

# CONTINUING UPWARD FROM THE SUMMIT

Volume 8  
July 2008

An E-newsletter Highlighting Implementation  
Accomplishments & Events Throughout the Country

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## OHIO CHILDREN'S SUMMIT FOCUSES ON IMPROVING SERVICES

*Two-Day Event Includes County Teams Involved in Helping Children*

With goals of enhancing the safety, well-being and permanent home environments of children, Ohio Governor Ted Strickland and Chief Justice Thomas J. Moyer hosted over 500 professionals at the Ohio Summit on Children on May 1<sup>st</sup> and 2<sup>nd</sup> in Columbus, Ohio.

The two co-chairs welcomed the county teams which heard national, state and local perspectives on the importance of collaborating on children's issues, saw examples of proven and promising programs, and most importantly, discussed local issues affecting children. Facilitators assisted county teams as they assessed strengths and challenges, identified service gaps and developed local plans for improvement in delivering services to Ohio's children.

"When we work together to ensure our state's children are well cared for in safe home environments, we are ensuring a better future for our communities and our state," Governor Strickland said. "The summit will empower leaders from Ohio's counties to create and implement plans to improve the services they provide to children that will make a long-lasting impact on the lives of the children they serve."

Modeled after the National Summit on Children, the idea for an Ohio summit came about after the success of the joint Supreme Court and Department of Job and Family Services Beyond the Numbers project, which focused on improving court processes for the benefit of children and families.

"As we've seen with other successful collaborations around the state, gathering people who can impact the delivery of services to children can have a dramatic effect," said Chief Justice Moyer. "For instance, the Marion County Family Court reduced the time a child spends in a foster home waiting for adoption by more than three years. It only made sense to share these success stories with other parts of the state and expand beyond the court system."

Current and former foster youth provided important perspectives for county team consideration. Both the keynote address by Cedric Riley, Ohio foster care

and adoption alumna, and a video presentation featuring several foster youth, encouraged the county teams to include young people in the local planning process. The Honorable William Byars Jr., Director of the South Carolina Department of Juvenile Justice, focused participants on the need to view the system "through the eyes of a child" and to never forget the urgency of this important work.

Juvenile court judges and directors of county children services agencies served as team leaders. Seventy-nine county teams attended the Summit, including representation from 75 juvenile courts, 77 children services agencies, 17 boards of county commissioners, 54 school districts, 67 behavioral health agencies, 42 substance abuse treatment agencies, 46 family first councils and a variety of other public and private organizations. In addition to collaborating on local plans, county teams were asked to identify how, beyond funding, the state could help support their local work.

Additional speakers at the Summit included Joan Ohl, Commissioner of the Administration for Children, Youth and Families, U.S. Department of Health and Human Services; Helen Jones-Kelley, Director of the Ohio Department of Job & Family Services; Steven C. Hollon, Administrative Director of the Supreme Court of Ohio; the Honorable David A. Basinski, Administrative Judge of the Lorain County Domestic Relations/Juvenile Court; and Jim Tressel, Ohio State University Head Football Coach. Funding for the event was provided by the Pew Charitable Trust and federal grants (Court Improvement Program and Children's Justice Act).

At the conclusion of the summit, each county submitted a summary of their discussions and a plan to expand their teams to address local issues. The expanded local teams will submit a local plan to the state by August 1<sup>st</sup>. A follow-up summit in the fall of 2009 will chart the progress of counties in their quest to meet the needs of Ohio's children.

Videos from the Summit on Children and additional resource materials can be found at the website: [www.summitonchildren.ohio.gov](http://www.summitonchildren.ohio.gov)

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**"The Summit will  
empower leaders...to  
make a long-lasting  
impact..."**

# VERMONT ENACTS COMPREHENSIVE JUVENILE JUSTICE REFORM

On June 5, 2008, Governor Jim Douglas signed into law the 2008 Vermont Juvenile Judicial Proceedings Act. The Act comprehensively reforms Vermont's juvenile law for the first time since the current law was enacted in 1967. Like many states, Vermont's code has been amended frequently in bits and pieces; but the 2008 act is a complete rewrite. It separates child welfare proceedings and delinquency proceedings and it incorporates many of the best practices for both types of proceedings that have been recognized by organizations such as the National Council of Juvenile and Family Court Judges as critical to achieving good outcomes for children.



"Chloe's World" By Chelsea Badeau

The Act is the culmination of two and a half years of intense work. In 2006, the Legislature created a statutory revision committee made up of representatives of the key players in Vermont's juvenile proceedings. Over the course of eighteen months, the committee debated every aspect of policy and procedure. In the end, it reached consensus and submitted a proposed bill to the Vermont Legislature in November of 2007.

Vermont's Legislature meets biennially, generally from January through May. Since 2008 was the second year of the biennium, passage of the 140-page code revision was a major challenge. Fortunately, the House and Senate Judiciary Committees responded to the challenge by devoting at least a day a week to the bill, making important improvements to the

bill. Even though the Legislature ended in mid May, somewhat earlier than usual for Vermont, the bill passed both houses with a day or two to spare. Some of the major improvements enacted through this legislation include:

- early identification of absent fathers
- early identification of kin willing to take custody of children
- elimination of historical causes of delay
- a custody preference for non-custodial parents and kin early in the process
- protective orders with teeth
- a presumption in favor of parent child contact and authorization for court to order sibling contact
- a citation system for delinquency cases
- incorporation of balanced and restorative justice principles
- a new youthful offender process
- 60 day post-disposition court reviews for children in custody
- a user friendly format
- a logical organization scheme for all juvenile proceedings

What made it possible for a bill this length to pass in the space of five months? Certainly the fact that the members of the revision committee included all of the major players and were able to reach consensus on a draft proposal was a key to success. The commitment and hard work on the part of our legislators, most of whom are not attorneys, was also critical. Both committees made changes to the original draft that improved the legislation. It was the legislative process in a citizen's legislature at its best. Sadly, the bill received little attention from the press.

For the text of the legislation, please visit:

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT185.HTM>.

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*Continuing Upward from the Summit* is supported by a generous grant from The Pew Charitable Trusts. The opinions expressed are those of the authors and do not necessarily reflect the views of The Pew Charitable Trusts.

# MARYLAND'S COMMISSION ON IMPROVING CHILD WELFARE HOSTS STATE SUMMIT

As a result of the two National Judicial Leadership Summits, the Maryland Judiciary in conjunction with the Department of Human Resources established the Commission on Improving Child Welfare in June 2007 to serve as a statewide forum for each partner to review its respective contributions to the child welfare system, share agency initiatives, identify solutions to potential barriers to service, and make recommendations for improvement.

On June 5 – 6, 2008, over 300 participants, speakers, Commission members and support staff gathered in Annapolis from around the state to attend the first Child Welfare Summit of its kind. The Statewide summit emulated the National Summits by focusing on Improving the Path to Permanency for Maryland's Youth. The goal of the summit was to identify barriers and to develop solutions for overcoming barriers to permanency for children in care. The Summit provided an opportunity for child welfare stakeholders to interact in a statewide collaborative setting. The Maryland Summit gave jurisdictions a setting where they had the opportunity to learn about best practices, obtain national perspectives, and participate in developing local jurisdictional action plans to improve child welfare.

Twenty-four jurisdictional teams consisting of a Juvenile Judge/Master, Local Department of Social Services Director, Department of Juvenile Services representative, an Agency Attorney, a Child's Attorney, a Parent's Attorney, representatives from the Board of Education, Department of Health and Mental Hygiene, Court Appointed Special Advocate (CASA), and the Citizen's Review Board (CRB) attended the Summit. The Summit consisted of two days of plenary and break out sessions providing information to teams regarding addressing barriers to permanency. Teams were given two opportunities to meet, discuss, brainstorm, and develop an action plan. They were encouraged to explore collaborative relationships and resources and develop solutions for the identified barriers.

Each group obtained information as a team and developed and implemented a collaborative plan for improvement in their jurisdiction. At the completion of the Maryland Summit, each team was charged to implement their action plans.

Members of the Commission were pleased to offer this opportunity to jurisdictional teams and believe that this forum offered a more intense and directed opportunity to learn and focus on the resources that each contributing agency can offer to assist in addressing barriers to permanency. On a state level, the Commission will be available to assist the local teams by providing technical assistance, developing local resources, and working on a statewide basis to address concerns within the child welfare system.

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"Chloe's World" By Chelsea Badeau

Director of Pew Commission on Children in Foster Care) in Philadelphia. Chelsea Badeau and her team are renovating two "waiting rooms" at Family Court to make them more "child friendly" spaces. These rooms are also used for children in foster care and divorce/custody cases to have supervised visits on weekends with their parents. Chelsea was the leader of the project, coordinated all the activities, and designed and painted the mural seen in the photos. Chelsea graciously gives credit to the people who helped her with the painting. It's a wonderful project that will have a lasting benefit for the children of Philadelphia!

The images used in this Edition of *Continuing Up from the Summit* are courtesy of Sue Badeau (former Deputy

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## COOPERATIVE DECISION MAKING IN CHILD PROTECTION CASES

When the use of mediation and related dispute resolution procedures to deal with child welfare decision making was first introduced 25 years ago, it seemed to many a rather outlandish idea. How could mediation, facilitated decision making or other consensus building processes be used for such complicated problems with seriously disrupted families and troubled parents in a system that was overburdened and underfinanced and where the stakes were so high? Just getting child protection agencies and service providers to consider trying it was no easy task. But the reasons for using dispute resolution processes in child protection and permanency planning were also compelling. Bringing parents and extended families into the decision making processes, obtaining their genuine agreement to intervention plans, creating a greater sense of teamwork among all the many players involved in these processes, and allowing much more extensive dialogue among parties who need to cooperate but are set up to be adversaries is critical to the effectiveness of child protection. Therefore, slowly but surely more and more child welfare systems began to introduce some form of cooperative decision making procedures.

Today, the use of mediation, family group decision making, facilitated case planning and placement review, and related procedures is widely recognized as a valuable service by child welfare systems around the world. The questions we have to ask now are not whether these procedures are a good idea (although every time they are introduced somewhere new, the case still has to be made), but how best to provide them. During the past 25 years, much has been learned about how to make child welfare mediation and related processes work in different settings. What we have not been able to adequately accomplish, however, is to create a mechanism for consolidating and disseminating the best wisdom these programs have to offer about effective alternative approaches to child welfare decision making.

During the early months of 2007, a series of informal conference calls took place among researchers, practitioners and administrators of alternative dispute

resolution in child welfare. This group expressed an interest in working collaboratively across states and provinces and with national organizations to further explore the use of ADR in child welfare cases and plan ways to improve the knowledge base for others who might benefit from the lessons learned in the past.

Based on these conversations and the interest in mediation indicated at the 2006 National Summit on Children in New York City, the Association of Family and Conciliation Courts (AFCC), the National Center for State Courts (NCSC), the National Council of Juvenile and Family Court Judges (NCJFCJ), the Werner Institute for Negotiation and Dispute Resolution at Creighton University, and several Court Improvement Programs (New York, Connecticut, Maryland, and Alaska) agreed to organize a "Think Tank" to better understand the best practices, lessons, challenges, and opportunities of child protection conflict resolution. Support was provided by NCSC through the Continuing Upward grant from The Pew Charitable Trusts.

In order to obtain data from programs across the United States and Canada, the Werner Institute, assisted by NCSC, conducted a survey of leading child welfare dispute resolution practitioners in the summer of 2007. The survey was followed up by a series of intensive interviews. The survey and interviews included questions regarding the administrative and programmatic organization of child welfare dispute resolution programs, the factors which contribute to success, how success is defined, the obstacles to successful child protection decision making, major achievements and challenges faced by the programs, and their attempts to deal with those obstacles.

The results of this effort became a working paper that informed the discussion of 30 leading practitioners who gathered for a two-day "Think Tank" on child welfare conflict resolution held in conjunction with the AFCC regional conference in Columbus, Ohio, on September 25-26, 2007. Professionals from across the United States and



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## COOPERATIVE DECISION MAKING IN CHILD PROTECTION CASES (CONT)

Canada attended this gathering, including judges, program directors/coordinators, and researchers.

Picking up on the themes that emerged from the survey, the Think Tank attacked the broad range of issues that child protection mediation and family group decision making programs face. Of particular importance to everyone was how to balance the pressure to obtain agreements in a timely and efficient manner with the importance of empowering families, giving them a powerful voice at the table, and creating family centered and family driven processes. Lively discussion occurred about the appropriate role of professionals, particularly lawyers in this process, about the fundamental purpose of these efforts, about how to define and measure “success”, and about how to obtain professional support, particularly in view of the initial resistance many programs face. Participants also grappled with the way child protection mediation and family group decision making processes could be integrated into an effective spectrum of child welfare decision making services.

This was very much a first step in what has become an ongoing effort. The group created the beginning of a communication infrastructure. Bernie Mayer and Kelly Browe Olson announced that the January, 2009, edition of *Family Court Review* will be devoted to child welfare conflict resolution and decision making.

The success of the first Think Tank energized the participants to plan and convene a second Think Tank in conjunction with AFCC’s annual conference in Vancouver BC. Many participants from the first Think Tank returned for the second and were joined by a select and distinguished group of organizations and individuals from the United States, Canada and New Zealand. Julie Macfarlane, Ph.D, LL.M., a law professor at the University of Windsor in Ontario Canada, served as facilitator for the Think Tank II.

After a welcome from then AFCC President William C. Fee, the group developed a mission statement and discussed composition and expansion of the core group, strategic and event planning, creating partnerships, affiliations and sponsorships, research and data collection, education and training. The Think Tank II participants also heard from the Hon. Jerry McHale, Assistant Deputy Minister of Justice, British Columbia, a key leader in dispute resolution and justice transformation in British Columbia, and

Natasha Mallal, a Graduate Co-op Student with the Dispute Resolution Office, BC Ministry of the Attorney General. Ms. Mallal described her research on youth involvement and participation in child protection mediations. In addition, the think tank shared ideas on how to collaborate with the American Bar Association’s “Youth at Risk Commission” on involving and empowering youth in the conflict resolution processes.

Small group discussions were held to explore in greater depth Quality Assurance / Standards/Program Evaluation; the Intersection of Child Protection Mediation and Family Group Conferencing; and Youth at Risk. Each of the groups developed ideas and shared them with the entire group.



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Next steps include:

- Developing a leadership structure for the Steering Committee
- Organizing roundtables at various conferences and events
- Planning for continued events with an expanded scope and attendees
- Publishing a final report on Think Tank II

These efforts are intended to lead to a viable, ongoing forum for continued communication among child welfare mediation and family group conferencing programs, mediators, facilitators, and the community of stakeholders that participate in these efforts.

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The National Center for State Courts · Images courtesy of National CASA Association

