

An Agenda for Action

A blueprint for parent advocacy and family-centered
child welfare reform

An Agenda for Action

A blueprint for parent advocacy and family-centered child welfare reform

The purpose of this Agenda for Action is to unite parents and parent advocacy around a common set of goals. It identifies 15 rights for parents affected by the child welfare system. Most parents do not yet have these rights in child welfare proceedings. This Agenda for Action represents a commitment to working in our communities and nationwide to make these rights a reality.

Each right is described through parents' stories—stories that show how parents and children thrived when families were accorded these rights, and how parents and children suffered when these rights was denied. Each right also is described by a set of “next steps”—policies and practices that have succeeded in granting families the rights they need to avoid foster care placement or to reunify quickly and safely.

These parents' rights must be honored so that children who come to the attention of the child welfare system can receive the best possible care. In child welfare proceedings, children's needs and parents' rights are often portrayed as incompatible. Research and practice have demonstrated that, in most cases, this is not true. Children do better if they can remain connected to their parents and return home.

Many of the child welfare reforms and promising practices described here were advanced through tireless parent advocacy or through meaningful parent participation in child welfare policy and planning. They developed because parents made themselves heard and child welfare practitioners listened. This Agenda for Action is meant to give parents a clear, resounding voice in leading the process of child welfare reform in their communities. It is also meant to make it easier for child welfare practitioners to listen and respond.

The Agenda for Action for Parent Advocacy and Family-Centered Child Welfare Reform was developed by Rise in collaboration with the Center for the Study of Social Policy and through a partnership with the National Coalition for Parent Advocacy in Child Protective Services.

Rise is a nonprofit based East Harlem, NY that trains parents nationwide to write about their experiences with the child welfare system to support parents and parent advocacy and to guide child welfare policymakers and practitioners in becoming more responsive to the families and communities they serve. www.risemagazine.org

Many of the rights and descriptions of the rights were drawn from a Bill of Rights for parents that was developed by the National Coalition, a network of parent leaders and advocates formed to mobilize parents and advocacy organizations to create positive public policy and program changes that prevent removal of children from their families by child protective services, strengthen and ensure the rights of families whose children have been removed, and return children to their families. www.parentadvocacy.org

Drafts of the Agenda for Action were read by parents at the Child Welfare Organizing Project (CWOP) in New York City, by Parent Partners at Annie E. Casey Foundation Family-to-Family sites in Los Angeles, Louisville, KY, and Cleveland, OH; and by members of PAYCD, the Family Advocacy Movement in Nebraska, and the Family Defense Center in Chicago. Thank you to everyone who participated.

The Agenda for Action was developed with support from the Center for the Study of Social Policy and Casey Family Programs.

As a parent investigated by the child welfare system

1. I HAVE THE RIGHT TO not lose my child because I'm poor.
2. I HAVE THE RIGHT TO services that will support me in raising my children at home.
3. I HAVE THE RIGHT TO not lose my child to foster care because my child has a disability or mental health need.
4. I HAVE THE RIGHT TO speak for myself and be respectfully heard at every step of the child protective service process.
5. I HAVE THE RIGHT TO be informed of my rights.
6. I HAVE THE RIGHT TO a meaningful and fair hearing before my parental rights are limited.
7. I HAVE THE RIGHT TO competent legal representation.
8. I HAVE THE RIGHT TO support from someone who has been in my shoes.
9. I HAVE THE RIGHT TO have my child expeditiously placed with a family member or family friend.
10. I HAVE THE RIGHT TO frequent, meaningful contact with my child.
11. I HAVE THE RIGHT TO privacy.
12. I HAVE THE RIGHT TO have my culture, language and religion respected.
13. I HAVE THE RIGHT TO services that will support me in reunifying with my child.
14. I HAVE THE RIGHT TO offer my child a lifelong relationship.
15. I HAVE THE RIGHT TO meaningful participation in developing the child welfare policies and practices that affect my family and community.

I. I HAVE THE RIGHT TO not lose my child because I'm poor.

Family situations that may appear to be neglect are often the results of poverty. Children are left home without adult supervision because an isolated parent cannot afford child care. Families crowd into tiny, run down apartments or shelters because they cannot afford anything else. Cabinets are empty because benefits got cut off or food stamps didn't last the month. A child is injured because a landlord neglects to cover hot pipes or install window guards.

Caseworkers unfamiliar with serious poverty may judge parents who cannot provide safety to their children because they are poor, or may assume that a family needs services unrelated to material conditions. But many times, families are doing the best they can to secure work and provide nurturing food and safe homes for their children.

After I Lost My Apartment, I Relapsed

BY PAMELA HUGHES

In 2005, I had been clean for more than four years. I was living in Jamaica, Queens, with my daughter, Princess, and my son, Emejanu. I was renting a house—living room, two bedrooms, the works. A program called Housing Stability Plus helped pay the rent.

I had gone to school for my certificate in office technology, then landed a job at the Board of Education. I'd gotten promoted to being an administrative assistant and was doing excellent. I went back to school to get a college degree.

I felt so good. Me, a single parent, taking care of my babies, doing my thing. I was walking and talking like the boss.

Then one day—Bam!

My lease was up, and when I went to sign it again, I found out H.S.P. had cut me off, saying I could pay my own rent (\$1,200 a month). But I couldn't. Soon I was going back and forth to housing court while still working and trying to go to school. Still, I could not find financial assistance.

I felt abandoned, depressed. I had grown up in foster care and had moved from home to home because my parents were addicted to drugs. Then, in my early 20s, I had become addicted to drugs myself. I felt like I was back in the chaos I grew up in, going from home to home with nowhere to call my own.

I started drinking wine coolers after work. One and two a night turned into a six pack on weekends. Then

I started going to the liquor store and getting a Crème de Coco and waking up with hangovers. It wasn't too long before I lost my job.

One night when my sister called me, I just started crying, begging her, "Please help me. I'm going crazy. Everything is falling apart around me." But she couldn't help.

Soon after, I left my kids with family and didn't come home for a week. I was back to using crack. I smoked up all the money I was supposed to spend on our new apartment. I felt ashamed, depressed, and alone. I found out that stress leads to depression leads to relapse for me.



MAKING OUR RIGHTS A REALITY

Supporting Parents in My Community

BY CARLOS BOYET

I live in the Highbridge section of the South Bronx and my community has the largest number of children being placed into foster care in New York City. I know about the stresses that living in a community like mine can put on a family because I had my own child placed in foster care.

For the past three years, I have been a parent organizer for a grassroots organization called the Child Welfare Organizing Project (CWOP). My job is to help parents like myself navigate the child welfare system, which is a

system that may or may not respect your rights as a parent, and may or may not provide you with the information you need to know your rights.

I see a lot of stresses on the families I work with. A lot of people are stuck in Mickey

D jobs. People are living so below the poverty line that they can't afford to go college to improve their situation. They don't have the money to pay the rent every month, and sometimes they get their lights cut off.

A lot of families could use

some help, but they're afraid to reach out to child welfare, because child welfare officials might come to the house and see that there's no food in the fridge and remove the kids. Parents in poverty are afraid that if they call child welfare, they'll be putting their families in even greater jeopardy.

That's where CWOP comes in. We've been in this community for five years and parents have learned that they can turn to us. About half of my cases are about helping parents meet their basic needs. We use flex funds

to help parents pay a portion of their rent or their light bill, buy clothes or furniture. Sometimes just that little bit is enough to get a parent back on track.

If the child welfare system wants to break the cycle of foster care, they need to figure out a way to support families that doesn't leave parents scared to reach out for basic help. We need to help people deal with stresses due to poverty, lack of education and institutional racism, because those stresses affect how we parent every single day.



Pamela with Emejalu and Princess

NEXT STEPS

- *Listen to what parents say they need.* Many times parents are given a cookie cutter list of services—family therapy, anger management classes and parenting skills classes. Meanwhile, practical obstacles to reunification or safe parenting are overlooked. Family support agencies must offer practical help without judgment: referrals to food banks; guidance around negotiating entitlements, such as food stamps or temporary cash payments to pay for housing or transportation; help securing Section 8 or bringing landlords to court; connections to job training or education programs; support securing affordable child care. Service providers must ask parents what services they feel their families need and respect their judgments about what would help them safely raise their children.

- *Prioritize housing, transportation and child care for families facing separation.* Families at risk of separation because of poverty or who cannot reunify because of poverty must be given priority access to housing, transportation vouchers and child care. Families who cannot reunify with children in foster care only because of issues related to poverty also must receive priority assistance and/or be allowed to reunify despite crowded living conditions or shelter residence.

2. I HAVE THE RIGHT TO services that will support me in raising my children at home.

Many families come to the attention of the child welfare system because of issues related to mental health, substance abuse, or domestic violence, or because of parenting practices that reflect how they themselves were raised. In most cases, parents can safely care for their children at home while receiving mental health treatment, substance abuse treatment, domestic violence counseling, family counseling, or parenting education that supports them in reaching their own goals as parents.

Child welfare agencies must provide parents with the community and in-home supports they feel could help prevent removal of their children from their home, including immediate access to substance abuse treatment that allows parents to live with their children, homemaking services, health and mental health care, and live-in programs for parents who are mentally ill or developmentally disabled and cannot safely live with their children without 24-hour support.

My family needed support, not separation.

BY PHILNEIA TIMMONS

About 7 p.m. there was a knock on the door. I was afraid I already knew who it was and that my family was in trouble.

The problems started when my son was 10 years old and his grandfather died. Until then, my son was basically well-behaved. After, I could see the anger in his eyes and hear the fear in his voice. Losing his grandfather brought up the sad feelings he had about his father not being around.

Soon my son began getting in trouble just about every day in school. I was running to the school so often that I had to quit my job. I felt so frustrated, I didn't know what to do.

Eventually I started to hit him, even though I don't believe in hitting kids. My mother often hit me with belts and even extension cords. Sometimes her anger was out of control. When I gave birth to my son, I vowed that I would never hit my children. But when my son's behavior got so bad, I was angry and desperate and I just wanted to do something to stop it.

One night I hit him with a belt. He screamed so loud when I hit him that I stopped, but the damage was already done. Child protective services came that night.

After my children were taken, I went through terrible pressure and depression, not knowing whether my children were safe.

I could not eat or sleep many days and nights. It took me a long time to calm down, find out my rights and start working toward reunification.

I felt so much anger at myself and at CPS. I'd often ask myself why CPS couldn't help while my children were home. "My children need and want to be with me," I'd think. "If you're helping us, then help us together."

I did need help with my son because I felt out of control and that was affecting my relationship with him. But I don't believe that my children needed to be taken from me.

Support Services Keep Us Safe at Home

BY ERICA HARRIGAN

From the start of my pregnancy with my daughter, Emma, I was scared that I wouldn't be a good mother. I have a mental illness, Borderline Personality Disorder, and I didn't grow up with my mother as a role model. I grew up in foster care.

Since I never had my mother take care of me, I thought, "How am I going to take care of my own child?" Luckily, when I went to get prenatal care, the clinic staff gave me information about family support services

designed to prevent a child's placement in foster care.

The family support agency in my neighborhood gave me a team that includes a social worker who I meet with once a week, a case manager I meet with monthly, a therapist I see weekly, and a homemaker, who helps me at home.

My team enrolled me in anger management classes and parenting classes, and put me in day treatment, where I learn skills like how to find a job and handle depression. The most impor-

tant help I've gotten is the homemaking service. The homemaker come to my home five days a week. She not only gives me practical information about feeding, playing with and soothing my daughter, but gives me emotional support the way close family might.

Just recently, I had to go to the psychiatric emergency room when I was home alone with my daughter because I got anxious and could not calm down. My worker was able to convince the police to allow me to bring my children to the hos-

pital until my husband came to pick them up. She also worked with me to develop a plan in case of another emergency. It's important that I can feel safe going to the hospital.

It can be tough for me to turn to these services for help. I would love for my family to help me out with the baby instead of strangers, but that's not realistic, so my husband and I look toward these services as our support system. My team helps me to not abandon my own child just because that happened to me.

NEXT STEPS

- *Change federal funding to allow states to use money now allocated to foster care to provide support services that keep families together.* Federal funding allows states to pay no penalty for increasing foster care rolls but does not provide financial support for prevention or aftercare. States must ask for Title IV-e waivers to spend foster care dollars on prevention. Federal lawmakers must provide incentives to states to decrease use of out of home care whenever it is safe for a child to remain with family while the family receives support services.

- *Listen to parents' assessments of their families' needs.* Service providers need to provide that services that parents feel are relevant to their families' needs. In New York City, parents were involved in developing a parent interview (administered by trained parents) that is used to understand parents' experiences with preventive services and assess service quality.

- *Extend ASFA for parents in residential drug treatment.* Residential drug treatment programs typically last 18-24 months, putting parents at risk of permanently losing their parental rights if they complete the program. (Under the federal Adoption and Safe Families Act (ASFA), parents must reunify with children who have been in foster care for 15 out of 22 months.) States must extend the ASFA timeline for parents in special circumstances, such as parents in drug treatment or who are incarcerated.

- *Do not remove children simply because of domestic violence.* Although witnessing domestic violence can harm children's sense of well being, and children exposed to domestic violence are more likely to be abused themselves, most families can establish safety for their children without foster care placement. Agencies must train workers to assist families in following a safety plan that allows children to remain with the non-offending parent or with family.

photo caption

3. I HAVE THE RIGHT TO not lose my child to foster care because my child has a disability or mental health need.

Parents caring for children with mental illness or developmental disabilities is extremely stressful for parents, putting them at risk of becoming isolated from family and friends, and losing their children to foster care due to abuse or neglect.

Parents of children with serious disabilities or mental illness also can end up placing their children in foster care because they cannot access appropriate care for their children otherwise. Many parents seeking care for their children are faced with long waiting lists at community mental health programs. More

intensive services, such as homemakers, or group counseling, are difficult to obtain.

Private insurance and Medicaid do not necessarily pay for essential services. Some desperate parents have voluntarily placed children in foster care in order to get mental health services, or have faced neglect allegations for abandoning their children at hospitals in order to force states to provide them with appropriate services. Once children are in foster care, parents may face serious obstacles visiting and regaining custody.

I had to place my mentally ill son in the system to get him help.

BY TONI HOY

In 1996, my husband and I adopted two boys, ages 2 and 4, from foster care. One was blonde and the other a redhead, both with big blue wondrous eyes, full of life and energy.

We were told that the boys had developmental delays, had been drug and alcohol affected at birth, and were victims of severe abuse and neglect. We knew we'd have a lot to contend with. But the worker assured us that once the boys were in a stable, loving home, they'd be just fine.

The challenges were obvious right away. Two-year-old Daniel had severe temper tantrums daily. Chip would go into three-hour manic rages.

Finally, when Chip was 11 years old, he was diagnosed with bipolar disorder. With medication, Chip became a different child: friendly, calm, funny and sweet.

Daniel was more affected. Over time Daniel was diagnosed with bipolar, anxiety, OCD, ODD, conduct disorder. Daniel's dangerous behavior only escalated. In three years, Daniel cycled in and out of the psych ward 11 times. He was hurting people and damaging property.

We were advised that Daniel needed residential treatment. Unfortunately, our insurance did not cover long-term mental health care. We applied for an Illinois state grant to cover his care but were denied three times.

Then Daniel threw a sibling down the stairs and punched him. Soon he was hospitalized yet again.

One of Daniel's therapists advised us to refuse to take him back home, even though if we left Daniel at the hospital, we would be charged with neglect and Daniel would go into foster care. We feared what could happen to him in the care of the foster care system. We worried that Daniel would feel like we were giving up.

But we kept coming back to the issue of safety. So we drove to the hospital and told Daniel that we loved him but were not bringing him home. It was the only way to force the state to place him in residential care so he could get the help he needed.



MAKING OUR RIGHTS A REALITY

Families Create a Safe Haven Together

BY MARY THUNKER

Last summer, my grandson Nathan was hospitalized repeatedly because of aggressive behavior. The doctors recommended residential treatment but his health insurance refused to pay. One doctor asked us, "Have you ever considered relinquishing your rights or abandoning Nathan at the hospital so he could get the help he needs in foster care?"

Parents had recently made news in Nebraska because they had abandoned teenagers at hospitals, saying they could not handle their

kids at home or access appropriate care. Parents took this drastic step after Nebraska passed a "Safe Haven" law allowing parents to relinquish their children at hospitals for any reason. Legislators were expecting infants, not older children. My heart ached for the families of these troubled children. Why should they have to give up their child just to receive medical care?

At the time, my daughter and I had contacted a state senator to discuss our own experiences accessing mental health services for Nathan. Soon after, the senator brought together families to share our stories with each other.

Many of the families pulled together a group called the Family Advocacy Movement. We didn't want any more families to be denied mental/behavioral health care for other children.

Now, we were stuck in situation that many families had faced before us: considering placing Nathan in foster care to obtain the care he needed.

After the hospital meeting, I called a fellow member of the Family Advocacy Movement for support. Soon we had email messages and phone calls coming in from other families. They gave us the strength to fight.

My daughter spoke with the Speaker of the Nebraska House of Representatives, asking how to get help for Nathan. A month later, Nathan was in residential care.

Despite the sadness we feel being separated from Nathan, we also have a great feeling of relief and satisfaction knowing that we got Nathan the care he needed.

Now Nathan is showing some improvement, and my daughter and I continue to work with Family Advocacy Movement to prevent other families from going through this painful process.

NEXT STEPS

- *States must provide more intensive at-home services.* Placing children in a residential treatment facility should be a placement of absolute last resort. States must provide timely, at-home intensive wrap-around services, including respite care, in-home assistance and other family supports that will enable a child to remain with family despite a serious mental illness or behavioral problem.
- *States must provide long-term residential treatment without foster care placement.* Some children with serious developmental or mental health needs require long-term residential care. States must develop a mechanism to provide appropriate treatment to children even when parents' health insurance will not cover the level of care that children's therapists recommend.
- *Provide respite.* Agencies must provide respite that guarantees a parent the right to bring her child back home, so that parents who feel temporarily overwhelmed can rely on a respite caregiver without fear of losing custody of their children.



Toni with her family, including Daniel (right)

4. I HAVE THE RIGHT TO speak for myself and be respectfully heard at every step of the child protective service process.

Parents must be part of decisions about their child's placement, about the supports that they and their children may need, and about the steps they will be required to take toward reunification. Immediately after placement (no later than 24 hours following their child's removal from their home), parents must be invited to a conference where they can participate in planning for their child's care and determining their service plan.

Every parent has the right to a meeting with child protective services no later than

24 hours after their children are removed. Parents have a right to a service plan that reflects fair and reasonable expectations, to develop those expectations in partnership with child protective workers, to get the expectations in writing, and to have the expectations clearly explained in a manner that parents can understand. Parents also must be supported in speaking knowledgeably and confidently at these conferences. Parents in crisis need the support of family, neighbors, and informed parent advocates to be able to speak as equals and to be heard and respected at conferences

I Was Confused, Alone and Afraid to Speak Up

BY NANCY COLON

Five years ago, I got a call from Child Protective Services (CPS) in Detroit, asking me to come to a Team Decision Making meeting.

At the meeting, the CPS workers told me that my husband had been accused of child abuse and charged with battery for abusing me. This meeting was to determine whether I'd failed to protect my children because their father had harmed them and they had witnessed domestic violence.

I was interviewed for two long hours about my life history, my kids and my marriage. I felt confused, afraid to ask for help and alone, with no one lawyer

or advocate to guide or support me.

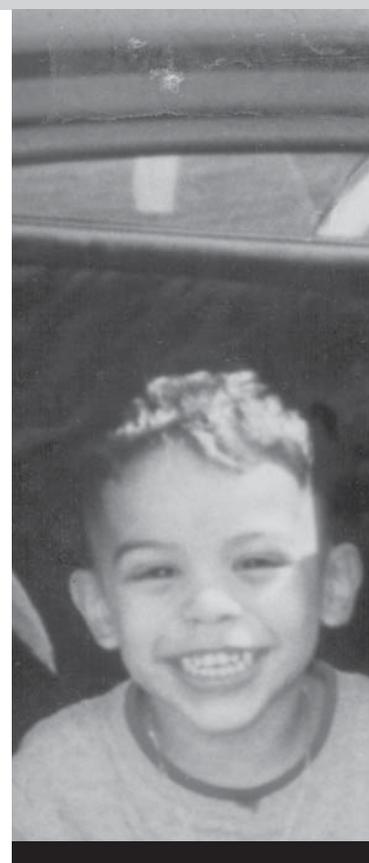
I believed that the meeting was my only opportunity to get away from my husband's abuse, so I told the workers everything that had been going on in our family for the past two years. But I think being honest only made my situation worse. The workers saw my weakness as neglect. In the end, they charged me with "failure to protect." My children were separated from me and from one another and placed in four different foster homes. CPS told me I had to quit my job (so my husband couldn't find me) and move immediately to a shelter an hour away.

That night, I cried in my bunk

bed. In one day I had lost everything that mattered to me—my children, my job as a supervisor, my home and my dignity.

After three weeks, the CPS worker gave me a copy of my treatment plan and asked me to sign it. I didn't have an opportunity to give any input on what I thought might help my family or to go over it with my attorney.

The first court hearing was a blur, too. I met my attorney a few minutes before it started. He told me that the best thing to do was to admit to all the allegations. So I did that, but again, I came to believe that being open and honest only hurt my case.



MAKING OUR RIGHTS A REALITY

Community Reps help parents find solutions.

BY JEANETTE VEGA

For the past year, I've been helping parents who are at risk of losing their children to foster care. My role is to attend Child Safety Conferences, a meeting held by Child Protective Services in New York City, to decide whether a child should go into foster care or if there is a safe way to keep the child at home.

The conferences are held 24 hours after a case is called in. Parents are still shocked, angry and afraid. I know how they feel—my own son was in foster care. As a trained Community Representative, I can help.

I am familiar with the child welfare system and know about resources in the community that can help families prevent removal or reunify more quickly.

A typical parent I've worked with is Melissa. When I arrived at her conference, she was sad and confused. The allegation was that she failed to protect her son. Melissa would put her son to bed and then go get high. She wanted help. She was getting so high that she would wake up someplace and not remember how she got there.

Melissa's sister was willing to

become a foster parent to Melissa's son, but they lived in the same household. So I suggested Melissa get into a residential drug program. In the end, that became the safety plan.

I escorted Melissa to Odyssey House the next day. I prayed with her to stay strong. Later on, though, she called me and said, "I just cannot do it. I want to go home."

I reminded myself, "Her addiction is calling." I was able to comfort her and remind her why she needed to stay—and she did.

Melissa didn't think she could make it. But she turned out to be very strong. With the right support from day one, I think more parents like Melissa can make it through.

NEXT STEPS

• *Team decision-making conferences bring together parents, caseworkers, foster parents, and community members to regularly discuss all placement decisions.* Done well, these conferences set a tone that parents' perspectives are valued and that their expertise about their own family will be respected. Facilitators ensure that a variety of attendees, including parents' family members or people from their community, such as a teacher or pastor, can participate in identifying supports and services that will help a family reunify. Agencies must begin to use the team approach to making decisions in child welfare cases.

• *Community representatives at decision-making conferences.* Parents who attend case conferences have the opportunity to speak for themselves, but are often so overwhelmed, embarrassed, angry, or confused that they are not prepared to best represent themselves and their families. Parents must be supported in participating by trained community members—ideally, other parents with previous child welfare experience. Trained "Community Representatives" who are informed about parents' rights and community resources and experienced in negotiating with child protective workers can guide parents in explaining their families' strengths and needs and reaching an appropriate agreement with child protective services.



Jeanette with Remi

5. I HAVE THE RIGHT TO be informed of my rights.

When their families are investigated, most parents have no idea what their rights are. Few child welfare agencies provide parents with a comprehensive explanation of their rights or information about available services, leaving parents unable to effectively advocate for their families.

Parent must be informed about their rights, including their right not to open the door when a caseworker knocks and what rights they may have to legal representation in family court. Child welfare

agencies must work with parents and with outside advocates to develop clear and comprehensive ways to provide parents with a clear and immediate explanation of every step of the child welfare process. In particular, parents must be given a clear explanation of ASFA, the federal law that allows agencies to petition for termination of parents' rights if children have been in foster care for 15 out of 22 months.

You're Not Sure What Your Rights Are So You Sign

BY SANDRA SANCHEZ-COCHRAN

About 10 years ago, I was going through a bad time in my marriage. One night when my husband abused me I called the police and they took my children and me to the hospital for an examination.

The Department of Social Services did a quick assessment and decided to take my three children. They never let me take my kids home from the hospital or even say goodbye. I was lost.

If it wasn't for a good friend of mine, I don't know what I would've done. She wrote letters and called lawyers. With her support, I asked for visits and started bugging the department for counseling for my kids and for myself.

Luckily my kids were returned in 45 days, but the episode was traumatic for my kids and me.

Now I'm working with a group in Massachusetts to create a booklet of information to hand out to parents at the time of their child's removal. It will be a list of resources they can call and some parents' stories. Child protective workers tend to forget that parents need information and support right away.

Sometimes it takes weeks between when the department takes your kids and you make contact with your worker. If a parent doesn't have support or a sense of control, she looks for what she needs in the bottom of a bottle or in whatever vice she knows.

The biggest thing we hear is that parents don't know what to do or who to turn to, and their lawyers don't take the time to sit with them. Parents don't know if they have a right to visit their kids, or to fight having them moved from their schools.

Parents tell us, "The social workers want you to sign a service plan, and you don't understand it but you don't want to anger them, and you're not sure what your rights are so you sign." CPS can be very intimidating, and some parents will sign over their lives. They just need someone—even a booklet—to say, "Don't freak out, don't lose it. Now is the time when you need to get it together."



MAKING OUR RIGHTS A REALITY

Parents Give Each Other the Knowledge to Fight

BY TERESA BACHILLER

I'm the assistant director of the Child Welfare Organizing Project (CWOP), an advocacy and self-help organization for parents involved in the child welfare and family court systems in New York City. We run a six-month parent leadership training to inform parents in our community of their rights. We also run a two-hour support group each week that is led by parents who have dealt with the child welfare system.

Parents call CWOP seeking legal information because they don't understand their case or they want to know

more about their rights. They ask, "Why are they taking my children? Why are they interfering with my family?"

I always recommend that parents come to Support Group, where we share our stories and information regarding the child welfare and family court systems so every parent is better prepared. When parents come to Support Group, they're feeling powerless, stressed, confused, frustrated. They feel that it's only happening to them. We make them aware they're not alone.

Recently we had a parent who was very angry. She

was saying, "You cannot help me. You never been there." I said, "Wait a second. You don't seem to know who we are. We walked in them shoes, we've been there."

In Support Group we give advice based on what we've experienced. The biggest thing we tell parents is, "You don't need to give so much information. Just answer the question. There's no need to reveal any other information."

We also give every newcomer our Survival Guide to the Child Welfare System. It explains child welfare procedures and

parents' rights and includes other parents' experience and knowledge. I go over the Guide with parents and show them the information related to their case. Then I tell them, "Go home and read the whole thing." Usually, the Survival Guide motivates parents. Parents say, "You know what? Having this book makes me feel a little bit better. I know more about my rights."

Parents find family here at CWOP. Listening and participating in Support Group gives parents the knowledge and power to fight their cases better than they could alone.

NEXT STEPS

- *Provide parents with an "orientation" or parents' rights training.* In Washington State, a "Dependency 101" class is run by parents. At sites affiliated with Family-to-Family, parents learn from "Building a Better Future." In New York City, the Child Welfare Organizing Project runs a 6-month Parent Leadership Curriculum and weekly informational support group. Agencies must work with parents and parent-serving organizations to develop methods of informing parents of their rights.
- *Distribute handbooks explaining parents' rights.* Investigators must provide parents with information about their rights from day one, and parents must be given additional written information at the time of removal. Agencies must work with parents and parent-serving organizations to develop and distribute a handbook that covers parents rights

and responsibilities from the time that child protective services begins an investigation to the time the case is closed. This information must be made available in translation or to be read aloud for parents who do not read.

- *Support the establishment of independent child welfare peer support and advocacy organizations.* Parents cannot be expected to trust the child welfare system itself for support in advocating for themselves and their families. Parents who are subject to investigation or removal are fearful and angry and need credible information about their rights and responsibilities. Child welfare agencies, community-based nonprofits and foundations concerned with child welfare and children's well-being must support the establishment of independent organizations that provide confidential peer support and advocacy information to parents.



Teresa with parent leaders, including Carmen Caban (right), at CWOP

6. I HAVE THE RIGHT TO a meaningful and fair hearing before my parental rights are limited.

Parents must be given a meaningful opportunity to respond to allegations and, if needed, participate in developing an appropriate safety plan for their family before their right to contact with their children is limited. Safety plans that separate children from their parents must be used only when there is evidence of imminent risk and the evidence has been reviewed by a judge or in a case conference where the parent is meaningfully supported by a lawyer or advocate in stating her case and participating in developing the safety plan.

Child welfare systems also must work with family courts to provide timely hearings. While the federal Adoption and Safe Families Act requires that agencies file to terminate parents' rights in most cases when children have been in foster care for 15 out of 22 months, court hearings are routinely delayed for months, giving parents few opportunities to move their cases forward. At times, children may languish in the system for months before a court even decides whether it was necessary to remove the child from home.

Separated From Our Children Without a Court Hearing

BY MARY BRODERICK

On August 8, 2003, my husband, Tom, was on the back porch of our home with Ryan, our 4 month-old-son, and Briana, our 18-month-old daughter. Tom was holding Ryan when stepped backwards—on to Briana's foot. Trying not to hurt Briana, Tom lost his balance and fell with Ryan into the grass below.

I called 911 immediately and Ryan was taken by ambulance to the hospital. Ryan was diagnosed with a "chronic subdural hematoma," which means the doctors believed that he'd had bleeding in his brain even before this incident. We were accused of child abuse, specifically Shaken Baby Syndrome. (The assumption was that he'd had bleeding in the brain because we shook him.)

The hospital contacted the Illinois Department of Children and Family Services (DCFS). We met a DCFS investigator who told us that until the investigation was finished, our children would have to stay with relatives and we could not be alone with our kids. I fell apart. How could it be this easy to keep our children from their home?

On Monday we met another DCFS worker. He handed me a "safety plan" written by DCFS. It stated that we were not to have unsupervised contact with our children during the investigation, which could last up to 60 days.

Later I learned that these "voluntary" safety plans—offered with the threat of removal if a family does not comply—are routine in

many states. These plans usually demand that the children stay with relatives, or that the parents themselves live apart from their children, even though the child protective services has not gone before a judge with evidence that a child's safety is at risk.

"What will happen if we refuse to sign the safety plan?" I asked.

Our choices were to sign the "voluntary" agreement or he would take our children into protective custody and place them in foster care with people we did not know. I was scared and upset.

"We have no choice but to sign," my husband said. So we did.

MAKING OUR RIGHTS A REALITY

Family court delays have devastated my family.

BY LAWRENCE PRATT

In January, 2007, I was invited to speak at a public hearing at New York City Hall about the backload of cases in family court. The meeting was held on the one-year anniversary of child protective services taking my son Jacob into custody from his hospital bed.

It sickens me that babies and children are kept from their families because there is no due process. The system felt it could say to me, "Well, Mr. Pratt, it's so early in the case..." when after nine months the system's lawyers still had not proven that my son was at risk if he

returned home.

In my testimony, I explained the basics of my case: my son was hospitalized when he was two months old after having a seizure. His mother and I were accused of Shaken Baby Syndrome.

Then I spoke directly about our experiences with delays in family court: "After CPS remanded Jacob to foster care on January 11, 2006, a date was set for a Fact Finding Hearing (to determine whether Jacob should remain in care). It was set for July 22, 2006, six months after his removal. Then our hearing date got

pushed back from July 2006 to January 2007—a full year from when Jacob went into care!"

At the end of my testimony, I urged the City Council to make sure that these delays don't damage other families, saying, "I implore this committee to seriously consider all the families being held hostage by the conditions of Family Court, and an unreasonably indifferent child welfare system."

But after that hearing, nothing changed for my family.

A year later, on January 10, 2008, I testified again. This

time I told the Council: "It's totally disheartening to be back here another year later. I urge all of you on the City Council to pressure and persuade the legislature to fund more judges."

Again, I hope my testimony will make a difference, for my child and all other families.

But I am furious that my son has been in foster care all this time because of court delays.

NEXT STEPS

7. I HAVE THE RIGHT TO quality legal representation.

Parents subject to investigation or with children in foster care must be able to access quality legal representation. Lawyers must safeguard parents' rights to due process, their right to be present and bring witnesses to all proceedings, to appeal agency decisions, and to make complaints or raise concerns in court or in meetings with the child welfare agency. Lawyers must also guard clients from being considered guilty until proven innocent, providing assertive legal advocacy from the report through the investigation, court and reunification stages.

In many states, parents are represented by lawyers who do not specialize in child

welfare law and may not be knowledgeable about how to engage and assertively represent their clients. Lawyers for parents are also paid very poorly in many jurisdictions, with no funds available for discovery, to enable lawyers to be paid to meet with their clients, or to go beyond a cursory in-court defense. Finally, lawyers often work alone, even though social workers and/or parent advocates may be more appropriate and successful at engaging parents. Lawyers for parents must be able to learn about best practices, be paid appropriately, and be supported to work in interdisciplinary teams.

When My Lawyer Didn't Work for Me, I Represented Myself

BY DINAH CLEMMONS

When my children went into foster care, I was appointed an attorney by the court. At first, due to my lack of knowledge, I accepted this attorney. After a few court appearances, though, I realized that my attorney was not representing me well. I wanted my lawyer to explain my accomplishments and present documentation of the classes and programs I'd completed. I also wanted my lawyer to express to the court in depth my sincere desire to better myself so I could make a better life for my children.

I had learned my right by talking with my case planner, learning from other mothers whose children had been in care, and listening to what was said during court proceedings (and what wasn't

being said). I also had a parent advocate at my agency to answer my questions. I was not afraid to ask questions.

So in court, I asked to speak for myself. Then I requested to be able to speak for myself from then on. The referee (who played the judge's role) asked, "Are you sure you want to do this?" I could see from their facial expressions that some court personnel thought I might be making the wrong decision, but it was the right decision. I came to court each time prepared. I brought letters of recommendation and certificates of completion. I also enrolled myself in trainings that were not mandated by CPS, the judge, or the foster care agency.

The hardest thing I had to do was

twice request an extension of placement for my sons. They were together and safe in kinship care with their aunt. I knew that I was not ready to take them home. But once I achieved my goals, the referee returned my sons to me.

My sons have been home since 2005. I now work as a parent advocate at the foster care agency that my own children had been placed with. Now I teach other parents how to advocate for themselves and make the system work for them.

MAKING OUR RIGHTS A REALITY

Parent advocates help lawyers and parents connect.

BY MILAGROS SANCHEZ

I am a parent advocate at the Center for Family Representation (CFR) in New York City. CFR provides parents in child welfare proceedings a lawyer, social worker, family advocate, and parent advocate to support them.

Parents whose children were removed and put in foster care often feel like they can't trust anyone. They're used to manipulation and abuse. They fear that if you get too close, you must want something from them, or you want to hurt them. My job is to help parents trust us and see that

we're going to help them.

I don't always tell clients about my history of addiction or what I went through to reunify with my sons, but sometimes I do. It can help to say, "I used to be in your shoes. I resisted treatment for many years and didn't believe anyone could help me."

I can also talk to parents in ways that social workers and lawyers cannot. My attitude is, "I know all the excuses, all the lines. I don't have to sugarcoat things." Parents usually respect the straight talk.

I can't always make a connection. Some parents are not open. Everything is everybody else's fault.

Still, I build trust by following through. If they owe rent or are getting evicted, I go to housing court to advocate for them. If public assistance is going to cut them off, I'm there to guide them. I also make home visits. If I can't reach the parents, I go to their homes to see if they're OK.

Without a team, it would be hard for the attorney and the parent to succeed. The attorney is busy with the court process and can

only do so much. What happens to the rest of the process? The parent is going to be lost without someone to encourage her and show her how to succeed.

I feel lucky to be able to help the parents get back on track. We don't do the work for the parents. I always tell them, "You've got to do the footwork." But they can trust us to stick by them.

NEXT STEPS

- *Institutional legal service providers.* In a number of states, lawyers for parents are working for organizations focused on parent representation. Many of these organizations also provide social workers and/or parent advocates to work with the lawyers. The social workers and parent advocates are able to engage, support and motivate the parent client, while the lawyer can focus on advocating for clients in court. Lawyers working within organizations are able to share strategies. Social workers and parent advocates also are able to attend service planning conferences, giving lawyers direct information about the case, which the lawyer can use to move a case forward in court.

- *Reasonable rates for lawyers.* Lawyers for parents in many states are paid at very low rates, giving few lawyers the incentive to represent parents and making it difficult for lawyers to get reimbursed for providing high quality representation. States must ensure that lawyers are paid and monitored in such a way that parents receive meaningful legal representation.

8. I HAVE THE RIGHT TO support from someone who has been in my shoes.

Parents who come to the attention of the child welfare system often feel isolated, fearful, ashamed and angry. In interactions with child welfare personnel, they may feel confused, judged and unsure how to advocate for themselves or their children. Parents need help understanding how the child welfare system works and how they can move forward in reunifying with their children. Their peers—other parents who reunified with children in foster care themselves—are the people they trust most and who can help them best.

Substance abuse treatment programs and mental health agencies pioneered the use of peer advocates to provide support to clients who may not believe that anyone else has been in their position and succeeded. Child welfare agencies that wish to engage and support parents must follow this proven practice by using parent advocates to guide parents and agency personnel in their efforts to reunify families

I Did Not Know What to Say or Do

BY DIANA HENRIQUEZ

Losing my son was the hardest thing I have ever gone through. I felt so alone with no one to care for and with no hope whatsoever.

My 3-year-old son went into care when my boyfriend broke my son's leg. My boyfriend had hurt me, but I never imagined he would do anything to my son. A couple of months later, my boyfriend was arrested and jailed. But my son did not come home.

My first worker didn't ask what I needed or explain what I was supposed to learn from parenting classes or why I needed to go. I felt lost each time I went to court. I did not know what to do or say. I felt like I couldn't trust anyone. I tried to comply with the requirements, but beyond that, for more

than a year, all I did was cry and wish my son would come back.

Eventually I started to learn who I was and what I wanted from my life. I attended groups with other mothers with kids in foster care. That helped. Most of the women in the groups were much older than I was, and when I heard their stories, I said to myself, "Damn, that could be you. You have to fight. You cannot let this happen to your son."

I started to read books on how to fight back. I read law books, books on child welfare, domestic violence, social work, poverty and oppression. Those books gave me the strength to see that I was part of a bigger problem, and I began to say, "The system cannot screw me."

I began putting my demands on the table. I met the executive director of my agency. She saw my potential and hired me to be a parent leader. But while my agency was holding me up as a parent leader, my caseworker was threatening to terminate my rights.

Finally, I got my 10th caseworker, and she told the judge what I had accomplished and how much my son was hurting without me. It took me six years to get someone to hear my story and send my son home.

As a Parent Advocate, I Can Help

BY JACQUELYN ISRAEL

As a parent advocate at a foster care agency, I'm a support for parents. When they come in, I tell them, "I am a parent. My children were in care. I'm here to make sure your case is moving forward for you and your family. What can I do to help you?"

I'm a mediator between the family, caseworkers and foster parents. A parent might call and say, "I haven't gotten visits for a month." Then I would go to the caseworker and say, "I love you as a co-worker, but this parent needs these visits. Why is she not getting

them?"

It may be that the foster mother says she's not able to bring the child. I say to the caseworker, "Have you explained to the foster mother that that's her job? Once every two weeks is not a lot."

It could be the opposite. Sometimes a caseworker tells me that a parent is always late for the visits. I tell the parents, "It's disrespectful that you're not on time, and they're not going to see you as being responsible."

In staff meetings, I remind

caseworkers to think of the biological parents. I say, "What about the family? Have you asked the parents their views? Have you invited them in for that talk?"

I also help parents advocate for themselves. I explain the steps in a child protection case, and the point of each meeting. I tell them who they can bring to each meeting, and what their rights are.

I explain the chain of command so they know how to make their voices heard. And I tell them to write everything down. Many times parents say, "I spoke

to so and so," but they have no proof. I tell them to put their complaint in a letter, send a copy, and save a copy for themselves. What's written on paper has more power, and you can show the judge, "I did write and ask for this."

Parents have to do their own advocacy. If they don't come and knock on the caseworker's door, I can't do it for them, but I can show them how.

NEXT STEPS

- *Hire parent advocates.* Parent advocates and parent partners at foster care agencies engage and motivate clients, provide referrals to programs that helped them, guide parents in advocating for themselves with caseworkers and other agency personnel, and often co-facilitate agency training, parenting education classes and support groups. Their presence also has an impact on agency culture, demonstrating how much parents who were once in crisis can achieve. Child welfare agencies must work with agencies to fund parent advocate positions through government or private fundraising and provide incentives for creating these positions.

- *Support community-based parent organizers.* Community-based organizations that support parents affected by the child welfare system offer parents complete confidentiality, which is not possible through the child welfare system. Through organizations that provide legal rights information, parent

support groups, and the opportunity to advocate for child welfare reform, community-based organizations are able to give parents a safe place to reflect on their experiences, learn from their peers, and use their strength to achieve reforms that will help other families. Child welfare agencies must greet even critical community-based parent leadership organizations as partners in creating needed child welfare reforms.

- *Hire service provider-based peer leaders:* Parents who work at substance abuse programs, mental health providers and legal service organizations, or who are involved in community initiatives to support families and prevent child welfare placement provide parents with examples of how they can overcome difficult circumstances to become stronger parents and peer leaders. Child welfare agencies must support contract service providers in developing a culture of peer support.

9. I HAVE THE RIGHT TO have my child expeditiously placed with a family member or family friend.

For children removed from home, moving in with a stranger's family can be scary and confusing. Children must adapt to a new family's rules and expectations, cultural beliefs, foods and routines. Often, children leave their neighborhoods and schools—everything familiar to them. Placing children with people they know can make removal less painful. It's also easier for parents to stay in touch with children placed with relatives. Relative caregivers are more likely than foster families to allow parents to call and visit at their homes.

Recent research demonstrates that children placed with relatives do better than those placed in traditional foster homes. While they may be somewhat less likely to reunify with their parents, studies have found that children in kinship foster homes endure fewer moves from home to home, are less likely to remain in care long-term, and are less likely to end up in the juvenile justice system. Child welfare agencies must ensure that children are placed with relative caregivers whenever possible.

I Had to Fight to Place My Children with Family

BY YOUSHELL WILLIAMS

When Children's Services (ACS) came into my life, I was going through a very bad time. I had just gotten out of an abusive marriage, my kids were having trouble in school and I was depressed and overwhelmed. I didn't know what to do.

The child protective worker kept pressuring me to place my children in foster care. Finally, I did. I called the worker and asked her take my two children to my sister in Staten Island. But instead of bringing my kids to my sister's house, she put them in a foster home in the Bronx. I didn't get to see them for a month.

When my sister found out what that worker did to me, she was furious. She rushed over and we cried and planned together. We went to court the next month and my sister was given custody of my children.

The judge asked the ACS worker, "Why did you put the children in foster care when there was family willing to take them?" Of course, she had nothing to say.

Once my children moved in with her, my sister tried to include me in everything. My visits started off very unsatisfying at the agency office, but soon we were going to movies, going out to eat, and going shopping for the kids

together. We loved taking the kids to Funstation or Fun Bubble. We played videogames or put the kids on the rides or let them bowl.

My children blossomed while living with my sister, her husband and their son, and knowing they were safe helped me get myself back on my feet.

MAKING OUR RIGHTS A REALITY

Kinship care helped me stay connected to my son.

BY KEVIN EDWARDS

Last April, my son was placed in foster care from his mother's custody. My son had been staying with me on weekends, so asked the judge if I could take my son, but the system did not approve of my apartment. They said I couldn't bring him home.

Knowing how some foster parents can be, I worried that my son might be mistreated in the system. But they allowed my mother to take him. At least I could see him often.

My son has been in foster care with my mother for a

year now because his mother has to complete parenting classes and other requirements. I've helped my son by being there for him physically and mentally. I wake up at 5:30 every morning so I can go to my mom's and get him ready for school. Then I go to my part-time job and by 2:30 p.m. I'm at his school to pick him up.

Back at my mother's house we do his homework and, if the weather permits, we go outside to a park. My favorite is Central Park because we get to feed the ducks. It's also his favorite because we take the subway.

It makes all the difference that my son was placed with family. Even though he is not living with his mother or with me, he is safe and he sees us often.

In the last few months, with the court's permission, I've started bringing my son's mother up to visit him at my mom's house. Soon my son will go home to his mother. I can't wait for that moment. He misses his mom and he belongs with her. But I'm grateful that, even though he was in foster care, my son was with family.

NEXT STEPS

• *Prioritize kin caregivers: Child protective worker, lawyers and judges must work together to ensure that kinship placements are granted priority.* Child protective workers must ask parents where they would prefer their children placed and explore expedited kinship placement before placing children in stranger care. Lawyers must work with clients to consider kinship possibilities. Judges must grant priority to kinship placements, protect these placements by requiring agencies to petition the court before moving children out of kinship foster homes, and grant guardianship or custody to kin who do not meet the requirements to become foster parents, as long as the home is safe. Child welfare systems must judge themselves on their success in placing children with kin.

• *Subsidize guardianship: Many children would be spared some of the turmoil of foster care placement if family who were*

willing to care for them could receive financial assistance. Subsidized guardianship would enable children to find permanency without severing their legal ties to their parents. States must provide legal guardianship in cases where the only barrier to permanency with family or family friends is financial assistance.

• *Engage fathers.* Child welfare agencies must search for fathers who may be able to provide safe homes to their children. Historically, agencies have not made an effort to locate estranged fathers; fathers face extraordinary hurdles and judgments when they seek custody of children placed in foster care because of allegations against the mother. Agencies must treat fathers and fathers' relatives as potential resources to children in foster care unless there is reason to believe that the children or their mother will be endangered by contact.

10. I HAVE THE RIGHT TO frequent, meaningful contact with my child.

The quality and frequency of parents' visits with their children is one of the best predictors of whether children will safely reunify with their parents. Visits help children feel safe despite separation and help families to repair frayed bonds. They \ keep parents motivated and give parents practice parenting their children in changed circumstances. However, many child welfare agencies grant parents the minimum visits required by law—as little as two hours a month in some jurisdiction—and allow parents and children to visit only in crowded, supervised agency visit rooms.

Families must have more time to connect and must be allowed to spend time in positive settings, like libraries and playgrounds, whenever possible. Agencies must use visit rooms only when children may be at risk during visits, provide opportunities for families to be supervised by other family members, foster parents, or community volunteers, and encourage foster parents to allow children and parents to communicate regularly by phone and through letters and photos. Lawyers must press for increased visit time and unsupervised visits and judges must ensure that children and their parents are supported in remaining connected despite foster care placement.

A Year Without Visits

BY WANDA CHAMBERS

When my daughter was 6 months old, she went into foster care. Soon after, I got locked up. For a long time I could not get it right. But after Ebony had been in care a year and a half, I said to myself, "I'm going to start communicating with the agency." I was clean and thinking straight, and I was committed to getting her out of foster care.

I wrote letters and asked for reports and pictures of my daughter, but for a year I never got visits. She was 3 years old when I saw her again.

When I was released and began visiting, my daughter couldn't stand my living guts. She was afraid, and she was really not nice.

She wouldn't talk to me, she'd scream when I got near her. She'd sit under the desk for the whole visit, or keep running out in the hall to see her foster mother. I would keep reading, "And the bear said..." and if she looked at me I'd say, "Hello, Ebony." Of course I went home and cried.

I felt that the foster mother's presence during visits was making it harder for us to bond. My daughter kept going out in the hall to talk with her foster mother, and it made me crazy. I said, "I'm going to ask them to remove the foster mother from the agency during the time of my visit!" She fought me tooth and nail, one mother fighting another mother.

Still, I went step by step—I went from supervised to community visits to weekends. Ebony and I got closer when I was able to take her out to the park and do little things like do her hair and put on her shoes.

As my daughter's foster mother realized that my daughter was really on her way home, she began to be a friend to me. Now, years later, Ebony is home, but her former foster mother is still part of our lives. Ebony deserves that, since she and I were separated for so long.

My Daughter and I Built a Bond During Weekend Visits

BY ALBERT SHEPHERD

I grew up in foster care, and I know that not all foster parents care about the children. But my daughter had two foster mothers who helped me stay connected to her.

For the first year my daughter was in care, I didn't see her because I was locked up. During my first visit with my daughter, I felt like a father again. Her eyes lit up and I felt she remembered me. I held her in my arms and swung her around, listening to her giggle and laugh. The visit lasted an hour but felt like five minutes.

When I met her foster mother, Mary, I was pleased to see she was a realistic and mature woman who cared about children. Seeing the way she cared for my daughter made me feel relieved and comforted.

Mary also allowed me to visit my daughter at her house after we'd visited at the agency for some time. That was beautiful for us. Mary and I developed a relationship over time like a grandson and grandmother.

Then my daughter was moved from Mary's home,

and we had to visit at the agency again, with social workers watching my every move. I thought to myself, "My daughter and I already have a relationship. Why are they concerned about how I spend time with her in a crowded playroom, filled with screaming children and broken toys?"

Once again, I requested unsupervised visits, which were granted. But the time I got to spend with my daughter was still very short. So I asked to visit my daughter in the foster home one day each weekend. The new foster mother granted my request.

During visits, my daughter and I played with toys and I taught her numbers and letters. I loved watching her learn new things.

Now my daughter is home. I feel blessed that my daughter lived with two foster parents who made it easier for me to stay connected to my daughter.

NEXT STEPS

- *Encourage positive relationships between parents and foster parents.* When parents and foster parents work together, kids go home more quickly and stay home. Kids in foster care get better care when the parent and foster parent exchange information about the child and work together to make visits positive. After reunification, the foster parent can become an ongoing support to the parent, someone who is an expert about their child. Agencies must put structures in place, like an "icebreaker" meeting with the parent and foster parent soon after placement and mediation around conflicts.

- *Create structures to support visits in the community.* To help parents move from supervised visits at the agency office to unsupervised visits at child-friendly places like parks, playgrounds, libraries, museums, and the homes of friends and family, agencies must train community members to become visit hosts.

Courts can order community visiting supervised by a trained visit host who will ensure children's safety while supporting parents in caring for their children in more realistic and positive environments.

- *Provide coaching to assist parents with positive visits.* Many child welfare-affected parents did not grow up in households where adults played with children, engaged children in conversation, or read to them; a strict separation between the child's world and the adults' may have been more common. However, caseworkers supervising visits often expect parents to engage with their children in these ways. Caseworkers must be trained to understand a diversity of parenting styles. Agencies must work with visit coaches trained to support parents in interacting with their children in ways that will help them to rebuild their bond.

II. I HAVE THE RIGHT TO privacy.

Parents with child welfare cases are routinely referred to clinicians who share confidential patient information with child welfare authorities; are asked to submit to drug tests when drug use is not part of the allegation; and are encouraged to disclose personal information about past experiences with the threat of appearing non-compliant if they do not open up. Parents must have the right to keep their own records confidential unless they provide written consent and to keep details of their lives private if they are not directly related to the allegations in the case. Child welfare agencies and courts must be barred from holding this against the parent. Parents also must be able to

access confidential mental health treatment and have the option to choose their own therapist.

Parents must have access to their own child and family records at any time. They must be able to quickly and simply appeal findings that maltreatment is “indicated” or “substantiated.” They must be able to have their names expunged from child protective services or state central registries through a process that is clear, swift and simple if there are no finding in their case and/or after a reasonable amount of time has passed since they have met all agency expectations.

NEXT STEPS

- Provide confidential therapy or a clear consent form that helps parents understand the clinician’s role and obligations. Parents receiving mental health treatment as a result of a child welfare case must understand what the clinician is expected to share with the child welfare agency. If possible, parents must also be referred to counseling or supports unaffiliated with the child welfare system.

- Create federal standards for expunging records. State standards for expunging records vary, as do the procedures parents must follow to get their records expunged. The federal government must set fair minimum standards.

12. I HAVE THE RIGHT TO have my language, religion and culture respected.

Child welfare systems discriminate in who they investigate, which children they support in remaining at home and which they remove, how long those children remain in foster care, what services their parents are offered, and which families they recruit to care for children in foster care. Research shows that black children enter foster care at a higher rate than other children in similar circumstances and remain in foster care for longer, while white children are more often allowed to remain home while their parents receive services. In one study, when caseworkers were given hypothetical cases that were otherwise identical, they were more likely to conclude that the child was “at risk” when the family was described as black. Poor families are more likely to be investigated. Poor mothers

are more likely to have their children tested for drug toxicity at birth.

Parent affected by the child welfare treatment must have the right to equal treatment without regard to race, ethnicity, gender, disability, age, religion, economic status, family composition, or sexual orientation. Agencies must examine their practices with these categories in mind, taking steps to correct unequal treatment. Services and supports also must be geared to the populations in a community, with the agency provide culturally appropriate parenting guidance, casework and services in foreign languages, and foster home placements that reflect the community, language and religion of the children placed.

NEXT STEPS

- *Use data to determine bias in local child welfare proceedings and determine steps to reduce disproportionality.* Researches have found unequal treatment and outcomes of families of color and have, in many states, documented the practices that have led to disproportionate placements of youth of color in foster care. Agencies must take steps, with support from federal or state governments, to train caseworkers to recognize bias in their judgments and take other steps to reduce the impact of race and class discrimination in child welfare proceedings.
- *Provide translation services.* Children of parents who do not speak English are often asked to translate for their parents, exposing the children to private information and circumstances beyond their comprehension or control. Neighbors also are brought

in as translators, breaking a family’s right to privacy. Appropriate translation services must be provided from the knock on the door through the resolution of a case.

- *Recruit kin and community members as foster families.* Community members who can enable children to remain connected to religious institutions or cultural institutions, and who eat similar foods or speak the same language as a child placed in foster care, can ease the transition for these children and become a trustworthy support to their parents. Agencies must prioritize keeping children in their home communities and in homes where they can communicate and that reflect their religious and cultural norms.

13. I HAVE THE RIGHT TO services that will support me in reunifying with my child.

In most cases, federal law requires that child welfare agencies make “reasonable efforts” to avoid removing children from their homes in the first place and to reunify families after removal. However, agencies vary widely in the efforts they consider reasonable. In some communities, parents are expected to seek out treatment and other services on their own. Some parents must pay out of pocket for court-ordered services, such as batterer intervention. Treatment, mental health, and family supports may also be difficult to access. Some states do not

provide supports—such as homemaker visits, affordable child care, family therapy, or short-term financial aid—that can prevent foster care placement or reduce lengths of stay. As a result, parents face termination of their rights when they have not been offered meaningful help.

Agencies must develop and begin to abide by a common standard of “reasonable efforts” and provide families with the help they need to reunify.

I Could Not Handle My Boys Without Help

BY MILAGROS SANCHEZ

I had accumulated 11 months clean and sober when my mother passed away. My mother had been taking care of my two children for four years. Soon after she died, the child welfare came into my life and turned my recovery into a rollercoaster.

One day as I was walking up the stairs to my mother's apartment to pick up some things, two caseworkers came to the house to tell me that I had to take over caring for my boys.

I told them that I really did not think that was a good idea because I had just started to get myself together and I didn't know how to raise my kids and stay focused on my recovery. Their response was, “That's irrelevant,”

and they turned around and left.

Not long after, my children came home. I became their mother again without any help or follow-up by the agency.

I could not handle my boys without help. My sons were missing their grandmother and acting out big time. They were bickering and fighting with each other and not listening to me. They even refused to eat.

I felt like less than a mother, because I didn't know my boys and didn't know how to reach out to them to ease their pain. I thought to myself, “I don't even know how to deal with my own life, how am I going to deal with theirs?”

I called CPS and told them I need help because I was overwhelmed. The woman I spoke to said, “I'm coming over.” I waited six months but they forgot about my boys and me.

Unfortunately, I looked for the easy way out—I relapsed. Picking up gave me that false sense that I didn't have to deal with my issues or my kids' issues at all.

After three months abusing drugs, I called a family emergency gathering and got honest with my sisters, and they took over. But I was out there on the streets for a long time before I went back to rehab. My sons and I lost two more years together because I wasn't ready to raise my children alone.



I Got the Help I Needed When My Daughter Came Home

BY SYLVIA PEREZ

When my daughter, Lydia, 5, came home from foster care, it was so different from having her home only on the weekends. The best part was that we didn't have to rush spending time together.

But she was also giving me a really hard time. She didn't want to brush her teeth or wash her hair. She totally refused to pick up her toys. I had to yell at her to do these little things, or tell her, "Go to your room." This little angel had a bad side I'd never seen.

One day she got mad at

me because I was yelling at her to do her chores. She started throwing toys at me. Then she started slamming her bedroom door. All I wanted to do was grab her by the arm and spank her.

To keep myself from hurting her, I sat on the couch in my living room and just cried, thinking, "Does she really hate me so much? I worked so hard for her."

We've been going to family therapy every week since she came home. So I discussed it with the therapist. He told us to make it little steps with her. It will take time for Lydia to adjust to

our home and our different rules and schedules.

I also learned in parenting class to make a chart of household chores. I decided to make one together with Lydia, and to give her a small allowance for each chore. The chart is actually working.

My parenting has gotten a lot better in the months since Lydia first came home. We eat dinner every night now. We bake cakes together, make arts and crafts projects and talk about little things she's thinking about.

I love her personality. She's very giving and caring. When she acted up, I had to realize that she's not a perfect angel, but she is a good kid.



Sylvia with Lydia

NEXT STEPS

- *Develop federal policy and law defining "reasonable efforts."* Federal agencies overseeing child welfare policy and practice must define what constitutes reasonable efforts. Federal legislators must require states to follow the guidelines.
- *Hold agencies accountable for making "reasonable efforts."* Judges must hold agencies accountable for making reasonable efforts before agreeing to termination of parental rights proceedings. Judges cannot collude with agencies in implementing the penalties of ASFA without providing to families the reunification supports that law requires. Lawyers must challenge termination proceedings when reasonable efforts have not been made.

14. I HAVE THE RIGHT TO offer my child a lifelong relationship.

When parents whose parental rights are permanently terminated lose all contact, children in foster care wish for contact through letters, pictures, or phone calls, even if they will not return.

In other cases, parents and children are in contact informally despite termination—older youth visit their parents or return home after aging out of foster care.

Parents who are not at risk of harming their children through ongoing contact

should not be barred from letters, phone calls, or even visits simply because they cannot be their child's full-time caregivers. Mental illness, incarceration, or addiction may render parents incapable of full-time custody but should not bar children from continuing to hear from or know about their parents if they choose. Agencies and the courts must offer enforceable post-adoption contact agreements or conditional surrender agreements that give parents and children a legal right to contact after termination.

My son's adoptive parents broke their promise to let us visit.

BY DEBORAH MCCABE

When my son, Justin, was 8, I had to go to court to surrender my rights so Justin could be adopted. I was 5 years into my prison sentence and still had years to go. There was no one else to take him. Besides, I felt it would have been selfish to fight. He was with a family that loved him. I grew up in foster care and know how rare that can be.

When I was first incarcerated, Justin's adoptive parents had reminded me of the unbreakable bond my son and I shared. They allowed me to talk on the phone with Justin weekly and brought him to visit often. Our visits were painful but wondrous. I still remember the sound of his voice when "mommy" changed to "mom."

But as Justin grew older, things between his foster family and me began to sour. Justin began missing every other visit. Justin's foster mother told me that Justin got depressed after visits and acted out. Those were little signs, she told me, that "maybe the visits aren't such a good idea."

When Justin was adopted, his foster parents and I signed a post-adoption contact agreement that he would visit me seven times a year, including three overnights, plus I'd get phone calls, pictures, and letters.

What I didn't know was that, at that time, post-adoption contact agreements were not legally binding in New York. Justin's family stood me up for the next two

visits. They also stopped calling. Since I signed the adoption papers five years ago, I have had only two visits and have spoken to my son only five times on the phone.

I call my son once a month. The last time I spoke to him was more than a year ago.

Justin tries not to hurt my feelings by speaking too fondly of his adoptive family but I want to know if he knows love and affection.

My son's adoptive parents don't seem to realize how much they have hurt us both by keeping us apart. Still, I am very grateful to his adoptive parents for loving him and giving him the life I couldn't give.



MAKING OUR RIGHTS A REALITY

Helping the system remember the strength of family bonds.

BY TRACEY CARTER

In September, I traveled with my 23-year-old son to speak at a conference about finding permanent families for youth in foster care. Even though James and I were separated by my drug addiction and my sister adopted him, our relationship is growing now. My rights were terminated but our love did not end.

At the conference, I explained some of the history that led to James' placement in foster care. In 1986, when James was little, his father was arrested for selling drugs. At the time, I was pregnant with my

fourth child. Soon I was depending on public assistance and I was depressed. I was introduced to crack. Eventually, my addiction took over.

But by 2004 I was drug free, raising my two youngest children with my husband, and working as a parent leader at the Child Welfare Organizing Project, a parent advocacy group. I'd reconnected with my family and found out that James was looking to reconnect with me.

My family had only told James that I was sick. They hoped that one day I would

tell James the whole truth. When I told him my story, he said he felt better hearing it from me. He asked me a lot of questions. I was straight and honest with him. I apologized for not being there for him and told him, "I can't change the past. I'm just grateful that you still accept me."

When James and I told our story at the conference, I think we helped the system professionals remember the strength of children's bonds with their parents, and their parents' bonds with their kids. Love is permanent, not what is written in a court order. You can separate

a mother and child but the love will still be there. I hope policymakers who hear our story will find ways to help parents and kids stay connected, even if there's a long time when the parent cannot take care of her kids.

NEXT STEPS

- *Conditional surrender. Parents facing termination of their rights must be offered the option to participate in developing a plan for their child's permanency, safety and well-being.* Conditional surrender agreements allow parents in many states to set terms for contact after surrender (such as continued visits), or to require that a surrendered child is adopted by a particular adoptive parent. These agreements help to make termination less traumatic for both children and their parents. States without conditional surrender must develop court-enforced conditional surrenders and offer this option to parents previous to termination of parental rights.

- *Post-adoption contact agreements.* Court-enforceable adoption agreements allow parents and children to maintain contact around adoption under terms that respect the adoptive parent's wishes as well. Under these agreements, contact can range from yearly letters sent to parents by foster parents, to regular phone calls or visits between parents and children. Research has found that open adoption often benefits children and their adoptive parents. States must offer post-adoption contact agreements to parents whose children are adopted through foster care and enforce those agreements through court orders.



Tracey with her husband and two youngest children

15. I HAVE THE RIGHT TO meaningful participation in developing the child welfare policies and practices that affect my family and community.

Child welfare agencies cannot succeed in safely reunifying families unless they use the wisdom of child welfare-involved parents to guide them in creating policies, practices and services that speak to the needs of the families and communities they serve.

Child welfare agencies must abandon the practice of believing they have all the answers and find ways to meaningfully

include parents in planning and evaluating services and determining practices and policies. Including one or two parents on an advisory board is not enough. Parents must be supported—at best by independent advocates—in becoming full decision-making members on planning and oversight committees.

Parents Need an Independent Voice

BY VIOLET RITTENHOUR

A few years ago I had the opportunity to meet many parent advocates from around the country. It was good to see so many states developing staff roles for parents in their child welfare systems. But I came away with some pretty mixed feelings.

At the conference, I saw parent after parent get up and describe themselves in negative terms. Their stories were often about being neglectful, addicted parents who had changed their ways thanks to the child welfare agency. They spoke about helping other parents cooperate with the system.

Almost no one spoke of any need for the child welfare agencies to change or improve their

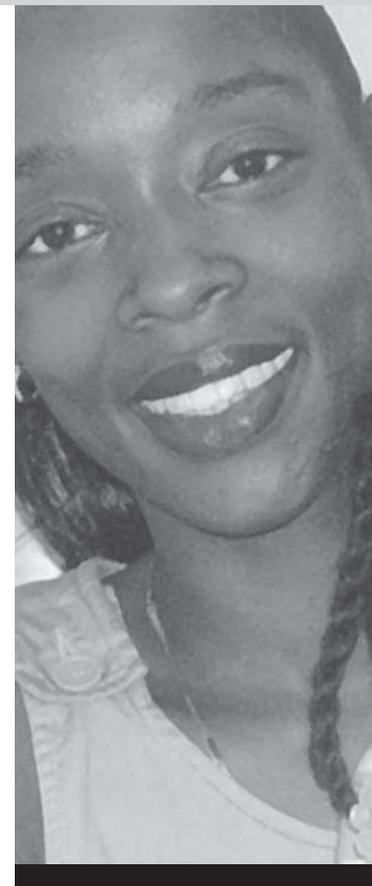
practices. No child welfare professionals said, “We have made mistakes, too. We don’t have all the answers.”

That was disappointing. Substance abuse is not the only thing that brings families into contact with the system, and public child welfare workers are not always helpful or respectful to families. A good parent organizer knows when to work in cooperation with the system and when to confront and challenge agency workers and policies.

Plus, in order to become a parent advocate in some states, parents had to submit to an interview with whole family present. If they changed or left out details of their case, they were not allowed to be a parent advocate.

When it was my time to speak I couldn’t wait to say that that is the wrong approach. I am a parent organizer at the Child Welfare Organizing Project (CWOP), in New York City. At CWOP, parents come in looking for support at first, and they don’t confide all the details of their cases all the time. That’s OK. As time goes on and they see this is safe place they open up.

In time, many of these parents go on to become strong parent organizers who not only help parents reunify with their children but also help the system rethink how it treats parents.



MAKING OUR RIGHTS A REALITY

Parents Advise the Commissioner

BY PHILNEIA TIMMONS
Several years ago, I joined the Parent Advisory Workgroup at ACS, where parents come together to discuss strategies the system can use to provide better services to families. In the Workgroup, we talked about issues that parents were most concerned about, and we presented those issues to the Commissioner.

Especially at first, I found it weird to meet with ACS officials, mostly because I never thought I would be on the other side—a person the system would have

to listen to. This young, black female who had her children removed would be someone to help ACS make policies? But of course it's parents who can help ACS write policies that respect parents and understand our needs.

For me, the most important issue was reducing the number of children being mistreated in the foster care system, because many parents had shared that their children were abused in foster care. The Workgroup decided I should present that goal to the commissioner. Finally I had a chance to open minds.

When we met with the Commissioner, I was nervous, but I explained that we really needed to find solutions to this problem. Once I finished my presentation, the commissioner agreed to help us hold a consortium, a big meeting where we could discuss the problem and possible solutions. That's a change in the right direction for parents, children and the system.

Unlike many parents who haven't had the opportunity to work with the system, I've come to believe ACS will be able to improve its policies and help social workers, law guardians and

judges understand what parents and families go through. It helps me to remember that "the system" is actually a huge organization, and that different people within the system have different views.

It sometimes feels weird to be a part of the system. The system offered me no help before taking my kids, and my side of the story didn't seem to matter. But I keep telling my story and working with other parents to change the system. I think it's worth it. ACS is starting to develop a relationship with parents and to understand our perspective.



Philneia with her daughter

NEXT STEPS

- *Parent leadership boards or inclusion in planning committees.* Child welfare leadership must meet with parents regularly to understand parents' perspectives on policies and practices. Parent advisory workgroups, which set an agenda for meetings with leadership and work with leadership on practice issues.
- *Parent evaluation of services.* Evaluations of services must include feedback from parents on service quality. Agencies must work to develop methods of gathering meaningful client feedback and using that feedback to rethink services and staff training.
- *Community partnership initiatives.* Agencies in a number of states have developed initiatives to bring a wider number of community institutions and people into the work of child welfare. Partnerships encourage community-based organizations to work with child welfare agencies to provide family supports, host visits, recruit foster parents, and share information about their services with the community. Partnerships that work to develop local parent leadership can help to reach families in crisis before child welfare step in.