

TESTIMONY
THE NYS SENATE MAJORITY TASK FORCE ON
CHILDREN'S HEALTH AND SAFETY * APRIL 2004

SUBMITTED BY: CASA: ADVOCATES FOR CHILDREN OF NYS
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The CASA Program:

The Court Appointed Special Advocates (CASA) program provides individualized advocacy to ensure the safety and permanence of abused, neglected and at-risk children throughout New York State. More than 700 volunteers currently serve 4300 children in Family Courts in 33 of the state's counties.

Our volunteers are ordinary individuals with an extraordinary commitment to serving children in need. They represent a diversity of ages, educational, professional and ethnic backgrounds. Each volunteer is carefully screened, trained and supervised by professional staff. They are sworn in by a Family Court Judge, and then assigned only one or two cases at a time. They then gather information on the child and family and report to the judge, working closely with legal and social service providers to help meet the child and family's needs, monitor court orders, and move the case quickly to resolution.

A Court Appointed Special Advocate has the time, energy and dedication to devote to the children in their cases, ensuring that they stay safe and are either returned to a stable and nurturing home environment, or find a new, permanent and loving home. A CASA volunteer is often the one constant in a lengthy court case -- a neutral party whose only stake is to ensure that the best interests of the child are met.

CASA: Advocates for Children of NYS (CASANYS, incorporated as the New York State CASA Association) provides training and technical assistance to local CASA programs throughout the state. We conduct quality assurance reviews of local programs, and administer statewide funding to the network. CASANYS also sits on a number of statewide committees, including the Children's Justice Task Force, the Statewide Performance Improvement Plan Team for Permanency, and the Children's Mental Health Action Network. We work closely with other children's advocates to address policy and procedural obstacles to the safety of children and stability of families.

The children served by CASA statewide range in age from newborn to 18. More than 80% of our cases involve adult/parental substance abuse, and more than a third have an identified element of sexual abuse. Approximately 40% include parental psychiatric disabilities. Nearly every child involved in the foster care system would benefit from some form of mental health services, and the vast majority are overwhelmingly impacted by poverty. CASA's role includes advocating for the educational, health, and mental health needs of the child; we work closely with Judge Judith S. Kaye's Permanent Judicial Commission on Justice for Children on statewide initiatives in these areas. Judge Kaye has said of our program: "CASA is a wonderful example of how ordinary citizens can contribute to the well-being of their communities by brightening the future, one child at a time." (*The State of the Judiciary Address, 2004*)

CASA's Viewpoint:

Court Appointed Special Advocates are in a unique position to report to the Senate on the status of children and the systems that serve them, as we do to the Family Courts that assign us. There are many factors impacting the lives of the children we serve, but three major trends currently emerge:

(1) Increased caseloads and increased case complexity. Family Court judges throughout the state are reporting that their caseloads are growing, and becoming steadily more complicated. Both child and parent service needs are increasing at a time when available community resources are stretched thin. There are often multiple children involved in a case, and efforts to keep siblings together or to maintain stability in school or service placement are becoming more and more difficult. There is seldom one predominant stressor identified in these families, and often multiple fathers, caregivers and other stakeholders involved in the case.

(2) Shortened timeframes. With the Adoption and Safe Families Act (ASFA), courts and social service departments must meet shorter time frames for moving a child to permanence. While this has the potential to curb case delays, it also puts added time pressures on service providers and on parents to resolve family issues satisfactorily. Increases in the utilization of relative placements subsequent to ASFA implementation also need to be carefully monitored to ensure these alternatives to foster care are in fact safe, stable settings for the child, and that families are getting the support they need.

(3) Welfare Reforms. The full impact of recent reforms in the provision of welfare benefits still remains to be thoroughly studied and quantified. The intent of those reforms was not to harm children, and how efforts such as welfare-to-work impact children in care and at risk of placement need to be closely monitored. Challenges in finding work that provides sufficient wages and allows flexibility for child visitation and participation in treatment programs, for example, are often cited by parents as barriers to compliance with court orders.

Positive Initiatives:

Our experience has generally been that the state is fortunate in having well-trained, dedicated individuals throughout government and private sector whose focus is the well being of children. Where gaps occur, the fault lies often in the sheer numbers of children who need services, and the challenges posed in coordinating all of the interventions a child and family require. Increasingly, strong cross-systems collaborations on the state and local level have been formed to facilitate service coordination, prevent duplication of effort and inappropriate interventions, and identify creative, cost-savings approaches. Many of these show strong promise in providing targeted safety and service plans for children. CASA has a key role in facilitating these collaborations, and providing the kind of individualized attention overburdened systems are unable to offer.

A number of noteworthy initiatives showing good outcomes are occurring at the state and local level. CASA's experience with or involvement in these efforts has been positive:

- ***The NYS Office of Children and Family Services Performance Improvement Plan (PIP) Statewide Team for Permanency (Strategy 11)***. The Statewide Team was formed to foster the achievement of improved outcomes in safety, permanency and well-being for children through improved communication, relationship building and cooperation among the agencies and courts that impact them. Composed of representatives of the Unified Court System, agencies of the Executive Branch of State and local government, and institutions and individuals who represent children and parents, the team is in the process of identifying and addressing issues affecting children and families in the child welfare and juvenile justice systems, and exploring mechanisms for joint planning and data sharing, training, and the exchange of ideas about practice, policy and the law.
- ***Child Advocacy Centers***: CACs offer comprehensive services for child victims of sexual abuse. CASANYS has a pilot project coordinating our efforts with CACs at the local level, as well as working together to identify statewide training and policy needs.
- ***Home Visiting Program and Family Resource Centers***: These successful programs offer primary and secondary prevention services, critically needed at the local level.
- ***Family and Drug Treatment Courts***: These innovative courts allow for single judge attention to families in need. In many counties, CASA plays an important role in the workings of these courts. Courts facilitate wherever possible the recovery of a parent without separating the family, as well as moving quickly toward reunification when treatment has been successful. This allows critically needed resources to be diverted to cases where a child's wellbeing is severely compromised, and where future abuse or neglect is seen as likely.
- ***Permanency Mediation and Case Conferencing***: Both are designed to help avoid court and contentious procedures in cases appropriate to this intervention, saving precious resources and empowering families.
- ***Coordinated Children's Service Initiative***: These programs provide the best use of county resources for the provision of strength-based mental health services to children.
- ***Permanent Judicial Commission on Justice for Children Initiatives***: Chief Judge Judith S. Kaye's Commission has launched a number of successful initiatives addressing the educational, developmental, health and mental health needs of children in foster care. They have trained the CASA network on these initiatives and provided invaluable resources for our advocacy on behalf of children, as well as to social service, treatment and legal service providers statewide.

What's Still Needed to Support the Children We Serve:

Expanding the Court Appointed Special Advocates program and providing volunteer advocacy for more of the state's abused, neglected and at-risk children would be one of the least expensive and most effective efforts the state could enact to facilitate the primary prevention of

child abuse or the re-traumatization of children who have already come to the attention of the courts and social service systems. By involving dedicated community members in the lives of these children, we maintain a public focus on the issue of child abuse and support for all efforts to keep our children safe. The CASA program is not only cost-effective, less than \$800 per child per year, but helps the state and county save funds expended in extended foster care placements and case delays caused by insufficient information, service coordination or monitoring. By providing hours of volunteer time, we enhance existing resources expended in treatment and support services. We currently are serving only 15% of the children statewide who could benefit from our services. Judges are eager to assign more cases to CASA, and start programs in counties that are yet unserved. A small state investment could make a profound difference in the number of children whose safety we could protect.

In addition, state support of the following efforts would help enhance child safety and permanence:

Community-based services that empower families: In many communities, there are long waiting lists for evaluations and services, or transportation difficulties that prevent full participation in what services are available. Continued needs assessments, coordinated care plans, and individualized treatment plans utilizing collaborative, cross-systems services are needed – including mental health, domestic violence, substance abuse, developmental disabilities, special education, and basic life skills training. While there may be budgetary implications in creating these services where they do not yet exist, there will ultimately be savings in county and state dollars wasted in: (a) providing ineffective treatment; (b) placing children in foster care when services could have kept the family reunited; or (c) placing a child in a more restrictive setting than necessary.

Supports to Foster Parents: Continued and expanded training and support for foster and adoptive parents would facilitate permanence, shorten case time frames, and prevent incidents of abuse and neglect that occur after a child is placed.

Dual Track Legislation: Allowing the less serious cases brought to the attention of the state hotline to be diverted to an assessment track would facilitate family compliance with services and spare resources for the most threatening cases.

Court reform and legislative changes: Simplifying the court structure and elevating the status of Family Court Judiciary would minimize incidents in which multiple courts are involved in deciding a single family's fate, which can lead to court delays, duplication of effort, failed communications between courts, and unnecessary burdens to the family. Proposed legislation allowing for continuing jurisdiction of Family Court judges throughout the term of a case would ensure more monitoring of compliance with case plans, and help to ensure a child's safety. Proposed legislation providing for social service data access to criminal histories also would enhance child safety.

Restoring funds to the William B. Hoyt Memorial Children and Family Trust Fund: The Fund supports critical efforts geared to child abuse prevention, yet has been dwindling in resources. New York State pales beside other state's commitment to these resources.

Conclusion:

If all of the factors that contribute to family stress could be eliminated, the CASA program and others that seek to prevent child abuse would be unnecessary. Sadly, we are not yet there. There is no magic cure to this complex issue, and surely none that don't involve at least a modicum of funding. All indicators are that we can expect more sad and disturbing stories to make the news. Rather than react after some incident has come to light, the Senate can, by supporting programs like CASA and other innovative initiatives and collaborations, work toward preventing child abuse at its origin.