

Child Welfare Watch

AGAINST THE CLOCK:

The struggle to move kids into permanent homes



CONTENTS

Recommendations and Solutions	3
Disorder and Delay	5
Abuse and neglect charges are up; Family Court is overwhelmed	
Preserving Family Ties	8
After a long decline, kinship care becomes more common	
The Guardianship Solution	11
An alternative to adoption and foster care gains Senators' support	
What Happened to Kinship Care?	12
Largely unregulated, family care fell out of favor during the 1990s	
Fierce Attachments	14
A difficult balance for babies in foster care	
ASFA Decoded	17
The law's intent and consequences	
When You Can't Go Home	18
Should teens be able to regain legal ties to their parents?	
A Unified Front	22
A new collaboration of drug treatment and child welfare staff	
Dodging ASFA's Hammer	24
Helping parents in prison and drug treatment keep their kids	
Watching the Numbers	27
A six-year statistical survey	

A DECADE AGO, Congress and the Clinton administration lit a fire under the child welfare establishment with the Adoption and Safe Families Act of 1997, which attempted to shorten the amount of time children spent in foster care.

In New York, a great deal has changed since then. The number of foster children declined steeply after 1999. But ASFA was not the jolt that caused the sudden drop. Rather, major changes in policy and practice—in child protective investigations, in services designed to help families before they tumble into disaster, in new child care subsidies—as well as a dramatic fall in once-staggering rates of crack cocaine addiction among city residents, combined to reduce the pace of new foster care placements.

Nor is it ASFA's doing that, since early 2006, more New York City kids are once again spending longer periods in foster care and more families are in court facing charges of child abuse or neglect. These changes, too, are driven by local policy and circumstance, namely, the after-effects of the much-publicized Nixzmary Brown murder two years ago this month. The substantial growth in the number of abuse and neglect reports that began in January 2006 has abated only slightly. And the Bloomberg administration sharply increased the number of city child protection investigators and attorneys in 2007, contributing to the higher flow of cases to Family Court.

continued on page 2

- The number of abuse and neglect filings against parents by city attorneys in Family Court has leapt 150 percent since the murder of Nixzmary Brown two years ago. The largest increase is in petitions for court ordered supervision of families. (See "Disorder and Delay," page 5.)
- Despite the Permanency Law of 2005—which aimed to get children out of foster care faster—lengths of stay in New York City have increased. For children in foster care for the first time, the median length of stay before returning home increased from 8.2 months in fiscal year 2005 to 11.5 months in fiscal year 2007.
- Last year, the number of foster children living in kinship homes grew 18 percent. Yet because it is still a form of foster care, agency workers can't consider kinship care a "permanent" home for children. (See "Preserving Family Ties," page 8.)
- Thirty-five states and the District of Columbia offer subsidized guardianship as a way to support relatives raising kin's children outside the foster care system. A pending federal bill could make it available in all states, including New York. (See "The Guardianship Solution," page 11.)
- There were 752 "legal orphans"—children with no legal ties to birth parents and not placed in pre-adoptive homes—in New York City in 2006. Reversing terminations of parental rights may help some of these children find safe, permanent homes. (See "When You Can't Go Home," page 18.)

The median length of stay for first-time foster children returning home increased to 11.5 months in fiscal year 2007, up from 8.2 months in fiscal year 2005. And the number of new court petitions filed by city attorneys in abuse and neglect cases is up a remarkable 150 percent since January 2006 (see "Disorder and Delay," page 5).

In other words, ASFA has been marginal in the larger scheme of forces that shape the lives of New York's children and families. More important today are the elements that were missing from that supposedly groundbreaking legislation. While it included financial support for adoptions, ASFA gave little to preventive services and none for post-reunification aftercare to help stabilize families with children returning home. Nor did it address the unremitting crisis in the nation's overburdened urban family courts which today, especially in New York City, are worn-out cogs in the grinding machinery of the child welfare system.

Nonetheless, ASFA's grandest idea—that permanent and secure homes matter for children—remains intact. The sooner children are placed in permanent homes, the sooner they will benefit from a stable life and grow to become more durable and healthy adults. Since the law's passage, permanency has become a core value of the child welfare field.

In 2008, there is no question New York City is doing a better job on permanency than it was a decade ago. Far fewer children are in foster care. And more foster children are living with relatives than was the norm just a few years ago: kinship care is newly resurgent. Unfortunately, another thing that ASFA forgot—subsidized guardianship, which would allow many more relatives to take children out of the foster care system without adopting them—remains out of reach for now unless Albany and City Hall decide to take on this long-necessary reform (see "Preserving Family Ties," page 8).

But at the same time, there is a debate over whether the New York City Administration for Children's Services (ACS) is trying to do too much, too fast, to speed permanency and reduce the amount of time children spend in foster care.

The agency is advancing a vast reform agenda that incorporates many elements, including: a promising new method for averting foster care placements by conducting intensive safety planning meetings with family

members and support service providers; specialized initiatives that could help reduce the number of teenagers in foster care; new community partnerships that aim to gather resources and share the responsibilities of family support; modified funding structures that give nonprofit agencies incentives to help children return home sooner, and much, much, more.

These are all valuable changes that, if they take hold, could divert thousands of cases from Family Court and also strengthen the preventive side of the child welfare system. But with only two years left in Mayor Bloomberg's final term in office, some in the field argue that ACS Commissioner John Mattingly should instead advance only two or three of these policy changes and consolidate them successfully—thus not risking a larger agenda that could fall under the weight of its own ambition. Mattingly and others counter that they must drive transformation on a very broad front and accomplish as much as possible, quickly, so that changes will stick after a new administration comes in. It is a complicated question. Even members of the *Watch* advisory board differ in opinion on this.

Either way, the goal of permanency remains as relevant as ever. While ASFA's motives are noble, its practical implementation reveals that in social welfare systems, legislative change cannot always resolve problems caused by local circumstance, policy choices and failures of frontline practice.

New York City's current child welfare reform efforts face similar challenges. Following the Nixzmary Brown crisis, Commissioner Mattingly's reform agenda was pushed aside for nearly two years while his chastened agency focused on improving child protective services. Now there may be insufficient time to complete his systemwide reforms before a new administration arrives, likely with a new agenda.

Circumstances can indeed change suddenly. Yet the ACS policy agenda contains elements—absolutely essential to improving permanency—that deserve wide support. These include family safety conferences before removals, beefing up of community partnerships, and new funding for post-reunification aftercare services. Most critical of all: the mayhem in Family Court had better be addressed soon, or these latest reforms will likely stumble. —*Andrew White*

RECOMMENDATIONS AND SOLUTIONS

THIS EDITION OF THE WATCH CONSIDERS the legacy of the federal Adoption and Safe Families Act of 1997. As with most legislated solutions to problems of great complexity, the law purported to be a comprehensive reform, but wasn't. It failed to put substantial resources into family support services, or into the nation's troubled family courts—two essential tools for ensuring that children have permanent homes and families. Of its own accord, New York successfully expanded investment in preventive family support in recent years—although today, impending city budget woes could undermine this advance. Meanwhile, the city's Family Court is too overwhelmed to handle its responsibilities in a timely way. Following are recommendations proposed by the *Child Welfare Watch* advisory board.

IN THE BUDGET BATTLES AHEAD, NEW YORK'S MAYOR AND GOVERNOR MUST PROTECT FUNDING FOR FAMILY SUPPORT SERVICES.

Social services for low-income families are always a tempting target for politicians and budget managers facing lean times. But cuts to the city's preventive services programs would jeopardize the dramatic success the Administration for Children's Services (ACS) has had in reducing the number of children in foster care—and leave troubled families with fewer places to turn for help in a crisis. Mayor Michael Bloomberg and Governor Eliot Spitzer, along with the City Council and the city's representatives in the state legislature, must aggressively fight to protect and expand funding for crucial items including drug treatment, mental health services, housing subsidies, after-school programs and community-based family counselors and case managers. A substantial investment in these areas can keep fragile families intact and will continue to save the city millions of dollars on foster care spending.

ACS AND FAMILY COURT MUST WORK TOGETHER TO REDUCE THE NUMBER OF NEGLECT CASES NOW UNDER COURT SUPERVISION.

Family Court has been overwhelmed by a 150 percent increase in new abuse and neglect petitions filed by city attorneys against parents. While some of this increase is the result of more removals of children from their parents, most of the growth is in requests for court-ordered supervision of families not being broken up. Rather, these families are expected to participate in services while

remaining under city oversight.

ACS officials say this is necessary because many families do not take part in preventive services following an investigation, and are eventually re-reported for neglect. With a court order, ACS can keep tabs on a family for six months to a year, ensuring that children remain cared for and safe. Officials say the increase in court activity is a direct consequence of the higher rates of abuse and neglect reporting that began soon after the murder of Nixzmary Brown in January 2006.

According to judges and other court observers, however, many of these cases could be effectively handled by responsible caseworkers with resources to help families and monitor their progress without the court's involvement. This matters because Family Court's capacity is finite. The surge in filings has caused a massive case backlog in the court. Intact families in need of help—like mental health counseling or drug treatment—often bounce in and out of court for months and fail to receive appropriate services. Meanwhile, families who have had their children taken away and placed in foster care do not receive timely attention or even full judicial consideration of key decisions, such as returning a child home. Children are now staying in foster care longer: for children experiencing foster care for the first time, the median length of stay increased to 11.5 months in fiscal year 2007, up from 8.2 months in fiscal year 2005.

Almost any case can be brought to court if there is some evidence of neglect, but not all should be. It is up to ACS officials to determine when they truly need court authority to supervise a family. This should

be pursued only when parents and their relatives refuse to do what's right by their children—and never simply to allow a case manager to avoid responsibility for making important decisions. When a court filing is made prematurely, it can have a damaging impact, alienating families and turning them away from potentially useful services.

In order to preserve the integrity of Family Court, ACS needs to establish strong rules for child protective staff and attorneys that avert court involvement whenever possible through the use of family team conferencing, the provision of appropriate support services and other interventions. Just before the *Watch* went to press, ACS issued preliminary guidelines, including a requirement that a family team conference precede any court filing. These guidelines, however, are too open to interpretation. Judges need to work with ACS to make court supervision truly useful for families and helpful to vulnerable children—and not a crushing burden on an already troubled court.

NEW YORK STATE SHOULD MAKE SUBSIDIZED GUARDIANSHIP AN OPTION FOR LOWER-INCOME KIN WHO WOULD LIKE TO TAKE CARE OF A RELATIVE'S CHILD.

City and state officials should support the federal Kinship Caregiver Support Act, which would make subsidized guardianship an option for people who might not otherwise have the means to care for a relative's child. It is good news that after more than a decade of decline, the proportion of foster children placed in kinship homes has begun to increase. Last year, the number of children living in kinship care grew by 18 percent. ACS has also broadened the definition of kinship to include close family friends.

But these positive trends come with challenges. Kinship care is renowned for its stability, and yet, because it is still a form of foster care, it cannot be considered a "permanent" home for children. Kinship caregivers who are happy to raise their nieces, nephews and grandchildren for as long as necessary are often pressured to adopt. This can cause emotional anguish for parents and rifts in families and the loss of economic and social supports that come with being a foster parent. Subsidized guardianship would provide kinship families with financial help and give children legal

ties to their caretakers without requiring the guardian to fully replace the child's parents. The proposed law would also help these caregivers receive government services, like respite care and support groups.

Thirty-five states and the District of Columbia offer kinship caregivers some form of subsidized guardianship. Other large cities report that guardianship programs have saved money by moving children out of foster care. And studies show that children in subsidized guardianship experience the same stability as those living with relatives who adopted them. It is a simple solution to a policy that causes needless anguish and division in a child's extended family.

ACS SHOULD EXPAND AND PROMOTE MODEL PROGRAMS THAT ALLOW PARENTS TO MAINTAIN CLOSE TIES TO VERY YOUNG CHILDREN IN FOSTER CARE.

In any given year, infants are the largest cohort of children entering New York City's foster care system. In 2006, one of every six children admitted to foster care was less than one year old. Research has established that all babies have important attachment and developmental needs. ACS recognizes that while these children must be placed with relatives or in stable and loving foster homes if their parents are incapable of caring for them, this must be done with a commitment to maintaining the closest possible bonds between parent and child.

The city has developed two programs for dealing with this delicate task. The Family Rehabilitation Program, funded by ACS and managed by nonprofit family support organizations, has been an option for years and should be supported and expanded. The program lets children stay with mothers who are receiving substance abuse treatment. A 1999 study by the National Development and Research Institutes found the program to be more effective than traditional treatment, and fewer than 5 percent of children with mothers in the program ended up in foster care. The program has grown modestly in recent years and now serves more than 1,000 families at any given time. But it is operating above full capacity and ought to be expanded in order to prevent babies from being separated from mothers who have substance abuse issues that can be safely addressed.

ACS has also developed a program called Babies Can't Wait, which requires caseworkers to identify infants and toddlers under 18 months who may never return to their

parents. These children are placed with specially-trained foster parents who are asked to prepare to adopt even as they coach the child's parents to prepare for possible reunification. While the emphasis on creating tighter relationships between the two sets of parents is valuable, the dual nature of the program is loaded with emotional freight. Babies Can't Wait depends heavily on foster families that are well-trained and genuinely committed to its goals, as well as on foster care case managers who understand this is not simply a fast-track to adoption. This has posed problems, and the program has stagnated.

In fact, too often, attempts to prepare for adoption and reunification at the same time create a presumption that adoption is inevitable, and devote minimal effort to reunification. This is not in the best interests of families and children.

SUPPORT STATE LEGISLATION MAKING IT EASIER FOR PARENTS TO REGAIN PARENTAL RIGHTS IN CASES WHERE THEIR CHILDREN HAVE BECOME LEGAL ORPHANS.

In 2006, at least 752 children in New York City were "legal orphans"—the term given to kids who have lost legal ties to their parents through court action and have not been placed in an adoptive home. Hundreds more were in pre-adoptive placements that could fail. For some of these children, particularly teens languishing in foster care, the best option, ultimately, turns out to be a renewed connection with their birth family. Many parents manage after years of struggle to free themselves of addiction or otherwise straighten out their lives. Often these parents have maintained relationships with their growing children, albeit quietly or surreptitiously. In some cases, teenagers wish to return to their parents and rebuild their family. But there is no clear pathway for parents to regain parental rights after they have been terminated.

The Office of Court Administration (OCA) supports legislation that would allow the Family Courts to rescind the termination of parental rights under special circumstances, when a child is more than 14 years old and has no desire or likely hopes for adoption. Senator Carl Kruger introduced a bill in the state Senate in April that would allow this. The bill has languished in committee, largely because the OCA could not find anyone to introduce it in the Assembly. Lawmakers should find the courage to support this bill and pass

it into law. The approach has been successful in California and elsewhere, giving older children in foster care the option to legally reconnect with parents they lost long ago.

Although the number of legal orphans in New York has declined in recent years, the fact that there are still so many indicates the city is terminating parental rights too quickly in cases where adoption is neither planned nor even likely. This is unacceptable and undermines the importance of nurturing family relationships even with parents unable to care for their older children. The need for family ties continues long after teens become adults.

AMEND NEW YORK'S ASFA TIMELINES TO PROVIDE AN EXCEPTION FOR PARENTS IN PRISON AND RESIDENTIAL TREATMENT CENTERS.

New York's Adoption and Safe Families Act (ASFA) requires ACS to commence parental-right termination proceeding in cases where children have been in foster care for 15 of any 22 months. There is no special exception for parents in prison, even those serving relatively short sentences—not even for parents who have no record of abusing or neglecting their children but had no one else to care for them.

Similarly, there is no assured exception for people dealing with addiction problems in residential treatment programs. Parents frequently fail to get out of prison or treatment quickly enough to meet ASFA's deadlines. Foster care agencies often use other exceptions to avoid terminating parental rights, but caseworkers are hesitant to do this when they have no ongoing personal interaction with the parents.

Legislation introduced last spring by Assemblyman Jeffrion Aubry would allow foster care agency caseworkers to cite incarceration or drug rehabilitation as a reason to delay filing for termination of parental rights if they believe it is in the best interest of the child, and to continue monitoring the relationship between parent and child. The bill would allow parents who are incarcerated or in residential treatment to conduct family service plan conferences with caseworkers through videoconferencing. And it would ensure that parents receive information about services to help them develop a stronger relationship with their child. Unfortunately, the bill has no sponsor in the state Senate. Again, lawmakers need to make this kind of legislation a priority. The well-being of the city's foster children and their families is at stake. ✖

Disorder and Delay

BY KATHLEEN CARROLL
AND ANDREW WHITE

There's been a dramatic increase in abuse and neglect charges filed against city parents, and Family Court is overwhelmed again.

IT'S A HECTIC AUTUMN DAY in Ilana Gruebel's Brooklyn courtroom, which is scheduled to handle seven foster care hearings involving more than a dozen children. And that's just the day's overflow from the courtroom next door.

Despite her packed schedule, Gruebel isn't a judge. She's a court-approved referee who oversees hearings that can't find a home on Judge Arnold Lim's crowded docket in Brooklyn Family Court. State law requires Family Court to hold frequent hearings for every foster child in the city, to ensure they are in foster care for the shortest time possible. The overwhelmed courts are turning more duties over to referees, court middlemen of sorts. They relay information from the hearings to judges, who ultimately decide whether and when children return to their parents.

Attorneys for the Administration for Children's Services (ACS) have vastly increased the number of parents they charge with abuse or neglect in Family Court. The number of new petitions filed by ACS in such cases is up 150 percent since January 2006, and the total number of hearings on these new petitions has more than doubled in just two years, according to court records. As a result, New York City's Family Courts are near the breaking point despite years of attempts at reform, according to several judges and other court observers.

One consequence is that children are spending more time in foster care waiting for their families' cases to be resolved. For children experiencing foster care for the first time, the median length of stay before returning home increased to 11.5 months in fiscal year 2007, up from 8.2 months in fiscal year 2005.

Attempts to relieve some of the pressure by shifting cases to referees and court assistants have helped, some judges say, but the sheer volume of cases has been crippling. Because every judge is so overloaded, they say, the court has lost the ability to make well-informed decisions on the cases before it.

"You've lost any responsible [judicial] consideration of the merits of the case," says Judge Lee Elkins of Brooklyn Family Court. "It's a system that's out of control."

"Children are experiencing greater delays in permanency," adds Judge Bryanne Hamill, also of Brooklyn. "The dramatic increase in filings [is one factor]. And the court has to use its precious time to hold emergency hearings." The result, she says, is that it has become much more difficult to move kids through the system and out of foster care.

The rapid increase in cases coincided with new court reforms that were supposed to improve the quality of judicial case oversight. Two years ago, the state legislature set out to transform Family Court and improve the speed and effectiveness with which it handled cases. The Permanency Law of 2005 required judges to track cases far more closely than in the past and mandated that ACS and the city's nonprofit foster care agency caseworkers provide everyone involved in cases with extensive, semi-annual reports on each child's progress. The law was put in place after a scathing 2003 federal audit condemned the performance of New York's Family Court and threatened the city with the possible loss of hundreds of millions of dollars in foster care reimbursements.

The new law was intended to move foster children back home or into adoptive placements more quickly. But it hasn't worked out that way. While legislators assigned more work to the already struggling courts and the judges, lawyers and caseworkers who toil there, they did not allocate additional funding. And then, just as the sweeping new mandates took effect, a flurry of publicized cases of child murders, culminating in the 2006 Nixzmary Brown case, led to a surge in the number of reports of abuse and neglect—a surge that continues two years later. City lawyers accelerated the pace of Family Court filings, and ever since, the courts have been flooded with cases.

• • •

In 2006, ACS filed 12,472 new abuse and neglect petitions in Family Court, up from 5,059 in 2005. This rapid pace continued in 2007: there were an average of more than 1,050 such petitions each month during the first nine months of the year, the most recent data available.

The increase reflects two major changes in policy and practice at ACS since the Nixzmary Brown murder, both of which have contributed to the huge increase in petitions involving parents suspected of abusing or neglecting their children.

First, the city is today removing far more children from their parents and placing them in foster care than they were in 2005. Currently, the city places about 7,200 children in foster care every 12 months, compared to fewer than 5,000 before January 2006. (The pace of removals, however, remains substantially below what it was in the late 1990s, when as many as 12,000 children entered foster care in one year.)

Second, ACS has dramatically altered the way it uses the Family Court to guarantee parents' cooperation with agency caseworkers and to compel participation in services such as drug or alcohol testing and treatment, mental health counseling or parenting classes. In thousands of cases each year, the city now requests that judges grant caseworkers the authority to keep tabs on parents and their children for 6 months or more—well beyond the standard 60-day child protective investigation.

Before January 2006, ACS usually sought court authority for family supervision in fewer than 200 cases each month. Today, ACS routinely files such petitions against 400 or 500 families each month. In August 2007, they filed nearly 800.

"It's important for us to have the jurisdiction to continue to track how children are faring," says Ron Richter, former deputy commissioner for Family Court legal services at ACS and now the mayor's family services coordinator. "One way to do this is to seek the authority of the Family Court to continue to monitor a family with the children at home, without seeking a removal.

"I'm pleased we have not had a rush to removal," Richter adds. "But I'm not surprised to see the agency's caseworkers and attorneys being as cautious as we can be."

Several city officials say privately that caseworkers have become far more cautious than in the past. After Nixzmary Brown's murder, ACS officials determined that child protective investigators were closing a high percentage of cases even after finding evidence of abuse or neglect. Today, such "indicated" cases are rarely closed without services.

Sometimes, says Richter, a court order is the most effective way to make sure parents do what's asked of them while allowing ACS to be confident the children remain well cared for.

The administration recognizes the burden the policy has imposed on the judges, says ACS Commissioner John Mattingly, but he says the cases his agency brings to the courtroom belong there. "That has put a huge strain on the court, the filing increases," he acknowledges. "We are working with the judges now to come up with a plan in which requests for supervision can be handled in a more expedited manner. We are all very worried that cases in court have gone up so much because the reports have gone up.

"We need more referees, more judges," Mattingly adds. "It looks like [the numbers of filings] isn't going to go down. We're all concerned about that and really want help from Albany to deal with the crisis."

But critics say the answer is not to simply hire more court personnel. Rather, they say ACS needs to use better discretion in choosing which cases go to court. During this two-year surge in filings, the city has had no formal guidelines to define when attorneys and caseworkers should request a court order for supervision. Instead, as with removals, these decisions are made case-by-case among child protective investigators, their supervisors and managers and agency attorneys.

Richter says ACS is currently developing new guidelines. One may require that emergency conferences be held on each case before any court filing, bringing together child protective

staff, family members and community providers in hopes of finding a safe alternative to either removal or long-term supervision of the family. This practice began in much of Manhattan during the last weeks of 2007, but the impact on the court is not yet evident.

• • •

The city's heavy reliance on court supervision orders has stirred a growing controversy among judges, attorneys and parent advocates, some of whom charge that ACS has effectively usurped the court's authority by overwhelming its judges.

The city's heavy reliance on court supervision orders has stirred a growing controversy among judges, attorneys and parent advocates.

"If the court is not able to make timely, independent judgments about whether there needs to be a removal, or whether there's been neglect, or whether a child should return home, or a family needs supervision, then the agency can do pretty much whatever it wants," says Judge Elkins.

He blames Commissioner Mattingly for failing to demand that city caseworkers make a distinction between children in need of immediate intervention and those who don't necessarily need the court involved. "If you're not exercising executive discretion, that's irresponsible," Elkins says. "You've got sexual abuse cases, abandonment cases, a whole variety of very serious neglect cases that need to be addressed on a timely basis. We simply don't have the luxury of being a hammer against a parent who doesn't want ACS in their lives."

Parents' attorneys agree. "I see it very simply as people started passing the buck to Family Court," says Kara Finck of The Bronx Defenders, which provides free representation to parents. "They don't want to be on the line for this if something goes wrong in a case."

The constant fear of being caught in error on a case and shouldering the blame was less common in 2005. Instead, attention at that time was focused on improving the accountability of the court itself. Under the Permanency Law enacted that year, children were supposed to be guaranteed a more thorough and attentive court than in the past. After a child is placed in protective foster care by ACS, a hearing to track progress toward a permanent placement is supposed to be held twice each

year. The hearings must be attended by all key stakeholders: a law guardian representing the child's interests, a lawyer representing the family, a lawyer representing pre-adoptive parents, an ACS attorney and a foster care agency caseworker.

The intended tenor and focus of court hearings also changed under the new law. The hearings were to be guided by detailed caseworker reports on progress toward the child's eventual exit from foster care, including updates on education, health status and visits with parents.

But today, the hearings routinely fail to follow the law's requirements.

On an October morning in Gruebel's courtroom, the referee held one hearing for a child in foster care even though the caseworker was missing and the most recent progress report was three months out of date. The case was already overdue: the last hearing had been seven months earlier. Another hearing had been set for the summer, but it was rescheduled after the child's caseworker failed to appear—she said her offices had been flooded. At this rescheduled session, the caseworker again failed to appear, because she was mistaken about the time.

But the child's law guardian and the mother's attorney were both present, as was another caseworker from the same

agency who happened to be in the courthouse. That caseworker was assigned to one of the child's siblings, so Gruebel asked her to participate and held the hearing based on an outdated, unofficial progress report from the summer.

"All I have to go on is an unsworn permanency report," said a frustrated Gruebel. "The goal of this family is reunification, and that is the most crucial goal. I really need the worker here."

Nonetheless, she approved a request by the child's law guardian for play therapy, and the mother's request to change her weekly visitation details to accommodate a new work schedule. Then, noting that the caseworker had failed to appear, Gruebel scheduled another hearing for the following month.

• • •

Repeated court delays can prove devastating for a family seeking to reunite. Parents who want to hold onto the right to care for their children must satisfy goals established during these hearings, such as getting counseling or securing an adequate job and apartment.

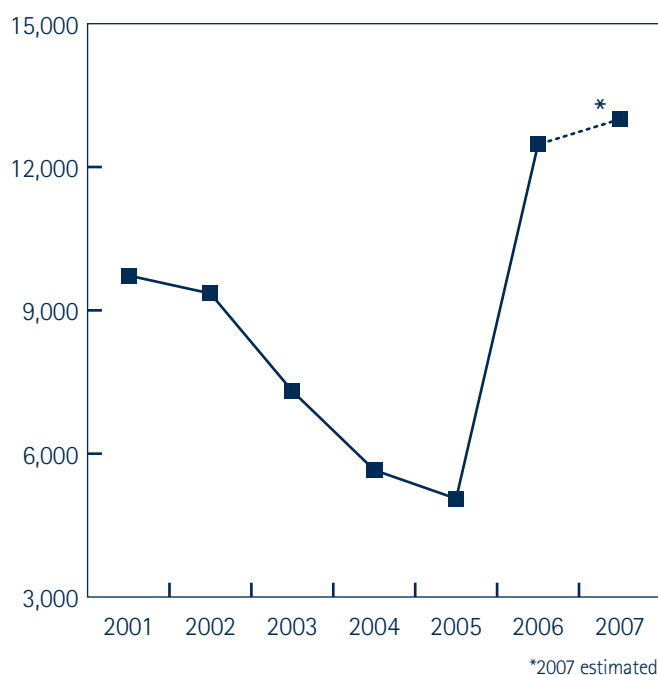
In Hamill's Brooklyn courtroom, reaching the "fact-finding" hearing, akin to a civil trial, in an abuse or neglect case may now take a year, she says, when it used to take five months—

continued on page 26

ABUSE AND NEGLECT CASES ON THE RISE

The Administration for Children's Services has dramatically increased the number of families it charges with abuse or neglect in Family Court.

ORIGINAL FILINGS, ABUSE AND NEGLECT PETITIONS, NEW YORK CITY FAMILY COURT

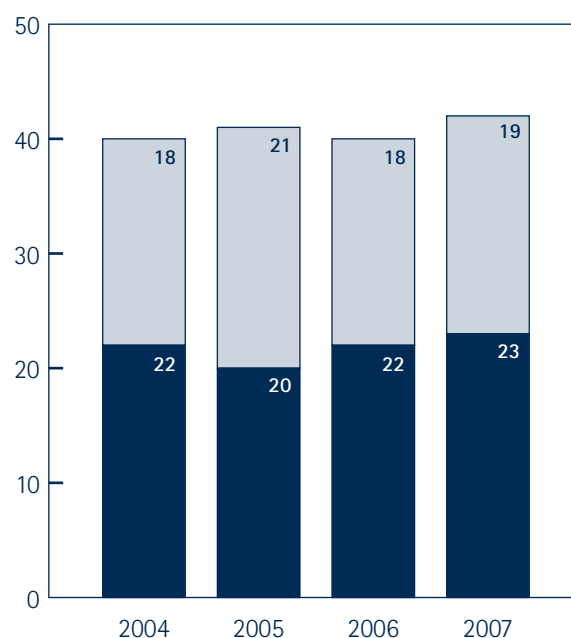


Source: New York State Unified Court System

JUDICIAL POWER DRAIN

The number of judges, referees and judicial hearing officers handling abuse and neglect cases in New York City Family Court hasn't changed, even as the number of ACS court filings has more than doubled since 2004.

JUDGES REFEREES AND JUDICIAL HEARING OFFICERS (FULL-TIME EQUIVALENT)



Preserving Family Ties

Kinship care in New York City is finally on the rise again. It can keep kids in foster care longer—but that's not always a bad thing.

BY KENDRA HURLEY

PAULINE GORDON MOVED IN with her grandmother when she was 14, after she and her twin sister had endured 11 long years of their father's physical and sexual violence. As a child, Pauline would watch through a hole in her bedroom floor as her father attacked her mother. Occasionally her mother would wake Pauline and her twin in the middle of the night and steal away to their grandmother's house where they would stay for weeks at a time. But always, her mother brought them back. When child protective workers finally intervened, Pauline and her twin moved in with their grandmother through kinship foster care.

While many children entering foster care feel traumatized after suddenly leaving their families, Pauline remembers the first year she lived with her grandmother with nostalgia. Her mother's entire family—who had sensed the family's dark “secret,” as Pauline calls it, but did not know how to respond—now rallied around the sisters and their mother. They helped Pauline's mother find an apartment and job and, knowing what the girls had gone through, were patient and gentle with them, especially Pauline's twin, who had begun to show signs of schizophrenia.

Pauline saw her mother frequently during that time and began to understand her mother's struggles with depression. This helped Pauline feel less angry at her mother for not having protected her daughters from their father. “The secret was out, and everyone was just dealing with it,” remembers Pauline. “Family was helping family and it brought everyone closer.”

• • •

Kinship foster care in New York City is on the rebound after a decade-long collapse. Thirteen years ago, nearly 19,000 city children were in kinship foster care, amounting to 44 percent of the city's foster care system. By December 2005, that number had dropped to 3,888, just 24 percent of children in the system. Even accounting for the sharp decline in the total number of children in New York City foster care in recent years, the drop in kinship care was even steeper.

But by June 2007, after 12 months of sustained growth, the number of kinship children had risen once again, to nearly 5,000.

This change is at least in part the result of a conscious effort by the city's Administration for Children's Services (ACS). Officials recently expanded the definition of kinship homes to include not only relatives, but any adult who has a “positive connection” to a child such as a godparent, teacher or family friend, says ACS Special Counsel Alexandra Lowe. “There's been a philosophical shift here—that it is really, really important to look for people that the kids know because it minimizes the trauma of coming into care,” Lowe explains.

Kinship care has long been one of the few strategies nearly all child welfare experts endorse. New York City, New York State and the federal government all rank kinship care as preferable to foster care with strangers. But the realities of kinship care are frequently messier than the rhetoric implies.

Caseworkers must monitor kinship homes like all other foster homes, something some kinship foster parents resist. The city's nonprofit foster care agencies are also under constant government pressure to make sure all foster children—whether or not they are living with

Darlene Bowman's grandson and granddaughter lived with Bowman and her son for several months through kinship care. After a 10-year decline, the number of children in kinship care has risen to nearly 5,000.



relatives—either move back home or get adopted as quickly as possible.

This drive to get foster children into permanent homes as quickly as possible is central to the federal Adoption and Safe Families Act (ASFA) of 1997. The law sought to dramatically reduce the number of young people living out their entire childhoods in foster care, and provided states with financial incentives for adoption.

Yet kinship care has a very different set of challenges for everyone involved. For one thing, kinship homes tend to be far more stable than other foster care placements. For another, who truly controls decisions about a kinship foster child’s future? Like any foster child, children in kinship care are wards of the state and government has the ultimate responsibility for their care—but try telling that to a grandmother or aunt who has spent years of her life raising a child as a kinship foster mother. These are just some of the conflicts and contradictions inherent in kinship foster care’s place in the post-ASFA world of child welfare.



When ACS child protective investigators remove a child from a family, state law requires ACS to search for relatives with whom the child can live. If a relative agrees to take the child in, ACS makes a quick appraisal of the family and apartment to make sure the child will be safe there, and authorizes an emergency placement. Then ACS assigns the kinship home to one of the city’s private nonprofit foster care agencies to

manage. Agency workers must train the new kinship parents, inspect their home, run criminal background checks and fingerprints on everyone who lives or visits there frequently, and license the home—all within 90 days.

And that’s not all. The home must be large enough for the foster children. Everyone must have current medical records. If someone refuses to provide personal information, child welfare workers negotiate with him or her. This can take a long time, and sometimes—if a family won’t budge—the child must be moved to another licensed foster home.

Agencies can make exceptions for kinship homes that do not meet the standards for regular foster homes. The most common exceptions allow kinship parents to take fewer training classes than regular foster parents, or to live in smaller apartments. In theory, the discomfort of a small home is eclipsed by the benefits of keeping a child with his or her family.

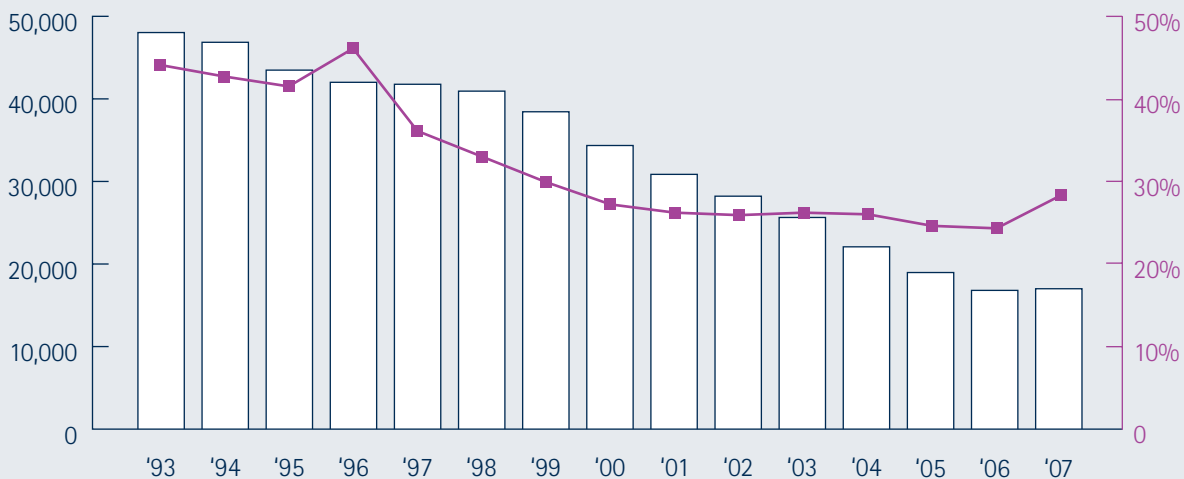
But for the kinship families, it’s not always easy. Like Pauline’s grandmother, most kinship caregivers become foster parents by necessity, sometimes responding to a sudden call in the middle of the night. These relative caregivers tend to have fewer financial resources, be in worse health and have less education than non-related foster parents. They are also more likely to be single parents and without jobs, and they are less likely to take advantage of services such as counseling for children or respite care. “It’s not that they don’t receive [the services],” says Richard Barth, dean of the University of Maryland School of Social Work and a prominent researcher in the child welfare field. “But they don’t use them.”

AFTER A LONG DECLINE, MORE FOSTER CHILDREN LIVE WITH RELATIVES

The percentage of the city’s children living in kinship homes plummeted in fiscal year 1997 and never regained footing, even as the number of children in foster care steadily declined. But as this chart shows, last year—for the first time in 10 years—the percentage of children living in kinship homes began to increase once again.

NUMBER OF CHILDREN IN FOSTER CARE
(column chart)

PERCENT OF CHILDREN IN KINSHIP CARE
(line chart)



Source: NYC Administration for Children’s Services

There is one other potential downside to kinship care: children in kinship homes tend to spend more time in foster care before they are adopted or return to their parents' home. That runs counter to the mandates of federal law and local child welfare policy, which seek to reduce the length of time children spend in foster care. Still, many child welfare experts point to the fact that these children are living with family as evidence of kinship care's stability.

Pauline Gordon, who has lived in two foster homes, one group home, and with her grandmother, agrees. "When you're living with family, the attention you get is just much different than living with a stranger," she says. "They know you already. They know what you've gone through. It's just more comfortable that way."

Most experts say the benefits to placing children with relatives outweigh the potential shortcomings. Studies show children living with relatives are less likely to be separated from their sisters and brothers than children in traditional foster care. Some studies have shown emotional benefits for children who remain immersed in their cultures and families. Living with a relative carries less of a stigma on the playground than having an unrelated foster parent, and, like Pauline, some kids in kinship care benefit from more frequent contact with their mothers. Other studies have found that children in kinship homes have fewer behavior problems, are less likely to reenter care after they've gone home or been adopted, and are three to four times less likely to be maltreated than children in traditional foster homes.

"There's no question that children in kinship care have more stability," says Barth. "And there's also evidence that they have more of a sense of comfort in kinship care, a sense of belonging. All those things help you with learning and feeling connected and cared for."

Experts also say kinship caregivers are likely to stick it out when there are problems. That's not necessarily the case with non-related foster families, says MaryEllen McLaughlin, assistant executive director for Foster Care and Adoption Services at Good Shepherd Services. "If it's not exactly as they expected and they find it's difficult to manage a child, or the parent is making demands on them, they'll say, 'Look, I can't do this,' and the child bounces."



Nonprofit foster care agencies are feeling the impact of the city's efforts to place more children in kinship foster homes. Dorothy Worrell, executive director of Harlem Dowling-West Side Center for Children and Family Services, says that of the 12 placements Harlem Dowling received from ACS in September 2007, eight were already in kinship homes. Nearly half of all Good Shepherd Service's foster children live in kinship homes, up from 37 percent in 2004. And about half of the 1,000 children in New York Foundling's foster care boarding home program are now in kinship homes, according to the organization's director, Bill Baccaglioni.

While these nonprofit executives are enthusiastic about the rising rate of placements in kinship care, some are also

The Guardianship Solution

NEW YORKERS LOOKING AFTER relatives' children may receive financial support in two ways: by becoming kinship caregivers through the foster care system or adopting the children in their home.

Both options pose problems. Adoption requires that kinship caregivers legally replace a child's biological mother or father, which can heighten tension in extended families. On the other hand, kinship foster parents do not have the legal right to permanently raise a child or make key decisions regarding a child's education or medical care.

Thirty-five states and the District of Columbia offer kinship caregivers a middle ground: subsidized guardianship, which provides government financial support as well as legal permanence to relatives caring for their kin's children. Subsidized guardians are no longer part of the foster care system. What's more, unlike an adoption, the parents' legal rights do not have to be terminated before a guardianship is put in place. Yet a guardian has the authority to make decisions for a child as if he or she were the child's parents.

New York does not offer subsidized guardianship. A family can petition the court to become a child's legal guardian, but if it is granted, they lose the government financial support that comes with adoption or kinship foster care.

In spring 2007, Senators Hillary Rodham Clinton of New York and Olympia Snowe of Maine reintroduced legislation that would provide federal assistance to relative caregivers in any state who become legal guardians to children in foster care, as long as they have lived together for at least 12 months. The proposed law would create programs to help these caregivers receive government services, such as respite care and support groups. The federal government would cover a share of the cost, based on each state's need—just like adoption and foster care subsidies.

Eleven states have already created federal funding streams to support subsidized guardianship by applying for a waiver from Washington, beginning in the mid-1990s, that allowed states to shift foster care funding to subsidized guardianship pilot programs. Large cities that have implemented these programs report cost savings from moving children out of foster care. After Chicago created subsidized guardianship, the city saw a marked decrease in relatives caring for their kin through foster care, says Mark Testa, director of the Children and Family Research Center at the University of Illinois at Urbana-Champaign's School of Social Work. At the same time, there was a large increase in the number of relatives caring for children outside of the foster care system.

For each case, adds Testa, this means savings of "thousands of dollars spent on casework and court time in terms of administrative costs, which is not insubstantial." In Chicago, subsidized guardianship also helped free up a desperately backlogged Family Court.

Other states subsidize guardianship by using state and federal dollars earmarked for low-income families. However, such programs must compete for money that could also be spent on education or medical services.

Testa is optimistic that Clinton and Snowe's legislation will pass. "The evidence is consistently in favor of providing the support," he says. "National opinion has coalesced around making this part of the child welfare program" —Kendra Hurley

What Happened to Kinship Care?

DURING THE CRACK EPIDEMIC of the late 1980s, as infants and children flooded the city's foster care system, kinship care became fundamental to New York City's child welfare system. In 1989, New York State enacted legislation specifying that when a child enters foster care, child welfare workers must search for relatives able to look after the child. By the early 1990s, close to 45 percent of all of the city's children in foster care lived with kin.

At that time, kinship homes went largely unregulated, and officials argued that kinship parents should suffer minimal interference from child welfare agencies. When New York State filed data with the federal government about its foster homes, kinship homes were in their own category and frequently were not even graded.

The Adoption and Safe Families Act (ASFA) of 1997 changed this by requiring states to hold kinship caregivers responsible for meeting the same regulations as non-relative caregivers if they were to qualify for federal funding. The law also made official an ideological shift that had been seeping into the child welfare community for years: the emerging preference for moving children out of foster care as quickly as possible, into homes where they have a legal connection to the adults. That is, adoption or reunification.

Under ASFA, states received federal money for increasing adoptions, and, as part of ACS' reform efforts, the city began to evaluate agencies on how quickly they moved children out of foster care and into permanent homes.

Foster care agencies grappled with the demands of getting kinship homes up to the same standards as other foster homes. They also intensified their efforts to get foster children who could not return home adopted, and began encouraging—sometimes pressuring—kinship care providers to adopt.

Soon, the number of kinship homes plummeted. In June 1998, just 33 percent of the children in foster care were living with relatives. By 2002, barely one in five children entering the system was placed with a relative, a rate that remained flat until recently.

ACS' definition of kinship care evolved. In 1998, ACS documents defined kinship care as "an alternative to adoption by allowing the kinship foster parent to be designated the legal guardian of the child." In 2001, the agency definition had shifted to the far more provisional, "foster care provided by a relative."

ASFA had helped redefine kinship care: it was no longer considered a highly stable placement for kids.

But recently, the number of kinship homes in New York City has begun to increase. In June 2007, there were 18 percent more children living in kinship care than in June 2006. Some foster care practitioners attribute the increase to the Nixzmary Brown tragedy, which brought an influx of new children to the system. "After that tragedy, we didn't have enough beds available," says Richard Hucke, deputy director of foster home services at the Jewish Child Care Association (JCCA). Relatives helped fill the gaps.

But the shift is also the result of an intentional policy change. "I intend to see that more kids are placed with relatives in their own neighborhoods," ACS Commissioner John Mattingly told *Child Welfare Watch* in October 2004.

Today, Mattingly confirms there's been a conscious shift toward kinship care. At the same time, he notes, the administration still believes that finding children permanent families is preferable to foster care of any sort, and agencies can be penalized if they allow children to languish too long, even in kinship care. —Kendra Hurley

critical of ACS policies—rooted at least in part in ASFA imperatives. In one important way, ASFA recognizes the uniqueness of kinship homes—while the law requires agencies to move to terminate the rights of parents whose children are in foster care for 15 of any 22-month period, it makes an exception for parents of children living in kinship care. But ASFA also requires foster care agencies to evaluate kinship homes just like traditional foster boarding homes.

"They're naïve if they think dealing with kin is not different," says Baccaglioni. "It's naïve to think that me sitting with grandma and Johnny is the same as sitting with a foster parent. It's a much more nuanced psychology."

The city's performance evaluation system for foster care agencies penalizes agencies that keep children in foster care for long stretches of time. The city is also developing a new contract system that gives these nonprofit agencies incentives for reducing the number of days children spend in foster care.

In the past, practitioners have routinely considered kinship care to be a stable, long-term solution, but no longer. Agencies are evaluated on how quickly they move all children in foster care—including those in relative homes—safely home, or into adoption. An increase in kinship homes, with their historically longer lengths of stays, could mean agencies are penalized for not moving kids out of foster care faster. "There is so much

emphasis on the clock," says McLaughlin, who worries her agency will have their government funding reduced if they place more children in kinship homes. "I haven't distinguished what we do with kinship. I'm going to have to look closely at what are some of the ways we can speed this up."

But ACS Commissioner John Mattingly says kinship foster homes need to be held to the same standards as non-kinship homes, which includes moving children out of kinship foster care and into permanent families as quickly as possible. "It is certainly true that because a child is placed with a relative, that child still has every right to quality care and permanency," says Mattingly. "And birth parents have every right to a reunification plan."



If long-term stability is the problem to be solved, research shows kinship care can be a plausible answer. A study by Mark Testa, director of the Children and Family Research Center at the University of Illinois, found that for children living with relatives in Illinois, kinship foster care placements were every bit as stable as adoptive homes.

But the system is geared towards adoption, as ASFA rewards states financially for increasing adoptions. So in New York, some agencies encourage—and sometimes pressure—

relative caregivers to adopt. If a kinship caregiver refuses, says Janelle Morris, adolescent unit supervisor at Forestdale, a foster care agency in Queens, she will look for other relatives who agree to adopt. “If they’re in a family home we don’t like to take them out and put them with strangers,” says Morris. But sometimes they must. “We still try to find a pre-adoptive home for them and if it’s not kinship, then that’s what has to happen.”

Lydia Jones—who asked that her real name not be used for fear of exacerbating tensions with her brother—has been looking after her brother’s three children since they were infants. Long ago, she vowed to raise them until they were old enough to care for themselves or able to return to their father. But her foster care agency saw things differently. “They told me, ‘They’ve been in foster care too long,’” Jones remembers. “They said if I didn’t adopt them, then whoever was on the list to adopt children would get them next, and they would go to someone else.”

So three years ago, Jones adopted her two nephews and niece, opening a deep rift with her brother. When she adopted she also lost the supports of the foster care system, and she has often wished she still had a caseworker to speak with, especially since her oldest nephew has begun challenging her authority as he approaches his teen years. He’s been telling Jones he wants to leave home and that he hates her. Jones has gotten him therapy through Medicaid, but has no professional counseling herself.

Once a child protective worker came to Jones’ apartment to investigate allegations of problems in her home. Jones does not know who made the report that sparked the investigation. But, while many families see child protective workers as a threat, Jones welcomed the worker; it was the first hint of help she’d received from a professional since adopting the boys. Jones kept the worker’s business card, and, months later, when her nephew became especially difficult, she called her, but the worker was on maternity leave. Now Jones has nowhere to turn. “I need someone like that to talk to,” she says.

Sometimes, she adds, she thinks she may have to put the boy in foster care.



According to many kinship foster parents, the most difficult problems they face are the normal stresses of foster parenting combined with conflict among relatives and in-laws. Bitterness, jealousy and lasting hostility are not uncommon, and relatives may choose sides in a lingering conflict.

Kinship caregivers tell stories of their foster child’s parents showing up unannounced and pressuring them to bend visitation rules. Janet Johnson, who looks after her grandson Andre, has taken heat from the other side of Andre’s family when their relatives visited from out of town and Johnson would not let Andre spend the night with them. She didn’t want to break the rules and risk losing her foster parent license.

For many foster parents, attachments that grow out of love for their foster children can be a huge and sometimes irresolvable sorrow. When Johnson speaks about the possibility of her grandson reuniting with his mother—which is the current plan

Attachments that grow out of love for foster children can be a huge and sometimes irresolvable sorrow.

for Andre—her voice falters. “If she gets him back, what am I going to do? How am I going to be able to deal? Because, in all honesty, I think he’s going to suffer if he’s going to leave me. And I know that’s bad on my part to say that, but if I see him being destroyed that would kill me,” she says. “It’s so hard.”

For Pauline Gordon, kinship care didn’t end up solving all of her problems. At one point, her sister began threatening Pauline and her grandmother, once hitting the older woman with a pan. But her grandmother never gave up, says Pauline. She sought help from their foster care agency and through prayer. One night, about two years after she moved in with her grandmother, Pauline woke to see the older woman’s silhouette hovering over her sister’s bed. She was crying uncontrollably and talking to herself in Spanish. Her grandmother has been in and out of mental hospitals ever since.

Pauline and her sister moved to a foster home with a woman who showed “absolutely no interest” in the girls, says Pauline, and sometimes there was no food in the house. Once, Pauline and a boy new to the home found themselves locked out at 10 p.m. Pauline spent the night with an aunt. She doesn’t know what happened to the boy: the foster care agency never saw him again.

Pauline’s sister’s mental illness got worse. Eventually the agency moved her to a new foster home, and then a group home. Pauline now sees her sister and mother only occasionally. She says her relatives blame her and her twin for their grandmother’s illness.

Still, Pauline fondly remembers the two years she spent in her grandmother’s home, and wishes it could have lasted longer. Pauline eventually found a home she likes by asking a friend’s foster mother if she could move in. Yet she still finds it unsettling to live with someone outside of her family.

“Now, I have to depend on a stranger for how my life is going, and that’s scary,” says Pauline. “I worry that if our relationship doesn’t work out, it’s possible I could be on the streets. And trusting is just really hard for me.”

Pauline says living with her grandmother was possibly the time in her life she felt most secure.

“My grandma cared for us as a mother would,” she says. “That was comforting.” ❀

Fierce Attachments

A program requires foster parents to strike a difficult balance between helping babies return home and preparing to adopt them.

BY HELAINE OLEN

DIANA VAZQUEZ HOPED TO adopt the foster child she called “Precious.” The East Harlem resident received the 3-week-old infant from Edwin Gould Services for Children and Families, a New York City foster care agency. The baby had no name or family—or at least none Vazquez knew about.

But several months later, Vazquez learned the child’s mother, recovering from a drug addiction, wanted to visit with her daughter. Under the guidance of social workers, the two women began to schedule twice weekly play dates at the agency. They celebrated Precious’ birthday together, complete with a Teletubby impersonator. Vazquez hoped for an open adoption.

But when Precious was 3 years old, the child’s caseworker from the Administration for Children’s Services (ACS) informed Vazquez that she would not be able to adopt her. “It was devastating,” says Vazquez, now 60, who has not taken in another foster child since the girl returned to her mother nearly two years ago. “I still see my Precious every chance I get.”

In recent years, the state, the city and private foster care agencies have designed several initiatives to cut lengths of stay of young children in foster care by simultaneously encouraging babies to bond with their parents, while also attempting to fast-track eligible infants for adoption by their foster parents. Vazquez’s experiences demonstrate both the positive and negative aspects of such an approach.

ACS’s “Babies Can’t Wait” initiative is the most prominent local example of this strategy. The program revolves around foster parents who agree to help the baby bond with his or her parents while at the same time getting ready to adopt the child permanently if reunification fails.

City officials say the coaching relationship between Babies Can’t Wait foster parents and birth parents helps get the babies back home faster. They also note that since the foster parent has agreed to adopt if the occasion arises, the infant will not have to be moved to a new pre-adoptive home should the reunification effort fail. The fundamental goal is to avoid instability in the young child’s life as much as pos-

sible, while encouraging the infant’s attachment and bonding to a parent figure.

The concept of a parent and foster parent working collaboratively is counterintuitive in the tradition-bound world of foster care. But it is becoming more common. “It’s a tough thing to share a child,” says Susan Kyle, an administrative supervisor at Good Shepherd Services. But when the relationship between a child’s parent and foster parent works, it can make a world of difference. “I’ve seen people do it and I’ve seen them do it beautifully,” she says.

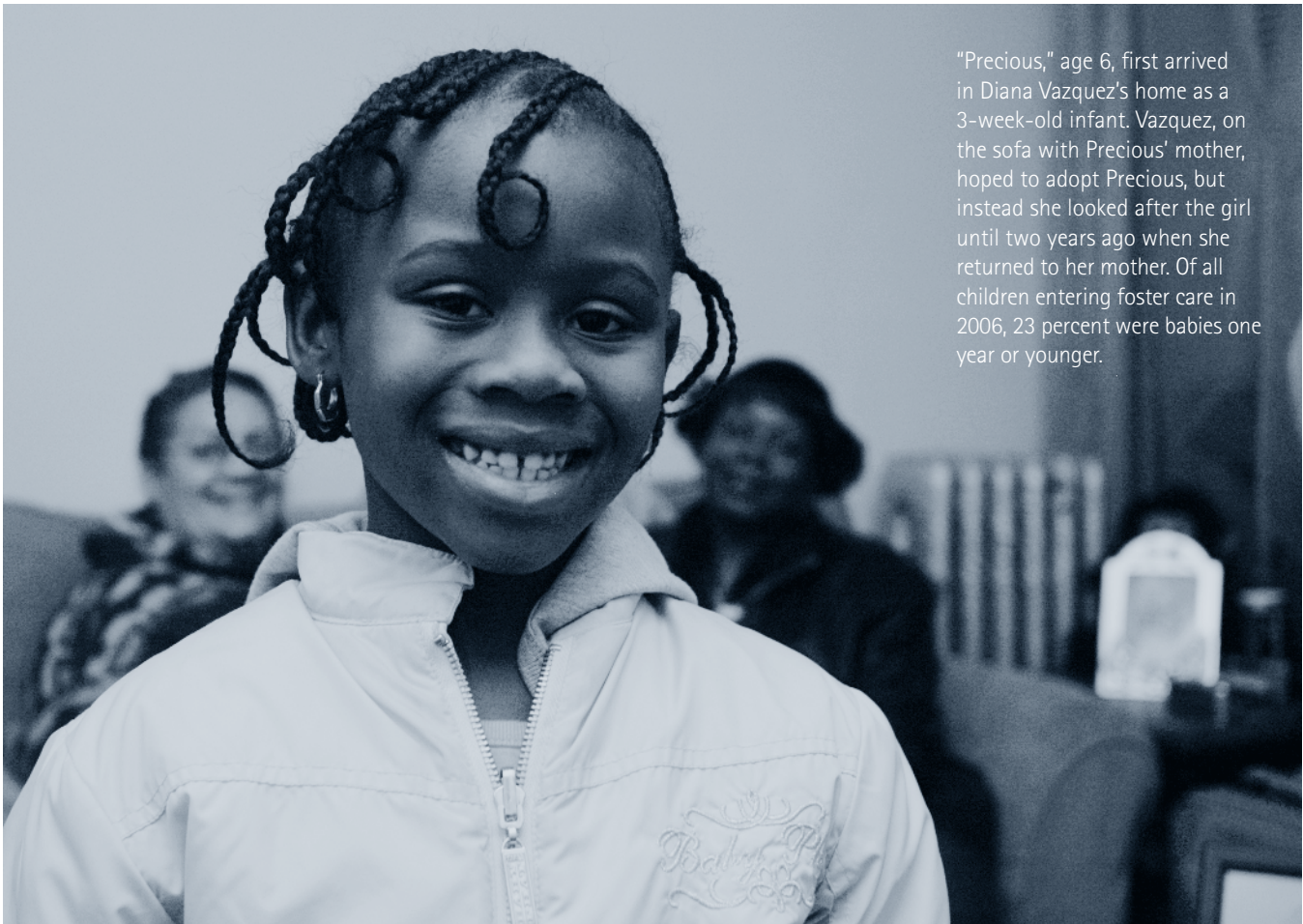
• • •

Such collaboration is a key part of the Annie E. Casey Foundation’s Family to Family Initiative, a model that has helped shape foster care reform in New York and nationwide, and was led by John Mattingly before he became the city’s child welfare commissioner. In Family to Family, “foster parents are encouraged from the very beginning to see themselves as partners in helping the birth family to reunify, as opposed to ‘saving’ the children from the birth family,” explains Wanda Mial, a senior associate at the foundation.

In New York City, evidence suggests that the collaborative parenting of Babies Can’t Wait is helping a small segment of young foster children. But a combination of stringent guidelines for admitting babies into the program, erratic use by ACS workers who must identify which children qualify, and the difficulty of finding eligible foster parents who are as willing to help the babies return home as they are to adopt are all limiting the program’s effectiveness.

Over the life of Babies Can’t Wait, the program has placed only 20 to 25 percent of children that ACS originally thought would qualify in homes, according to ACS data. And placements plummeted in the first half of 2007, with only 12 of the 238 children considered initially eligible ultimately receiving a foster home through the program.

At one large foster care agency, SCO Family of Services, ACS assigned only 21 of the 207 children under the age of two the agency placed in foster homes in 2006 to Babies Can’t Wait,



"Precious," age 6, first arrived in Diana Vazquez's home as a 3-week-old infant. Vazquez, on the sofa with Precious' mother, hoped to adopt Precious, but instead she looked after the girl until two years ago when she returned to her mother. Of all children entering foster care in 2006, 23 percent were babies one year or younger.

says Mary Hall, director of intake and home finding at SCO.

Selina Higgins, who coordinates Babies Can't Wait at ACS, attributes the falling number of placements to recent structural changes at ACS, as well as disruptions following the death of Nixzmary Brown in 2006. Also, some institutional knowledge of the program has been lost with the chronically high turnover of ACS staff and the fast pace of new hires as the agency's Division of Child Protection has grown over the last year. ACS is attempting to reverse the situation through training, Higgins says. "If we can get these infants into one home and not bouncing around the system, we've done a good thing," she adds.



Young children have long made up the largest component of the nation's foster care system, with national research showing that one in five admissions is a child under the age of one. Of this group, almost 80 percent are exposed to drugs in utero, with close to 40 percent deemed low birth weight or premature. More than half the infants and toddlers in foster care suffer from developmental delays or behavioral issues.

In New York City, 23 percent of all children entering foster care in 2006 were babies, aged one year or younger. These infants made up a disproportionate part of the large increase in children entering care after Nixzmary Brown's murder. The

number of babies under one who were placed in foster care increased from 756 in 2005 to 1,167 in 2006, and the number of 1-year-olds doubled from 247 to 500 during that same period.

Despite these dismal statistics, infants in the foster care system were long regarded by many as relatively mobile and resilient, at least compared to older children. Since they could not speak, their bonding and attachment issues were all too frequently ignored. That began to change with the publication of the Carnegie Corporation's 1994 report, "Starting Points." Highlighting the critical impact of emotional, physical or intellectual neglect on neurological development of children under three, the report put an end to such cavalier attitudes towards infants in foster care.

In upper middle class families, the impact of the Carnegie report spawned everything from ceaseless anxiety about toddler academic achievement to Baby Einstein toys. But it was also one of the factors behind the federal Adoption and Safe Families Act (ASFA) of 1997. By mandating the quicker settlement of cases involving children entering the child welfare system, the legislation forced child welfare agencies to turn their attention to stabilizing the lives of one of the most vulnerable populations in the foster care system. ACS's Babies Can't Wait is a direct descendant of ASFA.

Children are eligible for a Babies Can't Wait placement if they are under 18 months of age and have no relatives able

to take them in. If they have brothers or sisters, the siblings must already be cleared for adoption or be in adoptive homes, so that the program doesn't cause the permanent separation of siblings. If a child entering foster care meets this criteria, caseworkers are supposed to deem them a Babies Can't Wait placement, Higgins says.

ACS then contacts foster care agencies and allows them to nominate potential guardians for the child. Generally, agencies do not recruit new foster parents for Babies Can't Wait. For one thing, they want experienced parents. But also, in the past, recruitment led some new foster parents to erroneously consider the program a fast-track to adoption.

City officials do not track how many Babies Can't Wait children are in fact adopted, but foster care agency staff say most children in the program ultimately return home. "Most of them go back to a parent or family member. That's always been the goal," says Clive Torres, an intake manager at New York Foundling.

Torres says he prefers to place Babies Can't Wait children with his agency's most seasoned foster parents, knowing they can meet the demands of the program. "It helps if we have already worked with them and gotten to know them," he says.

The intimate working relationship that occurs between birth parent and foster parent in Babies Can't Wait is a challenge. "It's like making a marriage when you haven't met before," says Susan Kyle of Good Shepherd Services. Most foster parents are expected to make a child available for visits with a birth parent two to four times a month, but Babies Can't Wait participants are expected to visit twice each week.

"The idea is that the foster parent is a role model and teacher," says Higgins. "We have parents who visit with their children and they don't know what to do. It's not that they don't want to attach, it's that they don't know how to attach."

But Babies Can't Wait foster parents receive no extra training, and participating foster parents sometimes struggle with the closer than usual contact with the child's birth parents as well as their own growing attachment to the babies. Many agencies say they make special efforts to work with the foster parents to handle the emotional seesaw that results from coaching a child's birth parents. They try to debrief after each visit, so that potential trouble spots—including disagreements over care—are quickly addressed.

"I've seen birth parents and foster parents argue over haircuts and sneakers but it's not about the haircut and the sneakers," says Kyle. "It's about 'You have my child and he is attaching to you and I am jealous and angry.' And the foster mom is thinking, 'If you are so great, why don't you have your child?' This isn't limited to foster care. Look at how parents behave in divorces."

Mary Hall of SCO Family of Services, says her agency has the most difficulty with placements when there are significant economic differences between the parties. "Our experience is that the wealthier [foster] families have much more difficulty working with the birth family and understanding

the children wouldn't have a better life with them," Hall says. "It's hard to place a child with a typical middle-class family and then have them send the child back to a lower-income or more dangerous neighborhood."

Nonetheless, Higgins says, the misplaced expectations—and inevitable disappointment—of some foster parents is not a fair critique of the program. "It isn't an adoption plan," she says. "It is an opportunity to love a baby. You want what is best for the baby, not what is best for you."

• • •

There are, of course, many advocates wondering what took the government so long to recognize the importance of infant bonding with parents who can't be with their children every day. Hour Children, a Queens-based social services agency, has worked to keep current and formerly incarcerated moth-

"Our experience is that the wealthier foster families have much more difficulty working with the birth family and understanding the children wouldn't have a better life with them."

ers connected with their children since its founding in 1995. The organization works with mothers in six New York prisons as well as Riker's Island.

Hour Children staff encourage pregnant women and women with infants at Bedford Hills and Taconic prisons to ask for permission to let their child stay in the prisons' nurseries. If a mother is not scheduled to be released until the child is older than a year—the age when children are no longer permitted to reside in the prisons' infant quarters—the agency finds a woman who will look after the child until the mother is released and can reclaim custody. Administrators prefer to work through informal and legal guardianships rather than enter the traditional foster care system, says Sister Teresa Fitzgerald, the organization's executive director, because it gives them more flexibility without ACS caseworkers second-guessing their decisions.

The organization provides small monthly stipends of \$100 to these guardian parents, many of whom live in subsidized housing. The organization also provides its guardians with extra food and donated children's goods, and frequently foots the bill for such "extras" as dance lessons or parochial school education.

Fitzgerald says the secret to the program's success is the women who take these children in. She selects them herself, and has known most of them for many years. While these women inevitably become attached to the children they look after, they also understand their role, Fitzgerald says. Parents locked in state custody need to know their children are being well cared for, and that they will be returned to them when they leave prison.

In fact, many of these guardian mothers left children behind when they were in prison themselves—like Xiomara Gutierrez.

"I was separated from my own daughter when I was in prison, and I wondered if she was hungry, crying, being taken care of. So I can put myself in that position. That's why I take them in even though it's painful when they leave." Gutierrez, 54, explains.

Hour Children arranges for the children in their care

to visit their mothers in prison, usually twice a month. "We are absolutely committed to on-going bonding," Fitzgerald explains. "When the mother comes out, the child is not a stranger to the mother," she says. The guardian mothers are also expected to make sure the child is available for visits and phone calls, and they continue helping out when the mothers are released.

Gutierrez had temporary custody of a toddler named Michelle for a year. When Michelle's mother was released from prison, she found an apartment across the street from Gutierrez. Every night for a month, Gutierrez crossed the street to Michelle's home and demonstrated her ritual for putting the girl to sleep. "I would tell the mom what food she liked, and show her how I gave Michelle a bath."

Gutierrez is now taking care of Jammie, who is almost three. He lived with his mom at Bedford Hills Correctional Facility until he was a year old, then Hour Children took over his custody when he aged out of the prison nursery.

"I know I am preparing Jammie that 'mommy's coming,' but when mom comes it's going to be hard," Gutierrez says. "I love him." ✨

ASFA Decoded

PERMANENCY—MOVING CHILDREN INTO SAFE, stable permanent homes rather than leaving them to languish in foster care—was the underlying goal of the federal Adoption and Safe Families Act (ASFA), which President Bill Clinton signed into law in 1997.

The law's main feature is a strict timeline that requires foster care agencies to terminate parental rights if a child has spent 15 of the past 22 months in care—or show why that child is not a good candidate for adoption.

ASFA's passage sparked concern among many child welfare advocates that it was too punitive and leaned too heavily on adoption as the only path for children out of foster care.

Studies have shown that ASFA did indeed help states speed up adoption, adding resources and urgency to a trend that was already emerging at the state level. New York's elected officials, in particular, were already putting pressure on local child welfare officials to increase the number of adoptions, leading to a near doubling of adoptions out of New York City foster care between 1993 and 1997. The passage of ASFA added new financial incentives to the pot.

The law's effect on permanency remains a matter of debate. While ASFA boosted adoptions, unpublished research by the Chapin Hall Center for Children at the University of Chicago found that reunification rates fell in the post-ASFA 1990s, compared to earlier in the decade, even as adoption rates increased, albeit modestly.

"Over all, children in foster care in the mid-1990s had a lower reunification rate than did children in care earlier in the decade," the study's authors conclude. "Children in the post-ASFA years had an even lower rate of family reunification when compared with children served in the mid-1990s. Given the broad goals and objectives of ASFA specifically, slower reunification rates qualify as an unintended consequence." It is an unintended consequence with very large implications, they add, because far more foster children eventually return home than are adopted.

KEY ASPECTS OF NEW YORK'S VERSION OF ASFA, ENACTED IN 1999

THE TICKING CLOCK:

The clock starts as soon as the child welfare system removes a child from their home. When a child has been in foster care for 15 out of 22 months, the city must begin proceedings to terminate parental rights and place the child up for adoption.

EXCEPTIONS TO THE TERMINATION RULE:

New York's version of ASFA contains three reasons that agencies can cite for why a child should not be put up for adoption: if agencies can document that reunification goals are part of case planning; if a child is being cared for by relatives; or if the foster care agency has failed to provide services "necessary" to give parents a real opportunity to reunify with their children.

EXEMPTIONS TO REUNIFICATIONS:

ASFA prevents children from being returned home if a parent is convicted of child abuse, violent crime or felony drug-related offenses.

MORE PERMANENCY PLANNING:

Routine permanency hearings in Family Court must determine the suitability of an agency's plan for a child's future beyond foster care.

MORE OVERSIGHT OF ADOPTIVE PARENTS:

The law requires fingerprinting and criminal record checks of all potential adoptive parents and household members over the age of 18.

NEW ADOPTION INCENTIVES:

The federal law authorized incentive payments to states that boost the number of adoptions and additional money for technical assistance programs to promote adoption.

When You Can't Go Home

Should teens have a means to regain legal ties to their parents?

BY KENDRA HURLEY

NO ONE TOLD CYNTHIA RAVNELL that her two daughters, Atasia and Tashiea, had been adopted. Until Ravnell got clean of cocaine and began working to bring her girls back home, she never suspected that, by law, she was no longer the girls' mother.

It all happened in the late 1990s, shortly after the Adoption and Safe Families Act (ASFA) went into effect. The law aimed to increase adoptions and move children out of foster care more quickly. One effect was that close relatives like Atasia's grandmother Paulette State—with whom Ravnell's girls lived—sometimes faced pressure to choose between adopting or losing custody of the children they cared for. Paulette State adopted the girls, but never told Ravnell.

All through her years of addiction, Ravnell spoke regularly with her daughters on the phone and assumed they lived with their grandmother through foster care. State repeatedly told Ravnell not to worry: she'd look after the girls until Ravnell got her act together, but she wanted Ravnell to get clean soon.

Eventually Ravnell wanted that, too. When child welfare authorities took her newborn, Keianna, straight from the hospital maternity ward to foster care, Ravnell checked herself into a program for mothers with substance abuse problems at Odyssey House in Manhattan. She was living with her toddler when State died in 2001 from breast cancer.

Tashiea and Atasia began spending weekends with Ravnell, and Ravnell sought an apartment that would be large enough to allow her to bring her girls home permanently. In the meantime, the girls spent weekdays with Atasia's paternal aunt, Paula, who took over their guardianship and the \$1,335 monthly adoption subsidies that went with it. But it wasn't long before Aunt Paula became sick and was hospitalized.

By then, Ravnell had found an apartment through Odyssey House large enough for all three of her daughters. The next step seemed like a no-brainer: the two older girls, then 18 and 12, would move in with her.

That's when everything went wrong. Ravnell learned she was legally severed from her girls, and Aunt Paula's daughter—who lived in Hawaii—had decided Aunt Paula and Atasia should live with her, 5,000 miles from New York. Tashiea, 18, stayed behind and moved in with her mother. For Ravnell

and her daughters, it was the beginning of a legal battle to keep the family together.

All the lawyers they consulted agreed that Atasia should not be living so far from her sister; but none agreed on how to bring her back to New York—or even if it could be done, since Ravnell had lost her legal right to parent the 12-year-old.

One lawyer thought they should persuade a judge to let Ravnell adopt her own daughter, saying it wouldn't be the first time this had happened in New York. Another argued that the girls' original adoption should never have been approved because the papers erroneously labeled Ravnell a “missing person.” This lawyer, Ravnell remembers, claimed that reversals of terminations of parental rights—or TPRs as they're called in the field—occur frequently when a child hasn't been adopted and a birth parent has turned her life around. A different lawyer insisted these legal procedures could rarely, if ever, be reversed.

Such conflicting advice underscores the confusion and controversy that surrounds efforts to challenge terminations of parental rights after the fact. It mirrors a discussion about whether such terminations can or should be reversed—a discussion that has become particularly heated in the last few years as a growing number of parents who lost parental rights following the 1997 passage of ASFA have been released from prison or overcome addiction and want to bring home children still languishing in foster care.

• • •

The 1997 law placed a premium on securing “legal permanency” for kids in foster care by hurrying the pace of adoption and reunification. For many thousands of children in New York City, this meant legally “freeing” them from parents to whom they were unlikely to return, so they could be adopted instead. For nearly 20,000 children since 1998, the termination of parental rights has been one important step on the way toward adoption.

But for other children, losing legal ties to their birth parents did not lead to finding a new family, and hundreds languish in foster care as “legal orphans”—the term given to kids with no legal ties to their birth parents and no adoptive families.

In 2006, there were 752 legal orphans in New York City



Cynthia Ravnell (center) lost rights to her two daughters Atasia (left) and Tashiea in the 1990s. But one year ago Tashiea, 20, secured guardianship of Atasia, 14, and they now both live with their mother.

not in adoptive homes, and 475 of them had been “freed” for adoption for over a year. Another 1,725 foster children were freed for adoption and already lived with families that planned to adopt them, but there’s no way of knowing how many of them finally achieved that goal. National studies indicate that between 10 to 25 percent of all planned adoptions fall apart before becoming final.

For some children whose parents finally free themselves of addictions or otherwise straighten out their lives, one route to permanency is to return home. But there is no clear legal pathway for parents to regain parental rights after they have been terminated. Last year, the state Family Court Advisory and Rules Committee—a group of judges and child welfare professionals who recommend changes in family law and court procedure—proposed legislation that would have opened the door.

The proposed law would allow New York’s family courts to overturn the termination of parental rights under special circumstances, such as when a child in foster care is more than 14 years old and has no plans for adoption, and when the parent’s rights were terminated more than two years previously.

“There are a bunch of kids who don’t get adopted after that termination. Now they’re older, they’re stuck in the system, and they have no options.”

California put a similar measure into effect in January 2006. Since then, about 15 parents have had their terminations reversed, says Leslie Heimov, executive director of the Children’s Law Center of Los Angeles. It’s a small number, she adds, but significant for the children involved. While staff at some foster care agencies in California initially resisted this change, Heimov says most now support the legislation because it has been used exactly as intended: to give children stuck in foster care another option to find a permanent home.

In New York, legislators remain wary. Senator Carl Kruger introduced the bill in the state Senate in April, where it has languished in committee, largely because the Office of Court Administration (OCA) could not find anyone to introduce it in the Assembly, according to Kruger’s office. The office of Assemblywoman Helene Weinstein, who heads the Assembly Judiciary Committee, said members are still reviewing the proposed bill, noting that “this area of the law also raises concerns about child abuse and neglect.”

Joseph Carrieri, a lawyer who represents foster care agencies in Family Court, understands such concerns. The idea of returning a child to a mother whose parenting “was so egregious that the child was taken away from the mother and the mother’s rights were terminated,” says Carrieri, alarms people. “There’s concern that maybe the causes that precipitated the child to come into care have not been ameliorated.”

Nonetheless, the Office of Court Administration hopes to reintroduce the same bill next year, says Janet Fink, deputy counsel of New York State Unified Court System. In the meantime, lawyers must be creative in finding ways to help people like Ravnell become parents to their children once again.



No one knows for sure how many parents have successfully challenged the loss of their parental rights in New York City, and estimates vary wildly depending on whom you ask. Lawyers representing foster care agencies say that undoing terminations of parental rights is extremely rare. Foster care agency attorneys James Abramson and Joseph Carrieri, for example, each estimate they’ve done no more than five in the past 20 years.

But Barry Chaffkin, co-founder of the New York City-based Changing the World One Child at a Time, a nonprofit that trains child welfare workers to find children permanent homes, approximates the total number of reversed parental terminations since ASFA to be in the hundreds. Chaffkin,

who was formerly director of foster care and adoption for the Harlem Dowling-West Side Center for Children and Family Services, believes the practice gets underreported because without the legislation to back it, the procedure is “almost don’t ask, don’t tell.”

All agree that undoing a termination is difficult and often depends on “whether the judge is willing to do something that some consider unorthodox,” says Jessica Marcus, an attorney with the Legal Services for New York City’s Brooklyn Family Defense Project. Some judges will vacate the termination if they are convinced that a child will be safe with a parent and has no other options for a permanent home. Others are overturned on appeal to a higher court.

“What we argue in these cases is not that the court messed up at the time, but that circumstances changed and the TPR is no longer in the best interest of a child,” says Judith Waksberg, director of the Legal Aid Society’s Juvenile Rights Practice’s Appeals Bureau, which has appealed seven TPRs in the past two years.

Most of these moves are last ditch efforts to achieve permanency for children in foster care with no other options for finding a lasting home. Many of these legal orphans are teenagers who have bounced between multiple foster homes and who say they do not want to be adopted. Some have behavioral and emotional problems, like 12-year-old Rasheed. Living with his mother’s cousin who had adopted him, Rasheed cut himself, set fires and attacked children at school. Two parochial schools expelled him and, at age 7, Rasheed entered a special education program for severely emotionally disturbed children. He missed school frequently, often because he refused to take his medication and the school asked his adoptive mother to keep him home on those days.

Rasheed said he wanted desperately to live with his birth mother, sometimes claiming his adoptive mother was not feeding him or had beat him, though no evidence of abuse was ever found. Eventually his adoptive mother could not cope with his behavior, saying that missing work to look after Rasheed had cost her two different jobs. She gave into Rasheed’s wishes, and informally returned him to his mother, who had overcome her drug addiction.

There, Rasheed “made significant and impressive strides,” says Carol Goldstein, a referee at Brooklyn Family Court, who wrote about her decision to grant Rasheed’s mother custody of her son in *The New York Law Journal*. Gradually, Rasheed

stopped cutting himself and his behavior at school improved dramatically. He began listening to his mother and taking his medication regularly.

“Rasheed’s progress is the result of extreme vigilance and a ‘tough love’ approach to parenting employed by petitioner [Rasheed’s mother] and her husband,” Goldstein concludes. “Rasheed is very attached to petitioner and desperately wishes to remain in her home.” Because of Rasheed’s extreme behavioral problems, “the only other option to remaining in petitioner’s care is placement in a locked facility.”

“There are a bunch of kids who don’t get adopted after that termination,” explains Chaffkin. “Now they’re older, they’re stuck in the system, and they have no options. Mom and Dad are doing better, and they desperately want to be with them. Why wouldn’t you do it?”

• • •

For many of the so-called legal orphans and their parents, a termination of parental rights is a “legal fiction,” says Mike Arsham, executive director of the parent self-help and advocacy group Child Welfare Organizing Project (CWOP).

Advocates of the proposed bill to reinstate parents’ rights say the legislation would give teens one more option to find stability.

Many CWOP staff members say they know of parents and children who live together, or spend long stretches of time together, despite being legally separated. “There’s a TPR but they’re always around me,” says Carmen Caban about her daughters, “so you’re wasting your time by doing that TPR. A mother’s still a mother and these children will look for their parents.”

Caban’s children went into foster care more than 10 years ago when she was addicted to crack cocaine. But by the time the courts terminated her parental rights to her three daughters, Caban claims she was already clean. As proof of her fitness to parent, she points out that only one year after the courts severed her rights to her daughters, they returned her son home to her from foster care. Caban vowed never to let legal logistics break the bond she had with her girls. Every time she saw her daughters, she reminded them repeatedly that she was their mother and no one could adopt them.

Caban considered it a kind of “brainwashing,” and it worked. In just about every one of their foster placements, she says, her daughters rebelled and ran away.

“You can’t adopt a kid who keeps running and that’s why the process was delayed,” says Caban.

Often they ran straight to Caban—something that never surprised their social workers, or the police, who know that home is the first place to look when a child in foster care goes missing. They were promptly located, and returned to their foster homes.

One by one, Caban’s daughters reached 14, the age where they could legally refuse to be adopted. Two of them are still in foster care, and her oldest daughter checked herself out at 18. Like many who “age out” of the foster care system, her eldest eventually returned to her mother’s home.

Advocates of the proposed bill to reinstate parents’ rights say the legislation would give children like Caban’s one more option to find stability, and would help foster care agencies better prepare young adults who return home after aging out of foster care.

But those opposing the bill see Caban’s story as a cautionary tale. Some fear that the decision to sever a parent’s legal bond with a child will be taken less seriously if parents know that the move need not be permanent. Parents who are still unable to parent their children will delay adoptions by challenging them, resulting in less, not more, permanency for children.

“If we find ways around it,” warns attorney Abramson, “I think it will be an extraordinary tool to delay permanency for kids.”

• • •

In Ravnell’s case, she has had to find other ways to keep her family together.

When Tashiea moved home with Ravnell, the two felt certain that Atasia would also be better off with them than with her aunt and cousin in faraway Hawaii. Rebecca Holmes, a social worker at STEPS to End Family Violence, who was working with Ravnell and Tashiea at the time recalls, “We were all totally hamstrung because Cynthia couldn’t do anything because her parental rights were terminated.”

Ravnell did not have the money to hire a lawyer willing to fight for a reversal, so eventually 19-year-old Tashiea filed for guardianship of her sister. At the hearing, the judge ordered Ravnell to leave the room. “You don’t need to be in the courtroom because you lost your rights,” she said.

But the final judge they saw had a different perspective. Ravnell remembers her concern as she asked, “How would you feel as a mother living in the same house with your daughter who has guardianship over your other daughter?”

“I don’t have a problem with that,” said Ravnell. And the judge promptly awarded Tashiea guardianship over Atasia.

Last August the family of four celebrated the anniversary of Atasia’s return to New York with a cookout. “We’re doing great. It feels like this is how it’s supposed to be. I still feel like I’m officially the parent of my kids,” says Ravnell. “But the court system sees otherwise.” ❖

A Unified Front

Can new ties between child welfare and drug treatment staff really make a difference for families?

BY JOAN OLECK

LUREEN MCNEIL WAS ONCE a client of the very agency she now represents as a deputy director of the state Office of Alcoholism and Substance Abuse Services (OASAS).

In the 1980s, this articulate, sharply-dressed woman was a “poly-substance abuser,” and then a mother of four who stood to lose her children if she didn’t get her life on track. “I’m a person who never thought about revealing the fact here that I was in recovery,” McNeil says. “And I didn’t really think about the link between child welfare and chemical dependency substance abuse.”

Until one emotional day in 1999. At a conference McNeil attended, talk turned to the recently passed federal Adoption and Safe Families Act (ASFA). The new law required the state to move to terminate the rights of parents whose children had been in foster care for 15 months out of any 22-month period. This mandate alone signaled a sea change for both OASAS and New York City’s Administration for Children’s Services (ACS). Parents struggling with addiction now had to get clean fast, or else risk losing their children forever.

Learning this, McNeil had knots in her stomach. “The only thing that could come into my mind was, ‘What would have happened if this law had been enacted before I came into recovery?’” she says. “Because I was a substance abuser, and my children were the reason that I went into treatment.”

McNeil’s epiphany was personal. But plenty of her OASAS colleagues and ACS staffers felt the same. With ASFA’s new deadline, drug treatment providers and child welfare workers needed to work together to make sure families involved with both drug treatment and the foster care system got the help they needed quickly. Otherwise, thousands of New York families were at risk of being torn apart.

Collaboration didn’t come naturally to these systems. Before ASFA, drug treatment workers tended to view child welfare “as someone who always wanted to snatch your kids,” McNeil says. Meanwhile, child welfare workers saw treatment as “a system that wanted to protect the parent regardless of what happened to the child.” This estrangement caused painful delays in reuniting substance-abusing parents with their children.

So in 1999, leaders in agencies on both sides began to bridge the divide. Their collaboration, now entering its eighth year, has produced calmer, more productive relations

between ACS and OASAS staff, as well as formal guidelines for working together.

It’s still a work in progress, and executives on both sides admit that much of the established protocol has yet to reach ground level in a consistent manner. But they say it has ended the once common bickering among staff in the child welfare and substance abuse systems—and offers the potential to be a huge help to the thousands of families dealing with substance abuse as well as foster care and family support programs.

• • •

About 70 percent of child neglect or abuse cases in the child welfare system are either caused or exacerbated by alcohol or substance abuse, according to Bill Barnette, OASAS director of interagency collaboration. New York City has 17,000 children in foster care, and New York State has the nation’s largest addiction, treatment and prevention system. In 2006 OASAS served 126,683 city residents.

But poor communication between these two huge systems has long hampered efforts to help parents care for their children more effectively and keep their families together.

In 1993, when Tracey Carter’s newborn and toddler went into foster care, she moved into Phoenix House, where she received treatment for her addiction to crack. Carter says the whole time she was there, staff at the residential treatment center never, to her knowledge, spoke with her foster care

The parties now agree that the client isn’t “the parent” or “the child,” it is the entire family.

worker and “there was no discussion about visits [with my kids] or anything,” says Carter. “It was never brought up.”

Back then, remembers Carter, other parents at residential treatment centers wanting to see their children “had to earn a visit. You had to earn the right to go out.”

Carter eventually left the treatment center, relapsed, and permanently lost her rights to parent her two children.

In 2000, after giving birth to two more children, Carter had a starkly different experience seeking help for her addiction. ACS had just placed her newborn in foster care along with her toddler daughter. To get clean, Carter sought treatment at a Bronx agency that provided both family support services and drug treatment. When she told the staff there that she had two children in foster care, they rallied into action, not only helping Carter fight her addiction but working with her and her foster care agency to bring her children back home.

Her treatment counselors routinely called the children’s

foster care agency and faxed over reports on Carter's progress. They attended planning meetings for her children's future, where Carter remembers child welfare staff working with her treatment providers as if they were on the same team. They also helped Carter advocate for more frequent visits with her newborn son. Eventually, Carter had unsupervised visits with both of her children, and then was allowed to have them overnight. She completed treatment in 2002 and brought her two children home shortly thereafter.

Now, she wonders how things might have turned out for the two children she lost in the 1990s if staff at Phoenix House had worked as closely with her children's foster care agency. "Who knows? I might have them with me now," says Carter.

• • •

Naomi Weinstein, director of Phoenix House's Center on Addiction and the Family, has also seen the difference collaboration between the two systems can make. In the past, says Weinstein, child welfare workers routinely gave mothers in need of substance abuse treatment a list of providers they knew little about. "Some would have beds, some might not; some would be appropriate, some not," she says.

Too often, substance abusers would eventually give up trying to receive treatment. And their kids stayed stuck in foster care.

When a mother did receive help through residential treatment, the child welfare and substance abuse systems did not see eye to eye on whether she should visit with her children. From the child welfare perspective, visits are critical to keeping children and parents bonded. Treatment providers, however, frequently believe visits can disrupt recovery, and that parents should focus on themselves during their first few months of recovery.

When leaders from these two New York City systems—prompted by ASFA—finally convened in 1999 to map out solutions, the atmosphere was tense. "It was boiling," remembers ACS' Monette Sachs, director of substance abuse policy and planning. "ACS staffers were shouting across the table, 'You're only interested in the clients! You don't care about the children!'" From the treatment side, Sachs heard: "ACS never returns phone calls!"

Yet over two years of meetings, the two sides gradually found common ground. The parties now agree that the client isn't "the parent" or "the child," it is the entire family. And the icy relations have thawed. "You went from this initial position of hostility to camaraderie and collegiality," says Weinstein. "When I go to child welfare meetings [today], I feel very comfortable with child welfare people. I consider them 'my system: vulnerable families.'"

Sachs will co-chair a conference of the association of Alcoholism and Substance Abuse Providers of New York State in March 2008. "This will be the first child welfare conference where substance abuse providers are focusing on child welfare," she says. "This is how close we are."

The collaboration has helped the state and city establish extensive protocol for client referral and communication across the sectors. It also led to a program that trained treatment providers at OASAS and its contract agencies, over 15 months, on how to work more closely with child welfare and its preventive and foster care agencies. About 60 agencies participated, sending frontline workers and staff members involved with policy.

Staff at both systems point to anecdotal evidence that families like Carter's are reaping the benefits.

Juliette Morton, assistant director of the Educational Alliance's Pride Site II residential treatment program, tells the story of a 35-year-old woman with a crack addiction who got clean and seemed—to her foster care agency—ready to take back her four children, ages 10 to 15.

But Morton believed the mother needed family therapy before she could bring her children home. The children were angry and the mother needed to voice her guilt and pain while she still had the support of the treatment facility and its trained professionals. Otherwise, Morton says, relapse was almost certain.

Morton says she spoke with the foster care case manager "in language she understood." The mother dealt with her feelings in therapy, and three months later, the family was reunited—successfully.

Despite such individual victories, even the collaboration's fiercest advocates admit that widespread implementation of the policies they've established has been bumpy. The guidelines are now on paper, but they have yet to trickle down to all staff working with families. Some delays emerged from the budget crisis that followed the terror attacks of 2001. And in 2006, the influx of new child welfare cases following the Nixzmary Brown tragedy put everyone on the hot seat, creating yet another difficult time for changing procedure.

Only a few frontline workers at each agency have received cross-system training. Worse, several providers say residential treatment agencies simply lack appropriate space for visits between children and their parents in treatment.

"The collaboration and the protocol and everything were a really great idea," says Morton. "I just don't think it was pushed enough to the front-line workers. And if it were, I think it would really work."

"The problem is how do you build bridges across these silos?" adds Ilze Earner, an assistant professor at Hunter College School of Social Work who led a coalition that trained ACS workers to be sensitive to immigration issues. Cross-systems training, Earner says, has to start at the bottom, "not just the top people meeting and talking to each other and hugging and air-kissing."

Nonetheless, insiders insist it's just a matter of time before the two systems make the goals of working together concrete and widespread.

"The collaboration is doing well," says Sachs, "and getting stronger every day." ✨

Dodging ASFA's Hammer

A proposed law would help parents in prison and residential treatment centers keep their kids.

BY KEACH HAGEY

BRINIA ROJAS WAS JUST A FEW months away from getting out of prison when she received a letter informing her that the government was planning to take her kids away forever.

She had arranged for her four girls, ages 6 through 13, to live with a friend while she served four years on federal conspiracy charges related to her children's father's drug business. But two years into her prison sentence, one of her daughters wrote to complain that she and her sisters weren't getting enough to eat, among other problems. Alarmed, Rojas wrote her federal criminal court judge. The judge handed the case over to the city's Administration for Children's Services (ACS), and her children were placed in foster care.

Rojas hadn't stopped trying to be a parent. She called the girls every night, occasionally chiding them when their foster mother mentioned they had skipped school. The girls visited her regularly in Brooklyn's Metropolitan Detention Center, just a subway ride away from their Queens home.

So the girls were as shocked as Rojas when their foster mother mentioned it was time for her to begin the adoption process. "I said, 'I don't want to be adopted, I want to stay with my mother,'" remembers Idalmin Santana, the eldest. "But the agency was pressuring my foster mother."

Even before New York's 1999 implementation of the 1997 federal Adoption and Safe Families Act (ASFA), foster care agencies and ACS were striving to speed the pace of adoptions and move children out of foster care more quickly. The new law required the state to move to terminate the rights of parents whose children had been in foster care for 15 months out of any 22-month period.

Despite significant exceptions to that rule, cases like Rojas' highlight the law's sometimes brutal consequences for incarcerated parents. New York's ASFA law has no special exception for parents in prison, even parents who have no record of abusing or neglecting their children and are serving relatively short sentences. Nor is there an assured exception

for parents who sober up in court-ordered residential treatment programs. Often parents fail to get out quickly enough to meet ASFA's deadlines.

Legislation introduced in the state Assembly last spring would deal with some of these problems. The bill, written by Assemblyman Jeffrion Aubry, who represents a district in Queens, would allow foster care agency caseworkers to cite incarceration or drug rehabilitation as a reason to delay filing for termination of parental rights if they believe it is in the best interest of the child. Aubry modeled the bill on a statute in Colorado, one of a handful of states that make exceptions to ASFA's time frame for parents in prison.

With the proposed legislation, says Tamar Kraft-Stolar, director of the Correctional Association of New York's Women in Prison Project, "The hammer that the 15-month deadline represents is removed."

However, the bill currently has no sponsor in the state Senate, and observers say it is unlikely to see action anytime soon.

• • •

While it's hard to determine exactly how many parents the new law would affect, estimates show there are likely thousands.

The state's Department of Correctional Services does not report how many of its inmates' children are in foster care, and city and state child welfare administrators do not track how many foster children have parents in prison or treatment. However, the Women in Prison Project estimated in 2006 that almost 2,000 children in foster care statewide had a mother in prison. The state's median minimum sentence for women is 36 months, far exceeding ASFA's 15-month timeline.

Another recent study found that termination proceedings against incarcerated parents increased by an estimated 108 percent nationwide from ASFA's federal enactment in 1997 to 2002. Philip Genty, a clinical law professor at Columbia University who co-authored the study, estimates that somewhere between 10 and 20 percent of incarcerated women have children in foster care. "I would guess that more than half of them are faced with the termination of parental rights. And that number has gone up significantly since the pre-ASFA days," he says.

The state's Office of Alcoholism and Substance Abuse Services reports that during the year ending in March 2007, 117 parents with children in foster care were in court-ordered residential treatment.

New York's ASFA law already has exceptions that allow parents to dodge ASFA's timeline, such as when a foster care agency determines that there's a "compelling reason" to keep the family together or the state has failed to make "reasonable efforts" to give families the support they need to reunify. But the law defines the latter clause so vaguely that it is "unenforceable," according to a 2006 study by the Brennan Center for Justice at New York University. So most incarcerated parents with children in foster care place their hopes on the "compelling reason" exception.

In prison, parents often face the daunting distance between Albion Correctional Facility and New York City, where most of their children live.

But for a mother to use that exception, she needs the backing of caseworkers—and some lawyers say that if caseworkers don't have personal contact with parents, they are hesitant to find those compelling reasons for delaying the clock.

Child welfare agencies are required by law to arrange for, at minimum, monthly visits between foster children and incarcerated parents. They are also legally obliged to consult with parents in planning for the child's future, and they must inform parents about their children's progress and health. But advocates say that too often this does not happen when a parent is in prison or residential drug treatment.

"Agencies now see the deadline of 15 months as a reason in and of itself to begin termination proceedings," says Martha Raimon, former director of the Incarcerated Mothers Law Project at the Women's Prison Association in New York. "We see it all the time."

One big obstacle is that parents in residential treatment frequently face visiting restrictions, particularly at the beginning of their stay. "Often you have an initial induction period, and that period is a time when people get used to the program, get centered and focus on why they are in treatment and get used to the rules," says Naomi Weinstein, director of Phoenix House's Center on Addiction and the Family.

In prison, parents often face the daunting distance between Albion Correctional Facility, the state's largest women's prison near the Canadian border, and New York City, where most of their children live.

Eight years ago, ACS began to provide rides to Albion and other prisons for foster children through its Children of Incarcerated Parents Program. Today, 275 children participate in the program.

But ACS leaders say many foster care agencies still aren't taking advantage of the service. "It used to be like pulling teeth to get a worker to make visits" with children, says Arnold Elman, a supervisor at ACS's Office of Advocacy. "It has gotten slightly better, but we still have pockets of resistance."



Not everyone thinks New York's ASFA law poses a serious threat for parents in prison or drug treatment. Weinstein says she has not heard of many parents in residential treatment losing their parental rights, so long as they are actively moving forward with treatment. "If it was happening more, I'd

hear more screaming about it," she says.

Brian Zimmerman, who represents parents in Brooklyn Family Court, works with many incarcerated parents with children in foster care and finds that most of them are able to get extra time through ASFA's current built-in exceptions, so long as they demonstrate an interest in their child.

Nonetheless, Zimmerman still thinks the legislation proposing a new exception to New York's ASFA law is a good idea. "The law doesn't recognize that a three-year sentence is not that long, and a kid may choose to wait that long," he says. "Right now, there's pressure on the agencies to file in a way that's ASFA-compliant." Changing the law would remove the pressure, and give caseworkers more time and more incentive to help protect the rights of parents in prison and residential drug treatment centers.

Aubry's legislation would also allow parents who are incarcerated or in residential treatment to conduct their family service plan conferences with caseworkers through video-conferencing. And it would ensure that parents receive information about services that could help them develop a stronger relationship with their child.

Aubry is looking for a Republican state Senate sponsor for the bill and trying to get the governor on board, and says that he's encountered no direct resistance so far. "The greatest enemy that we have here is apathy."

For now, parents in prison still find themselves vulnerable to ASFA's time limits.

When Laura Fernandez, director of the Incarcerated Mothers Program at Edwin Gould Services for Children and Families, learned that ASFA's clock had set Rojas' termination in motion, she convened a meeting with ACS lawyers to convince them to hold off a little longer. Rojas was so close to getting out of prison that her daughters' caseworkers were ultimately convinced to switch their permanency goal back to reunification—and the breakup of the family was averted. "She just got really lucky with the timing," Fernandez says.

Today, Santana, 16, lives with her mother, but the memory of nearly losing her is still fresh. And she has doubts about the fairness of people who passed the ASFA law—and now have the power to change it.

"They should consider how it would feel to a kid," she says. "You know your mother is alive, you see her, but you are not able to do anything." ❀

Disorder and Delay, continued from page 7

thanks largely to the increased workload. These hearings are regularly bumped off of her schedule by emergency hearings for petitions brought by ACS against other parents.

Hamill says her caseload has grown from about 300 in 2005 to almost 900 today. In Brooklyn, the total number of abuse and neglect filings tripled in 2006 and has remained high, according to court data.

“My schedule is full out until February or March of next year,” Hamill said in early October 2007. “Anything new that comes in now will be bumping cases that were scheduled three months ago.”

Parent and child advocates, lawyers and judges almost uniformly supported the new Permanency Law when it was being developed in 2005. There was broad agreement that Family Court was dysfunctional, decisions were made on inadequate information and permanency plans were poorly documented.

But today, they mostly agree the situation is intolerable—and maybe worse.

“Intelligently, the law was designed for increased judicial oversight,” says Sue Jacobs, executive director of the Center for Family Representation in Manhattan, which provides legal representation and counseling for poor families in crisis. “It’s not being implemented well because no additional resources were provided for any of its parts.”

“It is frustrating that the law was passed with no financial resources,” agrees Richter of ACS. “It only became law because an overwhelming number of advocates, government and court personnel were overwhelmingly supportive.

“Be careful what you wish for, I guess.”

The 2005 law expanded the court’s oversight to include children aged 18 to 21 in foster care, requiring permanency hearings for them for the first time and making them more likely to receive social services and supports as they transition to adulthood. But that provision also put additional stress on the court system, adding an estimated 600 cases to the Family Courts in 2006, according to the New York City Bar Association.

Meanwhile, the number of Family Court judges has remained at 47 since 1991. Of those, 27 hear abuse and neglect cases, according to the state Office of Court Administration.

A 2006 survey by New York City Family Court found that, during the studied week, 45 percent of foster care hearings required multiple court appearances before they could be completed. Some 30 percent of hearings were adjourned because the required progress report was missing or incomplete. Of those cases with complete reports, a mere 12 percent were submitted two weeks in advance, as the law requires.

At least one part of the system has seen some relief: the Bloomberg administration added \$3.4 million in city tax dollars to the ACS budget to pay for more attorneys. Since 2005, the agency has expanded its legal staff from about 150 to 220, with each attorney carrying about 80 cases. The agency’s ultimate goal is to employ 235 attorneys, each with a caseload of about 60, says Richter. The American Bar Association recommends caseloads not exceed 50.

In Brooklyn, the total number of abuse and neglect filings tripled in 2006 and has remained high.

Caseloads for law guardians, who represent children’s interests during foster care hearings, have grown even more unwieldy than they were before the new law took effect. In a position paper released this summer, the New York City Bar Association’s Council on Children reported that caseloads for staff attorneys at The Legal Aid Society’s Juvenile Rights Division have grown to between 250 and 300 per attorney, on average, compared to between 150 and 200 before 2006. To keep up, they routinely work overtime without additional pay. The city’s bar association has called for a 50 percent increase in spending on law guardians in New York City, or \$13 million, to reduce caseloads.

• • •

On that same October day when Gruebel, the referee, was scheduled to hear seven foster care hearings, Judge Hamill was unable to hear a single one. Her day was filled by emergency hearings all morning and intake of new cases all afternoon.

Gruebel’s courtroom offers a picture of those difficulties, too. Mid-morning, Gruebel was spending a crucial half-hour sitting in silence at the dais, waiting for a missing lawyer. The lawyer was in another hearing, caught in the undertow of the mercilessly busy courthouse.

Gruebel and the child’s law guardian grimaced at one another and waited. Twenty-five minutes later, their window of time had closed. They opened their calendars and picked new hearing dates, five and six weeks away.

The guardian ran to a hearing in an adjoining courtroom, and Gruebel sighed at the missed opportunity.

“The time is so precious,” said Gruebel. “To me, this is like a travesty.” ✖

The Child Welfare Fund is interested in supporting projects to implement the recommendations of the *Child Welfare Watch* advisory board. For application guidelines, contact:
Child Welfare Fund
The Fund for Social Change
666 Broadway, Suite 830
New York, NY 10012
212 229-0110
www.nycwf.org



A six-year statistical survey monitoring New York City's child welfare system

WATCHING THE NUMBERS

PROTECTIVE SERVICES

	FY '02	FY '03	FY '04	FY '05	FY '06	FY '07
REPORTS OF ABUSE AND NEGLECT	55,925	53,894	51,477	50,251	62,585	64,190
The unprecedented rise in state hotline reports following the 2006 murder of Nixzmary Brown has not yet abated.						
PERCENTAGE OF REPORTS SUBSTANTIATED	33.6	33.6	33.7	32.6	36.7	39.8
Investigators are deciding that more reports are valid than in past years.						
PENDING RATE	5.4	5.2	5.9	6.1	7.5	6.0
The monthly average of new cases per child protective worker has dropped due to new hires at ACS.						
AVERAGE CHILD PROTECTIVE CASELOAD	11.6	11.2	12.1	12.1	16.5	15.1
Caseloads have fallen in the last year, though not to the levels they were at before Nixzmary Brown's death.						
FAMILIES RECEIVING ACS COURT-ORDERED SUPERVISION (ACTIVE, JUNE)	2,470	2,506	2,289	1,947	2,689	3,570
The number of families supervised by child protective services under court order increased 83 percent from June 2005 to June 2007.						
CHILD FATALITIES IN CASES KNOWN TO ACS (PREVIOUS CALENDAR YEAR)	25	24	33	30	45	N/A

PREVENTIVE SERVICES

FAMILIES RECEIVING ACS-CONTRACTED PREVENTIVE SERVICES (MONTHLY AVERAGE)	11,150	11,700	11,622	11,542	11,695	12,889
Not included here are about 260 families in the ACS-run Family Preservation Program.						
NUMBER OF CHILDREN IN PREVENTIVE CASES (ACTIVE, JUNE)	29,827	30,368	30,033	29,405	28,663	30,358
Preventive programs were operating at full capacity throughout 2007.						
PERCENT OF PREVENTIVE CASES REFERRED BY ACS	53	52	50	49	52	68
More than two-thirds of all new cases referred to general preventive agencies were referred by ACS.						

FOSTER CARE SERVICES

NUMBER OF CHILDREN ADMITTED TO FOSTER CARE	8,498	6,901	6,201	4,813	6,213	7,026
The number of children placed in care has continued to rise since the Nixzmary Brown tragedy.						
NUMBER OF CHILDREN DISCHARGED FROM FOSTER CARE	10,538	9,594	8,854	7,907	6,625	6,769
There were fewer discharges than admissions for the first time in 15 years.						
TOTAL FOSTER CARE POPULATION (ANNUAL AVERAGE)	28,215	25,701	22,082	18,968	16,805	17,005
Even with an increase in placements, the foster care census rose only slightly.						
MEDIAN LENGTH OF STAY FOR CHILDREN BEFORE RETURN TO PARENTS (MONTHS)	6.9	6.8	7.6	8.2	10.3	11.5
Median length of stay has continued to rise for children entering foster care for the first time.						
PERCENTAGE OF CHILDREN WITH REUNIFICATION GOAL (PREVIOUS CALENDAR YEAR)	46.3	43.8	44.0	44.3	45.5	55.3
This number rose to its highest level since 2002.						
PERCENTAGE OF SEPARATED SIBLINGS (PREVIOUS CALENDAR YEAR)	51.6	52.4	51.4	50.7	49.3	47
The sibling separation rate continues to decline.						
RECIDIVISM RATE (%) (PREVIOUS CALENDAR YEAR)	13.8	13.6	12.8	13.6	11.5	9.1
The number of children who return to care within two years of discharge has fallen in the last two years.						
PERCENTAGE OF FOSTER CHILDREN IN KINSHIP CARE	25.7	26.8	26.0	24.6	24.3	28.3
The proportion of children in kinship care has risen to its highest level since 2000.						
PERCENTAGE OF FOSTER BOARDING HOME PLACEMENTS IN BOROUGH OF ORIGIN	64.6	74.9	72.0	76.0	72.8	65.7
This percentage has fallen as placements increased.						
PERCENTAGE OF FOSTER BOARDING HOME PLACEMENTS IN COMMUNITY DISTRICT	18.2	22.1	23.0	21.1	17.3	13.4
This rate has also dropped noticeably as placements increased.						

ADOPTION SERVICES

PERCENTAGE OF CHILDREN WITH ADOPTION AS A GOAL (PREVIOUS CALENDAR YEAR)	40.3	39.4	38.8	39.8	38.0	30.4
This number has fallen significantly, possibly because of the rush of new placements.						
NUMBER OF FINALIZED ADOPTIONS	2,694	2,849	2,735	2,364	1,831	1,562
Finalized adoptions have declined by 45 percent since FY 2003.						
AVERAGE TIME TO COMPLETE ADOPTIONS (YEARS)	3.6	3.6	3.6	3.4	3.5	3.4
This number has remained fairly constant over the past six years.						

CHILD WELFARE WATCH is a project of the Center for New York City Affairs at Milano The New School for Management and Urban Policy and the Center for an Urban Future.

Editors: Andrew White, Kendra Hurley and Barbara Solow, Center for New York City Affairs

Editorial Team: Kathleen Carroll, Keach Hagey, Kim Nauer, Joan Oleck, Helaine Olen

Graphic Design: Design Confederation

Photography: Arpan Munier

Child Welfare Watch is made possible thanks to the generous support of the Child Welfare Fund, The Ira W. DeCamp Foundation and the Sirius Fund

CHILD WELFARE WATCH ADVISORY BOARD

David Tobis, Child Welfare Fund, Chair
Michael Arsham, Child Welfare Organizing Project
Linda Lausell Bryant, Inwood House
Bernadette Blount, Child Welfare Organizing Project
Andy Breslau, City Futures
John Courtney, Fund for Social Change
Mario Drummonds, Northern Manhattan Perinatal Partnership
James Dumpson, New York Community Trust
Kara Finck, The Bronx Defenders
Edythe First
Michael Garber, Consultant
Marty Guggenheim, New York University School of Law
Keith Hefner, New Youth Connections
Sandra Jimenez, Annie E. Casey Foundation
Giselle John, Voices of Youth
Jeremy Kohomban, Children's Village
Jack Krauskopf, Baruch College School of Public Affairs
Betsy Krebs, Youth Advocacy Center
Madeline Kurtz
Gary Mallon, Hunter College School of Social Work
Megan McLaughlin
Nora McCarthy, Represent!
Kathy McGlade
Lawrence Murray, National Center on Addiction & Substance Abuse
O'Dena Nelson
Sharwline Nicholson
Sharonne Salaam, People United for Children
Karen Schlesinger, Resources for Children with Special Needs
Lauren Shapiro, South Brooklyn Legal Services
Andrew White, Center for NYC Affairs, The New School
Fred Wulczyn, Chapin Hall Center for Children

CENTER FOR NEW YORK CITY AFFAIRS THE NEW SCHOOL

72 Fifth Avenue, 6th Floor
New York, NY 10011
(212) 229-5418
www.newschool.edu/milano/nycaffairs

The Center for New York City Affairs is a nonpartisan institute dedicated to advancing innovative public policies that strengthen neighborhoods, support families and reduce urban poverty.

Center *for an* Urban Future

Center for an Urban Future
120 Wall Street, 20th Floor
New York, NY 10005
(212) 479-3344
www.nycfuture.org

The Center for an Urban Future is a policy institute committed to improving the overall health of New York City for its residents and businesses. The Center combines journalistic-style investigative research with traditional policy analysis to develop innovative and achievable agendas for policy change.

CITY FUTURES, INC.
120 Wall Street, 20th Floor
New York, NY 10005

NON-PROFIT
U.S. POSTAGE
PAID
New York, NY
PERMIT #3372