

# Rise

## From Rights to Reality

A plan for parent advocacy  
and family-centered child welfare reform



## ACKNOWLEDGMENTS

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Many of the rights and descriptions of the rights have their roots in the original Parents' Bill of Rights that was developed in 2009 by the National Coalition for Parent Advocacy in Child Protective Services established by Parents Anonymous® Inc. This National Coalition focuses on mobilizing parents and advocacy organizations to create positive public policy and program changes that prevent removal of children from their families by child protective services, strengthen and ensure the rights of families whose children have been removed, and return children to their families.

Stories in *From Rights to Reality* were written by parents affiliated with the following organizations: Catalyst for Kids in Seattle, WA; Child Welfare Organizing Project (CWOP) in New York, NY; the Detroit Center for Family Advocacy in Detroit, MI; D.H.S. Give Us Back Our Children in Philadelphia, PA; the Family Advocacy Movement and Alphabet Soup Kids in Omaha, Nebraska; the Family Defense Center in Chicago, IL; Parents Helping Parents in Boston, MA; Parents in Partnership in Los Angeles, CA; the Parent Partner program in Fresno, CA; and the staff of *Rise* magazine. Rise staff writers Louis Angel, Erica Harigan, Robin Larimore, and Chrystal Reddick contributed family photos.

Drafts of *From Rights to Reality* were developed by parent organizers at the Child Welfare Organizing Project (CWOP) in New York City, by Parent Partners at Annie E. Casey Foundation Family-to-Family sites in Los Angeles, Louisville, KY, and Cleveland, OH; and by members of the Parent, Alumni, Youth and Community Development Network (PAYCD) of the Alliance for Racial Equity in Child Welfare. Martha Raimon at CSSP; Diana Autin of the Statewide Parent Advocacy Network of New Jersey; Kathy Roe of Parents Anonymous® Inc. of New Jersey; Susan Dandareau, Lucas County Children's Services Parent Partner coordinator in Toledo, OH; LaRonda Davis, Parent Partner coordinator at the Jefferson County Parent Advocate Program in Louisville, KY; and Janis Williams, former Parents in Partnership coordinator at the Los Angeles County Department of Children and Family Services in Los Angeles, CA were instrumental in developing this project.

*A note on the text: Every community has a different name for its local child welfare agency. From Rights to Reality uses "child protective services" and "CPS" are used in place of local agency names in most cases. Likewise, the term "family court" is used although the term "dependency court" is used in some states.*

## **AS A PARENT INVESTIGATED BY THE CHILD WELFARE SYSTEM:**

- 1. I HAVE THE RIGHT TO** not lose my child because I'm poor.
- 2. I HAVE THE RIGHT TO** services that will support me in raising my child at home.
- 3. I HAVE THE RIGHT TO** speak for myself and be heard at every step of the child protective service process.
- 4. I HAVE THE RIGHT TO** be informed of my rights.
- 5. I HAVE THE RIGHT TO** a meaningful and fair hearing before my parental rights are limited in any way.
- 6. I HAVE THE RIGHT TO** quality legal representation.
- 7. I HAVE THE RIGHT TO** support from someone who has been in my shoes.
- 8. I HAVE THE RIGHT TO** have my child quickly placed with someone I trust.
- 9. I HAVE THE RIGHT TO** frequent, meaningful contact with my child.
- 10. I HAVE THE RIGHT TO** make decisions about my child's life in care.
- 11. I HAVE THE RIGHT TO** privacy.
- 12. I HAVE THE RIGHT TO** fair treatment regardless of my race, culture, gender, or religion.
- 13. I HAVE THE RIGHT TO** services that will support me in reunifying with my child.
- 14. I HAVE THE RIGHT TO** offer my child a lifelong relationship.
- 15. I HAVE THE RIGHT TO** meaningful participation in developing the child welfare policies and practices that affect my family and community.

## CONTRIBUTING ORGANIZATIONS

### Alphabet Soup Kids (A.S.K.)

www.alphabetsoupkids.org  
8911 Decatur St.  
Omaha, NE 68114  
Contact Mary Thunker: 402-905-2664

### Catalyst for Kids

http://catalystforkids.org  
3300 NE 65th Street  
PO Box 15190  
Seattle, WA 98115  
206-695-3238

### Child Welfare Organizing Project (CWOP)

www.cwop.org  
80 E. 110th Street, #1E  
New York, NY 10029  
212-348-3000

### Detroit Center for Family Advocacy

www.law.umich.edu/centersandprograms/ccl/cfa/Pages/default.aspx  
3031 W. Grand Blvd Suite 440  
Detroit, MI 48202  
313-875-4233  
lawdetroitcfa@umich.edu

### DHS—Give Us Back Our Children!

philly@crossroadswomen.net  
PO BOX 11759  
Philadelphia PA 19101  
215-848-1120

### Family Advocacy Movement

http://familyadvocacymovement.com  
1006 N. 74th Street  
Omaha, NE 68114  
402-689-9613

### Family Defense Center

www.familydefensecenter.net  
725 S Wells St  
Chicago, IL 60607-4521  
312-356-3201

### National Coalition for Parent Advocacy

www.parentadvocacy.org

### Parent Partner Program of Lucas County Children's Services

705 Adams St.  
Toledo, OH 43604  
Contact Robert Franklin: rfranklin@co-lucas.oh.us

### Parent Advocate Program of Jefferson County Parent

Dept. of Community Based Services  
908 Broadway 2W  
Louisville, KY 40203  
Contact LaRonda Davis: Laronda.davis@ky.gov  
502-595-4698 ext. 5548

### Parents, Alumni, Youth and Community Development Network

Center for the Study of Social Policy  
www.cssp.org

### Parents Anonymous Inc.

www.parentsanonymous.org  
675 West Foothill Blvd., Suite 220  
Claremont, CA 91711-3475  
909-621-6184

### Parents in Partnership

Los Angeles County Department of Children and Family Services  
3075 Wilshire Blvd  
Los Angeles, CA 90010  
Contact Nina Powell McCall: poweln@dcls.lacounty.gov

### Parents Helping Parents

www.parentshelpingparents.org  
Parental Stress Line: 1-800-632-8188  
108 Water Street,  
Watertown, MA 02472  
617-926-5008

### Rise

www.risemagazine.org  
80 E. 110th St. #1E  
New York, NY 10029  
718-260-8818

### Statewide Parent Advocacy Network (SPAN)

www.spannj.org  
35 Halsey St., 4th Floor  
Newark, NJ 07102  
973-642-8100  
1-800-654-SPAN

## A PLAN FOR CHANGE

*From Rights to Reality* is designed to respond to two needs in child welfare reform:

1) The need to change a general perception that children who enter foster care usually do not go home; that most parents whose children enter foster care are abusive, as frequently portrayed in the media; and that parents' needs and children's needs are usually

in conflict. The public needs a more nuanced understanding of the reasons that parents come to the attention of the child welfare system, the supports and legal representation available or unavailable to parents, and the family strengthening that is possible when parents get the help they need.

2) The need to support child welfare reform organizations in developing specific agendas for pushing forward changes in how local agencies treat par-

ents and families. *From Rights to Reality* consolidates many of the best practices that have helped families to have a significantly stronger voice in their own cases and a greater likelihood of succeeding in safely raising their children at home.

*From Rights to Reality* is designed to help local advocacy and child welfare organizations develop a plan for public education and targeted advocacy.

## FROM RIGHTS TO REALITY

*From Rights to Reality* is designed to unite parents and parent advocacy around a common set of goals. It identifies 15 rights for parents affected by the child welfare system. Most parents do not yet have these rights in child welfare proceedings. *From Rights to Reality* represents a commitment to working in our communities and nationwide to make these rights a reality.

Each right is illustrated by parents' stories—stories that show how families can be strengthened and transformed when parents have these rights, and stories that show how families are harmed when these rights are denied.

These rights are essential to ensuring that children receive the best possible care—at home or while in foster care. In child welfare proceedings, children's needs and parents' rights are often portrayed as incompatible. Research and practice have demonstrated that, in most cases, this is not true. Children do better if they can remain connected to their parents and return home.

Most of the promising practices described here were advanced through tireless parent advocacy or through meaningful parent participation in child welfare reform. They developed because parents made themselves heard and child welfare practitioners listened. *From Rights to Reality* gives parents a clear, resounding voice in leading the process of child welfare reform in their communities. Child welfare practitioners must listen and respond.

Parents, we hope our stories will guide you in working with advocacy organizations and other parents in your community to make your voices heard. Child welfare leaders, policymakers, frontline workers and advocates, we hope these stories will deepen your understanding and compassion for families in the child welfare system and guide you in joining with parents in your communities to advance needed reforms.

### **A Planning Tool**

Advocacy organizations and child welfare agencies can use *From Rights to Reality* as a planning tool by asking parents, agency staff and leaders in their community to read it and come together to discuss the rights parents do have in their community (by law or through practice) and the rights that parents don't yet have. Groups can plan measures to bring the policy or practice changes (described in the "next steps" on each page) to their communities.

Organizations also can reach out to profiled parent advocacy organizations for guidance.

### **A Public Education Tool**

Organizations and child welfare leadership also can use the stories and information in *From Rights to Reality* to educate members of their community—including child welfare workers, judges, journalists, city council members, etc.—about parents' true experiences and the key child welfare

practices that would positively impact families. Organizations can excerpt stories in their newsletters, use stories in speeches, or use information in city council testimony, flyers, or other education tools. Organizations can use the stories as models to help local parents speak about their specific experiences and the policy or practice changes that would prevent placement or speed safe reunifications. Organizations are free to photocopy, distribute, or excerpt from this document.

## I. I HAVE THE RIGHT TO NOT LOSE MY CHILD BECAUSE I'M POOR.

Poverty can make it difficult for families to access health, mental health and addiction recovery services, and poverty can be a barrier to safety. Children may be left home without adult supervision because an isolated adult cannot afford child care. Cabinets may be empty because benefits got cut off or food stamps didn't last the month. A child may be injured because a landlord neglects to cover hot pipes.

Caseworkers unfamiliar with serious poverty may judge parents who cannot provide

safety to their children because they are poor, or may assume that a family needs services unrelated to material conditions. But many times, families are doing the best they can to secure work and provide nurturing food and a safe home for their children.

Child welfare agencies must support parents in accessing needed cash assistance, housing, employment programs, child care, respite, or family visiting programs that can help poor parents regain the stability they need to keep their children safe.

### *After I Lost My Apartment, I Relapsed*

BY PAMELA HUGHES

In 2005, I had been clean for more than four years. I was living with my daughter, Princess, and my son, Emejanu. I was renting a house—living room, two bedrooms, the works. A program called Housing Stability Plus helped pay the rent.

I had gone to school for my certificate in office technology, then landed a job at the Board of Education. I'd gotten promoted to administrative assistant and was doing excellent. I went back to school to get a college degree.

I felt so good. Me, a single parent, taking care of my babies, doing my thing. I was walking and talking like the boss.

Then one day—Bam!

My lease was up, and when I went to sign it again, I found out that H.S.P. had cut me off, saying I could pay my own rent (\$1,200 a month). But I couldn't. Soon I was going back and forth to housing court while still working and trying to go to school. Still, I could not find financial assistance.

I felt abandoned, depressed. I had grown up in foster care and had moved from home to home because my parents were addicted to drugs. Then, in my early 20s, I had become addicted to drugs myself. I felt like I was back in the chaos I grew up in, going from home to home with nowhere to call my own.

I started drinking wine coolers after work. One and two a night turned into a six-pack on

weekends. Then I started going to the liquor store and getting a Crème de Coco and waking up with hangovers. It wasn't too long before I lost my job.

One night when my sister called me, I just started crying, begging her, "Please help me. I'm going crazy. Everything is falling apart around me." But she couldn't help.

Soon after, I left my kids with family and didn't come home for a week. I was back to using crack. I smoked up all the money I was supposed to spend on our new apartment. I felt ashamed, depressed and alone. I found out that stress leads to depression leads to relapse for me.



## MAKING OUR RIGHTS A REALITY

### Supporting Parents in My Community

BY CARLOS BOYET

I live in the Highbridge section of the South Bronx and my community has the largest number of children being placed into foster care in New York City. I know about the stresses that living in a community like mine can put on a family because my own child was placed in foster care.

For the past three years, I have been a parent organizer for a grassroots organization called the Child Welfare Organizing Project (CWOP). My job is to help parents like myself navigate the child welfare system, which is a

system that may or may not respect your rights as a parent, and may or may not provide you with the information you need to know your rights.

I see a lot of stresses on the families I work with. A lot of people are stuck in Mickey D jobs. People are living so far below the poverty line that they can't afford to go college to improve their situation. They don't have the money to pay the rent every month, and sometimes they get their lights cut off.

A lot of families could use some help, but they're

afraid to reach out to child welfare, because child welfare officials might come to the house and see that there's no food in the fridge and remove the kids. Parents in poverty are afraid that if they call child welfare, they'll be putting their families in even greater jeopardy.

That's where CWOP comes in. We've been in this community for five years and parents have learned that they can turn to us. About half of my cases are about helping parents meet their basic needs. We use flex funds to help parents pay a

portion of their rent or their light bill, buy clothes or furniture. Sometimes just that little bit is enough to get a parent back on track.

If the child welfare system wants to break the cycle of foster care, they need to figure out a way to support families that doesn't leave parents scared to reach out for basic help. We need to help people deal with stresses due to poverty, lack of education and institutional racism, because those stresses affect how we parent every single day.



Pamela Hughes with Emejalu and Princess

#### NEXT STEPS

**We must demand that policymakers and child welfare agencies in our communities:**

- **Listen to what parents say they need.** Many times parents are given a cookie cutter list of services—family therapy, anger management classes and parenting skills classes. Meanwhile, practical obstacles to reunification or safe parenting are overlooked. Family support agencies must offer practical help without judgment: referrals to food banks; guidance around negotiating entitlements, such as food stamps or temporary cash payments for housing or transportation; help securing Section 8 housing or bringing landlords to court; connections to job training or education programs; support securing affordable child care. Service providers must ask parents what services they feel their families need and respect their judgments about what would help them safely raise their children.

Evaluations of service providers must include feedback from parent consumers.

- **Prioritize housing, transportation and child care for families facing separation.** Families at risk of separation because of poverty or who cannot reunify because of poverty must be given priority access to housing, transportation vouchers and child care. Families also must be allowed to reunify despite crowded living conditions or shelter residence.

- **Provide respite.** Agencies must provide respite that guarantees a parent the right to bring her child back home, so that parents who feel temporarily overwhelmed can rely on a respite caregiver without fear of losing custody of their children.

## 2. I HAVE THE RIGHT TO SERVICES THAT WILL SUPPORT ME IN RAISING MY CHILD AT HOME.

Many families come to the attention of the child welfare system because of substance abuse or domestic violence, parent or child mental illness, poverty, or parenting practices that reflect how the parents themselves were raised. In most cases, parents can safely care for their children at home while receiving mental health treatment, substance abuse treatment, domestic violence counseling, family counseling, intensive home supports for mentally ill or developmentally disabled children, or parenting education that supports them in reaching their own goals as parents.

Child welfare agencies must provide parents with community and in-home supports that can prevent removal of their children from their home. This includes immediate access to substance abuse treatment that allows parents to live with their children, homemaking services, health and mental health care, including intensive “wraparound” services for mentally ill or developmentally disabled children, and family residential programs to support parents who are mentally ill or developmentally disabled and cannot safely live with their children without 24-hour support.

### *I Had to Place My Mentally Ill Son in the System to Get Him Help*

BY TONI HOY

In 1996, my husband and I adopted two boys, ages 2 and 4, from foster care. One was blonde and the other a redhead, both with big, blue, wondrous eyes, full of life and energy.

We were told that the boys had developmental delays, had been drug and alcohol affected at birth, and were victims of severe abuse and neglect. We knew we'd have a lot to contend with. But the worker assured us that once the boys were in a stable, loving home, they'd be just fine.

The challenges were obvious right away. Two-year-old Daniel had severe temper tantrums daily. Chip would go into three-hour manic rages.

Finally, when Chip was 11 years old, he was diagnosed with bipolar disorder. With medication, Chip became a different child: friendly, calm, funny and sweet.

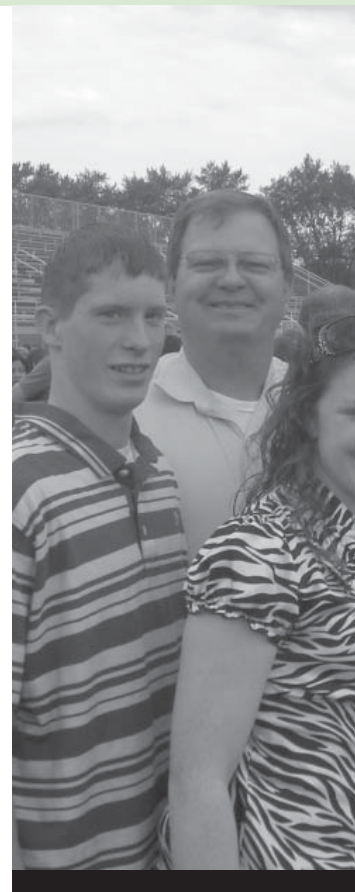
Daniel was more affected. Over time Daniel was diagnosed with bipolar, anxiety, OCD, ODD, and conduct disorder. Daniel's dangerous behavior only escalated. In three years, Daniel cycled in and out of the psych ward 11 times. He was hurting people and damaging property.

We were advised that Daniel needed residential treatment. Unfortunately, our insurance did not cover long-term mental health care. We applied for an Illinois state grant to cover his care but were denied three times.

Then Daniel threw a sibling down the stairs and punched him. Soon he was hospitalized yet again.

One of Daniel's therapists advised us to refuse to take him back home, even though if we left Daniel at the hospital, we would be charged with neglect and Daniel would go into foster care. We feared what could happen to him in the care of the foster care system. We worried that Daniel would feel like we were giving up.

But we kept coming back to the issue of safety. So we drove to the hospital and told Daniel that we loved him but were not bringing him home. It was the only way to force the state to place him in residential care so he could get the help he needed.



## MAKING OUR RIGHTS A REALITY

# Parent Leaders Helped My Family Get the Services We Need

### BY ANONYMOUS

My husband and I have three children, ages 12, 8 and 17 months. Our oldest has deafness and ADHD, our middle child has blindness and ADHD with severe behavioral problems, and our toddler has asthma, is developmentally delayed and has had liver transplants.

Last October, CPS came to our home late at night, claiming that our middle child was coming to school in dirty clothes. It's true that he has favorite clothing that he likes to wear for weeks at a time. But instead of reaching out to me, the teachers

called CPS. CPS didn't listen to me when I told them that I am on top of my son's medical and behavioral issues. They said I was being neglectful. Without making any findings, they kept my case open for six months.

Then, last May, our baby had a transplant. While he was in the hospital, CPS said that if we didn't move to another apartment, they would place the baby in foster care. Now they are complaining that our apartment is too small. Sometimes I feel that they will never be satisfied.

When I was about to give

up, I learned about the Statewide Parent Advocacy Network of New Jersey (SPAN). Geraldine at SPAN helped me organize all my papers and figure out my situation with the school and CPS. Shirley helped me with healthcare issues and expenses. Both women are parents of children with special needs, and Geraldine had also dealt with CPS, so they really understood where we were coming from. They treated us with respect, which we didn't seem to be getting from anyone else.

In a few months, we'll have

a mediation meeting with CPS, all the doctors, Early Head Start, the Division of Developmental Disabilities, and Early Intervention Specialists. Luckily, SPAN staff are coming with us to provide support.

Recently, I got the chance to become a Resource Parent at our son's school. I took SPAN workshops about parents' rights and resources for children with special needs. I am becoming a real parent leader. It feels good to be able to give back so that other parents don't have to go through what my family has been through.

## NEXT STEPS

***We must demand that federal and state lawmakers and child welfare agencies in our communities:***

- ***Change federal law to fund services that keep families together.***

Federal funding allows states to increase the number of children in foster care without paying a penalty, but doesn't allow states to use foster care dollars to pay for services that prevent placement. Federal lawmakers must provide incentives to states to decrease use of out-of-home care and increase family support services.

- ***Provide addiction, mental health and domestic violence interventions without family separation.***

Children are harmed by neglect and family violence. However, most families can establish safety for their children without foster care placement if appropriate services are available. States must develop residential parent-child drug treatment programs, family shelters to support domestic violence survivors,

and supportive housing for parents with mental illness and their children, as well as intensive home-based supports, such as the Family Rehabilitation Program in New York City, that have been proven successful at teaching addiction management without the harm to children of separation.

- ***Provide intensive at-home mental health services for children.***

Residential treatment should be a placement of last resort. States must provide timely, at-home wraparound services, respite care, and other supports to allow children with serious mental illness or behavioral problems to stay at home.

- ***Provide residential treatment without foster care placement.***

It's often impossible to access long-term residential care unless children enter foster care. States must develop a mechanism to provide appropriate treatment without foster care placement.



Toni Hoy with her family

### 3. I HAVE THE RIGHT TO SPEAK FOR MYSELF AND BE HEARD AT EVERY STEP OF THE CHILD PROTECTIVE SERVICE PROCESS.

Parents must be part of decisions about their child's placement, about the supports that they and their children need, and about the steps they will be required to take toward reunification. Before placement or immediately after (no later than 24 hours following the child's removal from their home), parents must be invited to a conference where they can participate in planning for their child's care and determining their service plan.

Parents have a right to a service plan that reflects fair and reasonable expectations

of what they can achieve and to develop those expectations in partnership with child protective workers, to get the expectations in writing, and to have the expectations clearly explained in a way that parents can understand.

Parents also must be supported in speaking knowledgeably and confidently at these conferences. Parents in crisis need the support of family, neighbors and informed parent advocates to be able to speak as equals and to be heard and respected at conferences.

## *No One Should Have to Face the System Alone*

BY LAWANDA CONNELLY

In 2007, the Philadelphia Department of Human Services removed my daughter and placed her with her father. At the time, I had accepted child welfare into my life because I needed help with my son, who had some mental health issues. But the people assigned to help my family betrayed us. I was in shock. Here I was trying to get help for my son and they turn around and take my daughter?

Soon after, a friend of mine saw an ad in the paper for a group called "DHS Give Us Back Our Children," which fights for individual families separated by the child welfare system, raises public awareness and advocates to change unjust policies and practices. Having nothing to lose, I went to my first meeting. As I

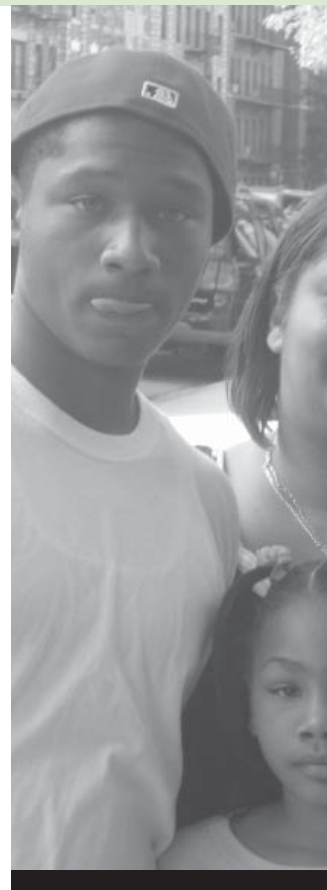
spoke about my case, what struck me was that people were actually listening. There was no judgment or criticism, just genuine concern. The person chairing the meeting asked, "What help do you want from the group?" "Honestly, I don't know," I told them. I knew I must have rights but I didn't know what they were.

After that meeting, group members came with me to court and to a meeting in my home with my DHS social worker. Two group members accompanied me to a Family Service Plan meeting at DHS. My social worker wanted to throw them out of the meeting even though I insisted they were there for me.

Having advocates with me made me feel less alone and somehow

reduced the stigma of being involved with DHS. Plus, people treated me differently when I came to meetings with my advocates. My social worker and lawyer talked very fast, were always in a hurry and got defensive when I tried to ask questions. When someone came with me and took notes, they slowed down their speech and were open to answering questions. They talked to me, not at me.

I tend to isolate myself and it's hard for me to ask for help. Before I got involved with DHS Give Us Back Our Children, I didn't realize the importance of having a support system. The group helped me to see that everyone deserves and needs support; no one should have to face the child welfare system alone.



## MAKING OUR RIGHTS A REALITY

# I Was Scared of CPS, But the Workers Listened to Me

**BY FRANCISCO RAMIREZ**

The day before my wife gave birth to our youngest child, I found out that she was using crystal meth. I was so shocked and hurt. But I realized that it made sense. My wife had become so different than when we'd met. All we seemed to do anymore was argue.

When my wife gave birth, child protective services (CPS) told us we could not bring the baby home from the hospital and that our four other kids might go into foster care, too. I didn't know whether to fight the CPS worker or run out of

the hospital and hide my other kids. The worker told me to come to a Family Team Meeting at the CPS office later that day.

At the meeting, I broke down crying. I felt that all the work I had done was worth nothing. But the workers talked to me and made me realize that there were options for my family. They also said that some of my wife's behavior toward me was probably related to the meth.

I realized that I still had hope for my wife, so I told the CPS workers that if she

did a program, I'd be willing to work things out. They offered her outpatient so she could be home with the kids and me, but I insisted that she go to a treatment center with the baby. In our neighborhood in Fresno, CA, you could buy meth on every corner. I thought that going away was the only way she'd make it.

While my wife was in treatment, I became a single father. Life really became chaotic. I was surprised that our CPS worker helped us out with childcare, clothing, transportation and finding a new place to live where our

kids could play outside.

Now my wife has been clean for 15 months and she is a new person. She is in school full time while I stay home with the children. Even though I was scared when CPS came into our lives, we wouldn't have made it as a family if CPS hadn't been willing to give us the help we asked for. Now we are a strong family once again.



Rise writer Robin Larimore and her children

## NEXT STEPS

*We must demand that child welfare agencies in our communities:*

- *Bring together parents, case-workers, foster parents and community members to regularly discuss all placement decisions at team decision-making conferences.* Done well, family team conferences set a tone that parents' perspectives are valued and that their expertise about their own family will be respected. Family members and supporters such as a teacher or pastor can attend these conferences. Facilitators ensure that a variety of attendees participate in identifying supports and services that will help a family reunify. Parent advocates at conferences help parents meaningfully participate. Agencies must use the family team conference approach to making decisions in child welfare cases.

- *Include parent advocates or parent community representatives at decision-making conferences.*

Parents who attend case conferences have the opportunity to speak for themselves, but are often so overwhelmed, embarrassed, angry, or confused that they are not prepared to best represent themselves and their families. Parents must be supported in participating by trained community members—ideally, other parents with previous child welfare experience. Trained “community representatives” or parent advocates who are informed about parents' rights and community resources and experienced in negotiating with child protective workers can guide parents in explaining their families' strengths and needs and reaching an appropriate agreement with child protective services.

## 4. I HAVE THE RIGHT TO BE INFORMED OF MY RIGHTS.

When their families are investigated, most parents have no idea what their rights are. Few child welfare agencies provide parents with a comprehensive explanation of their rights or information about available services, leaving parents unable to effectively advocate for their families.

All parents must be told why they are being investigated by the child welfare system, how the investigation process works, and what is the outcome of the investigation. Parents must be informed about their rights, including their right not to open the door when a caseworker knocks and what rights they

may have to legal representation in Family Court. Child welfare agencies must work with parents and with outside advocates to develop clear and comprehensive ways to provide parents with an immediate explanation of every step of the child welfare process and any assistance available to support parents during the investigation and removal. In particular, parents must be given a clear explanation of the Adoption and Safe Families Act (ASFA), the federal law that allows agencies to petition for termination of parents' rights if children have been in foster care for 15 out of 22 months.

### *I Didn't Think I Could Lose My Son Forever*

BY CARLA BURKS

Three years ago I lost my son to foster care because I got too exhausted and overwhelmed to care for him. My son, who is now 13, has bipolar disorder and ADHD and has been in the hospital more than 13 times. We had case management, mentoring, in-home counseling and other services. But the pressure of caring for my son took a toll on me.

In the winter of 2006, I spoke with our caseworker at child protective services (CPS) about placing my son temporarily in therapeutic foster care so that I could rest and he could do better. But before we could do that, I became extremely sick.

In the emergency room, the nurses asked me, "What is going

on in your life?" What I said next, I would come to regret for years. I told the staff, "I have a special needs son who is causing me a lot of stress. I feel like I'm going to choke him or seriously harm him if I go back home!" I was just physically and mentally exhausted.

The medical staff called CPS, but instead of placing my son in therapeutic care, CPS contacted my son's father, who lived in Texas. (I lived in Virginia.) He told CPS that he wanted to take full custody so that he could make all the decisions. I felt I had no choice. I also hoped that it would be a positive change. So we had an emergency hearing that day and I signed my son over to his father.

Just a few months later, my son was removed from his father and

placed in a residential facility in Texas. It's a long story what happened after that, but in the end, I lost my rights and lost contact with my son.

Sometimes I feel so angry at what happened to my son and me. I believe my son would be home with me today if I'd understood my rights or was able to place my son in therapeutic foster care when we needed it.

Mostly, though, I feel sad. My son does not know the whole story. I have moved to Texas to try to overturn the termination and reconnect with my son. So far I have spoken to him twice. I hope I can tell him that I did not have control over the situation and did not expect our separation to last forever.



## MAKING OUR RIGHTS A REALITY

# A Guide to Show Parents They Are Not Alone

BY SANDRA SANCHEZ-COCHRAN

About 10 years ago, I was going through a bad time in my marriage. One night when my husband abused me, I called the police and they took my children and me to the hospital for an examination.

Child protective services (CPS) did a quick assessment and decided to take my three children. They never let me take my kids home from the hospital or even say goodbye. I was lost.

If it wasn't for a good friend of mine, I don't know what I would've done. She wrote

letters and called lawyers. With her support, I asked for visits and started bugging the department for counseling for my kids and for myself. Luckily my kids were returned in 45 days, but the episode was traumatic for my kids and me.

To provide that support to other parents, I've worked with a group in Massachusetts to develop a guide, called "You Are Not Alone," which explains the child welfare system and parents' rights. It includes a list of resources and quotes from parents.

Child protective workers tend to forget that parents

need information and support right away. Sometimes it takes weeks between when the department takes your kids and when you make contact with your worker. If a parent doesn't have support or a sense of control, she looks for what she needs in the bottom of a bottle or in whatever vice she knows.

To get the guide out to parents, we have presented to child protection and family court staff and to parent attorneys. Our biggest breakthrough is that the family courts agreed to distribute the guide to all parents whose children are placed in foster care due to

abuse and neglect.

CPS can be very intimidating. Parents tell us, "The social workers want you to sign a service plan, and you don't understand it but you don't want to anger them, and you're not sure what your rights are, so you sign." Parents will sign over their lives if they don't know their rights. They just need someone—even a booklet—to say, "Don't freak out, don't lose it. Here's how you can get it together."

## NEXT STEPS

**We must demand that child welfare agencies, philanthropists and non-profits in our communities:**

- **Provide parents with an "orientation" or parents' rights training.** In many communities, parent leaders provide orientations, support groups, parent leadership training, and parents' rights manuals to parents with child welfare cases. All agencies must work with parents and parent-leadership organizations to develop methods of informing parents of their rights.
- **Distribute handbooks explaining parents' rights.** Investigators must provide parents with written information about their rights from day one. Agencies must work with parents and parent-serving organizations to develop and distribute a handbook that covers parents' rights and responsibilities. For instance, CWOP and Parents Helping

Parents have developed parents' rights guides for New York and Massachusetts. This information must be made available in translation and for parents who do not read.

- **Support the establishment of independent child welfare peer support and advocacy organizations.** Parents who are subject to investigation or removal are fearful and angry and need credible information about their rights and responsibilities. They cannot be expected to trust the child welfare system itself for support in advocating for themselves and their families. Child welfare agencies, community-based non-profits and foundations concerned with child welfare and children's well-being must support the establishment of independent organizations that provide confidential peer support and self-advocacy to parents.



Mary Thunker (story p. 34) with her daughter and grandchildren

## 5. I HAVE THE RIGHT TO A MEANINGFUL AND FAIR HEARING BEFORE MY PARENTAL RIGHTS ARE LIMITED IN ANY WAY.

Parents must be given a meaningful opportunity to respond to allegations before their right to contact with their children is limited. Before removal, some agencies require parents to sign safety plans that separate them from their children. Placement in foster care, or other safety plans that separate children from their parents must be used only when there is evidence of imminent risk. This evidence must be reviewed by a judge or discussed in a case conference where the parent is meaningfully supported by a lawyer or advocate in stating her case and participating in developing

the safety plan. In cases where a child is removed immediately because of imminent risk, parents must be able to attend a court hearing or case conference within 24 hours.

Child welfare systems also must work with family courts to provide timely hearings. The Federal Adoption and Safe Families Act (ASFA) requires that states file to terminate parental rights within 15 months in most cases, yet court hearings are routinely delayed for months, giving parents few opportunities to move their cases forward within that timeframe.

### *Separated From Our Children Without a Court Hearing*

BY MARY BRODERICK

On August 8, 2003, my husband, Tom, was on the back porch of our home with Ryan, our 4 month-old-son, and Briana, our 18-month-old daughter. Tom was holding Ryan when he stepped backwards—on to Briana's foot. Trying not to hurt Briana, Tom lost his balance and fell with Ryan into the grass below.

I called 911 immediately and Ryan was taken by ambulance to the hospital. Ryan was diagnosed with a "chronic subdural hematoma," which means the doctors believed that he'd had bleeding in his brain even before this incident. We were accused of child abuse, specifically shaken baby syndrome. (The assumption was that he'd had bleeding in the

brain because we shook him.) The hospital contacted child protective services (CPS). We met a CPS investigator who told us that until the investigation was finished, our children would have to stay with relatives and we could not be alone with our kids. I fell apart. How could it be this easy to keep our children from their home?

On Monday we met another CPS worker. He handed me a "safety plan" written by CPS. It stated that we were not to have unsupervised contact with our children during the investigation, which could last up to 60 days.

Later I learned that these "voluntary" safety plans—offered with the threat of removal if a family does not comply—are routine in

many states. These plans usually demand that the children stay with relatives, or that the parents themselves live apart from their children, even though child protective services has not gone before a judge with evidence that a child's safety is at risk.

"What will happen if we refuse to sign the safety plan?" I asked.

Our choices were to sign the "voluntary" agreement or to have our children taken into protective custody and placed in foster care with people we did not know. I was scared and upset.

"We have no choice but to sign," my husband said. So we did.



## Community Representatives Help Parents Find Solutions

BY JEANETTE VEGA

For the past year, I've been helping parents who are at risk of losing their children to foster care. My role is to attend Child Safety Conferences, meetings held by child protective services in New York City to decide whether a child should go into foster care or if there is a safe way to keep the child at home.

The conferences are held 24 hours after a case is called in. Parents are shocked, angry and afraid. I know how they feel—my own son was in foster care. As a trained Community

Representative, I can help. I am familiar with the child welfare system and know about resources in the community that can help families prevent removal or reunify more quickly.

A typical parent I've worked with is Melissa. When I arrived at her conference, she was sad and confused. The allegation was that she failed to protect her son. Melissa would put her son to bed and then go get high. She was getting so high that she would wake up someplace and not remember how she got there. She wanted help.

Melissa's sister was willing to become a foster parent to Melissa's son, but they lived in the same household. So I suggested that Melissa get into a residential drug program. In the end, that became the safety plan.

I escorted Melissa to Odyssey House, a substance abuse program, the next day. I prayed with her to stay strong. Later on, though, she called me and said, "I just cannot do it. I want to go home."

I reminded myself, "Her addiction is calling." I was able to comfort her and

remind her of why she needed to stay—and she did.

Melissa didn't think she could make it. But she turned out to be very strong. With the right support from day one, I think more parents like Melissa can make it through.



Jeanette Vega with Remi

### NEXT STEPS

**We must demand that courts and child welfare agencies in our communities:**

- **Require child protective services to seek court orders of removal in all but the most egregious cases where there is imminent danger to the child.** In most cases, children are not at risk of immediate harm. Prior to removal, child protective services must hold meaningful conferences with families where alternatives to foster care placement are explored. The goal of these conferences must be to avoid the trauma of placement unless no safe alternative is possible. In cases involving the threat of immediate harm, a court hearing must take place during the next day that court is in session.
- **Require court administrators to hold hearings at specific times.** Parents typically wait for hours for court hearings and cases are rou-

tinely delayed because judges spend time waiting to assemble parents, agency personnel and lawyers. Then judges don't have enough time for proceedings and cases are adjourned with little progress. Courts must begin to set schedules for hearings.

- **Require judges in child welfare proceedings to produce parents from jail or prison for any proceedings directly affecting their parental rights.** Jurisdictions must develop protocols to ensure that incarcerated parents can attend court in person or through videoconferencing.

- **Notify fathers of proceedings even if there are no allegations against the father and provide the father an opportunity to be heard.** When a father chooses to seek custody of a child in foster care, the father should have the same right to counsel as he would have if the allegations had been against him.

## 6. I HAVE THE RIGHT TO QUALITY LEGAL REPRESENTATION.

Parents subject to an investigation or with children in foster care must be able to access quality legal representation. Lawyers must safeguard parents' right to due process, their right to be present and bring witnesses to all proceedings, to appeal agency decisions, and to make complaints or raise concerns in court or in meetings with the child welfare agency. Lawyers must also protect clients from being considered guilty until proven innocent, providing immediate, affordable and assertive legal advocacy from the report through the investigation, court and reunification stages.

In many states parents do not have a right

to legal representation. In others, parents are represented by lawyers who do not specialize in child welfare law and may not be knowledgeable about how to engage and assertively represent their clients. Lawyers for parents are also paid very poorly in many jurisdictions, with no funds available for discovery, to pay lawyers to meet with their clients, or to go beyond a cursory in-court defense. Finally, lawyers often work alone, even though lawyers working in teams with social workers and/or parent advocates may be more successful. Lawyers for parents must be able to learn about best practices, be paid appropriately, and be supported to work in interdisciplinary teams.

### *I Needed My Lawyer to Be My Advocate*

BY NANCY COLON

From the first day that the child welfare system came into my life, I felt confused, afraid to ask for help and alone, with no one to guide or support me. It took me a long time to understand my service plan and access services.

Once I found a job and a house and was getting therapy and taking parenting classes, I thought my kids would come home. At every court date, I expected my children to be released to me. Finally I asked my attorney why they were still in foster care and he explained that I had to complete my treatment plan before the court would consider reunification.

My attorney was friendly and

nice, and I thought he was a good lawyer because he took the time to answer some of my calls and meet with me before each hearing. But now I see that he did not help me understand my situation. I never knew what to expect from the next court hearing or why we kept returning to court. He also did not challenge the court or the child welfare agency in any way.

At times I wanted to speak up in court. My children told me that they were being abused in foster care, and I wanted the agency to move them to a new foster home. But I didn't dare to ask too many questions. I was intimidated by the referee and my lawyer seemed intimidated, too. He stayed quiet in court.

My attorney could have been much more aggressive in pushing the court to return my children to me. Or, if I'd had an attorney at my first team decision-making meeting, I could have gotten preventive services instead of having my children removed.

Now I am a Parent Advocate at the Detroit Center for Family Advocacy. Our mission is to keep kids out of foster care and reduce the number of children in care by providing legal assistance, support and resources to families.

I am proud to sit with the parents and provide support. I share my story and encourage parents to get help and to advocate for themselves.



## MAKING OUR RIGHTS A REALITY

# Straight Talk From My Parent Advocate Helped Me Trust My Lawyer

BY EBONIE KING

For a month after my first court date, I did not begin any of the services, did not visit my son or go to court, and fell deeper into my addiction to crack cocaine. I felt hopeless. I believed that I could trust no one to help me.

A friend convinced me to visit my son and stop feeling sorry for myself. After I saw my son, I went to the next court date. This time, instead of the lawyer who had first represented me, I found out that a whole team from the Center for Family Representation

(CFR) had been assigned to represent me: attorneys, a social worker and a parent advocate. My team told me, "We're here for you." They spoke to me with respect and gave me a glimmer of hope.

I was not ready to be clean, and I was honest about that. The CFR team was straightforward, too. They told me that if I didn't get myself together, they would not be able to be of any help to me. Monique, the parent advocate, then took a walk with me and took me to lunch. She asked me to go into treatment and

do the right thing in order to be proud of myself and to have a son who is proud of his mom. Monique didn't judge or disrespect me. She pushed me hard in a good way.

In my drug program, I found out that I had a bigger problem than drugs. Even once I got clean, I was in pain and full of distrust. Every time I went to court, the report about my behavior was very negative. But my CFR team jumped on my strong points. I was surprised that my team continued to speak to me with respect even after they

heard the bad things about me in court.

Every time my team saw me, I had an attitude about something that was going wrong, and I was pushy. I was annoyed about going through the system. But I called CFR every time I ran into trouble. I grew to trust them because, in court, they stuck to reuniting me with my son. They cared and they touched me by being themselves.



Rise writer Louis Angel with his daughters

## NEXT STEPS

***We must demand that lawmakers, nonprofits and court systems in our communities:***

- ***Develop institutional legal service providers.*** In a number of states, lawyers for parents are working within organizations focused on parent representation. Many of these organizations also provide social workers and/or parent advocates to work with the lawyers. The social workers and parent advocates are able to engage, support and motivate the parent client, while the lawyer can focus on advocating for the client in court. Lawyers working within these organizations are able to share strategies. Social workers and parent advocates also are able to attend service-planning conferences, giving lawyers direct information about the case, which the lawyer can use to move a case forward in court. States must develop institutions capable of

providing parents with vigorous legal advocacy.

- ***Institute reasonable rates for lawyers.*** Lawyers for parents in many states are paid at very low rates, giving few lawyers the incentive to represent parents and making it difficult for lawyers to get reimbursed for providing high quality representation. Often lawyers are reimbursed at a flat rate for the entire case or not paid for pretrial preparations. Lawyers often cannot afford to pay experts to testify or to examine a parent's fitness. States must ensure that lawyers are paid and monitored in such a way that parents receive meaningful legal representation.

## 7. I HAVE THE RIGHT TO SUPPORT FROM SOMEONE WHO HAS BEEN IN MY SHOES.

Every parent must be able to receive guidance and support from a parent advocate who has succeeded in reunifying with children in foster care. Parents who come to the attention of the child welfare system often feel isolated, fearful, ashamed and angry. In interactions with child welfare personnel, they may feel confused, judged and unsure how to advocate for themselves or their children. Parents need help understanding how the child welfare system works and how they can move forward in reunifying with their children. Their peers—other parents who reunified with children in foster care themselves—are the people they trust most and who can help them best.

Substance abuse treatment programs and mental health agencies pioneered the use of peer advocates to provide support to clients who may not believe that anyone else has been in their position and succeeded. Now, leading child welfare agencies hire parent advocates or Parent Partners to help parents succeed in navigating the system and advocating for their families. Child welfare agencies that wish to succeed in partnering with parents must follow this proven practice of using parent advocates to support parents and agency personnel in their efforts to reunify families.

### *I Needed a Place to Be Real When I Felt All Alone*

BY ADAM HOM

A long time ago, I met this girl. We didn't have much going for us. We were both in our addiction. She told me that she had lost her parental rights. I didn't know what that meant, but I found out the day after our daughter was born. A lady from child protective services showed up in our room at the hospital and told us that we couldn't take our daughter home. CPS did a background check on me, found out about my addiction and told me that I needed to get services, too.

The day my daughter was born was the day I got sober. I did every single thing that anyone suggested, recommended, or told me to do. I have 18 certificates

plastered all over my walls. But it took two years for my daughter to come home. That was devastating to me.

Luckily, I found support in a group run by the Washington State Office of Public Defense, called EXCEL, where parents come together and aid each other. If I was talking to a service provider or state worker and said something like, "Man, I think CPS is crazy," they would pick up their pens and start scribbling notes. EXCEL was a difference of night and day. We were all in the same boat. We were all struggling, we all wanted our kids back and we could keep it real. I could say, "These people are breathing down my back. I have four people who want to set up

an appointment with me in one day! I feel all alone."

What I've learned is that people are like the four seasons. It's important that you don't judge anyone based on the season they're in. When I stopped using drugs, I got really lonely. I thought, "Is there anyone out there trying to head in the same direction as I am? I would like to meet you." Through EXCEL, I did.

I like to fly with the eagles and be proactive and make a difference in my community, so I've told the group leader that they can train me to help run the group. I am going to go back to offer other parents encouragement and hope.



## MAKING OUR RIGHTS A REALITY

# As a Parent in Partnership, I Can Help

BY MARIA SANTOS  
ANGULO

Five years ago, my sister told me that the Department of Children and Family Services in Los Angeles was having a meeting for parents who had been through the system and reunified with their children. I was thinking, "What do they want from us?" But my sister and I went together.

The social workers asked us, "What did you go through? Can you tell us how you felt?" My children were in foster care for four years, many years ago. I was offered no services. I didn't understand my rights at all. I told my story and said, "I felt

that the department failed us."

The social workers said that they wanted to form a group of parents who could help educate and support parents with open cases. That's how the Parents in Partnership program got started.

We pass out flyers in court, at the DCFS office and at the community programs. We have an information line and an orientation to educate families about their rights and responsibilities. We explain how to build relationships with their social workers and their child's foster parents and advocate for

themselves.

We also have an ongoing support group, facilitated by parents, where they can learn about resources, vent, and open up. The parents come with a lot of fear, frustration, anger and confusion. Because we've been through the system, we can talk to parents in their language. Parents don't understand social workers. We're able to relate to them in a way that social workers can't, and empower them by letting them know their rights and by telling them our stories.

We see that building a relationship with social workers

is hard for parents. Parents complain that social workers don't return calls. We teach parents how to go up the chain of command. Parents are afraid to do that. They're scared of the system and scared that the social worker will be mad at them. We tell them, "You have to do that or you won't get what you need for yourself and your child."

What's most rewarding for me is to see parents who have been through the system working as a team with social workers to help families reunify with their children. It feels good that we're supporting new families and evolving into leaders.

## NEXT STEPS

***We must demand that child welfare agencies, philanthropists and service providers in our communities:***

- ***Hire Parent Advocates.*** Parents perceive Parent Advocates and Parent Partners at foster care agencies as trustworthy. Parent leaders can engage and motivate clients, guide parents in advocating for themselves, and co-facilitate parent education classes and support groups. Their presence has an impact on agency culture, demonstrating how much parents who were once in crisis can achieve. States must work with child welfare agencies to fund parent advocate positions through government or private fundraising and provide incentives for creating these positions.
- ***Support community-based parent organizations.*** Community-based organizations can provide parents with legal rights information, confidential support,

and the opportunity to advocate for child welfare reform. Child welfare agencies must greet even critical community-based parent leadership organizations as partners in creating needed child welfare reforms.

- ***Hire peer leaders.*** Parents who work at substance abuse programs, mental health providers, preventive service providers and legal service organizations provide parents with examples of how they can overcome difficult circumstances to become stronger parents and peer leaders. Child welfare agencies must support contract service providers in developing a culture of peer support.



Maria Santos Angulo, left, with her son and daughters

## 8. I HAVE THE RIGHT TO HAVE MY CHILD QUICKLY PLACED WITH SOMEONE I TRUST.

For children removed from home, moving in with a stranger's family can be scary and confusing. Children must adapt to a new family's rules and expectations, cultural beliefs, foods and routines. Often, children leave their neighborhoods and schools—everything familiar to them. Placing children with people they know can make removal less painful. It's also easier for parents to stay in touch with children placed with relatives, family friends, or community members. Parents must have the right to have their child quickly placed with a family member or trusted family friend.

Recent research demonstrates that children placed with relatives do better than those placed in traditional foster homes. While children living with kin may be somewhat less likely to reunify with their parents, studies have found that children in kinship foster homes endure fewer moves from home to home, are less likely to remain in care long-term, and are less likely to end up in the juvenile justice system. Child welfare agencies must ensure that children are placed with relative caregivers whenever possible.

### *I Had to Fight to Place My Children With Family*

BY YOUSHELL WILLIAMS

When child protective services (CPS) came into my life, I was going through a very bad time. I had just gotten out of an abusive marriage, my kids were having trouble in school and I was depressed and overwhelmed. I didn't know what to do.

The CPS worker kept pressuring me to place my children in foster care. Finally, I did. I called the worker and asked her take my two children to my sister in Staten Island. But instead of bringing my kids to my sister's house, she put them in a foster home in the Bronx. I didn't get to see them for a month.

When my sister found out

what that worker had done to me, she was furious. She rushed over and we cried and planned together. We went to court the next month and my sister was given custody of my children.

The judge asked the CPS worker, "Why did you put the children in foster care when there was family willing to take them?" Of course, she had nothing to say.

Once my children moved in with her, my sister tried to include me in everything. My visits started off very unsatisfying at the agency office, but soon we were going to movies, going out to eat, and going shopping for the kids together. We loved taking

the kids to Funstation or Fun Bubble. We played video games, put the kids on the rides, or let them bowl.

My children blossomed while living with my sister, her husband and their son. Knowing they were safe helped me get myself back on my feet.



## MAKING OUR RIGHTS A REALITY

# Kinship Care Helped Me Stay Connected to My Son

BY KEVIN EDWARDS

Last April, my son was placed in foster care from his mother's custody. Knowing how some foster parents can be, I worried that my son might be mistreated in the system. My son had been staying with me on weekends, so I asked the judge if I could take my son, but the system did not approve of my apartment. They said I couldn't bring him home.

But they allowed my mother to take him. At least I could see him often.

My son has been in foster care with my mother for a

year now because his mother has to complete parenting classes and other requirements. I've helped my son by being there for him physically and mentally. I wake up at 5:30 every morning so I can go to my mom's and get him ready for school. Then I go to my part-time job and by 2:30 p.m. I'm at his school to pick him up.

Back at my mother's house, we do his homework and, if the weather permits, we go outside to a park. My favorite is Central Park because we get to feed the ducks. It's also his favorite because we take the subway.

It makes all the difference that my son was placed with family. Even though he is not living with his mother or with me, he is safe and he sees us often.

In the last few months, with the court's permission, I've started bringing my son's mother up to visit him at my mom's house. Soon my son will go home to his mother. I can't wait for that moment. He misses his mom and he belongs with her. But I'm grateful that, even though he was in foster care, my son was with family.

## NEXT STEPS

**We must demand that lawmakers and child welfare agencies in our communities:**

- **Prioritize kin caregivers.** Child protective workers, lawyers and judges must work together to ensure that kinship placements are granted priority. Child protective workers must ask parents where they would prefer their children were placed and explore expedited kinship placement before placing children in stranger care. Lawyers must work with clients to consider kinship possibilities. Judges must grant priority to kinship placements, protect these placements by requiring agencies to petition the court before moving children out of kinship foster homes, and grant guardianship or custody to kin who do not meet the requirements to become foster parents, as long as the home is safe. Child welfare systems must judge themselves on their success in placing children with kin.

- **Subsidize guardianship.** Many children would be spared some of the turmoil of foster care placement if family who were willing to care for them permanently could receive financial assistance. Subsidized guardianship also enables children to find permanency without severing their legal ties to their parents. States must provide support for legal guardianship in cases where the only barrier to permanency with family or family friends is financial assistance.

- **Engage fathers.** Child welfare agencies must search for fathers who may be able to provide safe homes to their children. Agencies must treat fathers and fathers' relatives as potential resources to children in foster care unless there is reason to believe that the children or their mother will be endangered by contact.



Rise writer Chrystal Reddick and her son

## 9. I HAVE THE RIGHT TO FREQUENT, MEANINGFUL CONTACT WITH MY CHILD.

The quality and frequency of parents' visits with their children is one of the best predictors of whether children will safely reunify with their parents. Visits help children feel safe despite separation and help families to repair frayed bonds. They keep parents motivated and give parents practice parenting their children in changed circumstances. However, many child welfare agencies grant parents the minimum visits required by law—as little as two hours a month in some jurisdictions—and allow parents and children to visit only in crowded, supervised agency visit rooms.

Families must have more time to connect, have the lowest level of visit supervision

possible and have the opportunity to spend time in positive settings, like libraries and playgrounds, whenever possible. Agencies must use visit rooms only when children may be at risk during visits, and must provide opportunities for families to be supervised by family members, foster parents, or community volunteers when supervision is absolutely necessary. Parents must be allowed to communicate regularly outside of visits, and have visits near their homes, at convenient times, and at no cost. Lawyers must press for increased visit time and unsupervised visits, and judges must ensure that children and their parents are supported in remaining connected.

### *A Year Without Visits*

BY WANDA CHAMBERS

When my daughter was 6 months old, she went into foster care. Soon after, I got locked up. For a long time I could not get it right. But after Ebony had been in care a year and a half, I said to myself, "I'm going to start communicating with the agency." I was clean and thinking straight, and I was committed to getting her out of foster care.

I wrote letters and asked for reports and pictures of my daughter, but for a year I never got visits. She was 3 years old when I saw her again.

When I was released and began visiting, my daughter couldn't stand my living guts. She was afraid, and she was really not nice.

She wouldn't talk to me, she'd scream when I got near her. She'd sit under the desk for the whole visit, or keep running out in the hall to see her foster mother. I would keep reading, "And the bear said..." and if she looked at me I'd say, "Hello, Ebony." Of course I went home and cried.

I felt that the foster mother's presence during visits was making it harder for us to bond. I said, "I'm going to ask them to remove the foster mother from the agency during the time of my visit." She fought me tooth and nail, one mother fighting another mother.

Still, I went step by step—I went from supervised to community

visits to weekends. Ebony and I got closer when I was able to take her out to the park and do little things like do her hair and put on her shoes.

As my daughter's foster mother realized that my daughter was really on her way home, she began to be a friend to me. Now, years later, Ebony is home, but her former foster mother is still part of our lives. Ebony deserves that, since she and I were separated for so long.



## MAKING OUR RIGHTS A REALITY

### Visit Hosts Help Families Reconnect

BY DAMARIS FIGUEROA

Last year, I signed up to be trained as a Visit Host, someone who can supervise family visits outside of foster care agency visit rooms. Visit Hosting allows families the opportunity to do all the things that families usually do together, like eat out and go to activities in their communities.

I began hosting visits for a couple and their beautiful 2-year-old daughter. We started out with three-hour visits every Tuesday and Thursday. It was exciting for the parents and their daughter to visit outside the agency visit room. We

did activities, like eating out at an Italian restaurant or a bagel place, trying scallops at a fancy Chinese restaurant and seeing a parade, and going to the movies and the park. The mom was very creative and she would bring party hats and little horns.

The little girl looked forward to our adventures. If I got to her foster home first on visit days, she would be eagerly waiting for the doorbell to ring again and her parents to arrive.

As time went on, the little girl grew increasingly more affectionate with her

parents. She began to talk more and sit still instead of running around the whole time. It seemed easier for the family to become closer while seeing new things and going different places.

Soon everything came to be about Mommy and Daddy. If she was sleepy, the little girl would call for Daddy. He would carry her and she would fall asleep on his shoulders or in his arms.

I hope that I will get the chance to be a Visit Host to another family. It makes me sad and angry when I think of how many other families have children in foster care

and never get to experience positive times with their children outside of agency visit rooms.

### NEXT STEPS

**We must demand that child welfare agencies in our communities:**

- **Encourage positive relationships between parents and foster parents.** When parents and foster parents work together, kids go home more quickly and stay home. Kids in foster care get better care when the parent and foster parent exchange information about the child and work together to make visits positive. After reunification, the foster parent can become an ongoing support to the parent. Agencies must put structures in place, like an “icebreaker” meeting with the parent and foster parent soon after placement and mediation around conflicts.
- **Provide parenting classes that give parents the opportunity to practice what they’ve learned.** Parenting classes must include children in some classes so that parents can be supported in practicing what they’ve learned.

- **Create structures to support visits in the community.** To help parents move from supervised visits at the agency office to unsupervised visits at child-friendly places like parks, playgrounds, libraries, museums, and the homes of friends and family, agencies must train community members to become Visit Hosts, who will ensure children’s safety while supporting parents in caring for their children in more realistic and positive environments.

- **Provide coaching to assist parents with positive visits.** Many child welfare-affected parents feel overwhelmed during visits and are unused to intensity playing with children, or engaging them in conversation. Agencies must work with visit coaches trained to support parents in interacting with their children in ways that will help them to rebuild after separation.



Rise writer Erica Harrigan with her husband and daughter

## 10. I HAVE THE RIGHT TO MAKE DECISIONS ABOUT MY CHILD'S LIFE IN CARE.

When children enter foster care, foster parents or agency workers begin making major decisions about the child's life—enrolling children in new schools, bringing them to new doctors, or moving them from placement to placement. These decisions should be made by the parent or in consultation with the parent.

Parents must be treated as decisionmakers and partners in their child's life in care, unless a court has found that their involvement would harm the child. Parents must be provided with information about their child's health, mental health and progress in school and be informed of their right to attend school meetings, get report cards,

go to doctor visits, and make medical and educational decisions for their child. Parents also must be informed of meetings, therapy appointments and doctor visits, and encouraged to attend.

Too often, children are unnecessarily separated from community institutions that have sustained them: caring teachers, coaches, religious organizations, after-school programs, neighbors and friends. When parents are involved in placement, educational and medical decisions, they can help child welfare workers and foster parents understand children's history, needs and relationships.

### *My Son Suffered When the Workers Didn't Listen to Me*

BY TERRECA DeFEHR

When my son Aaron had been in foster care for about six months, we had a meeting at the agency about whether to move him to a new foster home. Up until then, Aaron had been living with a foster father while his sister, Bailey, was living with my mother. At first, my mom hadn't thought she could take both of my kids. I had been a heavy meth user and barely parented my kids when I was high, so they needed a lot of structure and attention.

Even though Aaron had done well with the foster father, the child welfare workers wanted Aaron to move in with one of his dad's cousins. They said it was important that Aaron live with family, even family he'd never met. I was against the move. It was get-

ting close to Christmas, and my belief was that the cousins came forward as foster parents because they needed the money.

At the meeting, I came prepared with documents that explained why Aaron should stay at the foster dad's home or be placed with my mother. I told the workers, "Even more so than you, I want what's in the best interest of my child." Despite the work I did to prepare, my family and I were not listened to. The workers had already made their decision and were just following through on protocol. Aaron was moved to the new placement.

After the move, Aaron's behavior changed. He acted aggressive and started hitting me during

visits, which he hadn't done for months. All of the work the foster dad had done to stabilize my son was lost.

Then, a few months later, Aaron stayed with my mom and Bailey for the weekend. My mother noticed that Aaron was covered in bruises. We were so scared. When my mother took Aaron to the hospital, it turned out that he had overdosed on cold medicine, causing the bruising.

After that, Aaron was moved to my mom's, and he came home to me three months later. I am so glad that I can now make decisions about my children's lives. I only wish the workers had listened to my judgment when my children were in care.



## I Needed More Time Before My Children Came Home

BY DINAH CLEMMONS-GIBSON

When my children were placed in foster care, I was determined to get them back. I came to court prepared each time. I brought certificates of completion and letters of recommendation from parole and from a program called Treatment Alternatives to Street Crime (TASC). I also enrolled myself in trainings that were not mandated by the agency, including a 350-hour class to become certified as a Credentialed Alcohol/ Substance Abuse Counselor (CASAC). Most of all, I maintained my sobriety.

But the hardest thing I had to do was request an extension of placement for my sons. I did that twice. Even though I had completed my service plan, I was not ready to take my sons home. I was working two jobs and going to school. I wanted to finish school and save a substantial amount of money before reunifying. My fear was that, once the agency was no longer supporting me, I would find out that I was unable to provide for my children.

I also had learned that if children re-enter foster care after reunification, it can be

much harder for a parent to reunify the second time. I did not want to cause my children further instability. They were together and safe in kinship care with their aunt. So instead of rushing to get them home, I spent weekends with my sons while I accomplished my goals.

Once I finished school, I went full speed ahead with having my sons returned to me. They came home in 2005 and I was able to stop working temporarily so I could re-bond with my sons full time.

Now I work as a parent advocate at the foster care agency where my own children were placed. My goal is to teach other parents how to advocate for themselves and navigate through the system, getting what they need and making the system work for them.

I am proud that my children are home with me. I vowed that they would not return to the system, and I have kept my word.



Dinah Clemmons and her sons

### NEXT STEPS

*We must demand that child welfare agencies in our communities:*

- **Reduce children's school transfers.** Research has found that children fall behind four to six months every time they change schools in the middle of the school year, unless it's a planned transfer. However, agencies routinely place children in schools closer to a foster parent's home. Agencies must enforce the school stability provisions of the federal Fostering Connections Act, which requires that children stay in their original school unless it's in the child's best interest to change.
- **Ensure that parents are invited to attend school meetings and doctor visits.** Parents should know that, even if they can't have unsupervised contact with their children, they can still go to their children's doctor's appointments or schools, talk to their teachers, or get any school documents unless

there's a court order. In practice, many decisions are made about a child's education without a parent's consent. Parents must be informed of their right to make decisions or to appoint a family member as a "surrogate parent" qualified to make educational decisions.

- **Include parents in child placement decisions.** Parents' knowledge of their children must be brought into placement decision-making to reduce children's moves in foster care.

- **Provide family therapy with the child's biological family during foster care placement.** Too often, children are placed in individual therapy when family therapy would be more appropriate. Families with a case goal of reunification should be able to attend therapy together.

## 11. I HAVE THE RIGHT TO PRIVACY.

Parents with child welfare cases are routinely referred to therapists who share confidential patient information with child welfare authorities, are asked to submit to drug tests when drug use is not part of the allegation, and are encouraged to disclose personal information about past experiences with the threat of appearing non-compliant if they do not.

Parents must have the right to keep their own records confidential unless they provide written consent and to keep details of their lives private if they are not directly related to the allegations in the case. Child welfare agencies and courts must be barred from

holding this against the parent. Parents also must be able to access confidential mental health treatment and have the option to choose their own licensed therapist.

Parents must have access to their own child's and family's records at any time. They must be able to quickly and simply appeal findings that maltreatment is "indicated" or "substantiated." They must be able to have their names cleared from child protective services or state central registries through a process that is clear, swift and simple if there are no findings against them or after a reasonable amount of time has passed since they have met all agency expectations.

### *The CPS Workers Did Not Respect Our Privacy*

BY CHRISTINA WONSEY

More than two years ago, my family had an open case with child protective services (CPS) because my fiancé and I were using drugs. I got the drug treatment that I needed and parent education classes that taught me how to better care for my family and raise happy and healthy children. While I am grateful for the help that CPS was able to provide to my family and me, I have always felt that some of the ways our case was handled were not in our best interest.

When my daughter was taken into custody, our caseworker and her supervisor, possibly wanting more information about our family, spoke with our landlord about our situation and explained that we were involved with CPS. Less than two weeks later, our land-

lord asked us to move out of our apartment. We were unable to find a new apartment because new landlords were scared when our landlord told them about our CPS involvement.

With nowhere to go to and no one willing to rent to us, my fiancé and I spent the next five or six months homeless, with a second child on the way. We were scared to death that, because of our inability to find new housing, we would lose our newborn baby to foster care as well. At every court hearing, CPS brought up the fact that we did not have housing.

I do not think that the CPS worker intended for this to happen to us as a result of the investigation, but it did, and when we lost our apartment, they used it against us. They

didn't seem to realize that they had helped to put us in that situation.

Although we were able to later find housing with help from a program called One Family One Home, I cannot help but think that the months we spent homeless and the setbacks that our homelessness cost us in our case could have been avoided if the CPS workers had simply respected our privacy.

Families that are CPS-involved need a helping hand in reuniting their families. Sometimes they need education on being a happy, healthy and safe family. But along the way, they also need the people privileged with information about their family to use discretion and maintain their privacy.



## An Advocate Helped Protect My Family and Me

BY LINFA CARRION

The first time child protective services (CPS) came into my life, I had no idea how to handle my case. CPS claimed that I had abandoned my daughters by leaving them with my mother. In fact, I'd asked her to take them while I recovered from being in a car accident.

At my first meeting with CPS, they asked me if I was using drugs, even though that wasn't part of the case against me. I said, "Yes, marijuana," so they asked me to come to drug counseling and to take a drug

test once a week until my system was clean.

I thought I was doing fine with what CPS told me to do, like parenting classes and drug counseling. But for a long time I didn't find my own apartment, and I visited my daughters at my mother's house, not at the agency, so the agency didn't see my dedication to my children. Eventually, I received a big packet of papers telling me that my rights were terminated. I was devastated.

Then, on January 7, 2005, I thought that nightmare was

going to happen to me all over again. CPS knocked on my door with the allegation that I left my 1-year-old child alone in the house and that I was allowing drug trafficking out of my apartment. But, thank God, this time I got the help I needed to prove that the allegation was unfounded. A social worker and a lawyer at the Center for Family Representation in New York City helped me prove my case.

My social worker, Ms. Wanjiro, went with me to talk to the CPS social worker. In the meeting, CPS said

they wanted me to take drug tests again. I was willing to do it, but Ms. Wanjiro said that I didn't have to because the allegation was not about using drugs.

Ms. Wanjiro told CPS that it was against my rights to ask for a drug test, and against my rights to take my children, because police had pressed no charges against me and there was no evidence that I was hurting my kids. In the end, my two younger kids stayed home with me.

### NEXT STEPS

***We must demand that federal policymakers and child welfare agencies in our communities:***

- ***Provide confidential therapy or a clear consent form that helps parents understand the clinician's role and obligations.*** Parents receiving mental health treatment as a result of a child welfare case must understand what the clinician is expected to share with the child welfare agency. If possible, parents must also be referred to counseling or supports unaffiliated with the child welfare system.
- ***Create federal standards for expunging records.*** State standards for expunging records vary, as do the procedures parents must follow to get their records expunged. The federal government must set fair minimum standards. Parents must be able to quickly get a hearing and have mistakes corrected.

• ***Develop a simple, open process for parents to access their own records and their children's records.*** Parents

are often confused about the results of parenting or mental health evaluations, children's health or mental health evaluations and treatment, and other data kept on families. Parents must be able to access information gathered about them so that they have the opportunity to correct any mistakes.

• ***Respect parents' privacy.***

Caseworkers should avoid unnecessary interviews and take care to avoid revealing private information about a family in the course of an investigation.



Christina Wonsey with her family

## 12. I HAVE THE RIGHT TO FAIR TREATMENT REGARDLESS OF MY RACE, CULTURE, GENDER, OR RELIGION.

Although it's been established that addiction, domestic violence, mental illness, and physical and sexual abuse cut across race and class lines, children of color and poor children are more likely to be placed in foster care. Child welfare systems discriminate in who they investigate, which children they remove, and what services their parents are offered. Research shows that black children enter foster care at a higher rate than other children in similar circumstances and remain in foster care for longer, while white children are more often allowed to remain home while their parents receive services. Likewise, fathers are more likely to face barriers in

reunifying with children in care, even when the father was not accused of abuse or neglect.

Parents affected by the child welfare system must have the right to equal treatment regardless of race, ethnicity, gender, disability, age, religion, economic status, family composition or sexual orientation. Agencies must examine their practices and take steps to correct unequal treatment. Services and supports also must be geared to the races and cultures in a community, with the agency providing culturally appropriate parenting guidance, casework and services in a variety of languages.

### *As a Father, I Was Treated With Suspicion*

BY NA'IM WILLIAMS

Ten years ago, my son's mother and I divorced because of her mental instability. During our divorce proceedings, my ex-wife falsely accused me of molesting my son. She'd accused her older son's father of the same thing. I did not understand what was going on. Later, she was diagnosed with paranoid schizophrenia.

My wife's false allegations were dismissed in court. However, I felt discriminated against as a father. The judge granted me all of the power to make decisions about my son, yet gave custody to the mother. I felt that the judge understood that my ex-wife was unstable, but because of his own prejudices, he didn't have enough heart to grant me custody.

After our divorce, my son's mother made five false allegations against me

to child protective services (CPS). Then, after she threatened her older son with a knife, my son was placed in foster care with his grandmother.

I was stunned. Isn't the father next in line if a mother can't provide for her child? I called the police but there was nothing they could do.

The CPS worker seemed shocked to see me come to his office, very professional and extremely articulate, asking, "How is it that the grandmother received custody instead of me?"

"I tried to contact you," he responded.

"How?" I asked. "Did you come by my house or my job? Did you get my phone number from Child Support?"

He was stuck with no real response

but said that if I wanted to see my son, I had to attend supervised visits. That was the beginning of jumping through many hoops to get custody of my son. For an entire year I had weekly two-hour supervised visits, and it took more than three years to get 100% custody. Imagine that!

I believe that if CPS had done their homework—and an inventory check of their own prejudices—I would not have lost precious time with my son.



## Fighting for Fair Treatment

BY BERNADETTE BLOUNT

A few years ago, I was asked to join the Alliance for Racial Equity in Child Welfare Parents, Alumni, Youth and Community Development Network (PAYCD). PAYCD, which includes parents and youth affected by the child welfare system, gives feedback on research and policy work focused on “disproportionality” and “disparity.” Our first task was to understand those words. It took me a while before I realized that we were talking about racism and how poor people are treated.

Basically, disproportionality means that, even in places

where there’s barely any black or Latino people, the a large majority of children in the child welfare system are black and Latino. In states like the Dakotas, Iowa and Nebraska, it’s the Native American population that’s entrenched in the system. In Minnesota, you see a lot of Hmong, immigrants from Southeast Asia, coming into foster care. It’s like the child welfare system picks on the most underprivileged and defenseless.

Disparity basically means unequal treatment. It means that I can go into a hospital because my blood pressure is up and I’ll get tested for drugs, but if a white woman

comes in with the same problem, they’ll look for diabetes. It’s mind boggling to learn how the system will hinder families by setting up extra hurdles for some people to cross.

A few years ago, the federal Government Accountability Office invited us to discuss our experiences and published a report to Congress that, state by state, showed that these issues affect families. For me, it was eye opening that racism and class bias were acknowledged, but it was heartbreaking that we’re at a standstill in doing something about it. We know there’s disproportional-

ity. We know there’s disparate treatment. But no one wants to give up that power they have.

Just last week I heard that a renowned doctor is arguing that we should call in reports for psychological abuse, so if you yell at your kids, child protective services should come knock on the door. I thought, “Is this for everyone?” Everyone’s going to take that as a sign of stress, but in my community, that will become a sign of abuse. I thought, “When does this end?” It seems like, just as we’re coming to some kind of awareness, there’s always a new twist.



Na'im Williams and his son

### NEXT STEPS

**We must demand that federal and state policymakers and child welfare agencies in our communities:**

- **Use data to determine bias in local child welfare proceedings and determine steps to reduce disproportionality.** Researchers have found unequal treatment and outcomes for families of color and have documented the practices that have led to disproportionate placements of youth of color in foster care in many states. Agencies must take steps to reduce the impact of race and class discrimination.

- **Provide translation services.** Children and neighbors of parents who do not speak English are often asked to translate for their parents, exposing them to private information beyond their comprehension. Appropriate translation services must be provided from the knock on the door through

the resolution of a case.

- **Recruit kin and local community members as foster families.** Agencies must prioritize keeping children in their home communities and in homes where they can communicate in their first language, follow cultural norms, remain connected to religious institutions or cultural institutions, and eat similar foods or speak the same language at home.

- **Support fathers.** Fathers who are not facing allegations should be granted custody unless a judge finds that placement with the father would put the child at imminent risk of harm. Fathers with petitions against them or findings of potential imminent risk must be granted affordable legal representation and affordable appropriate services.

## 13. I HAVE THE RIGHT TO SERVICES THAT WILL SUPPORT ME IN REUNIFYING WITH MY CHILD.

In most cases, the federal Adoption and Safe Families Act (ASFA) requires that child welfare agencies make “reasonable efforts” to avoid removing children from their homes and to reunify families after removal. However, agencies vary widely in the efforts they consider reasonable. In some communities, parents are expected to seek out treatment and other services on their own. Some parents must pay out of pocket for court-ordered services, such as batterer intervention. Addiction treatment, mental health services and family supports may

also be difficult to access. Some states do not provide supports—such as homemaker visits, affordable child care, family therapy, “wraparound” mental health services for children, or short-term financial aid—that can prevent foster care placement or reduce lengths of stay. As a result, parents face termination of their rights when they have not been offered meaningful help.

Federal policy makers must develop a common standard of “reasonable efforts” and require agencies to provide families with the help they need to reunify.

### *My Children and I Didn't Get the Help We Needed*

BY ANNA JONES

While my children were in foster care, I requested therapy for my children and myself. I had lived in foster care from age 6 until I ran away at 15. As a kid, I felt like I was stuck with a bunch of strangers. I wanted to know, “Who are all these people? What’s going on?” Individual counseling and family therapy had helped me let out the longing. My therapist also became an advocate for me.

I believed that my children needed help understanding the changes they were going through. I wanted them to have someone they could feel safe with and trust, especially because their father and I had let them down. Plus, a therapist who sees the week-by-week progress of a child really knows what would be in

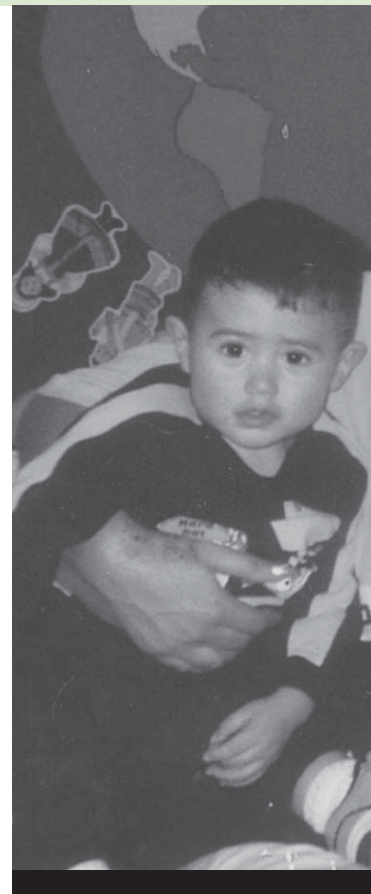
that child’s best interest and can help the court understand the child’s needs.

But my request for family therapy was denied. I was told that my children’s mental health evaluations were fine, so they did not need therapy.

Then the child welfare agency filed to terminate my parental rights. The judge requested a bonding study to determine whether my children and I had a bond. It was 20 minutes long and done by someone that my children and I had never met before. The lady who did the study took the stand and told the court that my children and I didn’t have a bond. I remember weeping. I couldn’t believe the court would allow such a thing.

If I didn’t have a bond with my children, why would I have spent two years doing services to reunite with them? And why hadn’t the system given us therapy to strengthen our connection?

Now it’s been five years since I last saw Erica and Isaiah. I keep searching for ways to reconnect with them. I did research at the law library and found out that the system is supposed to offer all services that children and parents need to reunify before saying to the court, “We tried everything.” I believe my rights were violated, because my children and I were not offered therapy, and because the court used the bonding study against us without offering services to help build our bond.



## In Treatment, I Learned How to Be a Mom

BY SANDRA EVANS

When I was 12, drugs became my way to numb out. All of those painful childhood memories, the ones that no one talks about, disappeared with meth.

My addiction escalated when I was about 25 and caring for my four children under age 5. I found caring for all of our children overwhelming. My husband and I lived in a neighborhood in Fresno, CA, where at every fourth house they either used meth or sold it. Soon getting high became my escape from the smallest

things—my baby crying, or a fight with my husband.

When I gave birth to our youngest, CPS showed up and told us we couldn't take the baby home. I felt ashamed and desperate. I had failed my family and myself. Soon I was admitted to inpatient treatment, where I stayed with my newborn for six months. Through treatment, I got to connect with my family in a much different way. During visits, I would play with our kids, read to them, color and really enjoy our time. The most valuable thing I learned was that children

need attention in order to thrive.

The day I returned home, I was overfilled with joy but also terrified. So many thoughts went through my head, like, "What if I can't do it? What if my kids hate me?" I'm so glad my social worker didn't just throw me out into the world. She stood by me while I got adjusted. She helped my family move into a new apartment and gave us referrals for furniture, clothing and food. Even after my case was closed, she was there if I had a problem or question.

Now, through a program called Exceptional Parents Unlimited, a child development expert comes and works with my children and me once a week. She brings games for the kids to play or comes up with projects for us to do together, like baking or making our own Christmas ornaments. It helps to strengthen the bond between my children and me.

Now it's been 18 months since I came home from treatment. I feel good. I know how to build a foundation for my children.

### NEXT STEPS

**We must demand that federal and state lawmakers and the courts:**

- **Develop federal policy and law defining "reasonable efforts."** Federal agencies overseeing child welfare policy and practice must define what constitutes reasonable efforts for reunifying families. Federal legislators must require states to follow the guidelines.
- **Hold agencies accountable for making "reasonable efforts."** Judges must hold agencies accountable for making reasonable efforts before placing a child in foster care and before filing to terminate parental rights. The Federal Adoption and Safe Families Act (ASFA) requires states to file to terminate parental rights if children have been in foster care for 15 out of 20 months. Judges cannot collude with agencies in implementing ASFA timeframes without providing families with needed reunification supports. Lawyers must challenge removals and termina-

tion proceedings when reasonable efforts have not been made to keep a family together.

- **Extend ASFA for parents in residential drug treatment and in prison.** Residential drug treatment programs typically last 18-24 months and prison terms for mothers average two years, putting mothers at risk of permanently losing their parental rights if they complete the sentence or program. States must extend the ASFA timeline for parents in these circumstances.



Anna Jones with Erica and Isaiah

## 14. I HAVE THE RIGHT TO OFFER MY CHILD A LIFELONG RELATIONSHIP.

When parents' rights are terminated, they usually permanently lose all contact with their children, even when losing all contact is not in the best interest of the child. Many times, children in foster care wish for contact with their parents even if they will not return home. Often, parents and older children are in touch informally despite termination.

Parents who are not at risk of harming their children through ongoing contact should not be barred from letters, phone calls, or even visits simply because they cannot be their child's full-time caregivers. Mental illness, incarceration, or addiction may render parents incapable of full-time custody, but

this should not bar children from continuing to hear from or know about their parents if they choose.

Agencies and the courts must offer enforceable post-adoption contact agreements or conditional surrender agreements that give parents and children a legal right to contact after termination. Child welfare workers must guide adoptive parents in understanding children's need for contact and support adoptive families in determining appropriate contact agreements and maintaining contact as agreed.

### *My Son's Adoptive Parents Broke Their Promise to Let Us Visit*

BY DEBORAH MCCABE

When my son Justin was 8, I had to go to court to surrender my rights so Justin could be adopted. I was five years into my prison sentence and still had years to go. There was no one else to take him. Besides, I felt it would have been selfish to fight. He was with a family that loved him. I grew up in foster care and know how rare that can be.

When I was first incarcerated, Justin's adoptive parents had reminded me of the unbreakable bond my son and I shared. They allowed me to talk on the phone with Justin weekly and brought him to visit often. Our visits were painful but wondrous. I still remember the sound of his voice when "Mommy" changed to "Mom."

But as Justin grew older, things between his foster family and me began to sour. Justin began missing every other visit. Justin's foster mother told me that Justin got depressed after visits and acted out. Those were little signs, she told me, that "maybe the visits aren't such a good idea."

When Justin was adopted, his foster parents and I signed a post-adoption contact agreement that he would visit me seven times a year, including three overnights, plus I'd get phone calls, pictures and letters.

What I didn't know was that, at that time, post-adoption contact agreements were not legally binding in New York. Justin's family stood me up for the next two visits. They also stopped calling.

Since I signed the adoption papers five years ago, I have had only two visits and have spoken to my son only five times on the phone.

I used to be able to call my son once a month. The last time I spoke to him was more than a year ago.

Justin tries not to hurt my feelings by speaking too fondly of his adoptive family, but I want to know if he knows love and affection. I am very grateful to his adoptive parents for loving him and giving him the life I couldn't give.

Still, my son's adoptive parents don't seem to realize how much they have hurt us both by keeping us apart.



## MAKING OUR RIGHTS A REALITY

# Helping Professionals Remember the Strength of Family Bonds

BY TRACEY CARTER

In September, I traveled with my 23-year-old son to speak at a conference about finding permanent families for youth in foster care. Even though James and I were separated by my drug addiction and my sister adopted him, our relationship is growing now. My rights were terminated but our love did not end.

At the conference, I explained some of the history that led to James' placement in foster care. In 1986, when James was little, his father was arrested for selling drugs. At the time,

I was pregnant with my fourth child. Soon I was depending on public assistance and I was depressed. I was introduced to crack. Eventually, my addiction took over.

But by 2004 I was drug-free, raising my two youngest children with my husband, and working as a parent leader at the Child Welfare Organizing Project, a parent advocacy group in New York City. I'd reconnected with my family and found out that James was looking to reconnect with me.

My family had only told

James that I was sick. They hoped that one day I would tell James the whole truth. When I told him my story, he said he felt better hearing it from me. He asked me a lot of questions. I was straight and honest with him. I apologized for not being there for him and told him, "I can't change the past. I'm just grateful that you still accept me."

When James and I told our story at the conference, I think we helped the child welfare professionals remember the strength of children's bonds with their parents, and parents' bonds

with their kids. Love is permanent, not what is written in a court order. You can separate a mother and child, but the love will still be there. I hope policymakers who hear our story will find ways to help parents and kids stay connected, even if the parents cannot take care of their kids.

## NEXT STEPS

**We must demand that state lawmakers:**

- **Offer conditional surrender agreements.** Parents facing termination of their rights must be offered the option to participate in developing a plan for their child's permanency, safety and well-being. Conditional surrender agreements allow parents in many states to set terms for contact after surrender (such as continued visits), or to require that a surrendered child is adopted by a particular adoptive parent. These agreements help to make termination less traumatic for both children and their parents. States without a conditional surrender option must develop court-enforced conditional surrenders and offer this option to parents.

- **Offer subsidized guardianship.** Subsidized guardianship can make it possible for kin to permanently care for children and youth for whom adoption is not the right option. Guardianship

subsidies allow relatives to afford permanency without severing children's legal ties to their parents.

- **Offer enforceable post-adoption contact agreements.** Court-enforceable post-adoption agreements allow parents and children to maintain contact after adoption under terms that respect the adoptive parent's wishes. Under these agreements, contact can range from yearly letters sent to parents by foster parents to regular phone calls or visits. Research has found that open adoption often benefits children and their adoptive parents. States must offer post-adoption contact agreements to parents whose children are adopted through foster care and enforce those agreements through court orders.



Tracey Carter with her husband and two youngest children

## 15. I HAVE THE RIGHT TO MEANINGFUL PARTICIPATION IN DEVELOPING THE CHILD WELFARE POLICIES AND PRACTICES THAT AFFECT MY FAMILY AND COMMUNITY.

Child welfare agencies cannot succeed in safely reunifying families unless they rely on the wisdom of child welfare-affected parents to guide them in creating policies, practices and services that speak to the needs of the families and communities they serve.

Child welfare agencies must abandon the practice of believing they have all the answers and must find ways to meaningfully include child welfare-affected parents and youth in evaluating services; developing parent and youth advocate roles in service

delivery and staff training; developing methods for engaging families in accessing supports before removal becomes necessary; and determining child welfare policies and practices.

Including one or two parents on an advisory board is not enough. Parents must be supported—at best by independent advocates—in becoming full decision-making members on planning and oversight committees.

### *Families Denied a Voice Start a Movement*

BY MARY THUNKER

Two years ago, several dozen parents made news in Nebraska because they abandoned teenagers at hospitals, saying they could not handle their kids at home or access appropriate care. Parents took this drastic step after Nebraska passed a “Safe Haven” law allowing parents to relinquish their children at hospitals for any reason. Legislators were expecting infants, not older children.

My heart ached for the families of these troubled children. Why should they have to give up their child just to receive mental health care? My daughter and I contacted our state senator to discuss our own experiences accessing mental health services for my grandson. Soon after, a state senator gathered families

to share their stories. Many of the families pulled together the Family Advocacy Movement to give parents in Nebraska a voice.

Then my daughter and I found ourselves stuck in the same situation as so many other families. My grandson was hospitalized repeatedly because of aggressive behavior. The doctors recommended residential treatment but his health insurance refused to pay. One doctor said there was no choice but to abandon my grandson so he could get treatment through foster care.

After the hospital meeting, I called a fellow member of the Family Advocacy Movement for support. Soon we had email messages and phone calls coming in from other families. They

gave us the strength to fight. My daughter spoke with the Speaker of the Nebraska House of Representatives. A month later, my grandson was approved for residential care without foster care placement.

Despite the sadness we feel being separated from my grandson, we also have a great feeling of relief because he is getting the help he needs. My daughter and I have also started a new group, called A.S.K. (Alphabet Soup Kids) for families of children with mental and behavioral illness, and my daughter was hired as the one of the first Family Navigator for Nebraska. She now spends her time helping other families find services so they don't face the same painful choices.



## MAKING OUR RIGHTS A REALITY

### Parents Advise the Commissioner

BY PHILNEIA TIMMONS

Several years ago, I joined the Parent Advisory Workgroup at Children's Services in New York City. In the Workgroup parents come together to discuss strategies the system can use to provide better services to families. We talk about issues that parents are most concerned about, and we present those issues to the commissioner.

At first I found it weird to meet with child welfare officials, I never thought I would be on the other side—a person the system would have to listen to. This young, black female who

had her children removed would be someone to help child protective services (CPS) make policies? But of course it's parents who can help CPS develop policies that respect parents and understand our needs.

For me, the most important issue was reducing the number of children being mistreated in the foster care system, because many parents had shared that their children were abused in foster care. The Workgroup decided I should present that goal to the commissioner. Finally I had a chance to open minds.

When we met with the commissioner, I was nervous, but I explained that we really needed to find solutions to this problem. Once I finished my presentation, the commissioner agreed to help us hold a consortium, a big meeting where we could discuss the problem and possible solutions. That's a change in the right direction for parents, children and the system.

Unlike many parents who haven't had the opportunity to work with the system, I've come to believe CPS will be able to improve its policies. It helps me to remember that "the sys-

tem" is actually a huge organization, and that different people within the system have different views.

It sometimes feels strange to be a part of the system. The system offered me no help before taking my kids, and my side of the story didn't seem to matter. But I keep telling my story and working with other parents to change the system. I think it's worth it. CPS is starting to develop a relationship with parents and to understand our perspective.



Philneia Timmons with her daughter

### NEXT STEPS

***We must demand that child welfare agencies in our communities:***

- ***Include parents on leadership boards or planning committees.*** Child welfare leadership must meet with parents regularly to understand parents' perspectives on policies and practices. Parents must be supported in actively participating in meetings. Parent advisory workgroups, which set an agenda for meetings with leadership and work with leadership on practice issues, must be established.
- ***Allow parents to evaluate services.*** Evaluations of services must include feedback from parents on the quality of services provided. Agencies must work to develop methods of gathering meaningful client feedback and using that feedback to revamp services and staff training.
- ***Develop community partnerships.*** Agencies in a number of states have

developed community partnership initiatives to bring a wider number of community institutions and people into the work of child welfare. Partnerships encourage community-based organizations to work with child welfare agencies to provide family supports, host visits, recruit foster parents, and share information about their services with the community. Partnerships that work to develop local parent leadership can help to reach families in crisis before a child protective services intervention.

- ***Listen to parent-led advocacy groups.*** Child welfare leadership must find ways to learn from parent-led advocacy organizations.

# From Rights to Reality

## A plan for parent advocacy and family-centered child welfare reform

*From Rights to Reality* is designed to unite parents and parent advocacy around a common set of goals. It identifies 15 rights for parents affected by the child welfare system. Most parents do not yet have these rights in child welfare proceedings. *From Rights to Reality* represents a commitment to working in our communities and nationwide to make these rights a reality.

### **AS A PARENT INVESTIGATED BY THE CHILD WELFARE SYSTEM:**

1. I HAVE THE RIGHT TO not lose my child because I'm poor.
2. I HAVE THE RIGHT TO services that will support me in raising my child at home.
3. I HAVE THE RIGHT TO speak for myself and be heard at every step of the child protective service process.
4. I HAVE THE RIGHT TO be informed of my rights.
5. I HAVE THE RIGHT TO a meaningful and fair hearing before my parental rights are limited in any way.
6. I HAVE THE RIGHT TO quality legal representation.
7. I HAVE THE RIGHT TO support from someone who has been in my shoes.
8. I HAVE THE RIGHT TO have my child quickly placed with someone I trust.
9. I HAVE THE RIGHT TO frequent, meaningful contact with my child.
10. I HAVE THE RIGHT TO make decisions about my child's life in care.
11. I HAVE THE RIGHT TO privacy.
12. I HAVE THE RIGHT TO fair treatment regardless of my race, culture, gender, or religion.
13. I HAVE THE RIGHT TO services that will support me in reunifying with my child.
14. I HAVE THE RIGHT TO offer my child a lifelong relationship.
15. I HAVE THE RIGHT TO meaningful participation in developing the child welfare policies and practices that affect my family and community.

Rise trains parents to write about their experiences with the child welfare system in order to support parents and parent advocacy and guide child welfare practitioners and policymakers in becoming more responsive to the families and communities they serve. Our print and online magazine reaches parents nationwide. We work with family support and child welfare agencies to use Rise stories in support groups, parent education classes and staff training. We partner with advocacy organizations to use Rise stories in child welfare reform.

The logo for Rise magazine, featuring the word "Rise" in a white, serif font inside a black square with a white border.

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