

fostering perspectives

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Supporting young people when it is time for court

Most young people in foster care are invited to attend court, to be involved in the proceedings, and sometimes to testify. That's a good thing, because hearing from children helps judges make appropriate decisions. But that doesn't mean being in court is easy for kids.

In fact, many young people report feeling anxious, angry, and frustrated with their experiences in court (Zinn & Slowriver, 2008). To change this, resource parents must know how to prepare children for court and support them afterwards.

Court Can Be Scary for Kids

Court is hugely important to children in fos-

ter care. After all, it's where decisions are made about whether they can go home. If children are crime victims, court is where the person who committed the crime—possibly a family member—will be tried and,

if needed, sentenced. Given the seriousness of the issues being decided, simply knowing court is being held can be anxiety producing.

Being present in court can be even more so. Children may feel scared and uncomfortable about testifying in front of judges, lawyers, and people they don't know. Memories of their abuse or neglect may rise to the surface.

This is something every foster parent should know how to do.

They may experience overwhelming emotions. If the abuser is a loved one, children may blame themselves for the charges against that person. Or they may think that if they testify about the maltreatment they won't get to go home. There may be feelings of intense self-blame, especially if the child's brothers or sisters have also been placed in care and are upset with them for disclosing the abuse and neglect (Jenkins, 2008).

A Resource Parent's Role

Fortunately, there's a lot caregivers can do to support children in foster care around court.

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Writing Contest

What would you tell a judge about your family?

In the last issue of *Fostering Perspectives* we asked children in foster care "what would you tell a judge about your family?" Here's what they had to say.



Destiny, age 16

"Thank you for changing my life." That is one thing that I would say to a judge.

If it was not for the judge's decision and the decisions of many other people along the way, I wouldn't be as successful as I am today.

I am successful in the way that I present myself, the activities that I participate in, as well as the morals and values that I have set for myself with my foster parents. I am a cheerleader, making A/B Honor Roll, president of two clubs, taking multiple AP and Honor classes, have a job, and preparing to start my senior year of high school. I am successful because I overcame an obstacle that most of my friends could not even imagine going through.

A judge's decision helped make me into the person I am today, with my mother and father—not the biological ones. It changed my life. That one decision that changed my life for the better was the best decision that somebody could ever make for me.

That is why I would simply say, "Thank you, Judge."

Destiny received \$100 for winning first prize in the writing contest.

Thank you. Your decision changed my life for the better.



Autumn, age 15

I would ask that judge, why treat my parents like convicts? Is this really what's best for the children? Is our case only a number to you? Is my voice actually heard? For I feel my voice is only a raindrop in a demoralizing storm....

Why are you in such a hurry to close our case? I love seeing my mom's smile, and receiving my dad's hugs. Seeing them is what keeps me motivated and level-headed....

Adoption may be the answer in your book, but in mine it shuts the door to who I really am.... Yes, you have found a great foster home for us. As far as your plan for our future, I'm not so sure I can agree with that right now.

I know I don't have very much input, but just one more question: what would you do if you were in my shoes?

Autumn received \$50 for winning second prize in the writing contest.

I feel my voice is only a raindrop in a demoralizing storm.



Olivia, age 13

Reading my family's history, you probably wouldn't like them very much, but neither you nor anyone else knows my family like I do. My whole life I sat back and listened to the harsh stereotypes and cruel accusations, but today I am reaching out.... They love me unconditionally and will always support me. Of course there have been hard times, but haven't there been hard times in every family? They are good people regardless of their backgrounds.

Olivia received \$25 for winning third prize in the writing contest.

My family are good people regardless of their backgrounds.

CONTEST: What would you tell a judge about your family? from page 1

The young people below all received \$15 for having their work published in *Fostering Perspectives*.

Breana, age 12

When I was six, I went to court. All I did there was cry. I was speechless. I didn't know what to say. I was scared.

Now, six years later, I am in a great home. I couldn't ask for a better family.

Take my dad for instance, with his corny jokes! And my mom—she's good at tennis and helps me with homework. My brother Reed is good at soccer and likes to play video games. My brother Seth wants to be a missionary, and my sisters Maggie and Callie both just graduated from college. My brother Shawn lives in California.

Then there is me, adopted into this big, happy family. I would want to say this to a judge because I have had a good experience being in foster care, and some people don't get good experiences.

Some day I also want to help kids experience a happy life!

I had a good experience in foster care, and some people don't get good experiences.

Sarah, age 15



"I will ALWAYS love my family. No matter what they do, I will still love them."

Messages for a Judge about My Family

There are so many things I could say to a judge about my family, but if I had to choose one thing, I would tell them that no matter what, we never give up! Sometimes it becomes very hard for my brothers and I to persevere through things such as mowing the lawn, doing homework, and even eating broccoli. I thank God that I am blessed to have parents like mine. —Sasha, age 16

I hope that the judge would see that my family is the best and that they all love me to death and have been with me and supported me since I was born. Next month I am transitioning from the foster home back to my home with my family. I am so excited to live with them again and show them how much I have learned from my experiences at the foster homes and group homes. I have lived away from my family for three to four years and I can't wait to go back home! —Taylor, age 17

I was 11 when I was placed in foster care. . . . I have been in 6 foster homes, 4 group homes, 1 lock down PRTE, and soon to be stepped down to another foster home. . . .

My sister Destiny will soon be 18, and has planned to sign herself out of foster care. My mom has requirements she is supposed to meet but hasn't really made an effort. My dad signed away his rights. Outside of my sister I have no close family I would be able to live with. The court initially gave my mom a year, but kept extending it till it turned into four years. But my team keeps telling me it's still a possibility to live with my mom.

—Krystyna, age 15

De'Angelo, age 17

I'm a sibling from a family of eight. Kindergarten through elementary I was a great kid. When I was in the 5th grade my mother caught breast cancer but was a survivor. In my middle school days I began making friends, experimenting with drugs, and gang banging. At that age I felt my reputation in the streets was way more important than an education. I was known for stealing cars and fighting. I was going down the wrong path.

When I was 15 I got sent to juvenile for stealing and then I was sent to out-of-home placement because I was out of control and rude. I went to a level one group home. I was there for 6 months, showed improvement, and got discharged. I went back home.

It was okay, but my mom's cancer came back. It spread, and she died of bone cancer. These were hard times for me, so I kept myself busy by robbing and stealing. I felt alone and wasn't being disciplined for my actions.

On June 22, 2011 my dad gave me, my little brother, and my little sister away to DSS due to lack of income, discipline, and motivation. He said his mindset was gone due to my mother's death. Today I'm in foster care. I go to therapy, I'm pursuing my GED. Me and my father have no contact at all.

I've learned that second chances are mistakes' best friend. A wise man once said: "the only way out is the way through." I understood right away. I went through the stealing and robbing stages and it wasn't me. Now I want to be a mentor and let other young teenagers know that there is a way!

Stealing cars and fighting: I was going down the wrong path.

Anna, age 17

I have been in foster care for six years.

Before I went into foster care I had a bad attitude and could not control my anger. I used to tease the cats and even killed my sister's fish. I would not follow directions. I would always do things my way and not the adult's way.

But after I went into foster care I learned how to control my anger and get along better with my siblings. I would like to go back home and get along with my siblings much better than I used to.

I would tell the judge that I have completed all my goals, and that I am confused about why they won't send me back home to my family.

"I'm confused about why they won't send me back to my family."



Child Welfare-Related Adjudicatory Hearings in District Courts in North Carolina

July 1, 2009–June 30, 2010

- 6,806 child neglect hearings occurred; of these 1,217 (18%) were dismissed.
- 988 child abuse hearings occurred; of these 303 (31%) were dismissed.
- 1,889 termination of parental rights hearings occurred; in 287 (15%) of these parental rights were not terminated.

NC Administrative Office of the Courts, 2011

Supporting young people when it is time for court from page 1

Before Court

Educate yourself. Foster parents and kinship caregivers must understand how the court process works and who the different players are. Your licensing social worker is a good source of this information, as he or she will be able to provide you with details about how your particular judicial district works. Other good sources for learning about relevant court procedures in North Carolina are:

- Chapter 13 of *Reporting Child Abuse and Neglect in North Carolina*, <http://bit.ly/Nco2oy>. Provides a good description of procedures in child welfare cases.
- *Help Your Kids Help Themselves: A Parent's Guide to the Juvenile Justice Process*, <http://bit.ly/SfnYVY>. Explains what happens if a child in your care commits a crime.

Prepare the child. As mentioned above, the court process can be nerve-racking for children. Fortunately, most resource parents naturally do a lot of things for children that indirectly help them prepare for and cope with the stresses of the court process. These include getting to know and building a trusting relationship with the child, nurturing the child, and reaching out to birth families through the shared parenting approach.

It is important to be able to provide answers to the questions children have about court. The child's attorney and the child's social worker will probably be the best people to answer the child's questions. However, sometimes it falls to foster parents and kinship parents to respond, so you should be ready to respond to questions* such as:

Children's Initial Questions

- What does the courtroom look like?
- Who will be in the courtroom?
- What does each person in the courtroom do?
- Where will I sit? Who will sit next to me?

Children's Ongoing Questions

- What is the purpose of the hearing?
- Who will be attending the hearing?
- Will I be expected to speak? What if I don't want to speak? Can another means of communication be used?
- What should I do if I have questions, need to use the bathroom, or feel scared?
- How am I expected to behave? What happens if I misbehave?
- Can I bring quiet toys to court?
- Can I bring a support person or item to court?

Attorney for the Child	The attorney for the child makes certain the child is aware of the hearing and lets the child know he/she is entitled but not required to attend. The attorney is the point person for familiarizing the child with all aspects of the hearing, for explaining what is going to happen, and determining the child's preferences and wishes so that they can be taken into consideration.
Child Welfare Worker	The caseworker is also a source of information and can answer questions about the purpose and expectations of the hearing. Discussing who will be in court, what the child will see, and what is expected of the child will help alleviate stress and provide a better understanding of what to expect.
Guardian ad Litem	The GAL is a specially trained person appointed by the court who volunteers his or her time to investigate the facts of a case and make recommendations to the court on what is in the child's best interest. The GAL can be a resource and can share insight if he or she has a connection with the child.
Foster Parent	Foster parents should support the child and provide reassurance about the hearing, answer questions, encourage participation, and support the child's decision whether to attend court.
Birth Parent	Where appropriate, birth parents can speak to the child about the hearing, answer questions, encourage participation, and support the child's decision whether to attend court.
Judge	The judge can request that children attend their court hearings and can ask why a child is not in court. It is not the responsibility of the judge to prepare children for court but the judge can determine if a child has been prepared for court and proceed accordingly.

- How should I dress for court? Why is attire important?
- How long will the hearing last?
- How long will the child have to wait for the hearing?
- Where will the child wait for the hearing?

Visiting the courthouse in advance is one way to allay children's fears and answer their questions. Contact the child's social worker to see about arranging a field trip to the courthouse. Be sure to bring books or appropriate toys on this outing, in case you must wait.

After Court*

In an ideal world, after a hearing the attorney for the child should debrief the child about the experience. However, sometimes it falls to resource parents or the child's caseworker to do this.

Whoever does the debriefing should begin by thanking the child for their courage and the part they played in the court process. Make sure the child understands what happened, what the implications of the hearing are for the child, and what happens next. One of the goals of this discussion is to identify any supports the child might need going forward.

More Tips for Preparing Children for Court

- Normalize anxiety. Reassure children that anxiety about court is normal and everyone, including social workers and lawyers, experiences it.
- Ensure the child understands that sometimes several hearings are held and they may have to return to court.
- Even if they aren't attending, tell children that a hearing about them is scheduled. This may cause some anxiety, but it is better than an "out of the blue" announcement about the court's decision.
- If the child is not attending court but wishes to write a letter to the judge, make it clear the letter will be read by all parties at the hearing.
- You can't know in advance what will be decided in court, so don't make promises to children you can't keep (e.g., that they'll never be asked to talk about their abuse or neglect in court again).
- Avoid criticizing any parties in the case. It's okay to describe an individual's behavior as bad, but not the individual him or herself.
- Never give gifts or rewards to a child for testifying in court. This could make it seem as if you are trying to influence the child's testimony.
- Be sure to thank the child for their courage and their willingness to be involved in the court process.

Source: Baldwin, 1998

* Adapted from New York State Permanent Judicial Commission on Justice for Children, 2008



Advice for foster parents about going to court

When it comes to court, foster parents have a vital role to play. Although judges have the responsibility to make decisions about children, they can only make good decisions

if they receive good information. Foster parents can have a huge impact on the lives and welfare of children by attending court and sharing information about the children in their homes.

Your Rights

Foster parents have a legal right to be **notified** of the following important court hearings for children in foster care. Foster parents also have a legal right to **participate** in these hearings:

- **Review Hearings.** Held every six months until the child is in a permanent home and the case is closed. Can be combined with Permanency hearings.
- **Permanency Hearings.** Must be held by the twelfth month the child is in care and every six months thereafter. Can be combined with Review hearings.
- **Post-TPR Review Hearings.** If termination of parental rights occurs, these hearings are held every six months until the child is in a permanent home and the case is closed.

Other Important Hearings

Although they do not have a right to be notified or to participate in them, there are two other types of court hearings that foster parents are often involved in:

- **Termination of Parental Rights (TPR) Hearings.** These occur only when necessary. Foster parents may be called as witnesses during Termination of Parental Rights hearings, especially if they have done shared parenting or are willing to adopt.
- **Adoption Finalization or Permanent Guardianship Hearings.** These complete the process of establishing a new, legal, permanent home for a child. Adoption hearings are totally separate from the juvenile court process in North Carolina and are done before the clerk of court. Guardianship is granted during a review and/or permanency planning hearing.

Stay Informed and Know Your Role

It is very important for you to stay informed about court hearings and ensure that your voice is heard throughout the process. You can also play an important role in making sure that the children's voices are heard at every step along the way. If you have questions about the court proceedings or schedule of hearings, talk to your child's social worker.

Participate in the Court Process

You are an important part of the professional team. Your input at every decision point is essential to ensuring the best interests of the child will be met. It is also understandable to feel nervous about participating in court. Being prepared will help you feel less nervous. Here are some tips to help you be an effective participant in the court process.

Tips for Participating in Court

- Stay informed about court dates and times. Speak up and ask for information if you do not feel you are getting what you need.
- Ask the social worker and attorneys involved with the case to explain the purpose of each hearing and to help you understand your role.
- Always arrive at least 15-30 minutes early for court hearings to allow time to get through security and find the correct courtroom. However, you should also be prepared to wait; courts are busy and there are often delays.
- Bring the child or children whose hearing you are attending, but make child care arrangements for other children in your care.
- Dress professionally. Do not chew gum, eat, or drink anything in the courtroom. Turn off your cell phone.
- Bring records with you. This can include notes you have made about the child's progress while in your care, a log of doctor's appointments, school records, and notes related to visits with the birth family.
- Keep in mind that any written materials you bring may be requested by and copied by all attorneys for the official record.
- When you speak, speak slowly, clearly, and using clear and professional language. Give all of your answers out loud, do not simply nod or shake your head. Refer to the judge as "Your Honor."
- Be as clear and complete as possible when responding to questions or offering information about the child so that the judge will have adequate information upon which to make a decision.
- Avoid appearing to be hostile to or against the birth family. The court often listens best to foster parents who have truly attempted to work with birth families and who are not focused on a personal objective/agenda (e.g., getting the child to stay permanently in their home).
- When asked to give sworn testimony, make sure you have discussed this with the attorney and you understand what this means.
- If your religious beliefs prevent you from taking an oath, inform the lawyers and social worker ahead of time so that an alternate pledge can be arranged.
- Prepare yourself by reviewing the list of common questions (see below).
- Talk to other foster parents about their experiences in court.
- Relax—remember, you are an important part of the team!

Adapted from New York State Citizens' Coalition for Children, 2006 (<http://nysccc.org/>)

Common Questions Foster Parents Are Asked in Court

- How long have you been a foster parent, and how many children have you cared for?
- How long have you known this particular child? Did you have a relationship with this child before you became her foster parent?
- Do you have any special training or experience related to caring for children?
- What was the physical and emotional condition of this child when she first came into your home?
- What changes have you noticed in the child's behavior, emotional state, or physical condition since being in your home?
- Describe the child's typical day.
- Describe your relationship with the child's birth parents.
- Have you observed the child interacting with her parents? Can you describe the interaction? You may be asked to give specific dates or details for these observations.
- Describe the nature of the child's contact with the birth parents—such as dates and length of visits, phone calls, gifts, etc.
- How does the child react and/or behave before and after contact with her birth parents?
- How is the child doing in school?
- How is the child's health? When was the last time the child went to the doctor?
- What other activities (sports, recreation, music, church, etc.) is the child involved in?
- What concerns do you have?
- If reunification does not happen for this child, are you interested in making a permanent commitment to the child through adoption or guardianship?

Adapted from New York State Citizens' Coalition for Children, 2006 (<http://nysccc.org/>)

A judge's perspective on foster parents and court

An Interview with Judge Monica Bousman

by Amy Ramirez

Recently I had a chance to speak with Judge Monica Bousman, an experienced judge who has served in the 10th Judicial District in Raleigh, North Carolina since 2001. During our conversation I asked Judge Bousman if she had any advice for foster parents about how they can best contribute to the judicial process. (*This interview has been edited for style and length.*)

What should foster parents know about court?

Let me first say that I really see foster parents as being on the front line. They are the ones who have to watch the children, comfort them when they cry themselves to sleep at night, get them up, and get them to school.

When it comes to court, foster parents need to be reminded that they have the right to be present at any review hearings. And they have the right to be heard by the court. They should be getting a notice of hearing.

If they are not getting notice of hearings they need to talk to the clerk for juvenile matters or the social worker.

Do you have any advice for foster parents about attending court hearings?

Don't come to court unprepared. The more prepared for the hearing everyone is, the smoother and more quickly court goes.

What about preparing children and youth for court?

One thing that can really help children feel prepared is to come in and practice when the courtroom is empty. Show a child what a courtroom looks like. Share with the child where they will be sitting, who will be asking questions. They may want to come to a hearing when their case is not on the calendar.

This is about the children. This is their life and they are welcome to come to any hearing.

When they come in for a review I think the child needs to consider why they want to be there. Again, they are always welcome—but why are they coming? Do they want to be there just to hear what is going on and what people say?

Foster parents and others should help children understand that in order to talk to the judge in chambers all of the parties have to agree—including the parents. We have some parents that just flat out say "No. You are not talking to my child." If that is the case then it is not going to happen.

What is it like talking to children in court? What kinds of things do they say?

As long as they are respectful, children are always welcome to say what they want to say.

However, lots of times it strikes me that the children clearly want to be there, but they also seem reluctant to say anything.

To help I'll usually start with some of the pleasantries. I'll ask questions such as: How are you? Where do you go to school? What grade are you in? I probably already know the answers to these questions.

Often I think they just want to meet the judge. They are very curious about who is making the decision about their life.

Sometimes I wonder—how has someone spoken to this child about the judge? Has it been in a good way or a bad way?

Sometimes they just want to say "I want to go home" or "I'm done with my parents."

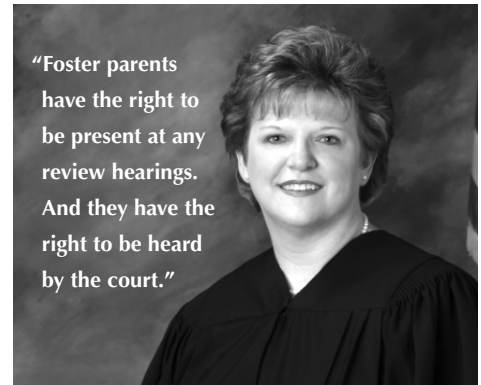
Or they may know there are certain things that could happen and they want to tell the judge that this is what they want to happen.

Do most kids understand what is being decided in court?

Many don't see the danger to themselves that I do. This is the life that they know. Other times kids get into great foster homes and realize that not everyone lives like their family has been living.

What would you recommend if a child or youth chooses not to be present at a hearing?

If you are talking about a review hearing I would suggest they write a letter. They should understand that the judge is not the only one who will see the letter. Unless everyone agrees, at least the lawyers are going to see the letter and more than likely the lawyer is going to share it with the child's parents. The child needs to understand that this may not be for the judge's eyes only.



"Foster parents have the right to be present at any review hearings. And they have the right to be heard by the court."

How else can foster parents contribute to the judicial process?

One of the things I suggest to foster parents to help the child—and thus assist the court—is consider keeping a journal of what they're doing. Sometimes the easiest way to keep that journal is to get a huge calendar and write down when and what things happen. Try it.

If the parent is permitted to call the foster home or the child is able to call the parent—do those phone calls happen? Sometimes it is just as important to know what doesn't happen.

Keep a record of things like this. Document "We had a visit and the child was laughing and skipping and having a good time" or "I got that child home and there was a terrible nightmare that night." Write down the things children say about events. It might not be admissible in court, but write it down. Let the lawyers worry about whether it is admissible or not.

Amy Ramirez is Training Coordinator with the Family and Children's Resource Program at the UNC-CH School of Social Work.

Sharing Written Information with the Court

Because of their "24-7" contact with the child, foster parents have more relevant information than almost anyone else. By sharing what they know, they can help the court make the best decisions possible.

The best way to share what you know is to attend the hearing. However, if you can't attend the hearing, providing a written report is the next best thing.

When providing a written report to the court, give it to the social worker at least one week before the hearing. If you ask the social worker to attach your report to their report, they will do so. Any

Adapted from Iowa Child Advocacy Board and Iowa Foster and Adoptive Parent Association

reports you submit will be distributed to everyone involved in the case.

Your report should be typed, short (a few pages), and organized by headings. Describe behavior you have observed in the child and present information about the child's needs. Focus on firsthand information about the child. Present facts, not opinions.

Never call or send the judge a letter. Contacting a judge in this way is called *ex parte communication* and is prohibited by the ethical provisions applying to both lawyers and the court.

Guardians ad Litem (GALs) play a vital role

Guardians ad litem have the power to influence what the court decides about children in foster care. All foster parents should know what GALs do, how they benefit children, and how to work with them effectively.

Who Are GALs?

GALs are trained volunteers appointed by judges to represent children's best interests in child abuse and neglect cases. GALs conduct independent investigations into children's circumstances to determine their needs and what resources are available to meet these needs. Through their advocacy, GALs help move children out of the court system in a timely manner and into safe, permanent homes.

GAL volunteers come from all walks of life. The main criterion for becoming a GAL is a sincere desire to advocate for maltreated children involved with the juvenile court system. GAL applicants must complete a written application, a personal interview, and undergo a criminal record check. The applicant then completes 25-30 hours of training, which includes court observation. The training emphasizes that every case is factually different and that as GALs reach out to each new person they must remain neutral, calm, objective, respectful, and keep the information they receive confidential.

GAL volunteers are supervised by GAL program staff. These professionals are available to assist volunteer child advocates with their investigations, offer resources, and provide guidance regarding their duties. The GAL program is run by the NC Administrative Office of the Courts, which recruits, screens, trains, and supervises GAL volunteers.

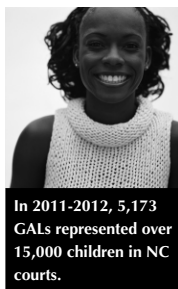
What GALs Do

When a county DSS takes legal action to protect the safety of a child, a district court judge appoints a trained GAL volunteer and an attorney advocate to provide team representation to the child.

A GAL's overall duty is to protect and promote the child's best interests and to advocate for a safe, permanent home in the shortest time possible. GALs are responsible for:

1. Investigating to determine the facts, the child's needs, and the resources available in the family and community;
2. Recommending to the court services and interventions to ensure the child's safety and to ensure the child achieves permanency as soon as possible; and
3. Giving evidence and examining witnesses in court.

GALs have a lot of latitude with regard to how they gather information. Some talk with foster parents, teachers, parents, relatives



and others. Often they attend meetings at DSS or at the child's school. Monthly face-to-face contact between the GAL and the child is recommended, when feasible.

Confidentiality

By statute and court order, GALs are authorized to obtain any information or reports they consider relevant to the case. When GALs exercise this authority, they present the court appointment order that contains that authorization. The person or agency from whom information is sought may want a copy of the order.

Any agency or professional from whom a guardian ad litem seeks information should provide the information promptly, unless the GAL does not have a court order authorizing him or her to obtain confidential information or federal law or regulations prohibit disclosure of the information.

By law, GALs must protect the confidentiality of information they receive. Therefore, the GAL cannot disclose confidential information to foster parents. If foster parents have questions about the court case, they should contact DSS.

What Makes a Good GAL?

GALs provide advocacy in varied ways, based on personal style and guidance from their supervisors. Often a good GAL is described as someone who is in the child's life and is accessible, focused on the child's best interest, and committed to finding solutions for the child.

Examples of GAL volunteers' deep commitment to children are easy to find. For ex-

ample, Elaine Morris, Mecklenburg County's GAL program supervisor, says she is amazed by GAL volunteer Amanda Gaughan's dedication. "Over the past year Amanda has managed cases that have included two very ill children, two long, drawn out TPR hearings, and multiple systemic issues—all while working full-time and moving into a new home."

Working Effectively with GALs

Like foster parents, GALs are community members who make a huge difference in children's lives. Here are suggestions for working with them to benefit children and families:

- **Share information.** Because they live with the child, foster parents know how children are adjusting to separation from home, interacting with other children, performing in school, and doing in other areas. Foster parents should share this important information with GALs.
- **Invite them in.** It is helpful when foster parents make room in their schedules so GALs can visit the children in their home.
- **Understand the limitations.** GALs are prohibited from disclosing confidential information to foster parents.
- **Support the GAL program.** Foster parents are some of the best recruiters of quality GALs. If you know someone you would want to see advocating for children in court, or someone tells you they admire you as a foster parent but don't feel fostering is right for them, tell them about the GAL program and ask them to consider volunteering.
- **Learn more.** To learn more about this program and how you can help, visit www.ncgal.org.

Perspectives of North Carolina's GALs

"Often children's voices are not heard because they do not speak for themselves. Sometimes when they do speak, no one listens. As a GAL, it is my job to make an unbiased decision as to what I feel is in the best interest of the child or children involved. This decision might not be what DSS is recommending or what the parents want. Again, it has to be based on what I feel is in the best interest of the child."

—Mary Alexander, Duplin County

"My guardian ad litem experiences have reinforced that children are capable of great things if given the chance to develop and grow."

—Greg Howe, Wake County

"If I had known how rewarding and fulfilling being a guardian ad litem was, I would have volunteered the minute I was old enough. I am thankful for the program, I am thankful for the volunteers, but most of all, I am thankful for the opportunity to make a difference in the life of a child."

—Susan Brown, Cumberland County

"Each of us has something we can do to be of service. There are children in our communities who need someone to speak for them. They need to know they are not alone in a very scary world. Every time I hug a child that has more hope today than he or she had the day before I feel all things are possible for that child."

This year, I have seen a child who I thought might never come out of her shell begin to take the first tentative steps toward trust and belief. This child, who has been so cruelly treated and so horribly abused, is finally accepting the kindness offered to her and beginning to believe that she can trust again. It has taken nearly two years to get her to accept a gentle pat on the back without recoiling, and for the first time a genuine smile now emerges when I come to visit. The joy this brings cannot be measured. That smile lights up my day in a way that cannot be described."

—Mary White, Duplin County

Released but not reunited by Chrystal Reddick

Getting my son home has been more stressful than I imagined.

My beautiful 4-year-old son was removed from my care when I was arrested. I was so devastated. It was 42 days until I saw him again.

For the first few days, I wasn't able to make any calls and I didn't know anything about where Brandon was or how he was doing. That drove me crazy.

I could only think, "My child has only been with my mom, my daughter, and me in his entire life. Who has him now? Is he eating? Is he sleeping? Is he being abused? Will he forget me?" I was especially concerned because Brandon has Down's Syndrome and requires special care.

How Could I Prove Myself?

I did not know my rights or responsibilities at all. I knew I needed help because I saw what direction my case could go in. I had a long history of drug abuse and a criminal record related to my addiction. My daughter, who is now 20, lived with my mother for most of her life. Plus, I'd been investigated for neglect not long before my arrest. That case was closed, but I knew it wouldn't look good.

All the judge and lawyers knew about me was what they read on a piece of paper. I could just imagine the attorneys laughing among themselves about my criminal record. How could I make them see that I was a woman with a child she loved more than life?

Fortunately, Rikers Island has a program called WINGS that gives parents information about their rights. Staff from the ACS Office of Advocacy also came in to explain how to get visits with children in foster care through the Children of Incarcerated Parents Program (CHIPP). Like me, the average person might think that once they are arrested, they no longer have the right to see their child or to have a say in any decisions made regarding the child. This is so not true! A parent has rights even within the prison walls.

Even so, it was almost impossible for me to advocate for my son while I was in jail. No one at his foster care agency accepted collect calls and the officers didn't care that 2 p.m. was the only time to reach his social worker. There were so many doors shut in my face that discouraged me.

Back in Touch

Finally I began to see my son once every two weeks through CHIPP. My visits with Brandon were great. They gave me the strength to keep fighting. At 5 years old, Brandon is a bright-eyed, handsome young boy. He's affectionate and inquisitive. He's delayed in speech and gross motor skills—he's just getting potty trained now, for example. He says

only a few words. But I understand what he wants and needs.

At our visits, I played with Brandon and read to him. In between visits I missed Brandon so much.

Luckily, I had a reasonable judge. I wrote to him constantly from jail. I reasoned with him about giving me another chance. In my letters I tried to spark his interest in my kids' wellbeing and my situation as a single parent. He took interest in my kids and asked me to bring pictures. Instead of giving me the maximum time in jail, he sentenced me to three years of probation. I am truly thankful for that.

'Mommy's Coming Home!'

The day I was told to pack my things, I screamed at the top of my lungs, "Brandon! Mommy's coming home!" Nothing was going through my head but "When am I gonna see my son?" A few days after my release, I met with my attorney and the caseworker. We went over the service plan and my visitation schedule. I started off with one visit a week. I was grateful for that.

I had to complete a parenting class for children with special needs, a CPR class, and random drug testing. I also started taking anger management classes on my own.

I knew I had some work to do. I immediately began looking for a job and hit the law library to educate myself. I also reached out to a support program called the Women's Prison Association (WPA) and my attorney and stayed on the internet, learning about what I would need to do.

Consistent, not Aggressive

Still, I never thought the process of getting Brandon home would be this emotional and stressful.

Foster care agencies are supposed to assist you with the process of reunification. But they don't always do that, or do it well. The caseworker assigned to my case has only worked at the agency for a year. I have a problem with that. She has so much power over what happens to my son and me, but she doesn't know as much about the system as she should. It's frustrating watching her make mistakes with my case while I suffer.

I've learned that a person who really wants her child back must be consistent and polite with the important players in their case. They can use everything against you. They can cancel your visits and give bad reports to the judge.

Looking back, I was so very aggressive when I met the caseworker. She wouldn't talk to me, she never smiled or asked me ques-



I have completed my service plan in full. I don't understand why my son is still in the system.

tions. That bothered me. By the time I was released from Rikers, I had a reputation at the agency of being angry and rude. Every time I met with the workers, there was tension in their voices.

My lawyer also thought I came on too strong. I called my attorney with questions on a daily basis. Even though I was told to sit back and let her fight the case, I was not satisfied with that.

Baby Steps

It's been four months now since I was released. I have completed my service plan in full, submitting at least nine clean drug tests. I don't understand why Brandon is still in the system.

It will be a year that he's been in care by the time I see the judge next, and that court date is not about ending the case, just extending my visits. I feel that, after a year, we should have progressed way further than this. My attorney says we have to take baby steps.

This last month I've been feeling more positive because I've moved to a program run by WPA called Sarah Huntington House, which helps formerly incarcerated mothers reunite with children in the system. I think this will help me get through to the agencies that are making this process so very difficult. I feel blessed.

I think about my son every day. I see those yellow buses pass my house. I wonder if Brandon's bus driver is driving safely. It's a bit much to have your child taken away. I'll never give up. I see the big picture: I'll be reuniting with my son one day soon.

Reprinted with permission from Rise, a magazine written by and for parents affected by the child welfare system: www.risemagazine.org

Overview: The TPR process

Termination of parental rights (TPR) is the state's ultimate interference into the constitutionally protected parent-child relationship, severing all legal ties between the parent and the child. TPR may occur only if a court finds that grounds for termination exist and that TPR is in the child's best interest (Hatcher, Mason, & Rubin, 2011).

Although TPR does not occur for most families involved with the child welfare system, it does happen. On September 30, 2009, parental rights to 1,470 of NC children in foster care waiting to be adopted had been terminated (USDHHS, 2010).

Parental rights must be terminated or voluntarily relinquished before a child can be adopted. Because they are the group that most often adopts children from foster care, foster parents sometimes have a big stake in the TPR process. Of the 1,442 North Carolina children adopted from foster care in 2010-11, 66.4% were adopted by their foster parents (USDHHS, 2012).

Although they may have an interest in the outcome, foster parents do not have a right to be notified or to participate in TPR hearings. However, as noted above, foster parents may be called as witnesses during TPR hearings, especially if they have done shared parenting or are willing to adopt.

The TPR Process

The following is adapted from Hatcher, Mason, & Rubin, 2011

All TPR proceedings occur in juvenile court, before a district court judge without a jury. In North Carolina there are 10 reasons the court may terminate a parent's rights. A TPR proceeding is divided into two stages. At the **adjudication stage**, the party initiating the proceeding (often DSS) has to prove that one or more of those 10 reasons exists. If the judge agrees, the case proceeds to the **disposition stage**, in which the judge decides whether TPR is in the child's best interest.

If the court does not find that grounds for termination exist, or if the court finds that TPR is not in the child's best interest, the court dismisses the case.

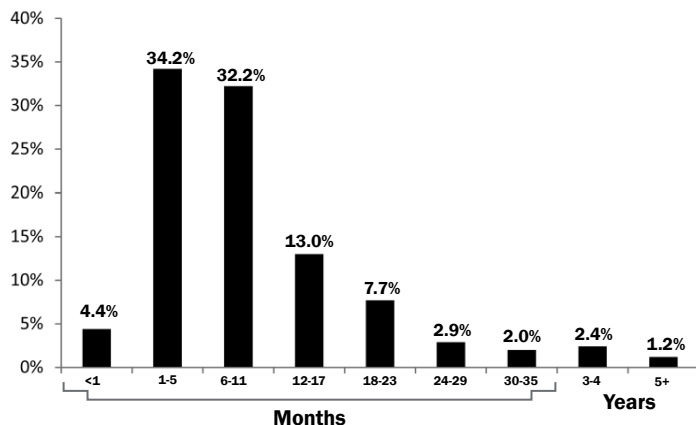
If the court terminates parental rights and the child is in the custody of DSS or a licensed child-placing agency, **post-TPR review hearings** are held at least every 6 months to examine progress toward achieving the child's permanent plan.

Appeals. Any order terminating parental rights or denying a petition or motion to terminate parental rights may be appealed. Appeals of TPR decisions are fairly common, though seldom successful. North Carolina courts considered terminating parental rights 1,889 times in 2009-10. Judges ruled not to terminate parental rights in 287 (15%) of these hearings (NCAOC, 2011).

Even if appeals of TPR are not successful, they can take a long time. Weathering this period of doubt and uncertainty can be frustrating and stressful for children and for foster parents, but as Destiny, winner of this issue's writing contest reminds us, it is worth the wait: "A judge's decision helped make me into the person I am today, with my mother and father—not the biological ones....That was the best decision that somebody could ever make for me."

To learn more, consult Chapter 9 of *Abuse, Neglect, Dependency, and Termination of Parental Rights Proceedings in North Carolina* by Hatcher, Mason, and Rubin (2011) online at <http://sogpubs.unc.edu/electronicversions/pdfs/andtpr.pdf>.

Time between TPR and Adoption Finalization for the 1,615 North Carolina Children Adopted in FY 2010



Source: USDHHS, 2012

'You're Still Our Mother'

My sons' adoptive parents helped us have a relationship.

By Anonymous

When I was a young mom, I felt lost. I never wanted my children to feel unloved, like I did when I was a child. But I couldn't take care of them with nothing inside. When my oldest son was 8, I became addicted to PCP and then crack. Eventually, my rights to my seven sons were terminated.

**"I could not take care of my family, but I always loved you," I said.
"Please never make the mistakes I did."**

My solace was that I knew my boys were in good hands. Six of my boys were with foster mothers who treated me with kindness and loved my sons. The foster mothers told me, "Whatever happens, you're still their mother. As long as you're not high, you can visit."

'Thank God'

Two years later, I went to treatment. I began talking about my addiction and losing my children. My groups helped me with my pain. By then, I did not know what to say to my children. My counselor said, "What do you want to tell them?"

"I want to say I love you," I said. He told me, "Go make your call."

First I called Ms. Perez, who had adopted my younger sons. When I said hello, she said, "Thank God."

"Is everything OK?" I asked. "Are you OK?" she asked, and I said yes.

Then she put the boys on the phone. I told them that I loved them and that I would ask if they could come see me.

Next I called Ms. Smith, who adopted my two oldest. She said, "I knew it would happen one day."

A Wonderful Visit

On Sunday, Ms. Perez came through the door with my six children. They'd brought me cards that they'd made and some roses. I cried so much that my oldest son, Kevin, said, "Look at you, you're wetting up your clothes. Why are you crying like that, Mommy? You are still our mother and it's going to be all right."

That was wonderful to hear. I knew that was what the foster mothers had taught them. I hugged Ms. Perez and said, "I love you very much."

After that, I had two visits with my children at my program and then I was able to visit my children at their homes. The circle was coming together again.

Coming Clean

The only dark spot in the circle was my third son James. James had been placed by himself with a foster parent who told him that I did not love him.

When James was 10, he said terrible things to me on the phone: that he was better than me and he did not want me in his life. Then he hung up and never talked to me again.

Amazingly, my other children did not know that I used drugs. Ms. Perez and Ms. Smith said that I was sick. They said that it was up to me to tell my children the truth.

After my treatment, I told my boys about my addiction. "I could not take care of my family, but I always loved you," I said. "Please never make the mistakes I did. You have people in your life who love you and will help you through anything."

Rebuilding a Family

After I got clean, I had two more children, who are now teenagers. It felt good to take care of my two children and not have child welfare in my life. But my youngest children know their brothers. We see my sons come on Mother's Day and holidays.

I am so happy to have my sons in my life. I am only sad that James still won't speak to me. I pray and I'm hopeful that one day we will all be together again.

Reprinted with permission from *Rise*, a magazine written by and for parents affected by the child welfare system: www.risemagazine.org



Second Parent Adoption: Why It Matters

by Mark Maxwell

If you are an unmarried couple and you adopt a child in the State of North Carolina only one parent may have legal protections. In June 2012 the Americans Civil Liberties Union (ACLU) filed a lawsuit against the State of North Carolina on behalf of children denied the legal protections that their unmarried parents want to provide them.

A second-parent adoption occurs when an unmarried partner adopts the biological or adoptive child of their partner. The ACLU said the ban hurts all families, because it denies children legal protections and leaves the second non-biological or non-adoptive parent vulnerable. "They may not be covered by their non-legal parent's health insurance plan; or if the child is sick or injured, hospital staff may prevent the non-legal parent from visiting the child in the hospital or from consenting to needed medical care. In some cases, a child may be ripped from the only home he or she has ever known if one legal parent dies."

In North Carolina an unmarried couple can jointly foster a child, but the state will only allow one of the parties to become the legal adoptive parent. The policy denies children the opportunity to grow up in secure homes that protect their interest in the event that one parent dies or the relationship dissolves. The non-adoptive parent is left with no rights under the current law. If a child becomes sick in the care of the non-adoptive parent, a hospital is not required to recognize decisions made by the individual without consent of the legal parent or an instrument like a health care power of attorney. Preparing legal documents is an expense to the families and could be challenged by non-supportive family members of the legal parent.

Currently, 20 states and the District of Columbia allow second parent adoptions. Five states ban them. Until late 2010, family court judges issued second parent adoptions in North Carolina on a case-by-case basis. A decision in the federal lawsuit will impact North Carolina families and millions of children across the United States.

Mark Maxwell serves as an executive board member of the NC Foster and Adoptive Parent Association. He is a foster and adoptive father and the proud parent of four boys.

NCFAPA Supports "Raise the Age"

Today, children in North Carolina 16 years of age or older who break the law are automatically waived to adult court and subject to the same penalties as adults.

Only in North Carolina and New York are 16- and 17-year-olds hindered by an adult record for the rest of their lives—even for low-level offenses. Should stealing a bag of Doritos from a lunch line or Gatorade from a snack stand limit our youth's potential for the rest of their lives and increase their chances of becoming career criminals?

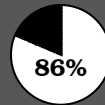
This outdated system leads to exactly what we don't want—North Carolina's kids' lives damaged by a permanent adult record. About 30,000 North Carolina kids are harmed because of our money-wasting, counter-productive system.

That's why the NC Foster and Adoptive Parent Association supports efforts to "Raise the Age" of juvenile jurisdiction from 16 to 18, so we can turn our kids into productive adults while holding them accountable and saving money for everyone.

Bipartisan bills to raise the age were filed in both the House and Senate during 2011. Thanks to legislative leadership, the raise the age bill was heard in the 2012 short session. Although proposed legislation to raise the age was approved by a state House Judiciary committee, it languished in the House Appropriations Committee and is now in the hands of an "implementation commission." This means that for now North Carolina's 16- and 17-year-olds—no matter the circumstances of the offense—continue to be prosecuted in adult criminal court.

Help the NC Foster and Adoptive Parent Association and its partners right this wrong. Tell your legislator to Raise the Age! To learn more about the Raise the Age effort, visit <http://www.ncchild.org/issue/safety/main-area-of-work/raise-age-keep-children-out-adult-system>.

Raise the Age North Carolina



Youth in the adult system who receive probation



Youth in the adult system who receive a criminal record

Because of the minor crimes they commit, most 16- and 17-year-olds in the adult system receive probation. Yet, all will receive a lifelong criminal record which diminishes future opportunities and traps them in a revolving door to more serious crime.

Join the Association!

Membership is open to anyone interested in strengthening foster and adoptive services in North Carolina. Send this form, with payment (do not send cash), to: NCFAPA, 2609 ATLANTIC AVE., SUITE 105, RALEIGH, NC 27604. Make checks payable to the NC FOSTER AND ADOPTIVE PARENT ASSOCIATION.

Regular Membership is open to any foster or adoptive parent and is \$50 for an individual and \$75 for a couple. **Associate Membership** (\$100 for an individual and \$300 for an organization) is available to those who do not qualify for Regular Membership.

First name #1: _____ First name #2: _____

Last name: _____

Address: _____

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County: _____ Licensing Agency: _____

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Membership Amt. included: _____ Donation Amt.: _____

- Does your child have special needs?
- Do you need help finding information, resources, and services?
- Do you want to know more about a special need, disability, or diagnosis?

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- Information & Referral
- Education & Outreach
- Parent-to-Parent Support
- Research & Evaluation

800.852.0042, www.fsnnnc.org

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Family Support Network of North Carolina
Serving families since 1985 through a network of affiliated local programs



Child and family team meetings can contribute to the success of court-ordered plans

by Claudia Kearney

When there is a signed court order in place that says what the plan for a family is going to be, people sometimes question whether it is necessary to hold a child and family team meeting (CFT).

As the following case example illustrates, CFTs can actually contribute quite a lot to the success of court-ordered plans.

The Family's Situation

Corrine and her 14-year-old daughter Amy were involved with child protective services due to Corrine's lack of supervision (neglect) and Amy's shoplifting and failure to attend school. Then Corrine herself was arrested for theft, convicted, and sentenced to 9 months in prison. Corrine tried to place Amy with kin but DSS found these relatives unsuitable.

The Court Order Includes . . .

- Amy is to be placed in foster care while her mom serves time in jail.
- Amy is to attend school.
- Amy is not to get in trouble.
- The judge would like Amy to come to court next time so he can speak to her.

The CFT

Corrine asked for a CFT before she began serving her time in the prison. At the meeting, she shared information that helped the team understand the family's situation. Corrine reported Amy's clothes were not what

the other kids were wearing. To avoid being picked on her peers, Amy would cut school and steal clothes and school supplies. Corrine, who did not have the money for new clothes or even basic school supplies, supported this behavior.

School Attendance. At the meeting Amy's social worker secured resources for the foster family to take her shopping for clothes and school supplies. She asked Amy if she would go to school if she had these things. Amy said she would. This addressed the judge's order for her to go to school.

Avoiding Trouble. A community support provider at the meeting invited Amy to be a mentor/helper at his organization after school. This addressed the "hanging out" which normally led to her getting into troubling activities. It also gave her a way to help others and promoted her own healing.

Appearing in Court. When asked about participating in court, Amy would say only "I have nothing to say." To address this, another CFT was held to build her comfort level. At this meeting Amy asked questions and made comments about the court process and learned how to prepare and how to dress for court. Amy attended the next court hearing. She was still very nervous, but she was able to articulate her feelings and gave the judge insights into her family's situation.

CFTs Can Be Platforms for . . .

Figuring out how to achieve the judge's plan.

They're perfect places for families and those invested in their success to discuss what resources are needed to carry out the court order, who will bring those needed resources to the table, and who will be part of the support system that will help the family achieve what the judge requires.

Helping kids find their voices in court.

Many young people are intimidated by the court setting or feel they have nothing to say. It can be very helpful to hold a CFT meeting with the goal of building children's comfort level for court.

Conclusion

In this example, CFTs not only addressed the judge's requests, but created a safe environment for the foster parents to learn about the biological family. They addressed not just the needs of the child but the foster parents' and mother's needs as well. CFTs also gave the foster parent a circle of supports for the child.

So the next time you are asked "What good is a CFT if a judge has already given you court orders?" your response should be.....A LOT OF GOOD!

Claudia Kearney is a trainer for the Center for Family and Community at NC State University.



Books on the nightstand

by Becky Burmester

Yes, there are books on the nightstand. But I've added my laptop to the stack as well!

I want to share resources that will help you continue your journey as foster and adoptive parents.

You may not agree with every bit of advice in every article in the *Toolbox*, but as you read these articles you will feel understood. The information is by people who have walked in our shoes and know our struggles firsthand. There is comfort and strength in being certain that you are not the only one with a problem.

Getting the Support You Need

Support is key to being able to "keep on keeping on." Support can be found in a variety of forms, but it is seldom found in relationships with people who are not and never have been foster parents. Foster parent support groups, conferences on foster care, training specifically for foster and adoptive parents, and books and online resources are what give us tools we need to do our jobs and maintain our sanity.



The Toolbox

One such resource I highly recommend is *The Foster Parenting Toolbox* (EMK Press, 2012). Edited by Kim Phagan-Hansel, the price of this book is a not insignificant \$29.95, but it is well worth it.

The *Toolbox* should be in the library of every licensing social worker and every foster parent support group. The articles it contains are grouped into 16 categories ranging from "Why Foster?" to "Reunification, Adoption, & Beyond" with "Family Impact" and "Trauma & Abuse" in between. The book itself is nearly 450 pages, but each article is brief (usually less than two pages).

At the back of the *Toolbox* are continuing education quizzes your licensing agency may let you to use toward training hours.

Volunteer Advocate Academy

Now to the laptop perched precariously atop my stack of books and the Volunteer Advocate Academy (<http://www.volunteeradvocateacademy.com>). In a word, this online curriculum is **amazing**.

Picture yourself participating in a really well done training session with great examples and immediate measurement of how well you are "getting" the information. Picture being in your PJ's with a hot cup of tea and this becomes almost perfect learning material. For \$24.95 you can log in, listen, watch, read, and take challenging quizzes.

Although the focus is on dealing with teens, I think I could have used this material to become a better foster parent to children in the upper elementary grades and perhaps even younger children. I did get frustrated at times, because my computer slowed way down and sometimes would not advance through the curriculum smoothly.

However, this is some really valuable information. This is a resource you will refer back to again and again.

What's on your nightstand? Share your ideas with me at becky.burmester@mindspring.com or 919-870-9968 and keep learning.



We're celebrating our Quinceañera (15th birthday)!

by Lauren Zingraff, SaySo Program Coordinator

Exciting things are happening with SaySo, Inc. (Strong Able Youth Speaking Out). As you can tell from the update below, we continue our motto of "Speaking Out Today, While Making Changes for Tomorrow."

Legislative Page Week 2012

SaySo hosted its 9th Annual Legislative Page Week at the North Carolina General Assembly in Raleigh, June 25-29, 2012. Three SaySo youth served as Pages in the House (Mary L., Ashley H., and Derrick M.) and two (Damonique L. and David R.) served in the Senate.

For the third consecutive year, a SaySo member also served as a summer intern with the NC Division of Social Services. Titianna G., who served on the SaySo Board of Directors, was selected for this exciting opportunity.

Our Foster Club All-Star

Marcella M., another of our Board Members, received the prestigious honor of being both nominated and chosen as a Foster Club All-Star. FosterClub is the National Network for Youth in Foster Care and each summer they host their All-Star internship at their headquarters in Oregon. All-Star Interns receive training in public speaking, advocacy, and professional development.

National Independent Living Conference

SaySo attended the 25th Annual National Independent Living Conference in Atlanta on September 4-7, 2012. This was a big gathering of more than 600 people from across the country. A delegation of almost 40 SaySo representatives attended. We chartered a bus from Durham and picked up more SaySo members in Gastonia on the way to Atlanta. SaySo members presented two workshops at the conference, one on social networking and another focused on the importance of strong support networks for youth transitioning from foster care to independence. Fifty people attended each of these workshops. Special thanks to our Assistant Program Coordinator, Chaney Stokes, as well as Marcella M., Roman R., and Chris W., for facilitating our workshops and representing North Carolina so well on the national level.

Welcome Chantelle!

We have had an addition to SaySo headquarters—Ms. Chantelle Craig, our new Communications Coordinator! An alumna of the foster care system, Chantelle is doing a wonderful job overseeing our social media, including our SaySo website, Facebook Page, and Twitter account.

Come Celebrate Our Quinceañera

SaySo will be celebrating its 15th Birthday (you read that right—we really are turning 15 years old!) at our annual "SaySo Saturday" event on March 2, 2013. This serves as both our family reunion and birthday party. If you know any SaySo alumni, please spread the word that they are invited to come and celebrate with us! We hope to have our biggest and best turn-out ever at the Medlin Center on the Guilford Technical Community College campus in Jamestown, NC. Please mark your calendars and check for additional updates on our website (<http://www.saysoinc.org/>).



Remembering Makeisha

SaySo would like to remember Ms. Makeisha A. Williams, who passed away on August 3, 2012. Makeisha served on the SaySo Board of Directors from 2003-2006 and was elected twice to the NILA Board of Directors as a youth representative. She was also awarded National Youth of the Year in 2005.

Makeisha lives on through SaySo as she encouraged foster youths to complete their education and provided the inspiration for our annual Make a Difference Day "Give a Child a Smile" suitcase collection event since 2004. Our October 2012 Make a Difference Day event was held in her honor.

Thank you for touching our lives so sweetly, Makeisha. You will be missed.

Youth in foster care and psychotropic medications

Reprinted from the CB Express, v. 13, n. 8 (Sept. 2012) • <https://cbexpress.acf.hhs.gov/>



Making Healthy Choices: A Guide on Psychotropic Medications for Youth in Foster Care looks like a graphic novel, but its photo-heavy format and cartoon speech balloons carry a serious message. Designed to appeal to youth, the booklet walks the reader through the decisions that have to be made when mental health problems—short- or long-term—need to be addressed.

Often, the quick solution to dealing with behavior issues of youth in foster care has been to prescribe psychotropic medications. Recent publicity about the high numbers of medicated children and youth in foster care has caused policymakers and agencies to revisit this issue and to consider alternative ways of helping children and youth—many of whom have experienced trauma because of abuse or neglect and removal from their parents.

Making Healthy Choices was developed by a col-

laborative committee of individuals from the Children's Bureau and other federal and state agencies and private organizations. Youth in foster care were part of the committee and contributed to the content and review of the final publication.

The booklet discusses medication, but it also discusses alternatives to medication, and it includes vignettes that describe teens' mental health dilemmas. It includes worksheets and lists of questions that youth or their caregivers can ask doctors or other health-care professionals.

The booklet is posted on the website of the National Resource Center on Youth Development, which offers a number of resources for youth in foster care:

<http://www.nrcyd.ou.edu/psych-med-youth-guide>

The booklet is currently available in English, and a Spanish version is in development.

CPS: Implications for foster parents

Some people dream of visiting Vegas or the casinos in Cherokee and striking it rich. Foster parents are gamblers of a different kind. Rather than betting money on the slots, foster parents risk their time, resources, and love in the hope of winning a better life for foster children.

Clearly, it's a risk worth taking. Under their attentive care, foster children often stabilize, grow, and blossom. By opening their homes foster parents give families time to heal and reunite, and they make it possible for new families to form through adoption. Every day, foster parents put themselves and their families on the line, and our society benefits.

Yet some foster parents are unaware of all the risks they take. Although no one goes into fostering blind—to become a licensed foster parent in North Carolina one must have 30 hours of preparatory training—many foster parents never realize how vulnerable they are until someone alleges they have abused or neglected their foster children. To be prepared to face this challenge, they must understand the implications child protective services (CPS) investigations have for foster parents.

Always a Possibility

Being investigated by CPS is a real possibility for every foster parent. According to the NC Division of Social Services (2012) foster parents are more than twice as likely as other people to be the subject of a CPS investigation. Most of these investigations do not result in a finding of abuse or neglect. Indeed, allegations of abuse and neglect by foster parents are found to be unsubstantiated (that is, untrue) at least as often as are allegations against other parents and caretakers.

Yet some children are maltreated while in foster care. During 2009-10 a total of 14,056 children spent some time in foster care in our state. Of these, 21 (0.15%) were maltreated by "substitute care providers," a category that includes foster parents, residential care providers, and child care providers (Duncan, et al., 2012). Though it accounts for only a small portion of child maltreatment, this figure is alarming simply because foster care is a place where children should be safe.

Why do some foster parents abuse and neglect foster children? There can be many reasons. For example, the exceptional stresses involved in fostering may be too much for some individuals or families, especially in cases where foster parents are overburdened by several children with serious difficulties. Insufficient training and support from DSS can contribute to these situations. In other instances, children who want to provoke an abusive reaction from their foster parents may succeed in causing a foster parent to lose self-control. Another factor can be DSS's

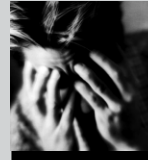
False Allegations: One Foster Parent's Story

In many ways, foster parent Carol Nixon's experience of being investigated for child abuse is classic. It began with misinformation: when a brother and sister were placed in her home she asked that agency if the children had a history of sexual abuse, and she was told they did not. She later learned they had been severely sexually abused.

After the boy moved from her home to a pre-adoptive placement he claimed, possibly as an attempt to sabotage the adoption, that he had raped Nixon's 3-year-old foster son while staying at her home. When the boy's therapist called to tell her about this allegation, Nixon knew it was impossible based on the details in the boy's story. Despite this, she had the 3-year-old examined by a doctor, who found no evidence of abuse. To keep them fully informed, Nixon told DSS about the allegations.

Soon after, she received a letter informing her that because she and her husband may have allowed this sexual assault to happen they would be investigated for child neglect. When she called her DSS to find out what was going on, her licensing worker, the person she was closest to at the agency, told her she could not speak with her about the case. The worker explained later that, based on its interpretation of NC policy, her county DSS prohibited licensing workers from having contact with foster parents undergoing CPS investigation.

Nixon and her husband felt powerless, confused, and uninformed about the investigative process. "Worst of all," she says, "the people at my county DSS didn't tell me they were going to abandon me.



"We knew we'd done nothing wrong, but we felt like bad parents."

I was left with no support."

In keeping with NC policy, the CPS unit from another county DSS conducted the investigation. "It was pure hell, what we went through," Nixon says. "I was crying all the time for months. We knew we had done nothing wrong, but we felt like bad parents."

It was some comfort, Nixon says, that the CPS worker was gracious and kind. When the investigator left she told Nixon, "You have nothing to worry about." It also seemed a positive sign that, during the in-

vestigation, her agency did not remove the foster children from her home.

Though the investigation, which took months to complete, cleared Nixon and her husband of child neglect, she was still very angry with her county DSS. "I was so angry I couldn't even look at them—it was eating me alive. I seriously considered not fostering anymore." She was upset that she was denied access to the final report that cleared her name. The thing she was most angry about, though, "was the fact that I was completely abandoned by the agency when I needed support the most, and that I had not been told this would happen if an investigation occurred."

In the end Nixon decided to continue fostering on the condition that all future MAPP training in her county strongly emphasized the risks of false allegations foster parents face and the procedure agencies must follow when a report against a foster home is accepted. Her agency continued to place children in her home.

lack of information about a child at the time of placement, which can cause foster parents to accept responsibility for a child when, had they known all the facts, they would have known they could not handle the child.

Most Investigations Unsubstantiated

For every abusive foster parent there are many more who are reported to have maltreated their foster children even though they have not done so.

Foster parents may be at greater risk than others of being reported to CPS without good cause. The NC Division of Social Services (2012) explains some of the reasons for this. For example, children who have experienced abuse and neglect, as well as the uncertainties and insecurities of years in foster care—often with many moves—may be wounded in ways that influence their behavior. These children may use an allegation to get out of a placement, as an act of revenge, as a way of distancing themselves from caretakers because they fear intimacy or are unable to trust, or because they believe an investigation of foster parents will enable them to return to their biological parents.

Reports of abuse may also stem from a

general misunderstanding of foster parents and their role. Many people outside the child welfare system do not understand why someone would choose to be a foster parent, especially for children with difficult behaviors or disabilities. Some community members, well-intentioned but uninformed and suspicious of foster parents' motives, may make baseless reports to DSS.

Birth parents are another possible source of maltreatment allegations. They may report their child's foster parents out of jealousy, resentment, or as a way to justify their own past behavior.

CPS Procedures

All North Carolina foster parents should understand CPS policies and procedures. Below is a brief overview, but we encourage you to learn more by following the links we give and by talking to your licensing worker.

Steps/Issues in a CPS Investigation

- The report must meet the state's legal definitions of abuse, neglect, or dependency. If it does not, no investigation occurs.
- For reports of abuse, an investigative assessment must be initiated by the county receiving the report within *continued page 13*

CPS: Implications for foster parents from page 12

24 hours; for cases of neglect or dependency, the county must initiate an investigation within 72 hours. Initiation includes face-to-face contact with all children living in the home.

- CPS must interview people thought to know about the alleged maltreatment.
- After information-gathering, CPS decides whether the foster family harmed the child through their action or inaction. This is where a case decision is made whether to substantiate the allegation.
- CPS reports the outcome of the investigation to the Central Registry and, in the case of a substantiation, other parties.
- If the decision is made to substantiate, the licensing worker and CPS worker visit the foster parent to explain the decision.

For greater detail about this process, consult pages 14-16 and 19-25 of the jurisdiction chapter in NC's *Children's Services Manual* <<http://bit.ly/Tc1aSb>>. See also chapter 8 of the *Supplemental Guide to Foster Home Licensing* <<http://bit.ly/QPpOLA>>

If You Are Investigated by CPS

If your county DSS is your supervising agency, another DSS will conduct the investigation. It is a conflict of interest for your supervising agency to conduct the investigation.

Cooperate with both your supervising agency and the investigating agency to complete the investigation and resolve issues of concern.

- Ask about the allegations and the process of the investigation until you understand to your satisfaction. It may help to write down answers to your questions.

Ask your agency about its policies related to the contact and support it provides to foster parents during CPS investigations.

- Ensure you and all children living in your home are interviewed by CPS. These interviews are required, since all children living in a residence are considered alleged victim children. This includes your own children. Interviews may be held in private.

- Allow CPS to visit your home. Law, policy, and administrative code require this.
- Make any records or documentation you have kept concerning the child available to social workers.
- Do not attempt to have the child examined by a doctor or other professional without the agency's authorization.
- Do not "investigate" the allegations on your own by questioning the child.
- Provide a list of collateral contacts and witnesses the social worker may interview to gather all relevant information about your situation or the alleged incident of maltreatment.

Know and exert your rights as you deem necessary.

- Consult an attorney.
- Document or record interviews and conversations with CPS workers.
- Have a witness present during every contact with the investigating social worker. It may be helpful if this witness is well-respected in your community.
- Request copies of safety, risk, and strengths and needs assessments completed by the social worker.

Take care of yourself and your family.

- Call for support from your local, state, or national foster parent association.

When Investigated, Don't Assume...

"I'll automatically lose my license."

Only after a case decision has been made is it possible to determine whether the foster home will remain licensed and available to receive children.

"If I give all the children back to the agency it will close the investigation."

All aspects of the investigative assessment must be completed once a CPS report is accepted for investigative assessment. Once initiated, both law and NC administrative code require that investigative assessments be thorough. It is not possible to meet this requirement if components of an investigative assessments are omitted.

"All the children will be removed from my home, including my biological children."

Removal of a child from the foster home is not an automatic step. Removal of the child should occur only when risk of harm to the child is greater than the positive strengths of that child's relationship to the placement providers.

"The agency that licensed me will investigate."

To avoid conflicts of interest, CPS investigations of foster families may not be conducted by the county department of social services that supervises the foster family.

Source: NCDSS, 2012

- Join a support group or seek the emotional support of others (including professional counselors) as needed.
- Use your licensing social worker as a source of support and information.

Remember this is not a "win-lose" situation and DSS is not your adversary. Together you can partner to maintain foster children in a safe, nurturing, permanent home.

Tips for Foster Parents on Protecting Themselves from Allegations of Child Maltreatment

- **Before a child is placed in your home**, write the placing agency and specifically ask that any history of physical or sexual abuse of the child be documented in writing. If the child has had several foster care placements, ask whether the child has ever made an unsubstantiated report against a caretaker. Insist on a written response. Keep this response for your records.
- **Insist on written placement agreements.** Do not accept a child into your home without a placement agreement stipulating the agency's expectations, roles, goals, plans, and information on the child.
- **Develop a pre-placement "questionnaire"** to be answered before you accept a child into your home. Information you should collect includes: the reason the child is in foster care, a description of the environment in the child's home at the time of removal, whether the child has been

sexually abused, the child's previous history and experiences in foster care, the status of the child's siblings, words or behaviors to which the foster family should be sensitive, etc.

- **Keep written records.** Take notes on the child's progress and daily events in your home in a spiral notebook. Entries should consist of descriptive observations, not opinion ("His temperature was 102.5," not, "He was very hot"). Use a new page for each entry, put a date at the top, and mark through the rest of the page at the end of the entry. Always keep a copy of materials you share with your agency.
- **Build a relationship with birth parents.** Developing a positive, respectful relationship may reduce the chances that they will make baseless allegations against you. A good way to demonstrate respect is to ask for birth parents' advice as a means of giving them back some control—for example,

ask them about the child's food preferences, or how they prepare the child's favorite meals.

- **Be part of the team serving the child.** Get to know the names and contact information of other team members. Let DSS know when you have had difficulty with a child or the child is sick or injured in any way—this is especially important prior to family visits, when birth parents are most likely to raise allegations.
- **If a child is sexually reactive**, acts out sexually, or has provocative behavior, adults and older children in the household should always be sure to have another adult nearby or in the same room for the protection of the parent and the child.
- **Children who have been sexually abused** can be more likely to become victims again. Even if a child has a history of making unsubstantiated reports, always take new allegations seriously. The child may be a victim of sexual abuse again.



A reader asks . . . What should I know about adopting teens?

Have you considered adopting a teenager? Many families are hesitant to adopt a child over age 12 from foster care. Some of the typical comments we hear are:

To adopt a teen is to truly make a difference in someone's life.

- "I'm afraid I won't be able to bond with a teenager."
- "I won't be able to make a difference in their life, because they'll only be with me for a few years."
- "Teens are already set in their ways. I want to be able to teach my child my values."
- "Teenagers are expensive!"

While adopting a teenager may not be right for everyone, there are many great reasons to adopt a teen.

Teens Need Families

Teens need parenting just as much as younger children. They need someone to help them navigate the sometimes treacherous waters of middle and high school, teach them to drive, and provide direction regarding life skills, such as maintaining positive relationships and budgeting. They need guidance as they decide what type of career to pursue, and help selecting a college, technical school, or job. Teens need a parent to cheer on their successes and help them learn from their mistakes. Adopting a teen gives a person an opportunity to be a mentor and a positive role model. Because adoption is a life-long commitment, the role of an adoptive parent doesn't stop once a child becomes an adult.

Adoption Has a Lifelong Impact

What would it feel like to go to college without anyone to help you move into your dorm or apartment, or a family to visit on the weekends and holidays? What about getting married without a parent there to sit on the front row or walk you down the aisle? What about having a baby without a doting grandparent who can be there for you during the birth process and those first weeks of parenthood? How about buying your first car or house?

Having a parent there in those special moments is wonderful, but parents are also important during the more "routine" days of our lives. Having a mom or dad to call for advice or encouragement, or just to say "hi," is something most of us take for granted. Yet, many teenagers age out

of foster care without this special relationship.

While all children need a forever family, teenagers are much less likely to be adopted than younger children. As a result, teens age out of foster care every day. Many who age out become homeless or incarcerated, or have problems with drugs or alcohol. Young adults with supportive families experience better outcomes.

If your goal is to make a difference in the life of a child, adopting a teenager just might be the option for you.

There are many opportunities for bonding and connecting with a teen. Teenagers enjoy a wide variety of activities with their families, such as concerts, movies, reading and talking about books, hiking, or cooking a meal together. Teens blossom when we take time to share experiences with them.

Help Paying for College

Many potential adoptive parents wonder how they'll send their adoptive child to college. To help them, North Carolina offers **NC Reach**. Through this program children in foster care who are adopted after the age of 12 are eligible to receive services for their entire college career. They receive financial, academic and personal support. They can attend any North Carolina public community college or university at no cost to them or their family. For more information about NC Reach, please visit <http://www.ncreach.org/ABOUT-NC-REACH.50.0.html>.

An Adoptive Mom's Perspective

Tracy Duncan, who adopted a teenager (now a young adult), speaks from experience when she says, "Many teens in the foster care system have had numerous disruptions and rejections in their lives. They may make it very challenging to support them while they 'test the waters' of your commitment to them. However, they all need that port in the storm, someone they can turn to even as they venture out (as all young adults do) to find their own path. Adopting a teenager gives them that place to go to for advice, reassurance, and acceptance. If you can make a commitment to a teenager, you WILL change his or her future—and that helps all of us."

fostering perspectives (Nov. 2012)

Sponsors. NC Division of Social Services, the NC Foster and Adoptive Parent Association, SaySo, and the Family and Children's Resource Program, part of the UNC-Chapel Hill School of Social Work's Jordan Institute for Families.

Contact Us. Fostering Perspectives, c/o John McMahon, Jordan Institute for Families, 1459 Sand Hill Road, No. 6 (DSS), Candler NC 28715. Tel: 828/670-5051; Fax: 828/670-5053; E-mail: jdmcmaho@unc.edu.

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Newsletter Staff. Kathy Dobbs (Editor-in-Chief); John McMahon (Editor); Mellicent Blythe (Assistant Editor)

Mission. Fostering Perspectives exists to promote the professional development of North Carolina's child welfare professionals and foster, kinship, and adoptive parents and to provide a forum where the people involved in the child welfare system in our state can exchange ideas.

Disclaimer. The opinions and beliefs expressed herein are not necessarily those of the NC Division of Social Services or the UNC-Chapel Hill School of Social Work.

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Online. www.fosteringperspectives.org

Subscribe Online. To be notified about online issues, e-mail jdmcmaho@unc.edu with "FP subscribe" in the subject line.

References. See the online version of this issue for references cited in this issue.

There may be challenges along the way, but adopting a teenager can be a very rewarding experience for both the teenager and their adoptive family. There are many teens here in North Carolina waiting for someone to give them a chance.

Won't you consider opening your home and your heart to a teenager? Be a hero to a child in need!

Response by the NC Division of Social Services. If you have a question about foster care or adoption in North Carolina, send it to us using the contact information in the box above.

NC Teens Aging Out of Foster Care

In 2010-11, 554 teens aged out of foster care in our state. About them we know:

- Almost half (40%) spent more than 4 years in care
- More than half (53%) were female
- A disproportionate number were African American. 48% of those aging out were black, though African Americans made up just 37% of the foster care population.

Source: Duncan, et al., 2012



Help us find families for these children

For more information on these children or adoption in general, call the NC Kids Adoption and Foster Care Network at 1-877-NCKIDS-1 <www.adoptnckids.org>

**Alexis** (age 14)

Alexis is creative, sweet, and affectionate. Although she gets along well with her peers, she can take a while to warm up to new people. Once she gets to know someone, she likes to give hugs as a greeting. Alexis likes to look nice and enjoys getting her hair and nails done. She likes to sing, skate, and ride her bike. She enjoys playing with her dolls, making clothes for them and pretending she is teaching them. She also likes to play video and board games. She enjoys listening to rap and gospel music and loves basketball.

**Isaiah** (age 16)

Isaiah loves basketball and enjoys time spent perfecting his game. He has a gift for creative writing and is talented with poetry and drawing. Those around Isaiah describe him as charming, talented, quirky and expressive. He would fit well in a home with or without children.

**Andrew** (age 15)

Andrew is a loving boy who appreciates everything people do for him. He loves flowers and walking in the park. Andrew has excellent manners and shows appropriate behavior most of the time. When he messes up, he tends to call his social worker, confess, and get back on track. Andrew needs a forever family that consist of a mother and a father who are both available in the evening. Andrew should be the only child or the youngest child in his adoptive family.

**James** (age 14)

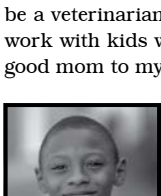
James has a great sense of humor and loves to laugh. Clever, animated, loving, and helpful are just some of the adjectives to describe James' personality. He loves to be outdoors, enjoys watching Animal Planet, and likes playing basketball and football. James is an endearing child who needs the reassurance that he is lovable, capable, and worthwhile.

**Brianna** (age 14)

Brianna is a caring and affectionate young lady who likes to be helpful. She is friendly, outgoing, engaging, and very likable. Brianna loves to dance and lip synch to the music. She is an excellent communicator and likes to be around people. Brianna enjoys being in Girl Scouts, playing sports, and playing with her stuffed animals and dolls. Thinking about her future, Brianna say, "I want to be a veterinarian or a doctor. I'd also like to be a police woman. I'd like to work with kids who have problems like me. I dream of growing up to be a good mom to my own children."

**Robert** (age 15)

Robert is a good kid—funny, innocent, outgoing yet occasionally bashful. He likes to draw, listen to music, watch movies, and go bowling. Robert wants to attend college and, with proper guidance, he will be a successful adult. Robert wants to be adopted and become a part of a family that will teach him and spend time with him.

**Drexton** (age 13)

Drexton is an animated young man with a great laugh and a good imagination. He responds well to a structured, calm environment where he can feel safe. Drexton enjoys football, basketball, watching TV, cars, and coloring. His favorite TV shows are Sponge Bob Squarepants and "Smack Down." He is not a picky eater and typically likes to eat anything except squash. The type of music he enjoys most is rap, especially Lil Wayne. He loves animals and would like a family that will allow him to have a cat.

**Zeke** (age 12) and **Maddy** (age 14)

Siblings, Zeke and Maddy are good kids with many endearing qualities. They both enjoy sports, electronics, and reading. Maddy and Zeke are loving children that get along well with friends, in family life, and in school. Continued contact with some of their birth family will add to Zeke and Maddy's success.

**Ethan** (age 14)

Handsome, intelligent, unique, quirky, and inquisitive, Ethan gets along well with all people in his life and never meets a stranger. Initially slow to trust, once Ethan feels comfortable, he really opens up. His hobbies include playing video games and reading. He enjoys playing baseball and likes camping, hiking, picnics, and fishing. Some of his favorite outings are going to the beach and to the lake. His favorite movies are the Harry Potter, Star Wars, and the Lord of the Rings series. He likes to listen to classic rock. His favorite foods include pizza, cooked carrots, broccoli, and sweet potatoes.

**Katie** (age 17)

Katie is an awesome young lady who tries to hide her true feelings until she builds a trusting relationship. Friendly and likeable, Katie would like to be a photographer, writer, or both.

CALL 2 ACTION!

**Act NOW
Our Children
Have Waited
Long Enough!**

Please don't let our children grow up without families. A simple act from you could help one of these children find their forever home. With just a few minutes of your time, you could make a HUGE difference in their life. Take this page of child profiles and:

1. Post on the bulletin board at church, YMCA, or place of employment.
2. Share it with your book or rotary club members.
3. Forward it electronically to family and friends using the link <http://www.fosteringperspectives.org/fpv17n1/waiting.htm>
4. Share it during your next PTA or support group meeting.

Writing Contest

First Prize: \$100 • Second Prize: \$50 • Third Prize: \$25

If you are under 18 and are or have been in foster care, please send us a letter or short essay in response to the following question:



How do you know when someone cares about your well-being? What does it look like? What does it feel like?

DEADLINE: February 11, 2013

E-mail submissions to jdmcmaho@unc.edu or mail them to: Fostering Perspectives, NC Division of Social Services, 1459 Sand Hill Rd., No. 6 (DSS), Candler, NC 28715. Include your name, age, address, social security number (used to process awards only, confidentiality will be protected) and phone number. In addition to receiving the awards specified above, winners will have their work published in the next issue. Runners-up may also have their work published, for which they will also receive a cash award.

Seeking Artwork and Other Writing Submissions

Submissions can be on any theme. There is no deadline for non-contest submissions: submit your work at any time. If sent via U.S. Mail, artwork should be sent flat (unfolded) on white, unlined paper.

Get in-service training credit for reading this newsletter!

Enjoy reading *Fostering Perspectives* and earn credit toward your relicensure. Just write down the answers to the questions below and present them to your licensing social worker. If your answers are satisfactory, you'll receive 30 minutes of training credit. If you have questions about this method of gaining in-service training credit, ask your worker.

In-Service Quiz, FP v17n1

1. Name the three types of court hearings about which foster parents have a right to be notified.
2. Describe three things foster parents can do to help the children in their care prepare for court.
3. What do GAL volunteers do?
4. Describe the TPR process in North Carolina.
5. What is "Raise the Age" and why does the NC Foster and Adoptive Parent Association support it?
6. How can child and family team meetings contribute to the success of court ordered plans?
7. Describe what happens in North Carolina when CPS investigates an allegation of child maltreatment in a foster home.
8. Name five things foster parents should do (or not do) if they are investigated by CPS.
9. What is *ex parte* communication and why should you avoid it?
10. Name three things you think should be in a bill of rights for North Carolina foster youth. If you can, send your ideas to sayso@ilrinc.com by November 22, 2012.

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Respond NOW!

What Should be in a Bill of Rights for North Carolina Foster Youth?

SaySo, with support of the NC Division of Social Services, is drafting a **Foster Youth Bill of Rights** and also a **Sibling Bill of Rights**. Ultimately, SaySo would like to have these documents endorsed by the NC General Assembly. This summer, Titianna Goings, NCDSS Summer Intern and former SaySo Board member, combined relevant bills of rights from other states to create a draft being reviewed by the current SaySo Board of Directors.

What do you think should be in either a "Foster Youth Bill of Rights" or a "Sibling Bill of Rights?"

**Let us know by
Thanksgiving
(Nov. 22, 2012)**

The SaySo Board will have a document to present to the NC Division of Social Services in December 2012; we hope to have it endorsed during the next legislative session. Email your suggestions to sayso@ilrinc.com or go to www.saysoinc.org and click our "Bill of Rights" page.

