project, which provides zealous representation to families and caregivers by providing each family the advocacy and special training of an attorney, social worker, and parent advocate.

This article discusses the permanency barriers that DCFA clients encounter when attempting to provide permanency for a child and how DCFA staff have addressed each barrier. The barriers are:

- Inaccessibility of the System
- Professionals’ Practices
- Poverty
- Previous Actions/Debts
- Marital Status

Inaccessibility of the System
The most persistent barrier for DCFA clients is the lack of understanding of the systems that drive their lives, i.e. public benefits, child protection, family court. It is shocking how many families are broken by simple ignorance of the very programs designed to ensure they remain together. Ignorance ultimately translates into reunification barriers for parents and caregivers: the mother that does not know about Department of Human Services-sponsored emergency funds is unable to pay a security deposit for housing. Or, the grandmother who does not know about the availability of food stamps for her grandchild cannot afford to feed him properly.

In these situations, DCFA clients often must choose between “fight or flight” to ensure their present survival. Unfortunately, their lack of knowledge of what is available and having to make short-term decisions often create unforeseen consequences that further stall a child’s permanency.

Case Example: Mrs. A was unable to proceed with an adoption of two children in her care because she did not understand that her child support obligation did not end when she resumed caring for the children for whom she was obligated to pay support. Because Mrs. A lacked the money to pay her child support in full, she did not want to go to the Friend of the Court to get information. Mrs. A’s child support arrears accumulated into the several thousands due to her mistaken belief that she was no longer required to pay and her hesitation to seek information. If Mrs. A knew she had to notify the court that her children were in her care, the decision to discontinue paying support would not have ultimately affected her ability to adopt.

DCFA staff confront this issue in two ways:

(1) Client-centered education is critical in ensuring families are able to navigate their way out of a crisis, and able to withstand later crises. The DCFA staff attorney educates the client on the system that is acting as a barrier to permanency.

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and explains why one course of action may be best. The staff attorney provides information to the client to ensure that representation is client-centered or client-driven; the ultimate goal is to empower clients by giving them the tools to advocate for themselves when DCFA is no longer involved. Throughout DCFA representation, the staff attorney encourages clients to be proactive and to make changes in their lives. DCFA staff has also developed educational tools that help clients understand the nature of a specific legal issue and DCFA’s role.

(2) Emotional support is a vital component in lifting barriers to permanency, particularly when representing parents in child abuse and neglect proceedings. Although all DCFA staff offer emotional support, the parent advocate takes the lead giving parents the emotional support they need when reunification is the permanency goal. (See the Dec. 2009 & Jan. 2010 CLP issues for articles on parent partners.) The parent advocate has personally experienced the child abuse and neglect system and coaches parents on how to talk to service providers and attorneys and how to satisfactorily complete court-ordered service plans. She hosts a support group for those involved with the child welfare system—including parents, relative caregivers, foster and adoptive parents, and concerned individuals—to educate participants on the law, share tips, and celebrate successes.

The social worker provides clients emotional support by serving as a broker between the client and community resources. For example, if the child welfare agency requires that a client obtain suitable housing or they will place the client’s children in foster care, the social worker will provide the client with housing referrals. The social worker’s advocacy has assisted several DCFA clients obtain low-cost housing or housing assistance through community partners. The social worker also serves as an advocate on the client’s behalf to other child welfare professionals before an attorney becomes involved to ensure the client is receiving mandated services.

Professionals’ Practices
Although one goal of child welfare professionals and attorneys is to help families stay together, these same professionals may unintentionally block permanency. DCFA clients have experienced this as a barrier in two ways:

(1) Lack of knowledge of policies and laws that can create permanency for clients. This is a recurring issue in DCFA cases. Sometimes child welfare professionals do not have a complete understanding of the policies and laws that guide their work with families. Children are lost to the system when their representatives fail to challenge child welfare professionals’, particularly social workers, knowledge of policies or laws. DCFA staff gently, or otherwise, remind professionals of the policies they must follow. Simply letting a professional know an attorney is involved will set a professional level of accountability that forces individuals to follow the letter and the spirit of the law and their policies, allowing a family to achieve permanency.

Case example: Mrs. B sought to adopt the children in her care through a private agency but she could not afford the adoption filing fees. Michigan adoption policy requires an agency to pay filing fees if a family is unable. Michigan then reimburses the agency. The private agency that Mrs. B was working with insisted that she must find the money to pay her fees. When DCFA became involved, Mrs. B informed her adoption worker that DCFA was working with her to get her fees subsidized. Upon learning of DCFA’s involvement, the private agency recalled the existence of the adoption policy requiring the agency to post adoption fees.
(2) Lack of creative solutions to achieve permanency. Without creative permanency options, many DCFA families are unable to achieve permanency on their own. DCFA can assist these families by becoming their advocates in and, most importantly, outside court. The child welfare system typically favors adoption over other permanency options. Each family is different; adoption does not fit every family’s needs and goals. A “one-size-fits-all” permanency plan for each family may not accurately reflect what is best for a particular family.

DCFA staff pushes practitioners to account for an individual family’s personal culture and to work with the family to form creative solutions to achieve permanency for a child. DCFA staff also makes it a routine practice to challenge “one-size-fits-all” policies in court, forcing other professionals to find a basis for their actions. DCFA typically does not represent parents in abuse and neglect proceedings, but rather in other proceedings (landlord/tenant, family, public benefits, etc.) that affect permanency. However, DCFA will substitute for an attorney in a child abuse and neglect proceeding to ensure a client has the zealous representation that will help a child achieve permanency.

Case examples: (1) Ms. C worked with a private agency to adopt her younger brother. The private agency supervisor “informally” denied Ms. C’s adoption application and threatened to formally deny the adoption without first giving Ms. C the legally required informal hearing. DCFA informed the private agency of their unlawfulness and terminated the adoption. DCFA then worked with the foster care worker to change the permanency plan to supervised independent living (“SIL”) or long-term foster care. This option was best for the family’s needs; the child did not want to be adopted and needed educational and other services that SIL provided.

(2) Ms. D had a guardianship over her grandchildren when child protective services (“CPS”) became involved for a sibling who was tragically murdered in a separate household. CPS filed a petition against the mother, hoping to terminate her parental rights and force Ms. D to adopt her grandchildren. Although Ms. D loved her grandchildren and would always be there for them, she did not want to be their legal mother. DCFA represented Ms. D in the termination of parental rights trial and advocated to maintain the guardianship. The court terminated the mother’s parental rights but maintained the children’s guardianship with Ms. D.

Poverty

Poverty is always a barrier for DCFA clients. The DCFA social worker and parent advocate take the lead helping clients address poverty-based social needs that may be a future barrier to achieving permanency. The social worker serves as a broker between the client and community resources. The social worker builds partnerships with other community organizations and screens services for quality and appropriateness for DCFA clients. Although the social worker takes the lead finding resources for clients, all social work initiatives are client-centered. This allows the client to lead his or her advocacy and to become empowered and self-determined.

Case example: Ms. F and her seven children were living in a cramped one-bedroom apartment with other relatives because an unscrupulous landlord rented their dilapidated housing and walked away with her security deposit, leaving her and her children homeless. CPS threatened to remove Ms. F’s children if she did not find suitable housing. While DCFA staff attorney fought to ensure the return of Ms. F’s security deposit, the DCFA social worker talked with community housing organizations to find low-cost housing for Ms. F and her children. The social worker was able to find an organization that provided Ms. F with a beautiful three-story brick home for a low monthly rent; the organization also assisted with utilities.

Previous Actions or Debts

Many families are referred to DCFA because of previous actions or debts that are acting as a barrier to a child’s permanency. Specifically, DCFA has served clients that have outstanding warrants due to unresolved traffic tickets, extensive child support arrears, or are listed on the CPS child abuse and neglect registry. Michigan adoption policy precludes finalizing an adoption if a prospective adoptive parent has an outstanding criminal history or is listed on the CPS registry.

Most clients with outstanding warrants fear arrest if they walk into court to resolve these matters. The staff attorney’s first task is to assure the client they will not be arrested for matters such as warrants for traffic tickets and to encourage the client to resolve these matters quickly.

DCFA staff attorneys support the client by explaining the process for posting bond and/or accompanying them to court to post bond and schedule a court date. The staff attorney tries to get a complete client history to resolve any issues the agency is unaware of before they are discovered. By doing this, the staff attorney attempts to ensure the client presents well for consent to an adoption application or other form of permanency.

When the agency becomes aware of the debts or actions, the staff attorney advocates that the client is attempting to account for previous debts or outstanding warrants; these actions show the client is an appropriate care giver and placement and that the outstanding debts are like other debts any parent would face.

Case example: Ms. G’s adoption
was stalled because she owed over $18,000 in child support. The adoption worker discussed with the DCFA staff attorney the possibility of removing the children if consent for the adoption was not given. The staff attorney drafted a letter supporting Ms. G, emphasizing that she was now making child support payments and that her arrears did not change the fact that she was an appropriate adoptive parent for the children and the only parent they had ever known.

**Marital Status**

Many of DCFA’s cases are divorces. Although divorce does not fit neatly into the issues that affect permanency, a caregiver’s inability to afford a divorce is a barrier for many DCFA clients. Marital status as a barrier occurs in two ways: (1) a nonoffending parent needs a divorce from an offending parent; or (2) a caregiver, who has been separated from a spouse for several years, needs a divorce to complete their adoption.

In cases involving marital status, DCFA streamlines the process for clients. Divorces can be expensive and confusing. Many clients have attempted to file or have filed once before on their own, but the court ultimately dismisses their cases for lack of progress. DCFA becomes an invaluable resource for clients because it provides free legal representation to families at all stages of the divorce proceedings.

**Case example:** Mr. H and his wife separated over 15 years ago. Mr. H and Ms. H shared a minor child, but maintained separate households. Mr. H wanted to adopt his niece and nephew but was unable to because Michigan law requires married couples to jointly file an adoption application. Mr. H was unable to afford a divorce. The DCFA staff attorney filed a Complaint of Divorce on Mr. H’s behalf in family court. The staff attorney was able to petition the court to waive the six-month statutory waiting period given the length of time that Mr. H and Ms. H were separated. The parties also negotiated a child support arrangement that Mr. H and Ms. H found satisfactory. After the divorce finalized, Mr. H was able to adopt his niece and nephew.

**Conclusion**

Children should not wait indefinitely in foster care because of lack of awareness of policies and programs or unresolved traffic tickets. DCFA’s existence is evidence that these issues create barriers to permanency for many children. When determining what is blocking a child’s permanency, child welfare professionals should look beyond the usual issues to uncover the barriers that prevent a child from having a permanent home. This requires professionals to think and advocate creatively for their clients. By confronting these issues in new ways, child welfare professionals can create solutions that ensure children exit the foster care system and find permanency.

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**New in Print**


*by Lynne F. Katz, Cindy S. Lederman, and Joy D. Osofsky*

Adding to the resources for practitioners who advocate for infants and toddlers in the child welfare system, this new book shares the knowledge of a juvenile dependency court judge, a psychologist, and an expert on early intervention/education. All three have worked intensively in child welfare and juvenile court systems to improve the response to infants and toddlers who enter care.

The authors’ work in Miami’s juvenile dependency court showed that babies have distinct needs and that restoring their relationships with their caregivers calls for a careful and coordinated response by all involved professionals. The authors detail a child-centered approach to intervening with very young children and their families in the child welfare system. It calls for:

- understanding the science about early childhood attachments and the impact of maltreatment on very young children
- implementing evidence-based parenting programs
- repairing the infant-parent relationship through proven interventions
- supporting very young children’s development through early intervention systems and services
- promoting child development and school readiness through early care and early childhood education
- developing an integrated system of care for young children and their parents

Case studies, checklists, court report templates, a Healthy Start referral form, and a sample order for a Part C evaluation are among the tools included in the book.


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