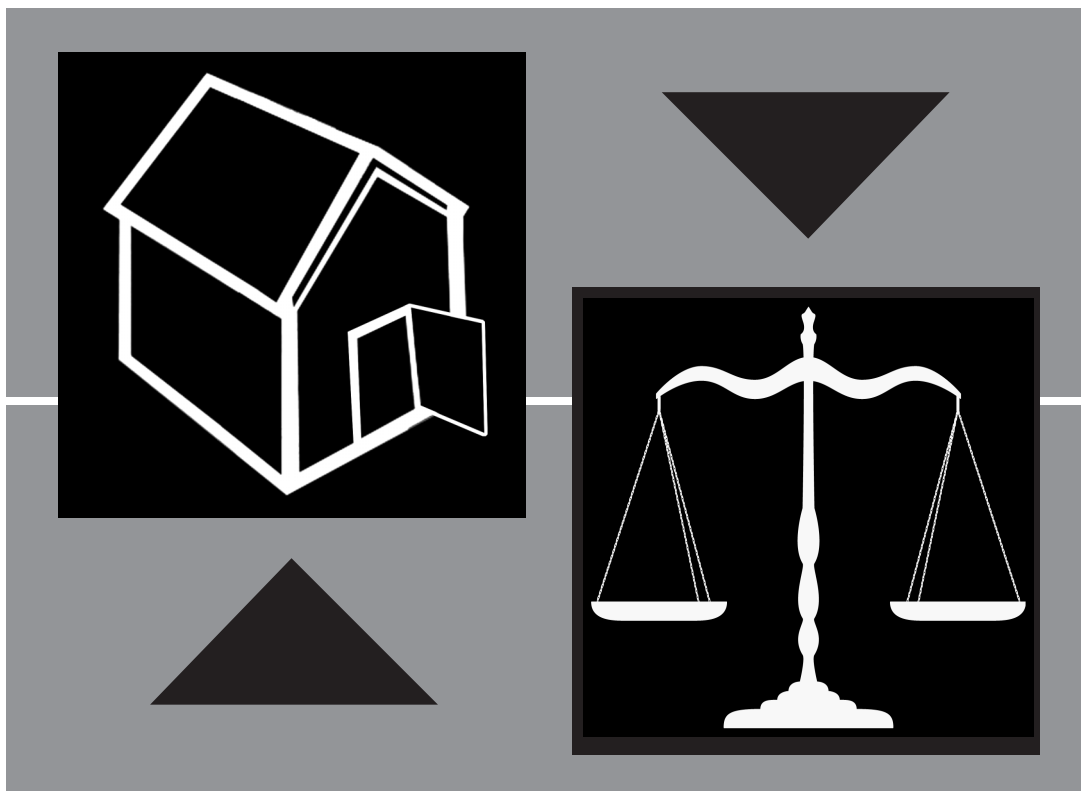


**RECOMMENDATIONS
FOR EFFECTIVE PARTNERSHIPS
ON YOUTH PERMANENCE**



**BETWEEN THE JUVENILE COURTS
AND CHILD WELFARE**

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**Juvenile Courts and
Child Welfare Partnership Work Group
California Permanency for Youth Project**

Prepared by Mardith J. Louisell

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Walter S. Johnson Foundation**

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This work group was convened out of a recognition of the critical role that court processes play in the child welfare system and in improving the lives of foster youth. This group believes that the judicial and child welfare systems should expect that, except in rare cases, long-term foster care is not an option and is, instead, a failure of the system.

The group recognized the urgent necessity for a partnership between child welfare and the courts in the service of youth permanency and sought means by which judges, attorneys, other court personnel, and child welfare could most effectively create and support a system-wide cultural shift from acceptance of long-term foster care to commitment for all children and youth to permanency, including legal permanency. This includes reunification, adoption, guardianship, and, where none of those is possible, an adult who makes a non-legal but formal life-long commitment to permanency.

Specifically, the group focused on how the above stakeholders could:

- Define and pursue a clear and measurable vision of youth permanency as the focus of all points of child welfare services
- Empower and actively engage youth in court proceedings and other aspects of planning and decision-making about their lives
- Reallocate or augment existing dollars and other resources to support the success of permanent connections for youth

Other threads that run through the recommendations include:

- A collaborative approach to change
- A commitment to measurement of results and feedback
- The assumption of a larger role for the courts in assuring permanency
- An examination of pre-existing child welfare and judicial practice, including attitudes to families that may be detrimental to permanency

The group developed the following nine recommendations for establishing and supporting a commitment to permanency for all children and youth.

RECOMMENDATION 1

Strengthen interorganizational relationships between child welfare, the courts, and other legal stakeholders with reference to youth permanency.

Action Steps for Child Welfare and the Courts

Create the Structure for Collaboration

- Establish a Permanency Committee within each county, composed of representatives of the Court, Child Welfare Services (CWS), Probation, Court Appointed Special Advocates (CASA), children's legal organizations and advocates, and youth, as well as representatives from Foster Family Agencies (FFAs) and group homes, to promote working relationships between all parties and to create common approaches to identify and resolve impediments to permanency for youth. Establish responsibility among all parties so that each is accountable for assigned tasks and for communicating regularly and fully with the others.
- Use regular meetings between CWS and judicial leadership to resolve potential problems and model cooperation.
- Establish quality improvement processes on youth permanence for the courts and child welfare. Establish court performance measures to ensure that every dependency court can track and analyze its caseloads, increase accountability for positive outcomes for youth, and make informed decisions about the allocation of court resources (from the Pew Commission).
- On local and state levels, collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information that can lead to better decisions and outcomes for youth.

Training

- Provide an opportunity for new social workers to meet with a judicial officer outside the court setting to discuss their shared responsibilities and discrete roles.
- Provide joint training on youth permanence to judicial and social work personnel; in that way, a common language for solving problems will evolve.
- Invite child welfare staff to training for new judicial staff and invite judicial staff to training for new child welfare staff.

Youth Involvement

- Ensure youth involvement as stakeholders, in training opportunities, and as trainers.

Examples to Support Recommendation 1

• Unexpected Partners

When New York City's Administration for Children's Services (ACS) invited stakeholders to submit written comments on a draft policy on permanency, a novel partnership developed between ACS and two advocacy organizations with whom ACS had previously engaged in litigation. From an initial, highly contested meeting, at which several law guardians voiced the concern that the new policy might force the adoption of teens who objected to adoption, a productive working relationship arose. From this came suggestions for clarifying the policy's purpose and reducing the paperwork burden. So that law guardians could assist in the search for a permanent resource for the youth, ACS agreed to provide a copy of the youth's concurrent plan and contact information for potential permanency resources to the child's law guardian.

• Marion County, Indianapolis

Through a heavy emphasis on permanency versus congregate bed care, the county significantly reduced the number of children in group homes. Staff hired by the court traveled around the state speaking with youth, case workers, and group home staff about group homes. Information they gained led to the Intensive Family Reunification program (IFR), which serves child welfare and probation cases and is dedicated to removing the barriers preventing youth from returning home. Contracted private agencies provide the services for IFR, which is part of a joint project between child welfare and the juvenile court. The project has been expanded to each of the state's eighteen regions.

RECOMMENDATION 2

Create a clear, measurable vision of permanency as the focus of all points of the child welfare and juvenile court systems, bearing in mind that neither Long Term Foster Care (LTFC) nor Another Planned Permanent Living Arrangement (APPLA) is an acceptable permanent plan for any child or youth.

Action Steps

Develop agreement among the courts, child welfare, and other stakeholders on:

- The criteria for selection of a permanency option (how one chooses)
- Benchmarks for achievement of permanency (how one measures)
- Roles of youth, family, caregivers, and professionals (who does what)

RECOMMENDATION 3

Introduce to the courts and child welfare the philosophy and process of finding families and reestablishing connections.

It is critical that attorneys, judges, children's legal organizations and advocates, and child welfare workers understand the philosophy of youth permanence, the definition of permanence, what it can offer, and what steps are entailed in finding a permanent connection.

Action Steps for Child Welfare

Policy

- Establish permanency finding as a routine part of casework from the beginning of each case so that contacts can be easily located and kept updated on the youth's progress. These contacts should be assessed as permanent placement options for the youth throughout the life of the case.

Practice

- Train and supervise all case workers in techniques of finding and engaging youth and family.

Resources

- Address the present backlog of youth who do not have permanency by providing additional supports to staff to find connections and engage youth and families. Use support staff to do Internet searches; hire permanency-finding staff to contact potential connections and work with youth; use independent living staff to find family/kin and talk with youth and families.

Youth Involvement

- Explore the meaning of permanency with youth.
- Involve youth in activities related to finding connections.

Action Steps for the Courts

Advocacy

- "The Judicial Council through its Juvenile Law Subcommittee should identify and correct financial disincentives to permanency planning and reunification." From *California Juvenile Dependency Court Improvement Reassessment*, November 2005, Recommendation 7, p. 31.

Practice

- To ensure that permanency efforts are pursued consistently, at each hearing the judge must ask who is doing what about obtaining a permanent home through adoption or legal guardianship for the youth.
- Consider all recommendations from mental health staff and therapists, probation officers, group care facilities, CASAs, etc., in the light of a philosophy of permanence. Closely examine recommendations that have been submitted without a consideration of permanence.
- Explore how the judiciary and attorneys can facilitate the process of making permanent connections. An example might be an attorney or CASA who discusses permanency with a youth.

Resources

- Provide forums for the judiciary, lawyers, and social workers to explore the positive aspects of allowing a youth to seek permanency in public places such as newspapers and television.
- Hire a youth permanency expert to work with California courts on finding connections.

Training

- Emphasize the importance of permanence in all judicial training. Involve youth in training.

Examples to Support Recommendation 3**Personnel**

- Social work interns could be trained to perform the family-finding searches as part of their internship experience, both to relieve pressure on line workers and to build their own expertise.
- In some counties, agency data experts have volunteered to work on Internet searches.
- In others, clerical staff have been engaged to assist with online searching for connections.
- In some, CASAs have received specialized training on searching, a role that may suit former CASAs who wish to help but no longer want the intensity of an ongoing assignment to a specific child.

Support to find connections

- “Missing Person” approaches used by the Red Cross have been used to identify connections.
- Techniques used by collection agencies might be adapted.
- Internet search engines, both free and fee-based, have speeded up the process of locating lost connections.
- Nearly all public agencies have a contract with a fee-based Internet search engine as part of the absent parent or TANF unit. Staff experienced in Internet search techniques can teach child welfare staff how to use search engines to find connections.

Training

- California CASA has developed a curriculum on permanence for CASAs and a protocol for the search process. Both are available for use or adaptation.
- The Bay Area Academy, in conjunction with CPYP, has developed “Preparing Youth for Permanent Family Connections,” a one-day training that provides a philosophical understanding of youth permanency practice as well as practical strategies on talking to youth and finding permanent connections, including birth families.

RECOMMENDATION 4

Explore birth parents and siblings as permanent connections.

Upon emancipation from foster care, significant numbers of youth return to the homes from which they were removed. The courts and child welfare must make this process more intentional, helping youth and families work through the obstacles that impede the success of such arrangements.

Action Steps for Child Welfare and the Courts

Practice

- Develop a conception of the birth parent as a positive connection even if it is not appropriate or possible for the parent to take on the responsibility of caregiving. The judicial officer and social worker should explore with the parent the possibilities for a continuing role in his/her child's life.
- Identify and promulgate steps for parents to appropriately reengage with their children.
- Continue to reassess reunification potential for every child even after the legally mandated timeframes for family reunification have passed.
- Ensure that non-custodial birth parents (usually fathers) are aware of and engaged in the case planning process.
- Use a team planning process (Team Decision Making (TDM) or Family Group Conferencing) for the youth's emancipation and involve birth parent(s), siblings, and extended family members and provide training for team facilitators on essential questions about permanence to address with birth parents and youth. If a team planning process is used effectively, the courts may be able to spend less time on some youth and address more fully the neediest cases, perhaps freeing up time and money for other permanency services.
- Along with reengagement with birth parents, develop at least two alternate plans for backup permanent connections if reengagement with parents is not successful.

Post Permanency

- Wrap reunification and therapeutic services around the family to support reconnection.
- Explore Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) funding streams for post-permanence services.
- If a youth identifies a birth parent whose rights have been terminated as the person the youth wishes for his or her permanent connection, consider having the youth file a California Welfare and Institutions Code (hereinafter "WIC") §388 petition to re-establish the parental relationship. WIC §366.26(i) (2). Family reunification services might be reopened to help support the renewing of this relationship.

Examples to Support Recommendation 4

See Bullet #2 under **Examples to Support Recommendation 1** on Marion County, Indianapolis, in which Marion County concentrated on removing barriers to reunification in order to achieve permanence.

RECOMMENDATION 5

Reallocate and augment fiscal resources to support permanent connections.

Action Steps for Child Welfare

- Change fiscal allocations by:
 - Shifting Temporary Assistance for Needy Families (TANF) and Title IV-E to support permanency
 - Funding staff positions specifically dedicated to focusing on promotion of permanency
- Use performance-based contracting with vendors to provide incentives for permanence rather than incentives for continued foster care.
- Eliminate disincentives associated with permanency options:
 - Provide continued financial assistance to caregivers committing to permanency
 - Provide continued eligibility to former foster youth for programs that support foster youth (transition programs, scholarships, health care)

Action Steps for Child Welfare and the Courts

- Address caseload sizes that impede an individualized focus on permanency by court attorneys and social workers.

Examples to Support Recommendation 5

- Use performance-based contracting with vendors to provide incentives for permanence. Under such contracts, public agencies are responsible for securing child permanence, while private partner agencies have a financial incentive to quickly find resource families. Michigan's Adoption Contract Management program has helped children leave foster care for adoption at about twice the rate of many other states. The best contracting programs: (1) pay higher fees for permanence achieved soon after termination of parental rights (TPR) *and* for permanence for more difficult-to-place youth; (2) encourage collaboration among agencies; and (3) include accountability and evaluation by the public agency. (Fall 2005 *Adoptalk*, North American Council on Adoptable Children (NACAC))
- See Bullet #2 under **Examples to Support Recommendation 1** on Marion County, Indianapolis.

RECOMMENDATION 6

Provide judicial oversight to assure that youth permanency is an essential part of preparation for emancipation.

Achieving permanency is critical for successful emancipation. For youth who do not have permanence, appropriate preparation for emancipation must be provided. (See **Resources**, *A Call to Action*.) Both permanence and ILP services are necessary. If permanency is achieved, the family can play a role in assisting the youth with preparation for adulthood.

Action Steps for Child Welfare and the Courts

Practice and Training

- Implement WIC §391.1 in the state courts to improve youth's preparation for leaving the system.
- Educate all parties on their discrete roles in §391.1 and the multiple levels of accountability in preparing youth for emancipation: the court must compel needed action while social workers, caregivers, and youth must complete the essential activities.

Action Steps for Child Welfare

Procedure

- Integrate the process of permanency with that of emancipation. Develop a form to promote such integration.

Training

- When training social workers on format and content for court reports, include specific references to action for permanence and what detail and documentation are needed.

Action Steps for the Courts

Advocacy

- Emphasize that finding permanent relationships with family and significant others dovetails with emancipation preparation (see Recommendations 3 and 4).
- Enhance representation for youth and families by increasing the quality and continuity of juvenile court attorneys throughout the state through education and recruitment of permanence-minded attorneys.
- Actively promote standards of practice for dependency judges.
- Promote adoption by the state of standards of practice, preparation, education, and compensation for attorneys in dependency practice.

Policy and Procedures

- Review bench guidelines for §391.1 with appropriate stakeholders in each county to assure that processes throughout California are consistent, that unique aspects of each county are addressed and that expectations of all involved parties are clear.
- Review the "Orders After Hearing" form (adopted for statewide use in January 2006) to determine the extent to which it incorporates §391.1. Develop an addendum/amendment if necessary to ensure inclusion of §391.1.
- Support and promote routine completion of the Transition to Independent Living Plan (TILP) for every youth, addressing issues of permanency with the youth's participation.

Practice

- Judges must take responsibility for reviewing each youth's case to determine what the next steps on permanency are, what services will be needed, and which must be ordered to accomplish the steps.
- Compile and disseminate best practices guidelines for judicial and attorney performance on behalf of permanency for older youth.

Resources

- Hire a former foster youth to mentor youth for their appearances in court.
- Add youth permanence practice to the work of the attorney with the JRTA Permanency Project (Judicial Review and Technical Assistance, a collaboration between the Administrative Office of the Courts (AOC) and California Department of Social Services (CDSS). See *California Juvenile Dependency Court Improvement Reassessment*, November 2005, p. 29, available at <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CIPReassessmentReport.pdf>).
- Expand the community-based CASA program as a means to help children, parents, and caregivers to actively participate in court proceedings.

Training

- Include a permanence section in courses on juvenile court law.

Examples to Support Recommendation 6

- The Judicial Council has developed a form that reflects new language and focus in §391.1.
- The Bench Book has provided a checklist in support of §391.1.
- Judicial Council training could discuss better implementation of the §391.1 requirement.
- In Los Angeles, the Children's Law Center provides attorneys to LA County who have expertise and experience in Dependency Court. Achieving this in other jurisdictions might be accomplished through development of relationships between county courts and law schools and by providing internships for juvenile court law.
- See Bullet #2 under **Examples to Support Recommendation 1** on Marion County, Indianapolis.

RECOMMENDATION 7

Understand that finding a permanent connection can contribute to a youth's successful treatment.

The hope of finding a permanent connection has consistently had a positive effect on the behavior and stability of youth in care, reducing critical incidents, running, and truancy. Building permanent relationships can help youth deal with their experience of rejection, abandonment, and loneliness. Permanency is a positive treatment strategy for all youth, even those who may remain in an institution.

Action Steps for Child Welfare

Data

- Provide data to the courts that supports permanency. Track indicators of improved mental health and functioning among youth with a permanent connection.
 - School attendance and performance
 - Reduced acting out
 - Reduced need for special education

Mental Health Coordination

- Establish a formal coordination process on youth permanence between child welfare and mental health.
- For youth with significant time in foster care, developing ongoing connections is critical but difficult. Unless a youth masters relationship skills, breakdowns with permanent connections are certain. Use the youth's permanency team to provide a problem-solving mechanism to deal with such breakdowns. Provide mental health services for therapeutic work on relationship issues.
- Maintain post-permanence support services (therapy, groups for youth and families) for 18-36 months after permanence.

Action Steps for the Courts

Practice

- When cases appear in court, judges, attorneys, children’s legal organizations and advocates must recommend that permanency be sought for all youth, not only those youth who are “doing well.”
- Engage all partners, including youth and families, in court actions.

Examples to Support Recommendation 7

Pre- and post-permanency services can be provided through the “wrap-around” approach.

RECOMMENDATION 8

Develop an understanding of and steps to enact CA AB 408 (Steinberg 2003).

AB 408 is designed to help normalize life for youth in foster care. Developing a system-wide understanding of its intent and provisions could help youth in foster care develop decision-making skills so they could assist in finding and creating their own permanent connections. See WIC §§16500.1(b) (11) & (12). Honing decision-making skills requires practice and mistakes. AB 408 seeks to reduce absolute limitations on certain activities and create a “prudent parent” standard for determining appropriate supervision, thereby freeing youth to take developmentally appropriate actions and risks. WIC §362.05.

Action Steps for Child Welfare and the Courts

Procedures

- Achieve consensus on implementation of AB 408 by holding a Prudent Parent Summit under the auspices of a state-wide legal group such as the Judicial Council to discuss balancing safety and developmentally appropriate risk. Include youth, caregivers, social workers, attorneys, county counsel, licensing, and other parties. The “prudent parent” concept affects permanency because as youth become accustomed to normal adolescent activities in the context of a family, they become less institutionalized and better able to adjust to family living. Content would include:
 - Competing liabilities—who is responsible for a youth’s behavior?
 - Development of a legislative approach to shared liability, thus reducing the liability for each party
 - Development of a definition of the “prudent parent” role
 - Discussion of guidelines for caregiver decision-making on issues related to youth activities that might engender risk
 - Consideration of the impact of bifurcation of county counsel role (protecting children and protecting the county from liability)
 - Development of training for all parties
- Address liability issues and perceptions that restrict normal development of foster youth autonomy with licensing staff, county counsel, social workers, and caregivers.

Involve Youth in Court Proceedings

- Develop and utilize court procedures that support youth involvement including:
 - Docketing
 - Direct communication between judge and youth
 - Timely notice of court date to all involved
 - Assumption by child welfare and courts that a youth will participate in the court process, rather than that a youth will not participate

Resource Development

- Courts and child welfare must share responsibility for helping youth develop age-appropriate decision-making skills.
 - Child welfare must provide training and life opportunities so that youth can function on a sophisticated level when asked to participate in decisions affecting them in court and in day-to-day life.
 - The judiciary must look for opportunities where the youth can exercise that skill in court and for evidence in the case documentation that the youth has been given a chance to practice skills.
 - Child welfare must develop a checklist of milestones that indicate a youth is developing decision-making skills.

Examples to Support Recommendation 8

Systems such as education have designed curricula to develop decision-making skills. Child welfare could find, apply, and incorporate these into its work with youth, so that by the time a youth is eighteen, he or she has had practice and developed skills.

RECOMMENDATION 9

Create a state-wide partnership group to encourage and coordinate action steps on youth permanence in the court and child welfare systems.

This group would include stakeholders who could speak for the courts, child welfare, and providers. The group would maintain a focus on permanence and provide systematic dissemination of information to their constituencies, the academies and training departments, legislative bodies, and other key stakeholders. It is recommended that both CDSS and the Judicial Council take a role in such a committee. The Judicial Review and Technical Assistance (JRTA), a collaboration between AOC and CDSS, may be a possible host for this group.

The work group included the following recommendations for which this partnership group would be responsible:

Share Supportive Materials

Disseminate materials on youth permanence practice to the courts and child welfare.

Action Steps

- Promote the value of technological support for sharing information and invest dollars in this effort.
- Identify and create links between organizations with relevant information such as:
 - CPYP website
 - National Resource Center for Family Centered Practice and Permanency Planning, Hunter College School of Social Work, www.hunter.cuny.edu/socwork/nrcfcpp
 - Child Welfare League of America
 - North American Council on Adoptable Children (NACAC)
 - ABA Model Courts information on permanency and research

Provide the Judiciary and Child Welfare with Evidence of Success

Action Steps

Research

- Encourage permanency projects to compile and share evaluation results that describe and quantify positive benefits.
- Compile research to demonstrate and support the benefit of permanence for older youth who leave the foster care system.
 - Use the Chapin Hall longitudinal data on emancipated youth to help document the problems when a youth doesn't achieve permanency.
 - Extract data from reports from National Youth Permanency Convenings to describe successes in other states.
 - Research the possible linkage between permanent relationships and successful transition to add a persuasive dimension to the argument for youth permanency.
- Promote interest in supporting such research among foundations or other funders.
- Convey such research to the training arms of the courts (Judicial Council) and child welfare (training academies).
- Highlight research data, as well as personal testimonials, on the CPYP website.

Examples to Support Recommendation 9

Share Supportive Materials

Disseminate the material available on youth permanence practice to the courts and child welfare.

- The CPYP website can highlight existing materials and provide links to sites with additional information (www.cypyp.org).
- Casey Family Services provides training and technical assistance on permanency for older youth (www.caseyfamilyservices.org).
- Judges who have implemented steps towards permanency in their courtrooms can be called upon as speakers.

Provide the Judiciary and Child Welfare with Evidence of Success

- The report of Alameda County's StepUp Project is an example of key information that includes both examples of success and cost analysis.
- California Permanency for Youth Project has data on its four pioneer counties.
- Youth testimonials are powerful empirical evidence for the benefits of permanency.
- Other states can provide supportive data on success and cost, including Project Uplift, Colorado; the Legacy Project, Illinois; Catholic Community Services of Western Washington; and Adopt Cuyahoga's Kids, Cuyahoga County, Ohio.

RESOURCES

Bay Area Academy, Training, “Preparing Youth for Permanent Family Connections,”
Judith Lefler, (707) 428-0133, judithlefler@aol.com

California CASA, Permanence training and curriculum, Robin Allen, (510) 663-8440, rallen@californiacasa.org

California Juvenile Dependency Court Improvement Reassessment, November 2005.

<http://www.courtinfo.ca.gov/programs/cfcc/pdf/CIPReassessmentReport.pdf>

Complete information on progress. For sections relating to the court-child welfare partnership recommendations, see:

- Page 14, Guiding Principle 1 on permanency and collaboration
- Page 31, Recommendation 7: “The Judicial Council through its Juvenile Law Subcommittee should identify and correct financial disincentives to permanency planning and reunification.”
- Page 32, Recommendation 12 re training on permanency planning
- Page 60, 3-13, information about court involvement in emancipation planning

A Call to Action: an Integrated Approach to Youth Permanence and Preparation for Adulthood, Casey Family Services Center for Effective Child Welfare Practice, in collaboration with the California Permanency for Youth Project, Casey Family Programs and the Jim Casey Youth Opportunities Initiative, Inc., 2005

Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care. The Pew Commission on Children in Foster Care. 2004. See p. 18 for Recommendations for the Courts.
<http://pewfostercare.org/research/docs/FinalExecSum.pdf>

Marion County, Indiana, Indianapolis, M.B. Lippold, (317) 234-3925, mb.lippold@dcs.in.gov;
Honorable James W. Payne, (317) 234-1391, james.payne@fssa.in.gov

Planning for Permanence Resource Binder, 2005. Administrative Office of the Courts.

Relevant sections are: Introduction (including the Pew Commission’s Recommendations for the Courts); Statistics; Parentage; Engaging children in decision-making; Sibling information and research; Alternative dispute resolution; Concurrent planning; Open adoption; Adoption recruitment and support; Authority; Pending legislation

Training: “Permanency Training” delivered by Administration of the Courts for judges and court personnel

Y.O.U.T.H. Training Project, Bay Area Academy, Training by current and former foster youth on how to work with foster youth, Jamie Lee Evans, (510) 419-3607, jle@sfsu.edu

Contacts and Information for Data on Evidence of Success

Adopt Cuyahoga’s Kids, Cuyahoga County, OH, Tamia Lorkovich, (212) 325-1000,
tami@adoptionnetwork.org, www.adoptionnetwork.org; and Jim Provost, (212) 881-4546,
jprovost@cuyahogacounty.us

StepUp Project, Alameda County, CA, Robin Luckett, (510) 268-4298, Lucker@acgov.org

Project Uplift, CO, Cheryl Jacobson, (805) 773-3289, jcheryljoy@aol.com

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The California Permanency for Youth Project (CPYP), a project of the Public Health Institute, is primarily funded by the Stuart Foundation.

Project Vision

To achieve permanency for older children and youth in California so that no youth leaves foster care without a lifelong connection to a caring adult.

Project Objectives

- To increase awareness among the child welfare agencies and staff, legislators and judicial officers in the state of the urgent need that older children and youth have for permanency
- To influence public policy and administrative practices so that they promote permanency
- To assist fourteen specific counties and the private agencies with which they work to implement new practices to achieve permanency for older children and youth

Project Activities

- The California Permanency for Youth Task Force
- Technical and practice assistance to fourteen California counties
- Emancipated Youth Connections Project (EYCP)
- Training
- Website: the project website is www.cpyyp.org