

## **COURT REFERENCES**

American Bar Association Section of Family Law Standards of Practice for Lawyers Representing Children in Child Custody Cases. Retrieved May 26, 2007 from the American Bar Association Web site:

[http://www.abanet.org/family/reports/standards\\_childcustody.pdf](http://www.abanet.org/family/reports/standards_childcustody.pdf)

(K3(a), K5)

### About study/citation-

This article addresses standards of good practice in the appointment and performance of lawyers for children in custody cases. These standards seek to keep the best interest of the child at the center of the court's attention. The standards require that: 1) all participants in a case know the duties, powers and limitations of the appointed role; and 2) lawyers have sufficient training, qualifications, compensation, time, and authority to do their job properly and with support and cooperation of the courts and other institutions. The article is then broken down into sections with each section have commentary. Sections are: 1) scope and definitions, 2) duties for all lawyers for children, 3) child' attorneys, 4) best interest attorneys, and 5) courts.

### Findings/content-

- The definition of child's attorney is: a lawyer who provides independent legal counsel for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation as with an adult client.
- The definition of best interests attorney is: a lawyer who provides independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives.
- Pretrial responsibilities for the lawyer are listed, including conducting thorough and continuing investigations and take any necessary and appropriate action to expedite the proceedings.
- A child's attorney appointed to represent two or more children should be aware of the possibility of a conflict that could require to decline representation or withdrawn from representing all of the children.
- The child' attorney has an obligation to explain clearly, precisely and in terms that the child can understand, the meaning and consequences of the child's choices.
- A child's communication with a best interests attorney are subject to the state ethic rules on lawyer-client confidentiality, except that the lawyer may also use the child's confidences for the purposes of the representation without disclosing them.
- Determining the best interests of the child is a matter of gathering and weighing evidence, reaching factual conclusions, and then applying legal standards to them.

### Implications for CWS-

The worker needs to be aware of the different attorneys that can represent a child and their roles, as well as, understand the meaning of best of interest of the child. This information would be relevant when collaborating with a child's attorney in order to serve the needs of the child.

D'andrade, A., Frame, L., & Duerr Berrick, J. (2006). Concurrent Planning in Public Child Welfare Agencies: Oxymoron or Work in Progress? *Children and Youth Services Review*, 28(1), 78-95.

(K3(e))

About the study-

This study examines the implementation of concurrent planning in six county child welfare agencies in a large western state. The counties were in rural and urban areas. Qualitative data were extracted from case files from 885 sample cases of children entering out-of-home care before and after implementation of concurrent planning legislation. Interviews and focus groups were conducted with 180 people from the same six counties, including social workers, supervisors and court personnel. The study examines the following research questions: 1) what is the nature of counties' implementation of concurrent planning-what concurrent planning elements are used in each county and what proportion of cases receive them? And 2) what factors facilitate or hinder implementation efforts?

Findings-

- Child welfare staff and legal professionals identified concurrent planning resulting in benefits, including:
  - increased stability and timely permanency for children
  - greater likelihood of children maintaining relationships with birth families.
  - a system that is more informational and motivational for birth parents.
- Even the mandated element, articulation of a concurrent plan in a dispositional court report, occurred in just over half of the second cohort cases.
- Social workers reported using foster-adopt placements rarely, reserving them only for cases identified as having a very poor prognosis of reunification, or cases bypassed for reunification services entirely.
- The data revealed that the origins of concurrent planning policy were slightly different in each county, leading to different degrees of idea diffusion and ownership throughout the agency.
- It appeared that some systems put in place to trigger the social worker's thinking about concurrent planning are vulnerable to misuse. These systems can result in a cursory compliance that allows the worker to follow the law, while doing little or nothing to pursue concurrent permanency.
- In at least four of the study counties, identification of cases appropriate for concurrent placement was reported to occur relatively late in child welfare cases.

- Limitations- Case files and court reports are not created for research purposes and vary in depth, content and quality. They also hold the perspective of the social worker, which may not always accurately reflect the circumstances of the case. External validity is compromised as a random sample of the target population was not possible. The experiences of the purposive sample may not reflect the typical experience of a practitioner elsewhere. There may be other explanations for the limited use of concurrent planning that was not found. The study did not address concurrent planning's affect on permanency outcomes.

#### Implications for CWS-

- The worker should be aware of this research on concurrent planning and the issues with implementation in order to address such issues in his or her own practice. Addressing these issues can increase the use of concurrent planning towards permanency.

Frame, L, Duerr Berrick, J. & Foulkes Coakley, J. (2006). Essential Elements of Implementing a System of Concurrent Planning. *Child and Family social Work*, 11(4), 357-367.

(K3(e))

#### About the study-

This article examines six counties in California and their efforts towards implementation of concurrent planning between November 2001 and February 2003. This study identifies and describes seven elements determined to be essential to the complete and successful implementation of concurrent planning. Initial interviews were conducted with a designated liaison to understand the agency's status towards implementation of concurrent planning. Interviews were followed by a series of focus groups and interviews with child welfare staff, attorneys, judges, foster parent and kin caregivers, and birth parents. A Technical Advisory Board reviewed the study methods and instrumentation. A total of 132 interviews and focus groups were conducted, with a total of 337 people.

#### Findings-

- In the county with the most fully developed system , study participants across the range of positions consisted echoed a belief in and understanding of the approach.
- Five different systems were identified to support institutionalization of the approach:
  - Procedures for resolution of paternity issues and relative screening
  - Documentation of reunification prognosis and concurrent planning
  - Time-sensitive systems to track cases for concurrent planning
  - Procedures for “referral” to a concurrent placement
  - Regularly scheduled review meetings related to concurrent planning
- Staff needs support and assistance to embrace the principles underlying concurrent planning. This support should come in at least three ways:
  - Formal and informal training
  - Collaborative approach to casework and case decision-making

- Integration of child welfare and adoption units and agencies
- Most agencies reported no specific recruitment strategies around concurrent planning
- Only one county reported to have a sufficient number of concurrent planning homes available and accessible.
- Participants from five of the six counties reported concerns about, and suggestions for, court improvement.

#### Implications for CWS-

- The worker should be aware of the challenges posed to concurrent planning per research and be able to identify resources to assist in overcoming such challenges. The worker should ask for support from supervisors and provide suggestions on how to improve the process of concurrent planning.

Freundlich, M. Avery, R.J. Gerstenzang, S., & Munson, S. (2006). Permanency Options and Goals: Considering Multifaceted Definitions. *Child Youth Care Forum*, 35(5/6), 355-374.

(K4)

#### About the study-

This study was designed to achieve a better understanding of the permanency planning process in New York City, with a focus on the permanency options and goals for children upon entry into the foster care system and how those goals changed over time. The study used a participatory action design involving young adults formerly in foster care, parents of children currently in foster care, or parents who had been reunified with their children, and adoptive parents. One-on-one interviews were conducted with participants who were young adults who had exited the New York City foster care system in the past five years, family members who either had a child in care at the time of the interview or had been reunified with their child in the past five years, and adoptive parents who had adopted a child in the past five years. The respondents came from five NYC boroughs and were located through a snowball sampling technique with multiple starting points. The sample included 20 parents, 30 young adults, and 21 adoptive parents.

#### Findings-

- Themes that emerged were:
  - Permanency goals need to be determined on a personalized basis.
  - Permanency should be viewed broadly in terms of creating and maintaining emotional connections with family and others.
  - The majority of young adults had the ultimate goal of independent living.
  - Young adults consistently reported that they were not a part of the planning of their permanency goals.
- Limitations- the reliance on young adults who were discharged from foster care, small sample, lack of follow-up, and lack of generalizability of the sample.

- Even when involved in the planning process, many young adults reported they were given little information about their options and their views were not treated as important.

#### Implications for CWS-

The worker should understand the importance of including the foster child in the planning process for permanency and in looking at each case individually. The child should be considered in case planning.

Grossmann, D. E. (1995). Resource Guidelines, Improving Court Practice in Child Abuse and Neglect Cases. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved May 25, 2006 from

<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/resguide.pdf>

(K2, K4, K5)

#### About the study/citation-

This document provides a great deal of information on the court process, hearings to include adjudication and permanency planning hearings, permanency options such as reunification, the oversight of the juvenile and family court, and attorneys and CASA's. Guidelines are recommended for use by judges, court personnel, social service workers, attorneys and related professionals.

#### Findings/content-

- Information regarding reunification is included, such as the state must make reasonable efforts to bring about the safe reunification of children and their families. Among the requirements are: individual written case plans specifying state efforts to reunify the families; placement in the least disruptive place possible; actual services pursuant the case plan; and periodic review of each case.
- Before becoming involved in a case, an attorney should be trained in and familiar with issues, such as legislation and case law on abuse, causes and available treatment for abuse and the child welfare and family preservation services available in the community.
- Court Appointed Special Advocates (CASAs), are especially screened and trained volunteers guardians ad litem appointed by the court to speak up for the best interests of abused and neglected children.
- Discussion on emergency hearings is also included, such as addressing ex parte hearings. Ex parte should be brief proceedings where the social worker testifies concerning immediate danger to the child.
- A preliminary protective hearing checklist is presented which includes, persons who should always be present at that hearing and key decisions the court should make at the hearing. These might includes what services will allow the child to remain home safely. There are also checklists for other types of hearings.
- Timetables for permanency planning hearings are also addresses. Federal law requires that PP hearing must occur 18 months from placement and periodically thereafter.
- Master checklists for all the mentioned hearings are included and a glossary of terms.

### Implications for CWS-

The worker should understand court proceedings, roles of different people involved in a case and understand the permanency options in order to best serve the child.

Hanlon, T.E., Carswell, S.B. & Rose, M. (2007). Research on the Caretaking on Children of Incarcerated Parents: Findings and their Service Delivery Implications. *Children and Youth Services Review*, 29(3), 348-362.

(K3(i))

### About the study-

This paper examines research findings regarding the impact of parents' incarceration on urban African-American children. The paper focuses more on the incarceration of mothers and explores the phenomenon of surrogate caregiving by grandparents, along with service-delivery considerations that address intergenerational parenting-related problems within this population. The article was prompted by an examination of study results involving incarcerated substance-abusing mothers and their children revealing that the female serving as the mother figure in the lives of children for the longest period of time, was often the grandmother.

### Findings-

- Although research on the effects of the incarceration of mothers on their children is limited, it is generally recognized that these children are likely to experience depression, aggressive and other antisocial behavior, school failure, and difficulty reuniting with their mothers.
- Kampfner (1995) contrasted children of incarcerated mothers to similar high risk children whose mothers were absent from the home but not incarcerated. The children of incarcerated mothers reported long-term recall of trauma due to the separation resulting from maternal incarceration and experienced absence of emotional connection with their new caregivers.
- Although there are positive aspects of grandmothers participating in surrogate parenting, service providers should be aware of the stress involved, particularly in low-income families, where surrogate parenting may be problematic not only for the caregiver but for the child as well. IN the majority of cases, these grandmothers are in need of external support.
- Grandparents raising children are vulnerable to financial stress, high rates of depression and multiple, chronic health problems.
- Dressel and Barnhill (1994) note that although many grandparents serving as caregivers are reluctant to seek formal support services from agencies because of the parent's incarceration, interactions of these grandparents with other caregiving grandparents in similar situations have been found to be helpful.
- Gibson (2003) makes two recommendations for service delivery policy and practices that are especially relevant to this population of grandmothers:

- Foster care system needs to increase its sensitivity and improve its practices with this group, including more proactive involvement in kinship care arrangements.
- There needs to be a provision of culturally congruent services that recognize the role of spirituality and religion in the lives of most African-American families.
- The first priority in assisting incarcerated mothers should involve the provision of substance abuse treatment services that highlight the incompatibility of substance abuse and a healthy lifestyle, including successful parenting.
- There is a negative impact on incarcerated parents in regards to ASFA. A study indicated that the termination of parental rights of incarcerated parents were granted 91.4% of the time when it involved incarcerated fathers, 92.9% when incarcerated mothers were involved and 100% of both incarcerated mothers and fathers were involved.
- Other services that could assist these families include mentoring programs, intergenerational family services, and faith-based services.

#### Implications for CWS-

The worker should be aware of the impact of incarcerated parents on children and the alternative caregiving roles many grandparents have. This should be considered in case planning in order to provide the best services for the family and provide support for the grandparents to parent these children. Also, the worker should be aware of the impact of ASFA on the termination of parental rights of incarcerated parents.

Henry, J. (1999). Permanency Outcomes in Legal Guardianships of Abused/Neglected Children. *Families in Society*, 80(6), 561-568.

(K4)

#### About the study-

The purpose of this study was to learn the rate of permanency success of guardianships established for abused and neglected children, in order to determine its viability as a permanency option as compared to adoption and long term foster care. An exploratory descriptive study was used to collect data. Guardianships in two counties in southwestern Michigan were studied. One county was in a more rural area and the other in a more urban area. The probate court files of 545 guardianships in the two counties from 1990-1995 were reviewed.

#### Findings-

- The permanency rate (remaining with initial guardians) for children from adjudicated abuse and neglect cases was 51%.
- 13% of guardianships were terminated because children returned to bio-parents and stayed with them.
- The other 35% did not obtain permanency for one of these reasons:
  - Received successor guardians
  - Were placed in foster care due to the guardians not providing adequate care for them

- Were returned to bio-parents only to be placed in foster care again due to new parental abuse/neglect
- Abused or neglected children who were not adjudicated had a much higher rate of permanency
  - 64% remained with their initial guardians
  - 27% successfully returned to their parents
  - Only 9% of guardianships failed to maintain permanency
- In this study, guardianships established after adjudication, although almost exclusively by relatives, did not approximate the rate of permanency compared to rates reported in adoption studies of abused/neglected children. This does not negate the importance of extended family to these children, but does challenge the premise that relatives are the best permanency placement for children.
- Guardianships in which adjudication did not occur had a permanency disruption rate of 9%, which is equivalent to the adoption rate failure of 7%-14%.
- Guardianships appear to be more successful in providing permanency than long term foster care, with a disruption rate as high as 50% in long term foster care.

#### Implications for CWS-

The worker should be aware of the research on the success of guardianships in providing permanency and consider it to be an alternative to other options, such as long term foster care, in some of their cases.

Hines, A.M., Lee, P.A., Osterling, K.L. & Drabble, L. (2007). Factors Predicting Family Reunification for African American, Latino, Asian and White Families in the Child Welfare System. *Journal of Child and Family Studies*, 16(2), 275-289 (K4)

#### About the study-

The study used data obtained from extensive reviews of child welfare case records from one large and ethnically diverse county in California. The three hypotheses that were formulated are: 1) When combined with child, family and system-level characteristics ethnicity in terms of ethnic differences, will be a significant predictor of reunification; 2) Factors within the child, family and system levels will be significant predictors of reunification; and 3) Based on previous evidence, each ethnic group will have a different set of predictors specific to family reunification. There were 403 closed child welfare case records and related info from CWS/CMS. The cases were chosen through random sampling. The dependent variable was operationalized as the child either being reunified or not being reunified with family at case closure.

#### Findings-

- Rates of reunification are lower than noted in national statistics with only 32% of the sample reunified.
- Contrary to others research, African-American children in this study did not reunify more slowly than White children.

- Asians in this study were less likely than Whites to reunify. Findings also suggest that Asians also experience an increased risk of failing to reunify.
- Age at entry was significant, with younger children more likely to be reunified.
- Children whose mothers were married were more likely to be reunified.
- For Whites, neglect, younger age at entry, and mother's marital status were all significant predictors of reunification.
- For Latinos, younger children and mother's employment were significantly related to reunification.
- For African-Americans, younger children were more likely to reunify, and those whose mothers had substance abuse problems were less likely to reunify.
- The finding that no predictors included in the model were related to reunification among Asians suggests the need for more research.
- Research suggests that families who reunify often have serious social and economic risk factors that do not appear to be adequately addressed by current family reunification services.

#### Implications for CWS-

The worker should be aware of the factors that can contribute to a successful reunification versus a failed reunification. These factors are important to consider when case planning and in considering permanency planning.

Jones, W.G. (2006). Working with the Courts in Child Protection. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families Children's Bureau, Office on Child Abuse and Neglect. Retrieved on October 7, 2008 from <http://www.childwelfare.gov/pubs/usermanuals/courts/> (K1, K2, K3, K5, K6,K7)

#### About the study/citation-

The manual provides the basic information needed by CPS workers to work successfully with the courts. It introduces concepts and terminology related to the courts, describes court processes and presents information to help prepare caseworkers to work with the courts. It also offers info regarding how to work effectively with attorneys and judges.

#### Findings/content-

- The manual contains information on jurisdiction, juvenile courts, rights of parents, child abuse legislation, process and hearings in juvenile court, criminal court processes, domestic relation cases, such as divorce proceedings, how caseworkers work with the courts, court improvement and best practices.
- To hear and decide a case, the court must have jurisdiction or authority over that case, as specified by state law. The allegation of the petition initiating the case must satisfy the statutory criteria for that type of case.
- Depending on state law, witnesses who are doctors, clergy, lawyers, and mental health professionals may not be compelled to reveal confidential information about their clients.

- CAPTA is one of the primary pieces of Federal legislation guiding casework, and it supports the right of family integrity through community-based grants that aim to strengthen families.
- Due process specifies the right to be present in court, represented by an attorney, and proceedings are fair, speedy and impartial. It also includes the right to cross-examine any witness and present evidence.
- CAPTA requirement for a CASA or guardian ad litem are discussed, including promoting the child's interest and exploring the facts of the case.
- Parents or custodians have the right to "notice" of any petition filed regarding the child and any hearings.
- "Reasonable efforts" is not defined by federal law, but state law.
- What worker should do as a part of court proceedings:
  - Engaging clients in the court process includes motivating and inspiring them to retain or regain custody of their children.
  - Workers should honestly inform parents of possible court outcomes.
  - Help parents understand key decisions and reinforce the outcome.
- A glossary of terms, a resource listing, state telephone numbers to report child abuse, guidelines for caseworkers for permanency and review hearings and suggestions by the CFSR.

#### Implications for CWS-

The worker needs understand his or her role in working with the courts effectively and communicating legal proceedings with families in order to best serve the needs of the child and family. The worker also needs to understand the legal terminology and laws regarding child maltreatment cases.

Katz, L. (1999). Concurrent Planning: Benefits and Pitfalls. *Child Welfare*, 78(1), 71-87. (K3(e))

#### About the study-

The article discusses concurrent planning and the pitfalls that undermine its effectiveness. It also discusses the benefits it can bring by reducing the trauma experienced by children in placement.

#### Findings-

- There was information on implementing the concurrent planning model. The components of the model include differential diagnosis, full disclosure, timelines, visiting, etc. The entire case plan is structured by legal requirements for timely permanency. Timelines are explained to families as part of full disclosure.
- Pitfall in implementation are:
  - Equating concurrent planning with adoption and minimizing reunification efforts.
  - Failing to accommodate cultural differences.
  - Using assessment tools to assess child safety, rather than the potential for foster care drift.
  - Assuming that assessment tools will infallibly predict case outcomes.

- Investing in one particular outcome, rather than allowing the result to evolve from family's decisions and actions.
- Defining staff as primary enforcers rather than social workers with case management responsibility.
- Designing case plans that are not family-centered.
- Interpreting 12 months as an absolute limit on reunification.
- Alienating community treatment providers by not collaborating with them early program planning.
- Expect workers to implement concurrent planning without legal training and ongoing consultation.
- Offering foster parents and relatives an estimate of "legal risk."
- Failing to train and support relatives and foster parents.
- Benefits of implementation are:
  - Average number of placements for a child will decrease.
  - Average length of stay in out-of-home care will decrease.
  - There will be more voluntary relinquishments, specifically for foster parent adoption/open adoption.
  - Foster parents will keep in touch with a child even after they are returned to their bio-families.
  - Biological parents who have previously relinquished a child will return with a later child, often seeking placement of the siblings together.

Implications for CWS-

The worker should be aware of the legal mandate of concurrent planning, but also the benefits versus the pitfalls, in order to create success in concurrent planning efforts.

Kelly, J.B. (1997) The Best Interests Of The Child. A Concept in Search of Meaning  
Family Court Review, 35 (4), 377–387.

(K3(a))

About the study/citation-

The article explores some problems are of the best interest concepts, from the developmental and psychological perspective. It discusses the lack of consensus on the term, the meaning of criteria for children of different ages and the question of weighting of best interest criteria. It also suggests that the concept is a worthy one is decision makers are able to go beyond clichés and superficial definitions.

Findings/content-

- Author provides a definition of "best interest" as what is the combination of factors this child needs to custody and/or access arrangement that will sustain his or her adjustment and/or development.
- In the U.S., general guidelines are contained in the Uniform Marriage and Divorce Act (1970) and includes the parents' wishes and child's wishes; the relationship of the child with his or her parent(s), siblings, and other important figures; the child's adjustment to home, school, and community; and the mental and physical health of all persons involved.

- Developing consensus on which criteria should be incorporated in the best interest standard and which are more critical than others is the challenge that needs to be undertaken.
- Even if best interest criteria are clearly stated, they do not come with weightings to guide the decision maker as to which factors are more or less important in a child's development.
- One of the largest barriers to reaching a consensus on a child's best interest is the use of psychological or developmental concepts that are often defined or interpreted in very different ways.
- Dimensions of stability that are important in a child's development and best interest are:
  - Child needing one "home base"
  - Stability achieved through relationships, reliable and responsive attentions, and availability of caretakers
  - Stability is also achieved through predictability
- Parental involvement is important to development i.e., emotional involvement, nurturance, support of the child's interests, checking homework assignments, etc.
- Recommendations are provided on how to establish an ongoing and serious dialogue about the best interest standard.

#### Implications for CWS-

The worker should be aware of the definitions for best interest of a child and what factors influence the definition. The worker should also be aware of the impact of best interest on development and when addressing case planning and placement.

Limb, G.E., Chance, T., & Brown, E.F. (2004). An Empirical Examination of the Indian Child Welfare Act and its Impact on Cultural and Familial Preservation for American Indian Children. *Child Abuse and Neglect*, 28(12), 1279-1289.

(K3(f))

#### About the study-

The purpose of the study is to examine state compliance with ICWA, specifically relating to its impact on cultural and familial preservation for American Indian children. This article is a component of a larger study that reviewed public child protection records of American Indian children in state custody in one Southwestern state in the U.S. Random sampling selected 61 state case records. The larger study examined all of ICWA's legal requirements and surveyed six participant groups involved with and/or responsible for state ICWA compliance. For the article, additional analyses of the public child protection records of American Indian children were conducted. Quantitative and qualitative interviews with state and tribal child welfare are reported.

#### Findings-

- 48 of the 49 case records reviewed involved children who were placed in foster and/or pre-adoptive homes. Of these 48, 83% were placed within the preferences outlined by ICWA.
- Use of qualified expert witness testimony occurred in 71% of the 48 cases involving foster care placement.

- 84% of case records include evidence, based on a court ruling, that the state child protection agency took into account the prevailing culture and tribal way of life.
- Results in this study point to two major pattern of finding:
  - Individual case record reviews suggest compliance with ICWA. For example, findings on placement showed the majority of children were placed with the preferences outlined with ICWA, with more than half being reunified with family members.
  - Also, the findings revealed differences exist in knowledge and perceptions of ICWA by state and tribal workers. Despite the limited understanding among state workers of several mandates, the state was overall compliant with most ICWA requirements and BIA Guidelines for incorporating Indian culture and resources.
  - Limitation- Case record review was not designed to assess whether the state was properly determining what types of proceedings involve the application of ICWA.

#### Implications for CWS-

The worker needs to be aware of the requirements of ICWA when placing an American Indian child and to clarify his or her understanding of ICWA to best serve the needs of the child.

Litzelfelner, P. (2000). The Effectiveness of CASAs in Achieving Positive Outcomes for Children. *Child Welfare*, 79(2), 179-193.

(K5)

#### About the study-

This study adds to the small body of literature presently available regarding the effectiveness of CASAs in helping achieve permanency for children who have been abused and/or neglected and are involved in the court system. This study was a quasiexperimental design. Child outcomes were defined as case closure rates, length of time children were under court jurisdiction, and the number if children adopted. The study took place in Kansas. Two sites were chosen representing a medium and large CASA program. The large CASA program was located in an urban area and that study began to 1994. The program had 70 active CASA volunteers who served 186 children. The medium CASA program began in 1991, and the program had 45 active CASAs representing 90 children. The final study included 119 CASAs and 81 comparison cases. At times, no comparison cases were available that entered the system at the same time as those assigned to CASA.

#### Findings-

- The results indicated that the presence of a CASA on a case did not influence permanency outcomes for children as the outcomes were defined in this study.
- However, findings do suggest that the presence of a CASA on a case may have some influence on the process variables believed to influence child outcomes. Specifically, the findings indicate that children with CASAs

had statistically fewer placements while in care and fewer court continuances than children without CASAs.

- Findings also suggest that children with CASAs had more services provided during the course of the study than children without CASAs.
- There was no significant statistical difference with regard to the level of placement restrictiveness or the types of moves the children experienced during the course of the study.
- Limitations- Due to the lack of random assignment, there is no way to know if the groups are equal on other characteristics that may influence the findings. Another limitation is sample size.

#### Implications for CWS-

The worker needs to understand the role of a CASA as it relates to meeting permanency needs of children and how those CASAs can influence factors that contribute to permanency.

National Council of Juvenile and Family Court Judges. (1999, October). Key principles for permanency planning for children. Technical Assistance Brief [On-line]. Available:

<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/tabriefkeyprinciples.pdf>

(K4)

#### About the study-

This article/citation is a statement of key principles for permanency planning. It was drafted by the Board of Trustees of the National Council. These key principles guide the action of the National Council of Juvenile and Family Court Judges, the Permanency Planning for Children Advisory Committee, and the judges who serve the nation's courts.

#### Findings-

- The following key principles are discussed in this citation:
  - Child health and safety- children have a right to a healthy and safe childhood in a nurturing family.
  - Permanency for children- All children are entitled to a safe and permanent home in order to reach their full potential as human beings.
  - Family preservation-families should be preserved, reunified, and strengthened so that they can successfully rear their children
  - Judicial leadership-judges must ensure that their juvenile and family courts they administer provide efficient and timely justice for children and their families.
  - Adequate resources- there must be sufficient resources for the court hearing abuse and neglect cases
  - Judicial oversight of children and families- oversight must be provided under court jurisdiction to ensure that these children are safe and have a permanent home in a timely fashion.
  - Alternate dispute resolution techniques- these techniques can include family group conferencing, mediation and settlement conferences.

- Courtroom civility- judges should ensure that the courtroom is a place where all who appear are treated with patience, dignity and courtesy.
- Cultural sensitivity/competence- legal materials for families should be available in native languages, that certified interpreters can assist families throughout the court processes and that services are designed with appropriate cultural understandings.
- Competent and adequately compensated representation- all parties should be adequately represented with a well-trained, culturally competent and adequately compensated attorneys and/or guardians ad litem.
- Collaboration- the juvenile court must encourage and promote collaboration and mutual respect among all participants in the child welfare system.

Implications for CWS-

The worker should understand the key principles of permanency planning in order to best serve the interest of the child and family. This perhaps could improve the success of permanency planning.

Potter, C.C. & Klein-Rothschild, S. (2002). Getting Home on Time: Predicting Timely Permanence for Young Children. *Child Welfare*, 81(2), 123-150.

(K4)

About the study-

This study examines the multivariate predictors of timely permanence for children served by Colorado's EPP (Expedited Permanency Planning). In addition, qualitative interviews with child welfare and court personnel identify critical barriers to and supports for effective permanency planning. A total of 22 county and court personnel were interviewed from 4 counties. The interview protocol focused on concurrent planning practice and policy, court/court relationships and child/family relationships. The quantitative study focused on children who entered out-of-home placement in a county providing EPP services in 1997-1998. The final sample consisted of 125 children younger than age 7, 79 successful cases and 46 unsuccessful cases. A trained researcher read all case files using a standardized data gathering tool.

Findings-

- Children who were Title IV-E eligible were less likely to achieve timely permanence.
- Families for whom the concurrent plan is clearly identified in the written family service plan were more likely to achieve timely permanence.
- Findings are consistent with previous research documenting that African-American children are at higher risk for negative placement outcomes.
- African-American children were less likely to achieve timely permanence.
- Findings point to a need for early identification and early treatment for children with emotional and behavioral problems.

- Findings also indicate a need for education and support for caseworkers, foster-adoptive families, kinship families, birthfamilies, so that they can effectively address emotional and behavioral disturbances for children.
- The number of caseworkers was associated with timely permanence and may even be more important than the number and types of services provided to a child and family

Implications for CWS-

The worker needs to be aware of the issues related to successful vs. unsuccessful permanency planning and timely permanence in order to best serve the needs of children and families.

Robinson, C. and Miller, M.V. (2004). Emergent Legal Definitions of Parentage in Assisted Reproductive Technology. *Journal of Family Social Work*, 8(2), 21-51. (K3(d))

About the study/citation-

This article assessing the following regarding Assisted Reproductive Technology (ART): To what extent, in what ways, have the various forms of ART been granted legitimacy? As parenting roles have become segmented with employment of this technology, which roles have been afforded greater legitimacy? Have alternative families created through ART received less than equal protection under the law? Given the legal response to ART, what roles are suggested for clinical practitioners in ART arrangements? This paper also extends Robinson's research (1993) by assessing the legal response to AID (artificial insemination by donor) as well as examining additional surrogacy statutes and court decisions made since early 1990s.

Findings/content-

- Definitions of parent can be complex with ART. Eichler (1996) three father roles are possible and mother roles include seven. Father roles are a genetic/social one, an exclusively genetic one, and an exclusively social one. Some of the mother's roles include a genetic/gestational/social one, a social, but not genetic or gestational one, or a gestational/social but not genetic one.
- Any discussion of ART and legal definitions of parentage must recognize the Uniform Parentage Act authored by the National Conference of Commissioners on Uniform State Laws.
- In cases involving heterosexual married couples and children conceived by AID, the courts typically declare the husband to be legal father.
- In the absence of legislation dealing with the use of AID by single women, courts have relied on intentions by parties and subsequent behaviors.
- When lesbians have established a parent/child relationship through adoption, for example, they have been allowed to sue for visitation rights (Lisa Laspina-Williams vs. Cheryl Laspina-Williams, 1999).
- Regardless who has been deemed the legal father, the surrogate mother has been defined as the legal mother in traditional surrogacy cases.
- In most cases, IVF (in-vitro fertilization) and IVF using oocyte donation should not pose legal problems for defining parentage as the intended

mother is also the gestational mother, and her husband is presumed to be the father.

- Practitioners should counsel clients as early as possible about the strains and conflicts that could arise between parties participating in the ART process.

#### Implications for CWS-

The worker should be aware of the legal definitions of parentage in alternative families, such as families involved with AID , IVF or ART. This information is needed in legal proceedings, case planning and permanency planning.

Weisz, V. & Thai, N. (2003). The Court-Appointed Special Advocate (CASA) Program: Bringing Information to Child Abuse & Neglect Cases. *Child Maltreatment*, 8(3), 204-210.

(K5)

#### About the study-

This study assessed whether the involvement of a CASA impacted the kind and amount of information provided to the courts. It also assessed whether CASA volunteers were more active than GALs (guardians ad litem) in obtaining information from a variety of sources. Finally, it explored whether the involvement of a CASA volunteer impacted the activity of a GAL. Judges, CASAs and GALs were asked to complete brief assessments about specific juvenile court hearings for child abuse and neglect. There were a total of 21 for the CASA experimental group and 22 cases for the non-CASA control group. In the CASA group, 20 evals were collected from judges, 21 from the CASAs and 12 from the GALs. In the non-CASA group, 19 evals were collected from judges and 7 from GALs.

#### Findings-

- These findings suggest that having a CASA assigned to a child abuse and neglect case can expand the depth and breadth of information provided to the court.
- Judges were more likely to get complete information on relevant topics in cases with CASAs than those without CASAs. Judges reported receiving reports from caseworkers and CASAs 100% of the time as compared to GALs, with receiving reports 54% of the time.
- CASAs were more likely to do a number of important activities to prepare for hearings than GALs.
- The results suggest that the involvement of a CASA lessens the activity level of a GAL.
- Limitations- Sample size is small and reduces the power of the analyses to demonstrate effects, response rates from GALs were poor, judges who participated were neither blind to the conditions nor impartial to the outcome of the evaluation.

#### Implications for CWS-

The worker should be aware of the research regarding the impact of a CASAs and their role in court in order to best serve the needs of the child and family. This

information is pertinent to all aspects of a case when a CASAs and/or GAL are involved.

Youth Law Center. (2000). Making Reasonable Efforts: A Permanent Home for Every Child. San Francisco, CA. Retrieved May 24, 2007 from [http://www.familyrightsassociation.com/bin/white\\_papers-articles/reasonable\\_efforts/making\\_reasonable\\_effort.pdf](http://www.familyrightsassociation.com/bin/white_papers-articles/reasonable_efforts/making_reasonable_effort.pdf)

(K3(h), K6)

About the study/citation-

This is an update of an earlier work entitled, “Making Reasonable Efforts: Steps for keeping families together,” which explained the reasonable efforts requirement of the Adoption Assistance Act. This publication incorporates many of the guidelines of the original and also includes new guidelines that correspond to the changes in federal law. This handbook has three parts: Guidelines for Attorneys, Guidelines for Judges and Guidelines for Child Welfare Agencies.

Findings/content-

- Responsibilities for all attorneys are noted. Some of these responsibilities include:
  - Prior to involvement in a case, all attorneys should be familiar with:
    - The causes and available treatment for child abuse and neglect
    - Child development principles, particularly about attachment and bonding
    - The structure and function of the child welfare agencies and courts
  - After receiving a case, an attorney should:
    - Interview the client
    - Investigate the child’s removal from the home
    - Investigate reunification efforts
    - Interview caseworker and review agency’s file
- A summary of guidelines for child welfare agencies is included. Some of these guidelines are:
  - Assess the needs for preventive, reunification and permanency services.
  - Develop a comprehensive plan for these services to achieve permanency.
  - Structure service delivery to keep families together.
  - Establish appropriate eligibility criteria for services.
  - Develop procedures and protocols to include, procedures to implementing concurrent planning and criteria for terminating efforts to reunify a family.
  - Making reasonable efforts in each case includes:
    - Making good faith efforts to prevent removal, including assessing the situation to determine the likelihood of effectively protecting the child in the home.

- Making good faith efforts to reunify the family, including developing an appropriate case plan.
- Making a good faith effort to achieve permanency for children, including ensuring permanency hearings are timely held and reasonable efforts are made to timely place children in permanent placements.

Implications for CWS-

The worker needs to understand the legal requirements for making reasonable efforts in order to work towards permanency for a child. This information is relevant throughout case.

WEBSITE RESOURCES

California Courts Self Help Center

<http://www.courtinfo.ca.gov/selfhelp/family/famlinks.htm>

California Indian Legal Services

<http://www.calindian.org/>

Center for Families, Children, and the Courts

<http://www.courtinfo.ca.gov/programs/cfcc/>

Court Appointed Special Advocates

<http://www.casanet.org/>

Juvenile Law Center

<http://www.jlc.org/index.php/childwelfare>

National Association of Counsel for Children

<http://naccchildlaw.org/>

National Child Welfare Resource Center on Legal and Judicial Issues

<http://www.abanet.org/abanet/child/natsum/nationalcat.cfm?catid=16&subid=0>

National Council of Juvenile and Family Court Judges

<http://www.ncjfcj.org/>

Tribal Court Clearinghouse: A Project of the Tribal Law and Policy Institute (K3(f))

<http://www.tribal-institute.org/lists/icwa.htm>

Welfare and Institutions Code, Section 345-359 (K2)

[www.LegalTips.org](http://www.LegalTips.org)

