

The Transition to Group Decision Making in Child Protection Cases: Obtaining Better Results for Children and Families

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ABSTRACT

THE SCENARIO

The police respond to a neighbor's call complaining that the family next door is making too much noise, that the children (ages 4, 7, and 17) are screaming, and that he can hear property being destroyed. This is the fifth call the police have received concerning this family in the last 60 days. All were resolved with the parents promising to stop disturbing the neighbors. Now the officers at the front door meet the parents, who are both under the influence of an unknown substance and very unsteady on their feet. The mother has a bruise on her cheek. Behind them, three children are running around screaming, and the 7-year-old is bleeding. The parents state that they were having a little fight, but that the situation is now under control.

The police officers discover an outstanding warrant for the father's arrest. The children tell the police that they are beaten regularly and that the mother hit

It was only a few years ago that in most jurisdictions across the United States, decisions at each stage of a child welfare case were made by individual professionals (law enforcement, child protection workers, social workers, and judges) who were all a part of the community's response to child abuse and neglect crises. In the last decade, the development and continuing evolution of best practices have brought about many changes in how professionals approach the resolution of these issues, how they convene interested persons in the decision-making process, and how families and children participate in decisions. This article will examine some of these changes, with a particular focus on the expanding use of groups and the inclusion of families in these groups to make better decisions in child protection cases.

the child who is bleeding. The children also report that the father badly beat the mother. The police officers further determine that the mother is under the influence of methamphetamine and cannot care for the children. Both parents are arrested, and the police realize that they must decide what to do with the children.

A social worker assigned to investigate the children's situation decides that court intervention is necessary and files legal papers (petitions) on behalf of each child. She then begins to identify family members so that a family group conference can be held. Before that can be scheduled, the 17-year-old child misbehaves in the relative's home where all three children had been placed, and the relative says that she cannot keep the child any longer. She must be moved to another living situation that evening.

When the 17-year-old continues to misbehave

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in the subsequent placement, it becomes clear that intensive services will be necessary to address her needs. In preparing for the family group conference, only four members of the family can be located. The social worker considers using a new technique called Family Finding to identify and locate additional family members. During the court proceedings, the attorneys and family members cannot agree on several factual and legal issues. The parents demand a trial. Soon after the legal proceedings are concluded, the 17-year-old turns 18. The social worker consults with the family about issues surrounding her majority and decides to hold an emancipation conference.

From this hypothetical case history, it is evident that numerous critical decisions are made in the life of a child protection case. Decisions about the children and family members must be made, from the initial investigation to placement decisions, to issues about appropriate services for the family, to identifying and locating extended family members, to the resolution of the legal issues before the court, and to planning for the emancipation of the eldest child.

The goals of all these interventions will be to keep the children safe by maintaining them with their family, if possible, or otherwise to offer the family the opportunity to regain custody through rehabilitation. If those efforts are unsuccessful, the goal may be to find the children a permanent home. Additionally, it is a goal that the children remain together, if possible, and that they live with people they know, preferably relatives.¹ Hopefully, these decisions can be made in a timely fashion because the children need a permanent home as soon as possible.²

INTRODUCTION

State intervention on behalf of maltreated children is an integral part of the social service and legal systems in most countries. Many countries justify this intervention based on the child's right to be free from abuse and neglect.³ This intervention seems appropriate because children cannot protect themselves against parental abuse or neglect. The child protection system in most countries is complex, consisting of persons who report suspected abuse or neglect, persons who respond to investigate, persons who decide whether a child must be removed from parental care, and persons who decide

what the plan should be for the child and the family. All these decisions may be reviewed in court.

Child abuse and neglect systems including the detection, investigation, intervention and supervision of families, and the court oversight and review of these activities are a relatively new phenomenon in the world. Most of these systems have developed within the past 50 years.⁴ As a result, models of intervention and decision making in child protection continue to be developed and refined, and best practices are still being identified, evaluated, and modified.

This article will discuss a series of decision-making models in child protection cases. It will follow the path of the hypothetical case, moving from decision to decision as the child protection system intervenes in the family. The article will begin with a description and discussion of joint response, usually the first time that a possible child maltreatment case comes to the state's attention. It will then discuss Team Decision Making, wraparound services, family group conferencing, and court-based child protection mediation. It will finally describe emancipation conferences. Additionally it will address Family Finding, a practice that can enhance the identification and location of extended family members. Much of the discussion will be based on a jurisdiction that uses all these models, Santa Clara County, California.⁵

The article reaches several conclusions. First, group decisions in child protection cases produce better results than decisions made by one person; second, groups that include family members and community participants produce better decisions than those made exclusively by professionals; and third, at the various stages of a child protection case, a different decision-making model will better serve the needs of the children and family members. Thus, child protection systems will produce the best results for children and families if they have a spectrum of decision-making models available to them.⁶

THE REPORT OF ABUSE AND JOINT RESPONSE

Any investigation of child abuse or neglect may involve both child protection and criminal issues. For example, if the police discover that the parents have been neglecting or abusing their children and arrest the parents, the care and control of the children must be resolved as well as any issues relating to possible

criminal law violations. However, police are trained in law enforcement and crime investigation, not in child welfare. The issues relating to the care of children in this type of emergency situation will be better addressed by child protection staff trained in working with abused and neglected children. These professionals know how to locate family members, complete background checks on possible placements, and place children in safe surroundings. They also work in civilian clothes and thus are less intimidating to children and families than uniformed law enforcement. In these types of situations, both child protection and law enforcement are necessary to address the full range of issues presented.

One best practice in these situations is to have a joint response. Joint response refers to a practice between two or more agencies to agree on a procedure whereby one agency notifies another whose assistance is necessary to resolve the problems detected by the first agency. In child protection cases, joint response refers to law enforcement working with child protection to address the needs of the entire family.⁷

In 2004, Santa Clara County, California, developed a joint response system among various police agencies and the Department of Family and Children's Services, the county child protection agency.⁸ Whenever law enforcement believes a child may have to be removed from parental custody for abuse or neglect, the officers at the scene will call the child protection agency, and the agency will send a worker to the scene within 30 minutes. The agency has agreed to respond to a call from law enforcement seven days a week, 24 hours a day. At the scene, the work will be divided between the two professions: Law enforcement will address the issues involving possible law violations and the safety of all persons, and the child protection worker will address the issues relating to the child including safety, care, and emergency placement.

The protocol is used frequently, averaging over 50 calls per month. One result of this practice in Santa Clara County has been the reduction by more than 50% of the necessity of removing a child from the family.⁹ Another result has been a reduced number of foster home placements for children. In these cases, the child protection worker has been able to identify family members and place the child directly with those family members without bringing the child into temporary

state custody. Law enforcement has been pleased with the results of the joint response protocol because the officers have been able to turn over the issues relating to child placement to a social service expert and then go on with their police work.

Joint response produces better results for children because when obstacles arise, multiple decision makers and problem solvers work together to meet the child's immediate needs. The protocol and extra expenditure of resources is justified for several reasons. First, removing a child from parental care is a significant societal event, a crisis for the child and the family. The decision to remove and the details surrounding removal deserve a heightened level of societal oversight. Just because these situations are confidential and removed from public scrutiny does not make them less significant to the child, the family, and the community. Second, in child protection cases the work accomplished at the beginning of the case will usually result in a more positive outcome. The less the state disrupts the child's life, the less trauma the child will experience. Third, a better placement at the outset of a case will serve the child's best interests. By arranging for a placement familiar to the child, the social worker can avoid additional trauma that might be associated with placement with strangers and multiple placements.

In the hypothetical case on page 1, the police called the child protection agency pursuant to the joint response protocol. A social worker arrived at the house within 30 minutes and took responsibility for the children. After making some enquiries, including questioning the children about their preferences, she was able to locate a relative willing to care for the children. She was also able to complete a background check verifying that the relative had no criminal record and was able to speak to the relative about the dangers of parental contact with the children. The children were placed with the relative the same evening and were able to stay together, thus avoiding placement in a foster home.

TEAM DECISION MAKING

In our hypothetical case, the joint response protocol enabled the social worker to make a placement with extended family. However, after a few days, the eldest child had to be moved to a different placement because the caretaker was unable to manage her behavior and unwilling to keep her any longer. The social worker

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needed to find an emergency placement the same day the relative notified her. She could not wait for the family group conference that was scheduled for a future date.

Traditional social worker practice in many jurisdictions has been to have the social worker herself make the decision to change placements, often after consulting with supervisors.¹⁰ One person, even a trained social worker with a supervisor's help, should not make such an important decision, particularly when there is time to contact other interested persons. Because changing a child's placement is a significant intervention in the child's life, care must be taken to make the best decision possible. It was with this in mind that the Annie E. Casey Foundation developed Team Decision Making.

Team Decision Making (TDM) is a meeting of parents, caregivers, professionals, and youths, as appropriate, whenever there is probability that a child will be removed from parental care, a placement may be changed, or a reunification or permanency plan may be changed.¹¹ The meeting brings together the people most involved with the child and the family and who care most about them. The goal is to ensure that the best possible decisions are made about the child's safety and placement, with an emphasis on preserving family and community connections.¹²

As explained by the Annie E. Casey Foundation, TDM's underlying values and beliefs are as follows:

- Families have strengths and can change.
- We must set up opportunities for families to show their strengths.
- A group can usually be more effective in making good decisions than an individual.
- Families are experts about themselves.
- When families are included in the decision making, they are capable of identifying their own needs and strengths.
- Members of the family's own community add value to the process by serving as natural allies to the family and as experts regarding the community's resources.¹³

According to Santa Clara County practitioners, TDM's benefits are that better decisions are made on behalf of the child and family. More information is available, broader participation leads to creative ideas and workable solutions, people and places important to the

child are acknowledged and respected, and the TDM process provides participants an opportunity for their voice to be heard.¹⁴

Social workers find TDM beneficial because placement decisions are made with support from others, and the family appreciates the opportunity to provide input. The TDM process leads to better social worker/family relationships, and more ready acceptance of case plans. Finally, TDM can lead to more successful court experiences since the resulting plan reflects a consensus. If there is no agreement at the TDM, the social service agency maintains the legal responsibility to make the placement decision.¹⁵

TDMs cannot be organized immediately, but they can be arranged in a few days and have taken place within 24 hours in some circumstances. The process starts with the social worker calling the TDM specialist to request a TDM meeting. The social worker will advise the specialist about any special aspects of the case, and the specialist will then determine the time and date of the meeting. The specialist notifies the family, service providers, community partners, and other necessary persons including an interpreter, if necessary. The family has some control over who participates in the TDM. Children 12 and older can be included with the social worker and facilitator determining what part of the meeting the child will attend. Child advocates (CASAs) are invited to attend as well as the child's attorney if one has been appointed. Also attending is a facilitator, a process expert who has been trained by the Annie E. Casey Foundation and who is knowledgeable regarding agency policies and procedures. The facilitator has a number of roles in the TDM process, including guiding the process and writing up and providing to all participants the TDM plan including the decision and action steps.

TDM meetings are held in various locations depending on the convenience of the participants. The meetings are structured, with an introduction and guidelines for conduct during the meeting, an identification of the situation and the problem to be addressed at the meeting, a listing of the family's strengths, brainstorming, consensus development, an action plan, and a closing including a review of the agreement, an evaluation, and an opportunity for questions. The meetings typically last from one to two hours.¹⁶

As of 2006, the Santa Clara County Department of Family and Children's Services (DFCS) had conducted over 3,000 TDMs, averaging 90-100 a month. DFCS has evaluated TDM results from several perspectives. Most social workers find the TDM process useful and that the process improves relationships with clients. Social workers acknowledge that the process is time consuming, but the better quality of decisions, improved client relationships, and increased family participation and buy-in have made the process worth the extra effort. Social worker supervisors concur that the TDM process improves client relationships and results in better placement decisions, but also say that it is time consuming.¹⁷

In our hypothetical scenario, the social worker convened a TDM when she learned that the relative was unwilling to have the 17-year-old girl remain in her house. The social worker was able to convene a team consisting of the mother (now out of custody), two relatives, and a teacher (by telephone). They decided that the girl should be placed in a group home on a temporary basis. Had the father been able to attend the TDM, the social worker would have used the domestic violence protocol developed by Santa Clara County to ensure safety during the meeting.¹⁸

FAMILY GROUP CONFERENCING

Family Group Conferencing (FGC) is known by several other names, including Family Group Decision Making and the Family Unity Model.¹⁹ FGC originated in New Zealand from principles developed by the Maori people.²⁰ After a period of experimentation, FGC became an integral part of New Zealand child welfare practice with the enactment of the Children, Young Persons and their Families Act 1989 (The Act). The Act empowered families, including extended family members, to participate in planning for the welfare of their children who were at risk of abuse or neglect. The vehicle for empowerment is the Family Group Conference, a meeting of family members, coordinated by government social workers, but one that puts the decision-making power in the family's hands.

The Act mandates that when a social worker or police officer believes that a child is in need of care or protection, they shall report the matter to a Care and Protection Coordinator, "who shall convene a Family Group Conference in accordance with section 20."²¹ The Act describes how the FGC is to be planned, the people to be

invited, notice, and the procedures to be followed.²² The purposes of the FGC are to consider issues relating to the care or protection of the child or young person on whose behalf the conference was convened, to formulate plans regarding the child, and to review any recommendations, decisions, and plans made by the conference.²³

In addition to being fully implemented in the New Zealand child protection system, FGC has also been adopted by other countries, including numerous local jurisdictions in the United States and Canada.²⁴ In particular, Santa Clara County, California, has embraced FGC ever since a statewide conference in 1996 featured four speakers from New Zealand.²⁵ Santa Clara County incorporated FGC as a basic ingredient of child welfare practice and established the Family Group Conference Institute which has provided training to social workers across the nation.²⁶

FGC is not mandated by law in California or in any state in the United States—it is a procedure that a child welfare agency can choose to adopt. The Santa Clara County model is of particular interest because it is part of a continuum of models of group decision making, available when a child protection case has come to the attention of the state.

The philosophical base of the Santa Clara County model is that families possess the knowledge, commitment, and resources that can be used to care for and protect their children, and that the best care and protection for children can be achieved when the positive forces and strengths of families are aligned with community and agency support systems.²⁷ The model is used any time the assigned social worker or family member believes the conference would benefit the family and/or child. The conference is divided into stages with the first stage consisting of family members, agency personnel, the facilitator, and involved professionals. The second stage involves family private time, and the third stage brings together the family, the referring social worker, and the facilitator to discuss, clarify, and record the decision.²⁸

In Santa Clara County, an FGC takes from one to three weeks to organize and convene. The agency has committed up to \$500 to locate and transport relatives from outside the area. This aspect of the preparation, along with locating other family members, takes longer than other models of group decision making used in the

county. Over the past 10 years the agency has convened an average of approximately 10 FGCs a month, or slightly over 100 each year.²⁹

In our hypothetical case, an FGC was convened and the family developed a plan for the children and a service plan for the parents. Several family members agreed to assist with supporting both the children and the parents. The children were able to participate in the FGC with the other family members. However, based on the experience of the relative caretaker and the attitude of the 17-year-old, the family was at a loss regarding how to manage the teenager's behavior and asked the social worker for assistance. Since both the mother and father were able to attend the FGC, the local domestic violence protocol was used to ensure safety for all family members.

CHILD PROTECTION MEDIATION

Once legal documents have been filed on behalf of children, the juvenile or family court judge will make orders regarding removal, visitation by parents, and placement. The court will appoint separate attorneys to represent each of the parents and the child and will preside over a series of hearings. At the first hearing (the shelter care hearing), the court will decide whether the children will be removed from parental care, and if so, where they will live and what access the parents will have to them.

At the next hearing (the jurisdictional or adjudication hearing), the court will determine whether sufficient evidence enables the state to take further action on behalf of the children. This hearing is similar to the trial stage in other legal proceedings. If the petition's allegations are found to be true, the court will then hold a disposition hearing to determine whether to place the children under the protection of the court, where the children will be placed, and what services the parents will receive to address the problems that brought the children to the court's attention. Thereafter, the court will hold review hearings to see whether it is safe for the children to return to one or both parents, and whether the services have effectively ameliorated the identified parenting problems.³⁰

At any time a parent has demonstrated that he or she is ready to and can provide safe care for the children, the court may return the children to the parent. If, after some certain period of time, however, the parents

have shown inadequate progress, the court may hold a hearing to determine where the children will live on a permanent basis. The permanent plan for the children may be adoption (preceded by termination of parental rights), legal guardianship (preferably with a relative), permanent placement with a relative, or placement in a foster home or a group home.³¹ The entire process from the shelter care hearing to the establishment of a permanent plan may take 18 months to two years and, if the court process is inefficient, several years.

The traditional legal process is not the preferred method of resolving disputes that arise in the context of child protection proceedings. Because the legal process involves lawyers, legal rules, and a judge, it is often uncomfortable and even intimidating for parents and social workers. These people do not know the legal rules, are unsure when to speak and what to say, and are likely to be scolded if they do not follow the proper court etiquette. There are no opportunities for parents to tell the judge their side of the case in their own words. Trials are particularly difficult for people who are not legally trained. Cross-examination can be brutal as attorneys probe witnesses concerning their weaknesses and failings, factual inconsistencies in their statements, and possible biases.³²

Child protection mediation is an alternative way to resolve legal, social, and factual disputes that may arise in the court process. It is "a process in which specially trained neutral professionals facilitate the resolution of child abuse and neglect issues by bringing together, in a confidential setting, the family, social workers, attorneys, and others involved in a case."³³ Child protection mediation first began in California in the 1980s,³⁴ and has expanded greatly in the past decade throughout California and the United States.³⁵

The success of child protection mediation should come as no surprise. The California legislature recognized early that the traditional court process and the adversarial system is ill-suited for child protection cases. The legislature enacted a statute that stated:

Except where there is a contested issue of fact or law, the proceedings shall be conducted in an informal non-adversarial atmosphere with a view to obtaining the maximum cooperation of the minor upon whose behalf the petition is brought

and all persons interested in his or her welfare with any provisions that the court may make for the disposition and care of the minor.³⁶

Additionally, the same legislature passed legislation encouraging the development of child protection mediation “to provide a problem-solving forum for all interested persons to develop a plan in the best interests of the child, emphasizing family preservation and strengthening.”³⁷

Santa Clara County has used child protection mediation for more than 10 years. The court refers cases to mediation at any time in the court process. Mediation includes all participants in the case. In cases involving domestic violence, special protocols prevent face-to-face contact between some family members. Moreover, victim-advocates and/or support persons may accompany one or more of the participants.³⁸ The mediation program is continually evaluated, and comprehensive records are maintained. Approximately 240 mediations are held each year taking two to four hours each, although on occasion there are multiple sessions. Of all cases referred to mediation, 80% are resolved entirely, 11% are resolved in part, and 9% are not resolved.³⁹ The court refers only the most difficult, complex contested cases to mediation.

After initial resistance from some members of the court process, all participants in the Santa Clara court system support the mediation process.⁴⁰ They have come to realize that all parties are better served when they have a hand in creating the plan, resolving the dispute, and establishing the service plan. They also have come to recognize that resolutions reached in mediation last longer because parents are more likely to follow service plans they helped create. Participants remark that the mediation process helps improve relationships between all parties, and in particular, between the parents and the social worker.⁴¹ In our hypothetical scenario, the case was referred to mediation which resolved the legal issues without a trial. During the mediation, the domestic violence protocol ensured safety for all parties and reduced the possibility of intimidation.⁴²

WRAPAROUND SERVICES

In our hypothetical case, the oldest child had to be removed from the relative because she was beyond the relative’s control, and the relative was unwilling to continue to care for her. Although an emergency

placement was identified through a TDM, it became clear after the Family Group Conference that intensive services would be necessary to address her serious emotional difficulties and uncontrollable behaviors. One model for addressing her needs is wraparound services.

Wraparound is a unique approach to providing services to a child and family facing multiple adversities.⁴³ Wraparound services are developed by a team of family members (including the child), community partners, and professionals who are convened to address the needs of the child and family. They are strengths-based and youth- and family-centered services provided in their natural environment and are driven by the individual strengths and developmental needs of the youth and family. One goal of wraparound services is independence from formal professional supports and services. A second goal is to keep children out of institutional care and in care with families.

Wraparound services interact with all of the systems that impact youths and their families. The services for each child are described in a plan developed by a Child and Family Team consisting of the people who know the child best. The plan is needs-driven rather than service-driven, and is strengths-based and focused on normalization.

The team makes a commitment to unconditional care. The Ten Principles of the Wraparound Process are as follows:

1. Family voice and choice: Family and youth/child perspectives are intentionally elicited and prioritized during all phases of the wraparound process. Planning is grounded in family members’ perspectives, and the team strives to provide options and choices such that the plan reflects family values and preferences.
2. Team-based: The wraparound team consists of individuals agreed upon by the family and committed to them through informal, formal, and community support and service relationships.
3. Natural supports: The team actively seeks out and encourages the full participation of team members drawn from family members’ networks of interpersonal and community relationships. The wraparound plan reflects activities and interventions that draw on sources of natural support.
4. Collaboration: Team members work cooperatively and share responsibility for developing, implementing, monitoring, and evaluating a single wraparound

plan. The plan reflects a blending of team members' perspectives, mandates, and resources. The plan guides and coordinates each team member's work toward meeting the team's goals.

5. Community-based: The wraparound team implements service and support strategies that take place in the most inclusive, most responsive, most accessible, and least restrictive settings possible, and that safely promote child and family integration into home and community life.
6. Culturally competent: The wraparound process demonstrates respect for and builds on the values, preferences, beliefs, culture, and identity of the child/youth and family, and their community.
7. Individualized: To achieve the goals laid out in the wraparound plan, the team develops and implements a customized set of strategies, supports, and services.
8. Strengths-based: The wraparound process and the wraparound plan identify, build on, and enhance the capabilities, knowledge, skills, and assets of the child and family, their community, and other team members.
9. Persistence: Despite challenges, the team persists in working toward the goals included in the wraparound plan until the team reaches agreement that a formal wraparound process is no longer required.
10. Outcome-based: The team ties the goals and strategies of the wraparound plan to observable or measurable indicators of success, monitors progress in terms of these indicators, and revises the plan accordingly.⁴⁴

Wraparound has been evaluated both locally in Santa Clara County and nationally. Along with therapeutic foster care intervention, wraparound has demonstrated effectiveness with foster children.⁴⁵

In our hypothetical case, the 17-year-old was referred for wraparound services. A Child and Family Team was formed that included family members, community representatives, and professionals. A plan was developed that permitted the 17-year-old to live with a family member with intensive support services.

FAMILY FINDING

Family group conferencing, wraparound services, child protection mediation, and other group decision-making models rely for their outcomes on the involvement of family members. The extended family is an untapped and underutilized resource for the nuclear

family facing adversity. It can provide additional supports for the youth and for the family as well as be a possible placement option. Unfortunately, most child protection systems do not fully use the extended family because social workers often do not know who the members of the extended family are.⁴⁶ Moreover, the parents and other close relatives may not know of the existence or whereabouts of relatives, may not want to contact them because of poor family relationships, or may not want to make it any easier for authorities to place their child outside the home.

One promising approach to identifying extended family members is called Family Finding,⁴⁷ a philosophy that emphasizes the importance of family members as a solution to the problems facing abused and neglected children. A unique aspect of the Family Finding process is the use of advanced technology to locate extended family members. It is particularly useful for teenagers who are in the child welfare system and whose parents and other close relatives are not available.⁴⁸ Using specialized software programs that search the Web, social workers can locate on average more than 100 relatives in a short period, relatives who are biologically related to the child, but whom the child and family may be unaware of or have lost contact with.⁴⁹ As one state social services director noted,

The "Relative Search Project" found that family is out there and willing to support youth in the child welfare system, even for young people who have been in the system for over a decade and for whom there has been little contact.⁵⁰

One advantage of utilizing Family Finding is that from a biological perspective, family placements are usually safer than non-family placements, particularly when non-biologically related males reside in the home.⁵¹ People who share the same genes as a child are usually more willing to "go the extra mile" for her.⁵² Another advantage is that by locating family, the child may feel a part of something bigger and more inclusive than the family she has experienced before the discovery. Locating family can produce a sense of belonging. Not only can this sense bring new hope, but the extended family may be able to become a significant part of the child's future.⁵³ Moreover, extended family members are more likely to keep siblings together.

The National Council of Juvenile and Family Court Judges has recognized Family Finding and the importance of locating extended family members as a critical part of the child protection process. In July 2005, the organization passed a Resolution Promoting Timely Relative Placements and Reasonably Diligent Searches in Furtherance of Those Placements. The Resolution recognized the benefits of identifying families as possible placements for children who have been removed from parental care, and stated that the child welfare agency should “conduct a reasonably diligent search for relatives of the child who may be considered for placement within thirty (30) days following the date of physical removal of the child from the house.”⁵⁴ Furthermore, the Resolution stressed the importance of judicial oversight over the diligent search for relatives.⁵⁵

Several state legislatures have passed legislation implementing Family Finding and encouraging its use by social service agencies. The states of Washington⁵⁶ and Minnesota⁵⁷ have enacted Family Finding legislation, and there is similar legislation pending before the United States Senate.⁵⁸ In a report to the Washington legislature, the state department of social services indicated that using the practices identified by the state’s Family Finding legislation, they were able to double the number of out-of-home placements with relatives in two years.⁵⁹ Social service agencies in North Dakota and Kentucky have been utilizing family finding for several years, in North Dakota increasing kin placement by approximately 20% a year for a total increase of 140% over the past six years.⁶⁰

Santa Clara County has used Family Finding for several years. It is an integral part of the wraparound services protocol. The Department of Family and Children’s Services has established a Relative Finding Assessment Unit that attempts to identify, evaluate, and engage previously unknown extended family members.⁶¹ In the hypothetical case, Family Finding identified several relatives who could be supportive of the wraparound plan, including one relative who lived in a neighboring county. After a transition period, the 17-year-old moved to that relative’s home with support from the wraparound team.

EMANCIPATION CONFERENCES

An emancipation conference brings the youth together with family, professionals, and significant persons in the youth’s life to plan for the time when the

youth will reach majority and no longer will be within the child welfare system’s jurisdiction. These conferences are usually convened by the social worker. Emancipation conferences can be important in a youth’s life because experience has shown that youths aging out of the foster care system have a poor chance of success in life.⁶² Outcomes for emancipating foster youths have been so poor that several national initiatives have addressed this special population.⁶³ The California legislature has mandated that no child under juvenile dependency court jurisdiction be emancipated without the social worker ensuring that important documents are in order and that supports have been identified for the youth.⁶⁴

At the emancipation conference, attendees address the following questions:

1. What are the youth’s short- and long-term goals?
2. What is the youth’s plan for education, employment, and living arrangements?
3. What is the target emancipation date that would most benefit the youth?
4. What does the youth need in order to emancipate successfully?
5. What kind of support system does the youth have or need? Who will the youth turn to when there are problems?
6. Does the youth have special needs? If so, how will they be addressed after emancipation?

The planning that takes place at an emancipation conference can be critical to the success that the youth experiences outside the child welfare system. In Santa Clara County, the Department of Family and Children’s Services convenes approximately 15 emancipation conferences a month, or 170-180 a year.

In the hypothetical case, an emancipation conference was held, and it was agreed that the youth would remain with her relative, attend school, and seek part-time work. Several family members and others indicated that they would be support persons for her in this living situation.

INFORMATION SHARING

Inherent in all group decision-making models is the necessity of exchanging information within the group. However, legal and ethical barriers can prevent the exchange of information in child protection cases. Social workers are mandated not to disclose information about

clients,⁶⁵ juvenile court proceedings and court records are confidential in most states,⁶⁶ and social worker ethics stress the confidentiality of information gained from clients.⁶⁷ Other professionals also have legal and ethical constraints on their ability to disclose information about their clients.

Both legal and ethical rules present challenges to all the group decision-making models described in this article. Fortunately, a number of legislative and strategic endeavors have enabled information to be exchanged at least among the members of the particular group in most situations. Legislation has enabled multi-disciplinary teams to exchange otherwise confidential information.⁶⁸ Many state laws permit judges to disclose or permit disclosure of otherwise confidential information under specified circumstances and to specified people.⁶⁹ Some local court rules and protocols extend the ability of professionals to exchange case-specific confidential information on a limited basis.⁷⁰ Additionally, many clients are willing to waive or give up their confidentiality rights when asked whether certain information can be shared with other professionals or family members. Without these and similar legislative and strategic solutions, group work in child protection cases would be jeopardized.

CONCLUSION

The traditional state response to the plight of abused and neglected children has often failed to provide children and families with services, treatment, and support they need. In some cases, state intervention has made matters for the child and family worse than it would have been with no intervention at all. Simply removing children from parental custody and placing them in care is a crude method of protection. Severing family ties has caused life-long suffering for some children and families. Some children enter the foster care system and never find a permanent home. They “age out” to majority with poor chances for a successful life. Over the past 15 years, new methods of decision making about the placement, care, and services for these children have been developed. Child protection systems have become more sophisticated in the ways that they address children’s needs. Perhaps most important, these systems have turned to the family for its expertise in developing interventions, services, and plans that will

provide safety and permanency for their children.

This article has described one county’s approach to child protection cases, outlining several different decision-making models, each designed for a particular situation in the life of a child protection case. Thus joint response deals with situations when law enforcement needs social worker assistance to take responsibility for children whose parents have suddenly become unavailable. Team Decision Making addresses situations when an emergency child placement or other significant decision must be made. Family Group Conferencing convenes the family in an effort to have them devise a plan for their children. Child protection mediation provides an alternative means of resolving contested legal issues and thus avoids the necessity of courtroom trials. Wraparound services address the needs of a child who has significant emotional or behavioral problems and who cannot be maintained in a family home without intensive support. Family Finding provides the technology for identifying and locating extended family members who are unknown to the immediate family. Emancipation conferences address a critical time in the life of a young person when the child welfare system is about to dismiss her case. Outcomes for youths who emancipate from foster care have been poor, so every effort to plan for the future and identify people and resources that will be available to a youth will promote success after emancipation.

Some might say that all these practices will cost money, that they will necessitate additional staff training, and that they will be burdensome to already overworked social workers. All of this is true. However, each community must decide how to use its scarce resources on a number of competing issues related to the health and welfare of its citizens. We believe that the well-being of abused and neglected children is a community goal of the highest order that deserves the resources recommended here. In fact, these practices will save time and costs and produce better outcomes than traditional approaches. The cost of keeping a child in foster or group care and then having that child “fail” as an adult, enter the criminal justice system, go on welfare, and have his or her own children enter the foster care system is astronomical. Moreover, the cost of excluding or minimizing the value of family input in child protection decisions is to ignore people who have the most information and the

greatest incentive to create safe, permanent plans for their children. The wisest course, as well as the most humane, is to include family input throughout the child protection process and to devote sufficient community resources to identify safe, timely, and permanent solutions for children. Santa Clara County's use of these models has, in part, been responsible for improved outcomes for children and families including higher rates of children being reunified with their parents, higher percentages of out-of-home placements with relatives, and increased numbers of siblings living together.⁷¹ Given our current stage of knowledge, these are best practices, they have been evaluated, and they work.

We further believe that each of these decision-making models has a place in the child protection system. Each has a value under certain circumstances. A child protection system that uses these models and, where possible, draws upon family strengths as a part of a spectrum of responses to different situations that arise during the life of a child's case, will serve the child, the family, and the community in a more nuanced and effective way. The fact that the Santa Clara County child protection system has embedded these models in practice is further evidence that it is possible to use all within one jurisdiction and thereby improve outcomes for children and families.⁷²

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- 1 The federal law and most state legislative schemes indicate a preference for relative placement if children must be removed from parental care. *See*, for example, 42 U.S.C. § 671(a)(19), Washington state statutes, “Kinship caregivers – Definition – Placement of children with kin a priority – Strategies,” RCW 74:13.600, (West 2007), and CAL. WELF. & INST. CODE § 361.2(e), (West 2007). Of course, the placement with any relative must ensure safety for the children. Some might argue that placement with a relative may expose the child to continued abuse. After all, it is said that “the apple does not fall far from the tree,” meaning that all members of a particular family may be abusive. Interestingly, there are no data to support this truism, and Congress and state legislatures continue to write statutes specifying preference for relative placements. Furthermore, the principal option for the social worker is to place with strangers, foster parents, or group homes. None of these has a positive record for safety or for providing permanent homes for children. Moreover, children who age out of the foster care system have less successful lives than those living with relatives or with their own family. *See* the discussion of Emancipation Conferences *supra*, p.9.
- 2 JOSEPH GOLDSTEIN, ALBERT SOLNIT, & ANNA FREUD, *BEYOND THE BEST INTERESTS OF THE CHILD*, (The Free Press, 1973). The timeliness of permanency has also been written into the federal and state laws in the United States. *See* generally PL. 96-272, The Adoption Assistance and Child Welfare Law of 1980, 42 U.S.C. § 670 et. seq. Regarding the urgency of reaching timely permanency for children, *see* Leonard Edwards, *Improving Juvenile Dependency Courts: 23 Steps*, 48 JUVENILE AND FAMILY COURT JOURNAL, Fall 1997, steps 6, 12, and 17.
- 3 United Nations Convention on the Rights of the Child, Articles 3, 6, and 9, United Nations, 1990. In the United States, state intervention is based on legislative enactments. For example, *see* CAL. PENAL CODE § 11165 et. seq., and CAL. WELF. & INST. CODE §§ 202 and 300.1, (West 2007).
- 4 For example, the federal law in the United States creating judicial oversight of child protection matters was passed in 1980: The Adoption Assistance and Child Welfare Law of 1980, Public Law 96-272. *See generally*, Leonard Edwards, *Improving Implementation of the Adoption Assistance and Child Welfare Act of 1980*, 45 JUVENILE AND FAMILY COURT JOURNAL, Summer 1994; and *see* JOHN E.B. MYERS, *THE HISTORY OF CHILD PROTECTION* at Chap. 7, 270-314 (Xlibris, 2004).
- 5 Santa Clara County, California, is a county of approximately 1.8 million people. It is a diverse county; 38% of its citizens were born in a foreign country, and no ethnic group represents more than 50% of the population. There are approximately 20,000 hotline calls of suspected child abuse or neglect each year. Of these only approximately 700 reach the courts (approximately 3%). The remainder of these calls are handled with a variety of responses using a differential response model developed by the Department of Family and Children’s Services, the child protection and social service agency. The overwhelming majority are dealt with informally by providing advice to families, referrals to services, and voluntary service agreements. For additional data regarding Santa Clara County, *see* note 71 *infra*.
- 6 For a review of some of the results, refer to note 71 *infra*.
- 7 There are other types of joint response. For example, Santa Clara County has developed a protocol that enables a domestic violence advocate to be available to respond to the scene when law enforcement encounters a domestic violence situation and the victim needs support. A copy is available from the authors.
- 8 The protocol began between the San Jose Police Department (the largest law enforcement agency in Santa Clara County) and the Department of Family and Children’s Services. It soon expanded to include other cities within the county. A copy of the protocol is available from the authors, from the San Jose Police Department, and from the Santa Clara County Department of Family and Children’s Services.
- 9 Monthly statistics by each police agency are available from the authors, the San Jose Police Department and from the Santa Clara County Department of Family and Children’s Services.
- 10 This was or has been the practice of all the social service agencies contacted by the authors. In addition, it is the practice reflected in the literature. *See* KATHY HARRISON, *ANOTHER PLACE AT THE TABLE*, (Jeremy P. Tarcher/Penguin, 2004).
- 11 The Multi-Disciplinary Team (MDT) is a precursor of Team Decision Making. MDTs were created so that law enforcement could work together with social service and other child-serving agencies to investigate child abuse and neglect cases with prosecution in mind. No family members are included in MDTs. A typical statutory structure for MDTs is found in California Welfare and Institutions Code section 118950 et. seq., (West 2007).
- 12 The Santa Clara County Department of Family and Children’s Services defines Team Decision Making as:
A facilitated process in which child welfare social workers, social work supervisors, parents, other family members, community members and service providers gather so that assigned social workers can make informed decisions and join with other meeting participants in reaching consensus regarding plans for removal.

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- COUNTY OF SANTA CLARA FAMILY CONFERENCE INSTITUTE, FAMILY CONFERENCE MODEL EVALUATION FINAL REPORT, San Jose, CA.
- 13 SANTA CLARA COUNTY SOCIAL SERVICES AGENCY, TEAM DECISION MAKING (2004). (A copy is available from the authors or from the Santa Clara County Department of Family and Children's Services.)
- 14 *Id.*; and L. Clemetson, *Giving Troubled Families a Say in What's Best for the Children*, THE NEW YORK TIMES, Dec. 16, 2006, at A-1, A-13.
- 15 *Id.*
- 16 *Id.*
- 17 These figures come from the Santa Clara County DFCS and are available from the authors and from the Santa Clara County DFCS.
- 18 Santa Clara County has developed protocols for all meetings involving family members where domestic violence has occurred. These protocols permit families to participate in the group decision-making process, but protect family members from violence and intimidation. Santa Clara County created a Domestic Violence Council in 1993 and was a *Greenbook* implementation site between 2000 and 2006 (NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, EFFECTIVE INTERVENTION IN DOMESTIC VIOLENCE & CHILD MALTREATMENT CASES: GUIDELINES FOR POLICY AND PRACTICE, 1999). As a result of these coordinated efforts, social service, domestic violence advocate, law enforcement and court representatives have developed sophisticated protocols for these meetings. The California Judicial Council has adopted the Santa Clara model as a rule of court for mediation cases. (California Rule of Court 5.518(d), West 2007). Santa Clara County representatives worked with representatives from the Annie E. Casey Foundation to develop the domestic violence protocol used in TDMs. Copies of the Santa Clara County domestic violence protocols for TDMs, FGCs, and court-based mediation are available from the authors.
- 19 T. Keys, *Family Decision Making in Oregon*, 12 PROTECTING CHILDREN, 3, 1996, at 11-14; In the state of Hawai'i it is called O'hana Conferencing. See DIVERSION PROJECT MATRIX: A REPORT FROM FOUR SITES EXAMINING THE COURT'S ROLE IN DIVERTING FAMILIES FROM TRADITIONAL CHILD WELFARE SERVICES INTO COMMUNITY-BASED PROGRAMS, (NCJFCJ, 1998) at 49-65.
- 20 C. Love, *Cultural Origins, Sharing, and Appropriation - A Maori Reflection*, in FAMILY GROUP CONFERENCING: NEW DIRECTIONS IN COMMUNITY-CENTERED CHILD & FAMILY PRACTICE, 15-30 (G. Burford & J. Hudson eds., Aldine Transaction, 2005).
- 21 Section 18(1), Children, Young Persons and their Families Act 1989, (1989 No 24) Laws of New Zealand, Wellington, N.Z., (2005). There are some exceptions when a youth between the ages of 10 and 14 has committed a serious delinquent act. See section 14(1)(e).
- 22 *Id.* at sections 19-26.
- 23 *Id.* section 28.
- 24 L. Cramer & L. Merkel-Holguin, *Family Group Decision Making: An Internationally Replicated Alternative to Foster Care*, 16 FAMILY RESOURCE COALITION OF AMERICA REPORT (1997); G. Burford & J. Pennell, *Family Group Decision Making Generating Indigenous Structures for Resolving Family Violence*, 12 PROTECTING CHILDREN, 3, 1996, at 17-20.
- 25 The four presenters visited Santa Clara County and spoke at the California Judicial/Child Welfare conference entitled Beyond the Bench. The impact of their visit was significant as many California counties adopted family group conferencing. On the history and development of Family Group Conferencing in Santa Clara County, see DIVERSION PROJECT MATRIX *supra* note 19, at 66-79.
- 26 Santa Clara County refers to FGC as Family Conference Model. See generally WALTER R. McDONALD & ASSOCIATES, INC. THE SANTA CLARA COUNTY FAMILY CONFERENCE MODEL, YEAR ONE, PROCESS EVALUATION REPORT (1998).
- 27 *Id.* at 2.6.
- 28 *Id.* at 2.13.
- 29 For a more comprehensive description of the Santa Clara County Family Conference model as well as an evaluation, see WALTER R. McDONALD & ASSOCIATES, *supra* note 26, and SANTA CLARA COUNTY SOCIAL SERVICES AGENCY, DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES, FAMILY CONFERENCE MODEL: STRATEGY FOR SYSTEM CHANGE (1999).
- 30 A more comprehensive discussion of the different stages in the court process regarding a child protection case can be found in NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, RESOURCE GUIDELINES: IMPROVING COURT PRACTICE IN CHILD ABUSE & NEGLECT CASES, (1995) and in Leonard Edwards, *Mediation in Child Protection Cases*, 5 JOURNAL OF THE CENTER FOR FAMILIES, CHILDREN & THE COURTS, 2004, at 57-69, 59-60.
- 31 Foster and group home care should never be considered a permanent plan for a child. They are not permanent, and offer the child little security or support, particularly at the time of emancipation. See the discussion and references in the Emancipation Conferences section *supra*, p.9.

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- 32 For further discussion on the negative impact of the adversarial process on families, see Leonard Edwards, *Comments on the Miller Commission Report: A California Perspective*, PACE LAW REVIEW (in press).
- 33 Edwards, *supra* note 30 at 62.
- 34 Leonard Edwards, *The Mediation Miracle: Lessons Learned from 25 Years of Family Mediation in California Courts*, CALIFORNIA COURTS REVIEW, Spring 2006, at 16-20.
- 35 "A majority of jurisdictions have implemented various alternative dispute resolution models." AMERICAN BAR ASSOCIATION, CENTER ON CHILDREN & THE LAW, COURT IMPROVEMENT PROGRESS REPORT: 2003 NATIONAL SUMMARY, 25 (2003).
- 36 CAL. WELF. & INST. CODE § 350(a)(1), (West 2007); accord FLA. STAT. § 39.001(1)(b)2, (e), (West 2007).
- 37 CAL. WELF. & INST. CODE § 350(a)(2), (West 2007).
- 38 The local Santa Clara County domestic violence protocol in child protection mediation cases has been adopted by the State of California as a Rule of Court. See California Rules of Court 5.215 and 5.518 (West 2007).
- 39 See Edwards, *supra* note 30 at 12. A copy of the court records reflecting these percentages is available from the authors.
- 40 Leonard Edwards et al., *Mediation in Juvenile Dependency Court: Multiple Perspectives*, 53 JUVENILE AND FAMILY COURT JOURNAL, Fall 2002, at 49-66.
- 41 *Id.* at 52.
- 42 Regarding the domestic violence protocol, see notes 18 and 38.
- 43 Wraparound services in Santa Clara County are similar to traditional wraparound services, but with several additions that are described in the text. These services have been delivered for the most part by private providers and, in particular, EMQ Children & Family Services. For further information about EMQ, see www.EMQ.org. For information about the more traditional wraparound process, see E. Bruns, J. Walker, J. Adams, P. Miles, T. Osher, J. Rast, & J. VanDenBerg, *Ten Principles of the Wraparound Process*, NATIONAL WRAPAROUND INITIATIVE (October 2004).
- 44 Bruns et al., *id.*
- 45 EMQ Children & Family Services, www.emq.org (Wraparound Program); OFFICE OF THE U.S. SURGEON GENERAL, REPORT ON MENTAL HEALTH (January 2001); U.S. GENERAL ACCOUNTING OFFICE, FOSTER CARE: LONG STANDING BARRIERS REMAIN (June 2002); DEPARTMENT OF HEALTH AND HUMAN SERVICES, PROMISING PRACTICES IN CHILDREN'S MENTAL HEALTH, (1998); M. Shirk, *The Gift of Wrapping*, 12 YOUTH TODAY, (June 2003).
- 46 It is also true that some social workers do not trust the family, do not want to work with the family, do not want the family to challenge their decisions, and do not want to take the time to search for family members. However, the evaluations of each of these group decision-making processes indicate that the extended family can be a useful resource.
- 47 Family Finding is the name given to the process developed and refined by Kevin Campbell, the social worker, researcher, and creative genius who first started using new technology in the child welfare field. Mr. Campbell was working with Catholic Community Services of Tacoma, Washington, when Family Finding was developed. For the history of Family Finding, see M. Shirk, *Hunting for Grandma: "Family Finding" Strategy Connects Foster Kids With Relatives and Permanent Homes*, YOUTH TODAY, Feb. 2006; Karen De Sa, *Reconnecting Torn Families*, SAN JOSE MERCURY NEWS, Aug 21, 2005, at 1-A.
- 48 Lesley Stahl, *Loneliest People: Children in Foster Care Being Reunited with Birth Families*, CBS NEWS TRANSCRIPTS, Dec. 17, 2006. The Legacy Project in the State of Illinois is an example of how Family Finding was utilized to identify extended family members for foster youths who had been under court jurisdiction on average for more than 10 years and whose permanent plan was stalled. As a result of the project a high percentage of these youths were connected with relatives, some of whom became permanent homes. For a copy of the Legacy Project report, contact the authors.
- 49 Estimates by the Church of Jesus Christ of Latter Day Saints are that each person has between 100-300 living relatives.
- 50 Brian Samuels, Director of the State of Illinois Department of Children and Family Services. Family Finding has been particularly successful in identifying relatives and permanent plans for older foster youth residing in group homes. See ALAMEDA COUNTY CHILDREN & FAMILY SERVICES, FINAL REPORT: GROUP HOME STEPUP PROJECT: MOVING UP & OUT OF CONGREGATE CARE (Aug. 2005). A copy is available from the authors.
- 51 Thus, children residing in households with unrelated adults were nearly 50 times more likely to die of inflicted injuries than children residing with two biological parents. P. Schnitzer & B. Ewigman, *Child Deaths Resulting from Inflicted Injuries: Household Risk Factors and Perpetrator Characteristics*, 116 PEDIATRICS, 5, 2005, at e687-e693. All other factors being equal, stepfathers are

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- much more likely to kill a child than biological fathers. M. Daly & M. Wilson, *Some Differential Attributes of Lethal Assaults on Small Children by Stepfathers versus Genetic Fathers*, 15 ETIOLOGY AND SOCIOBIOLOGY, 1994, at 207-217. In some studies, stepfathers and boyfriends are over 100 times more likely to kill young children than biological parents. M. Daly & M. Wilson, *The "Cinderella Effect": Elevated Mistreatment of Stepchildren in Comparison to Those Living With Genetic Parents*, available at <http://psych.mcmaster.ca/dalywilson/cinderella%20effect%20facts.pdf>. The data further show that as the child grows older, the danger is reduced, M. Wilson, M. Daly, & S. Weghorst, *Household Composition and the Risk of Child Abuse and Neglect*, 12 JOURNAL OF BIOSOCIAL SCIENCE, 1980, at 333-340.
- 52 This conclusion is drawn from current evolutionary biological literature which involves natural selection for the success of mammalian traits that protect biological offspring. See *The "Cinderella Effect," Id.* at 6-7. [The authors are indebted to Dr David Arredondo for the analysis and references contained in this and the previous footnote].
- 53 According to Kevin Campbell, "The Family Finding teams of four counties in Washington State have served 600 families. Ninety-one percent of the children served are living with immediate or extended family members." Conversation with Kevin Campbell, the creator of Family Finding. Concerning the lifelong connections between abused and children and their parents even when separated, see Roger Bullock, Michael Little, & Spencer Millham, *Going Home: The Return of Children Separated From Their Families*, Dartmouth, Aldershot, 1993, at 228-235.
- 54 *Resolution Promoting Timely Relative Placements and Reasonably Diligent Searches in Furtherance of Those Placements*, National Council of Juvenile and Family Court Judges (July 2005), available at <http://www.ncjfcj.org/vdir/source,Relativeplacement>.
- 55 *Id.*
- 56 RCWA 74.13.600, (West 2007).
- 57 MINN. STAT. ANN. § 260C.212, Subd. 5, (West 2007).
- 58 "Kinship Caregiver Support Act," S. 985 (this bill would amend 42 U.S.C. 671(1)(19) to require that "within 60 days of the removal of the child from the custody of the child's parent or parents, the State shall identify and give notice to all grandparents and other adult relatives of the child...that...explains the options the relative has under Federal, State, and local law to participate in the child's care and placement..." S.985 section 301.
- 59 *Report to the Washington Legislature Regarding Kinship Caregiver Support Act*, Olympia, WA (2004).
- 60 "[W]e have made many connections with extended families. This has allowed phone calls, letters and making a notable difference in behavior of youth in care.... Another data element shows a trend line of a significant increase in family foster care placement and a decrease in group home or facility placement.... From our perspective we can not say enough good things regarding the process." E-mail from Don Snyder, North Dakota Foster Care Administrator, to Kevin Campbell, Jan. 23, 2007. A copy is available from the authors.
- 61 The Supervisor of the Unit is Leiam Rodarte; she can be reached at Rodartel@cws.co.santa-clara.ca.us. The Department is currently developing a Family Finding manual.
- 62 M. Foster & E. Gifford, *The Transition to Adulthood for Youth Leaving Public Systems: Challenges to Policies and Research*, in ON THE FRONTIER OF ADULTHOOD: THEORY, RESEARCH, AND PUBLIC POLICY, (R. Settersten, F. Furstenberg, & R. Rumbaut, eds., U. of Chicago Press, 2004); R. Wertheimer, *Youth Who "Age Out" of Foster Care: Troubled Lives, Troubling Prospects*, TRENDS: CHILD RESEARCH BRIEF, #3003-59, Dec. 2002; A. Iglehart & R. Becerra, *Hispanic and African American Youth: Life After Foster Care Emancipation*, 11 JOURNAL OF ETHNIC & CULTURAL DIVERSITY IN SOCIAL WORK, at 79-107; Brett Brown, *A Portrait of Well-Being in Early Adulthood*, Unpublished paper, Child Trends, 2003; M. Wald & T. Martinez, *Connected by 25: Improving the Life Chances of the Country's Most Vulnerable 14-24 Year Olds*, Stanford University, William and Flora Hewlett Foundation Working Paper, Nov. 2003; M. Courtney & A. Dworsky, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19*, Chapin Hall Center for Children at the University of Chicago, 2006; M. Delgado & R. Fellmeth, *Emancipation Leaves Foster Kids Trapped in Poverty and Despair*, *Forum Column*, DAILY JOURNAL, Dec. 11, 2006.
- 63 One of the most prominent is the John H. Chafee Foster Care Independence Program that offers assistance to help current and former foster children achieve self-sufficiency.
- 64 California Welfare and Institutions Code section 391 mandates that before a juvenile court may terminate jurisdiction over a dependent child the child welfare department must take steps to ensure that the youth is before the court and submit a report verifying that the department has done a number of tasks including giving information to the youth concerning siblings, assisting the youth with securing health care as an adult, providing

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documents such as a social security card, certified birth certificate, health and education summary, identification card, death certificate of parent or parents, proof of citizenship or residence, providing assistance in applying for entrance to an educational or vocational institution, and providing assistance in locating significant persons in the youth's life. W & I CODE § 391 (West 2007).

- ⁶⁵ For example, in California, social workers are restricted by statute regarding information concerning their clients. See CAL. WELF. & INST. CODE § 10850, (West 2007). Other states have similar laws. Information arising from FGCs in New Zealand is privileged, Sections 37-38 of the Children, Young Persons and Their Families Act, 1989, which apply by virtue of section 271 of that Act.
- ⁶⁶ Leonard Edwards, *Confidentiality and the Juvenile and Family Courts*, 55 JUVENILE AND FAMILY COURT JOURNAL, Winter 2004, at 1-24.
- ⁶⁷ Section 1.07, *Code of Ethics*, National Association of Social Workers, NASW Press, 2006.
- ⁶⁸ See CAL. WELF. & INST. CODE § 18964 (West 2007).
- ⁶⁹ See Edwards, *supra* note 66; and CAL. WELF. & INST. CODE § 827(b) (West 2007).

⁷⁰ Juvenile Rules, Number 3A, Santa Clara County Local Rules of Court, Santa Clara County Superior Court, San Jose, 2007.

⁷¹ One method of measuring a child welfare system's successes is to examine the data regarding abused and neglected children. In Santa Clara County, with a population of 1.8 million, there are approximately 20,000 calls regarding suspected child abuse or neglect each year. Of those, approximately 700 children are brought before the juvenile court regarding allegations of abuse or neglect. As of 2005, 41.9% of the children who entered care for the first time were reunified with their parents within 12 months as compared to the state average of 38%. Also, as of 2005, there were 1,945 children in out-of-home care in Santa Clara County and of that number, 931 (48%) were living with relatives. This compares favorably to the state average of 36% of children in placement residing with relatives and with the federal figure of 26%. Finally, Santa Clara County consistently has a higher percentage of children in out-of-home care residing with some or all siblings than the state average. Available online at <http://cssr.berkeley.edu/CWSCMSreports/>

⁷² *Id.*