



## Cornerstone Advocacy: Promoting Safe and Lasting Reunification



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cfmy.org  
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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
- We get results: approx. 56% of our clients' children stay out of foster care entirely, if they do enter care, they have a shorter length of stay, and we estimate we have saved NYC over \$50 million since 2007



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## What Story do the Allegations Tell?



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## Cornerstone Advocacy Tells a Different Story



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How do you think success should be defined?

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## If you are the parent's attorney-- Redefine the "Win" and Change the Narrative

For yourself and the Client—helps the client feel Progress

Help the "System" see your Client differently (help yourself do this too)

To set the direction of the case towards reunification from the outset.

While Cornerstone Advocacy should begin on day one, it can and should continue throughout the case, regardless of when a trial date is set.



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If you are a Judge, an attorney or case planner working for the Department, or a child's attorney...

- Helps Us View every Family as Unique (*really, not just lip service*)—reveal a more complete narrative—hope, resiliency
- Helps Us Maintain a Sense of Urgency about Reunification before 15/22 (*not for everyone*)
- "Better" Permanency Decisions—fewer lost opportunities



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## What is Cornerstone Advocacy?

Placement  
Services

Conferences  
\*VISITS



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## 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

9

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

Reasonable Efforts Language (and Case Law)

-plus-

Applicable Regulations, All County Letters

-plus-

Policy Statements, Guidelines and/or Best Practices materials



10

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## Placement

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



11

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## 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... least restrictive setting possible, regardless of age, physical health, mental health, sexual orientation, and gender identity and expression, juvenile court record, or status as a pregnant or parenting youth [allow for] social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends... attend religious services, activities, and ceremonies of the child's choice..."  
WIC 16001.9 (Foster Youth Bill of Rights)
- 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)

-plus-

### 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 31.4.20 (1/2/19)

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### Easier Relative Placements- SB 354

- Allows exemptions to be granted to a relative or other adult living in the home for many new convictions (including some non-exemptible ones)
- Broadens the list of criminal convictions that qualify for simplified exemptions
- Clarifies the court shall use independent judgment in placement decisions regardless of status of criminal exemption or resource family approval
- Requires agency to use reasonable efforts to assist relatives/NREFMS in obtaining items needed for placement
- Allows agency to waive income requirements for home approval when appropriate

Amended Health & Safety Code 1521.7, 1522, 1568.09, 1569.17, 1596.871; Amended WIC 309, 319, 361.2, 361.4, 727.05, 11461.3, 11461.36, 16519.5

13

### Services

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



14

### 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)(4)(A)(2)*
- "The legislature finds and declares that foundation and central unifying tool in child welfare services is the case plan." *WIC 365.01.1*
- "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. *Renée J. v. Superior Court (2002) 96 Cal.App.4th 3450, 3464*; and remember, "passive resistance" to a prior drug/alcohol program, no longer enough! *WIC 361.5(b)(13)*

-plus-

#### 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*

15

## Conferences ("CFTs")



1. What might parent need from court? From attorney?
2. Preparation
3. Community or Family Supports
4. Expand the "services"
5. Document the Positive
6. Call



16

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## The Legal Architecture support CFTs

### CA Specific Laws and Policies:

"Child and family team" (CFT) means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to **identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being.** The activities of the team shall include, but not be limited to...providing input into the development of a child and family plan that is **strengths-based, needs-driven, and culturally relevant.** (Continuum of Care Reform Bill AB-403 (2015-2016))

"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 16503(a)(4)

### The All-County Letters:

(remember, implementation ACL's have the same impact as regulations)

"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...The team must respect and support the power of learning from mistakes when strategies do not work as intended so that the plan can be revised to improve outcomes." ACL 16-84

"Individuals with lived experience (e.g. parent partners, youth partners/mentors) can be useful by being mentors and advocates who have personally experienced many of the same challenges and feelings...Team membership is intentionally flexible and dynamic." ACL 16-84

"The CFT meetings should be scheduled at times and locations convenient for family member participation. Meetings should be conducted in a way that establishes a safe environment that engenders trust and reflects the child, youth, and family's cultural preferences and norms. If needed, CFT meetings could include an interpreter or translator to ensure effective communication and clear understanding. The meetings should have a clear purpose." ACL 16-84

17

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## Visiting: The Key to Reunification



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## 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

19

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## 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!

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## 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) 308 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.
- [lack of visitation] "virtually assured the erosion of any meaningful relationship between mother and child." In re Brittany S. (1993) 17 Cal App 4th 1399

-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 31-4.20
- "Visits are to be as frequent as possible, consistent with the well-being of the child." Cal Rule of Court 5.605 (a)(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. 36- Judges encouraged to follow these guidelines under Cal. Rule of Ct. Standard 5.45
- Local Rules & Policies: examples with good visiting language include Los Angeles County DCFAS manual, San Francisco, Santa Clara, Sacramento, & San Diego Counties Rules of Court. & Standing Orders

21

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### What Would You Do?

Sarah's daughter was removed from her care because of allegations of domestic violence and alcohol abuse. She immediately enrolled in a substance abuse program and has been sober for 45 days. She is also living apart from her perpetrator.

Before being removed, Sarah and her daughter attended church together regularly and the pastor knows Sarah and the struggles she has recently had. Right now, Sarah is only seeing her daughter once a week for two hours because of school and work schedules. Both Sarah and her daughter ask their lawyers how they can more time together. As their lawyers, how can you advocate for the pastor to be a visit host?

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### Learn From our Success and Mistakes

- *Don't Get Crazy—*
- *Review your own laws, regulations and policy*
- *Orders are your Friends...Attorneys and Judges*
- *What Creates Incentives? (Data and Evaluation)*
- *Be Vigilant about Mixed Messages—for parents and for case planners*
- *Spend Some time with like minded people—Serve Food (Invest in T-shirts and Buttons)*

23

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### 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*

24

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### What Might that Story Be?

Ice cream      Chili  
 Nintendo      Hip-Hop  
 Nurse      Construction  
 Bilingual      Likes Math  
 Afraid of Dogs      Pet Mouse  
 "Frozen"      The Mets  
 Church      Bake Sales  
 Early Intervention  
 Florida



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### 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](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/hwp-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>.

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### More helpful Cornerstone Resources

- Preserving Cultural Connections: relative placement, see <http://childlaw.unm.edu/assets/docs/best-practices/Cultural-Connections-2011.pdf>
- Education Advocacy: school stability, see <http://childlaw.unm.edu/assets/docs/best-practices/Education-Advocacy-2011.pdf>, and
- Family Engagement-maximizing family resources, kinship connections, and active participation of families in decision making, see <http://childlaw.unm.edu/assets/docs/best-practices/Family-Engagement-2011.pdf>.
- Child and Family Visitation: A Practice Guide to Support Lasting Reunification and Preserving Family Connections for Children in Foster Care (placement, visitation) <https://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-5552-ENG>
- Protecting and Promoting Meaningful Connections: The Importance of Quality Family Time in Parent-Child Visitation
- <http://www.state.nj.us/childadvocate/reports/other/OCA%20Visitation%20Brief%20-%201-14-10.pdf>




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