

Upstream

Strengthening Children and Families through Prevention and Intervention Strategies:
A Court and Community-Based Approach



An Interim Report

July 2021

COURT LEADERSHIP

COLLABORATION

PREVENTION

DIVERSION

TREATMENT

“There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they’re falling in.”

- Archbishop Desmond Tutu

*The National Center for State Courts launched this work in 2019 with generous support from the State Justice Institute and the recommendation of the National Judicial Opioid Task Force and its Children and Families Committee. The work continued with the appointment of the National Judicial Task Force to Examine State Courts’ Response to Mental Illness under the auspices of its Civil Probate and Family Work Group. A Task Force committee will serve as an advisory group to **Upstream** and its transition to the foundation of a national consortium. We also want to acknowledge the significant contributions of the Executive Office of the Massachusetts Trial Courts which piloted **Upstream** in Hampden County and look forward to the pilot train-the-trainer workshop in Indiana in September 2021 under the leadership of Indiana’s Chief Justice Loretta Rush.*

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Upstream

Strengthening Children and Families through Prevention and Intervention Strategies: A Court and Community Based Approach¹

Too often, people, communities, and systems simply react to problems instead of moving upstream to figure out what is causing them. **Upstream** is a court and community-based approach to identify solutions to strengthen families through prevention and intervention strategies. To ensure healthy and safe communities, we must engage communities, strengthen community-based resources, address the systemic barriers that keep families from thriving, and ensure effective collaboration between the community, the child welfare system, and the court. Courts are in an ideal position to lead efforts to support the vision of a community-based approach to strengthening families that is proactive, holistic, and focuses on keeping children safely with their families and out of foster care. **Upstream** serves as a conceptual framework for communities to:

- ≈ Map their specific community resources, gaps, and collaborations,
- ≈ Develop a comprehensive landscape of how children and families enter and move through the child welfare system and the courts,
- ≈ Identify opportunities to divert families to appropriate resources both before and after formal court involvement and at each Point of Prevention and Intervention, and
- ≈ Create a strategic action plan informed by the community map.

Upstream is intended to support Chief Justices and State Court Administrators to lead a statewide stakeholder driven process that includes the community, child welfare partners, and the courts and facilitates local community discussions to inform a more effective and prevention-focused system. We are keenly aware that communities need to be architects of their own solutions that align with their community's strengths and needs.

For this reason, **Upstream** serves as a state-driven, community-by-community effort to strengthen children and families.

Building capacity to strengthen community-based solutions and identify where additional resources are needed empowers communities to leverage strengths and collectively address challenges. Upstreaming robust community-based prevention strategies can reduce the number of children and families reported to and involved with the child welfare system. Even when children and families enter the child welfare system, keeping children within their own community and connecting families to community-based services and supports is central to good child welfare practice. Courts must engage and partner with the community to improve the system's response to children and families.

When families lack access to strong supports and effective community-based resources, the child welfare system and courts often become the default system for addressing the needs of children and families. The number of children who received a child protective services investigation or alternative response increased 10% from 2013 (3,184,000) to 2017 (3,501,000).² In addition, the prevalence of parental alcohol or other drug use as a contributing factor for the reason for removal in the United States rose 16.8% from 2000 to 2016.³ Child welfare workers also report that most children in child welfare, and the overwhelming majority of children placed in out-of-home care, have a parent with an alcohol or other substance use disorder.⁴ As leaders of courts and in their communities, judges are in a unique position to improve community response to children and families before they come to the attention of the court. A diverse group of committed stakeholders with common goals, a shared vision, and a commitment to action is essential for an effective response.



Guiding Principles of Upstream

1. The well-being of children and families is the responsibility of the entire community.

2. Judicial leadership at the state and local level has the ability to make positive system changes.

3. It is a fundamental right of parents to parent their children, and families should be kept together safely whenever possible.

4. Strengths-based, trauma-informed, and stakeholder driven community-based resources should be available and accessible outside of the child welfare system.

5. Services for families and children should be responsive to race, gender, ethnicity, socioeconomic status, sexual orientation, gender identity, faith, language, age, and developmental level.

6. Professionals should be aware of implicit bias and ensure equitable system responses and access to services to all.

10. A strong, healthy child welfare system includes addressing vicarious trauma.

9. Data collection, evaluation, and continuous quality improvement should be prioritized in planning, implementing, and sustaining a comprehensive community response.

8. When a family is involved with multiple agencies, there should be a focus on safe information sharing and case coordination.

7. When families come to the attention of the child welfare system, their unique needs should be addressed effectively and in the least restrictive way through the use of culturally appropriate community and evidence-based practices.

Upstream Vision, Mission, and Goals

The ultimate purpose of **Upstream** is to **strengthen families and communities and realize safe, stable, and nurturing homes through community-based, coordinated, and comprehensive prevention and intervention networks**. This vision will only come to fruition if it is shared among stakeholders who

work together to support data-driven, evidence-based, and culturally responsive practices that aim to reduce child maltreatment, family separation, trauma, and systemic bias. Support from the state and concentrated efforts at the local level are central to accomplishing the goals of **Upstream**.



VISION

- ≈ Strong Families
- ≈ Safe, Stable, and Nurturing Homes and Environments
- ≈ Community-Based, Coordinated, and Comprehensive Prevention and Intervention Networks



MISSION

- ≈ Support Data-Driven, Evidence-Based, and Culturally Appropriate Practices
- ≈ Facilitate and Enhance Collaboration and Coordination Among Partners and Across Systems
- ≈ Reduce Child Maltreatment, Family Disruption, and Trauma



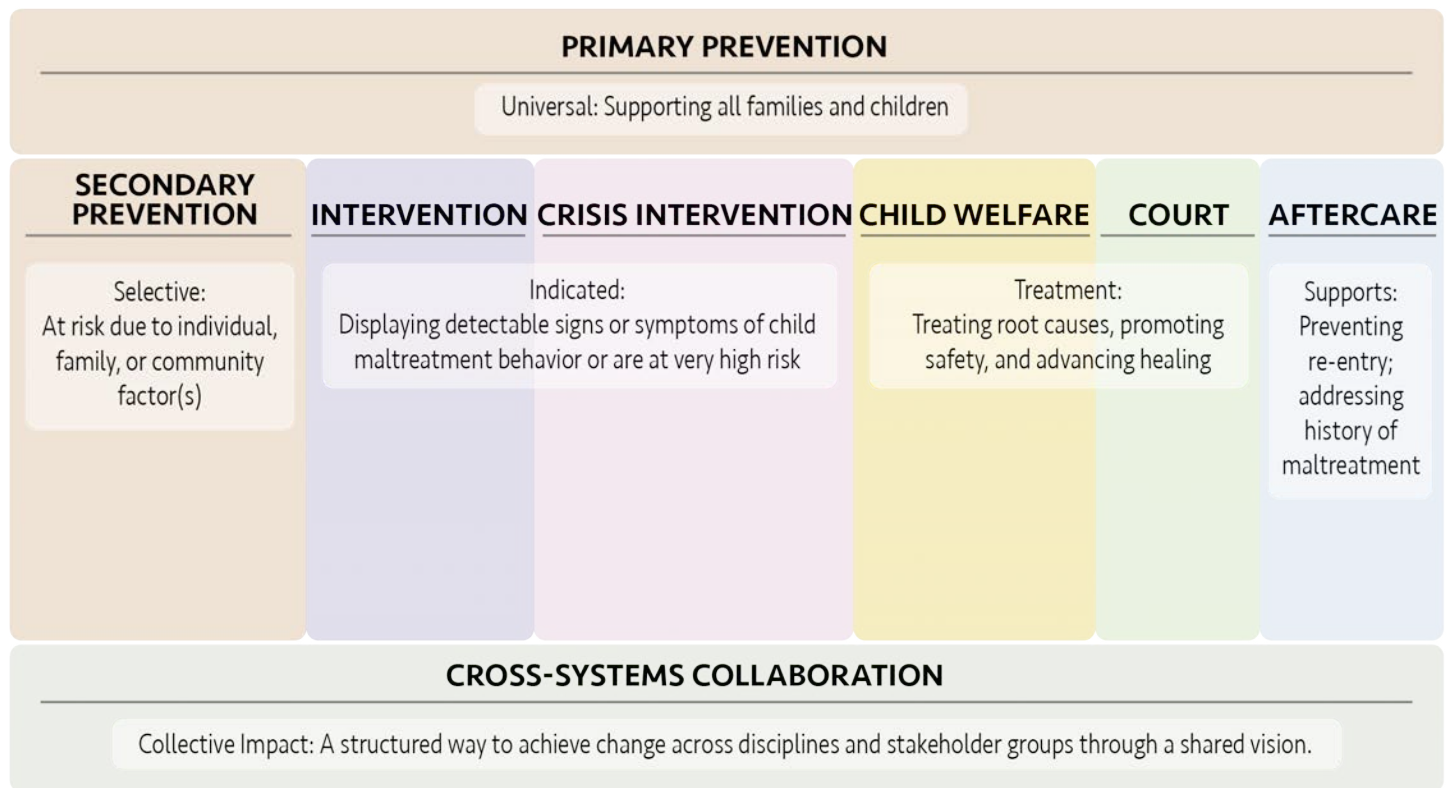
GOALS

- ≈ Develop a State Plan for Local Child Welfare Mapping
- ≈ Develop Local Child Welfare Maps Across the State
- ≈ Identify Community Resources, Gaps, and Collaborations in Practices, Protocols, and Programs
- ≈ Engage Stakeholders and Elevate Community Voice
- ≈ Collectively Agree on Priorities for Change
- ≈ Develop an Action Plan to Improve Community and System-Level Responses
- ≈ Implement Tenants of the Action Plan and Measure Impact on Outcomes

Child Welfare Landscape: Points of Prevention and Intervention

Upstream provides a framework to move systems from a reactive approach to a proactive approach that promotes universal prevention strategies for all families and a new focus on strengthening families across all Points of Prevention and Intervention. Through upstreaming, stakeholders identify Points of Prevention and Intervention within community

resources, the child welfare system, and the court processes to develop a comprehensive landscape of how children and families enter and move through the child welfare system. The Points of Prevention and Intervention also represent opportunities to identify the target population and connect families to supportive community resources.



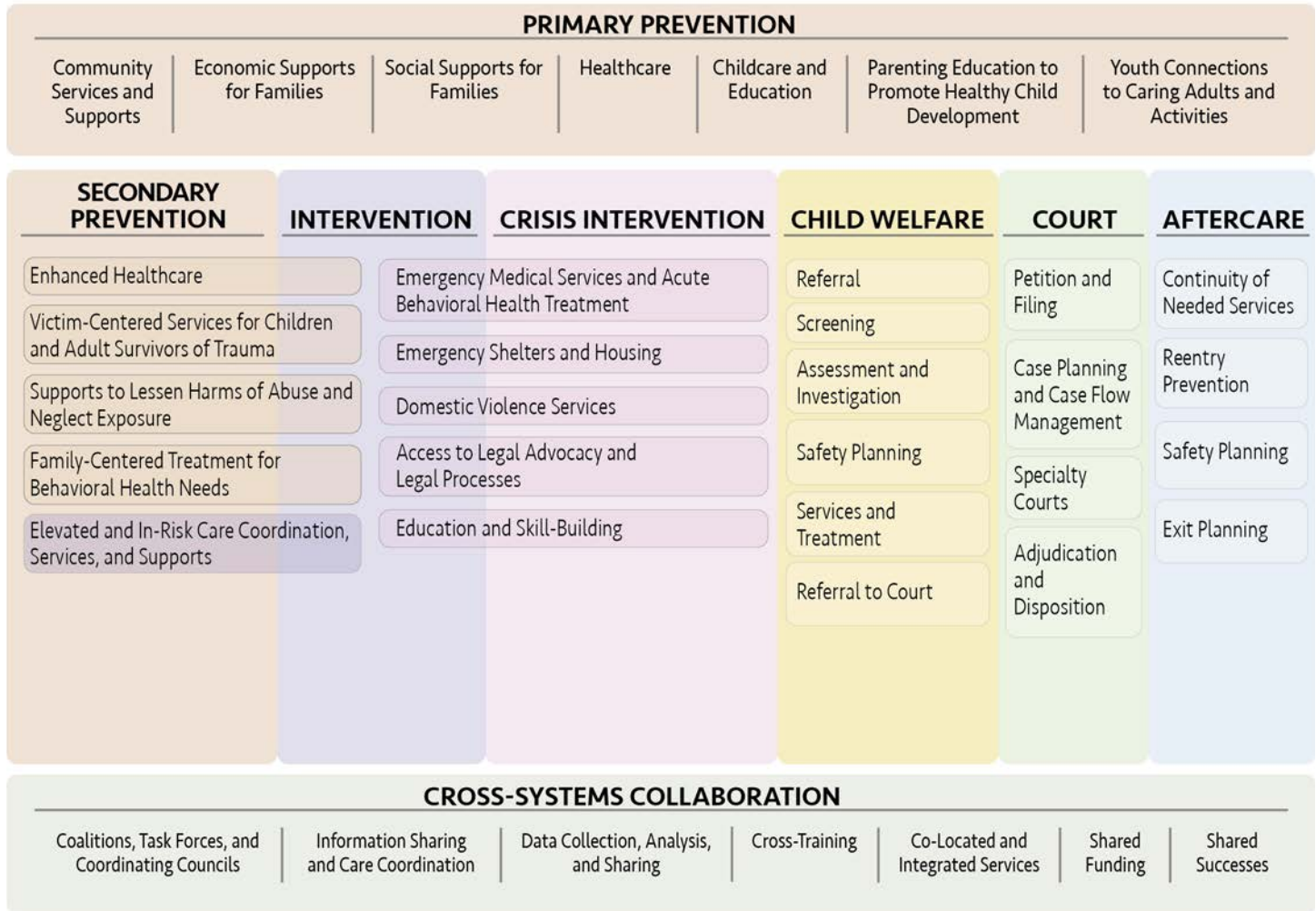
Instead of trying to solve complex problems alone, **Collective Impact**⁵ describes organizations, agencies, and people across different disciplines and life experiences working together in a structured way to achieve change. **There are five tenets of Collective Impact.**

- 1. Common Agenda** All participants have a shared vision for change, including a common understanding of the problem and a joint approach to solving it through agreed upon actions.
- 2. Shared Measurement System** Collecting data and reporting results consistently across all participants ensures that efforts remain aligned, and participants hold each other accountable.
- 3. Mutually Reinforcing Activities** Participant activities must be differentiated while still being coordinated through a mutually reinforcing plan of action.
- 4. Communication** Consistent and open communication is needed across the many players to build trust, assure mutual objectives, and create common motivation.
- 5. Backbone Organization** Creating and managing collective impact requires dedicated staff with specific skills to coordinate participating organizations and agencies.

Key Issues at Each Point of Prevention and Intervention

Communities should consider the following key issues at each Point of Prevention and Intervention to create a robust set of community resources and ensure a proactive approach to supporting all families, particularly those at-risk of child welfare

or court involvement. Potential strategies for each of these key issues are listed in the following specific prevention and intervention charts. The list of strategies is not exhaustive as there are many possible supports and services.



Strategies⁷ Across the Points of Prevention and Intervention

PREVENTION⁸

PRIMARY PREVENTION – Programs targeted at the general population to provide education and support before problems occur.

PRIMARY PREVENTION

Community Services and Supports

Economic Supports for Families

Social Supports for Families

Healthcare

Childcare and Education

Parenting Education to Promote Healthy Child Development

Youth Connections to Caring Adults and Activities

Community Services and Supports

- ≈ Supports and services must be available and accessible
- ≈ Safe and affordable housing
- ≈ Sustainable employment
- ≈ Quality, affordable nutrition
- ≈ Universal healthcare
- ≈ Health screenings – physical and mental health
- ≈ Education
- ≈ Transportation
- ≈ Safe communities and access to parks and recreation
- ≈ Family literacy/asset building support
- ≈ Family Support Centers to enhance families to access existing services and resources
- ≈ Public awareness campaigns
- ≈ Cross-disciplinary work with law enforcement and mental health professionals to work with the whole family in support of preventing child maltreatment
- ≈ Preventative legal advocacy

Economic Supports to Families⁶

- ≈ Strengthening household family security
 - Financial stability education
 - Workforce and adult education-employment pathways
 - Child support
 - Tax credits
 - State nutrition assistance
 - Assisted housing mobility
 - Subsidized childcare
- ≈ Family-friendly work policies
 - Livable wages
 - Paid leave
 - Flexible and consistent schedules

Healthcare

- ≈ Accessible and available quality healthcare

Social Supports for Parents and Families

- ≈ Public service announcements that encourage positive parenting
- ≈ Public engagement and education campaigns
- ≈ Legislative approaches
- ≈ Improve stigma regarding poverty, mental health, substance use disorders, and seeking help
- ≈ Positive role models
- ≈ Mentor families reflective of the community

Quality Childcare and Education

- ≈ Early childhood home visitation
- ≈ High-quality, affordable childcare
- ≈ School enrichment with family engagement
 - Child parent centers
 - Early Head Start
- ≈ Prevention programming for school truancy and dropout
- ≈ Comprehensive afterschool programming

Parenting Education to Promote Healthy Child Development

- ≈ Early childhood home visitation programs
- ≈ Parenting skills and family relationship approaches
- ≈ Peer and family networks
- ≈ Parent education programs and support groups that focus on child development, age-appropriate expectations, and the roles and responsibilities of parenting
- ≈ Family resource centers

Youth Connections to Caring Adults and Activities

- ≈ Trauma-informed school-age programming and curricula
- ≈ Mentoring
- ≈ After-school programming; prosocial activities
- ≈ Work opportunities

SECONDARY PREVENTION – Programs targeted to alleviate problems and prevent escalation.

Enhanced Healthcare

- ≈ Primary care providers and OB-GYN/maternal health professionals trained to identify and address problems in the family, child abuse, and neglect risk factors, with follow-up referrals and care management provided by a social worker
- ≈ Medical/legal partnerships

Victim-Centered Services for Children and Adult Survivors of Trauma

- ≈ Screening and assessment for trauma
- ≈ Treatment and supports for survivors of interpersonal violence
- ≈ Child visitation and drop-off centers
- ≈ Domestic violence services

Supports to Lessen Harms of Abuse and Neglect Exposure

- ≈ Parent support groups that help parents with their everyday stresses, challenges, and responsibilities of parenting
- ≈ Home visiting programs that provide support and assistance to expecting and new mothers
- ≈ Respite care for families
- ≈ Family resource centers that offer information and referral services to families

Family-Centered Treatment for Behavioral Health Needs

- ≈ Access to children’s mental health services
- ≈ Integrated family treatment
- ≈ Substance use disorder continuum of treatment and services
- ≈ Medication-Assisted Treatment
- ≈ Mental health continuum of treatment and services
- ≈ Acute treatment
- ≈ Clinical stabilization
- ≈ Residential treatment
- ≈ Family sober housing
- ≈ Recovery support
- ≈ Parent education programs located in high schools, focusing on teen parents, or those within substance abuse treatment programs for mothers and families with young children

SECONDARY PREVENTION

Enhanced Healthcare

Victim-Centered Services for Children and Adult Survivors of Trauma

Supports to Lessen Harms of Abuse and Neglect Exposure

Family-Centered Treatment for Behavioral Health Needs

Elevated and In-Risk Care Coordination, Services, and Supports

INTERVENTION AND CRISIS INTERVENTION

Elevated and In-Risk Care Coordination, Services, and Supports

- ≈ Cross agency case planning
- ≈ Warm handoffs

Elevated and In-Risk Care Coordination, Services, and Supports

Emergency Medical Services and Acute Behavioral Health Treatment

- ≈ Inpatient mental health treatment for youth
- ≈ Training and support regarding children who are potential victims of abuse
- ≈ Mobile crisis services

Emergency Shelter and Housing

- ≈ Family placements
- ≈ Respite placements
- ≈ Placements inclusive of transgender and gender non-conforming

Domestic Violence Services

- ≈ Legal advocacy
- ≈ Housing advocacy
- ≈ Counseling services

Access to Legal Advocacy and Legal Processes

- ≈ Legal Aid lawyers in schools and community to help families at risk for issues such as eviction, custody issues, orders of protection, guardianship, and safe and affordable housing
- ≈ Emergency guardianship
- ≈ Civil commitment for behavioral health issues

Education and Skill Building

- ≈ Parenting skills training and enhancement

INTERVENTION

CRISIS INTERVENTION

Emergency Medical Services and Acute Behavioral Health Treatment

Emergency Shelters and Housing

Domestic Violence Services

Access to Legal Advocacy and Legal Processes

Education and Skill-Building

Referral

- ≈ Mandated reporters
- ≈ Child Abuse and Neglect Report Hotline
- ≈ Understanding impact of implicit bias and structural racism, inequity of resources in the community, intergenerational poverty, and trauma

Screening

- ≈ Child Protection Services Intake

Assessment and Investigation

- ≈ Comprehensive Family Assessment
- ≈ Child Protective Services investigation including safety and risk assessments
- ≈ Specialized Child Protective Services domestic violence investigation and protective order process
- ≈ Child Advocacy Center
- ≈ Coordination with law enforcement and other professionals involved with the family (i.e. - Probation; Mental Health)
- ≈ Connection with education professionals and education system

Safety Planning

- ≈ Joint planning with families to mitigate safety concerns
- ≈ Support the securing of orders of protection
- ≈ Establishing emergency contact lists
- ≈ Exploring social supports including options for respite, substitute in-home caregiving, and extended school time care
- ≈ Referral to legal services to prevent collateral issues creating threats to safety (housing, temporary assistance, medical, etc.)
- ≈ Temporary time-limited removal of the child from the home (last resort)

Services and Treatment

- ≈ Family First Prevention and Services Act⁹ (services to safely avoid placement in foster care)
 - Mental health services for children and parents
 - Substance use disorder prevention and treatment services for children and parents
 - In-home parent skill-based programs
 - » Parent skills training
 - » Parent education
 - » Individual and family counseling
 - » Homemaker services
 - Kinship navigator programs
 - Parent partner programs

CHILD WELFARE

Referral

Screening

Assessment and Investigation

Safety Planning

Services and Treatment

Referral to Court

- ≈ Multiple track Child Protective Services response
- ≈ Intensive family preservation services with trained mental health counselors
- ≈ Homebuilders Intensive Family Preservation and Reunification Services
- ≈ Domestic violence services
- ≈ Parent pals/child welfare mentors
- ≈ Public health aids
- ≈ Placement decision-making and permanency planning
- ≈ Homemaker services
- ≈ Behavioral aids
- ≈ Father/male involvement services
- ≈ Sexual abuse treatment
- ≈ Therapeutic childcare
- ≈ Family group conferencing

Referral to Court

- ≈ Cultural responsiveness
- ≈ Emergency Kinship Placement
- ≈ Voluntary agreements for care
- ≈ Child welfare mediation
- ≈ Explaining court process
- ≈ Reflection on decision-making process to protect against bias
- ≈ Engage families and children
- ≈ Focus on child well-being
- ≈ Trauma-responsive court practices
- ≈ Multi-disciplinary representation for parent which includes social worker

Petition and Filing

- ≈ Confidentiality in court proceedings
- ≈ Judicial oversight
- ≈ High quality legal representation
- ≈ Due process rights
- ≈ Access to justice
- ≈ Cultural responsiveness, example the Indian Child Welfare Act
- ≈ Court Appointed Special Advocates
- ≈ Emergency Shelter Care
- ≈ Coordinated court response/ communication between different courts
- ≈ One family – one judge case assignments and calendaring
- ≈ Explaining court process
- ≈ Reflection on decision-making process to protect against bias
- ≈ Focus on child well-being
- ≈ Trauma-responsive court practices
- ≈ Multi-disciplinary representation for parent which includes social worker
- ≈ Strong and effective collaborative relationships and action among all aspects of the court and child welfare system
- ≈ Case conferencing
- ≈ Active Reasonable Efforts hearings and determinations

Case Planning and Case Flow Management

- ≈ Dependency mediation
- ≈ Pre-petition programs
- ≈ Supervised visitation
- ≈ Unsupervised visitation
- ≈ Sibling placement and sibling contact
- ≈ Maintaining family connections
- ≈ Educational stability
- ≈ Foster care
- ≈ Group home care
- ≈ Residential programs for adolescents
- ≈ Specialized mental health care and treatment for adolescents
- ≈ Active participation from incarcerated parents in case conferencing, identifying kin, permanency planning, etc.
- ≈ Post-prison reunification services

COURT

Petition and Filing

Case Planning and Case Flow Management

Specialty Courts

Adjudication and Disposition

- ≈ Domestic violence shelters
- ≈ Ensuring quality plans and services are available to the family to assist with reunification
- ≈ Cultural considerations
- ≈ Coordinating different agencies and case plans

Specialty Courts

- ≈ Family Treatment Courts
- ≈ Well Baby Courts
- ≈ Safe Baby Courts

Adjudication and Disposition

- ≈ Substantive and thorough hearings
- ≈ Frequent court review
- ≈ Monitoring the effectiveness of the system through data

Continuity of Needed Services

- ≈ Reunification support
- ≈ Adoption support
- ≈ Post adoption crisis intervention
- ≈ Guardianship support
- ≈ Independent living skills development program
- ≈ Job coaches
- ≈ Community, faith-based supports
- ≈ Supports for grandparents and other family members

Re-Entry Prevention

- ≈ Family stabilization programs
- ≈ Use a trauma-informed lens
- ≈ Work with the whole family and access a network of supports
- ≈ Work with families to integrate skills and strengths supported by services into their daily life
- ≈ Help build connections with appropriate services
- ≈ Provide navigation services to better access health, welfare, and community resources

Safety Planning

- ≈ Developing relapse plans
- ≈ Identifying the least disruptive options for families
- ≈ Developing a contact list of immediate supports

Exit Planning

- ≈ Reassessment of safety, risk, and ongoing needs
- ≈ Coordination of supports and services for timing of exit

AFTERCARE

Continuity of
Needed Services

Reentry
Prevention

Safety Planning

Exit Planning

Upstream Mapping Phases

PHASE	RESPONSIBLE PARTY	TASKS
Phase One: Statewide Planning	Statewide Planning Team Includes leaders from the court, child welfare agency, and other identified statewide leaders	Communicate to state-level leadership about the goals of Upstream and planning process.
Phase One: Local Planning	Local Planning Group Convened with local judicial leader, in coordination with the workshop facilitator	Develop workshop participant list, conduct focus groups, compile resource inventory, and collect data.
Phase Two: Workshop	Trained Facilitator and Local Planning Team	Conduct a two or three half-day workshop with local stakeholders to review risk and protective factors and data, review child welfare policies and practices, identify resources and challenges, determine priorities, and develop action plan.
Phase Three: Post-Workshop Activities	Statewide Planning Team and Local Planning Team	Compile and disseminate report of findings, convene monthly meetings to maintain momentum, and provide technical assistance to the community.

The **Upstream** process includes three phases: Planning (State Leadership and Local Planning Group), Workshop, and Post-Workshop Activities. During the Planning Phase, a State Leadership Team is developed to communicate with state-level leadership about the **Upstream** initiative and goals. The State Leadership Team also identifies individuals to serve as facilitators across the state. Two facilitators, one with court expertise and one with child welfare or community-based services expertise, should be selected to serve as co-facilitators for each of the local workshops. A Local Planning Group is convened with local judicial leadership and a diverse group including child welfare, court, and community resource leaders, and the workshop facilitators, to plan for the Workshop. Persons with lived experience should be included in the planning and mapping processes. Tasks for the Local Planning Group include developing a workshop participant list, conducting

focus groups, conducting a community assessment, and collecting data to frame the issues. Phase Two, Workshop, involves a two or three half-day workshop with local stakeholders. The goals of the Workshop are to review of risk and protective factors and data, review of the local child welfare map including child welfare case processing, review of key resources and gaps, determining priorities to support children and families, and begin action planning. In Phase Three, Post-Workshop Activities, work is done to move the action plans forward including compiling a report of findings and disseminating the report, continuing to convene monthly meetings to maintain momentum from the workshop and continue planning, and provide technical assistance to the community. On a statewide level, the State Leadership Team provides assistance to local communities, monitors action plans, and continues to implement mappings in counties across the state.

Conclusion

Convening communities toward a shared vision through the framework of **Upstream** is crucial to strengthening protective factors and developing a stronger community. Courts are in an ideal position to lead efforts to support the vision of a community-based approach that is proactive, holistic, and focused on keeping children safely with their families and out of foster care. **Upstream** is intended to support court leadership to guide collaborative community discussions that result in a more effective and prevention-focused system through mapping the local child welfare landscape, identifying resources and gaps, and creating a community action plan.

Endnotes

- 1 This report was developed and approved by the Civil, Probate, and Family Work Group of the National Judicial Task Force to Examine State Courts' Response to Mental Illness in June 2021. Reactions, comments, and suggestions to the report are welcomed. It is anticipated that a final version of the report will be adopted and published by the Task Force during the Annual Meeting of the Conference of Chief Justices and Conference of State Court Administrators in August 2022.
- 2 <https://www.childwelfare.gov/topics/systemwide/statistics/can/can-stats/>
- 3 AFCARS Data, 2000-2016, <https://ncsacw.samhsa.gov/research/child-welfare-and-treatment-statistics.aspx>
- 4 Ibid
- 5 Collective Impact Forum, <https://www.collectiveimpactforum.org/what-collective-impact>
- 6 CDC, National Center for Injury Prevention and Control, Preventing Adverse Childhood Experiences (ACEs): Leveraging the Best Available Evidence, <https://www.cdc.gov/violenceprevention/pdf/preventingACES.pdf>
- 7 This is not an exhaustive list of strategies and communities might identify additional strategies appropriate for their community.
- 8 Capacity Building for States, Working Across the Prevention Continuum to Strengthen Families, <https://capacity.childwelfare.gov/pubPDFs/cbc/prevention-continuum-strengthen-families-cp-20119.pdf>
- 9 Bipartisan Budget Act of 2018, Public Law (P.L.) Sec. 115- 123 (FFPSA: pages 169-206) (2018)