

Challenges & Solutions

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Spring 2004

STRATEGIES FOR PROMOTING CHILD SAFETY, PERMANENCY, AND WELL-BEING IN NYS

Finding Common Ground through Child Permanency Mediation

The agency is about to change the goals of three children from return to parent to adoption. The two girls in foster care, ages 10 and 6, and their 16-year-old brother, who is placed in a Residential Treatment Center, are all very attached to their mother even though she is often angry at them and does not visit the boy. She has a history of mental illness and has been unable to maintain housing. Her extreme anger at the agency and her failure to carry out her service plan is causing the agency to reconsider the goal for the children.

At this point the permanency mediation program steps in as a referral from Family Court.

During mediation, an adult daughter, who has feared “betraying” her mother by taking over her role, comes forward as a resource. Once all issues are explored in mediation, the agency agrees to study the adult daughter’s home so that all the children can live there together. The mother agrees to cooperate with the agency, and all parties affirm that the court should make the final determination of permanency goal.

Because of mediation — as shown in this hypothetical case — child welfare cases are increasingly moving toward outcomes that might have seemed difficult to achieve a year ago. The goals of permanency mediation are to help

identify issues, clarify perceptions, and explore options for a mutually acceptable outcome for all participants in a child welfare case. Specifically, the birth parents, foster parents, caseworker, law guardian, service providers, and the child, if appropriate, meet with mediators to resolve the issues that prevent the case from moving forward.

One of seven pilot sites around the state, the Albany County Family Court Child Permanency Mediation Program exemplifies the use of mediation to expedite permanency in the lives of children. Coordinated by the nonprofit organization, Mediation Matters, the program brings together the Albany County Department of Children, Youth and Families (DCYF) and Albany County Family Court to

resolve child welfare cases through mediation and collaborative planning.

“Considering that the program began less than a year ago, the amount of progress in Albany County has been extraordinary,” says Frank Woods, principal court analyst with the Office of Alternative Dispute Resolution (ADR) Programs, NYS Office of Court Administration (OCA). “In addition to providing permanency mediation, the program is serving as a catalyst to bring together DCYF and the court in a systems planning way.” He attributes much of this success to the leadership of Judge Gerard E. Maney, supervising judge of Family Courts, Third Judicial District, and Sheila Poole, DCYF commissioner: “As leaders, they embraced the program from

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Note: Issues of *Challenges & Solutions* are available on the OCFS website: www.ocfs.state.ny.us/publications.

Greetings from...

Larry Brown
Deputy
Commissioner
Division of
Development and
Prevention Services

I am pleased to present the second issue of *Challenges and Solutions* to New York’s child welfare stakeholders. This newsletter is published quarterly to provide information about programs and practices under way in New York State to improve outcomes for vulnerable children, youth, and families. In this issue, you will read about child permanency mediation, a promising practice that is taking place in several counties in New York State through partnerships among the courts, districts, nonprofit organizations, OCFS, and others. You will also learn about a local initiative to strengthen the role and practices of front-line casework supervisors.

I know that improving the safety, permanency, and well-being outcomes for children and families is

possible even in these times of limited resources. In fact, change is occurring across the state due to the efforts and commitment of child welfare service providers and stakeholders. We must continue to join together to creatively identify solutions to today’s challenges. I see evidence throughout the state that folks are doing just that, by implementing strategies, both large and small, to improve the lives of children and families in New York.

Yes, we have challenges and yes, we are finding solutions. I welcome your feedback on the initiatives described in this newsletter and on our child welfare improvement agenda. ♦

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the start and then carefully integrated mediation into the child welfare process.”

Less than a year after the program began, Judge Maney states, “It’s working. Mediation is truly a collaborative effort, not an adversarial one. In the old model, a parent is charged with neglect, sent for services, and then brought back to court for violating the order. In this model, mediation brings in everyone involved with the family to solve the problems. Mediation empowers people to be part of the process.”

From the local district perspective, Commissioner Sheila Poole says, “Permanency mediation offers local districts a profound practice change opportunity. It embodies the critical elements of family-centered practice that are so desired but often elusive in our investigation-driven child protective culture.” Marian Logan, DCYF director of children’s services, agrees: “Mediation strengthens families.”

Not everyone gets on board at first, however. Caseworkers may object because of the increased demand on their time in the beginning of the mediation process. Attorneys and judges may not want to let go of decision-making. Birth parents may be suspicious of the mediators, identifying them with the court



Gerard E. Maney
Supervising Judge
Family Courts
Third Judicial District

system, and be reluctant to participate.

Eventually, the benefits of mediation become clear. Mediation helps people slow down so that caseworkers and attorneys can really listen to birth parents. As a result, parents become engaged in the process, and attorneys are freed to be advocates rather than bridges between agencies and courts. Even though there is more up-front casework, the outcome is achieved more quickly. “It’s

a minor miracle that the kids went home after such a short time,” says Mi-lyn Dolan, DCYF caseworker, about a mediated case. Most gratifying is the testimony of parents: “Mediation has been very helpful to me. It has helped me understand what I need to do in order to get my children back.” “Mediation helps to make clear expectations and puts things into perspective.”

Getting Started

The Permanency Mediation Information Day, on September 23, 2002, launched the statewide initiative with presentations of successful programs. Through a collaboration among the Office of ADR Programs, the Permanent Judicial Commission on Justice for Children, and OCFS, seven county sites have been funded so far: Albany, New York City (Brooklyn and Manhattan), Chemung, Monroe, Oneida, and Westchester. Erie County also has had a mediation program for several years through a partnership with Catholic Charities.

According to Sheryl Dicker, Executive Director of the Permanent Judicial Commission, “Included in the reform agenda developed for the courts by the Commission, mediation is one of the non-adversarial alternative dispute resolution mechanisms that help resolve cases earlier, provide better information to the courts, and develop service plans

that reflect the needs of the individual child and family.”

To participate, mediators must be well qualified, knowledgeable about child welfare and the family court system, and receive mediation training. Mediators must maintain neutrality and objectivity, protect confidentiality, refrain from providing any legal advice, and always consider the best interests of the child(ren). Having these standards is crucial to the success of the process.

Since issues need to be negotiated at any phase of a child welfare case, permanency mediation can be used at the beginning, middle, or end of a case. Even cases at the pre-fact-finding stage can be mediated. And a case need not be “easy” to be mediated. In fact, Peter Glassman, executive director of Mediation Matters, points out that “we are getting results that will directly benefit children’s lives while lightening the court’s load. This is particularly gratifying since the initial cases we have been referred were some of the most difficult in the court’s docket.”

With mediation there can be a discussion of issues that are normally hard to talk about. Parents may be asked, “What do you think is best for your child?” and after some thought may agree to a service plan or goal they might not have otherwise. To get to this point – thoughtful deliberation and understanding – requires the atmosphere and trust provided by the mediation process. Says one parent, “Mediation has given me a voice at the table.”

For information about permanency mediation statewide, contact Michelle Rafael, (518) 474-4352; michelle.rafael@dfa.state.ny.us. ♦

“The relatively new use of mediation in child welfare is a promising practice that supports family involvement in planning for their children and has been shown to reduce lengths of stay for children in foster care.”

— NYS Child & Family Service Review Program Improvement Plan



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New York State Office of Children & Family Services
John A. Johnson, Commissioner

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Send comments or suggestions for future articles to Lee Lounsbury, NYS OCFS, 52 Washington St., Rensselaer, NY 12144; (518) 402-6539; lee.lounsbury@dfa.state.ny.us.

Voices of Parents

It is rare that parents involved in the child welfare system can have their voices “heard” in print. Newsletters like *Parents as Partners*, from the Hillside Family of Agencies, and *For Parents By Parents*, from the Child Welfare Organizing Project (CWOP), provide that opportunity. In vehicles like these, parents pass on what they’ve learned to other parents whose children have been placed in foster care.

Parents who have experienced the child welfare system can provide a unique kind of support and encouragement to other parents who are currently involved with the same kinds of situations. They can speak from their own concrete experience – as opposed to simply explaining how the system is “supposed to” work. As a result, new parents in the system feel less isolated, more supported, and more empowered.

A newsletter is one form of communication used by parent-to-parent support programs around the state. As one tool in a program linking parents together – through such strategies as parent advocates and parent specialists – a newsletter

offers parents space to express their concerns and hopes in print.

In a recent newsletter, Felicia Smith, a Hillside manager, says, “Parents often aren’t encouraged to share the ways they’re feeling. In fact, I think we sometimes just assume what parents think. We want to give them a voice. After all, parents are their children’s first teachers.”

Hillside Family of Agencies includes Crestwood Children’s Center, Hillside Work-Scholarship Connection, and Hillside Children’s Center. The agency, located in Rochester, serves children and families from across the state. For a copy of the current newsletter, contact Sally Bohne, (585) 256-7543; sbohne@hillside.com.

The CWOP newsletter lists parent advocacy activities and invites parents to educational meetings on topics like “children’s rights and the parent’s right to know.” Just as important, it prints the stories of parents.

CWOP, a citywide organization housed at the East Harlem Neighborhood Center, helps parents learn more about child welfare; works to dispel negative stereotypes of families involved in child welfare services; and helps influence public and private agencies to become more respectful of clients in their philosophy and delivery of services. For a copy of the current newsletter, call (212) 348-3000, or go to www.cwop.org.

Look for articles on parent support models in future issues of *Challenges & Solutions*. For more information on parent support programs statewide, contact Linda Kurtz, (585) 238-8200; linda.kurtz@dfa.state.ny.us.

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Local solutions

Gaining Insight into Supervision in Fulton County

What is your role?

What do you find to be the most (and least) satisfying part(s) of being a supervisor?

How have your years of experience changed you?

Sometimes, after digging deeper, it turns out that training may not be the only solution to challenges facing agency staff. This is the lesson being learned in Fulton County. Seeking to enhance the performance of casework supervision in the county, Janice McNamara, director of services, set out to explore options that would result in better situations for all involved — supervisors, caseworkers, and families.

The first step was to recognize that supervisors have their own views about their work, which may differ from those of the director’s. The second step was to request assistance from OCFS to help learn more about the state of supervision from the inside. As a result, Albany Regional Office (ARO) arranged for Jan Kirshenbaum, trainer with the Center for Development of Human Services (CDHS), to consult with the county. An experienced trainer, Jan provides a variety of child welfare courses across the state, including Child Welfare Common Core and Supervisory Effectiveness Training (SET).¹

Developing a set of questions, Jan Kirshenbaum conducted interviews with Fulton County’s six supervisors and four senior caseworkers who serve in supervisory roles. In the interviews, Jan looked for common themes (e.g., concerns, fears, and wishes). The main finding? Although supervisors were grappling with common issues, they were not working together to deal with them, and they were not using their collective strengths to provide a unified approach with caseworkers.

Jan and OCFS Regional Office representative Michelle Cornick then met with the individuals as a group. The charge was to come up with a unified vision of excellence in a caseworker’s practice and ways of encouraging excellence through supervision. Next

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¹ Developed by the Child Welfare Institute in Atlanta, GA.

Strategy Coordinators . . .

Who they are and how to contact them.

OCFS's Program Improvement Plan (PIP), which addresses the federal Child & Family Service Review (CFSR), contains 12 strategies to improve child safety, permanency, and well-being. The strategies – and eight specific areas under #1 – are listed here along with the OCFS coordinator for each strategy.

For general information about implementation of the CFSR PIP, contact Lee Lounsbury at (518) 402-6539; lee.lounsbury@dfa.state.ny.us.

1 Support for Strengths Based, Family Focused Practice

- A.** Enhancing initial engagement and assessment for families reported to the State Central Register to reduce repeat incidents of maltreatment
Dianne Ewashko (518) 473-7373, Catherine Grose (518) 474-9584
- B.** Family conferencing and early engagement
Linda Kurtz (585) 238-8200
- C.** Enhancing family supports
Linda Kurtz (585) 238-8200
- D.** Strengthening case planning and Service Plan Review processes
Dianne Ewashko (518) 473-7373
- E.** Strengthening family visitation (with parents and siblings in care)
Linda Kurtz (585) 238-8200
- F.** Promoting placement stability and child well-being through improved assessments of children's behavioral and mental health needs
Dianne Ewashko (518) 473-7373; Mimi Weber (518) 486-1106
- G.** Supporting the role of foster parents in promoting safety, permanency, and well-being
Renee Hallock (518) 474-4726
- H.** Enhancing quality assurance and continuous improvements in practice
Gail Haulenbeek (518) 474-9879

2 Concurrent Planning Implementation

Jack Klump (315) 423-1200; Michelle Rafael (518) 474-4352

3 Safety and Well-Being of Children in Congregate Care

Patricia Sheehy (914) 377-2080; Shelley Murphy (518) 402-6546

4 Permanency Options: Mediation

Michelle Rafael (518) 474-4352

5 Adolescent Services and Outcomes

Linda Brown (716) 847-3145; Diana Fenton (518) 474-0014

6 Development and Piloting of a Differentiated Protective Services Response to Allegations of Child Maltreatment

Jamie Greenberg (518) 473-1327

7 Workforce Development: Staff Recruitment, Retention and Development

Gail Haulenbeek (518) 474-9879; Peter Miraglia (518) 474-9645
Margo Velez-Lemmerman (518) 474-2960

8 Workload Management Support

William McLaughlin (518) 486-7078

9 Improving the Statewide Information Systems

Karen Vergoni (518) 474-7087; Lillian Denton (518) 474-6947

10 Tribal Consultation

Christine Heywood (518) 474-9465; Kim Thomas (716) 847-3123

11 Improve Relationships and Interface between the Family Court and the Child Welfare System

Gail Gordon (518) 473-8418; Maryjane Link (716) 847-3743
Kathleen DeCataldo (518) 473-9551; Cheryl Larrier (212) 383-1805

12 Improve Cross-systems Collaboration and Increase Service Array and Access

Dianne Ewashko (518) 473-7373; Larry Pasti (518) 561-8740

E-mail addresses for coordinators consist of the firstname.lastname@dfa.state.ny.us (as in jane.doe@dfa.state.ny.us).

Fulton County from page 3

steps are for Janice McNamara to work with the supervisors to clarify and agree on specific standards. Follow-up sessions with the trainer at regular intervals will address real-life situations and how they were handled, including impediments and successes.

"Jan McNamara has the wisdom and courage to recognize that classic, stand-up training is not needed," says Jan Kirshenbaum. Training may have been the obvious solution, but it turned out that support for building a cohesive approach was called for instead.

For more information, contact Janice McNamara, (518) 736-5615; janice.mcnamara@dfa.state.ny.us. She is also a member of the statewide committee addressing casework supervision in Strategy #8, Workload Management Support. ♦

Teleconference on Youth Policy & Practice

On August 17 at 1:30 p.m., an OCFS teleconference will present the new framework for practice with adolescents and introduce some members of the newly established foster care youth leadership advisory team, known as Youth in Progress (YIP). These youth are working in partnership with OCFS to improve positive outcomes for youth and their families. To find downlink sites, go to www.dfa.state.ny.us/ohrd and click on "Satellite Programs."

A Call for Promising Practices

The statewide committee on supervision would like to hear about any innovative or promising practices related to casework supervision at the local level. Please send ideas, case studies, or descriptions of current efforts to Bill McLaughlin, director, Albany Regional Office, NYS OCFS, 155 Washington Ave., 3rd Floor, Albany, NY 12210; (518) 486-7078; william.mclaughlin@dfa.state.ny.us.