

## Reform in Action

States, local governments, and the courts all have a role to play in ensuring that child welfare reforms have a meaningful and positive impact on children and families. This section highlights innovative reform efforts at the state and local levels that have expedited children to permanency, enhanced accountability, and helped birth parents safely reunify with their children.

- ▶ **Illinois**—By rethinking the definition of child neglect, encouraging kin caregivers to become legal guardians, and encouraging adoptions, the state of Illinois has been able to significantly reduce its foster care caseload and increase the number of children achieving permanency.
- ▶ **New York City**—In the wake of a foster care scandal, the city of New York

strengthened the accountability of the child welfare system by prioritizing child welfare reform, reorganizing the city's child welfare agency, and instituting performance-based contracting.

- ▶ **Santa Clara County**—In Santa Clara County, the courts have led efforts to help birth families reunify with their children by implementing programs such as family group conferencing, mediation, and drug courts, all of which facilitate consensual decision making and the building of respectful relationships.

The descriptions of these reform efforts are based on interviews with child welfare agency and court officials conducted by Juliane Baron of the Social Policy Action Network between August and November 2003.

## Illinois—Valuing and Supporting Extended Families

In 1988 the American Civil Liberties Union (ACLU) sued the Illinois Department of Children and Family Services (DCFS). The lawsuit, *B.H. v. Johnson*, charged that the system was “reeling in chaos and failing to protect children.”

The ACLU and the department agreed on a reform plan in 1990. But by 1994, the department had made little progress. Caseworkers managed 60 to 90 cases each when the national standard was 20 to 25. Staff turnover was 40% to 60% annually and similarly high among contracted providers. The number of children under state custody in Cook County alone had reached 58,000. Of those, 18,000 didn’t even have court dates set—indicating no progress toward exiting state custody.

### The “Hornet’s Nest”

In June 1994, Jess McDonald, who had served briefly as director of DCFS and initiated the settlement discussions for the reform plan, returned to his former job. When he returned, McDonald inherited the requirements of the unfulfilled ACLU consent decree—a decree that required a complete overhaul of the system. Judge Nancy Salyers, who presided over the Cook County Child Protection Division from 1995 to 2003, said that McDonald had “walked into a hornet’s nest.”

Vowing to reducing the foster care caseload, McDonald and Salyers identified two basic strategies: decreasing the number of children who entered foster care, and increasing the number who were either reunited with their families or permanently placed with adoptive parents or legal guardians. Together, McDonald and Salyers began reviewing every aspect of DCFS operations.

### The Front End: Reducing New Foster Care Cases

Large caseloads caused the most problems for DCFS. “We could work as hard as we wanted, but if we didn’t control the deluge—we’d never catch up,” recalls Salyers. McDonald and Executive Deputy Director Joseph

Loftus used two strategies to reduce the number of incoming foster cases: redefining “neglect” and building a competent team of investigators.

### Rethinking Definitions of “Neglect”

First, DCFS reconsidered a policy that identified nearly 15,000 children voluntarily placed in the care of kin as “neglected.” This policy affected about one-third of the caseload. Many of these children were living in safe homes with loving relatives—hardly in situations of neglect. But often, kin caregivers had limited incomes and needed support services such as health insurance, mental health counseling, and housing assistance to care for the needy children they had agreed to take in.

The Illinois Home of Relative Reform Program in 1995 removed children left safely with relatives from the “neglected” category, yet helped kin providers find alternative supports and take steps to become legal guardians. Salyers recruited lawyers from the Chicago Bar Association to provide free legal assistance to help relative caregivers become legal guardians. This legal status made it easier for guardians to receive the supports and services that the children under their care needed.

### Building a Competent, Committed Team of Child Protection Workers

Second, DCFS had too few intact family workers and child protection workers—the department’s intact family workers each handled 30–50 families. Child protection workers couldn’t manage services on more than six to eight families at once and, with too many cases, they erred on the side of placing a child in foster care when they couldn’t confidently determine that the children’s homes were safe.

To address this problem, McDonald added child protection staff, explaining, “Any time you give employees an impossible task, you are betraying them. The [previous] conditions set caseworkers up for failure.” And to give child protection workers a tool to guide their decisions, DCFS introduced the Child Endangerment Risk

Assessment Protocol in 1996, standardizing how investigators assessed the risk of harm to children. In the first three years of use, the recurrence rate of maltreatment of children fell by nearly 29%.

### Accreditation

The department also worked to boost morale and performance by seeking full accreditation from the Council on Accreditation of Services for Families and Children (COA). McDonald had two motivations for agency-wide accreditation. First, striving to meet COA standards would require setting high benchmarks for improving department performance. Second, having an outside entity outline the reforms could unite the agency. Caseworkers, working together with leadership to meet accreditation goals, would gain ownership of the department's culture, boosting department morale.

COA measured every aspect of DCFS, including caseworker credentials, case documentation, and client participation. When COA insisted that supervisors have master's degrees in social work, DCFS worked with several schools to develop programs that emphasized child welfare. Despite the long hours spent preparing for accreditation, caseworkers embraced the effort; it showed their value to the public.

About 200 employees returned to school and consequently received promotions, more money, and higher status as supervisors. In June 2000, DCFS became the second state child welfare agency to achieve full accreditation for all of its offices as well as contracted service providers.

McDonald reiterated the importance of supporting the agency's staff. "Amazing things happen when staff members receive additional resources, respect, and supports—they make better decisions. It sounds obvious, and it is—but too often staff members don't receive the services they need," he said. After the accreditation, the turnover rate dropped from approximately 50% to about 7% for investigators.

### The Back End: Moving Children Out of the Foster Care System

At the same time, McDonald and Salyers began considering strategies to move children out of foster care

permanently. The strategies built on ideas from the Adoption and Safe Families Act (ASFA) of 1997, which shifted the priority of foster care from preserving the family at all costs to permanent placements and offering adoption subsidies.

Illinois officials used three strategies to increase permanent placements: hosting a federal demonstration project; encouraging more families to adopt and become legal guardians; and promoting family reunification.

### Illinois' Title IV-E Waiver

In 1997 Illinois successfully applied to become one of seven states to host a demonstration project through Title IV-E of the federal Social Security Act. With the waiver, DCFS was able to use federal matching dollars to provide adoption subsidies to legal guardians—balancing the importance of family with the need for permanent placement.

McDonald and Salyers saw a number of benefits to the waiver. Illinois already strongly relied on long-term kinship care, but such arrangements were not considered permanent placements. By encouraging legal guardianship, a designation that awards care providers custody of children, the courts removed children from state custody, afforded them permanent homes, and avoided the contentiousness of terminating parental rights.

The waiver also allowed relatives permanently caring for children to receive adoption subsidies, something they sorely needed because kin care providers generally tend to have lower incomes than unrelated caregivers

After testing the waiver with a control group, DCFS found that children remained in the foster care system longer when subsidized guardianship was not available. DCFS determined that by finding permanent subsidized placements for children over a six-year span, the agency had actually saved \$248 million in state and federal funds.

In the end, the demonstration made it "overwhelmingly clear that children are much better off with an aunt or a grandparent instead of a total stranger," said Benjamin Wolf, associate legal director of the Illinois ACLU.



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### Encouraging Adoptions

The waiver also gave Illinois greater flexibility in encouraging adoptions. With IV-E subsidies, the federal government provided incentives for families who could not afford to adopt children without financial assistance. Because babies are often the easiest to place, subsidies were initially limited to children older than three. However, DCFS adoption data also showed that many parents interested in adopting were waiting until children reached the age when adoptions could be subsidized. The time families spent waiting for subsidies hurt Illinois's ability to meet ASFA goals for speedy permanency plans. To counter this situation, Illinois's IV-E waiver revised the age of children eligible to receive subsidies from three to one.

### Promoting Reunification

To keep families together, DCFS increased spending on family reunification from \$600 to \$8,000 per family. Reducing the backlog of cases helped expedite

reunifications. Salyers recalled that when she first joined the court in 1994, six months would go by without a single reunification. By 2003, she commented, "If you go a couple of days without the courtroom breaking into applause because you have reunited a family—that's unusual."

### Supporting Actors

The strategies to reduce the caseload worked largely because DCFS simultaneously invested in employee training and morale-building activities and better managed the performance of private foster care contractors. McDonald and his team knew that the success of reforms relied on frontline workers—without a motivated staff, the agency couldn't enact systemic change.

### Performance-Based Contracting

In addition to the agency's own employees, DCFS relies on many private foster care agencies. Private agencies provided 80% of relative foster care and 60% of other foster care placements. As it improved the capacity of its own staff, DCFS wanted to increase incentives for contractors as well.

DCFS changed the way it funded private agencies to encourage permanent placement. Previously, agency reimbursement depended on the number of children in the agency's foster care homes. New performance-based contracting offered agencies a set dollar amount. Agencies that placed more children in permanent situations received higher payments for the open cases remaining on their caseload. Agencies that placed fewer children received lower amounts for cases that remained open. Looking back, McDonald says that the move to performance-based contracting, a strategy initiated by Loftus, was an extremely effective strategy for reducing caseloads by moving children into permanent placements.

### Results

Statistics clearly show the success of the front-end reforms: By late 1997, for the first time in the 1990s, the rate of children exiting care exceeded the rate of children entering care. By Fiscal Year 1999, DCFS had lowered the number of children entering foster care by 52% from 1995. In 2002 Illinois received a federal

adoption award of \$6.9 million, some of which was reinvested in staff training and additional support services for postadoption families. By 2003 caseworkers each managed 14 to 18 cases, fewer than the national standard of 20 to 25. The number of children in substitute care was 21,518 for all of Illinois, compared to 49,156 in Cook County alone in 1994. Furthermore, the adoption displacement rates—children leaving permanent placements—have decreased from 4% in 1990 to 1.3% in 2002.

## Looking to the Future

After nine years with DCFS, McDonald left the agency in April 2003. The new director, Brian Samuels, took over an agency with many challenges remaining. The department recognizes that it still needs more resources and employees to address the postadoption needs of children and their new families. And while the consent decree remains in place, there is clear evidence that the new system breaks up fewer families and at the same time moves more children to permanency.

When asked about which of the strategies he would recommend to other child welfare agencies seeking reforms, McDonald includes accreditation, performance-based contracting, openness to media, court partnerships, and attention to guardianship among those high on his list. “It was always my belief that it would take a number of strategies—implemented simultaneously and reflective of local conditions—to even begin to make a dent in the problems of the Illinois system. There is no silver bullet.”

## Kinship Care—Keeping Children Connected with Their Roots

In Illinois, an experiment with kinship care is having a significant impact on some young lives. A 1996 federal waiver made it easier for relatives to become legal guardians and adopt children who might otherwise be consigned to foster care.

Terry A. Solomon is executive director of the African-American Family Commission, a public policy group working with African-American foster parents, including kin. According to Solomon, Illinois’s policy changes directly benefit kinship care providers. Subsidies enable kin providers to get legal guardianship of children in their care without the termination of biological parental rights. This change causes less friction between parents and kin providers, allowing parents to visit their children and maintain better family ties.

Legal guardians are also better able to get health care and educational services for children. They have the legal authority to enroll children in Kid-Care, Illinois’s SCHIP program, and to make educational decisions, including granting permission for field trips or study-abroad programs.

Solomon says that placing children with family members when their parents are unable to care for them provides a sense of belonging and community not always available in traditional foster care. “Children,” she says, “need to know where they come from.”

When kinship care works, it works well for everyone. Kin providers are extremely committed to the children in their care. When Illinois surveyed subsidized guardian providers about how long they planned to be involved with the children in their care, most said they planned to be involved for the rest of their lives.

## New York City—Building Accountability

In November 1995, a frail and starved six-year-old named Elisa Izquierdo, long known to New York City’s Bureau of Child Protective Services (CPS), died after a year and a half of living with her mother’s torture. The brutality of the abuse—and CPS’s failure to protect Elisa—shocked New Yorkers.

In addition to firing the caseworker and taking disciplinary action against the supervisor closest to the tragedy, Mayor Rudolph Giuliani used the political opportunity to increase accountability throughout the city’s child welfare agency. “All of us have some responsibility said the mayor,” according to the *New York Times*. “We’re all accountable.”

The first thing the mayor did was to select Nicholas Scoppetta, a deputy mayor and a respected and credible leader, to run New York City’s Child Welfare Administration (CWA). Taking advantage of the public outrage and scrutiny, Giuliani and Scoppetta set out to completely revamp the agency.

### Restructuring

At the time of Elisa’s death, CWA was embedded within the larger structure of the Human Resources Administration. Thus the CWA commissioner had to go through many layers of superiors to get the mayor’s attention. As a result, the commissioner had little authority to make important decisions.

The mayor put Scoppetta in a position of greater influence by creating a freestanding agency, the Administration for Children’s Services (ACS), with the sole purpose of protecting New York City’s children. In addition, the mayor elevated the commissioner to a cabinet position; thus Scoppetta had more authority—and more accountability—than his predecessors.

### Studying the Existing System and Focusing on Mission

To prepare for a complete agency makeover, Scoppetta and his leadership team, including current ACS commissioner William C. Bell, did two things. First, they

focused on their mission: to protect New York City’s children. Second, before developing a plan for reform, ACS studied itself.

Focusing on the mission instead of assigning blame helped Scoppetta’s team recast a number of internal struggles. For example, under the old system, investigators charged with verifying reports of child maltreatment were burdened with so much paperwork that they were unable to efficiently refer cases to the case managers responsible for linking families to services and developing permanency plans.

When investigators failed to complete paperwork, overworked case managers returned files to the investigators, which prevented the investigators from focusing on new cases. Shifting the focus from meeting paperwork requirements to serving the agency’s mission allowed both investigators and caseworkers to see the benefits of cooperation. When asked what changes in the system were needed to best protect children, investigators and caseworkers agreed to work together instead of blaming each other. Focusing on the mission also helped bring community stakeholders such as child advocates to the table, instead of having them “casting blame from the outside,” as Bell describes it.

ACS leaders also reevaluated every element of the way the agency operated; they spent 10 months analyzing reports and interviewing CWA employees. The team also solicited advice from community stakeholders and gathered numerous recommendations—many of which had been made before but never implemented.

### Seeing Beyond Accountability to Make the Best Decisions for Children

Every foster care system has ways to measure whether its agency processes are meeting numerical goals. The ACS management team quickly learned that spending funds responsibly and setting numerical goals was the easy part; ensuring the safety and well-being of the city’s 41,500 children in foster care was infinitely more difficult. Previous agency policies had helped measure performance in terms of numerical goals but didn’t

necessarily help caseworkers make the best decisions for children.

Agency leaders began looking for ways to increase workers' capacity to make smart decisions to benefit children or, as Bell explained, to shift away from the "when in doubt, snatch them out" mentality. But which policies and practices would guarantee that caseworkers would make the right decisions? The leadership team agreed that making difficult decisions involved two components: first, trained and committed caseworkers, and second, better data and performance-based management to monitor and improve the quality of the 42 nonprofit foster care agencies contracted to supply foster care services.



### Investing in Caseworkers

ACS needed to build trust and commitment among its caseworkers. The political and public attention resulting from Elisa's death gave the agency the support it needed to make important changes affecting ACS employees. Bell explained: "They are the first responders to children in emergency situations. Like the fire department or the police—they deserve our respect."

First, ACS changed hiring practices by increasing qualification requirements—providing new titles, increased salaries, and additional training. The changes motivated many frontline workers, but others

left the agency. This situation allowed the agency to hire new caseworkers committed to the mission.

Next, ACS improved and expanded positions of middle management, increasing the number of deputy commissioners from two to seven and the number of assistant commissioners from 4 to 35. Because these managers did not have to manage caseloads of their own, they were better able to step back, evaluate agency performance, and make further agency improvements. In addition, they could provide better supervision and support to the staff members they managed.

Finally, to help investigators and caseworkers feel more valued, ACS renovated its offices, replacing old uncomfortable chairs with new ones, and cardboard boxes with metal filing cabinets. The face-lift made a big difference. Explained Bell, "The staff understood that the management believed in them, and then they started to believe in themselves."

### Expanding Data to Include Outcomes and Quality

The agency also set out to collect better data about each child; the staff needed this information not only to improve management of the 42 nonprofit foster care contractors but also to make better policy decisions. This decision showed that ACS didn't shy away from public scrutiny. Indeed, ACS viewed the new data collection tools as a strategy for reassuring New Yorkers that their tax dollars were being spent well, and for demonstrating that ACS employees were doing their jobs.

In addition to monitoring the agency's processes, ACS wanted to gauge the quality of services and the resulting outcomes for children. It began using an evaluation method that met all three goals. The Evaluation and Quality Improvement Protocol (EQUIP) collects data and compares performance using 14 different indicators. It helps executives and managers at provider agencies learn about their programs' strengths and weaknesses and change accordingly.

EQUIP evaluates an agency's performance in three critical areas: process, outcomes, and quality. The first measure uses ACS administrative data to evaluate providers on processes, such as timelines for recertifying foster

homes and training foster parents. Much of this information was being recorded before the creation of ACS.

Two additional areas provide other useful data. The second allows ACS to evaluate providers on outcomes, such as the amount of time children spend in care before being reunified with their families, being adopted, or returning to care after unsuccessful reunification. When considering the differences in providers' case-loads, ACS controls for variables, such as the number of children who have special needs or require sibling placements. In addition, because ACS greatly values keeping children in foster care in their own communities, EQUIP also measures the geographic location of newly opened foster homes, taking into account that providers in certain areas need to recruit more foster parents.

The third component of EQUIP determines quality of agency performance by examining case records, interviewing caseworkers and foster parents, and conducting field observations of foster homes and facilities. ACS employees annually collect information on the cases of 50 children served by each private agency. This information allows ACS to objectively analyze the quality of care that each agency provides.

## Using Data to Drive Change

EQUIP produces a set of scores that results in very specific feedback for foster care agencies. When changes are needed, ACS requires corrective action plans, which help agencies identify precisely how their performance either exceeds or does not measure up to other agencies' performance and focus on improving in those areas. Furthermore, ACS can identify the best-performing agencies in each category and connect agencies that might be able to learn from one another.

The Agency Program Assistance Unit at ACS works with the contractors to develop and approve Corrective Action Plans and monitors the contractors' progress in implementing the plans. The plans may require additional resources, often in the form of technical assistance from other areas of ACS.

EQUIP also allows the commissioner to hold foster care providers accountable for their performance. In

some cases, ACS reviews data and decides not to renew contracts for inadequate providers. In August 2001, ACS closed Direct Foster Care Services offices in Manhattan. The agency, an ACS-run department, was closed for poor performance, and the 280 foster children in its care were transferred to other care arrangements.

## Working with Providers

From the outset, ACS emphasized that the goal of the new data was to support foster care providers, not to fault them. In its first year, ACS didn't count the scores—it simply used the process as a learning experience. This openness and support helped providers accept the ratings and minimized their resistance to considering change.

ACS distributes EQUIP scores as widely as possible to showcase its efforts to improve the agency. "Within the stakeholder community, everybody knows how all of the agencies scored," says Eric Nicklas, acting assistant commissioner of research and evaluation. "Agencies talk—we see lots of energy around where they are on the list and what their score is. They feel it is important to know how they do on EQUIP." ACS also shares the scores with the *New York Times*, but the paper published only one article about the scores after the first public release in 2001.

## Improving Policy

The new data allows ACS staffers to think more broadly about protecting the city's children. For instance, the agency learned that 18 of the 59 community districts account for 60% of all placements in foster care. This information enabled directors to question what was happening in those communities and to seek neighborhood-based services to reduce the number of reports. It also enabled ACS to help providers make better use of social services available in those communities.

Good data collection is expensive and time-consuming. Although providers complain about the amount of time staff members must spend on paperwork and analysis, providers also understand their importance. "Initially the cost is higher, but that isn't the question to ask," Nicklas said. "The goal is to make the system better,

and that requires some level of dedication of resources—including staff.”

## Results

Between the time of Elisa’s death in 1995 and September 2003, ACS reduced the number of children in foster care from 41,500 to 23,200. This significant reduction reflects an increase in preventive and home-based services that enable children to safely remain in their homes, as well as an increase in successful adoptions and family reunifications. In addition, ACS was able to reduce the numbers of children re-entering foster care, from 11.2% to 7.9%, within that same time period.

The ACS staff of 6,000 continues to investigate and respond to the same number of cases each year—about 55,000—with less money. Indeed, the agency’s \$2.1 billion budget for 2003 dropped by \$222 million for 2004. Still, the division that investigates reports of abuse and neglect continues to complete 99% of its investigations within the mandated 60 days.

Since being named commissioner in December 2001, Bell has managed the lean years so that he’ll be ready to read-just when times get better. “Resources matter, but management matters more,” he said. Bell wants his staff members to remain encouraged by their success, and he vows to continue to support their efforts. Yet the reforms begun by Scopetta are still not complete. Bell says one remaining problem is that the community still distrusts his agency’s workers. His next goal? To build public trust in the system so that families and the public believe caseworkers when they say that their goal is to help families.

The lesson of New York, however, should not be that agencies can recover from tragedies such as the death of Elisa Izquierdo. Instead, the lesson of New York is that agencies can change policies and practices long before such tragedies occur by examining their structures, the adequacy of supports for caseworkers, and the depth and quality of the data about children in their care. of the investigations within the mandated 60 days.

## One Caseworker Looks at New York City’s Reforms

To determine how well private foster care providers were serving children and families, New York’s Administration for Children’s Services (ACS) began using an evaluation method called Evaluation and Quality Improvement Protocol (EQUIP), which collects data and compares performance using 14 different indicators. EQUIP allows ACS to evaluate providers on outcomes and to determine the quality of services supplied by contractors. This information helps caseworkers and managers learn their strengths and weaknesses and change accordingly.

Wendy Heilbronn, C.S.W., a supervisor and social worker with a private foster care agency, says that although the program creates additional paperwork for caseworkers, it makes people more accountable. “EQUIP scores affect how well agencies perform,” Heilbronn says. “If agencies realize that their scores are low, they will often try to improve in certain areas.” In fact, some agencies have been closed as a result of poor EQUIP scores.

Another reform in New York City involved providing better supports and more training for overburdened caseworkers. Heilbronn says that these changes have also produced results. “The staff is better trained, more knowledgeable, and better able to assist,” she said.

After the agency changes took effect, working with families became easier because families became more involved in the process. More often, caseworkers began to ask, “Where is the family?” Caseworkers must try to include both biological and foster families when considering placements for children. They must also notify families of meeting times two weeks in advance and encourage the scheduling of meetings at more convenient times. As a result of these changes, involved families make better personal decisions and are more likely to fulfill their case responsibilities.

## Santa Clara County—Recognizing the Value of Supporting Parents

### A Sea of Strangers

In the past, when parents appeared in the Santa Clara County Dependency Court after police had removed children from their homes, the parents found themselves in a sea of strangers. Parents were required to meet with a judge, a social worker from the Department of Family and Children Services, and three attorneys, one representing the parents, one representing the department, and a third representing the children. In this unwelcoming setting, parents were told what they had to do to get their children back.

Most parents left the court with instructions to resolve drug problems, leave abusive relationships, or become economically stable before returning to court in six months. While parents frequently left the court with lists of local service providers, some providers had very long waiting lists, others were inaccessible by public transportation, and some were no longer operating. Finally, many parents left court angry about not being asked for their input—and doubtful that anyone expected them to succeed.

When parents returned six months later, they often found a new judge, new attorneys, and a new social worker. If parents tested positive for drugs, judges declared them insincere about reuniting with their children and sent them home with new referrals and a new court date six months later.

When Judge Leonard P. Edwards became the supervising judge of the Santa Clara County Dependency Court in 1983, he found that too few families reunified—largely because too few parents successfully met the goals of their case plans. He immediately identified two obstacles to families' success. First, when parents were excluded from case-planning decisions—for example, decisions to undergo drug rehabilitation or mental health counseling—they were much less likely to follow through on those plans. Second, many services families needed were not readily accessible.

### Shotgun Marriage

The federal Adoption Assistance and Child Welfare Act of 1980 forced courts and child protective services offices into what Edwards refers to as “a shotgun marriage.” The law increased the involvement of courts in child welfare, directing them to review department case plans, hold hearings at least every six months, and promote permanent placements. For the first time, the director of California’s Department of Family and Child Services (DFCS) and the judge were required to learn about each other’s departments and to rely on each other for case information and action.

Not only had the courts and DCFS never worked together this closely, but the relationship also included some inherently conflicting dynamics. The relationship between district attorneys and social workers illustrates the problem: Although both work to ensure children’s safety, district attorneys contest roughly one in five dependency cases simply because they don’t think social workers are being proactive enough in removing children from abusive homes.

The department leaders agreed to listen to each other’s ideas and to meet regularly. Penelope Blake, the supervising deputy district attorney of the court’s juvenile dependency unit, says the meetings have made a big difference. Now that leaders of the various departments communicate regularly, they can discuss their differences in the context of improving the system while supporting their staff members at the same time. But the meetings also revealed a gap in knowledge. The agency heads realized that they actually didn’t know what families needed. So they asked them.

### Creating Opportunities for Parental Input

In reality, no one understands the obstacles to effective permanency planning like the parents who face them. Yet the judicial system traditionally assumes that judges, lawyers, and other experts have all the answers.

Edwards maintained that the child welfare system couldn’t begin to identify and address parents’ needs

without making a commitment to listening to their insights. Edwards began by improving parents' legal representation. Until 1996, public defenders represented parents in Santa Clara County Dependency Court. But as Edwards listened carefully to parents, he grew dissatisfied with the quality of legal representation they were receiving from the public defender's office. As a result, the public defender withdrew from representing parents, and the Superior Court hired Dependency Legal Services, a group of private attorneys, to represent parents. One benefit of this new approach is that it gives parents access to attorneys who have the time to explain the legal process to them. The court also made the process easier by assuring that parents appear before the same judicial officers each time they came to court.

Even with new representation, parents feared both the dependency court and DFCS, the department that had taken away their children. For parents to change their perception of the system and participate, the court and the department would have to focus on families' strengths and build trust. Santa Clara implemented two tools to help families—and the court—focus on families' strengths: family conferencing and mediation.

### Family Group Conferencing

In November 1996, the Santa Clara County Dependency Court began using family group conferencing to divert families accused of abuse or neglect away from traditional court proceedings. To participate, families must be considered low risk by DFCS and volunteer to participate. Conferences are not designed to draft orders; they are designed to identify and discuss the families' important issues. Thus lawyers may not participate. Excluding lawyers prompted some resistance at first, but, according to Gary Proctor, who directs lawyers who represent parents in cases of abuse or neglect, the conferences resulted in an important improvement—many cases were resolved without hearings. And, says Proctor, "Cases are generally handled better if kept out of the courtroom."

In implementing the conferences, Santa Clara adopted a model that actively involves the extended family in caring for children. At a conference, facilitators help the family identify family strengths and concerns, discuss resolution options, and plan for implementing changes. Equally important, including extended family members

increases the number of available supports for children. Once involved, extended family members often provide solutions for problems regarding children's care.



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### Mediation

When cases cannot be resolved through family case conferencing, mediation is another extremely useful tool in enabling families to work through issues that might otherwise be heard in court. Participants include the department social worker; the attorney for the department; the children's attorneys; the parents; the parents' attorneys; a domestic violence advocate; a volunteer, court-appointed special advocate; and relatives. Only the judicial officer presiding over the case does not participate in the mediation process. Mediation also includes children themselves if they are at least 12 years old and their involvement is considered appropriate. Overall, children participate in about 20% of mediations.

Families can request mediation at any time, and unlike court settings, all parties in mediation may speak. Two neutral mediators help the group agree upon what is safe and best for the child. Each mediation has one male and one female mediator, both of whom are licensed psychotherapists and culturally competent.

The average mediation takes three hours to draft an order, and in the end 75% of mediations result in full agreement, 17% result in partial agreement, and only 8% conclude with no workable agreement.

## Services Not Accessible

Through family conferencing and mediation, Santa Clara County learned more about the circumstances that brought families to the attention of its child welfare system. High on the list were drug addiction and domestic violence.

### Drug Court

Drug addiction affects an estimated three out of four parents in Santa Clara's dependency court. However, Edwards found that parents didn't receive either the assessments or services they needed to overcome their addictions. And mothers with children needed even more service options.

Part of the barrier to better addressing the problem was a widespread ignorance about drug addiction. Edwards brought in Dr. Alex Stalcup, a substance-abuse expert, to explain the physiological causes and effects of drug addiction. By learning more about the medical causes of addiction, the court's judges and attorneys better understood parents' failure to pass drug tests. They learned, for instance, that failing a test didn't necessarily reflect a parent's lack of desire to reunify with children and that one relapse didn't nullify all progress.

In early 1998, substance-abuse-treatment providers and parties working in the dependency system, including judicial officers, parents' attorneys, children's attorneys, county attorneys, court administrators, court clerks, and DFCS social workers, began meeting weekly to create a drug court that could better address drug addiction facing parents in dependency court.

Opened in October of that year, the Dependency Drug Treatment Court provides consistent decisions and frequent court dates—helping to induce change in parents' behavior. It also features an expert from the Santa Clara Alcohol and Drug Bureau, who assesses a parent's addiction status right in the court, rather than relying on parents to seek assessments once they leave. The court then immediately provides treatment services, making referrals the same day.

To ensure that parents received the intervention they needed, Edwards and the Santa Clara Alcohol and Drug Bureau pressured the Santa Clara Board of Supervisors to provide treatment resources. Since the drug court's creation, Edwards has "watched the transformation of parents from week to week." "These are powerful women—mostly women—who have been knocked down physically and emotionally and have gotten their lives together and, with a firm handshake, have said good-bye," he said.

### Domestic Violence

According to Ken Borelli, deputy director at the Department of Family and Children's Services, about 65% of cases in dependency court also involve some level of documented domestic violence. Despite the many difficult questions about whether children should be removed from situations of domestic violence, reducing such violence clearly helps both children and mothers.

In January 2001, Santa Clara was one of six communities to receive federal funding to implement a five-year project allowing the county to make important changes in how it addressed domestic violence. The project led the department to make two important changes.

First, Santa Clara trained social workers, attorneys, and court personnel to better understand family violence and look for it more carefully. When opening a dependency case, social workers now check if the father or boyfriend has been charged with domestic violence. If no case exists, the social worker uses a checklist to determine the likelihood of domestic violence. When social workers find evidence or threats of abuse in a relationship, they include appropriate batterer intervention referrals in the case plan.

As a result of the project, the court also began ordering batterers to attend one of the 52-week intervention programs certified by the Adult Probation Department. The program focuses on victim safety and offender accountability. The program has open enrollment; batterers can enter at any time. They attend weekly two-hour sessions. In 2002, 2,201 batterers enrolled, 948 completed the 52-week program, and 895 terminated due to absences, new violations, or failure to benefit.

## Moving beyond Safety

In 2003 parents who appear in Santa Clara’s dependency court see the same familiar faces with each subsequent visit. Rather than simply receiving instructions, families are asked for their opinions. Furthermore, the judges and attorneys involved better understand the obstacles the families face and work together to provide necessary services.

With many of these reforms in place for 10 years, the county has now begun listening to families’ ideas about how to help children beyond simply ensuring their safety. The court strives to address the needs of the whole family, focusing strongly on child well-being, including physical health, mental health, and education.

The court pushes DFCS to place all foster children in Early Start and Head Start. DFCS takes full advantage of existing educational assessment centers to test children’s educational and psychological status. In 2002 the court made it easier for social workers to transfer educational oversight from biological parents to educational surrogates such as foster parents or volunteer advocates. These educational surrogates can advocate for the educational needs of children.

Despite these reforms, Edwards has a long list of improvements he continues to pursue. Among them: increasing services for mothers after they have reunited with their children; increasing visitation between parents and children while in care; increasing services for abusive fathers; gathering more tracking data; and, ultimately, reducing the number of abused children who grow up to abuse and neglect their own children.

In September 2003, Edwards remarked, “When I think about where the court was 10 years ago, it seems so primitive. We’ll keep making improvements, and in 10 years we’ll look back and think that the current system is primitive.”

### Stephanie—A Struggling Mom Helping Others

It took Stephanie Reyes 18 months—the maximum time allowed—to regain custody of her son from the foster care system. But when she did, she wanted to use what she’d learned to help other mothers working toward the same goal.

Reyes was first sent to Santa Clara’s dependency drug court after the state removed her two young children from her care. She says, “I was resistant at first and didn’t want to go—I felt resentful and angry and thought that everyone was against me and that it was their fault I lost my kids.”

She soon learned differently. When Reyes encountered the staff of drug court, she found that they actually listened to her and were willing to help. After she was erroneously evicted from a transitional housing facility, the drug court staff helped her return to the facility. Most importantly, with the staff’s active involvement and genuine caring, Reyes stopped using drugs.

After Reyes graduated from the program, she wanted to help other mothers overcome their problems. So she became a Mentor Mom, one of three ex-participants who now work for the dependency court helping others. Mentor Moms support mothers by answering their questions, sharing their experiences, and encouraging them to participate in the intensive drug court. “The best part is when I work with moms who are just like I was. You can tell when they start feeling good—their self-esteem goes up, and even the way they dress changes.” Reyes tries to help people understand that “we made bad decisions, but that doesn’t make us bad people.”

Now age 30, Reyes wasn’t able to regain custody of her daughter, but she has been reunited with her seven-year-old son. And she is grateful. She says, “I believe drug court works and really helps people. If not for drug court, I don’t know how I would’ve gotten my son back.”