



Cornerstone Advocacy: Promoting Safe and Lasting Reunification



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Who we are and Who we Serve

- Created by former attorneys for children who saw parents were not getting the help and support they needed to reunite their families
- Represent 2400 parents a year in Dependency and all related proceedings, including termination of parental rights
- Teams of Attorney/SW/Parent Advocate
- Worked with over 10,000 parents
- Regularly Collaborate with CPS agency

What Story do the Allegations Tell?

**Cornerstone Advocacy
Tells a Different Story**





How do you think success should be defined?

Does success have to be a legal victory?

**Time to trial vs. Permanency vs.
Elemental successes**

What is Cornerstone Advocacy?

Placement

Conferences

Services

*VISITS



What does Cornerstone Advocacy Do?

- Sets the direction of the case towards reunification from the very beginning
 - Helps the system (and yourself) see the clients differently
 - Reframes the narrative to show the parent as an individual who may have made mistakes, who loves their child, who deserves to be respected and treated as you would if your child was removed
 - Maintains sense of urgency

Cornerstone Advocacy is not just Cool, it's LEGAL....!

Reasonable Efforts Language (and Case Law)

-plus-

Applicable Regulations, All County Letters

-plus-

Policy Statements, Guidelines and/or Best
Practices materials

Visiting: The Key to Reunification



What Makes a Visiting Plan Good?



1. **Frequent**
2. **Long**
3. Supervision **as Minimal**
as is Necessary
4. Outside the Agency
5. Activities that Mimic
Family Life
6. **PROGRESS**
7. Discuss at **EVERY** court
appearance

Visit Hosts:

What are they and why should I advocate for one?

- Someone in the parent or child's life who could be considered trustworthy by the court and department AND who understand that they have to end a visit or report a parent if something goes wrong?
- Allows for flexibility, creativity, and PROGRESS
- When we started, potentially controversial, but now... Judges routinely ask the Department to find & explore visit hosts
- Most of the time, things DON'T go terribly wrong- they help the case & the family!

The Legal Architecture to Advocate for Visits Hosts and/or More Frequent & Liberal Visits

****Make it about REASONABLE EFFORTS****

CA Specific Statutes and Case Law

- *"Visitation shall be as frequent as possible, consistent with the well-being of the child."* WIC 362.1
- *"Visitation is an essential component of any reunification plan."* In re Alvin R., Jr. (2003) 108 Cal.App.4th 962, 972
- *"Parental visitation is mandatory unless there exists substantial evidence of a threat to the child's safety."* In re C.C. (2009) 172 Cal.App.4th 1481, 1492.

-plus-

CA Specific Regulations and Rules of Court

- *"The foster placement shall be based on... Capability, willingness and ability of the caregiver to meet specific needs of the child, to facilitate family reunification..."* California DSS MPP Regulations 31-420
- *"Visits are to be as frequent as possible, consistent with the well-being of the child."* Cal Rule of Court 5.695 (g)(3)
- *"Who provides the supervision and the manner in which supervision is provided depends on different factors, including local resources, the financial situation of the parties, and the degree of risk in each case. ...the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, and therapists..."* Cal Rules of Court 5.20 (a) "Uniform Standards of Practice for Providers of Supervised Visitation" – Has your county adopted these?

-plus-

CA Specific Policy Guidelines, Task Force Reports, etc.

- *"Judges must ensure that quality family time is an integral part of every case plan. Family time should be liberal and presumed unsupervised unless there is a demonstrated safety risk to the child"* National Council of Juvenile and Family Court Judges Resource Guidelines, pg. 16- Judges encouraged to follow these guidelines under Cal. Rule of Ct. Standard 5.45
- Local Rules of Court & County policy manuals: examples with good visiting language include Los Angeles County DCFAS manual, San Francisco, Santa Clara, & San Diego Counties Rules of Court

Services

- No cookie cutter
- Other demands?
- Culture, language
- Trauma-informed and strength based
- No duplication
- With parent's input
- Can change over time



The Legal Architecture to Advocate for Individually Tailored Service Plans (and avoid bypass!)

CA Specific Statutes and Case Law

- *"shall not order hearing pursuant to Section 366.26 unless there is clear and convincing evidence that reasonable services have been provided."* WIC 366.21 (g)(1)(A)(2)
- *"The legislature finds and declares that foundation and central unifying tool in child welfare services is the case plan."* WIC 16501.1
- *"It is difficult, if not impossible, to exaggerate the importance of reunification services in the dependency system."* In re Luke L. (1996) 44 Cal.App.4th 670, 678.
 - *"Reunification services must be specifically tailored to the needs of the parents."* In re Joanna Y. (1992) 8 Cal.App.4th 433, 438

You don't have to concede that a parent should be bypassed!

- *"'fruitless' is a pretty high standard... If there is a reasonable basis to conclude that the relationship with the current children could be saved, the courts should always attempt to do so."* Renee J. v. Superior Court (2002) 96 Cal.App.4th 1450, 1464

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CA Specific Regulations and Rules of Court

- *"During the development of a case plan, professionals should consider the family's ideas before making their own suggestions. Children, youth, and their families are the best experts about their own lives and preferences and their natural supports have valuable information and resources to share...Plans must be individualized, culturally responsive and trauma-informed. The team should routinely measure and evaluate child or youth and family member progress and emerging needs."* All County Letter 16-84
- *"The range of service-funded activities shall include, but not limited to...case management, counseling, emergency shelter care, temporary in-home caretakers, therapeutic day services, teaching and demonstrating homemakers, parenting training, substance abuse testing, transportation, respite care."* CA DSS MPP Regulations 31-315

Placement

- Connections
- Services
- Reduce anxiety and you promote engagement
- Be open to change
- What Q's do you ask?



The Legal Architecture to Advocate about Placements

CA Specific Statutes and Case Law

- *"Placement...should utilize trauma-informed and evidence based de-escalation and intervention techniques."*
WIC 16001.9
- *Non-related extended family members (NREFM) are given virtually equal weight as relatives. See WIC 361.3(f)(3)*
- *"It is the intent of the legislature to reaffirm its commitment to children...to live in the least restrictive family setting promoting normal childhood experiences...and to live as close to the child's family as possible."* WIC 16000(a)

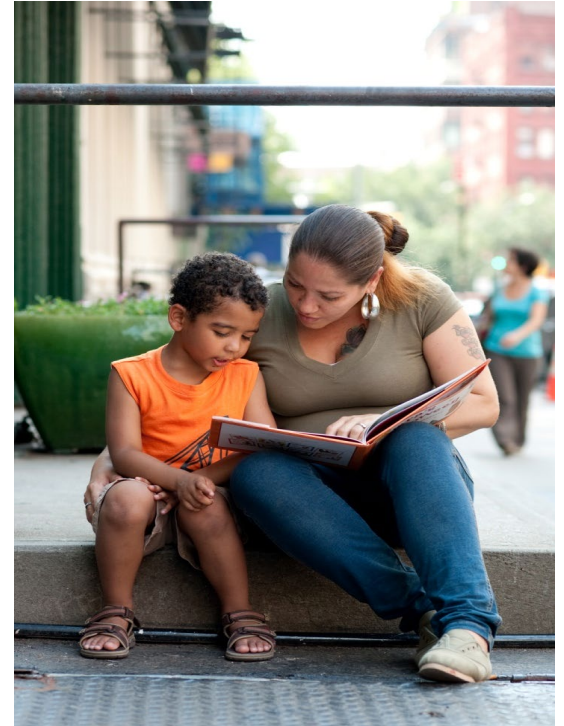
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CA Specific Regulations and Rules of Court

- *"The foster placement shall be based on the following needs of the child, included but limited to...least restrictive, most family-like environment...child's cultural background, including racial, ethnic, or religious identification...**Capability, willingness and ability of the caregiver to meet specific needs of the child, to facilitate family reunification**...Appropriateness of attempting to maintain the child in his/her current school...The child's health and emotional factors... Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education." California Department of Social Services Manual of Policies and Procedures, Regulations Section 31.420 (1/1/19)*

Conferences (aka “CFTs”)

1. What might parent need from court? From attorney?
2. Preparation
3. Community or Family Supports
4. Expand the “services”- chance to participate meaningfully in case planning, including the other cornerstones
5. Document the Positive
6. Remember the legal basis:
 - *“The child and family team activities shall include...providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.” WIC 16501(a)(4)*
 - *“The CFT process is a collaborative, non-adversarial, team-based approach to ensuring...positive outcomes” ACL 18-23*
 - *“The CFT’s process reflects a belief that families have capacity to address their problems and achieve success if given the opportunity and supports to do so.” ACL 16-84*



Small Adjustments You Can Do Now, No Matter Your Role:

- Raise visiting whenever and wherever you can
- Think about visits from a child's view
- Explore your own biases- every family is unique
- Learn the research and the tools/borrow from work that has already been done—in your own state and in others
- Change the narrative and redefine the “win”
- Maintain a sense of urgency about reunification

More Helpful Resources

- RISE Magazine: <https://www.risemagazine.org/2017/05/noticing-trauma-in-visits>
- RISE Magazine: <https://www.risemagazine.org/2015/09/standing-in-your-childs-shoes>
- The Neglected Transition: Building a Relational Home for Children Entering Foster Care by Monique Mitchell (available on Amazon and other websites)
- Child Welfare Information Gateway Information Brief, "Family Reunification: What the Evidence Shows" https://www.childwelfare.gov/pubPDFs/family_reunification.pdf
- Child Welfare Information Gateway, "Supporting Reunification and Preventing Reentry into Out-of-Home Care" <https://www.childwelfare.gov/pubPDFs/srpr.pdf>
- National Council of Juvenile and Family Court Judges Resource Guidelines: <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf>
- California Dependency Online Guide- links to past trainings, ACLs, regulations, publications, etc. Have to create log-in, but mostly free based on role: <https://cdependencyonlineguide.info/>
- Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents: <https://www.courts.ca.gov/documents/dogbook.pdf>
- Family Engagement-maximizing family resources, kinship connections, and active participation of families in decision making, <http://childlaw.unm.edu/assets/docs/best-practices/Family-Engagement-2011.pdf>.