

The 2008 National Convening on Youth Permanence

**Young People Need Families:
Practice Strategies to
Make Permanence a Priority**

***Families
for Life***

Powerful, Possible, and a Priority for Youth in Foster Care

Sponsored by the Annie E. Casey Foundation/Casey Family Services and Casey Family Programs



CHILD WELFARE SYSTEMS ARE POOR SUBSTITUTES FOR FAMILIES. Today, young people in foster care, especially those at risk of aging out, face daunting challenges. But for many, being disconnected from family or being without it is the most pressing.

Without families, young people miss important advantages. Not only are they without comfort and security, but they lack models for creating resilient families, successful work lives, and strong cultural and ethnic identities. They miss being part of an extended family network and, particularly important as they approach adulthood, having a safety net as they venture into the larger world.

In a society that places a premium on family connections, not having a family means youth in foster care are stigmatized by peers and even by those charged with helping them — teachers, social workers, and others — who decide that young people of a certain age don't need family. Similarly, studies indicate that, in some child welfare systems, racially biased decision making brings more young people of color into foster care as a result of families being deemed less likely to make successful, positive changes than white families with similar characteristics.¹

If we want to improve outcomes for young people at risk of aging out of foster care, we must keep them out of foster care when we can, and connect them with families when they have none. If after a stay in foster care they can safely return home, youth will need help rebuilding strained family connections. To thrive, young people need family *plus* – families with strong relationships *plus* effective preparation for adulthood, including life skills development; a strong education coupled with job readiness and career planning; and access to quality housing and health care.

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COMPLICATED FAMILIES REQUIRE NUANCED SOLUTIONS

While we often think of youth in foster care as being without family, the truth is considerably more complicated, and that makes crafting child welfare policy and practice very difficult.

Foster youth may have been subjected to abuse and neglect. They may have had to leave their homes because of their sexual orientation, behaviors, or other issues. They also may have parents who love them but who can't care for them for any number of reasons. They may have kin who would like to help but can't afford to, or family friends who could raise them but only with assistance to meet the educational, behavioral, or other special needs common to young people touched by poverty, family instability, and the dislocations of foster care.

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Some young people in foster care may need “new” families: adoptive parents or guardians, for instance, to provide day-to-day acceptance, care, and nurturing. But in finding and building new family relationships, we can't continue to overlook that these young people were born into families, remember those families, and may still feel connected to those families. If we expect them to rise above these challenges and become successful adults, they'll need tools to navigate complicated relationships and feelings.

Hypothesis: Strengthen family relationships, improve outcomes

The Casey family of organizations believes several practice strategies focused on strengthening family relationships are worth testing to see if they can keep young people from being stalled in foster care, running away from care, or aging out without family connections. In recent years, we have been testing these strategies through our work at the Annie E. Casey Foundation/Casey Family Services, Casey Family Programs, and the Jim Casey Youth Opportunities Initiative.

The strategies are not meant to stand alone. Also, they can't be implemented successfully without careful attention to environmental stresses such as poverty and discrimination, whether due to race, national origin, or sexual orientation. But we believe the ability of youth to benefit from traditional services often is hampered by their disconnection from family. We believe effective permanency practice builds a young person's family connections, prepares him or her for adulthood, encourages resilience in the face of grief and trauma, and meets the needs common to all young people, such as education and health care.

Promising strategies

Our work leads us to believe in the promise of the following permanency practice strategies:

Involving young people in their own case planning and decision making;

Reconsidering the role of birth family;

Teaming to strengthen or build permanent family relationships; and

Building strong partnerships with the courts.

INVOLVING YOUNG PEOPLE IN THEIR OWN CASE PLANNING AND DECISION MAKING

“Nothing about us without us.” That’s how foster youth describe their desire for full involvement in their own case planning and, indeed, in the design of programs and services meant for them. More and more, child welfare systems are seeing the efficacy of such an approach: When youth are fully involved, permanency decision making improves, young people are more satisfied with the results, and their ability to succeed as adults is enhanced.

From subjects to participants

The roots of permanency practice can be traced to the late 1970s and early 1980s, when family permanence was defined by law as an important outcome for children and youth in child welfare systems. At the time, practitioners viewed young people in their care as subjects of a professional decision-making process.

That’s no longer the case. Today, youth involvement is recognized as key to successful permanency practice. There is a growing understanding that youth must be given opportunities to define what family means to them and be involved in developing their own permanency plans. The strengths and goals of youth increasingly are recognized, respected, and valued.

Youth have played a crucial role in helping professionals understand the importance of youth engagement in permanency planning. At a “think tank” of adolescents convened by the National Child Welfare Resource Centers on Youth Development and Foster Care and Permanency Planning, youth identified “youth-driven planning” as essential to providing “connections to family,” “relationships,” “sibling connections,” and “birth family resolution – making peace with the past.”²

Youth engagement, social work values, and positive youth development

Youth engagement is inherent in the social work value of client self determination. Both the National Association of Social Workers and the International Federation of Social Workers identify self determination as core ethical responsibilities for practitioners.

Youth engagement also is supported by Youth Development Theory. Positive youth development focuses on providing young people with information, skills, and supports to be fully involved partners in their planning and decision making and gain the efficacy that accrues from seeing the results of one’s actions.

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Many professionals, in fact, have urged a re-orientation of child welfare practice toward a positive youth development approach, with a greater emphasis on understanding each young person's need for family relationships and a social network, supplemented by skills and competencies. These professionals have observed that involving youth in their own case planning allows a natural opening for clinical work related to loss, grief, and trauma. And they see another benefit: because youth are experts on themselves and their own families, they often are the best sources of information about people who might be permanency resources for them if their parents can't be – a soccer coach, a church friend, or in the case of GLBTQ youth, for example, someone who is accepting and supportive.

Examples

- The Minnesota Homecoming Project engages youth age 13 to age 17 in identifying and achieving their own permanency outcomes, with increasing success. Youth develop their own recruitment plans for locating adoptive families.
- California Permanency for Youth Project (CPYP) has reached out to older youth in foster care in 14 counties, doubling, in some counties, the connections young people have with adults. Active participation by youth is a central focus of CPYP's program.
- The Rhode Island Real Connections program engages youth in family search activities. Real Connections staff support youth in identifying adults from their existing social network who have the potential to become positive, lifelong supports. Youth identify not only immediate family members but also extended family and "fictive kin," such as coaches, neighbors, and teachers.

**YOUNG PEOPLE MADE IT CLEAR THAT, DESPITE THEIR STRUGGLES,
FAMILY CONNECTIONS WERE IMPORTANT.**

RECONSIDERING THE ROLE OF BIRTH FAMILY

Birth parents of youth in foster care too often are judged harshly. Yet child welfare agencies are rethinking how they interact with these people who are key in the lives of youth, most often by increasing opportunities for parents to:

- stay involved in their children’s lives through reunification;
- plan for adoption or guardianship;
- support youth in clarifying personal relationships and histories;
- shape agency policy and program design; and
- help other parents touched by the child welfare system.

Efforts to help birth parents navigate child protection and court systems are also on the rise.

(Editor’s Note: For more on ensuring adequate legal representation for parents and involving parents as policy and parent advocates, see section on building strong partnerships with the courts.)

What accounts for this reconsideration?

Thinking of birth families as partners in planning has several roots. Practitioners have observed what has become a child welfare truism: as they age out of care, teens return to families from which they were separated, sometimes with negative results. It became clear that being able to clarify and strengthen family relationships, and have a plan to negotiate them, is crucial to a young person’s success as he/she makes the transition to adulthood.

At the same time, child welfare practitioners began to see the benefits of engaging families in reunification efforts, concurrently identifying family permanence resources, and when reunification is not possible, involving parents in planning for their children, demonstrating their commitment even if they can’t parent full time.

Young people themselves spoke up, making it clear that, despite their struggles, family connections were important to them. Their families – parents, siblings, extended family members, and other significant adults – are a network of important relationships, the group from which they draw identity and to whom they likely turn for support.

What the research says

A wide range of benefits accompany efforts to involve family in planning, achieving, and sustaining youth permanence – that is, making sure a young person has the family relationships he or she needs along with the skills and competencies necessary to thrive in adulthood.

When birth families are involved in problem solving with their children, they are more likely to remain committed to the process, persevering when the work becomes difficult. Family engagement has been found to improve child welfare decision making by giving caseworkers access to more information and giving birth families the opportunity to “buy into” the process. Also, the planning process can be enriched when family members can share values that reflect their racial, ethnic, language, religious, or other heritage.³

Methods of involving families

States and localities have struggled to engage parents and extended family in permanency planning. But several approaches show promise, among them:

- involving parents and family members in planning right from the start;
- finding and engaging fathers, paternal family, and other relatives;
- assessing a parent’s changed circumstances, even after the termination of parental rights; and
- considering openness in adoption pre- and post-legalization.

Child welfare agencies across the country have developed a range of legal strategies, programs, and resources to support greater involvement of birth families in the lives of their children, which include the following approaches.

Examples

Involving parents and family members in planning right from the start.

- In Iowa, family team meetings with parents, families, neighbors, and local service providers are used to design plans that support the families and ensure their children’s safety and well being. Plans specify activities to be carried out by parents, friends, extended families, and other formal and informal supports. Action plans build on the strengths of families and consider cultural and racial norms that vary from family to family.
- Buncombe County, North Carolina, has used team meetings for nearly 10 years, initially after children were in foster care. Now team meetings involving youth and their families are also held on the front end to solve problems before removals are needed.

Finding fathers, paternal family, and other important relatives

- New York State issued a paper, “Locating Absent Fathers and Extended Family,” to educate social workers on the need for and methods of locating parents and relatives.
- Wisconsin developed a *Practice Guide for Locating and Involving Noncustodial Parents, Alleged Fathers, and Relatives* that details diligent search techniques that social workers can use in locating relatives.

Assessing a parent’s changed circumstances, even after the termination of parental rights (TPR)

- California law expressly provides a process for reversing orders terminating parental rights (TPR). Under California law AB 519, an adolescent in foster care may petition the court to reinstate his or her birth parent’s legal rights. The court will consider the petition when the birth parent’s rights were terminated at least three years prior to the adolescent’s petition; the youth is unlikely to be adopted or does not have a case goal of adoption; the parent wishes to resume parenting the youth; and there is compelling evidence that it is in the youth’s best interests to reverse the TPR.
- Guidelines issued by New York City’s Administration for Children’s Services stress the importance of permanent, nurturing family connections for teens and point out that, with appropriate supports, “many adolescents in care could be discharged to their parents or members of their extended families or find adoptive families.” The guidelines also note that in certain special cases, “the best permanency resource for a young person who has been freed for adoption may be a member of the child’s birth family, including a parent from whom the child has been freed.”

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Engaging birth and adoptive parents in planning post-adoption contact

- Since 1992, Oregon has provided mediation services to support the development of open adoptions for children and youth in foster care. Developed by Teamwork for Children, under the guidance of Jeanne Etter, the mediation process engages birth and adoptive parents and youth to plan for the adoption, including ongoing connections. The program takes three to five months to complete at a cost of \$3,500 per family. By comparison, a court proceeding to involuntarily terminate parental rights takes two to three years and costs an average of \$22,000. Other including Colorado, Idaho, Massachusetts, New Jersey, Ohio, Pennsylvania, and South Carolina, offer mediated cooperative adoption programs.
- Sponsored by the New York Council on Adoptable Children, Realizing Open Adoption Dreams (ROAD) promotes permanence through adoption for older youth in foster care while also maintaining youth's existing family and other relationships. This is done by targeting adolescents ages 12 and older in New York City who are free for adoption, have a permanency goal of adoption or "independent living," and are with or without an identified adoptive family resource. ROAD creates awareness that permanence and open adoption are possible for youth.
- Illinois, as one of eight states with federal demonstration waivers to test subsidized guardianship to improve permanency outcomes, allows caregivers to assume parental responsibility and authority without severing parental rights. It also provides subsidies and a range of support services. From 1997 through 2002, the state's subsidized guardianship program helped more than 7,000 foster children find permanent families, increasing the overall permanency rate by as much as 12 percent and saving taxpayers \$25 million in foster care costs. Among children placed with guardians, only two percent later returned to foster care.

IN THE LAST SEVERAL DECADES, CHILD WELFARE PRACTICE HAS BEEN INFLUENCED BY RESTORATIVE JUSTICE MODELS THAT PUT THE PEOPLE MOST INVOLVED IN A PROBLEM OR SITUATION AT THE CENTER OF DECISION MAKING.

TEAMING TO STRENGTHEN OR BUILD PERMANENT FAMILY RELATIONSHIPS

In the last several decades, child welfare practice has been influenced by restorative justice models that put the people most involved in a problem or situation at the center of decision making. In child protection cases, for example, young people, their families, and, in some cases, community members are involved. The goal is to craft a solution that is restorative, not necessarily punitive.

From one idea, many others have grown. Today, while many agencies use a team model of some sort, there is tremendous variation. These differences relate to the purpose and goals of the decision-making process, the timing and frequency of meetings that grow out of the process, and the amount and type of preparation prior to meetings. Who facilitates the process, who participates, and who makes final decisions varies from one model to another.

Teaming models include, but are not limited to, the two models promoted by the Annie E. Casey Foundation (the Permanency Teaming Approach used by Casey Family Services, and Team Decision Making used by the Foundation's Family to Family initiative), Family Team Conferencing (used by Casey Family Programs), Family Group Decision Making, and the McGill Action Planning System.

Teaming for permanence

After years of direct practice, Casey has developed strong ideas about the kind of team planning and decision making that best connects young people to family. Indeed, we believe a focus on permanence can enhance any teaming model. Permanency teaming is an approach to relationship building and planning that puts a young person's need for family *plus* (family plus relationships and services) at the center of an ongoing group decision-making process that includes the young person, family and adults he or she has identified as important, and professionals.

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Teaming within a permanency practice model has several distinct attributes. For instance, it:

- *Necessarily includes more than professionals.* Engaging young people, their families, and people who care about them to create solutions is key. Consistent with this practice, the question is never whether to include a young person or family members on a team, but always how.
- *Is an ongoing process that focuses on the young person's need for family.* As a tool for reaching permanence, teaming is not a single event. It is a process that unfolds over time and builds relationships in addition to addressing safety and placement issues.
- *Addresses time constraints.* Young people need family urgently, and yet relationships take time to grow. A permanency teaming process model accommodates these two realities in a developmentally and culturally sensitive way.
- *Considers the concrete.* Teaming helps identify and address concrete needs that are barriers to permanence. Concrete services such as housing or assistance with basic needs may make reunification with parents possible; flexible financial support may make it possible for a relative to become a youth's guardian or for foster parents to become a young person's adoptive family.
- *Helps educate other systems about a young person's need for family.* This includes the benefits of planning with family to meet a young person's needs, such as mental health, education, employment and training, and housing.

YOUNG PEOPLE NEED FAMILY URGENTLY.

Teaming works

Teaming strategies that focus on family permanence have been found to stabilize young people's placements and reconnect them with their parents or, if that isn't possible, with kin or other adults known to them. As examples:

- In a preliminary evaluation of family team meetings in Washington, D.C., caseworkers and magistrates reported that family meetings played a vital role in easing tension and increasing focus on the issues at hand. Children whose families participated returned home at higher rates than those whose families did not participate.⁴
- In Texas, children whose families participated in family group decision-making meetings were more likely to be reunified with family than those whose families did not. Also, time spent in foster care was diminished for families involved in family group decision making. While the teaming strategy improved reunification rates generally, its highest reunification rates were with African-American and Hispanic families.⁵
- In Linn County, Iowa, two pilot studies using community partnership strategies and family team meetings achieved successful reunification for 50 percent of young people residing in residential treatment facilities. For those in shelter care, nearly 75 percent were able to return to their parents or be placed with close relatives.⁶
- Utah has instituted family consultation teams and new accountability systems to measure performance. In 2003, the state's rate of children in out-of-home care was the lowest in the country, at 2.7 per 1,000 children in the population.⁷
- By instituting team meetings as a primary permanency strategy, Maine has reduced the number of young people in residential facilities from 770 youths in 2004 to 465 in 2006.⁸
- Louisville, Kentucky, partnered with the Annie E. Casey Foundation's Family to Family initiative to implement team decision making as a major strategy for child welfare reform. Significant results have been achieved. By routinely involving relatives and community partners in team meetings, more than 34 percent of young people identified by caseworkers as needing removal were able to stay safely at home, with help from crisis services and community supports. For those who did enter foster care, 27 percent were placed with family.

When a young person is in the child protection system, there are many people and systems overseeing his or her case. In order to make real change for adolescents in care – to connect them with families before they age out – child welfare, juvenile justice, and legal communities are continuing to experiment with inclusive and collaborative practice approaches that support the integration of youth and family voices in the judicial process and that also target the needs of foster youth in juvenile justice systems.

Increasing cooperation among child welfare agencies, the courts, and tribes is crucial to improving permanency outcomes for young people. However, institutional barriers and long-established practices often discourage collaboration. The absence of these partnerships has been identified as a key barrier to permanence for youth in foster care.

Greater attention has been paid to court-tribe-agency relationships as a result of several trends:

- *Expanded role for the courts.* The role of the courts in child welfare cases, initially set forth in the federal Adoption Assistance and Child Welfare Act of 1980, was further developed by the federal Adoption and Safe Families Act of 1997. ASFA provided judges with the authority to determine whether reunification services should be provided; required earlier permanency hearings (within 12 months of entering care instead of 18); set timeframes for filing petitions to terminate parental rights; and established broader notification rights for persons involved in a young person's court proceedings, including foster and pre-adoptive parents and relatives.
- *Court improvement efforts.* The Model Courts Program that began in 1980 and the federal Court Improvement Program (CIP) established in 1993 have provided an opportunity to test a variety of strategies to improve outcomes for young people in foster care. As an example, several model courts have established one family/one judge court calendaring systems in which a single judge conducts all hearings involving a particular family. This approach has shown promise in providing judges with more knowledge of the impact of abuse and neglect, increasing the frequency and comprehensiveness of review hearings, and improving court/agency collaboration on casework and permanency planning.¹⁰ States with CIPs have targeted their efforts to improve several areas. These include the quality and depth of court hearings in child welfare cases, the legal representation of all parties, and timelines for decision making through improved use of technology, data management, and other management tools.¹¹

- *Another crucial voice for reform.* The Pew Commission on Children in Foster Care recommended court-strengthening measures in 2004. These included adding incentives and requirements for effective collaboration between courts and child welfare agencies, requiring a strong voice for children and parents in court, and strengthening representation by providing better trained attorneys and volunteer advocates.¹²
- *Strengthening the role of CASAs for Native-American children.* The Tribal Court Appointed Special Advocate Project was started in 1994 to assist in the development and enhancement of Tribal Court programs that provide volunteer advocacy for abused or neglected American Indian/Alaskan Native children. Through this program, the National Court Appointed Special Advocate (CASA) Association, in conjunction with the Tribal Law and Policy Institute, works to increase the number of Indian children receiving culturally sensitive representation through indigenous CASA programs in Tribal Court proceedings.

Inclusive legal practice

Concurrent and intertwined with these reform-oriented trends have been efforts to strengthen the opportunities for parents and young people to be well represented in their court cases and to have their ideas about permanency heard. Parents require the representation of effective counsel so that their interests will be well represented before the court – they need attorneys who have the time, skills, resources, and compensation to adequately represent their clients. Most states report appointing counsel for parents at some point during dependency cases, but a number of states do not.¹³ Likewise, if their voices are to be fully heard, youth require the effective representation of counsel before the court. Twenty seven states mandate some sort of legal representation for youth, but 23 states have no requirement.¹⁴

Improving representation of youth and family in court will improve courts' ability to more quickly connect young people with family. But other steps will help, too, as the many court improvement projects across the nation indicate.¹⁵ New approaches to getting court work done faster, and with an increased focus on teens' need for family, have been and continue to be tested, along with new methods of collaboration among agencies, tribes, and the courts.

More work is needed on behalf of the large number of young people who move back and forth between child welfare and juvenile justice systems and risk falling between the cracks. If all young people need families, these youths' needs are particularly urgent.

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Examples

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- Illinois’ Circuit Court of Cook County is piloting a Child Protection Mediation Program for 13 of its child protection courts. The program brings together attorneys, caregivers, extended family members, parents, social service professionals, and others as a problem-solving group. These groups often include the young person as well. The goal of each group is to reach agreement on a specific issue, such as determining services, placement, or visitation. Increasingly, groups focus on overcoming barriers to reunification, guardianship, or adoption. To date, the mediation program has served more than 2,400 young people through 1,200 mediations.
- New York City’s Center for Family Representation, Inc. and its Community Action Teams (CAT) work with families in a new way. Instead of a model in which parents and lawyers interact solely in court, CAT provides parents with a team of helpers: not only a lawyer, but also a social worker and a parent advocate. The program has been highly effective in safely reuniting parents and youth in foster care in a timely way. More children avoided foster care and stayed home safely; for those who entered care, the average stay was slightly less than four months, as opposed to the city’s median stay of just under four years.
- Pennsylvania’s Legal Services Initiative uses paralegals to speed cases through the courts. Aided in finding family members by a new diligent search packet and paralegals skilled in working with attorneys, the initiative has reduced the average time between the termination of parental rights (TPR) and the establishment of a new permanency goal from 284 days to 127, and the average time from TPR to adoption from 339 days to 158.
- The New Mexico Tribal-States Judicial Consortium, which grew out of the New Mexico Court Improvement Project, works to facilitate communication between state and tribal judicial systems in child abuse and neglect cases. One product of the Consortium is a resource guide for judges, attorneys, social workers, child advocates, and others who work with children and families, entitled, *Preserving Native American Families in New Mexico: The Indian Child Welfare and The Adoption and Safe Families Act*.
- Several model programs exist to bridge the child welfare and juvenile justice systems. County model programs exist in King County, Washington; Los Angeles County, California; and Allegheny County, Pennsylvania. New York City has a model program, as do the states of Arizona and South Dakota.¹⁶

YOUNG PEOPLE NEED FAMILIES “Everyone – whether age 6, age 16, or age 26 – needs a permanent family,” says former foster youth Bregetta Wilson.¹⁷ That’s what child welfare agencies, tribes, courts, and practitioners must remember as they strive to improve outcomes for young people touched by foster care. Good permanency practice, drawing on the four promising practices outlined here, is central to improvements, as are system-wide efforts to address race and income inequities.

For more information on strategies that promote youth permanence, subscribe to Connections Count, a youth permanence newsletter from The Annie E. Casey Foundation/Casey Family Services, at www.casefamilyservices.org. Also, check the National Convening for Youth Permanence website for frequent updates. Find it at www.youthpermanence.org.

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