



AMERICAN HUMANE

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Testimony of

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March 11, 2008

Chairman McDermott and members of the Subcommittee on Income Security and Family Support:

Thank you for the opportunity to submit written testimony on H.R. 5466, The Investment in Kids Instruction, Development and Support (Invest in Kids) Act.

Chairman McDermott, thank you for introducing this vital, comprehensive legislation to implement needed improvements in our child welfare system. Your legislation is the first step in implementing key changes to begin to better serve our nation's most vulnerable population. The Invest in Kids Act not only proposes long needed improvements to the child welfare system, it has also re-introduced child welfare into the national discussion.

While we agree with and support many parts of the legislation, we would like to address Subpart 4 of Title IV, the Family Connection Grants. The Family Connection Grants allow for states to apply for grants to implement Kinship Navigator Programs, Family Finding programs, or Family Group Decision Making processes. We will address the grants for Family Group Decision Making in our written testimony.

American Humane Association, a national membership organization, works to promote the concept of family in child welfare services process, specially, through Family Group Decision Making. (FGDM). We work with states to create links, share resources, and provide training and technical assistance, with the goal of broadening knowledge about this practice. In 1999, we established a National Center on Family Group Decision Making as a vehicle for promoting and supporting work in this area. The mission of the Center is to build community capacity to implement high-quality, effective FGDM processes that are philosophically congruent with the central values and beliefs in this approach.

As you consider this legislation, and any other related reforms of the child welfare system, we encourage you to incorporate specific language on Family Group Decision Making.

Title IV, Subpart 4, Family Connection Grants

Family Group Decision Making: Background

Implemented in at least 30 states, Family Group Decision Making processes give families the opportunity to participate in decisions about the future of their children, in the context of their family group. In the U.S., the implementation of family group decision making practice swelled from six communities in 1996 to more than 300 in 2007. Judicial and administrative leaders, practitioners and community organizers now champion it as “the way to do child welfare.

Family Group Decision Making was first legislated by New Zealand in 1989. New Zealand passed the Children, Young Persons and Their Families Act in recognition of the escalating numbers of children, especially minorities, living in foster care; unacceptable lengths of time in foster care; multiple foster homes; and services offered that were culturally or racially inappropriate.¹

The concept driving New Zealand’s overhaul of their child welfare system was to ensure families played a central role in the child welfare process. The Act “require[d] that a child’s family group be the *partners* with whom social workers engage to achieve appropriate decisions about a child and the first resource in the search for a suitable placement for a child”.² New Zealand law provides the statutory authority for convening its model of FGDM, a Family Group Conference, in all substantiated cases of abuse and neglect. In New Zealand, Family Group Conferences are also used to resolve juvenile justice issues.

Since implementation in New Zealand, Family Group Decision Making has continued to grow. It is now being implemented in over 22 countries, including Australia, Canada, England, Wales, Scotland, Northern Ireland, the Republic of Ireland, Denmark, Sweden, the Netherlands and parts of the United States³. In the United States, child welfare agencies are soliciting families to voluntarily participate, although in a few locations, FGDM meetings are court-ordered.

Importantly, FGDM processes can be implemented as both a preventative measure and for children already in the care of child welfare systems. Either way, they are highly structured and have four phases of implementation. These four phases are:

¹ Lisa Merkel-Holguin, MSW. What is FGDM? Putting Families Back into the Child Protection Partnership: Family Group Decision Making www.americanhumane.org/site/PageServer?pagename=pc_fgdm_what_is
For more on racial and cultural disparity as impetus for FGDM, see Sharon Pakura, The Family Group Conference 14 –Year Journey, Presented at American Humane Association’s FGDM Conference, June 6-9, 2004. http://fp.enter.net/restorativepractices/au05_pakura.pdf

² Mike Doolan, ONZM, MSW, BA. Statutory Social Work and Family Group Conferences: Exploring the Connections. FGDM: Increasing the Knowledge Base, Protecting Children, Vol 21, Number 1, 2006, American Humane

³ Nixon, P., Burford, G., Quinn, A. with J. Edelbaum. (2006). A Survey of International Practices, Policy & Research on Family Group Conferencing and Related Practices.

1. Referral to hold FGDM meeting
2. Preparation and planning for FGDM meeting
3. The Family Group Conference meetings
4. Implementation and Follow Up

Referral to hold FGDM meeting – a social worker investigates and assesses a case will refer the case to an FGDM coordinator (herein Coordinator).

Preparation and Planning - The coordinator has numerous pre-meeting activities for which he or she must have adequate time and flexibility to complete. These can include: ensuring the safety of the child; defining what is meant by family; finding and inviting family members and other participants, including maternal and paternal relatives, neighbors, clergy, coaches and others with a significant relationship in the child or family's life; clearly defining and communicating participants' roles; and coordinating logistics. The coordinator also manages unresolved family issues and decide whether a family member that is also an offender will be included. On average, it takes between 10-20 hours to prepare for a family group conference. The amount of time that it takes, depends on a number of factors, including geography, family connectedness, number of family members, and the ease of finding family.

There is great connection between the “family finding” strategies and family group decision making processes. Numerous US communities are using the family finding technology to rapidly identify and locate family members of children who become known to the child welfare system. The question that remains is that after family are found, then what? How can they be approached to maximize their willingness to engage and participate? Family group decision making, typically delivered through a family group conference, is one effective strategy for increasing their investment and ownership in creating effective plans for children in one's family system.

The Family Group Conference – Conferences are generally conducted through four fluid phases. The first two phases, introduction and information sharing, generally introduce the family to the process and establishes the critical information in the case. The third stage, the family meeting, gives families an opportunity to meet privately, without the Coordinator or non-family members, to discuss the case in private. The fourth stage, the presentation of the families' decision, is when the family presents its plan to the social worker and coordinator for discussion, negotiation, tweaking and approval.

Implementation and Follow Up- The social worker must make concerted efforts to identify and connect the family with community resources. One issue communities face in implementing the plan is ensuring community resources are available to support the family's plan. Plans must also be reviewed and monitored by the case worker. A follow-up FGDM meeting may also be scheduled for case review.

Family Group Decision Making: Definitions

Children and their parents are nested in a broader family group: those people to whom they are connected through kinship and other relationships. Agency decision-making practices that are planned and dominated by professionals and focused narrowly on children and parents can deprive those children and parents of the support and assistance of their family group — and can deprive agencies of key partners in the child welfare process.

As such, American Humane commends Chairman McDermott for creating a grant within his legislation that would fund, among other things, “family group decision-making meetings for children in the child welfare system that engage and empower families to make decisions and develop plans that protect and nurture children from enduring further abuse and neglect”.⁴

H.R. 5466 is the first federal legislation to allow funding for implementation of FGDM processes. As such, we encourage any legislation moving forward not only contains such funding, but also mandates essential markers of the FGDM process.

FGDM processes are carefully managed and crafted to ensure success. Where FGDM has been implemented, it has shown successful outcomes. However, there must be statutory or regulatory definitional guidance to ensure success. In 2007, American Humane published a review of family engagement strategies by studying the first round of Child and Family Service Reviews (CFSRs) and Program Improvement Plans (PIPs). While many of the CFSRs documented positive outcomes, the CFSRs also demonstrated a need for language defining FGDM.

We have identified the following five items as critical to supporting exemplary practice in FGDM:

INDEPENDENT COORDINATOR: An independent coordinator is responsible for convening the family group meeting with agency personnel. Independent coordinators, charged with creating an environment in which transparent, honest and respectful dialogue occurs between agency personnel and family groups is essential to the process. Child protective services is largely seen by families as giving them little input in decision-making, and focusing on “policing” and “looking for evidence” when working with families.⁵ In a discussion of site visits conducted by the Administration for Children and Families, before implementation of a family involvement model, Utah families often tended to view CPS as “something to be feared, due to the agency’s ability to remove children from homes and its perceived low priority on supporting the family’s ability to keep their children safe and healthy.”⁶ Providing an independent coordinator to facilitate the meeting who is charged with signifies an agency’s commitment to empowering and non-oppressive practice.

FAMILY GROUP IS DECISION MAKER: The family group must be seen as child welfare services’ key decision-making partner. As such, time and resources are made available to seek out family members, prepare them for their role in decision making, and

⁴ H.R. 5466, Invest in Kids Act, Rep. Jim McDermott (D-WA). Introduced Feb. 14, 2007

⁵ National Study of Child Protective Services Systems and Reform Efforts: Site Visits Report, Chapter 8. Administration for Children and Families. <http://aspe.hhs.gov/hsp/cps-status03/site-visits/ch8.htm>

⁶ Ibid

convene a family conference. Not only does this signify to the family that their beliefs, opinions and decisions matter, it also can provide an important resource for an out-of-home placement. Relatives and non-family support members feel more involved in a child's life, and as such, may be more willing to take on responsibilities.

FAMILY PRIVATE TIME: Family groups must have the opportunity to meet on their own, without the statutory authorities and other non-family members present, to work through the information they have been given and to formulate their responses and plans. Providing family groups with time to meet on their own enables them to apply their knowledge and expertise in a familiar setting and to do so in ways that are consistent with their ethnic and cultural decision-making practices.

FAMILY PLAN TAKES PRECEDENCE: As long as agency concerns are adequately addressed, preference is given to a family group's plan over any other possible plan. In accepting the family group's lead, an agency signifies its confidence in, and its commitment to, partnering and supporting family groups in caring for and protecting their children, and to building the family groups' capacity to do so.

SUPPORT SERVICES AVAILABLE: Referring agencies support family groups by providing the services and resources necessary to implement the agreed-upon plans. In assisting family groups in implementing their plans, agencies uphold the family groups' responsibility for the care and protection of their children, and contribute by aligning the agency and community resources to support the family groups' efforts.

American Humane encourages the committee to include the above factors in any grant language allowing for the funding of Family Group Decision Making practices. Even in states where caseworkers are mandated to involve families in the decision making process, if protocol is not established, it is rare that families are actually involved in the process.⁷

Family Group Decision Making: Implementation

Family Group Decision Making can fundamentally change child welfare systems – leading to a decrease in the number of children living in foster care, increase in involvement in extended families, increase in the number of children living with relatives, decrease in the number of court proceedings, more expedited permanency for children and young people in foster care and an increase in community involvement in securing the safety and wellbeing of children.

With FGDM, families are more involved in outcomes. FGDM tends to be more successful at including fathers and paternal relatives in decision making, as opposed to traditional practices. Sixty-one percent of fathers given invitations to family group conferences attended the conferences, while only 21% of fathers attended traditional case management meetings.⁸

⁷ Sara Munson and Madelyn Freundlich, Families Gaining their Seat at the Table: Family Engagement Strategies in the First Round of Child and Family Services Reviews and Program Improvement Plans. American Humane, Feb. 2008. Pg. 26

⁸ Northwest Institute for Children and Families, Connected and Cared For: Using Family Group Conferencing for Children in Group Care. Pg. 8 (referencing Crow and Marsh, 1997).

FGDM also supports kinship care and permanency. When families are given the opportunity to be involved in the decision-making process for a child relative, they are often more likely to take on additional responsibilities, whether it is temporary or permanent care, or serving in some other capacity, such as visitation, transportation or respite. In a long term study in Washington State, a majority of families identified permanency as part of the family plan. Consequently, the majority of children remained with or moved to parents or family after the conference.⁹

Additionally, according to Arizona's 2002 Child and Family Services Review, the implementation of FGDM in 4 counties has led to reunification and non-adoptive relative placement. Consequently, there was a drop in relative placements "due to a growing emphasis on placement prevention and early reunification services".¹⁰

Importantly, FGDM programs have also been found to be revenue neutral and have eventual cost savings.¹¹

Conclusion

American Humane applauds Chairman McDermott's visionary effort to include Family Group Decision Making in federal legislation. We are grateful for this opportunity to thank him and the committee as well as comment on recommended additions to the legislation.

FGDM, when implemented correctly, has created a fundamental shift in child welfare services. Families are more involved, children are more likely to be placed with relatives or not removed from the home, and, most importantly, children are safe. For successful implementation of FGDM, certain processes and values must be established and maintained. These strategies will help child protective services respond to families in crisis in a way that results in greater permanency, stability, long-term safety and well-being for children within their families and communities.

Respectfully submitted,

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⁹ Ibid, (referencing Shore, 2001)

¹⁰ Sara Munson and Madelyn Freundlich, Families Gaining their Seat at the Table: Family Engagement Strategies in the First Round of Child and Family Services Reviews and Program Improvement Plans. American Humane, Feb. 2008. Pg. 23

¹¹ Lisa Merkel-Holguin, MSW, Paul Nixon, BA, CQSW and Gale Burford, MSW, PhD. Learning with Families: A Synopsis of FGDM Research and Evaluation in Child Welfare. Protecting Children, American Humane Association.

http://www.americanhumane.org/site/DocServer/FGDM_Research_intro.pdf?docID=1042