

# “Families Know Best: Listen & Learn, Seen & Heard” Meeting Recording

June 15, 2023

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Trista Borra 0:37

TB

OK. Good afternoon, everyone. We're going to get started now and some additional people will be joining us as we go. Welcome to today's program, which is Part 2 of “Families Know Best: Listen and learn, Seen and Heard”. I'm Trista Borra, the New York State Director of our Child Welfare Court Improvement Project, and before we get started completely, I just have to give you some information about CLE. If you will be seeking CLE credits for this program, please pay close attention to the following important information, which is also contained in the meeting invitation. The Office for Justice Initiatives Division of Policy and Planning has approved this program for 2.5 CLE credits in the area of professional practice. The content of this program is appropriate for all attorneys. Attendance will be documented. Please note that no partial credit will be awarded. Attorneys should have paper and pencil ready, as during this course at least one code, perhaps more, will be announced and displayed, and sorry, just the code will be announced. Write down all codes as we cannot repeat them or put them in the chat. Immediately following this program you should complete the attorney affirmation and the evaluation attached to the meeting before the end of before the end of today. Both the completed affirmation and the evaluation must be emailed to [OPCCLE@nycourts.gov](mailto:OPCCLE@nycourts.gov), and we'll also post that in the chat so you don't have to write it down. If you did not receive the affirmation or evaluation, please let us know immediately. You can expect to receive your CLE certificate via email within 30 days and for anyone requesting CEUs, please make sure to complete the evaluation as well.

Now I'm really pleased to turn it over to the Honorable Edwina Richardson-Mendelson. She is our leader within the Office for Justice Initiatives and is known as the Titan of Justice. So I'm, without further ado, I'm going to turn it over to her for her welcome remarks. Thank you, Judge Richardson-Mendelson.

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Hon. Edwina G. Richardson-Mendelson 2:47

H

Thank you, Trista. Good afternoon and welcome, welcome, welcome everyone. Our wonderful Office for Justice Initiative, our Division of Child Welfare and Family Justice developed this program with a committee of dedicated and expert practitioners and most importantly, with the true experts, people who have been impacted by the actions taken and decisions made by those of us who operate the child welfare and the judicial legal system. I have the honor as Deputy Chief Administrative Judge for Justice Initiatives to serve the critically important role of leading our court systems' endeavors to ensure access to equal justice for all who serve in and appear in our courts. The Family Court is where I spent most of my legal and judicial career. It is a court that I unapologetically refer to as the court of my heart. Family Court, as conceptualized, is a restorative court and not one meant to be punitive. And yet we have heard cries, outcries, of criticism from the public, advocates, news outlets, and even from our very own court-sponsored special advisors and commissions reporting about our operations. Quite frankly, the Family Court, the court of

□ my heart, has been the recipient of criticism from its inception. To be accurate and to be honest, while the criticism is often leveled at the court, it is actual critics, actually, criticism of our entire system. The court operates as part of an extremely complex legal, judicial, and social services network and system. The Family Court is not alone in receiving criticism about how we operate and what happens in our court. We are among other high volume courts in our state that address the legal life essential needs of people in crisis. The courts I'm talking about are civil courts, housing courts, criminal courts. They are our life crisis courts, and they are overrepresented with people of color and those who are living in poverty, Poverty, race, ethnicity and inextricably intertwined, complicated. Similarly, the operations of these courts are also inextricably intertwined with what we do in our family courts. And that's the point I just thought I'd drop with you.

□ The experiences of the parents, the children and everyone impacted by these, 'our peoples' courts' has been described as dehumanizing. That's a hard word for me to hear, and I pause there. In our work, we are encountering community members, our neighbors, people who, but for their life circumstances, but for a lack of privilege and resources, become involved in our system to address issues and problems that are too great and too overwhelming in their lives, for which there is simply inadequate community-based supports. So I am a public servant with a heart for justice. My decades of experience in this area confirms that most of us who are doing this work, those of you who are taking your time to witness and watch the CLE program and engage and learn; we are here with a shared passion for justice and service. And we don't come to work, nobody comes to work seeking to dehumanize. Nobody wakes up with a plan to cause deep harm to someone that day. Certainly not the hundreds of you who signed up to listen and learn with us today. However, our work is perceived, received, and most importantly, it is experienced in that way that causes harm. And what does that do for me, that creates for us an obligation on our part to collectively do what's ours to change that perception, to change the reception, and of course, most importantly, to change those experiences. It's collective responsibility. I am not blaming, and I am not shaming, but what I am saying is as strongly and as firmly as I know how, is that we have a system that must be properly resourced, properly strengthened, supported and transformed to best meet the needs of those, the needs presented by those we should be feeling privileged to serve.

□ So what does that require of us? We have to be willing to hear, to take to heart what we hear, and be changed by what we hear, especially the criticism we have earned. Our good and noble intentions, and we have them, don't give us a pass from our responsibilities to grow, to do better, and to be better, at what is ours to do in this work. The challenges and opportunities are systemic. But systems contain individuals like all of you listening to this program. We have a role to play to ensure our system is the best it can be for those we are privileged to serve. It's full system responsibility, but it's also our individual responsibility. So that's why this program is important. It's an opportunity to step away for a bit, acknowledge and respect our common humanity, and consider the impact of how we exercise our discretion and our power. I hope you all were able to watch on June 1st. It was such a good program. I on a Sunday, was able to watch it and sent it immediately to our Chief Judge Rowan D. Wilson. Yes, I sent my boss an email on Sunday because this program touched me that deeply, and I sent it to him and all of our court leaders because I

want them to watch it and learn as I am learning, as you are learning, as we are learning to make our system better.

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The presenters, everyone who's participating this afternoon, touches me. I'm so grateful for them, but of course I am most touched by those who are offering their lived expertise and their pain points and sacrificing their stories to teach us all. Language is important and I no longer flinch when people talk about the 'family policing' or the 'family regulation system'. The people who have experienced it describe it that way, and I accept that because they have the right to describe the system that we have created that impacts them in the way that they feel it impacts them. Let's listen. As I often tell you, with open ears, open hearts, open minds so we can all learn together. The first part of our session, which is beginning now and I'm privileged to moderate, is with folks with lived expertise. I begin by reminding us that while we are grateful for peoples stories, we can't demand people stories, and we have to be respectful about what people are able and willing to share with us within their comfort zones. Each of our participants who is present today, I will be asking you to turn on your cameras if you can, and each participant in this panel will be given 2 to 3 minutes to answer 2 questions. We're going to go Round Robin. One question at a time, and I'm gonna ask them to talk about for the first question, within your level of comfort to do use the time to introduce yourself, and share if you wish, your experiences with reunification cause that's what today's focus is about. Reunification. Your experiences, where you are now, what your process may have been and what you are comfortable sharing about that process. So I see DM Justice just showed up, and I believe DM justice is Deonna Jones, Esquire, am I right? If you're OK, would you go first for us since you were first showing up on my screen and we'll hear from everyone else.

□

**D** dmjustice@outlook.com 11:07  
That's correct.

**H** Hon. Edwina G. Richardson-Mendelson 11:14  
And thank you for being with us.

**D** dmjustice@outlook.com 11:16  
OK. And just so I know, my camera looks very blurry on my end. Can you see me?

**D** Hon. Edwina G. Richardson-Mendelson 11:22  
It is blurry. It is blurry, but we'll take it. We'll take it.

**D** dmjustice@outlook.com 11:26  
Can you, can you go to the next person and let me read fix it, see if I can fix it.

**H** Hon. Edwina G. Richardson-Mendelson 11:28  
Ohh sure. Absolutely, Coral. And we are gonna go next instead then to, we'll begin with Coral Mrozik.

□ Corral Mrozik20 11:39

**CM** Hi everybody. I'm Coral. I guess we'll just start off with I was removed several times from my home since I was a year-old until my last removal was when I was 15, and I think we did, I

□ mean, the system did a lot for me. They did a lot of work to keep me unified with my family and to preserve my family. And of course, that's something that I appreciated at the time. I, so where I am now is I graduated college during the pandemic in 2020 and I'm working for OCFS. I thank you. It was fun. I couldn't decide on a major, so I studied many areas. I specifically studied how to support trauma impacted youth and it is something I'm implementing now. I serve as a direct support specialist for New Directions, which is one of the voluntary agencies in a boys' home and I hold a couple contracts with OCFS and New York courts. So OCFS I have helped in their professional development program as a consultant and yeah, my passion is just working towards making a trauma informed system and serving youth well. So that's my advocacy. That's kind of where I'm at now and I would say that like, in my process toward reunification, there's, there were ups and downs. Umm, so I see the pros and cons of reunification, because I think in many situations where there are parents that are trying hard to get their children back and working to have that relationship for reunification is so, so important. And I've also seen the downfalls of reunification and kind of the complexities of how it's impacted me. So although we tried hard to stay together as a family and keep those relationships, well, it kind of breed toxicity in my situation. And I, I still don't have a relationship with my mother, but that was not because of the system. And I will say that the system has served me well and has helped me to be very successful and I've appreciated that. So with that, that's just gonna be a brief summary and I'll wrap up. So we can move on to the next person, OK.

Hon. Edwina G. Richardson-Mendelson 14:04

H

Thank you so much. I appreciate that. Deonna, are you with us now? I see Nadirra. Nadirra. Hello. Welcome. Will you go next please?

Nadirra Hakeem 14:19

NH

Yes. Hi everyone. My name is Nadirra. I am 21-years-old and I would like to start off my introduction by saying that reunification is something beautiful, but in my case it just wasn't something that was meant for me and so now, at 21 years old, that I have finally been relinquished from the custody of my foster care agency and I have just moved into my very own apartment. So this is me and my very own apartment. Like Coral said, you know my agency did step in and I was moved several times from the age of three until now, I'm 21, literally about to be 22 and a month, because today is the 14th and my birthday is July 14th. So you know, I was moved multiple times from the age of three in and out of the system back to my dad back in the care. My brother and sister did have the opportunity to be adopted. I was not because my father, you know, didn't want to see that side win. Ohh, so yeah, reunification is something that, you know, it can be, you know, something for everyone, but it's just not. It doesn't work for everyone, and I just was one of those people that it didn't work for, and it didn't work for my siblings either. But you know my agency made as much of an effort as humanly possible to ensure that we were reunified and at a point in time an executive decision had to be made where, was reunification worth the cost of our safety if it just meant that we were gonna keep coming back into the system, or should we move forward and find a different end goal, and that is what we did. And here we are. Alright. And I'm just so excited to be here. Thank you for having me and I can't wait to get into the discussion a little more.

**H** Hon. Edwina G. Richardson-Mendelson 16:01  
Thank you so much, Nadirra. Appreciate what you had to offer us. Is Larry Smith with us?

**TB** Trista Borra 16:10  
Judge Larry Smith is he's having a little uh, Wi-Fi difficulty, but we're working with him, and I hope that we'll be able to join us soon, yeah.

**H** Hon. Edwina G. Richardson-Mendelson 16:19  
Excellent. Thank you, Trista. So can we move to then Deonna again?

**TB** Trista Borra 16:33  
Well, judge. We're checking on her status. If she's been able to get back on or not, so I don't think.

**H** Hon. Edwina G. Richardson-Mendelson 16:38  
And well.

**NH** Nadirra Hakeem 16:39  
In the chat, she said can you add her again?

**H** Hon. Edwina G. Richardson-Mendelson 16:42  
OK then.

**TB** Trista Borra 16:43  
Yeah. And then I don't thank you.

**NH** Nadirra Hakeem 16:44  
He's writing in the chat.

**TB** Trista Borra 16:47  
We did see that, but now I don't see her on the system at this point? So I don't know if.

**H** Hon. Edwina G. Richardson-Mendelson 16:53  
Ah.

**TB** Trista Borra 16:53  
Ohh I do see her now. I see her again. So Sue, are you able to add her as a presenter? There she is. Thanks. Yep.

**H** Hon. Edwina G. Richardson-Mendelson 17:01  
Yes, she is. Deonna, you are with us again. I am gonna ask you to answer this question after your technical difficulties on our end.

**DJ** Deonna Jones 17:12  
Thank you. Sorry about my technical difficulties. Hopefully you can see me now. Is it still the same?

Hon. Edwina G. Richardson-Mendelson 17:18  
Well, it's still the same, but we want to hear you.

DJ Deonna Jones 17:20  
OK.

Hon. Edwina G. Richardson-Mendelson 17:21  
We want to hear you, Deonna. Go for it.

DJ Deonna Jones 17:23  
OK. So again, my name is Deonna Jones. I am an attorney. I, so I aged out of foster care and kind of just piggybacking on the 1st two presenters that talked about reunification. I also was re-, I went through the process of reunification multiple times, and I went from kinship homes to foster homes, back home and actually aged out at the age of 21. So congratulation for Nadirra aging out. I aged out at 21 and I, the process for me for aging out instead of being reunified with my mother, was the best option for me because it led to a help with college, it led to success in school, so I would kind of just repeat that aspect of reunification is great, and I had a great relationship with my mother after some years of kind of moving past the trauma and the back and forth of being reunified with my mother. But I believe that it was the best thing for me. I'm, I, I heard someone mention like their siblings versus them. My siblings were so young that they actually had to be adopted. And they were adopted by my maternal grandmother, who was my foster mother. So the process, what worked best for me and my entire family, and even my mother, was continuing to stay in foster home and adoption and aging out. And I, and I know there was some more with the introduction. So I am actually an attorney and I work for Buffalo School Board. I recently joined the Buffalo School Board. I was previously a prosecutor. When I decided to become an attorney, was based on my 6-month monthly, most every six month check ends with family court and that was kind of the place I felt the safest, specifically with my attorney for the child, who I believe is still attorney for a child, her name was Paula Burka, and I just felt so empowered by her actually being able to speak in court when I kind of learned of the system as me and my mother had to be quiet. So my goal was to be a family attorney. Like that was the only thing I wanted to do. And then I learned quickly how overwhelming it could truly be to actually go on to that role. So I do a lot of, you know, help with community service. But hands-on attorney work as a family court attorney, I can't do.

Hon. Edwina G. Richardson-Mendelson 20:16  
Understood and appreciated. Thank you. So, so much.

DJ Deonna Jones 20:20  
You're welcome.

Hon. Edwina G. Richardson-Mendelson 20:20  
I see Mr. Larry Smith Jr. has joined us. Are you able to unmute, and I'm going to repeat the question again within your level of comfort. Give us a brief 2-to-3-minute introduction of yourself and share as you feel comfortable your experience with reunification and whether

anything you want to say about the topic of reunification, as it regards your own life, and thank you for being with us. You are muted right now. There you go.

□

Larry M. Smith Jr. (IAMQUEENS) 20:54

L

Yes. Hi, how you doing? Umm, your Honor, how you doing?

Hon. Edwina G. Richardson-Mendelson 20:58

H

Good to see you again.

Larry M. Smith Jr. (IAMQUEENS) 20:59

L

Ohh yes, it absolutely is good to see you again, your Honor. Can you please pronounce your name so I don't misspell it.

Hon. Edwina G. Richardson-Mendelson 21:06

H

Richardson Mendelson.

Larry M. Smith Jr. (IAMQUEENS) 21:09

L

Thank you, your Honor Richardson Mendelson. Umm, I'm very honored and incredibly grateful and thankful to be on a zoom call with a lot of you guys. Umm, thank you for the work that you are doing to make sure that we can protect children and bringing them in reunification with their families. When it comes to reunification, I felt like that never really happened to me, having to grow in foster care and being 23 foster homes, including group homes covered in homes, homeless shelters, men shelter, children centers and going from home to home to home. The biggest thing that I think that we don't really talk about in the ACS system is how our children are being placed from home to home with just garbage bags. It just like is a big sign, at least for me, because we don't want to feel like we're being treated like garbage. For those of you who don't know, while I've been in 23 foster homes and group homes and convalescent homes, I was the first foster care kid in my agency to get accepted to an HBCU. I'm currently in my senior year at the North Carolina A&T State University with a 4.0 GPA. My cumulative GPA is a 3.92. I'm majoring in African American studies with a concentration of entrepreneurship and a minor in political science. And then I just got accepted from my first Master's program at NYU. I'm actually thinking about going into NYU, but at the same time I really can't afford it.

The issues that I just really want to bring up is just the amount of sexual assault, human sex trafficking and also just like a lot of stuff that we go through as just aged out foster care youth, I don't really believe that like, you know, the system is broken. I feel like it's just working just fine and you know a lot of the times, you know, a lot of foster care kids battle with a lot of PTSD problems. So I do want to say that like us as a black community, we are really not responsible for the amount of therapy resources that are in our communities because as you all can see that we can't even afford therapy because as foster care aged out youth, it's just hard for us to get our Medicaid cards and our EBT cards, which basically indicate that we do have free health insurance. But you know, you still have to pay a copay and I just basically also want to just share about the aging out process from going into in college. So, like we were told, like as aged out. Foster care youth that, like literally, we get our school paid for, but for me, I'm in at least \$19,000 of debt. Unfortunately, like I don't want nobody feeling sorry for me upon that situation. It's just the fact that like ACS is

□

□ making broken promises and in that situation, I'd say that there was like a lot of educational caseworkers that worked with me as well as caseworkers and legal aid attorneys that literally just like said certain things and it just didn't click because there was like a lack of communication and there was a lack of coordination and everything. But my goal is I want just this call to just be very uplifting that you know what you can go through 23 foster homes. You can be raped, molested, sexually assaulted you can be physically abused, emotionally abused, and you can get into an HBCU. Right. And you know, you can go through like this journey of just like feeling like you're in hell. But hell is probably going to be temporary and at times you know, I feel like us as aged out youth, we feel like we've had a bad life, but we're just having a bad day and I think it's just important just to uplift ourselves and persevere to the best way as possible. And thank you guys for having me here.

Hon. Edwina G. Richardson-Mendelson 24:46

H I will never be comfortable saying it's OK to have gone through what you went through. I can't say it's OK. I think that you're a miracle, as are all of you who are here representing those who have gone through some, no experience is the same and no experience, I'm not going to compare experiences, but it's what you described is unacceptable and as one of the leaders in the court system and those who are there to help, we can't accept the unacceptable. And what you described is unacceptable. You're a miracle. I'm grateful for you and I'm grateful for all of your lives. And what your contributing to us all, but I will never affirm the unacceptable.

Larry M. Smith Jr. (IAMQUEENS) 25:26

L Thank you. Thank you, your Honor. Thank you so much and thank all of you know and thank you.

Hon. Edwina G. Richardson-Mendelson 25:29

H You know, I want...

Larry M. Smith Jr. (IAMQUEENS) 25:31

L Thank you to all of the youth that are on the call. I'm just gonna let it be known. I didn't get chance to share my age. I'm only 24 years old. If there is anybody that's like Gen Zrs that's younger than me. Thank you guys for just doing this work. This work is pretty much a burnout, so I hope you guys are prioritizing rest. Rest is definitely essential and again, thank you, your Honor.

Hon. Edwina G. Richardson-Mendelson 25:49

H Thank you so much. And now we're gonna hear from Joshua who's on. I see him. I see his picture. Our very own Josh Corbo. Josh, will you unmute and speak with us.

Josh Corbo

SS I will, but I have to do it from Sue's computer because my computer is not working. The Wi-Fi is not connecting here very well today.

Hon. Edwina G. Richardson-Mendelson 26:10

H Ohh OK.



SS

Josh Corbo

Hello everybody. I'm Josh Corbo. I did age out like the other guys here that fellas here and ladies here. My reunification process, I'm gonna just kind of go over a little bit. Even though I aged out of foster care at 25, I ended up reuniting with my mother for me. For that to happen it required some time for me to mature. Let go of the anger of the past issues and also be able to understand the things that my mother also went through as an adopted woman. She was also white skinned. She was a light skinned black woman with, you know, going through that as a single mother and battling mental health issues and all that. It took me time to understand that, so once I did I was able to kind of let some of the past go, talk to her, work on a relationship, and we've been reunited for eight years now, I'm 33. umm At the same time my sisters who were in foster care with me from a young age, they ended up reuniting when they were in their early teens, and to this day, they do not talk to my mother now. They were reunited early, so I caution some rushed and forced reunifications just like my colleagues here that experienced the same things. When they went back into my mother's care they wanted to be there. They didn't say anything or talk about any of the continued abuse, physical or mental, and that really hurt their chances of reunifying as adults. They're both very successful, young, beautiful women. So overall they did what they needed to do. They banded together and did what they needed to do to get out of a bad situation. But they will not even think about reunifying to this day, and that's again because it was an improper timing. It was in proper timing and a lot of the mental health issues were not acknowledged or taken care of and she did not take any accountability at that time. I needed that accountability and the responsibility on her end to come out, and one once that ownership happened, it really helps.

- I guess I want to finish up by saying I want to really thank all the other participants here on this board. The work is nonstop. It's, it's never gonna never gonna stop. But again, we can slightly change the system by explaining the situations we were in. What can we do to avoid any issues like my sister's had going forward, and also how can we maintain relationships and be able to connect with our, our bloodlines more or less, and understand kind of where they came from, where we came from, all that. One other thing I kind of forgot to mention that really sticks out to me is when my sister's reunified, they kind of cleared my mom from a lot of things as long as my father wasn't in the house, but I still didn't want to have anything to do with reunifying. So the foster care system here allowed me to stay in, but they were still trying to reunify. A Family Court judge at the time ordered me to either attend visits with my mother or do community service. Umm, I took that as a challenge. I was pretty strong headed. So I said alright, I'll do some community service. Let's go. I did the community service but at the end of the day when I'm doing this I felt like I was being punished for things that were out of my control that I had no part of, and I'm sitting here and this person on the bench is making me do some community service with people that are actually, you know, in criminal trouble, and I'm 16 years old, working side by side with them for no fault of my own. So I thought that was kind of, umm, crazy and my caseworker at the time. She she's no longer with us. She ended up passing away, but she thought that was completely out of line and never seen anything like that as far as an ordered community service type deal or attend visits. So when we when we push for reunification and we make sure we want that to happen, it's a beautiful thing, but we just have to make sure that everybody is ready for it and the timing is appropriate. Thank you. That's all I have.

Hon. Edwina G. Richardson-Mendelson 31:11

H

Understood. Understood. And thank you. Appreciate it. Our second question, which I'm asking everyone to take a minute and 1/2 with please so we can all be heard has to do with the supports that the system either did or didn't provide to you. So I'm not making the judgment, but if the system did something that worked, we need to hear what it is, so we can do more of it and if there was more support that you would have appreciated that we didn't provide, talk about that as well, and I'm going to try to go in the same order I believe...So, Coral, when you be a first for us?

Corral Mrozik20 31:52

CM

Yeah. So there was a lot of support. I don't think like I want to say the system directly provided it, but some of the different placements that I was in in the voluntary agencies that I was involved in, I had a lot of really good connections. And so within my residential facility, I had a lot of adults who invested time and energy into me and they really are the reason that I was encouraged to go to college and to advocate. I had, a, well he's retired now, but he worked for New Directions and I don't know his role specifically, but he was one of the important people, is how my younger self sees him and I just advocated fiercely when I was like 19 years old, and in that agency, umm, and he just encouraged that voice. And so he's the reason that I continue to advocate. He told me to keep using that voice and keep talking for other people and using the words that I have to describe things. And I'm strong writer, and so he, he's one of the reasons that I'm a super big advocate and as discouraged as I get, won't, won't shut my mouth. And then I would say I was provided with pretty good supports. My county is relatively small county and so they kind of were a bit more adaptive than I've seen other counties be. With me going to college, they were pretty flexible. They didn't force me to get into an independent living program. They allowed me to live on campus and still remain in care and they were really able to help me pretty well and they did help me pay for college. All my college expenses were paid except my last semester, so it was super grateful for that, and it really did help me a great deal. And then they were also just like if I said I needed something, if I needed a different sport or more supports or needed a certain kind of therapy, they they made sure that happened. I had a really good caseworker and a really good law guardian who, who also would advocate very fiercely, umm. And so those were the things that kind of worked. I would just encourage that there be trauma informed supports in trauma informed therapy available to every youth in the system. Like that shouldn't be they request it, that should just be a you meet with this trauma informed therapist because they are the person who are who's here to help you. And even if they don't utilize it, they have that person there. So that's the thing that I want to encourage. Overall, I feel like I had a pretty, pretty good experience and a lot of support and a lot of responsive adults around me.

Hon. Edwina G. Richardson-Mendelson 34:35

H

Thank you so much. Nadirra, apartment person in your new space. Can you tell us, first, I'm just so proud of you. Can you tell us what you'd like to say?

Nadirra Hakeem 34:47

NH

Thank you. Yeah. So I would actually like to take the opportunity to give some things that

my system did do for me and some things that they didn't do for me. So first started it I and this is kind of really sad to say, but it took for me to turn. I want to say like 15, 16, 16. No, I lied, it was actually 17/18 before I found a worker that like before I was like, met with the worker that, like, actually cared about me. A lot of the times, like had workers that would like just come into the home. And I mean, like my mom. So the woman that adopted my brother and sister, I still have a wonderful relationship with her and I call her my mom. And I've actually been making the process to change my last name to match hers, and I actually wait until after this phone call to find out if the judge has approved that or not. So prayers for that but yes.

Hon. Edwina G. Richardson-Mendelson 35:38

H

OK.

Nadirra Hakeem 35:40

NH

So my mom, you know, thank God that she cared for us. She was one of the good foster parents that the agency had, but I could only imagine, like, you know, the other kids that may not have been so lucky. Like you're not checking the fridges, you're not going into our rooms. You're not checking the cabinet, You're not actually speaking to us. You're just saying you're just taking whatever my mom says word for mouth, and you're just going. And I've been in situations where that has been done instrumental and I've been in homes where I've been abused, where I've been sexually abused, as Larry said, and even with school too. Like you know, there was a certain point where I went to college of Staten Island, and I went during the pandemic and I was left with a \$5000 bill at the end of the year and nowhere to go with my service dog. And you know, I had to, like kind of like, pull a lot of strings. And I had to actually like advocate with my lawyer and get into to see my judge, to actually get somewhere with it. And like you know, I'm saying this with my entire I've never actually had an issue with our judicial system, with my judges, my lawyers have all been amazing. It starts below that and it, it bothers me that I always had to go to my lawyer, to my judge, in order to get something done. Like in my agency. I'm known to call my attorney like they don't like me. They'll be like, oh, you don't give it to her. She's gonna call her lawyer. Yeah. Yeah, cause why am I arguing with you for basic human necessities? Basic human needs. Basic human rights that you agreed to take over when you took me into your system. So I am gonna call my lawyer, but I just feel like that shouldn't be something that we continuously have to do. Like the judges and the lawyers are always gonna step behind their clients, but I feel like we need to start at the base with the people that are actually always interacting with the clients. Cause like you know, I only saw my judge every six months. The same thing with my lawyer. So it's like in six months I'm standing in your face for 5 minutes, exacerbated, trying to tell you everything that's happened all the trauma I have endured, and that's just not right. But what I will say is when I did find the worker that was for me, that agency, my agency was open to hearing me out, and I've actually been like a liaison and like an advocate for them and they've utilized me to help advocate for other kids in our agency and they've also used me to upgrade our agency. So I'm very proud to say that we've created the Journey Program where we have like, you know, coaches for our children. You know, we just connect with them more. We are hiring staff that are closer in age but not too close in age. We are training differently. I am, you know, allowing them to dig a little deep into my life, into the trauma that I've experienced, and so that way it can help somebody else cause like Larry said, I should not have had to go to school and be he has like

□ \$10,000 worth of debt. That's crazy. I shouldn't. I shouldn't have \$5000 and the only reason my debt got cleared is because I have to go to the New York Times and put myself in the paper and advocate that I'm a youth in foster care, forced to pay a bill that I was not told, that I was gonna have to pay. I was told that I'm going to school free, full ride, and that's not the case. So the broken promises you know need to end or, you know, we need to have, like, actual breakdown of what you're providing for us. What will? What will we have to cover? What does that mean for us and where do we go from there? Umm, but yeah, that's basically it. I mean, even though I've had some bad moments in the system, I will say that now, and especially within the last like three to four years, I've had amazing moments that I've had amazing teams of people help me and are dedicated to me. And I say that with my whole heart because I know what it's like to be in the system where nobody cares about you. I know what it's like, so to find people that are willing to help me and even these group of people here on this teams meeting means so much to me because clearly you're already making the steps to help protect the other children that you can't hear their voices. So yes.

Hon. Edwina G. Richardson-Mendelson 39:40

**H** Thank you, Nadirra. And folks will know that I like to stick strictly to time and we're over time. But I you guys are the most important voices and all the no, no, don't you dare apologize.

Nadirra Hakeem 39:48

**NH** So sorry about that.

Hon. Edwina G. Richardson-Mendelson 39:51

**H** Don't you dare apologize. You are the most important voices for today's program, so if that means that somebody's going to give up a minute or two of their time, one of the lawyers and judges. They love me. They will give us grace. I want to make the point that I'm not rushing you, but your voices are the most important, which is why we put yours first in this program. So, Deonna.

Deonna Jones 40:15

**DJ** Hello, can you hear me?

Hon. Edwina G. Richardson-Mendelson 40:17

**H** Yes, we can.

Deonna Jones 40:19

**DJ** OK. So well, I want to start out, I I kind of like going last because I get to hear everything that everyone's saying. Then I get to add mine and I don't have to go and say hey, can I add one more thing? One thing I want to add, so I've heard the ages of most of the speakers. I, you know, women don't like to throw out their ages, but I will share that I am 33 and so I've had many years to kind of come to grips with some of the different things in foster care. So whenever I talk about foster care, I always talk about the positive because of where I am in my life and where I'm going. But kind of listening today, umm, it's leading me and I'm, I feel moved to share, kind of like the deepest part about foster care that's kind of bad in my, in my view. So for me, I was in my last placement was kinship home and that was my grandmother. And my grandmother was an old school grandmother, and she raised all her

□ kids and her grandkids. How she would raise any other kid and she treated us all the same with the firm hand. However, her sometimes her sharp comments affected me and my siblings in a way that she wouldn't have understood when we were younger and she didn't have that conversation with us until we were older, about how her regular grandma parenting wasn't acceptable for us because we came with trauma and we came with PTSD. And so one thing I would say is training. And then again, I had so many great people in foster care, so many great attorneys, judges, caseworkers, and I feel like I am doing them a disservice by not speaking about them. However, like I said, I talk whenever I speak about foster care, I talk about all the good, so I'm gonna just focus on, like I said, what I feel is bad. So one thing that was kind of emphasized, especially when I had my six month meetings, was that, you know, my mother was a bad person and we needed to be separated from her because of her struggles. And what I believe that is necessary for reunification to occur as for not just to focus on the child's needs, but also focus on the parents need. So, while I was in foster care, my mother struggled with depression, she struggled with drug abuse, and my mother was very intelligent, so she went through all the programs. She put herself in all kinds of programs to get us back multiple times, umpteenth times and my mother shook her habit for a very long time. And so like I said, I feel moved to share this because this is deep to me, me and my mother grew an amazing relationship, and my mother passed away three months ago

Hon. Edwina G. Richardson-Mendelson 43:08

H

Oh Deonna, I'm sorry.

Deonna Jones 43:21

DJ

from struggling, and so when I say that the system needs to not just focus on the children, you need to focus on the parents that need to be reunited with their children because these children need their parents. And I'm 33 years old and I still needed my mother. However, it was necessary for us not to be reunited with her back then. It was necessary for the system and the judges and the lawyers to emphasize and focus on the help that she needed to get her life together so that she could have been parent back then, and so that even if she couldn't be the parent that we needed her to be, she could be a presence in our life as long as she could have been. So I just want to kind of emphasize that we have to not just focus on the kids and I, I say that as a foster care youth who, if you would ask me three months ago, it was only about me. I was the one going through the, the constant placements. However, as a person that misses my mother, I wish that the system would have focused on her also because, you know, there's some kids and I understand some, some, some, some foster care youth, they go through stuff with their parents and which they don't want to be involved, but later in life they may seek their parents and if they get help they will be there.

Hon. Edwina G. Richardson-Mendelson 44:32

H

Thank you. And I'm sorry. I'm so, so sorry, precious. I am sorry for your loss and thank you for sharing the deep with us. We're gonna loop back with you afterwards to make sure you're OK. Larry Smith.

Larry M. Smith Jr. (IAMQUEENS) 44:47

L

Hi your honor. So I was listening to everybody's testimonies and I just wanted to ask, your Honor, can you please repeat the question in the shortest amount of time?

Hon. Edwina G. Richardson-Mendelson 44:53

H I never do anything in the shortest amount of time either.

Larry M. Smith Jr. (IAMQUEENS) 44:57

L Ohh, it's OK, it's OK...

Hon. Edwina G. Richardson-Mendelson 44:59

H Either what the support system did to provide for you, or what additional support you would have appreciated.

Larry M. Smith Jr. (IAMQUEENS) 45:06

L So the support system that I feel like my agency provided for me was just being able to understand that I'm gonna be OK and it's OK not to be OK, but I didn't realize that until I left the group home, though. It took me to really be like the Children Center and the group home to really realize that, OK, therapy is needed. But therapy wasn't always 24/7. Therapy was like a 30-minute session because my therapist had, like, so many people on a caseload. Things that I would say was ineffective, at least for me, was just the aging out process into becoming homeless because I was just given a metro card to survive. And I feel like that right there came from SCO Family of Services and the caseworker I had was more so focused on me, basically identifying as like LGBTQ oriented. And it was kind of like, I was more upset because there was more things that was like psychological trauma that was happening, where we don't really like discuss or see what's happening within our foster care youth being sexually assaulted at such young ages and being brought into human sex trafficking rings. Instead, my caseworker was more so focused on, you know, you're about to be 13-years-old, no foster parent wants you at that age, they want babies, so you have to like nut up or shut up. And in that in that situation it just basically like broke me, but it also like molded me understanding that you know what, I don't need to depend on a caseworker or a legal aid attorney to get up and do this for me. I'm just gonna have to get up and do this by myself, but I can say that there are people that work for you know, whether it's SCO, Family Services, Little Flowers, Forestdale or ACS, there are those angels that you'll meet that go above and beyond for their job, and I did run into those angels. And then I also ran into people that were secretly devil worshippers, and they basically describe themselves as Christian, as church folk, but behind the scenes, it was a whole different type of trauma that they were putting upon a lot of the residents that probably lived in the group home or the Children Center or the Covenant home or the homeless shelter. And the biggest thing I can say is that school was my biggest lifeline and my liability, and there were those angels that worked in the foster care system to help me push and progress myself to go into an HBCU. And I didn't realize that until it was really much more so of an ally of a white woman that basically told me that you deserve better than going into a community college. And at first I was like, you know what? That doesn't make sense. I'm gonna go to a Community College and I went to SUNY Old Westbury at first because it was more affordable, but what I didn't realize was that when there was mold contamination at the college, I had complained to SCO Family Services at the time and they were basically telling me that, you know, in the situation it's the schools fault because there's mold and kids are getting sick. So it's nothing they can do, but I explained it to SEO because I want it to be pushed out of a home, and put into a different college and there was no help or assistance to do that. So I actually took

□ myself out of that school and took myself to an HBC. I just personally feel like the most ineffective thing that I have learned is just like, there's just a lot of lack of communication on just everybody's part. Sometimes it can even be us as aged out foster care youth part too, because not a lot of people are this vulnerable. Like to be this vulnerable and to be strong, and to do this, it takes balls and guts to do. A lot of times you are dealing with introverted youth and youth that are dealing with so much psychological trauma that you know they hide their feelings. They don't really know what it is to bring awareness to things, so they just kind of like keep it to themselves. And I feel like things that we could do to effect to change that is definitely build community spaces, to prioritize rest, to prioritize healing, to prioritize becoming like Wellness Warriors, but mostly to prioritize peace, peace and nature. I feel like the peace and the nature erases the trauma that we all have being in the system and you're honor, that's basically everything that I have to say.

Hon. Edwina G. Richardson-Mendelson 49:22

**H** Thank you. Thank you. Thank you, Larry. Now, Joshua. Josh, you've been with us. This is your second time with us. Close this out quickly and so the leaders who are going on to the next segment can go on.

Josh Corbo

**SS** All right. Thank you, judge. So real quick, the system, the system overall, provided a lot of services for me. I'm kind of I'm gonna go a little against the grain with this, and my experience was I was so against doing the services because I felt like it labeled me a certain way. I just wanted to take care of things on my own, and where it kind of helped out was after a couple years with them really trying to make me do certain counseling things, meet with doctors, trying to take medications and me just not doing it, but still staying consistent, staying in school, having good grades, they kind of just started letting me be me and that was one of the best things that I can appreciate over of the system. I look at the court system as kind of the grease to the wheel. Everybody comes in with these ungreased wheels and then the court system hears things and then they can make the wheel turn the right way, you know? So they're greasing it up. And one thing that I think that really could have helped me when I was, you know, already gonna stay in till 21, gonna age out in the system had taken me in as a ward, I think a resource coordinator similar to what we have in in drug court programs here, as a family court resource coordinator for like foster kids that are aging out, stuff like that. Someone, someone for them to talk to, ask things to get information on where they should head, connecting the services if they need it, stuff like that was one thing I've always thought was appropriate. We can do it for parents, we can do it for you know, clients that have criminal issues. Why can't we do it for the kids that are fairly innocent and then do much to get in the situation they are. So with that, I'll leave you guys to ponder over that and thank you very much again.

Hon. Edwina G. Richardson-Mendelson 51:25

**H** Thank you all. Thank you all. Thank you all.

Trista Borra 51:32

**TB** Thank you all so much for that. That was wonderful. Before we move on to the next piece of our program. I'm just going to read to you very quickly the CLE code for the attorneys who

are needing CLE, please get your pens or pencils ready. Your code is L as in Larry 473. Again, it's L as in Larry 473. Thank you.

Now, in the interest of time, I'm not going to do a formal introduction of our next presenters. All of the presenters materials, bios, are in your materials, but the next session is on effective efforts in practice beyond the law on family preservation, unity, and integrity. Our presenters include the Honorable Jacqueline Dean and Christine Kiesel. Thank you. Hi, Christine. Hi, judge. It's nice to see both of you, take it away.

Christine Kiesel (Guest) 52:35

CK

Hi Trista. Thank you. So, Judge, I think I'm starting right.

Hon. Jacqueline Deane 52:41

HD

Yes.

Christine Kiesel (Guest) 52:41

CK

OK, OK. All right. Well, first I want to say like to have to go after that panel is just really, really, difficult. You all had so much to say, and as you were saying things, I was writing things down and thinking about what I was supposed to say and changing it and saying 'ohh I may not want to say this like that'. So I appreciate you for making me think even more than I already have on this subject and for sharing. So thank you all very, very much.

I'm Christine Kiesel. You can read about my background in my bio, so I won't bore you with any of that. I do want to take a moment to thank Judge Richardson-Mendelson and the CIP for inviting me to talk with you today and in recognition and in celebration of Reunifications that happen throughout New York and based on what we heard reunifications that happened during foster care and reunifications that happened later on in life, they should all be celebrated. And think we will do that and thank you to my co-presenter, Judge Dean, for helping me think through the ideas that we're going to present to you today.

- Reunification of families is really kind of the pinnacle for those of us who do child welfare work right. It's that Gold Star that we reach for as child welfare professionals, helping a family to become whole after a period of separation. And you know, we should really be thinking about safe and appropriate reunification. Again acknowledging what the panelists said, so that connections and families are secure, lasting, and strong. It's a good feeling for us in this field that we don't always get to experience. So we really enjoy when we are part of a successful reunification and that's why it feels good. If you're a part of the specialty courts, like Safe Babies Court or Family Treatment Court, because the data for those courts show that these courts achieve higher rates of reunification. So again, we're here to recognize and celebrate reunifications. But in doing so, however, we should also be mindful of those families who are still not whole, and those families who may never be whole. So I just wanted to recognize that for a moment and I am going to focus on reunification from foster care for the purposes of these conversations. And I want to start by telling you about some data, because there's a lot of data available from many different sources. That gives us some insight into families who are reunified, and I think it's important for us to understand that so that we can contextualize that for ourselves. So in 2021, approximately 6000 children entered foster care in New York, and that's from the Children's Bureau Outcomes Report data. But I want to say that New York should be exceedingly proud of how the



□ numbers of entries and foster care have plummeted over time. Just to give you context, in 2006, 11,459 children entered foster care. In 2010, that number was reduced to 9,296, in 2019, it was 7,633 and my understanding for 2022 is that it's in the five-thousands. So we are making great progress in only taking children into care who are unsafe in their homes and I want to recognize that the Court improvement Project Court data metrics that helped me in that that data. Also in 2021, there were 3,579 children who exited to reunification. There's more to this story. In 2019, as a nation, approximately 47% of children who exited foster care did so to reunification within 18 months. And that source is Casey Family Programs. In New York, that number was 47% at 24 months in care and for 2020 that percentage was 45%. And so while we're here to recognize and celebrate each of those families who are in that 47- and 45% of reunifications, what that really says to me is that it's more likely than not when a child comes into foster care in New York and in this country, that they will not go home for at least two years. I want that to sink in a minute and I want to say it again. It's more likely than not when a child comes into foster care in New York and across the country that they will not go home for at least two years. And honestly, they may not go home at all. So if we look at the New York State data longitudinally for children who entered care in 2017, eventually 57% of children were reunified in a 5 year time period. The majority of those children's, the vast majority of those 57% were within 30 months; beyond thirty months it was like a one or two percent increase. The federal standard for the achievement of timely reunification is within 12 months of a child entry into foster care. And here in New York, some of us may not see that as a realistic timeline, and I can't see anybody, but I can just imagine that some of you snickered or rolled your eyes when I said that. But I want you to know this from the data, the majority of children who do go home do so within the first 12 months of entering care. So in New York, of all the children who exited to reunification in 2021, those 3,579 kids I mentioned, 48.6% of them, nearly half, exited in less than 12 months from coming into care. I want you to know that because I think our reaction is 'that's too quick'. But I want you to be done and we are doing it and we need to do it because we need to, we know, we know that removal is traumatic. We know that prolonged separation has harmful effects on families and on children. And I also want us to be mindful and thoughtful of what I said earlier, that reunification not only has to be timely, it has to be safe. It has to be appropriate. It has to be lasting. It has to create those strong bonds. That appropriateness encompasses a lot of things that we've paid attention to the family's needs and the children's needs all wrapped up into one. So this leads me out of the data.

For those of you that don't like data, you're probably saying thank God, but this leads me to the title of this presentation, which is effective efforts in practice beyond the law on family preservation, unity and integrity. And so when I was first asked to speak on this topic, I scratched my head a little bit around that term effective efforts, I said, 'did you mean reasonable efforts or active efforts or diligent efforts? And there was a clear answer to that, which was no. So let me tell you why. This whole agenda was informed by persons with lived experience. So many of the panelists that you heard others as well, people who have experienced the system and the personal effects of the system on themselves and their family, and they are not interested in us working at a level that is merely reasonable. They aren't even interested in efforts that are necessarily active or diligent. None of these modifiers mean anything to them, unless, unless the efforts that are made make a difference; that the efforts actually show results, that the efforts are effective. So what we are doing is professionals in this system. What are we doing as professionals in this system

to help ensure that efforts are effective? And what can we do as professionals within the child welfare system to engage in effective efforts in order to improve those outcomes of families who are experiencing the system. So I want you to kind of think about that a little bit. We're going to talk about it more, but I want you to think as we're talking about your own practices and reasonable efforts and active efforts and this new concept kind of effective efforts.

- Judge Dean and I have been asked to talk about the law and the law in practice. I'm going to frame out the law and Judge Dean will share her experience on the law and practice. And we really hope to do so in a way that really lifts up that concept of effective efforts. So let's start with a working definition of effective efforts. Full disclosure, this is nowhere in the laws or statutes, or even any of the best practice treatises that I've seen yet. But we're going to define effective efforts as what actions are being taken by professionals on every case that are likely to lead to positive outcomes for families. That's what makes them effective versus mere reasonable or even active or diligent efforts. It's that 'likely to lead to positive outcomes' and there's great work going on in this state and around the country on implementing strong and thoughtful reasonable efforts determinations. And I don't want to discredit that at all because it's excellent work and it has great potential to impact outcomes. So I want to say that I'm not saying that reasonable efforts is not where we should be focusing. That is our law. We have to do that and when we do it meaningfully, it can impact outcomes and effectuate improved change.

So to those of you who have been thinking about reasonable efforts, think about if the actions that are put forth aren't effective. Is there a possibility that they that they also weren't reasonable? It's kind of turning it on its head, right? If they're not effective, are they truly reasonable? Maybe, but it's something to think about.

- So the law of relative to reunification does focus a lot on reasonable efforts. The federal law doesn't define it for us. States have attempted to do so. New York law does not have a specific reasonable efforts definition. However, we do have a diligence efforts definition which sounds like it should be something more than reasonable efforts, right? Reasonable, diligent, sounds like it should be more? But the definition of diligent efforts in Social Services Law section 384B is 'reasonable attempts by the agency to assist, develop and encourage a meaningful relationship between the parent and the child'. Reasonable attempts sounds a lot like reasonable efforts to me, so that's what's required. But how can we do better within the structure of our laws for families? So there's two reasonable efforts times, or times that findings have to be made that are relevant to this topic. First is when the agency is looking for removal of a child from their home and the second is at the time of permanency hearing. So the reasonable efforts at removal; this is, as we know, the most critical time to keep children out of care. We know the best way to ensure reunification is to ensure that families stay together in the first instance. And you heard a lot about prevention in the last webinar and I want to underscore all of that here: Prevention services are key. They are key, and I have to think that because New York has such a great amount of prevention services that could be a lot of why we are seeing that reduction in our foster care entries over a prolonged period of time. But we also know that it's more likely than not that if a child comes into care that they're not going home within that 24-month period. So what can we do in our practices to ensure that only those children who absolutely have to come into care do so? And I'm going to give you an example from another state because I think it's pretty cool. It's from Iowa, and I know in New York we don't often take direction from Iowa, but bear with me because it is a cool thing that they did. So the judiciary and the child welfare

agency came together and they committed to an integrated effort to support children remaining safely in their homes whenever possible. It began as a pilot project. They called it "7 Judges 4 Questions", and you can imagine now where it's going from there, I can guess. It was established as a part of the state's Program Improvement Plan that was required after their Round Three Child and Family Services Review, and if that that kind of jargon is unfamiliar to you, just kind of hang on, there's a Child and Family Services Review coming to New York very soon that assesses the functioning of the child welfare system as a whole on a statewide level. All right, so it was just established then and the commitment was to expand it during the implementation. They had 7 judges in this initial rollout from varied jurisdictions, rural or urban, you know, different sizes and agreed to. And those judges agreed to ask and explore responses to four questions. Every time they were presented with a request to remove a child from the home. So I want to give you those four questions. Four questions are first: what can we do to remove the danger instead of the child? Second, can someone the child or family knows move into the house which will remove the danger? I have to tell you, I tried that one out a couple of times and people really look at me like I'm losing it, but we really need to think differently, right? Can we move someone into the home instead of the child out? Third, can the caregiver and the child go live with a relative or a fictive kin? Not just talk about moving the child out; can the relative can the caregiver and the child move out? And then and these are in order, right? Could the child move temporarily to live with relatives or fictive kin? And that's just the child moving out. Only when there were no options after, not just asking the questions, but complete discussion of all four questions, did a child get placed into stranger foster care? So Iowa collected baseline data for a four-month period of time prior to implementing these four questions with the seven judges, and it showed that the removal rate to stranger foster care was 48%. The first four months post pilot implementation showed a removal rate to stranger foster care of 18%. That's really significant. And the state continued on to track their data, and something really interesting happened because I was kind of watching it with them, and they saw the rates like slowly creeping up the rate of the amount of cases that they were asked. And they started to panic. Right. Like why? Why? What is happening all of a sudden? What was happening was there were less removal requests coming in because the agency was taking those four questions and they were asking them themselves, critically, on every case where they thought they were going to ask for removal. So at first, while we thought, 'Oh no, there, these rates are going up', was actually a really great systems improvement that happened. So I wanted to share that with you because like I said, I thought it was pretty cool.

So reasonable efforts at permanency hearings, that's 1089 of the Family Court Act, and that provides that a determination has to be made as to whether the agency has made reasonable efforts to effectuate the child's permanency plan at the time of a permanency hearing. Again, no definition of reasonable efforts is provided, and I did a search of the appellate case law on reasonable efforts, and for the most part, they really have to do with appeal of the TPR finding, is where we're seeing that. In the few others that I read they were so case specific, they were too case specific in order to be generally instructive. So reasonable efforts is a subjective determination, much like best interests in a custody matter. And what would it take to move that subjectivity to acting more in an effective mindset? So in thinking about moving beyond what's reasonable to what's effective, we should perhaps draw upon research that tells us some practices that are effective, whether

they're evidence-based evidence-informed, or they're just even data-informed that's happening locally, but you can say that there's having some positive outcomes.

- Research shows that there are practices clearly that lead to more timely reunification. So let me outline some. Research shows that when child welfare professionally meaningfully, sorry, when child welfare professionals meaningfully engage parents in case planning, families reunify more quickly. There's also other programs: parent mentoring programs, intensive visiting programs, comprehensive wrap-around programs like Home-Builders and Families First, Family Treatment Courts, and Safe Babies Courts are all linked to higher rates of reunification, and multidisciplinary representation for parents have also, has also been researched and shows that link. So these programs have evidence of effectiveness. Let's ask ourselves, what are the actual services that families are receiving beyond, behind the plans that are given to the families. And they're often similar, if not the same plans. What parenting skills program is being used when the service plan says a parenting program? Is that program effective? How do we know? Are we tracking data about that program? Are they implementing a best practice program or an evidence-based program? How are we facilitating visits? Does it have any of the hallmarks of the intensive programs that make visiting effective and maintaining bonding. So the other piece of this is, do the families know what has to happen in order to achieve reunification? Not merely the services that are in place, but the behavior change and how they demonstrate that behavior change in order to achieve reunification. Are the plans that are written in a way using SMART goals? I know that ACS is instituted using SMART goals in case planning, and for those of you who aren't familiar with that acronym, SMARTS means Specific, Measurable, Achievable, Relevant, and Timely. And I encourage that because the language we use with these families really, really matters. A quick example of a case that I had that I saw recently is that in the sheet, the disposition kind of sheet, it had kind of generic language that said that the parents were going to comply with services for the children, therapy, autistic services, speech therapy, etcetera, and follow through with the recommendations. That wasn't very clear as to what the obligation of the parents actually were. What did that mean for the parents? So we took that language and said can we be more specific? Can we put in something that really tells them what that means and what that meant to let them know was the goal was for them to understand the children's autism diagnosis and how to handle the behaviors and things that come along with that, and so we wanted the parents to do any appointments for the child that they are able to attend, meaning the providers allow them to attend, that they will attend, and also for any services that the child has where the provider does not allow the outside attendance by the parents, that at least monthly, they will contact those providers and be updated on the child's progress on the child's needs and any information that they need to absorb for their understanding of the diagnosis. See how that's very different?

- OK, my time is up. Before I turn it over to Judge Dean, though, I do want to say there's still a misunderstanding about the 'no reasonable efforts determinations'. 'No reasonable efforts determinations are an important tool to be able to make sure that everybody gets on the same page and that we're doing the best that we can for families, right. And the department does not go bankrupt when you issue a 'no reasonable efforts determination'. The initial determination, they can't claim IV-E for the life of that case, that's a big fiscal penalty. The determination of a 'no reasonable efforts' made at the time of a permanency hearing that funding stops only until that decision is reversed. So if there are specific things that you feel

as a decision-maker, do not lend themselves to you making a reasonable efforts determination until those things are done, you're sending a message, "do those things, once you do them, I will find that you make reasonable efforts" and they can start claiming again. So that's really high level, but I know I'm running out of time and I want to turn it over to Judge Dean to talk about all the practical aspects of everything I just kind of said. Thank you.

Hon. Jacqueline Deane 1:14:54

HD

Alright. Thank you, Christine, and Trista, feel free to tell me when you know I should wind up because I know we are a little behind and I agree with Judge Richardson-Mendelson, of course, because she's one of my greatest mentors, that I'm happy to give up some of my time to the first panel because what they had to say was so important and I want to thank them for that. And I'm just going to echo all of Christine, thanks, so that I don't spend time on that. So I wanted to just start talking a little bit about things that I think a judge can do to effect the way the system is experienced by the people in it. Most importantly, obviously, the litigants, and I had spent my career before being a judge, which is now been almost 40 years in family court like Judge Richardson Mendelson, it's the court of my heart, and the first thirty of those years I spent representing children at the Juvenile Rights Practice. And so during that time, I appeared in front of countless judges from the mid-80s to 2015 when I became a judge, representing young people primarily on juvenile delinquency cases. So that meant that unlike on the child welfare cases, where often the children unfortunately are not in court, my client was always standing next to me and usually along with their parent. And many of the judges that I appeared in front of, especially in the first decade or two of my careers, acted as if my client wasn't even there. They only talk to the lawyers. Everyone talked about my client, but rarely did anyone talk to him or her. And as a defender you come to identify with your client's own experience in the courtroom. So when I decided to become a judge, it was largely to try to be the kind of judge my clients would have wanted to appear in front of. Not in terms of the outcome, because of course my obligation as a judge and applying the law is different from my obligation as an advocate, but in terms of the experience that litigants would have appearing before me, both children and parents, how the administration of justice felt. Now this was way before concepts like procedural justice and therapeutic jurisprudence even existed. These are concepts we have now and that are taught in judicial trainings, which is such an incredible benefit and improvement, and definitely I've experienced those trainings and also the impact they've had on my colleagues and the judiciary. But prior to that, my experience, just as an advocate for children, told me that there were things that judges could do, things that happened in a courtroom besides my advocacy that could positively impact my young clients experience of justice, even if the outcome wasn't one that we had hoped for. Was the judge trying to see who the child was, what their experience is, see them as a whole person, not just a sum of the acts that they were alleged to have committed? So as I have become a judge for the past eight years, I've tried to do this by from small things, greeting parents or young people by name when they come into my courtroom, and the bigger thing, which is finding ways to acknowledge that it's their lives we are talking about. And in fact, on the child welfare cases, which is most of what I've presided over, the most important part of their lives, which are their children. I came to appreciate, though, that it is harder as a judge than I realized to engage directly with litigants because most of the litigants on child welfare cases are represented by counsel and of course, judges must respect the attorneys desire and obligation to protect their clients' interests by speaking for them in court. Again, as a former

□ advocate myself, I know there can always be a risk in having someone without legal training speak directly to a judge. But there are ways around this, as a judge, I've learned you can ask the attorney's permission to ask their client a question directly, or you can recognize when a parent clearly has something that they want to contribute and find a way to give them that time, or tell their attorney to ask them and see what it is they want to share. There are also other myriad of ways to just generally show respect to and connect with litigants in our courtrooms and in my view, that's something that's always worth taking the time for, no matter how time pressed we are in family court, which unfortunately we are.

□ So I want to move more specifically to the topic that we were given and talking about reasonable and effective efforts. And I think the statistics that Christine quoted actually really reinforced my part of the presentation, which is that I want to focus on emergency hearings because as she said, the longer children remain in care, the more likely they are to stay there for years and years. And that is certainly not the goal of our system. So in my view, the emergency hearings under the statute and for the non-lawyers, you know, they're referred to as 1027 and 1028 hearings. But they're an unusual tool in the Family Court Act because it's the one part of the case that actually has a time constraint attached to it. They unlike, and I know this is to the dismay of advocates and to some of us in the court as well, there's no speedy trial right when it comes to child welfare cases. However, there is a right to an immediate hearing if ACS is seeking or the child welfare administration is seeking the removal of a child at the outset of the case, and that hearing is actually entitled to a parent if they're objecting, within either one day or three days of when the removal occurs, or when they're request is made. So in my view, these hearings are an opportunity to change what I like to refer to as the law of gravity of family court. And this is something that in my years training juvenile defenders at legal aid, I would talk about in the delinquency system. And the context that if you were able to keep your client out at that first appearance, the arraignment or initial appearance, they were more likely to stay out in the community and home while that juvenile delinquency case progressed and obtain a community disposition at the end. Whereas if that young person was remanded to detention at the beginning of the case, it became that much harder to change the law of gravity and get them back out to the community. And so in the same way when I became a judge, I began noticing that when children were removed from their parents early on in an Article 10 case, the child welfare system also tended to stall a bit and slow down and it became harder and harder to reverse course. And I think that's what the statistics tell us. Even something as critical, in my view, as setting up the very first visit that a child should have when they've been removed from a parent is something that can take an inordinate amount of time as the placement gets settled. Children move from, in New York City, the Children's Center to a relative or to stranger foster care, ACS oversight transitions to a foster care agency, caseworkers change, and just getting that first communication between a parent and a caseworker to have a visit is something that often takes much, much longer than it should. We all know about the trauma children face when they're removed, and the vast majority of children in the system, both in my experience as having represented them as advocates and now as judges, want to want to remain or be reunified with their parents. And so having that immediate contact upon removal is critical to reducing the trauma. It's a way for the child to know that their parent is still out there, and for the parent to know where their child is and that they're safe. So judges can certainly try to do what we can to ensure that these gaps don't occur, but often it can fall through the cracks with all of the work that's done around the removal itself.

□ So this is another opportunity that's presented by the emergency hearing because it gives us a chance to maximize the information that we have early on in the case. Really come to understand what are the facts underlying the allegations. What are the actual imminent safety risks because only imminent safety risks are ones that should justify a removal at that point. And assess what's needed to put in to be put in place into the home to support the family or the children, so either they can safely remain while the case is progressing, or quickly be returned back while we go forward. So in my view, this often means trying to slow down the hearing, because of course we are at the beginning of the case. Attorneys have just been appointed to their clients. They're just getting to know them and to develop trust between themselves and the parent, which they need to get the information to advocate for them effectively. They have to obtain that information, which sometimes means obtaining records and finding out more about why ACS made the initial removal to begin with. So by slowing down the hearing, I'm able to take advantage of what is really the scarcest resource in the family Court, and that is time. Because since these hearings are given priority under not only the statute but the court rules, it means that attorneys need to appear on these hearings over other hearings and appearances on their other cases, and it also means the judge has to prioritize them among our calendar. So my approach is not about getting the hearing done as quickly as possible because you know, again, there's a certain amount of pressure to do that given the time frame and the statute. But I think if we do that, we lose our most valuable opportunity to try to make that return happen or prevent the removal from occurring in a way that's going to have the most long term success during the case. And so, factors that you know I will put into play at that point. First of all, do have a lot to do with visits and establishing that contact early on. Establishing a window for myself and to how the interactions are between the parents and the children so that I get a report on how those visits are happening and how the children are reacting. And that's obviously very relevant to the decision. It's also about getting services into place, and I think we've all experienced after the pandemic, you know, really, tragically, how hard it is to get the kinds of services that our families need, especially when it comes to mental health treatment, and the waiting lists are long and the openings are scarce. So by trying to take a little bit of time to get things in place, that may be what's needed for children to be able to go back home. The other advantage that I've seen in slowing hearings down a bit is that we can often then work together and work collaboratively. The parents, the attorneys for the children, and the child welfare agency in figuring out what the solution is to avoid the removal and it, in my view, often can result in an agreement and that the hearing is settled. And that's not only positive for me as a judge, because of course it can save court time and also results in a reunification. But it's also really positive for the family in the long term, because what I've noticed is what happens when we go forward with these hearings, they're unnecessarily adversarial. That's what our system is. But once we start a hearing, it can be very hard. Even if I order a return at the end, for the parents to be open and comfortable and trusting enough to work with the same agency that advocated so strenuously to remove the children from their home. It exacerbates what is already a very fraught relationship that, you know, I'm keenly aware of how difficult the job is of the child welfare caseworkers. Because on the one hand, they are assessing the safety of children in a home and making a recommendation to their supervisors about removal, and on the other hand, they're charged with working with those parents in partnership to provide them what they need to keep their children with them.

□

□ And you know, that's almost an impossible balance to begin with. But when you add in an adversarial hearing, where the agency is pushing for removal even after that hearing and after children going home, there's a long-term impact of that, that experience on the parents. And it can often have an impact on the long term success of that removal, because of course, parents have to be willing to allow a certain amount of oversight once the hearings over for the children to remain in the home and stay in the home. So I know that in the city, the child welfare agencies tried to address this by sometimes having different workers take over for the different stages of the case in which I think definitely helps, but that also leads to gaps and people having to reestablish relationships, which can be very difficult. So again, by taking the time earlier on in the case to really play out the issues and the hearing and see what can be done up front, we have a greater chance that we can all get on the same page and end up with a settlement that again will also lead to a likelihood of success down the road in the case. The other advantage I found is even though again, you know early on, it's a considerable amount of court time and expenditure on that case, in the end I've found that it often works out because it will lead to a resolution of the fact-finding hearing because of either the extended hearing we've had and there's evidence that can be used by the child welfare agency to either result in a settlement or a summary judgment motion at the fact-finding hearing. So from a standpoint of, you know, core deficiency which you know, I know as judges we have to be concerned about, how long cases take, I don't think that, you know, quote unquote delaying or slowing down these emergency hearings ultimately has a cost in terms of the life of the case. So I know that we were scheduled to end right around now. So I want to take a break at this point and see if there's anything that Christine wants to share about what I've said from an advocate perspective or any questions people have.

Christine Kiesel (Guest) 1:31:44

CK

Only about I think you address the advocacy piece in the beginning and you did a great job with that. I just want to underscore actually the, your practice, and from a lawyer's perspective, just to remind, if you take anything away from this presentation, it's think about that that hearing is the most important hearing. The removal hearing, right. You're going to get so much information at the time of the removal, and yes, if you don't, if you wave it, you still have the 1028 in place for later on. But really think about that critical moment in time for the family that's before you and how, if at all, can this family remain safely at home no matter what role you're in. Whether you're a lawyer for any, the parent, the child, the agency, the child welfare professionals, the judge, everybody should be thinking in that in that kind of spirit.

Trista Borra 1:32:47

TB

Great. Well, thank you both for your presentation. That was very informative. Before we take a break, we are scheduled for a break, it's time for our second CLE code. So attorneys get your pens and pencils ready. Here comes the code. It is 5, G as in goal, 1, H as in happy. Again, it's 5, G as in goal, the number one, and the letter H, as in happy. And now we're going to take a 5-minute break. No need to sign out or log out. We'll start the last part of the program at 1:41. We'll see you all back in 5 minutes. Thank you.

Trista Borra 1:38:37

TB

Sure. Before we get started with the with the last session, I do see a request to have the



code repeated, which I will do right now. It is the last code that was given, was 5, G as in goal, 1, H as in happy. Again, it's 5, G as in goal, the number one, H as in happy.

TB

Ah, welcome, Jill. Do we have everyone here and ready to go?  
[Jill nods]

Wright, Thalia (DFA) 1:39:20

TB

Hi Trista, it looks like my camera is disabled. I tried to use the presenter link but it put me into the participants, so I don't know if it was as I joined a little late. This is Thalia Wright, Hi guys.

Trista Borra 1:39:33

TB

Oh, hi Thalia.

Wright, Thalia (DFA) 1:39:35

WT

How are you?

Trista Borra 1:39:36

TB

Good. How are you? Sue, if you heard that, can you please make Thalia a presenter so she can put camera on on. All right, well while Sue is working on that I'll just introduce the program really quickly. So the next session is on best practices for successful reunification with Coral as well as Jill, who are going to be moderating this panel. Again, in the interest of time I'm not going to go through everyone's bio. It's all in your materials. Definitely worth a read. Please take a moment to do that when you have a chance, but our next set of panelists are a group of practitioners from Monroe County. We have Thalia Wright from the local Department of Social Services, Amanda Oren, former family Court Judge Joan Kohout, as well as Steve Weisbeck from Legal Aid Society in Rochester. So without further ado, I'm going to turn it over to Coral and Jill for the next panel segment. Thank you.

Corral Mrozik20 1:40:46

CM

All right. So I'm just going to hop right into asking a question, I believe this is my role. So the question is for Judge Joan Kohout and we want to say reasonable efforts determinations, determinants are a critical burden on the department to ensure successful reunifications. Yet recent studies nationally and in New York State found that judges rarely, if ever, make no reasonable efforts findings. This leads to a concern that judges may just be a rubber stamp. Can you discuss how judges can enforce making effective efforts for families?

Joan Kohout (Guest) 1:41:24

JK

First of all, I just want to say that I think this panel is going to overlap a little bit on to the panel that just occurred and I'm going to be talking about specifically when children have left their family home, they've been removed, rather than the initial removal hearing and preventive services, all of which are crucially important.

Yes, of course. Reasonable efforts do influence successful reunification, and the judge has a role in helping that move forward. One of the things that I think the judge really can do is to assist the parties in putting together that dispositional plan, or what I like to describe it as a road map, because dispositional plan really doesn't have a great meaning I think for most

□ parents, and for a lot of the caseworkers too. But to explain to everyone what their role is going to be in working to get this family together and to assess when it will be reasonable to have the children return home. When will the risks be of such a nature - because they're always going to be risk - that they'll be minimal, so that the children can be returned home. And what will we need to do? I loved what one of the young people said that she felt empowered when her worker cared about her, and I think one of the essential things here is when the participants, and I'll talk about the parents for a moment, feel that the caseworker is actually on their side and trying to help them succeed, that we have a much better relationship, a much better safety plan, a much better service plan, and we have everybody working on the same page. The judge really can help I think all the parties get on that same page by putting together this good plan. It's important also, of course, to have the best services, and this is money. It's very difficult for the counties to put aside the kind of money that is necessary to have the best resources because we don't need just mental health services for children and parents. We need high quality services. Services that are going to be meaningful. I've always felt, for instance, that taking a perhaps 12- or 13-year-old young boy and saying you're going to go see a mental health counselor in that counselor's office is not going to be a possible successful outcome; that you got to look for some other way of getting that young man to really have a relationship with somebody they can talk to that they trust. Going to a caseworker's office and therapist office is probably not going to be successful in-home services. On the other hand, that look at the whole family dynamic might be far more helpful. So what does the judge do if the agency doesn't comply with our road map or dispositional plan? Well, frankly, the judge really doesn't have a lot of good options. If the agency really digs its hands in and does not do what it's supposed to be doing, particularly at the agencies, comes in and says, well, those services are not available, well then contempt is not going to be an option because impossibility is going to be a defense to contempt. Additionally, having a no reasonable efforts finding may really be inappropriate under those circumstances, so the judge has to use his or her persuasive abilities to try to get that agency caseworker, and supervisors all the way up the line, and attorneys to really try to advocate to get things done in a positive way. That's much more successful than trying to use enforcement, and I'm going to stop here because we have a lot of wonderful presenters and I want to make sure that they have an opportunity to have their say about this important issue. Thank you.

□ Corral Mrozik20 1:45:38

CM

OK. So our next question is for Commissioner Wright. Maintaining familial bonds and using trauma informed care and practice is important as we heard on June 1<sup>st</sup>. When removal is necessary, how should the child welfare system create a safety net for children to avoid further traumatization? How can foster parents be utilized as a resource as resource parents for the whole family unit? And what more can be done to connect children to their communities and culture and extended families?

Wright, Thalia (DFA) 1:46:07

WT

Hi, good afternoon. Thank you so much. Yeah, what a great question. So again I, you know, with a lot of probably about 20 years in child welfare experience, started off as a caseworker, regional office work and now as a Commissioner, you know, this is pretty dear to my heart. And I think first, you know, we need to kind of recognize that the trauma is

really there, right? That that's something as a system kind of preaching to the choir, as we tend to think about with when we work with families around what's not wrong with the families and the children, but kind of what happened to them. And in addition to the traumas that led them to be in child welfare system after entering care, the desire and complications of maintaining connections, and now even more of a burden for families to bear. So there are many hindrances that we know to these connections being maintained and most importantly, as I like to think, to be repaired and healed. So I think one of the solutions as a system we can help when children do come into care our foster parents and our caseworkers and our teams at the local social services, on how do we facilitate those healthy and meaningful relationships between the foster child and the children and their biological family members, which at times as systems I feel like that's a taboo.

Understanding that the goal is always safety, we know that and stability of the child, but I do know that there are case circumstances when there may be restrictions, but who in the child's family can remain, maintain those connections. Who does the family identify with? Or do we consistently request a list of family members who we can maintain contact with the children? I know in our system we do as a promote that importance of those connections, usually depending on the child's age and their family history, we can be creative and our teaching our children how to engage in contact with their family in different organic ways. I think we have an opportunity where we can create joint visitation as you know, Judge Kohout said, a more organic right to the specific families. Maybe not in the caseworker building or the social services building, even though we know we have the rights and responsibilities to monitor those visits. But, do we have opportunities to promote activities that help the foster child or children spend quality time connecting to biological relatives? I think we have to be creative. I think we also need to really look at the sense of normalcy and give the children a chance to bond, although it's imperative for their overall health to maintain those relationships, understanding nothing trumps safety. I think we also have to keep in mind that the trauma that took place and led this family into child welfare services will never go away. But I think with the proper care and treatment, we can allow families to heal. I think the permanency goals also play an important role and how the connection between the children and the biological family is maintained. Foster care is not here to erase family. Children have memories of their family members and an inherent desire to know who and where they came from, no matter how old or they are or how long they remain physically apart from their biological family they never forget where they came from. So if they're biological, parents are not available for building those relationships, can they stay connected to siblings, to grandparents, to aunts, to godparents, to cousins, whoever they may have or identify right? It's no secret that studies show that our children in foster care and adoptive children have more success in life, despite their history of trauma, when they are allowed and encouraged to maintain connections with their biological families. So maybe if they can talk to their family, visit with them, have space to heal from negative situations that haunt them, can address the trauma in a different way. While there may be many barriers right to maintaining those healthy relationships with biological parents. I think the positive effects are worth the effort, right? We have to be courageous and insisting our systems, our workers, our foster parents, and ushering and assisting in building those trust. We all know, right, like at a placement, the child and the foster parent have not experienced enough time together to build a solid foundation of trust, especially considering they probably already have trust issues due to trauma. So I think our system and our foster parents can play an intricate role in that healing process.

I know that this work, it's always work right, hard, and necessary work, but there are so many benefits for foster children to maintain relationships with their family. More than anything, I feel like it's a basic human right and being in foster care was not in their plans. No child woke up that morning and said I'm going to be separated from my family and be removed from all my cultural and community base and all the supports that come, that we all, I must say, may take advantage of. So as a system we need to make sure our foster care children retain their rights to a meaningful and healthy family relationships and connections. Again, that love, that healing, and benefits are worth the wait.

The other things I would like to say, and I would be remiss only because I lead a county that we have a disproportionate minority representation issue in our county and for the space and the skin that I live in as the first immigrant child right here, I just want to elevate why kinship care, for families of color and Native American families is critical to preserve and restore those family bonds. So the child welfare system, we have a unique opportunity to enhance the kinship care model and to maintain the culture and preservation of families of color. So kudos to our state partners who I've known over the last decade plus have been elevating this and pushing right, kinship navigators, firewalls, blind removal strategies, but kinship must, it has to be sought more frequently and be at the top priority, specifically for disenfranchised communities and families of color in the child welfare system, who have historically been ripped apart and devalued through American history. The child welfare system must prioritize our kinship care model to ensure that care of children promote equity amongst families. We have to sustain those familial relationships and we have to protect them, so we can preserve those culture and history without children in their community. Racial equity is promoted by ensuring families have the support necessary to continue these bonds. It upholds the preservation of culture and allows family to continue their spiritual, their cultural, their functioning, traditions, but also maintaining and building our own communities and strengthening and repairing those family bonds that have otherwise been broken by our systems involvement. So in its most basic form kinship care can allow families to continue for care, love, and support of children, their children. I think zealously pursuing kinship care and policy and practice is a key strategy for promoting racial equity and family reunification in our system. But to do this, right, we must value children of color, families of color, Native American, disenfranchised populations, and identify kin or other fictive kin, for children and youth, and continue this throughout the youth's time in care. Children must be actively involved in the process as well as their families, and there's so many tools that are out there that we can utilize, such as minding a youth's case file, positive family engagement, family-finding technology, to just kind of identify and promote that with our families. Given those emotional supports and resources, we also must help individuals be in a position to care for children, even if that means providing all of the other resources and supports that we heard of earlier and to promote equity and care for children these practices we really have to look at what our laws and policies and what they are. Some, right, with the unintended consequences where we are with the system, they were never built in that way, that was not intended for MEPA, for ASFA. But do we have an opportunity now, to kind of as the system pull the layers back to hear from the youth that we have with their lived experience, through families, through systems, so all youth can experience that benefit of remaining with families, creating those bonds, those relationships. I can tell you, right, we all know even now youth that are adopted, they all want to go back to their biological families, no matter how much abuse or maltreatment has

□ been there, I have kids that are in foster care right now and they AWOL from placement just to go back into their own communities, right, move back to their own families. Maybe there's a space for us to do something a little differently there. So thank you for allowing me to share.

Jill Baszczyński 1:55:30

JB

Thank you, Commissioner Wright. With my colleague Coral's permission. I'm going to go ahead and ask the next couple of questions. Full disclosure to our panel, full disclosure to the audience, we have designed questions that are specific to panelists, but if folks on this panel want to respond to any of the questions that have been asked, I'm going to try and carve out some space before the time ends. So my next question is to Steve Weisbeck. Steve, this question is specific to thinking about, you know how attorneys for children, AFC's, how they can incorporate the voices of people with lived experience, particularly your clients and youth. So the question is, can you think of a time when a youth's voice was incorporated and prioritized to ensure meaningful reunification? Can you talk about what that looked like?

SW

Stephen Weisbeck 1:56:16

Yes. Thank you, Jill. And just quickly, I want to thank Coral, Nadira, Larry, Joshua, Deonna. We heard the children's voices. These are young adults now, but we heard those children's voices and I know I speak for everyone. I mean, you're just glued when you hear from them, not to take anything away from our presenters, but those voices are so, so powerful. So I like the question and I like the two words specifically in that question. How do we incorporate and how do we prioritize. The incorporation, and just quickly on my AFC, I've been an AFC since 1995...shout out to Judge Dean. She was one of my trainers and supervisors, and I'm the director of the AFC program now. So how do we incorporate the child's voice? Luckily, as attorneys, we have a statute. It's been in place since 2016. It's Family Court Act, section 1090-A that specifically lists, this is just for permanency hearings, but specifically lists how the child's voice is going to be incorporated. It breaks it down by age, at what age is a child may and then shall participate. So under the age of 10, there's no language. It doesn't say a child cannot come into court, but there's not much language about that. But over the age of 10, there's a specific right to participate in a permanency hearing. That right can only be waived after consultation with an attorney, and the court can only limit a child's desire to participate if it finds that it would cause some emotional detriment to the child. And if it makes that finding, it shall, all right, that word shall is lawyers, that's a very powerful word. The court shall, if it finds that the participation in the hearing would cause emotional harm or some detriment, it shall make alternative methods available. Once the child turns the age of 14, we have that shall word again, which says the child shall be permitted to participate if he or she wishes. A couple other things, just to highlight from the statute, it makes it very clear that the court can't mandate the child come into court if the child's wish, after speaking with an attorney, is then don't wish to participate, that nobody can threaten, nobody's going to drag their child, but nobody's going to make the child come in to participate if they don't want to. But another highlight of that language is that the child has the choice about which way they'd like to participate in the hearing, and with all of us now after COVID becoming more comfortable in a virtual world, our young, our clients over the age, it keeps decreasing, right? I was going to say 12,

let's say 8. Our clients are very comfortable operating in a virtual world and sometimes they're much more comfortable operating in a virtual environment, than walking into court.

- All right, so I we need to be open and allow those opportunities if a child wants to contribute virtually. Set up some sort of platform for them to appear. Children don't, teenagers maybe don't pick up the phone and talk to each other. That's not their method of communication. And then we ask them to come into court with very well-meaning judges, very well-meaning court deputies, but it's an intimidating, very well-meaning attorneys, but it's an intimidating, it's an intimidating environment, no matter how you face it. So in terms of incorporation, we have this great statute. We're seeing some real good movement into allowing it, but I think we can be more creative. I think we as adults or I'll just say me specifically at my age, have to be open. You know, I like people being in person. I like seeing people in person. Well, my client might not be comfortable with that. So we all have to be comfortable with that. Where I've seen it be extremely effective is when the judge sometimes maybe takes off their robe. OK, the robe is a symbol. I see it as a symbol of, you know, respect, but it could be seen as a symbol of authority that could rub somebody the wrong way. Maybe because that's what they've seen on television, right? That's where they're hearing about judges. I've seen judges take off their robe, come down to the bench, sit at the table, speak to the child, have a conversation, have the stenographer be right there and allow for that child's participation in a way that's much different than asking the child perhaps to walk up to a podium, stand up in front of a group, speak to a judge in an environment that they're just not comfortable. So incorporating the child's voice, I would just highlight Family Court Act section 1090-a.

And I just want to speak a little bit all about prioritizing. How do we prioritize the child's voice? I think all of us as practitioners, again, I've been doing this for 28 years. We all tend and it's wrong, we all tend to look at cases and judge them by what we've seen before. OK, I've been doing this for X amount of years, I've seen this type of case. That's very dangerous. It's the same thing as when we talk about our implicit biases. Alright, this happened in this case, and I've seen this 48 times before, so I think this is what's going to happen in this case. The child's voice is so important because the child it's not the 48th case. This is the child's life, and every case is different. Every situation is different. So hearing from the child whether it's a permanency hearing, or I'd even suggest other stages of the proceeding. I don't know why 1090-a was just specifically detailed only to permanency hearings, because the child's participation, I think, can go beyond that. Maybe not in every proceeding, but where we've had a recent example thanks to technology 1028 or excuse me, 1027 hearing, new petition comes in with a teenager, one of our attorneys picked up the phone and texted that that child extremely quickly. She wanted to come into court. Sent her an Uber. Within 15 minutes she was down in court. She was participating in her 1027 hearing. Fifteen years ago you would never see that. You never think about that. But I think we're becoming more open to allowing the child's voice to participate in other proceedings other than the permanency hearing. And finally, I would just make a suggestion that if we're looking for ways to improve, I think we should realize all members of the system, whether it's judges, court personnel, deputies, attorneys, some of us do it better than others. And there's nothing wrong with having some expert who really does this work well, who really does, you know, an attorney who really seems to connect with a child of these ages, or a judge who, you know what this judge is really doing a fantastic job with that. Let's prioritize. Let's specialize those attorneys, judges. I've seen deputies, some that deputies do such a

- wonderful job when the children are in court. I'm not saying some are mistreating the children, but some of them just make that connection. Alright, let's have those experts be there. Let's have those people be the ones we are maybe specializing. So that's how I believe the child's voice can be incorporated. I believe it can, we're doing a better job, but I'll just speak for myself, we need to do more to prioritize. Prioritize the child's voice, because after 28 years of doing this, the child knows much better than I do.
- What should happen in a case? They're not always right. None of us are. None of us have a crystal ball, but the child's voice is the most powerful voice, along with the parents, of course. But in the courtroom it needs to be present, and if it's present in a way that the child feels comfortable, it really sends a strong message that needs to be received.

Jill Baszczyński 2:05:03

JB

Thank you so much, Steve. And to put a plug out there, bouncing off what you had said with permanency hearings and having youth be involved, all of you that were on this call have worked in developing the Youth In Court Orientation program. Commissioner, Wright, I hope it's OK, I call you out, but you and I were at the table with OCFS at the Youth Speak Out where we heard youth say "I don't know what a permanency hearing is... I don't know what this process is..." so Monroe County was really engaged in one of their strategies to have an orientation program for which as a reminder, we had 25 youth attend to really learn about the process so... Amanda Oren....

Stephen Weisbeck 2:05:41

SW

Jill?

Jill Baszczyński 2:05:42

JB

Yeah...

Stephen Weisbeck 2:05:43

SW

Can I just, real quick 20 seconds?

Jill Baszczyński 2:05:42

JB

Yeah, please do that.

Stephen Weisbeck 2:05:43

SW

- Real quick 20 seconds, cause I promised Amanda. The one thing I forgot and it really wasn't until I was doing some preparation for this that I was thinking more about this. We have expert witnesses called into court. Why not an expert with one of the great young adults we just heard from. Somebody who is an expert. Those are expert witnesses. If a child doesn't feel comfortable coming into court, maybe reaching out to what I would consider an expert witness, a young adult who's been through the system to come into court. So that's just another thought I was thinking of in terms of prioritizing and incorporating the youth voice.
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Jill Baszczyński 2:06:22

JB

Thank you, Steve. All right, Amanda Oren. So Amanda, your question is specifically to what Monroe County is engaged in right now with prepetition legal representation. So Amanda being involved in that work, have you noticed any of your efforts lead to successful family preservation and or reunification? And maybe you can talk about the differences you're seeing.

Amanda Oren 2:06:43

AO

OK. Thanks. Just support by way of background. I'm Amanda Oren and I am the supervising attorney at the Monroe County Law Department, that's Rochester for all of you not local, and we represent Child Protective Services here, and Thalia Wright is our Commissioner of our local Department of Human Services. And just for a little bit of background because I'm not sure if everyone has it. The state issued a grant for a model of public defense representation family defense unit, where they would have social workers and family advocates and paralegals and people dedicated to families working with families holistically who are experiencing the child welfare system. And part of that grant that the public defender's office applied for involved them being able to handle cases pre-petition, so when the when there was just a CPS investigation and before the public defender's office applied for it at this last, when it was issued this last a couple years ago, they reached out to the Commissioner, they reached out to the County Law Department and said, 'would you guys be on board with partnering with us to do this, to see if we can prevent families from even coming into the court, to the legal system'. And I have to say, shout out to my Commissioner, who is really quite progressive and this would not have happened without her, she said, 'absolutely, every resource that could be available to these families up front, I want them to have'. So we, so not only do families now when they come in and if they get assigned the Public Defender's Office, if they have a case in court in Article 10, like an abuse, neglect petition that we ended up bringing, they would get a social worker there. There are certain cases pre-petition where the Public Defender's Office may be assigned, and the way we kind of partnered with the Public Defender's office and just thinking what would be most effective? I mean they can take community referrals, they can do things like that. But really, the cases you want are the cases where the agency, right CPS, is looking at those on investigation going 'Ohh this could be a filing if only you know, we could get services in', you know, because sometimes the parent can't hear it from Child Protective or whatever. If we could get that family engaged early on, then maybe we don't even have to file at all. So we worked out a system where we refer a certain, we refer cases over basically to the Public Defender's Office and in Monroe County, you have a Public Defender, we have a Conflict Defender, and then we also have Assigned Council. And so we're sending those over just to, excuse me, as far as timelines, we started officially in November, but it's, it was a little slow kind of getting us all up to speed and trying to work out the kinks, so we really probably started officially in January and I think overall it's going well. Umm, we did a lot of work to get it going. We had to meet with the Public Defenders Office and the Conflict Defender's Office and talk about like, what the referral process would look like, we had to establish a communication protocol of what? Who? How their caseworkers or their social workers would communicate with the CPS caseworkers and what did that look like and releases, and just all of those things that we had to hash out of like what would this look like. Umm, so we did all of that and it started and I think for the most part it's been good. The cases where the Public Defender's Office can take the case and get assigned and start working with the family, those seem to have been good. They, for the most part, those have not come back



into us, at least right now. I would still say all of this, I am, I will say there's the caveat of we haven't been doing it that long for me to know what the long term implication is going to be, I anticipate it will be positive, but you know, we want to track this over time. We are keeping data to try to look at this to try to see if, if the family gets in, if they can intervene early with the family, are we not seeing them again? Well, and are they staying out of the system more long term because as you know, oftentimes even with CPS gets involved, even if they can get the family to engage in Preventive Services oftentimes the family is back in within a few months. Either they this either they stopped working with preventive or something just doesn't go well, or where they're in within a year. We often see multiple reports. So the hope is that maybe if we can get services in early that the families will take then they will be out, maybe not come back in at all.

□ What we do just to let you know what we do is we do meet every month, the Public Defender's Office, myself. I have two administrators from Child Protective Services who I have a management administrator and an investigation administrator caseworker, and they meet with me and they meet with the Public Defender's Office and the Conflict Defender's Office, and every month we brainstorm on how's it going and we talk about issues. We've you know, we've had our bumps. So I don't want to say everything is perfect because it's not. We have a long history here of the defense. We have a strong defense counsel. We have a strong CPS, that you know that it hasn't always been the most lovely relationship, but people are trying I think they're hardest to work through it and I think it's going well. I mean, some of the bumps are just kind of strategizing, I think, people's roles, you know, like oh well, the attorney should be getting that information and you should just you guys work on services or things like that. I think it helps that I have a good relationship with the head of the Family Defense Unit at the Public Defender's Office, so we don't wait for the, we talk about all these things at the monthly meeting, but we don't wait, and I have a good relationship with the Conflict Defender person, so we text all the time and call if there's a problem we talk. One of the other little bumps we ran into it, I'm just putting this out there for people so they know if in case they do this and I'm happy to talk to any agencies or anyone who has questions, if they're going to do it in their county, but if we offer the service, we might want to make a referral to the family and they don't want to take the service, for us, that's a reasonable effort, right? If we end up having to file and we were putting that in the petition and that was a problem, umm, for the Public Defender's Office in the Conflict Defender's Office and they raised it and we talked through it and I think I worked out a good compromise. We still put it in, but I don't name the agency specifically, so it doesn't interfere with their relationship with their client as they move forward in litigation. I think recognizing our differences has been one of it's not really a bump, but it's one of those things we've been working through, which is, you know, Child Protective Services has to move at a much faster timeline and they have regulatory timelines that that defense lawyers do not have. And so they'll call me and say, 'I made the referral, they said they're working on it, where are we?' You know, because we obviously, have to assess safety of children and all of that, my client has to assess that safety and so that sometimes is a little bit of a rub, but for the most part we've been able to work it out. I think the positive things have been really like I said, for the families that have engaged with the caseworkers, I think that for the most part that they are not coming back in right now. The other thing too is honestly having someone to call if things go south. You know, in an ideal world, there's an investigation, we see there's a risk, we see there's an issue, we can make the referral, if the

□ family wants the referral to the Public Defender's Office, they get engaged and everything goes well. But sometimes it doesn't go well or something else happens, and having someone to call to say, 'Oh my goodness, this is going south, can you reach out to your client? Can you, ...we've avoided an access order by talking to being able to talk to an attorney who was able to get to the person. We also had one recently where we ended up it ended up being ultimately a removal, but we were able to talk through and get some consent, get consent, so it didn't have to be so emergent and we could start, we could work for look for other resources. We were trying to figure out if there was an adult sibling, different things like that. So there are some positive things right to being able to reach out to a lawyer on the other side, at least from my perspective and say, hey, this is what's going down. And can you, can we navigate this? So overall, I think it's going well. I'm sure there will still be bumps in the road as we work through this, but... and I'm hoping the long term data will show that these families aren't hopefully coming back into the system. Because you know, the reality is, as we all know, it's an overtaxed system. We don't want more people in it. It's harmful for families to, you know, like if we have to remove a child, we all know that's trauma. And so if we can avoid that and get people engaged early on, you know, Monroe County is actually lucky, I think, compared to a lot of counties. We have a lot of good services, but people have to be willing to engage in that, and sometimes that voice can't be, that voice can't come from Child Protective, it has to come from someone else to tell someone, 'Please, please do this. It will be helpful for you and your children in the long run and will stabilize your family'.

Jill Baszczyński 2:16:16

JB

Thank you, Amanda. I appreciate that. And I appreciate you sharing kind of the lessons learned for what the perpetuation process has looked like for Monroe County. I heard you say that it wasn't just jumping right into implementation, it was having some really kind of honest conversations with some of our partners around what communication looks like, what referrals look like. It's 2:19 and we have some time left and so those that were on this workgroup prepared for this. So we're going to do like a lightning round question, 2 minutes each. I'm going to go around asked that everyone answer, so Judge Kohout if it's OK, I'll start with you. And my question being, when thinking about sometimes if reunification cannot happen for a child, right, and if another permanency plan needs to be made, what strategies across disciplines could ensure, could it be, occur so that children's connections are being preserved?

Joan Kohout (Guest) 2:17:09

JK

Well, I'm going to try to answer that, but I'm going to I also want to give some insight as to how advocates can use the court appearances. We talked about permanency hearings, but if the advocates are having concerns that the road map or dispositional plan is not appropriate, it's not being complied with, we're not getting the family access time that we want, siblings are not seeing each other, then asking for an intermediate date for review before that permanency hearing or after the permanency hearing, can be extremely helpful. Sometimes that can be done in court or it can be done by a request to the court in an informal way. Usually judges will be willing to schedule things. If you have an extremely busy court it makes it difficult to do this. However, in my experience, you can use those reviews in a very positive way. That's when you can discuss the fact that the services aren't available, they're not appropriate, perhaps the parent doesn't engage with this service for some particular reason, and then you can talk about what the next steps could be. Of

course, the next steps may be that you have to revisit the permanency hearing and look for some other options. First of all, as Commissioner Wright says, we look for families. That's always the most positive thing. If we can place that child in a family, where we know that child is going to be loved. Then, when that child acts out their trauma behaviors, then we have a better opportunity to support that family and to avoid replacements which are always going to be traumatic for the child and for everyone.

Jill Baszczyński 2:18:53

JB

Thank you so much, Judge Kohout. Commissioner Wright, same question preserving connect...preserving those connections, what strategies?

Wright, Thalia (DFA) 2:19:01

WT

I mean, you know, Judge Kohout just gave me a great segue. You know, it's about those that up front work. Right. Like when immediacy and that intentionality, I'm sorry, intentionality around when children are first coming into care, and what as a system are we doing, right? The laws have changed over the last several years on what that resource could look like, right? So for that our children that we talked about that and we you know we heard Steve talk about, right, that that family voice that youth-driven voice, right, they're, they should be the navigators of their plan. And if there's those opportunities for them to identify who are those connections in their life, right, they don't have to be the blood relatives, as we know, with fictive kin, right? But who does this youth or this family identify? And we should have to explore every resource with foster care being the last and final alternative. And I know I'm preaching to the choir, and I know sometimes it's easier said than done. Believe me, I've been in the system a long time, but I also think that, you know, we are changing. Child welfare is evolving, and there are a lot of systems and strategies no matter where you look, right, we just heard from what another state is doing, that we can really look into to see how do we strengthen that here in New York State, right? Like what are our gaps to ensuring that? How are we providing for those kinship firewalls and those opportunities to build a different lens into our individual systems? And I must say too, if you allow me, Jill, I think this, right, these conversations, these workshops, like you know, team... this wonderful team and the relationships to come together and brainstorm and think about ways outside of the box that we haven't done traditionally and how do we get our systems a little bit, you know, together differently because it's so easy, the times that we do a lot of this, right, [pointing finger], it's the courts, it's CPS, it's the family. I think you know the new path I know we're taking in Monroe and building these partnerships and solidifying different initiatives a little differently, ensuring everyone has a voice at the table. I think that also is the impetus to the success for our families is the work we do as a system behind the scenes, elevating all of the conversation that we heard through both of the workshops. So thank you.

Jill Baszczyński 2:21:34

JB

Thank you, Commissioner Wright. Steve Weisbeck, same question to you.

Stephen Weisbeck 2:21:38

SW

Am I allowed to say I just echo Commissioner Wright? I thought that was wonderful. Thank you. So focusing on the child's voice, getting that voice in, I think, say, let's talk about...Let me just talk sibling visits. Sometimes those are tough. We have children at

separate places. Sometimes it's being willing to take a risk. You know the neighbor. We're gonna allow the neighbor to have the visits or quote unquote godparent or close family friend. That that's not the way we usually or used to do business. That's a risk. We don't know that person very well. Have we cleared that person? Have we gone through at these 18 steps? Is the risk worth taking? And I think through good advocacy from the parent's side, but also having that child voice come in is going to hammer home that message that yes, yes, it is. You know a child if they're separated from parents and siblings once a week is not sufficient, even if it means taking a risk of having somebody we don't, that doesn't fit in our, our preconceived notion of who should be a supervisor, it's worth it and we're asking our judges to take that risk, right? It's easy for me as an advocate to voice my client's position, and I think having the judges hear are our clients voice about why it's so important for them to see their parents more often, to see their siblings more often than to be in touch with their community and their culture more frequently. We'll allow our fact-finders, our judges to, to be willing to take that risk because it's that important.

Jill Baszczyński 2:23:18

JB

Thank you so much, Steve. Amanda Oren, we leave it, the last for you. You're muted, Amanda.

Amanda Oren 2:23:28

AO

Can I just say Thalia's answer? Really, I think she said it all. I don't think you need to hear from me on it.

Jill Baszczyński 2:23:37

JB

Hi, thank you so much to our panel, Monroe County and I will turn it back over to Trista Borra.

Amanda Oren 2:23:45

AO

Thanks Jill.

Trista Borra 2:23:45

TB

Yeah, thank you so much, Jill, and thank you to all of all of you. This was really wonderful. Before we finish up, we have a couple minutes and I noticed that there was, there were a few questions in the chat directed to our youth with lived experience from earlier in the panel. And I know some of them had to leave, but we do have a few that are still on with us. I think Coral and Deonna, would you be able to just answer quickly? One of the questions was around, how often would it have been helpful for your attorney to be in contact with you?

Corral Mrozik20 2:24:31

CM

I'm just waiting. Deonna, do you want to answer?

Deonna Jones 2:24:34

DJ

You can go first.

Corral Mrozik20 2:24:36

CM

- OK, great. My attorney was in contact with me pretty regularly. I think it probably would have been helpful for her to meet with me at least. She did better once I was into college, but before I went to college, I wasn't even met with monthly. And so I think like even checking in once a month or twice a month would have been helpful.

**TB** Trista Borra 2:25:02  
Great. Thank you. Coral.

**TB** Deonna Jones 2:25:03  
And to piggyback off of what Coral was saying, I agree. The attorneys and caseworkers were more involved once, once I got older, and I think it's necessary for them to contact the youth, the younger children in foster care, as much as they do, when we can actually speak up for ourselves. Because I believe once you get to an age where you can speak up for yourself, you're going to make sure that an attorney is listening and conveying what you want in court. However, when you have children that are often just dropped off at houses or just dropped off at court and sitting through court, that have no voice and don't understand what's going on, I think that's when it's really necessary to make sure it's like a mandated amount of time. And often, once a month.

**TB** Trista Borra 2:25:54  
Great. Thank you both for that. Now we just have a couple minutes left, so unfortunately we don't have time for any more questions. I'm going to wrap up with the last and the third CLE code, so attorneys get your pens and pencils ready one more time. The CLE code is S as in sunshine, the number 2, the number 6 and the letter W as in WOW. Again, it's the letter S as in sunshine, the number 2, the number 6, and the letter W as in wow. That's your third and final CLE code for today. Please remember to fill out your affirmation and evaluation and send it in to [oppcle@nycourts.gov](mailto:oppcle@nycourts.gov) by close of business today. You can expect to receive your CLE certificate via email within 30 days. If you have any questions about that, you can reach out to Tracy Lyons. Her email is in the chat. It's [TLYONS@NY.courts.gov](mailto:TLYONS@NY.courts.gov). And on that note, I just want to say thank you to all of our presenters and panelists and to the Honorable Edwina G. Richardson Mendelson for being with us today. And everyone take care. We're looking forward to doing more of these in the future. Judge, did you want to say anything before we head out?

**H** Hon. Edwina G. Richardson-Mendelson 2:27:21  
Thank everyone. Thank you all.

**TB** Trista Borra 2:27:21  
Yep. Yeah. Thank you. Take care everyone.

□