

“Take our poverty, not our children”

A Summary of the
Gathering of Grassroots Family Advocacy Organizations

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By Richard Wexler, Executive Director, National Coalition for Child Protection Reform

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The title of this publication is taken from a slogan used by Women in Transition, in Kentucky.

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Introduction

At a gathering of more than 70 people on September 19, 2008, Susan Kelly, senior director for strategic consulting and systems improvement for Casey Family Programs, and a leader of child welfare reform efforts in Michigan for decades, recalled a different kind of meeting a few weeks earlier.

Kelly was meeting with 14 boys at a juvenile detention facility in Detroit. The boys all had to wear prison uniforms, though for most, their “crime” had been running away from a foster care placement.

In Michigan, the bureaucratic term for these children is “dual jacket.” Each had a child welfare case – they’d all been taken from their parents – and, now that they’d run from wherever the state put them, they had a juvenile justice case as well.

“When we went around the group and asked, ‘who is there for you right now?’ You know what the answers were? ‘My father, my mother, my granny, my auntie,’” Kelly said. But these children didn’t know that the State of Michigan had made it much harder for their mothers, fathers, grandparents and other relatives to be there for them. All of these children had had their rights to their families terminated – but no one had bothered to tell them.

“We left that room thinking, ‘What have we done to these children?’” Kelly said.

With that story, and one other, Kelly summed up what is at stake when child welfare systems fail, and what the people gathered at New York University School of Law had come together to change, as part of the first Gathering of Grassroots Family Advocacy Organizations.

Martin Guggenheim, Fiorello

LaGuardia professor of clinical law at NYU, and President of the National Coalition for Child Protection Reform, welcomed the participants.

“We live in a country that leads the world in a couple of categories,” Guggenheim said. “We lead the world, at least among countries with which we are proud to be compared, as the cheapest, least giving nation toward families and children who are unable on their own to purchase the goods and services necessary to raise children safely, [yet] we are a country that lives with an abiding American myth that we are a child-loving culture.

“We make up for the inconsistencies by having a robust child welfare system. We lead the world in another category: We have the largest number of children who live outside their homes due to coercive intervention by the state, and the largest number in the history of the world in which the state sees fit to permanently banish parents and families of origin from children’s lives through termination of parental rights.”

Guggenheim noted that this isn’t new. In the 19th century, when the power to tear apart families was vested in Societies for the Prevention of Cruelty to Children, “they quickly became known to people exposed to their intervention simply as ‘the Cruelty.’”

It’s happened “largely because the system has been permitted to be run from the top down by officials and bureaucrats and caseworkers, who have not only seen fit to break families up but also, in the process, to slander good people struggling to raise the children they love more than anything in the world, but who can’t do it alone.

“In recent years, a major movement has been ongoing and the leaders of that movement are in this room today – and it is to change the entire way in which we consider helping families, from slander and criticism to self-empowerment.”

--Prof. Martin Guggenheim

“In recent years, a major movement has been ongoing and the leaders of that movement are in this room today – and it is to change the entire way in which we consider helping families, from slander and criticism to self-empowerment.

“We have more than a very long way to go, but you get there one step at a time, and you get there by building a community.”

In New York City, the Child Welfare Fund has helped to nurture a network of advocacy that is unparalleled in the nation. CWF’s Executive Director, David Tobis, discussed some of the challenges and accomplishments in New York City in his Keynote address. (His full address is included in this summary as Appendix A):

“Sharwline Nicholson had been assaulted by her former boyfriend. New York City’s Administration for Children’s Services (ACS), in 1999 removed her children because, they said, she was “engaging in domestic violence,” and “failed to protect” her children. Sharwline filed a class action lawsuit against the city and won. Now mothers who are victims of abuse no longer have their children removed solely because *they* are victims. Sharwline continues to fight for the rights of parents as

the Chairperson of the Child Welfare Organizing Project (CWOP).

“In New York, parents who appear in Family Court in child welfare cases had some of the worst legal representation for anyone in any court in the country. ... In 2007, as a result of ten years of relentless pressure, the New York City government began funding three outstanding organizations - Bronx Defenders, the Center for Family Representation, and the Brooklyn Family Defense Project - to represent half of all parents who appear in Family Court in child welfare cases.

“CWOP has been a driving force pressing for parents to have the right to shape child welfare policy and to have a strong voice on their own cases. ... The changes they have helped bring about are impressive.

“Parents trained by CWOP are on the ACS Commissioner’s Parents Advisory Work Group. CWOP also got the City Council to pass legislation that requires the Child Welfare Commissioner to create a parents’ advisory board.

“Parent Advocates trained by CWOP work in child welfare agencies throughout the city.

“CWOP parents are also working with ACS to develop a new evaluation system for all preventive service programs so that the opinions of parents—what they think about the help they received from an agency--will be used by ACS to evaluate the agency’s performance and to determine if it will continue to be funded by ACS.

“Not the least of CWOPs accomplishments is that 70 percent of the parents who have children in care at the start of the CWOP training, get their children back before the training is over. In New York City, the number of children in foster care has decreased from 50,000 in 1992 to under 17,000 today.

“CWOP, working with many other

organizations—the Child Welfare Watch, the Child Welfare Fund, the Casey Foundations, and other advocacy organizations, has changed the attitude of public child welfare leadership, so that the debate is beginning to change, the stigma is slowly diminishing, and people are beginning to recognize that parents have rights and their opinions should help shape the system.”

The first panel also focused on New York.

The New York Experience

Sharonne Salaam, executive director of People United for Children, said her organization initially began by focusing on the juvenile justice system. But they quickly found that “within that prison complex, a majority [of the prisoners] had a foster care association. When we started doing work in [adult] prison proper, many of those men and women had foster care associations, too.”

So PUC expanded into child welfare.

It is not only the children who suffer at the hands of both foster care and criminal justice systems, Salaam said. The same systems, foster care and what Salaam called “the prison industrial complex,” undermine entire impoverished minority communities.

“We’re stuck with a double whammy,” Salaam said. “You have the fathers being sent to jail, the mothers being sent to jail, children being sent to foster care and to jail, so it’s a total destabilizing effect within our communities that puts this issue on the table.”

Salaam talked about the dilemma of balancing acquiring power and funding and remaining true to core principles.

“We are really powerless people down here on the bottom,” Salaam said. “As you climb the ladder and become infused with those on the top, you gain a certain amount of power with that mixture. But you don’t want to lose that grassroots connection

with your base; with the people struggling down below.

“As we get infused with funding, in ways we lose our own identity, we lose what it is that caused us to be a grassroots organization. What we need in our grassroots community, and what PUC has always been about, is about family.

“We have always believed that a child cannot raise itself nor does it live alone. It needs its mother and its father within the family dynamics to survive. Even today, with the lowering of the number of children who are in foster care, if this were in the Jewish community, 17,000 [children in foster care] would be an epidemic, but because it is among our children, the Blacks, the Latinos, the poor whites, it’s just something that is an occasion for the day. That’s why there’s no outrage, that is why there is no call that it is a Holocaust within our communities.”

That means what Salaam called “Band-Aid work” – cutting the number of children in foster care – is not enough. “We also need to look at ways we can sustain ourselves. [We need to look at] the lack of jobs.”

Salaam noted that when she was a child she slept on the same bed with several siblings. “We slept at the foot, we slept at the top, we slept on pallets on the floor. You know, that’s abuse now. It’s amazing how abuse has changed and become something that puts money in the pockets of the real abuser, the child welfare system.”

Echoing Salaam, Folasade Campbell, executive director of the Staten Island-based Concerned Citizens for Family Preservation, talked about a mother who “described to me what it was like to hide [from caseworkers] in her backyard on Staten Island.

“The community knows what is happening,” Campbell said.

Campbell condemned “the paradigm of parent vs. child” that dominates the system, seen in Family Court when parents and

“We shiver when ACS knocks on our doors.”

An excerpt from comments by Sharonne Salaam, executive director, People United for Children:

A child who spends even one hour removed from its parents and placed in foster care will never be the same.

And there is no way to improve or to correct the memories of being removed from its parents. No way to correct within the child or the parent [the knowledge] that when you were children and looked up to your mothers and fathers you knew: They could do it – these were giants! Now the state has shown you they’re less than nothing.

All you need to do is call 911 or 311 or tell your social worker, you don’t like your mommy or daddy, they didn’t let you stay out or they didn’t give you enough allowance, they did x they did z. ... No child can ever be protected without the protection of its family.

Yes, we shiver when ACS knocks on our door; we shiver because we know firsthand what they have done to us, and we know what they want to do to our children. We also know how our children will be when they return, hating us, cursing us, and with the blessing of the child welfare community at large, but with no funds to heal the damage that they have done and to get our families home.

children immediately are assigned separate lawyers. To counter this, “we must develop as *family* advocates, because to feed into the paradigm of parent vs. child diminishes us as not really being about the child. So the child welfare system as we know it remains intact because, after all, they are CPS, they are [supposedly] protecting the children. So parental rights are viewed as secondary. If we’re not *all* about the child, we’re in the wrong business.

“What do children want? They want strong families and to be protected by their families, not the state. They want drug-free and emotionally stable parents. Children do not want to be adopted, or to have their parents replaced by ‘loving foster parents.’”

Campbell said keeping children out of foster care must include keeping them out of kinship care as well; because while placement with a relative is better than placement with a stranger, a formal kinship care placement still leaves the Administration for Children’s Services in charge of what happens to the child.

“In kinship foster care at any time

CPS can knock on the door and say ‘let’s go!’” Campbell said.

Instead, Campbell encourages relatives to immediately seek full legal custody of a child, not just physical custody. Then ACS has to go to court before the agency can move the child anyplace else.

“That’s a tremendous difference,” Campbell said. “In one situation, your children belong to your family. In the other situation your children belong to the state.”

Campbell said one way her organization helps parents get their children back is by analyzing the service plan often imposed on families by ACS and “creating a secondary service plan of our own for families. “We can tell families what to do to get children returned; that’s the easy part,” Campbell said. “What’s difficult is keeping them in their homes.”

Among the key components of a reformed system, Campbell said:

- Drug treatment programs that allow parents to live with their children during treatment.
- Preventive services geared to what

families really need, “not just the mandates of ACS.”

●Mental health services that are “culturally and professionally competent ...

“I recently asked one social worker if he would have his own child treated by the person he assigned one of our parents to, and he replied: ‘Well, maybe I could afford better.’

“We believe that *all* families deserve better,” Campbell said.

Michael Arsham, executive director of the Child Welfare Organizing Project recalled CWOP’s origins in the mid-1990s.

“We started the project in the seventh circle of Hell,” Arsham said. Rudolph Giuliani was mayor and both he and his first commissioner of the newly-formed Administration for Children’s Services, Nicholas Scoppetta, started out profoundly hostile to families.

Scoppetta’s ACS issued a now-notorious “mission statement” declaring that in any case where there was any “ambiguity” that ambiguity would be resolved in favor of removing the child.

“They were true to their word,” Arsham said, noting that removals soared by 50 percent, reaching a record 12,000 in 1998. (Currently, the city takes away about 7,300 children per year.)

“We’ve had some success since then,” Arsham said. As ACS became more receptive to CWOP’s message the relationship with the agency evolved. But with that evolution, Arsham says, comes the struggle Sharonne Salaam discussed. “We struggle with how much partnership is too much. When are we cooperating for the benefit of our constituency and when are we selling out our constituency? That’s the line we walk; we talk about it in all of our board and staff meetings.”

Arsham said that some in ACS and private agencies still resist partnering with birth parents, but “the resistance is

expressed in subtle ways and it’s difficult to get a handle on.

“In a way it was almost easier when Giuliani was mayor and Scoppetta was commissioner, because then you knew who your enemies were.”

“I recently asked one social worker if he would have his own child treated by the person he assigned one of our parents to, and he replied: ‘Well, maybe I could afford better.’

“We believe that *all* families deserve better.”

--Folasade Campbell, Concerned Citizens for Family Preservation.

Theresa Bachiller, assistant director of CWOPs East Harlem office and Carlos Boyet a parent organizer in CWOP’s office in the Highbridge section of the Bronx, described some of the organization’s current efforts.

●Support groups for parents who need help navigating the system.

●Attending 72 hour “Team Decisionmaking” conferences with parents, and accompanying them to court.

●A six-month training program in how to navigate that system, for parents who want to work as parent advocates within New York City’s scores of private child welfare agencies.

“I was one of the first graduates,” Bachiller said. Today, she said, she’s part of “a parental rights workgroup where we meet with the Commissioner every three months. We’re also part of the city’s Community Partnership initiative.” And, Bachiller said,

she will be part of a new process to evaluate the quality of work done by agencies providing preventive services to families.

“When you know your rights, it’s very hard to break your spirit.”

*--Carlos Boyet,
Child Welfare Organizing Project*

Boyet’s work is part of the Bridge Builders project, an initiative of ACS and a large number of foundations to concentrate help and advocacy in the Highbridge neighborhood. “Before the new initiative ... parents would just get services rammed down their throat and if they don’t accomplish them their rights just get terminated and their kids go somewhere in Brooklyn, Queens, Staten Island,” Boyet said.

Among the reforms begun by Bridge Builders: an institutional provider of high quality legal services. As Tobis noted in his keynote address, that now has spread to three of the city’s five boroughs; it is discussed in more detail on page 15.

In addition, one judge now handles every case from Highbridge.

These efforts “make reunification much faster, the services are meaningful to the parent,” Boyet said. “When you know your rights, it’s very hard to break your spirit.”

Efforts across the country

The second panel focused on efforts elsewhere in the country.

In Kentucky, Women in Transition began as a group focused on issues involving welfare “reform.” The members of the organization choose the issues to focus on, said WIT organizer and director

Khalilah Collins, and child protective services “was a huge issue,” in particular the confusion of poverty with child neglect.

“They’d come in and say: ‘Well, your lights aren’t turned on so you’re neglectful to your children, we’re going to remove them,’” Collins said. “That’s not neglect – parents don’t want their lights to be off – that’s poverty.

“You work two or three jobs, your eight-year-old is watching your four-year-old while you’re working your second job at night. They come in. They remove your children. [They say] that’s neglect. No, it’s not. It’s poverty – they can’t afford child care.

“You’re living in your car. [They say] that’s neglect. No, it’s not. That’s poverty. You go to a domestic violence shelter or a homeless shelter. [They say] that’s neglect. Again, it’s not. It’s poverty.”

Collins noted that when parental rights are terminated it’s not supposed to be for reasons of poverty, “but all our reasons [for termination] in all our laws are poverty-related.

“We decided to take on this unjust child removal campaign and work on changing those rules.” Their slogan became “take our poverty, not our children.”

WIT convened a Truth Commission where birth parents told their stories, and they learned that even when the charge was abuse, these parents often were treated unjustly. “It wasn’t just about neglect but about the system as a whole for poor people in this country,” Collins said.

WIT began to see the issue through “a human rights framework,” Collins said. “If we claim our human rights, we can reclaim our families.”

WIT now works on two fronts. One is seeking change in the legislature.

In the wake of news stories about “quick-trigger adoptions” – rushing cases to termination of parental rights so the state

could collect adoption bonus funds under the federal Adoption and Safe Families Act, and a scathing report from the state's own inspector general on CPS abuse of the rights of families, the state responded as states often do, by naming a committee to study the problem.

"Although we were quoted in all the articles, we weren't invited to be on the panel – so we just started showing up, muscling our way in, getting thrown out of meetings, holding up signs," Collins said. "Finally, they said: 'Let's put you on a committee.'"

They did it, Collins says, because they knew if they didn't "we're not leaving.

"So we're not as respected as we should be, but our members know if we didn't have power they wouldn't keep trying to shut us up."

Now WIT is "gearing up for the upcoming legislative session" where they will push for changes such as increasing payment for birth parents' attorneys – now capped at \$500 per case -- and reviving a group studying racial bias in child welfare.

In addition to the legislative work, WIT also helps parents in individual cases by providing the concrete help that child welfare agencies should provide, but often don't.

If a parent needs to get her house cleaned and repaired to get her children back, "we try to find someone who can come in and do something like that. If parents need help getting to doctors appointments, visits, classes mandated in case plans and job interviews, "we help them do those things," Collins said.

And when cases come up for review "A 'posse' goes to court with the parents."

WIT also is working on recruiting what the group calls an "underground railroad" of foster parents from the communities where birth parents live, so when a child has to be placed the child at

least stays in the same neighborhood, with foster parents committed to working with birth parents instead of against them.

"It's not uncommon for kids to be put out of the county," Collins said. "The kids may be three hours away in some small county – and Black folks don't go in certain parts of Kentucky – you just don't do it. If your kid is way out in who-knows-where Kentucky county; you can't get there, [but] if you don't show up you get hit for that."

"They'd come in and say: 'Well, your lights aren't turned on so you're neglectful to your children, we're going to remove them.' That's not neglect – parents don't want their lights to be off – that's poverty."

--Khalilah Collins, Women in Transition

In Maine, Mary Callahan's concerns about the child welfare system grew out of her experiences as a foster parent. After years of believing whatever she was told by the agencies placing children with her, she began talking to the birth parents. And the more she heard, the more she came to realize that almost none of the children placed with her ever needed to be taken from their families. They would have done fine had the birth parents simply gotten the same help to care for them that she was getting as a foster parent. Callahan says she'd "come to the conclusion that I was not rescuing kids, I was actually part of a kidnapping ring."

Callahan wrote a book about her experiences, *Memoirs of a Babystealer* (Pinewoods Press, 2003). In the book, and

during the panel she cited a key moment that made it clear to her that foster care “was a business.”

Callahan wanted to adopt one of her foster children, and the private agency in charge of the case kept stalling. Finally, after three years, someone at the agency explained, telling Callahan: “We need 60 kids to make payroll and we only have 61, and we’re not talking adoption or reunification until we get our numbers up.”

She became an activist in 2001, after Logan Marr, a child who never should have been taken from her mother, was murdered by her foster mother – a former caseworker for the state child welfare agency. At the time, Maine had a higher proportion of children in foster care on any given day than almost any other state – and state officials were proud of it.

People all over the state were reaching similar conclusions, Callahan said, “but when I would say: ‘Let’s get together,’ the response was fear of retaliation.”

Then a charismatic state legislator, Rep. Eddie Dugay, got so angry about how a family in his district was being treated that he vowed to march 80 miles from his district to the State Capitol. In Maine. In winter.

“People threw away their fear of retaliation and everybody got together on this walk,” Callahan said. And from the walk grew the Maine Alliance for DHS Accountability and Reform.

“We met regularly at the statehouse, we formed support groups, we had another big protest.” They joined with another organization, Portland Organizing to Win Economic Rights for a march through Maine’s largest city and for an event called the Unfair Fair, featuring booths demonstrating how the Maine child welfare system stacked the deck against families.

The groups would respond to news stories, meet with journalists and legislators, and write letters and op ed columns. NCCPR

assisted with context and data.

“What we accomplished more than anything else was changing public opinion,” Callahan said. “When Logan Marr was killed, even in a grocery store line you could hear the discussion and it was all against the birth mother. [People assumed Logan] wouldn’t have been in the system if her mother had not abused her. By the time we were done, people understood that wasn’t the case at all, that Logan Marr has a loving family and was removed for ridiculous reasons and never should have been with the [foster parent] she was with and the system was responsible for what happened to her.”

The pace of change picked up when a new governor, John Baldacci, was inaugurated in January, 2003. He named more progressive leaders for the state human services agency and its child welfare division. “The day the new commissioner was named was a Thursday,” Callahan said. “I e-mailed him and asked for a meeting on Friday. We met on Saturday. He spent two hours listening, and he was horrified. When he went to work on Monday, nobody was speaking to him – they were so angry about his meeting with our group.”

But he had the support of the governor, who personally urged Callahan to keep up the fight. And whenever the commissioner would run into resistance to reforms, he’d say: “You know, [if we don’t] we’re going to end up with another op ed in the paper from Mary Callahan.”

He named members of MADAR to committees working on transforming the agency – and the old guard promptly stalled throughout the meetings. “But the truth of the matter was, behind the scenes reforms were happening anyway,” Callahan said.

The results can be seen in the statistics: The number of children taken from their homes over the course of a year is down 20 percent; and of those who are

Six targets of system change

During the panel called “What’s your ask?” Bernadette Blount, a parent organizer for the Child Welfare Organizing Project, listed six key goals – and what CWOP has been able to help accomplish.

Goals:

- The proportion of public child welfare funding allocated for prevention and family preservation will continue to increase.
- ACS will acknowledge a conscious strategy to counteract racism in child welfare decisionmaking.
- Indicators of parental involvement, such as exceeding minimum visit requirements, will increase.
- Increasing numbers of parents will have meaningful consulting and oversight roles with ACS and exert a direct impact on public policy development.
- Alternative models of legal representation, with reasonable caseloads, supervisory, clerical and social work supports, will be offered to parents in Family Court.
- A growing number of child and family services organizations, legal and advocacy organizations will employ parents in meaningful staff and board roles.

Progress:

- More children in New York City are served by preventive services than are in substitute care.
- ACS has a task force to reform policy and retool decision-making.
- Parents’ participation in service plan reviews and visitation has more than doubled since 1994.
- A Parent Advisory Work Group sits with the Commissioner, who listens to the input of parents and tries to implement that voice.
- Twenty private agencies employ parent advocates, and, in a new Request for Proposals from these agencies, there is a requirement to hire a birth parent advocate.
- There are institutional providers of legal services for birth parents in the Bronx, Brooklyn and Manhattan.

taken, the proportion placed with relatives has at least tripled. The number of children in foster care on any given day is down 35 percent, and the proportion who are in group homes and institutions is down sharply.

Plenty more needs to be done. Even as more children are reunified, the state doesn’t give the newly-reunified families enough help. Again, Callahan said, she got more help for the same children when she was their foster parent.

But things have progressed so well that MADAR no longer is active.

Prof. Martin Guggenheim discussed efforts to bring together lawyers who represent birth parents all over the country in order to strengthen their efforts.

He said such lawyers routinely “work with enemies of families who – and this is what makes this complicated – sincerely believe they are *friends* of families.”

Prof. Guggenheim is working on bringing together “those of us who fight for social justice by representing the one party in American courts that, as law schools play things out, are unworthy.

“Law schools celebrate representing rapists and murderers. They are privileging the Constitution of the United States, and they understand ... how important it is to defend people who do bad things – they understand that you’re serving a higher good.

“But parents? Wow. Poor parents of color? How could you do *that* work? There are almost no law schools in the country that even train law students to do it. And there ... had not been any community of defenders until very recently.”

Ten years ago, Guggenheim said, almost all of the lawyers representing birth parents in New York City were individuals with no institutional back-up, paid meager fees doing work they didn’t much like for clients they didn’t much care for.

“And those of you who have suffered such lawyers know, those lawyers won’t speak to you between court appearances, and they really don’t like you. [So] you are actually given not just a prosecutor and a caseworker and a judge and a GAL who doesn’t like you – even your goddamn *lawyer* doesn’t like you.

“[But] lawyers who are fed up with that, who are committed to social justice, are trying to create their community as well.

“In New York City there is a new community of defenders. ... We meet four times a year with three brand new offices created to represent parents as a full time job on a full time basis, with support staff and social workers. ...

“We’re trying to elevate the system to become committed to the rule of law, the only thing we’ve got that can protect us against overreaching by the state.

“Unfortunately the system is characterized by an idea that comfortably rejects the rule of law, and that’s the ‘best interests of the child.’ ...

“So what we’re trying to do, beyond building this community in New York City,

is to sell this throughout the country. In collaboration with the American Bar Association, we’re in the midst of creating a nascent organization that will be devoted to representing parents. I would like to say *families* ...

“You can’t divide families that way [with separate lawyers for parents and children]. That presumes that parents are children’s enemies. Shame on anybody that makes that presumption. Shame on a system that is built on that presumption.

“We’re trying to elevate the system to become committed to the rule of law, the only thing we’ve got that can protect us against overreaching by the state.”

--Prof. Martin Guggenheim

“The problem is lawyers are inherently conservative beasts. They must learn to speak a rhetoric that does not ... threaten power too much. When we go too far, our clients lose.

“We need you much more than you need us, but we need a partnership. We’re trying to create a national organization that will create an environment where lawyers committed to social justice can come together and figure out how to negotiate a system in which it is so difficult ever to speak the truth.”

During the question period, Merryll Eaton of Mothers for Justice, based in Connecticut, asked about efforts to better explain the perspective of birth parents to foster parents. Eaton’s question came from her personal experiences, first having been placed in foster care with strangers, and then being a kinship caregiver to her siblings.

Though she suffered real maltreatment at home, “things got so bad” in foster care “that I ran back to my mom. I would rather have been home dealing with that from a person I knew, than to be in the household of a stranger and feel alienated, and be treated like an ugly step cousin.”

And yet often, Eaton said, her foster parent didn’t know that her behavior toward her foster children was harmful.

“We take them through an actual CPS case. We pass out a real affidavit and explain that it’s at least half lies, half truths and mostly miscommunicated and misunderstood information ... That changes the perspective of the foster parent toward the family.”

--Johana Scot, Parent Guidance Center

Sharonne Salaam said doing such work was limited in part by the fact that foster parents are employees of private agencies and often “those agencies have trained them into a negative persona regarding the parent. We have foster parents who don’t even bring the children to visits; they’re encouraged in this behavior by agencies that have negative information” concerning birth families. Some even tell foster parents to stay away.

When a foster parent reaches out “usually it is incognito, under a cloud of cover. And if they’re caught making a connection that child can be taken from them, their home can be closed, any number of things can happen.”

Johana Scot, executive director of the Parent Guidance Center, based in Austin, Texas, said that, when agencies *do* allow it, her organization conducts a “parents’ perspective” seminar.

“We take them through an actual CPS case. We pass out a real affidavit and explain that it’s at least half lies, half truths and mostly miscommunicated and misunderstood information ... That changes the perspective of the foster parent toward the family.

“We take them through what [CPS] will require of the family with no resources, no support, being hated and disdained at every level, then we ask [the foster parents] if they could complete the service plan with the resources *they* are receiving from the state.”

“What’s your ask?”

The third panel presented options for the kinds of changes grassroots advocates might want to seek from child welfare agencies, state legislators and others. Excerpts from presentations by Bernadette Blount and Kara Finck are on pages 11 and 15.

For Julia McMillon, her first involvement with Children’s Village, in Dobbs Ferry, New York, was when her grandson was placed there. She went from commuting from Co-op City in the Bronx to visit her grandson and take parenting classes to helping to organize a Parents Advisory Board.

At one time, an administrator tried to start such a board, McMillon said, “but when it’s an administrator who believes them?” This board, in contrast, came from the ground up.

“We go to the retreats [with administrators and staff], talk about what we see as the parents of the children, what we see that needs to be changed,” McMillon said. “We do a newsletter every three

months, we've done a video, and we've also done a phone survey of the parents.

"It's important that you empower the parent," McMillon said. "It's important [within Children's Village] and also ... we're looking to become politically involved because it's important for [elected officials] to hear what we need."

Susan Kelly of Casey Family Programs discussed some of the changes she's seen in her decades working in child welfare, and how to fight for more.

"I've seen the organization of birth parents standing up and saying: 'You will not take any more children from our neighborhood and our community.' I've seen Parent Partners hired to work with others and help parents navigate the system ... I've seen those Parent Partners have their records expunged" so agencies could hire them. And that's a glorious day – because [otherwise] they will always carry the burden of that boot on their neck when they've been touched by the child welfare system.

"We're moving on the issue of saying we're being oppressive to families and communities of color, and not seeing their strength. We know the research tells us they are wonderful parents, wonderful grandmothers, yet we are systematically taking their children into care."

Echoing Sharonne Salaam, Kelly said that "if the system were filled with people who looked like me, we would have a different sense of what we need to do: get them out of care.

"There is a great movement afoot to make all of our services neighborhood-based local community services ...

"I see a re-emergence of shared care – if you must take the child into care, take the whole family into care and work together on the issues they decide are important." Under this model, families serve as coaches and mentors to entire

families living with them.

"I see a re-emergence of the value of family preservation services."

Kelly said that in the years since Detroit started using Team Decisionmaking meetings before a child was placed, they've been able to reduce the number of children taken from their parents by 25 percent.

Susan Kelly quoted a parent who told her: "I'm at the table, but I think there are two tables. There's one where we sit around and get asked what we think about these things. And then there must be another table where people decide where we fund these things."

But high on the list of things yet to be accomplished is making sure parents play a meaningful role in decisions not just on the individual case level but at the level where decisions will be made about services, policies and funding.

Kelly quoted a parent who told her: "I'm at the table, but I think there are two tables. There's one where we sit around and get asked what we think about these things. And then there must be another table where people decide where we fund these things."

Don't believe it when elected officials and people in child welfare agencies say they don't have the money, Kelly said. An Intensive Family Preservation Services intervention costs \$5,000 for the entire family. Holding

“My client has a name. You will refer to her by name.”

During her presentation at the What's Your Ask panel, Kara Finck, managing attorney for family defense for The Bronx Defenders, talked about what she found when she first walked into Family Court, about how and why things have changed, and about what still needs to be done.

When I started practicing in family court representing parents, almost six yrs ago, I said: I can't believe nobody talks about this. I can't believe in law school, nobody said what is going on here. I can't believe people aren't talking about the fact that there is a system that goes virtually unchecked, that has virtually no laws enforced, where people are having their most precious asset taken, their children, their babies, literally ripped out from them sometimes, in front of everyone. And the stakeholders will sit there and look the other way....

When I started at Bronx Defenders, I realized what Family Court needed were a bunch of criminal defense attorneys. They didn't need attorneys to sit there and collaborate, sit there and try to figure out the best solution, they needed good defense attorneys. And I still say that today: What's your ask? The best attorneys [you] can get. The best attorneys to hold the system accountable and give the sense of urgency that nobody else in this system has.

I've had ACS attorneys turn to me and say: “Can't we do this motion two weeks from now? And it's the week before Christmas and the motion is to have my client's children come home. ...

I saw cases where the client would be up in front of the judge and their attorney wouldn't be there, or they wouldn't have an attorney appointed at all. They'd never get a call back; they'd have no idea where their children are; no idea why, when they'd had four visits in a row canceled by the foster parent, they weren't able to make up the visits, and they wouldn't be able to see their children for weeks and weeks.

We talk about the sense of urgency that the law has to move towards adoption. But there is no sense of urgency to toward returning my client's children home.

There has been a change in the past four years, and it is precisely because of the grassroots organizing and nothing else, because the city never would have done it, they had no buy-in, no reason to – things were progressing fine, in their opinion.

It was because of the organizations like CWOP, like the first attorneys who started doing this practice years ago, like Prof. Guggenheim, who got them thinking: They cannot ignore the voice of parents. Because they were relentless – the organizers were relentless. They said: You must listen to us ...

So when the city Criminal Justice Coordinator got up and said: “There is no crisis in Family Court,” they shouted him down. And because of that, two years ago, there was an RFP that went out [providing] that for the first time in the history of this city, parents were afforded the same right as the state and children, to have an institutional provider – an organization that would fight for them, that would advocate for them, that would have the best qualified attorneys in this city fighting to get their children home.

Those advocates would be supported by social workers and most importantly, they would have parent advocates attending every single service conference, every single ACS meeting; people who are going to our clients' homes to talk to them, help them through the most overwhelming, painful process I have ever seen somebody go through. What we have now is the next step, organizations in Manhattan, Brooklyn and the Bronx to represent parents.

But that's not enough. Because we don't represent clients early enough. By the time my clients are in Family Court it's often too late; there's been too much history that

can't be undone, rights have been trampled in ways that shock the conscience when you hear about it – but you don't hear about it.

So what I say is you have to have lawyers involved from the start. The minute there's a report, the minute there's a call, you want to have a lawyer - and you know, if you are of a certain race and a certain class, you *would* have a lawyer. I see no reason every parent shouldn't have access to a lawyer the minute that call is made.

They [need someone to tell them] they *can* actually refuse to take that drug test, they can refuse a mental health evaluation, there is no court order mandating that, and you don't get a free pass, just because you have a card saying you work at ACS, to ask my client to take a drug test or to take a mental health evaluation or to have the children subjected to body checks.

You don't get that free pass in the criminal justice system; there's no reason you should get it in the child welfare system.

What I would ask of all the grassroots organizations: Keep us honest, make sure we're listening to you, make sure we're hearing your concerns, because you have to keep the lawyers honest as well.

You also need to reframe the discussion. The child welfare system doesn't act in isolation. It acts in coordination with the criminal justice system. It's incredibly frightening. When you have child welfare teaming with police investigators, call this what this is, not a system helping us, not a system looking to provide supportive services, that is a system that is meant to investigate and to punish.

When you are criminalizing parents, when I have more parents that have cases in Criminal Court and Family Court about the same allegation and those systems aren't talking, we are not serving families.

When I have cases where clients are subject to immigration detainers because of the child welfare system, we are in a whole new realm, and unless we realize these systems are all intersecting – but not very well, but certainly not to our families advantages - we really need to think about this in a different way; we need to take it into account.

When I talk about having a preventive lawyer – the way we set up the program in the Bronx Defenders is that if you come and have an investigation called in, generally: A dirty house. Other attorneys will say: “how could there be rats running around and roaches?” I can spend five minutes with my client and find they've made 20 calls to 311, they've tried to bring their landlord into Housing Court but nothing has happened. For some reason the caseworker wasn't able to get that information.

What you need is not a “service,” that parent needs a housing attorney. They may need an immigration attorney. When you're thinking about these services, you don't want legal services to fall to the bottom of that list, because often that's the most powerful service a parent can have at that moment.

Parents always have to have access to lawyers, parent advocates need to be in every organization and we have to be relentless in challenging every single piece of the system.

If that means every time another attorney on the case refers to my client as ‘respondent mom’ or ‘mom,’ [I will say:] “My client has a name – you will refer to her by name.” Every time that happens in a conference, the parent advocate says: “My client has a name. Her children have names. You will use them.”

Every time you see a conference called a “parent to parent conference” you will rename it. It is not a parent to parent conference, it is a “parent to the foster parent or the foster caregiver,” conference, and you will rename it.

These are the slow, small changes that eventually will make a tremendous difference in the system.

children in juvenile detention costs \$100,000 per child.

“We don’t do it because we don’t have parents involved in that level of decision-making. It will be a great day when birth parents rise up and have the capacity, because they are organized well, to be involved in the heart of decision-making about what happens to their children.”

To help reach that point, Kelly said, grassroots groups should ask themselves “what’s your strength? Focus on what your organization does best and claim that. Promote that. Talk about that. Who most directly benefits from your service?”

“Then ask: Who is your enemy? Who doesn’t want you to succeed? Who wants to diminish your power?”

Kelly urged the grassroots organizations to contact local legislators, first to thank them for any support they have given to reform efforts in their communities, then to tell them about what they’re working on and the progress they’ve made – and then to ask for help.

During the question and comment period, Diana Autin, executive co-director of the Statewide Parent Action Network, based in Newark, New Jersey, suggested an alternative approach to the way parents work in agencies in New York City and Detroit.

If the agencies themselves hire the parent advocates then “they owe their paycheck to someone whose main goal isn’t parent empowerment.” Instead, Autin said, parent-led organizations should be funded to identify, train – and pay – parents who then work within the agencies.

Kathleen Roe, executive director of Parents Anonymous of New Jersey, warned that some new approaches may be largely window dressing. Terms like “differential response” and “family success centers,” two initiatives now underway in New Jersey, sound good, she said, “but these folks are just as anti-parent, it’s just coded in a new

language of family preservation, and prevention and ‘we’re going to be part of the community.’”

Roe said that often, the people running these “new” programs are the same people “who used to work in protective services, making all their money not helping children...”

Autin also said a major problem is the way other systems that supposedly exist to help families use child protective services as a weapon against those families. “Almost every immigrant parent that we have worked with over the last two years, especially the non-English speaking parents, who has advocated for their child in one of these other systems has had [CPS] called on them – often repeatedly.”

Another participant also raised the special problems of immigrant families.

They are problems Kara Finck, managing attorney for family defense at The Bronx Defenders, says she sees frequently – and dealing with them is an important part of her group’s approach to representation. They have lawyers who know the workings not only child welfare, but also how all the other systems affecting their clients.

“I may be the best lawyer in Family Court there ever was, but it means nothing if, at the end of the family court case, my client is deported,” Finck said.

Kelly suggested tapping into informal networks in which immigrant communities share resources among themselves.

Sana Fadel, director of public policy of Rosie’s Place, based in Boston, asked how advocates in New York City had managed to get the city to fund institutional providers of counsel for birth parents – and whether they’d faced opposition from the private attorneys who lost business as a result.

Finck said the change was the result of “relentless” advocacy by grassroots

organizations. As for opposition, it's taken the form of everything from lobbying politicians to claim the institutional providers aren't doing a good job to "having your coat pushed off the bench in the back of the courtroom. It's a little like high school that way."

Finck said she's looking forward to the first full-scale evaluation of the change, which will be completed in another year.

Johana Scot of the Parent Guidance Center asked about "permanent judicial commissions" in which judges work "in collaboration with attorneys, state child welfare agencies and certain providers" on changing child welfare practices and policies.

Scot said it's "very, very scary to see judges collaborating with the department and then hearing cases."

Finck said she had mixed feelings. She said she understood Scot's concerns, but she said the commissions can be useful "if we're at the table. It becomes a way to constantly remind them who they are supposed to be serving. Parents are the best-informed people in the system, we have to start treating them that way." In New York, Finck said, the commission has been helpful on visitation issues. But she said, she could see how, without parent participation the collaboration "can be pernicious."

Kelly said commissions and similar panels could be helpful if parents made up at least 25 percent of the members.

Phoebe Jones of DHS - Give Us Back Our Children!, based in Philadelphia, asked about families who lose various government benefits when their children are taken, plunging them deeper into poverty and making reunification even more difficult.

Kelly cited a Texas program in which TANF surplus money is used to give some parents \$3,000 cash grants as soon as their family is reunified. But Scot cautioned

that, while the program is a good start, it's running in only eight of 254 counties.

Obtaining funding/ building an organization

Anita Gundanna, program officer of the Child Welfare Fund, explained that CWF was created by David Tobis and an anonymous donor "who both really believed in the basic idea that parents and children and those affected by systems should and could be the ones who make decisions that affect their own lives."

CWF provided the first funding to many of the grassroots organizations in New York City – and for the Gathering itself.

Gundanna said that, in deciding how to spend their money, foundations look for:

- Impact. "We all know that empowering a community first requires passion and commitment, and also an understanding of the community, its needs and strengths, and the resources present in the community."

So it's important for any program to think through how it is empowering families and communities.

- How is the program positively impacting lives of families and/or bettering communities?

- How can we show this program is making a difference?

"I've worked with some amazing programs," Gundanna said. "They just needed guidance to ask the right questions."

She cited a program training young people for jobs. They measured how many people showed interest in the program, how many completed training, and how much more the trainees knew after they started than when they began. But they weren't answering the most important question: How many of these young people got jobs or internships?

Foundations also look for "organizational sustainability" – can the

Elements of a good grant proposal

Advice from Maria Mottola, executive director, New York Foundation.

- How the work is going to be done is more important than why it is going to be done. ... A lot of people pay a lot of attention to making a case for why this work is important, but as readers, it's not that we skip that part, but we tend to skip to how are they going to handle this problem.

If you're sending proposals to funders who do child welfare work, you don't have to convince them child welfare is important, if you know they fund parent engagement, you don't have to talk them into that.

- It's important to show that the scope of the problem you're trying to solve matches the solution you are proposing. Avoid describing a really gigantic problem and a program that is really specific in its work and focus.

- Explain why your work is unique and explain the corner of the world you occupy.

- Avoid very general comments; things you can't substantiate.

- Always show your proposal to your car mechanic or a 13-yr-old child. People write proposals as though funders understand the language and the jargon. [But they may not]. So let someone read your proposal who knows nothing about the work. If it makes sense to your car mechanic, it's probably the right level of language to use in a proposal.

organization keep going; does it have “the potential to mobilize a base of support”?

Gundanna said there are opportunities for leaders to attend training sessions on development and management – and funders sometimes are willing to pay the cost.

Lisa Philp is vice president managing director/head of philanthropic services for the JPMorgan Private Bank. In that capacity she advises individuals who want to set up family foundations or give large gifts to non-profit organizations.

Philp said many locally-based foundations specialize not in a particular field, but by geography – they want to help worthy causes in their home communities. They need to be persuaded to “find room for you” because grassroots child advocacy

organizations “are working with some of the most vulnerable families” in their communities.

Where foundations specialize in children's services, often they spend most of their money on direct services, Philp said. But if you can show them “the impact you have and the advocacy role you played” they might be persuaded to fund grassroots advocacy.

Philp said it's also important to build a base of individual donors. “Start with key constituents and boards, hold fundraising house parties, use Facebook – that's where it begins and that's where you're going to grow your base from.”

Before turning to the issue of raising private money, Susan Kelly emphasized the importance of knowing where government money for child welfare comes from, and where it goes.

She urged the groups to file Freedom of Information Act requests, if necessary, to get the answers and form alliances with groups that are experienced in the government budget process to help them understand the numbers.

The foundation for which Kelly now works, Casey Family Programs, does not give out grants, *per se*, but they may be able to assist groups that support CFP's "mission, vision and viewpoint" which includes a campaign to cut the number of children in foster care in half by 2020.

Kelly said some foundations that may not specifically fund child welfare or grassroots advocacy have "discretionary funds" – for projects that may interest a program officer, but don't fit the foundation's typical grantmaking categories. She's used these funds for small project grants. Performing well in carrying out such a grant can help build a good relationship with a foundation for larger grants in the future.

When it comes to finding sources of funding, Maria Mottola of the New York Foundation recommended the Foundation Center database (www.fdncenter.org). That's only a starting point, though. Then grantseekers need to narrow down what may be a long list by checking the websites of individual foundations.

"One other thing is frustrating," Mottola cautioned. "People will tell you there are over 70,000 foundations in the United States – but only a few thousand actually accept proposals and have staff."

Philp suggested another technique: Check the websites of other organizations doing similar work and see who is funding *them*.

Several grassroots groups expressed frustration over foundation requirements concerning things like paid staff and having the right kind of tax-exempt status, known as 501(c)(3) from the Internal Revenue

Service.

Philp explained that foundations are required to give away at least five percent of their endowments annually – and if the money doesn't go to a "C3" it doesn't count toward that five percent.

Suzanne Sellers of the Family Defense Center, based in Chicago, asked how an organization seeking funds can "get past the stigma of family preservation?"

"Funders say: [CPS], they do good work; there are a lot of bad people who are really hurting their children and those people need to have their children taken from them, if a few [innocent] people get mixed up in that, what's the harm? How can we get past that?"

Mottola offered both confirmation of how hard it is to get past those stereotypes – and an indication of progress. She recalled working with Tobis ten years ago to try to organize a briefing for local funders around these issues. They weren't asking the funders for money, just asking them to listen. "I had no clue there was this divide," Mottola said. "The overwhelming number of foundations I reached out to – just for a briefing – said they just fundamentally disagreed with this approach, they felt they had to make a choice between 'protecting' children and supporting parents ..."

But today, Mottola said, four or five more funders in the New York area might be responsive. And that's "simply because the [grassroots] groups have done such an amazing job, and have plugged away at the work and have proved that things can be accomplished."

Kelly said the best way to overcome the stereotyping of birth parents "is by making sure that parents who have been successful at keeping their children and who have overcome the barriers are part of everything we do in requesting funding."

But, Kelly said, there always will be

Two more issues about funding

Two issues concerning funding were raised early during the Gathering, before the funding panel.

From Johana Scot, Parent Guidance Center, Texas:

The grassroots organizations start growing this tall grass and then the funders come along and they mow it. And the funders often think that the b.s. is fertilizing the lawn. That's got to stop.

How can we get the funders to see you have to fund what we *are* doing, not what you *want* us to do? Our experience has been: We'd like to take over your programs and make you go away, we'd like to mow the grass, root you out, put enough fertilizer on you to kill you. We're still doing the most any organization has ever done in Texas - with nothing. That speaks to why people are afraid of grassroots efforts.

From Diana Autin, Statewide Parent Action Network, New Jersey:

There is a huge, huge presumption in our society that parents really don't know anything, they can't be a partner with professionals, especially if you're poor, especially if you're in the child welfare system, etc.

New York City [foundations are] funding parent organizing, other places aren't. They'd rather give to the Education Law Center instead of parents, or the Association for Children of New Jersey instead of to parents. ...

Funders would never think of funding civil rights advocacy around racism to organizations that are all white. But they *always* fund family advocacy organizations that are all non-parents. That's intolerable.

“some foundations you don't want to have anything to do with, because you don't want to follow the money, you want to follow your passion, you want not to dilute the mission, the passion, the focus, for the money.”

David Tobis added that “the stigma, the mythology, the demonization vanishes once you talk to people and see what their experiences have been.”

The question led naturally into the final panel on influencing media.

Working with the media

Former *Newsday* reporter Nora McCarthy edits *Rise*, a magazine written by parents involved with the child welfare system. (<http://www.risemagazine.org/>).

Rise began as a writing workshop at the Child Welfare Organizing Project. Then

some of the parents' stories were published in *Represent*, a magazine written by young people in foster care. The stories ran in *Represent* “to give a parents' perspective to young people and caseworkers,” McCarthy said.

Now it's a monthly magazine with 14,000 readers, 8,000 in New York. “When you go into the offices of agencies, community-based organizations, the [ACS] Commissioner's office, the magazines are there to read, to help inform audiences about the real people they are trying to serve.”

Rise also goes to the media “to help reporters have a better perception about the people they're writing about,” McCarthy said. “So much of what is written in the mainstream media is the most horrific cases, cases that are not representative, and we use *Rise* to reframe an understanding of who is affected by child welfare, how and why;

what child welfare could and should be and what it should *not* be.”

“Any movement needs a method of proclaiming its messages, of showing who is affected and how, and why things need to change, and how they can change and where they have changed. That is the role we hope that *Rise* will play, that it is playing and will grow in playing nationwide.”

--Nora McCarthy, *Rise*.

McCarthy said her role is “to facilitate the writing ... to motivate and provide peer support to individual parents by showing how they were able to take steps to strengthen their families and fight for their families and also fight for system change.”

One of those writers is Bevanjae Kelley, a member of *Rise*'s editorial board. She called writing for *Rise* “a very rewarding project to get your words out to all parents and people that work in child welfare advocacy.

“Once you write down [your own story] you step back and it's like reading about someone else. It helps you open your mind [and be] a little less self-centered, almost like having a third eye there, and you begin to help others. That's part of the healing in parent advocacy. ... It's definitely helped me and I see it's helping other parents.

Kelley said parents don't need any special level of skill to write for *Rise*. “You start writing your story ... when you finish the first draft Nora helps you go over it, then you do another draft and a final draft. Then

it gets edited and printed.”

Another parent on the editorial board, Youshell Williams, said *Rise* is “very therapeutic for parents. I'd also like to see it in more agencies, especially preventive services agencies.” Williams said these agencies can't help families if they “hold themselves above them instead of trying to see what's going on. Reading that magazine helps you to see what's going on.”

McCarthy urged the participants at the Gathering to write for *Rise*.

“Any movement needs a method of proclaiming its messages, of showing who is affected and how, and why things need to change, and how they can change and where they have changed,” McCarthy said. “That is the role we hope that *Rise* will play, that it is playing and will grow in playing nationwide.”

During the question and comment period, Lynn Paltrow, executive director of National Advocates for Pregnant Women asked if it's really useful to make the argument that prevention and family preservation programs save money because, although it's true, it doesn't seem to have much impact.

Richard Wexler, executive director of the National Coalition for Child Protection Reform, said it's still an argument that needs to be presented. It often has little impact on policymakers because the savings may occur after the legislators who would approve the program are out of office or the agency that implements the program may not be the one that sees the savings.

But, Wexler said, it's a threshold issue for journalists. Reporters know policymakers don't want to spend money helping poor people. So those reporters often see little point in even writing about something that would cost more.

Picking up on McCarthy's comment about reporters focusing on horrific cases, Sana Fadel of Rosie's Place asked how rep-

Making the case to journalists

Some suggestions from Richard Wexler, Executive Director, National Coalition for Child Protection Reform. (A more detailed version of this presentation, is available from NCCPR.)

Most reporters approach child welfare stories with certain ingrained assumptions: They view birth parents as, almost literally, sub-human, so unworthy that there is no need even to speak to them. That's partly because the only time the curtain of confidentiality parts is after a horror story about the death of a child left in her or his own home after repeated warnings. It's also because most reporters are of the same race, class, and educational background as CPS caseworkers and many foster and adoptive parents. But few reporters know anyone personally who lost a child to CPS.

The problem is compounded by how the debate is framed – reporters assume that substitute care is at least physically safe while working to keep families together is inherently risky.

Overcoming these assumptions requires:

- Focusing on the harm to the children, not the harm to parents. When telling individual stories, parents should focus not on how much they missed their children, but on how much the children missed them, with specific, concrete examples.

- When advocating for system change, we must take back the high ground of “child safety” “child protection” and “children’s rights.” We have plenty of evidence that for most children most of the time family preservation is more humane, less expensive, and safer, than foster care. We must cite that evidence and --

- Get tough with foster care. Raise the issue of the inherent emotional harm and the high rate of physical and sexual abuse in foster care.

- Look for allies. Reporters are immediately suspicious of birth parents who say their children were taken needlessly. They will be far more receptive to the same points from current or former foster parents or caseworkers.

- Challenge assumptions. If a reporter says he wants to ask you about the “balance between child safety and family preservation” politely challenge the very assumption that the two are in conflict.

- Challenge loaded language, such as the term “biological parent” a term specifically invented to suggest someone who is no more important to a child than a test tube. Urge reporters to use “birth parent” instead.

- Leave Hitler out of it. When you first approach a reporter, she or he is likely to assume that you are a right-wing nut who thinks parents should be able to do anything they want to their children. If you call CPS workers “Nazis” or “stormtroopers” or “Gestapo” you confirm their prejudices and guarantee you’ll be written off. Reporters probably have personal friends who are caseworkers and foster parents and adoptive parents. And if they don’t, their editors do. It’s hard to persuade someone if you’ve just called their friend a Nazi.

orters can be persuaded to look at typical stories and at stories of parents who succeed.

McCarthy said that often reporters not only don’t understand the issue, they’re also “very pressed; they’re writing a whole bunch of pieces” so advocates not only need to find people who have such stories and can

tell them well, they also need to “do all of the work” providing documentation, context, other people to talk to, and so on “without making [the reporters] feel manipulated.”

Wexler added that the pressure on journalists has increased exponentially in 2008 as a result of mass layoffs. He said

that 1,000 jobs were lost in the newspaper industry in July alone. “Every journalist you speak to now and for the foreseeable future feels under siege,” Wexler said.

He added that reporters always are going to be most attracted to the worst cases. “No reporter is going to go to the airport, watch the planes that land safely and write a story about it; nor would we read such a story.”

So it’s just as important to have an impact on how those egregious cases are covered. That means grassroots groups need to see if there is a reporter regularly covering child welfare and try to meet with her or him before the next horror story – again, bringing parents with good stories to tell who know how to tell them.

Next steps

The Gathering concluded with a discussion of what to do next. Several speakers asked for an e-mail list so participants can stay in touch (the list has been established) possibly formalized through a “news group” or listserv. It also was suggested that the groups create a website to exchange ideas and post information about their work.

Some of the discussion focused on whether to work at the state and local level, the national level, or some combination.

Wexler said he thought the groups could accomplish the most by working to change systems in their own states and localities. He argued that the organizations are still too small to be heard, even collectively, at the federal level.

Johana Scot said that as long as the federal government’s funding priorities emphasize foster care and adoption, that severely limits what states and localities can do, so the organizations need to work on changing federal laws that send so many dollars into substitute care.

Louis Gosland of Sunflower Community Action, based in Wichita, Kansas, said the groups can work on their state and local issues while “finding ways to strategize on a national level through our

individual groups to push a unified message. ...Then Kansas could be expressing the same values Texas is expressing, the two states would be saying the same thing, then say it on a national level.”

Some speakers called for following up on the funding panel by strategizing on ways to get funding and coming up with “concrete ideas for how to reach policymakers in order to affect change at any level.”

Pat Albright of DHS – Give Us Back Our Children! suggested working to get these issues “onto the agenda of groups that don’t normally deal with issues like this.” She cited their success in getting a workshop on the issue onto the agenda for the 2008 annual convention of the National Organization for Women.

This summary of the first Gathering of Grassroots Family Advocacy organizations began with a story told by Susan Kelly of Casey Family Programs about some young people she met in a detention center in Detroit.

Kelly told another story about another child, and it, too, sums up what is at stake.

The child is named Jasmine, she’s eleven-and-a-half years old and she was living at a residential treatment center in Denver. She’d been there more than a year. Kelly met her just as she was told her four brothers and sisters would be able to go home to their mother, but she would not.

The people at the residential treatment center said that was because Jasmine had “mental health problems” but “it never crossed their mind that maybe they could help the mother instead of take that child away.”

Kelly asked Jasmine what she wanted to do with her life. She started counting on her fingers.

“Let’s see,” she said. “One, two, three, four – five-and-a-half years and I’ll be able to be with my mother again.”

**APPENDIX A:
THE POWER OF PARENTS: ORGANIZING IN CHILD WELFARE**

**David Tobis
Presentation to Forum on**

GRASSROOTS FAMILY ADVOCACY ORGANIZATIONS

**New York University School of Law
September 19, 2008**

Welcome to New York City. I know many of you have traveled long distances, had to make child care arrangements, and forgo other more pressing work. I hope the exchange of ideas today will be worth your efforts.

I want to begin by thanking Richard Wexler for organizing today's forum which was his idea. Not only is Richard a preeminent national spokesman for the rights of parents and families, but he is the impeccable organizer of today's historic forum.

This forum is historic because it is the first time that people from across the country who are organizing parents are focusing on parents getting and having power in their local organizations to change the way the child welfare system operates.

You who have come together today are part of a long chain of people fighting for justice in different fields—people of color, women, gays, immigrants, poor people and people in different social welfare fields. In the 1950s parents of people with developmental disabilities began the long and successful struggle to close large snake pit institutions in which their children were warehoused. In the 1960s welfare mothers organized the National Welfare Rights Movement which fought for a guaranteed income and won increased benefits for poor people. In the 1970s the parents of people with mental illness and people with mental illnesses themselves, won civil rights that had previously only been dreamed of. Now you, parents who have experienced the trauma of the child welfare system and your allies are taking up the struggle for justice in child welfare.

These other groups of parents have been stigmatized, demonized and harassed. But I think you who have experienced the child welfare system are among the most stigmatized, with a very hard road to get to your goal of a child welfare system that nurtures families and respects your rights rather than punishes you for being poor, a person of color, or for slipping during your lifelong struggle against poverty, domestic violence and racism.

This movement of parent activists and their allies in child welfare has been developing for fifteen years. Before then, parents enmeshed in the system had very little say in what happened to them or their children, and they had no role in shaping child welfare programs or policy. As late as the 1990s there was not one parent employed in any child welfare agency.

Changes in the past 15 years giving parents greater influence in child welfare have begun as a result of struggles led by parents and their allies. It has been a long slow, difficult process. The Child Welfare Organizing Project (CWOP) almost folded because it was hard to find a leader who could both organize parents and administer an under-funded organization. Parents had to overcome stigma and demonization. And for awhile, the militancy of parents alienated the City and the doors to power were closed to us.

But parents and their allies persevered. I want to present a few examples of the impressive changes that have been made in New York City.

- **Sharwline Nicholson** had been assaulted by her former boyfriend. New York City’s Administration for Children’s Services, ACS, in 1999 removed her children because, they said, she was “engaging in domestic violence,” and “failed to protect” her children. Sharwline filed a class action lawsuit against the city and won. Now mothers who are victims of abuse no longer have their children removed solely because they are victims. Sharwline continues to fight for the rights of parents as the Chairperson of the Child Welfare Organizing Project.
- **In New York, parents who appear in Family Court** in child welfare cases had some of the worst legal representation for anyone in any court in the country. Lawyers, parents, and their advocates argued quietly and demonstrated loudly for parents to be represented by expert legal counsel who work in strong, legal organizations, rather than be represented by underpaid lawyers assigned to their case five minutes before they go to court. In 2007, as a result of ten years of relentless pressure, the New York City government began funding three outstanding organizations—Bronx Defenders, the Center for Family Representations, and the Brooklyn Family Defense Project—to represent half of all parents who appear in Family Court in child welfare cases.
- **CWOP** has been a driving force pressing for parents to have the right to shape child welfare policy and to have a strong voice on their own cases. CWOP has been organizing and growing since 1996 when a firebrand, Latina activist Mabel Paulino organized a “Client Summit” attended by 300 people including many parents with children in foster care. CWOP now trains parents in a six-month class room and field course to learn how to get their kids back, to help other parents do the same, and to fight for dramatic changes in policies and programs. And the changes they have helped bring about are impressive.
 - Parents trained by CWOP are on the ACS Commissioner’s Parents Advisory Work Group. CWOP also got the City Council to pass legislation that requires the Child Welfare Commissioner to create a parents’ advisory board.
 - Parent Advocates trained by CWOP work in child welfare agencies throughout the city.
 - CWOP parents are also working with ACS to develop a new evaluation system for all preventive service programs so that the opinions of parents—what they think about the help they received from an agency--will be used by ACS to evaluate the agency’s performance and to determine if it will continue to be funded by ACS.
 - Not the least of CWOPs accomplishments is that 70 percent of the parents who have children in care at the start of the CWOP training, get their children back before the training is over. In New York City, the number of children in foster care has decreased from 50,000 in 1992 to under 17,000 today.
 - CWOP, working with many other organizations—the Child Welfare Watch, the Child Welfare Fund, the Casey Foundations, and other advocacy organizations, has changed the attitude of public child welfare leadership, so that the debate is beginning to change, the stigma is slowly diminishing, and people are beginning to recognize that parents have rights and their opinions should help shape the system.

Parents and their allies in other parts of the country are also fighting for their rights.

- **In Maine**, 200 parents with child welfare involvement, foster parents, and their supporters marched to Augusta, the capital to meet with the governor to demand reforms after Logan Marr was killed while in foster care. Their pressure pushed the governor to make dramatic changes in the system.
- **In Kentucky, Women in Transition**, part of the national Poor People's Economic Human Rights Campaign, is fighting for affordable housing, a living wage and human rights in child welfare. The grassroots organization, composed almost exclusively of poor people, holds candlelight vigils in front of the child protective services office in support of mothers who have lost their children to foster care. Some of these parents served on Kentucky's Blue Ribbon panel to reform child welfare services.
- **And a new national organization has been created to fight for better legal representation for parents in family courts across the country.** The National Organization of Parents' Lawyers, housed at the American Bar Association, was created last year with the driving force of Marty Guggenheim, our host for today's forum. We owe him thanks not just for hosting today's event but for helping to launch an organization that will fight for the legal rights of parents in the child welfare system.

In cities across the country parents with child welfare experience have struggled to get their kids back, have changed their lives, and for the first time, they are working as Parent Advocates in foster care and other social service agencies, helping other parents negotiate the child welfare system. There are now several hundred parents working in child welfare agencies throughout the United States. **It's a start.** It's a way to begin to change the cultures of these mostly white, anachronistic agencies.

But Parent Advocates working in foster care agencies is not enough to change the system. Parent Advocates are isolated in these agencies, working in a culture that doesn't address the material and social needs of poor people, and often disrespects parents and people of color. We need to create a movement that fights for the rights of poor people in the child welfare system.

To do that:

We need to build power. Without power we are dependent on the good will of those who have power, and that will only take you so far. Without power, when a progressive child welfare administrator comes into office, he or she will make changes to the extent they are comfortable with what we are asking for. We of course should take advantage of the progressive changes that child welfare administrators are willing to make. But these are often small adjustments that bring archaic policies into the 21st century, or are changes that don't cost too much to implement.

The changes that we need in child welfare are enormous. And the main way that we can bring about those enormous changes is by having the power to force change. There are several ways that disenfranchised people can gain power in child welfare.

1. **First, we need to create organizations to fight for parents.** Individuals can make change, but we need to create organizations to change systems and to transform the destructive culture of child welfare. Without organizations we are each a thin, fragile finger that can easily be broken. As part of an organization, we become like the fingers of a fist.
2. **Second, one of the most important types of organizations is a network of parents who are working in the child welfare system, fighting for the rights of parents.** In New York City, there are now perhaps 100 parents with child welfare experience working in foster care and preventive service agencies. But individual Parent Advocates in different agencies are isolated

and have little say in how that agency or the child welfare system runs. United, parent advocates can support each other, have a collective voice to shape policy and press for improved working conditions, higher pay and better child welfare policies. We are in the process of creating such a network of parent advocates with child welfare experience, in New York City.

3. **Third, we need to train parents to be leaders.** Parents with child welfare experience need to be trained and supported both emotionally and financially so they have the information, skills and resources to fight effectively for change. Without extensive training and supports, parent participation will be window dressing, making administrators feel good, but not changing much.
4. **Information is another major source of power.** You can use information—research, analysis, or the written experience and ideas of parents and young people in the system—to encourage or embarrass administrators to change their policies and to begin to change the stereotypes about parents. We are fortunate now to have the powerful voices of parents in RISE magazine and the voices of youth in REPRESENT. I encourage you to write for RISE and to use both publications in your work.
5. **Fifth, we need to create coalitions to increase the impact of parents who have experienced the child welfare system.** These coalitions need to be formed both inside and outside the child welfare system.

Inside the child welfare system, there are potential allies--in schools of social work, among the press that covers child welfare, line staff in child welfare agencies, and policy makers--who need to be educated about the importance of having parents play decision-making roles.

We also need to create coalitions among parent activist groups. One way to begin that process is **to create a network of parent advocate organizations.** A parent advocates' website and listserv would be a way for parent organizations or groups working in different states to learn from each other's experience, to share trainings, to increase their numbers for an event, or to coordinate their stance on a policy of concern to everyone.

Outside the child welfare system, there are organizations across the country fighting to improve the lives of poor people, immigrants, and people of color: The Industrial Areas Foundation, ACORN, the Center for Community Change, the NAACP, and Community Voices Heard to mention just a few. We need to help those groups realize how destructive the child welfare system is to their constituencies so that they will join forces with us. For everyone's benefit, we need to work on broader issues of poverty and racism and those groups need to work to change child welfare.

Parents in other social welfare systems—welfare, mental health, developmental disabilities, education for example--have won increased benefits, services, and civil rights for themselves and for their children—by being both **unreasonable** and **collaborating**. In the disabilities field for example, in 1977 the federal government would not issue the regulations for Section 504 of the Rehabilitation Act which would ensure civil rights for people with disabilities. So people in wheel chairs with physical disabilities and people with developmental disabilities and their parents sat-in in government offices in Washington D.C., New York City and San Francisco. In San Francisco, the demonstrators remained in the offices of HEW for 24 days until the regulations were issued. It was the longest sit-in in a government building in US history.

We should also be **demanding** and **collaborative**. **But first be demanding.** There will be plenty of time for conciliation, compromise and collaboration. In fact moving toward the center is an inevitable part of the reform process. In New York City, for example, we began at war with ACS. In 2000 the commissioner at the time declared CWOP to be persona non-grata.

No one from ACS could talk with or meet with anyone from CWOP. Ten years later, CWOP is collaborating with ACS.

The extremes define the center. If you want to win even a fraction of what you deserve, at times you have to be demanding and unreasonable.

Parents participating in your own cases and even parents having a role in shaping child welfare policy will take us only so far toward the kind of social welfare system we need. We now have a system that only helps people after they are overwhelmed with problems, or as David Gill put it, "Our child welfare system provides an ambulance after a family has fallen off a cliff." Most other industrialized nations in the world provide help before families are overwhelmed. And when families develop problems, they don't have state investigators push their way into people's homes, but they send social workers from private agencies to help the families. Only if they can't solve the problem do the social workers then call the state to have the child removed.

To move toward that kind of preventive, family nurturing system, will require more than child welfare parents fighting the child welfare bureaucracy. But fighting the good fight in child welfare is an essential step that we all can take to push these systems into the twentieth first century, while many of them are still in the 19th century.

We need to create a system that helps families rather than punishes parents. We need to create a system that we feel proud to be helped by, not a system that we dread coming into our lives. We need to create a system that was called for in a poster in a demonstration led by Women in Transition in Louisville, Kentucky and now appears in other cities. The poster read: "Take away our poverty not our children." **That is the system we want. That is the system we should fight for.**

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