



NEW YORK STATE

Child Welfare

Unified Court System • Division of Court Operations
Office of Alternative Dispute Resolution and Court Improvement Programs

Court Improvement Project

Best Practices Bulletin

THE CHILD WELFARE COURT IMPROVEMENT PROJECT (CIP) supports the Family Court's mandate to promote the safety, permanence and well being of children who are the subject of abuse, neglect, foster care, termination of parental rights and adoption proceedings.

Participating in The 2008 Child And Family Services Review: The Role of the Court System

This spring, New York State is participating in the second round of the Child and Family Services Review (CFSR), the federal review of the state's child welfare system conducted by the Department of Health and Human Services, Administration for Children and Families (ACF). The Child Welfare Court Improvement Project (CIP) has worked closely with the New York State Office of Children and Family Services (OCFS) to prepare for the upcoming review and to advocate for court system involvement in every aspect of the review. The CIP Subcommittee of the Permanent Judicial Commission on Justice for Children oversees this effort.

The purpose of the CFSR is to ensure New York's conformity with the requirements in Titles IV-B and IV-E of the Social Security Act and to help states identify strengths and areas needing improvement. In 2000, ACF established this results-oriented approach to measure states' performance in seven (7) outcomes related to safety, permanence and well-being (see sidebar) for families and children who receive services and seven (7) systemic factors related to the state's child welfare agency performance.

Since the CFSR is primarily a review of the child welfare system, it prompts the question: Why does the court system need to be involved in the CFSR?

First, the federal CFSR holds states accountable not only for the performance of the state child welfare agency, but also for the performance of the state as a whole. The CFSR examines the state's success in achieving safety, permanency and well being of abused and neglected children, not just the state agency responsible for oversight of child welfare services. The achievement of these outcomes depends on the performance of local departments of social services, the quality and availability of family support services in the community and the performance of the legal/judicial system.

How a state fares in its CFSR depends in part on how well its legal system performs. If courts make sound decisions concerning the safety of abused and neglected children, the CFSR will reflect the fact that children are safer. Similarly, if courts make timely decisions in child welfare cases, the CFSR will reflect that foster children achieve earlier permanent placements. Where courts help agen-

cies focus on the well being of the children and their families,

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CFSR OUTCOMES

SAFETY

- Children are, first and foremost, protected from abuse and neglect
- Children are safely maintained in their homes whenever possible and appropriate

PERMANENCY

- Children have permanency and stability in their living situations
- The continuity of family relationships and connections is preserved for families

WELL-BEING

- Families have enhanced capacity to provide for their children's needs
- Children receive appropriate services to meet their educational needs
- Children receive adequate services to meet their physical and mental health needs ■

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Fostering Recovery: Grant Funds Collaborative Approach to Helping Children in Substance Abusing Families

New funding from the federal government is supporting work in Monroe County to assist young children exposed to parental substance abuse and their families.

“Fostering Recovery” is the product of a regional partnership among the University of Rochester’s Department of Psychiatry and Mt. Hope Family Center, the Monroe County Department of Human Services and the Monroe County Family Court. A three-year \$1.8 million grant supporting the project was received in October of 2007 by the University of Rochester from the U.S. Department of Health and Human Services, Administration for Children and Families’ Children’s Bureau. The project’s goal is to address the complex relational needs of families dealing with chemical dependency, especially those that have infants and toddlers (birth through age 2) in Monroe County.

“This grant is a wonderful opportunity for the courts, social services and academia to come together to foster recovery and well-being in child welfare-involved families,” said Wendy Nilsen, Ph.D., Assistant Professor of Psychiatry & Psychology and Director

of the Monroe County Hall of Justice Children’s Center. Dr. Nilsen serves as administrator of the grant.

Research is clear that young children in the child welfare system rarely receive mental health services, even though past work has shown irregularities in infants and toddler’s biological, emotional, and behavioral regulation. Using the available empirical evidence, Fostering Recovery employs multiple evidenced-based, relational interventions: Child Parent-Psychotherapy, Attachment and Bio-Behavioral Catch-Up, and Relational Recovery Group. In addition, there is a Rapid Referral program for substance abuse treatment and mechanisms to enhance Early Intervention utilization that are designed to enhance children’s well-being.

Specific goals of the program are to:

- Enhance the parent-child relationship and support emotional security in young children living at home or in foster care;
- Increase the social, emotional and cognitive development of young children in the child welfare system;
- Reduce out-of-home placements in



children who remain at home and to decrease the time until permanency for children in foster care; and

- Enhance parental participation and success in conventional chemical dependency treatment.

More specifically, Fostering Recovery supports parental recovery in four ways: 1) by providing rapid referrals to treatment providers; 2) by allowing individuals to see themselves as healthy parents for their children; 3) by linking success in recovery to children’s positive outcomes; and 4) by improving the parent-child attachment relationship, which reinforces parental responsibility and sobriety.

The treatment design is developed for substance abusing parents with

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the children are better off and the parents are better equipped to care for their children.

The CFSR is organized into four discrete stages:

- a. Statewide assessment;
- b. Onsite review;
- c. Final report; and
- d. The development of a Program Improvement Plan (PIP).

OCFS prepared and transmitted to each local department of social services data profiles containing county specific and statewide information. The CIP distributed these packets to each of the respective family courts to help them prepare for the upcoming CFSR process. The data profiles allow counties to com-

pare their performance on child safety and permanency data indicators with the state median and with other counties. Courts and local departments of social services were encouraged to jointly interpret the data and to involve the courts in an active role in the development of local continuous quality improvement plans.

As part of the required assessment, OCFS recently conducted focus groups to obtain input from a wide variety of stakeholders. The CIP arranged for a number of focus groups of court personnel to provide input into the assessment. The groups included Family Court Judges in New York City and in the Fifth and Eighth Judicial Districts, Family Court Chief Clerks and CASA Program Directors.

The week of May 5, an onsite review

was conducted by a joint federal/state team in New York City, Rockland and Onondaga Counties. The onsite portion of the review included: (1) case record reviews; (2) interviews with children and families engaged in services; and (3) interviews with community stakeholders, such as the courts and community agencies, foster families, caseworkers and service providers. CIP staff and other key court system personnel were part of the review teams.

At the end of the onsite review, states that are deemed to be “not in substantial conformity” in each area assessed are required to develop and implement a Program Improvement Plan (PIP) addressing areas identified as needing improvement. This happened after the

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Fostering Recovery (continued from page 2)

infants and toddlers (birth through age 2) who are involved with child welfare system who have children in foster care or whose children remain in-home. There are no restrictions on the number of previous children or the type of child protective report (i.e., type of abuse or neglect). Mothers under age 18 will not be invited to participate as there are other programs specifically designed for this population. To test the effectiveness of these approaches and provide valid outcome data, both programs are balanced by a control group.

The Child Welfare Court Improvement Project will play a role in training for the project, providing a training kickoff for judges, legal professionals, caseworkers, substance abuse, and service providers. Ongoing training through the three-year period will be offered to include:

1. Credentialed Alcoholism and Substance Abuse Counselor (CASAC) training on child welfare and court (CASAC person will be located at the Department of Human Services);
2. Caseworker training on substance

abuse and family court;

3. Court training for therapeutic visitation therapists and for Mt. Hope Family Center; and
4. The court-based Babies Can't Wait series designed to inform family court professionals, Department of Human Services (DHS), and service providers about the needs of young children in care. The series will use the Babies Can't Wait training to present program benchmarks and preliminary results to influence systems changes necessary to implement best practices. ■

COMMUNITY COLLABORATIONS: KEEPING CHILDREN FIRST

Monroe County Family Court uses a community collaboration model to ensure the courts and child welfare systems keep kids first in the often frenetic Family Court environment. The Child Welfare Collaborative was formed by the Hon. Craig J. Doran, Supervising Judge of the Family Courts for the Seventh Judicial District last year to foster a spirit of collaboration between the court and its key stakeholders.

The committee is chaired by Monroe County Family Court Judge Gail A. Donofrio. The collaborative meets to share new ideas, address areas of concern, and ensure that child welfare agencies and the courts remain committed to timely permanency for children.

The meeting on March 21, 2008, was facilitated by Mary Aufleger, OCA's Child Welfare Court Improvement Project

Liaison for the Seventh Judicial District, and attended by representatives from the judiciary, non-judicial staff, Monroe County Attorneys, Public Defenders, Conflict Defenders, Department of Human Services, Rochester City School District, and the private bar. The meeting centered on continuing efforts to improve court practices and outcomes for children such as the local district's Title IV-E foster care eligibility review, Adoption Panel Reviews, Fostering Recovery grant, procedures for tracking Article 10 Orders and the successful Babies Can't Wait/Teens Won't Wait cross-disciplinary training program.

Newer initiatives include efforts to maintain continuity in children's lives by keeping them in the same school district when they enter foster care, and encouraging active participation of youth in court proceedings. ■

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first CFPSR review and it is a virtual certainty that New York will be required to develop another PIP after this review given the high bar set by the national standards and a preliminary review of the New York data.

For example, the federal composite measure Timeliness and Permanency of Reunification requires a score of 122.6 or higher for the state to be found in substantial conformity. New York's score for the 12-month period ending March 31, 2007 was 96.3, ranking us 40th out of the 47 jurisdictions for which data was available. However, we consistently improved performance over the last three years. In Federal Fiscal Year 2005, NY's score was 80.5, in FFY 2006, 90.8, and

for 12-month period ending March 31, 2007, 96.3.

We have also improved on individual measures within the composite. We have increased our performance on exits to reunification in less than 12 months: FFY2005 - 46.3%, FFY2006 - 51.8%, year ending March 31, 2007 - 55.3%. We have also reduced the median length of stay for children that exit to reunification: in FFY 2005 median length of stay was 13.2 months, in FFY 2006, median length of stay was 11.8 months, and in year ending March 31, 2007 median length of stay was 10.9 months.

Similarly, although we are currently ranked 44 out of 47 for the composite measure Timeliness of Adoptions, we consistently improved performance over the last three years on several individual

measures. We increased our performance on the exits to adoption in less than 24 months: FFY2005 - 7.9%, FFY2006 - 9.3%, year ending 3/31/07 - 10.4%. We have reduced the median length of stay for children that exit to adoption: FFY 2005 median length of stay was 52.7 months, FFY 2006 median length of stay was 49.8 months, and year ending March 31, 2007 median length of stay was 49.7 months.

While progress is being made, additional improvements are needed. The development and implementation of the federally required Program Improvement Plan should be viewed as an opportunity to sustain momentum for improvement efforts that are underway and to reinforce the already strong partnership between the courts and the child welfare system. ■

Resources:

How Judges Can Build Multidisciplinary Collaborations to Benefit Children and Families

This article by the Honorable Sharon S. Townsend, Administrative Judge of the Eighth Judicial District and Chair of the Child Welfare Court Improvement Project Sub-Committee of the Permanent Judicial Commission on Justice for Children, discusses how successful systemic change has resulted from court-led multidisciplinary collaborations. **FULL ARTICLE:** http://www.nycourts.gov/ip/cwcip/Publications/judges_build_multi_disciplinary_collaborations.pdf

Building Bridges: The Case for Sharing Data between the Court and Child Welfare Systems

Achieving safety, permanency, well-being and due process goals in the child welfare system requires the efficient flow of information between and among multiple organizations and professionals. Monitoring performance requires reliable and accurate data. This report discusses the potential benefits for both the court system and the child welfare system in moving toward the appropriate statewide interoperability of the respective organization's management information systems and expanded sharing of data to support decision making.

FULL ARTICLE:

<http://www.nycourts.gov/ip/cwcip/Publications/BuildingBridges-TheCaseForDataShare.pdf>

Report of the Family Court Advisory and Rules Committee to the Chief Administrative Judge

The Committee annually recommends to the Chief Administrative Judge proposals in the areas of Family Court procedure and family law that may be incorporated into the Chief Administrative Judge's legislative program. The report outlines measures enacted during 2007, previously endorsed measures, and future measures. **FULL ARTICLE:**

http://www.courts.state.ny.us/ip/judiciary/legislative/FamilyCourtAdv_08.pdf

New Court Rules Regarding the Attorney for the Child

Two new court rules were promulgated in recent months defining the role and caseload of the attorney for child. Section 7.2 of the Rules of the Chief Judge defines the functions of attorneys representing children. **FULL ARTICLE:**

<http://www.nycourts.gov/rules/chiefjudge/07.shtml#02>

Section 127.5 of the **Rules of The Chief Administrator** establishes workload guidelines for attorneys representing children. **FULL ARTICLE:**

<http://www.nycourts.gov/rules/chiefadmin/127.shtml#05>

The Courts: Keeping Young People Involved and Aware

This issue of Connections Count, a Casey Family Services web newsletter devoted to connecting foster teens with families, discusses ways to keep young people aware of the status of their legal case and involved in strategically planning for their future. **AVAILABLE ON-LINE:**

http://www.caseyfamilyservices.org/enewsletter/october/featured3_october.html

Foster Youths' Views of Adoption and Permanency

This Urban Institute study, conducted in Washington, D.C. and New York City, examined foster youth's views of adoption, permanency, and adoption recruitment. The study identifies how foster care experiences influence youths' perceptions of adoption, as well as youth's desire for autonomy and empowerment. **FULL REPORT:**

http://www.urban.org/UploadedPDF/411609_adoption_permanency.pdf

Children of Incarcerated Parents

CW360° is a new periodical by the University of Minnesota Center for Advanced Studies in Child Welfare. This inaugural issue focuses on the needs of children of incarcerated parents who are involved in the child welfare system. **AVAILABLE ON-LINE:**

<http://cehd.umn.edu/ssw/cascw/attributes/PDF/publications/CW360.pdf>

'Culture of Urgency' is Topic for Sharing Success VI

The New York State Office of Children and Family Services (OCFS) and the New York State Unified Court System (UCS) are pleased to announce their joint sponsorship of Sharing Success VI, Embracing a Culture of Urgency: Achieving Permanency for New York State's Children. The Conference will be held at the Desmond Hotel and Conference Center in Albany on November 20-21, 2008, with sign-in available beginning on the afternoon of Wednesday, November 19.

In an effort to more effectively coordinate team attendance at the conference, each county's Family Court and local Department of Social Service (DSS) will be asked to jointly nominate a multi-disciplinary team representing the court, DSS, and other system partners to attend the conference. The number of team members from each county invited to attend is based upon the number of children in foster care per county. Every county will receive between four (4) and ten (10) individuals to attend the conference.

Questions can be directed to Christine Kiesel, 315 798-3655 or ckiesel@courts.state.ny.us