



Cornerstone Advocacy

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The Four Cornerstones

Visiting

Should be as frequent and long as possible, and in settings that most closely mimic family life.

Placement

Should support a child's connections to family and the people and institutions that the child was connected to before placement.

"Cornerstone Advocacy"
supports family reunification by devoting intensive advocacy during the first 60 days of a case in four areas.

Services

Should address a parent and child's strengths and needs.

Conferences

Should occur out of court and provide opportunities for parents and older youth to meaningfully participate in their case planning.

Why 60 Days?

The 60th day is a best practices benchmark for the trial phase of a dependency case to be complete.

To take advantage of the sense of urgency and optimism at the beginning of the case

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

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

The First Cornerstone: Placement

Appropriate placement eases the child's transition to foster care

- A placement that helps children stay connected to teachers, friends, and other community supports like therapists or physicians minimizes the disruption in a child's life.

Appropriate placement keeps parents engaged

- Foster parents who are willing to support a parent and child's relationship play a critical role in maintaining family ties that inspire parents to stay engaged in services.

Appropriate placement supports reunification

- A placement which appropriately supports a child's connection to family promotes reunification and eases the transition home.

The Second Cornerstone: Services

Poor or Inappropriate Services



may be ill-suited to the family and may create unnecessary demands on a parent who must attend programs, court appearances, and visits; may not adequately address children's needs creating additional obstacles to healthy healing and reunification



may lose legitimacy for parents and can cause them to disengage or "fail to comply."

Creative and flexible services



will keep parents engaged by ensuring that the services are meaningful and manageable given the parents' other commitments



will move the family towards reunification more quickly by addressing their needs and building on their strengths

The Third Cornerstone: Conferences

Many important decisions about a family's life are made outside court in family conferences.

- Will the family remain together?
- Will a family member become a foster parent?
- How often will the parent and child visit each week?
- Is the family ready for unsupervised visits?

However, historically there has been a disconnect between the social work sphere and the legal sphere.

- An attorney who is not aware of decisions made at a family conference may have inaccurate information or be unaware of issues arising from these conferences. Parents and Youth may feel disrespected or unsupported or confused, leading to unproductive relationships with agency workers and foster parents.

The Fourth Cornerstone: Visiting

Visiting is the key to parent engagement

- Visiting enables parents to continue the relationship with their children and inspires them to keep working on getting them home.

Visiting helps children cope with foster care and eventually with the transition home

- When children can see their parents often and in circumstances that make them comfortable, they can talk with the people they most often need to about what has happened—their parents.
- Quality visiting can help children preserve cherished rituals, share stories from school and social life, and continue to seek advice and encouragement from their parents.

Meaningful and frequent visitation is the single best predictor of safe and lasting reunification

- Practitioners should advocate for more frequent visits with as little supervision as necessary.
- When possible, visits should occur outside the agency and include activities that mimic family life.

The Legal Basis for Cornerstone Advocacy

“Reasonable efforts”

- The passage of ASFA prompted a renewed focus on the agency’s duty to make reasonable efforts to safely reunify families. Think about how the Cornerstone applications can fairly be deemed ‘reasonable efforts’ in support of reunification.

State dependency statutes

- These address services and assistance. Also look to any issue-specific sections of your state statute (i.e. the portion that deals with services, visits, or placement). Argue that your advocacy fulfills the spirit if not the letter of that section.

State Regulations

- These detail the obligations that agencies owe parents and children. For example, most states have regulations which include specific agency obligations regarding visits, conferences and services, and placement.

Administrative directives, memos, and guidelines

- Find these on state and county Web sites. While not law per se, they typically represent social service providers’ interpretation of best practices and legal obligations and thus can be persuasive in convincing an agency or a judge to move on a Cornerstone issue.



Cornerstone Advocacy: Legal Architecture- Colorado

“Reasonable Efforts” language

i.e., C.R.S. 19-1-103 (89)

-plus-

Any statutory section that is applicable (procedural posture
may be important) i.e., C.R.S. 19-3-08 (services)

-plus-

Applicable Regulations

-plus-

Any Policy or Practice Directive or Guideline

Example:
Application for Child to be Placed with a God Parent so that She can Remain in her School

C.R.S. 19-1-103 (89):

“ ‘Reasonable Efforts’mean the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placementIn determining whether it is appropriate to provide, purchase, or develop the supportive and rehabilitative services that are required ...to foster the safe reunification of a child with a child’s family.....the child’s health and safety shall be the paramount concern....”

-plus-

C.R.S. 19-3-508 (b): Children may be placed with “relatives”

C.R.S. 19-3-213 (d): *(though addressing changes in placement, legislative intent is clear):* “...parties shall attempt to promote educational stability for the child ...and, to the extent possible....selecting a change of placement that enables the child to remain in the existing educational situation....”

-plus-

12 CCR 2509-4 7.301.24 (E): [Family Service Plan Out-of-Home Placement Documentation shall include]: ...a description of how the [foster home] is in reasonable proximity to the home of the parents...and to the school the child has attended.”

12 CCR 2509-4 7.304.21: “...Kinship careKin are relatives or persons ascribed by the family as having a family-like relationship. These relationships taken into account cultural values and continuity of significant relationships...Kinship care shall be utilized to...minimize the trauma of out-of-home placement....the county department shall provide ...kin...services to ensure the child’s safety, well-being, and smooth transition back to the parent’s home.”

-plus-

Colorado Department of Human Services Agency Letter #CW-09-02-1, January 5, 2009: [regarding two bills re: youth in out-of-home-placement]: ...The general assembly hereby finds....child who are in out-of-home placements, including but not limited to foster care...deserve access to the same opportunities...to ...maintain stable school enrollments.” (p.1)

-and-

“...the county department of ...social services should attempt to maintain the child/youth or school district whenever possible, in order to limit the disruption of the student’s education....” (p. 4)

(note: this Letter also makes clear that the Department must notify the school that court ordered appointments are to be considered excused absences and, where children must be moved has specific time frames for the transfer of school records....)

“Litigating” the Cornerstone Application to have a child placed with a god parent and thus remain in her school

Remember: You rarely have to have an extensive hearing to make a good record and/or be persuasive on a Cornerstone application— think “mini litigation.” (i.e. asking a few questions on the record of a parent, caseworker, or interested party or handing in a report)

And Remember.....SHOW AND TELL is the rule of thumb when raising any Cornerstone issue: you may have to provide copies of regulations and/or Policy letters or Administrative Directives to convince the Agency or Judge

Oral Application:

- Argue that helping your client remain in her school should be deemed a “reasonable effort” in support of reunification and in support of your client’s emotional health pursuant to C.R.S. 19-1-103 (89), in that child will adjust better to foster care if she can stay among familiar teachers and peers, remain in any established school services, sports or clubs AND that future reunification will not be delayed due to the desire to preserve a school placement until the end of the academic year (as is so often the case)
- Argue that application regulations (12 CCR 2509-4 7.304.21) make clear that “kin” are those with a family like relationship so a god parent qualifies
- Present brief testimony on this issue, i.e. have the god mother present to tell the court under oath about her relationship; have the parent tell the court about the relationship; (this takes only a few minutes and makes the record)
- Show and Tell: hand up copies of the applicable regs and CDHS Agency Letter #CW -09-2-1 re: clear government policy that supports your request.

Motion or OTSC:

Argue as stated above;

Attach: applicable reg; agency letter, affidavit of the god parent or your own affirmation indicating that you have spoken with the god parent and/or the parent about the relationship; provide detail about the history between the child and the god parent.

**In the situation of either papers or an oral application, if the court is unwilling to order the agency to place the child with the god parent, ask that the agency “explore and report” back in a short time frame; often an agency does not want to come back to court just to say ‘no.’ (explore and report can really work!)

Example: Application for Visit Host

C.R.S. 19-1-103 (89):

“ ‘Reasonable Efforts’mean the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placementIn determining whether it is appropriate to provide, purchase, or develop the supportive and rehabilitative services that are required ...to foster the safe reunification of a child with a child’s family.....the child’s health and safety shall be the paramount concern....”

-plus-

C.R.S. 19-3-08 (2)(b)(IV): “...[the] following services shall be available....Visitation services for parents with children in out-of-home placement....”

-plus-

12 CCR 2509-4 J sections 1, 2, and 6 : “...The visitation plan shall specify the frequency , type of contact, and the person(s) who will make the visit. At a minimum the plan shall provide the methods to meet....the growth and development of the child....[and] Visitation...shall increase in frequency and duration as the goal of reuniting the family is approached...

-plus-

Colorado Department of Human Services Child and Family Services Review January 28, 2009:
parents should be encouraged to attend doctor, physical therapy and other assorted appointments...serves the dual purpose of additional contact and helping the parent learn appropriate care....family members and friends are often considered for increasing contacts and connections for children, such as birthdays and other holidays....effective visitations are positively correlated with successful reunification... (pp. 59-60)[also language in support of visit coaching]

“Litigating” the Application for a Visit Host

Oral Application

Argue: Providing a means for your client to see her siblings or parent or other significant people is a “reasonable effort” in support of reunification and promotes her health and well being in that current minimum practice only permits her to see her parents the equivalent of two days per year and more frequent visits that are fun, supportive and mimic family life are more likely to help her maintain her attachments. (C.R.S. 19-1-103 (89))

Argue: The county DSS is responsible for providing “visiting services” for a child separated from her parents/siblings by foster care. C.R.S. 19-3-08 (2)(b)(IV) and that applicable regulations make clear that a visiting plan is supposed to meet the developmental needs of a child (more often for younger and equally true, more often for older because usually fewer safety concerns with older children) and should progress as reunification gets closer (12 CCR 2509-4 J sections 1, 2, and 6)

Argue: that CDHS has recognized that better visiting plays a key role in safe reunification, that visiting should be organized around typical parenting events and that people outside the caseworker should be accessed to be a resource to provide more visits

Argue: that your client should not be compromised or deprived of the benefit of the law and recognized best practices because of scarce resources; visit hosts are win-win;

Show and Tell: bring copies of the applicable regs and CDHS report; have the proposed Visit Host come to court to meet the judge; ask that at least the proposed visit host be invited to any upcoming agency conference, attend a visit with the parent, and be investigated; ask the agency to “explore and report” on the next (short) court date; *note: in NYC, the investigation has never amounted to more than a state registry clearance* ; if your proposed visit host is a mandated reporter under state law, highlight that!

Motion or OTSC

Argue: as above;

Attach: applicable regulations and excerpts from CDHS report; affidavit from proposed visit host;

Note: sample papers asking for more frequent and longer visits as well as exploration of a visit host were included in conference materials on cornerstone advocacy

Other Visiting Steps to take: convene a meeting of relevant stakeholders to discuss how to improve visits, what might be applicable guidelines for visit hosts, etc; cultivating relationships in this area helps move practice.

Resources

Center for Family
Representation

212-691-0950

www.cfrny.org
info@cfrny.org

Annie E. Casey Foundation

www.aecf.org

Center for the Study of Social
Policy

www.cssp.org

Pew Charitable Trusts

www.pewtrusts.org

Children's Bureau
Administration on Children,
Youth and Families

www.childwelfare.gov
[/info@childwelfare.gov](mailto:info@childwelfare.gov)

National Project to Improve
Representation for Parents
Involved in the Child Welfare
System

[www.abanet.org/child/parent
representation/home.html](http://www.abanet.org/child/parentrepresentation/home.html)

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Colorado Cornerstone Regs: 12 CCR 2509-4 (2009)

Placement:

7.301.24 (B) Sibling groups must be placed together if an appropriate, capable, willing and available resource is identified and presumed to be in siblings' best interests (*district can only rebut by preponderance*);

7.301.24 (E) foster home should be in reasonable proximity to parents, family and school

7.304.21: "Kin" are relatives or "persons ascribed by the family as having a family-like relationship. These relationships taken into account cultural values and continuity of significant relationships...Kinship care shall be utilized to...minimize the trauma of out-of-home placement....the county department shall provide ...kin...services to ensure the child's safety, well-being, and smooth transition back to the parent's home."

CDHS Child and Family Services Review Statewide Assessment, January 28, 2009: "...policy defining connections for children in foster care was broadened to include community, neighborhood, faith and religious beliefs, school activities, friends, and primary language of the child..." (p. 56)

Services:

7301.1 (B)...family strengths and family support systems need to be included in service plan

7301.2 Family Services plan should incorporate these principles: Children belong in families and need the support of communities

7.301.23 (A) Services need to be agreed upon, realistic, specific

7.301.24 (O) when child and teen mother placed together, presumption is goal for child is to remain with mother

Services, cont'd:

7.303.11: goals of core services are to focus on family strengths by directing intensive services that support and strengthen family and protect the child to prevent out-of-home placement or return children home or unite children with permanent families

7.303—Core Services categories listed (7303.14 lists additional services)

Visiting:

7301.24 (J) service plan must include visiting plan which addresses frequency, type of contact and people who will visit; should address the development of the child and the child's adjustment to placement and permit contact with siblings, parents and family members; should increase in frequency and duration

7.304 (C) sibling visits when requested must be scheduled with sufficient frequency to promote continuity of relationships

CDHS Child and Family Services Review Statewide Assessment, January 28, 2009: Mentoring families and the importance of involving other adults in the community (p. 53); 23% of the time foster parents are responsible for missed visits, 15% of the time the agency is responsible (p. 55); parents should be encouraged to attend doctor and therapy appointments (p. 59); effective visits correlate positively with successful reunification (p. 60); 'promising practices' include visit coaching (p. 60)

Conferences:

7301.1 (B): Resources available through community agencies shall be incorporated in the assessment

7301.2 (D): Community partners are key to achieving strong outcomes for children and families

7301.24 (P) for older youth with APLA goal plan: "a family like network of significant people shall be developed to provide the child/youth with a sense of belonging and with support expected to endure over a lifetime."

CDHS Child and Family Services Review Statewide Assessment, January 28, 2009: FSP to be completed in 60 days and should include participation of child, parent, service providers and family (p. 62)

Special Thanks to:

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