



# **Safety, Fairness, Stability:** Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities

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**Cover Art:**

*Family relationships are among the most important relationships youth have. By maintaining youths' family roots, their bond to their homes and their communities, the juvenile justice and child protection systems can help provide youth and their families with a sense of well-being, safety and fairness. The cover art represents a sort of family branch, where all of a youth's positive relationships influence the path of their life, providing stability and support. The more family, communities, agency leaders, judges or lawyers get involved, the stronger the branch becomes.*

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# Foreword

There is no other relationship with greater significance in our lives than those we have with our families—whether they are our birth or chosen families. They should serve as the anchor in our lives, as the lifeline to everything else we accomplish. As noted by the authors of this paper, Joan Pennell, Carol Shapiro, and Carol Spigner, “for youths to grow into responsible and productive adults, they need a foundation of safety, fairness, and stability.” Further noting that “this foundation is especially weakened for youths involved with both child protection and juvenile justice,” they make the case for devoting our efforts to maintaining youths’ connections to their homes, schools, and communities in an appropriate manner, and by doing so give youth who are too often alienated from their families and our mainstream society “a sense of belonging, competence, well-being, and purpose.” It is this sense of belonging that many youth involved with child welfare and juvenile justice lose as they and their families experience these systems.

This paper provides a pathway to improving these systems in a manner that will leave children, youth, and families with a different set of experiences. But this pathway requires those working within those systems—as agency leaders, supervisors, line staff, or judges and lawyers—to adopt a new lens in viewing their work in engaging families. Socrates once said, “I can not teach anybody anything. I can only make them think.”<sup>1</sup> That is the challenge undertaken by the authors, and I commend them for tackling this challenge not only with one system of care, but by asking readers to understand the challenge across systems—and to think differently about how we work with families that are frequently experiencing multiple systems at the same time.

It is my hope, therefore, that this paper makes you think about how you can look at family engagement in a different light, build upon your work to date, and make progress in improving how you work with the families with whom you come in contact, whether it be in the field of juvenile justice,

child welfare, behavioral health, or education. I believe the authors of *Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities* paint a hopeful picture of our readiness to do so, to move to the next level of work—of practice and policy—within and across these systems.

My hopefulness is supported by the fact that there is a different kind of field building underway in this country—it is no longer just the child welfare field, the juvenile justice field, the behavioral health field, or the education field. These fields are doing their work—viewing their work—in a different way: across systems. This change in perspective is essential, and the work being undertaken across systems to achieve better outcomes reveals a very specific effort to work more effectively to create stronger connections for the children and youth in those systems—pro-social connections that will support them in their path to adulthood.

I hear a lot about “connections” in the dialogue about our work with children and youth. I interpret this to mean “connections” that lead to, or help restore, significant family relationships that provide safety, fairness, and stability in a meaningful way. That is what the workforce in child welfare, juvenile justice, behavioral health, and education do as a key part of their work—provide these connections. In many instances, this means creating a stronger connection to pro-social peers and adults outside of the family domain; in others, it means supporting families in their efforts to better nurture their youth. This includes providing a sense of safety, improving well-being, and creating permanence in their lives. I share these thoughts as part of this foreword because the lessons learned in my career are that if we get this very basic and fundamental element right, we will have a better chance of succeeding in our work to improve the life outcomes for the children and youth with whom we come in contact in our work.

So how do we move forward in advancing this work and bringing this perspective to life? What are the implications for our policies and practices? On a policy and practice

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<sup>1</sup> Socrates. (n.d.) *QuotationsBook.com*. Retrieved from [quotationsbook.com/quote/38395/](https://www.quotationsbook.com/quote/38395/).

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level, in order to do this work well, our focus must be on children, youth, and families within the context of the communities in which they live. We have to understand and then act upon the notion that the families and communities from which the children in our care come are not enemy territory. And when we “wrap” services, support, and supervision around each child and family in an individualized way, these efforts must be based in the community and backed by strong community connections. It is in this way that we make positive long-term connections for children and youth and create a sense of stability in their lives.

As suggested by the authors, to do this we must develop strong local, state, and national policies that address what we want every child and youth to have as the developmental underpinnings of their growth into adulthood—policies that encompass elements related to child welfare, juvenile justice, behavioral health, and education, but that are family focused. We must embrace the idea that whether it is children and youth in our child welfare or juvenile justice systems, their families have both strengths and weaknesses, and in working with them we need to identify and build on those strengths and help them to overcome their weaknesses.

Further, we need to disabuse ourselves of the notion that we can or should separate these youths from their families. Whether it be a youth receiving services while remaining in the home, reentering the community from placement in the juvenile justice system, reuniting with family members after being removed from their care and custody due to abuse or neglect, or aging out of foster care or the juvenile justice system (or both), we need to work with our young people as they reengage with their families, helping them to navigate those families in a healthy way.

This push and pull around the role of families has been a focal point of the juvenile court since its inception 110 years ago. We have been conflicted about how to best apply the doctrine of *parens patriae*, allowing the system to serve temporarily as the parent, while at the same time working in a respectful and supportive way with the families of the children and youth who have come to our attention—often failing to provide the family-centered and family-driven resources needed to serve the child and family’s best interests. We have struggled, in this regard,

with how to view and place the family in our work with their children, and what we know now is that we do our best work if the family is at its core, not the periphery.

This requires us to approach our work in a different manner, ensuring that our efforts reflect the traits of effective practice, those that are captured as the essence of this paper. In order to make this conversion, we must build a strong workforce that embraces the underlying values that support this work. It is a workforce that fully supports involving family as part of the team and demonstrates sensitivity to each child’s race, culture, gender, and sexual orientation—and the need for “connections,” primarily to family. It is a workforce open to adopting new policies and practices that better support the key roles families should play in mapping out their future.

Abraham Maslow once said: “I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail.”<sup>2</sup> In the same vein, the authors suggest an array of “tools” that allow us to work with greater precision and effectiveness in achieving greater safety, well-being, and permanence as our primary goals.

This is difficult work. It is about building bridges between workers and the families they serve; between the child welfare, juvenile justice, behavioral health, and education systems and communities, and between systems. Peter Block, a leading thinker and author on organizational change and collaboration, addresses what it takes to work in a collaborative manner. He discusses the need to share power, turf, and control; to share resources; to be transparent; to tell the truth—the truth about what we do well and what we don’t do well; to trust one another; and to engage in acts of surrender. This is difficult to do, particularly in difficult financial times, when our tendency is to protect what is ours. But these traits must be shown in not only how the workforce in these systems engage each other, but in part how they engage the families they serve: being transparent, telling the truth, and building trust.

Therefore, we need to create a shared vision, in part by identifying the strengths and weaknesses of our service systems and by developing greater levels of cooperation

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<sup>2</sup> Maslow, A. H. (1966). *The psychology of science: A reconnaissance*. New York: Harper & Row.

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between the child welfare, juvenile justice, and related systems of care. We need to create an environment of trust that leads to risk taking without the threat of blame.

Indeed, it will take all of these things for us to be successful in better engaging families and the youth to whom they are connected. As the authors and commentators so powerfully convey, we cannot be successful in reconnecting our children and youth to their families and communities unless we think about this work differently, through the lens of the family and from a truly family-centered perspective. I thank both the authors and commentators for exploring this issue in such a meaningful way and helping us to understand how we can better engage families within and across systems and achieve better outcomes for the children, youth, and families we serve.

**Shay Bilchik**  
Research Professor and Center Director  
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# I. Introduction and Background

For youths to grow into responsible and productive adults, they need a foundation of safety, fairness, and stability. This foundation, however, is especially weakened for youths involved with both child protection and juvenile justice. These youths have experienced the maltreatment and resulting trauma that eats away at safety. Their cultural and economic backgrounds along with defiant attitudes can jeopardize their social, educational, and legal rights and undermine a sense of fairness, only escalating oppositional behaviors. Their histories of maltreatment and offending often lead to their removal from their homes, schools, and communities. These separations can further erode the connections that give youth a sense of belonging, competence, well-being, and purpose.

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*Youths involved with both child welfare and juvenile justice need:*

*Safety— protection from maltreatment and resulting trauma*

*Fairness— respect for rights and cultural diversity*

*Stability— sustained familial and community connections*

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A strategy for strengthening these crucial connections, and more broadly providing greater safety, fairness, and stability, is for child welfare, juvenile justice, mental and behavioral health, schools, and other involved systems to work together in engaging youths and their families in decision making and planning. This strategy, called family engagement, has been defined as any role or activity that enables families to have direct and meaningful input into and influence on systems, policies, programs, or practices affecting services for children and families (New York State Council on Children and Families, 2008). In this context, the family needs to be broadly defined to encompass those whom youths see as their family group, whether based on biological, social, foster, or adoptive ties. Many youths turn to their familial connections on leaving care or custody, and joint planning can help in

making these transitions successful (Collins, Spencer, and Ward, 2010; Ryan and Yang, 2005). This collaborative approach needs to take place with youths and families about their particular situations and more generally about agency programming and public policy (Briggs and McBeath, 2010; Luckenbill and Yeager, 2009). This multilevel engagement will help involved systems figure out how best to serve youths as well as members of their families, schools, and communities.

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*Family groups are those whom youths see as their lasting connections, those to whom they turn over the long term.*

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Child welfare and juvenile justice have much to offer in helping young people and their families, and by acting together, the two systems can remove false dichotomies between upholding the best interests of the child and those of the greater society. Nevertheless, for youths who cross over between child welfare and juvenile justice, family engagement presents complex challenges. First, the services of these two systems are usually mandatory rather than voluntary, sometimes involving removal of the youth from the home for the safety of the youth or the public, and as a result, can generate tensions between the agencies and the families with whom they work. Second, in making decisions, practitioners often conflate race, risk, and poverty; this produces disparities in treatment for children and youth of color living in poverty and heightens tensions between their families and public agencies (Baumann et al., 2011). Third, child welfare and juvenile justice are too often operating at cross purposes because of differences in mandates, cultures, and organizational structures, making it difficult for youths to navigate the transition into adulthood (Altschuler et al., 2009). The lack of collaboration adversely affects youths' schooling and access to mental health services (Leone and Weinberg, 2010). In other words, conflicting purposes lead to competing directives to youths and their families.

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*For crossover youth—those involved with both child welfare and juvenile justice—family engagement is complicated. These systems deliver involuntary services, often with the greatest impact in communities of color. The two agencies have different mandates and often send competing directives to youths and their families.*

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A fourth complexity is the expansion of the number of parties who need to be involved when addressing both youth protection and youth offending. If the focus is on a protection plan, then child welfare should invite the participation of the youths, their families, and other relevant services. If instead the focus is on the offense, then juvenile justice should involve the youths, their families, relevant services, *and* the victims along with their supports (MacRae and Zehr, 2004). The victims of crime may come from within the family, schools, online forums, and community; their participation clarifies the impact of offending. For crossover cases, further decisions need to be made about which agency convenes the meeting, who takes part in the deliberations on offending versus protective issues, and who authorizes the plan and its resourcing.

For crossover youth, two streams of practice theory can inform how to engage families. These are system of care (Stroul and Friedman, 1986) and restorative justice (Zehr, 1990). System of care emphasizes wrapping services around youths and their families in a manner that they see as empowering them to act on their needs and aspirations. Because family groups are invested in their young relatives, family members work to get youths back on track emotionally, behaviorally, and spiritually while keeping them in their homes and communities. A family group approach extends a system of care beyond formal services to include informal supports, and this combination of formal and informal networks is best referred to as systems of care. Restorative justice emphasizes helping youths make amends for their wrongdoing, renewing the relationship between youths and those they have harmed, and addressing the underlying causes of the problem behaviors. Combining systems of care and restorative justice advances the leadership of youths, their families,

and others affected by the wrongdoing in decision making while maintaining supports, protections, and limits firmly around youths.

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*Family engagement promotes both systems of care, which wraps services around youths and their families, and restorative justice, which addresses the youths' wrongdoing and renews relationships.*

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Integrating system of care and restorative justice approaches has the potential to reposition juvenile justice and child welfare so that they collaboratively engage youths, families, victims, and others in the community in advancing safety, fairness, and stability. In explicating how such engagement works, the three authors of this paper bring a depth of understanding based on their long-term involvement in child welfare and juvenile justice reform, their research and scholarship, and their commitment to social and cultural equity. This paper is based on the premise that system change is necessary and feasible. The authors assume that positive system change results from engaging youths and their families and communities, including the victims of crime, in setting goals, making action plans, and collaborating on efforts.

To be effective, the leadership of the youth and family participants needs to be evident in making case decisions as well as in shaping agency programming and public policy. Such multilevel engagement repositions power relationships by tapping into the strengths of all participants, developing a sense of individual and collective efficacy, and promoting trust among groups with lengthy histories of suspicion and anger toward each other. Such repositioning is especially needed because it is all too common for both the juvenile justice and child welfare systems to have strained relationships not only with the youths and their families and communities but also with other child-serving agencies. Given this aim of repositioning relationships, the authors' primary focus is on mechanisms for inclusive and culturally respectful decision making and enactment of these decisions, rather than on changing youths through therapy or correctional measures.

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*Family engagement repositions child welfare and juvenile justice to work collaboratively with youths, families, victims, community members, and other systems.*

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The paper begins with a call for change. Without intervention, the authors assert that crossover youth are all too likely to head further down pathways of trauma and alienation and that disparate treatment elevates these threats for minority groups. The paper then explicates why a strategy of family engagement is particularly timely: It counters historical approaches that have estranged youths from their families; it responds to current political and demographic trends; it fits with legislative changes and conventions on human rights; it aligns with recent research findings; and it supports partnership approaches. Family engagement is broadly defined in terms of who participates and at what levels. The family group includes the youths as well as their relatives and social kin. Levels of input range from practice to program to policy. The authors examine strategies for advancing family leadership at the practice, program, and policy levels and summarize the findings on family engagement in child welfare and juvenile justice practice. In conclusion, the authors make a series of recommendations for repositioning juvenile justice and child welfare to engage youths and their families, victims of offending, other systems, and the broader community.

By highlighting the strategy of family engagement, this paper:

- Counters historical approaches that estranged youths from their families
- Responds to current political and demographic trends
- Fits with domestic legislative changes and international conventions on human rights
- Aligns with recent research findings
- Supports partnership approaches to practice, programming, and policy

## **Crossover Youth: Need for Intervention**

Safety, fairness, and stability are in short supply for youths who come from struggling families in impoverished communities. Children from these families are at risk of child maltreatment, which often becomes the precursor to antisocial behaviors (Maughan and Moore, 2010). These youths are more likely to start offending as children, to run away from home, to leave school early, to use drugs and alcohol, and to associate with problematic peers. Unless the underlying causes of their offending are addressed, they are on a trajectory to commit serious and violent juvenile offenses and to continue criminal activity well into adulthood (Farrington and Loeber, 2002; Moffitt, 2007; Vazsonyi, Trejos-Castillo, and Huang, 2007).

These troubled youths show up on the caseloads of child welfare, juvenile justice, or both systems as well as on those of other child-serving agencies. They are the crossover cases between child welfare and juvenile justice. Some may be involved with both systems at the same time, and of these, a smaller group is dually adjudicated by the courts. The extent of the overlap is difficult to gauge because the United States lacks a national database that links cases from child welfare and juvenile justice. Studies have suggested that between 9 and 29 percent of children involved with the child welfare system later engage in delinquent activities (Herz, 2010). Though we do not have a firm grasp of the number of children who flow from the child welfare system to the juvenile justice system, we can say that the phenomenon reflects, in part, an inadequacy of the child welfare system in its capacity to assist families in resolving the issues that brought children into care. In addition, significant numbers of youth age out of the child welfare system each year without being anchored to family and/or significant relationships (U.S. Department of Health and Human Services, 2010; Pecora et al., 2005). These young adults are at risk of homelessness, incarceration, unemployment, and depression (Courtney et al., 2009).

Heavy reliance by both systems on foster care, group homes, congregate care facilities, and secure custody disrupts a young person's family connections and

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schooling and can lead to identification with antisocial and/or delinquent peers and to behavioral, cognitive, and mental health problems. Moreover, incarceration of youths in correctional facilities is likely to inculcate criminal norms, forge gang affiliations, and discourage youths from taking responsibility for their actions (Calhoun and Pelech, 2010). All of this is to the detriment of the safety of both young people and the public (Walgrave, 2008).

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*Heavy reliance by both systems on foster care, group homes, congregate care facilities, and secure custody disrupts the young person's family connections and schooling and can lead to identification with antisocial and/or delinquent peers.*

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## **Disproportionate Minority Contact: Why Change Is Imperative**

In the United States, youths of color are more likely than their White counterparts to be charged and incarcerated (Muncie, 2009). Substitute care elevates these disparities for minority groups. It is well documented that, compared to White children, African American and Native American children are more likely to be removed from their homes by child welfare and to be retained longer in care. The same is true for Latino children in some states (Belanger, Green, and Bullard, 2008; Texas Department of Family and Protective Services, 2010). If these placements destabilize and children experience multiple placements, the likelihood of juvenile justice involvement increases, especially for African American and Latino youths (Barth et al., 2010; Ryan et al., 2007).

Furthermore, dually involved youths are less likely to be put on probation and more likely to be ordered into a group or correctional setting, with detention a more likely outcome for minority youths (Ryan et al., 2007). Congregate care is an expensive option, often physically far from youths' families, which, in turn, increases the psychological distance between youths and their families

(Barth and Chintapalli, 2009). Moreover, group homes are associated with greater placement instability, increased use of psychotropic medications, academic problems, and further offending (Ryan et al., 2008). Juvenile justice involvement has been an avenue for providing needed services to youths experiencing mental health crises; however, the programs available cannot meet the volume of demand and may be ineffective due to their culturally insensitive approach to African American youths (Briggs and McBeath, 2010).

Displacement for young people, especially those of color, is compounded by the exceptionally high rates of incarceration of one or both of their parents. Almost 2.5 million children have at least one parent incarcerated, depriving them of potential economic support even after the parent is released, since "ex-cons" are often unemployable (Garland, 2001, p. 103). Of the more than 2.2 million adults incarcerated, 62 percent of female prisoners and 51 percent of male prisoners have children under the age of 18 (Sabol and Couture, 2008). Forty percent of incarcerated fathers are African American (Sabol and Couture, 2008). This trend is moving upward: Between 1991 and 2007, the number of children of incarcerated parents increased 80 percent (Glaze and Maruschak, 2008). Fifty percent of these children are under the age of ten, while 32 percent are between the ages of ten and fourteen (Glaze and Maruschak, 2008). The impact of the criminal justice system goes beyond jail and prison. When probation and parole supervision are added to the equation, more than 7 million children are affected (Drucker, 2006).

This background and summary of the research on child welfare and juvenile justice policy and practice as they relate to family engagement make it clear that change is needed. However, to effectively plan our path forward, it is important to understand the historical context of how these systems have engaged—or not engaged—families over time and how current trends can support a fundamental shift in how we work with the families of system-involved youth.

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## II. Shifting Views of Parents and Youth: Historical Development and Opportunity for Change

Understanding the history of the child welfare and juvenile justice systems as it relates to family engagement will help to identify both the values and the major tensions that are embedded in current operations. The main underlying values related to this topic concern the rights and responsibilities that children and families possess and the role the state should play when these responsibilities are not met. The history of how both the child welfare and juvenile justice systems engage—or do not engage—families is intertwined with how the systems view these rights and responsibilities and the role of the state in enforcing them. Therefore, this section begins with an overview of the evolution of how the rights and responsibilities of youth and families have been perceived and uses that framework to discuss the historical evolution of how systems have viewed—or not viewed—families as partners in serving youth in their care.

### Rights of Youth and Families

The legal and policy framework that provides rights to children and their families has evolved over time. Children have moved from a position of property within their families to become individuals who have rights and who deserve to be protected from exploitation and abuse. Discussions of the relationship among children, adolescents, the family, and the state have occurred both within countries and in the global community. The most noteworthy example of the global discussion occurred in 1989 when the United Nations General Assembly enacted the Convention on the Rights of the Child (CRC).

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*Children have moved from a position of property within their families to become individuals who have rights and who deserve to be protected from exploitation and abuse.*

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Built upon the framework of human rights, the CRC acknowledges children's need for special protection because of their immaturity, the primacy of families in caring for children, and the responsibility of governments to enact policies that promote the advancement of children's rights. It recognizes circumstances that require a child to be removed from the home and explicitly establishes rights to judicial determination of the child's best interest, ongoing parental contact, and suitable alternative care (Articles 9 and 20) (United Nations, 1989). The CRC also acknowledges that children's capacities increase over time and that as they mature, they should increasingly exercise their rights to express their views, including in administrative and court hearings. For young people who have committed offenses, the CRC requires legal and judicial safeguards (Article 40) and humane treatment (Article 37).

Although the United States has not ratified the CRC, the government has moved closer to its terms and has ratified some CRC Optional Protocols (Campaign for the U.S. Ratification of the Convention on the Rights of the Child, 2008). Consistent with the United Nations' Convention, American law views children as immature persons who are developing and cannot speak for themselves. As such, they need the protection of a guardian. Parents are viewed as the natural guardians of their children. The rights of children are not specifically addressed in the U.S. Constitution or the Bill of Rights, but children's rights have been based in common law, state laws, case law, and social policies. Under the family law codes of the states, children and their parents by birth or adoption are legally bound to a relationship of reciprocal rights and responsibilities. The relationship is protected by law, and parents are given broad authority to make decisions on behalf of their children and raise them according to their own wishes. Within this context, children have the right to the support of their parents for food, shelter, clothing, and medical care. Children have the right to an

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education that allows them to reach their potential and have the right to be protected from abuse, neglect, and exploitation. Additionally, social policies related to child labor, compulsory education, protective services, and child health have further defined the rights of children.

Parents as natural guardians have the right to custody and control of their children. They can make major decisions for their children, including giving consent for minors to receive medical treatment, get married, and enlist in the military. Parents have the right and duty to protect, train, and discipline their children. With these rights come the responsibilities to support their children and provide food, shelter, medical care, and education (U.S. Department of Health, Education, and Welfare, 1961; American Bar Association, 2004).

The state has an interest in the well-being of children and in the development of individuals who can contribute to the civic and economic health of the society. As such, the state has the right to intervene in the life of a family when children are found to be in jeopardy and in need of protection due to maltreatment or delinquent behavior. Acting as *parens patriae*, or “parent of the country,” the state can conduct investigations, initiate legal actions in juvenile or family court, and remove children from their parents. In these circumstances, the state has an obligation to make decisions guided by the best interest of the child.

Given this context of the rights of parents, families of dependent and delinquent children have historically been viewed as neglecting their responsibilities and therefore being a contributing factor to their child’s dependency or delinquency status. Indeed, as the next section will explore, families have historically not been engaged as partners in their child’s child welfare or delinquency cases. However, practitioners and policymakers are increasingly seeing the value of engaging families. Although the framework of children’s and parent’s rights has been used to vilify parents and disconnect them from their children, the framework has also supported a historical shift to the current focus on family engagement in effectively serving youth in the child welfare and juvenile justice systems.

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*Practitioners and policymakers are increasingly seeing the value of engaging families.*

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Implicit in our understanding of the rights of children and the rights and responsibilities of parents is recognition of the psychological importance of the parent-child relationship to the child or adolescent’s development. Our society has an obligation to protect and rehabilitate children and teens in the context of their families, whenever safely possible. But the child welfare and juvenile justice systems have not been able to sufficiently institutionalize family engagement strategies in order to best use the power of these relationships to bring about changes in families, communities, and child-serving systems. To better understand why this has not occurred, and how we can better support family engagement moving forward, the next section presents an overview of how the child welfare and juvenile justice systems have historically viewed and engaged families in their work.

## History of Family Engagement in Juvenile Justice and Child Welfare

Current responses to maltreated and delinquent children and youth are built upon a historical foundation that viewed parents as absent, inconsequential, and/or detrimental to the well-being of their children. Based on this premise, children were placed in institutions or removed and sent to alternative families long distances from their original communities (Axinn and Stern, 2008; Rothman, 2002). To the extent that the children came from distinct racial, ethnic, and cultural communities (such as Native American tribes, European immigrant groups, or descendants of Africans), their communities were also disparaged and seen as contributing to the children’s problems.

Although child welfare and juvenile justice systems have the same origins, they have diverged in their development because of differences in goals, functions, and areas of controversy. The antecedents to the current approach to child and youth services are the practices that developed to care for dependent and delinquent children early in the history of this country. These children were often orphans who had lost their parents to death by disease, war, or abandonment. Because the emerging communities of the colonial era needed all available labor, they took action to limit or reduce dependency. Therefore, children in need were provided with care and given the opportunity to

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learn a skill through either apprenticeship or indenture. Those not able to work and deemed “worthy” (such as widows and their children, the disabled, and the elderly) received cash relief from public authorities and/or charities (Bremner, 1974; Axinn and Stern, 2008; Myers, 2008; Abramowitz, 1988).

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As the nation developed and wealth was acquired, specialized institutions—including orphanages for children and houses of refuge for youth who broke the law—were created, and a system of service through philanthropy was established. These facilities for children and youth were built by religious organizations and philanthropists as well as by local governments. The focus was on the care and training of youth, and the facilities operated on a rigid schedule to foster discipline. Due process rights were not afforded to delinquent youths or their parents, and juveniles were often maltreated or forced to do hard labor at the houses of refuge (Shoemaker, 2009).

For youths who were not orphaned and whose parents were alive, little attention was paid to the parents, who were viewed as contributors to the delinquency and dependency of their children. Within these institutions, there was general distrust for the competence of parents who were poor—so much so that superintendents of children’s institutions discouraged visits by parents except under extremely restricted conditions. Separating children from the bad influence of their parents became a priority.

Despite these efforts, a troubling number of indigent children lived on the streets of New York City in the early nineteenth century. As a result, in 1855 the Children’s Aid Society was established and soon thereafter began moving indigent children, most of whom came from immigrant families, by train to the Midwest to live with farm families. But not everyone was happy with this approach. A number of children ran away from their foster homes to return to their families, while a number of parents attempted to find their relocated children.

During this period, families, especially poor immigrant families, were commonly viewed as a threat to their children’s development because parents continued to practice the ways of the old country and were believed to be unprepared to help their children participate in American life. In contrast, the Progressive Era brought about community-based efforts to help immigrant families and their children adjust to American culture through the establishment of settlement houses, which taught language and other life skills and established kindergartens and social programs for children and their families.

In 1875, the first Society for the Protection of Cruelty to Children (SPCC) was established in New York City in response to the highly publicized abuse of a youngster by the name of Mary Ellen. Though a voluntary association, the SPCC used an “arm of the law” approach and investigated reports of maltreatment and initiated prosecution of parents who had failed to properly care for their children. The authority of the court was used to punish and fine parents, and when necessary, remove children from their care. Children were placed in institutions or in foster homes. The SPCC spread rapidly to the large cities and established a model of investigation and intervention that was later incorporated into child protective services.

It is important to note that the organizations and procedures developed in the nineteenth century did not apply to African American children. African American children did not enter the child welfare system during either the slavery or post-slavery era because their status as property meant they were afforded minimal protections.

Once the juvenile court developed at the turn of the twentieth century, the evolution of the child welfare and juvenile justice systems diverged. However, the two systems continued to share some of the same attitudes toward children and their families.

## **Juvenile Justice**

The first juvenile court in the United States was authorized by the Illinois Juvenile Court Act of 1899 and was founded in Chicago. Other states soon followed and created juvenile courts of their own. Rather than seeing children as little adults (as was common throughout the eighteenth and into the nineteenth centuries), pioneers in the new

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fields of psychology and child development introduced modern ideas about the child as a person who is developing. Though novel at the time, these ideas became the overarching doctrine that gave the state the power to serve as guardian to those with legal disabilities, in this case juveniles (Shoemaker, 2009).

Juvenile court judges were asked to take on a parental role when facing juvenile offenders, rather than a strictly legal authority role. The actual parents of the offender were seemingly unneeded or considered unimportant to the process. Judges routinely spoke harshly to parents in the courtroom, blaming them for their child's behavior and essentially banishing them from participating in the court proceedings. Family members faced humiliation when seeking support and assistance—not only from judges, but from prosecutors and the defense bar as well. Once youths were institutionalized, parents and loved ones were not included in their children's incarceration plans or plans to return home. This reinforced a peripheral role for parents in their children's future.

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This view continued until the mid-twentieth century when several U.S. Supreme Court decisions recognized the rights of youth and their families in juvenile delinquency matters. One of these cases was the historic *In re Gault* case. Fifteen-year-old Gerald Gault was taken into custody by law enforcement after allegedly making an obscene phone call. Among other things, the court ruled that youth, *and their parents*, need to be notified of arrest, charges, the right to counsel, and the right to remain silent—none of which had been afforded to Gault or his parents. This ruling marked a shift in how the courts saw the involvement, however minimal, of parents in their child's delinquency cases.

Over time, correctional staff and community supervision officers became more informed about the potential long-term role that could be played by family and social networks, and

new ideas about the value of family engagement—broadly defined to include extended family, friends, clergy, and community-based organizations—were planted.

In the 1980s and 1990s, several leading organizations, including the American Bar Association (ABA) and the National Council of Juvenile and Family Court Judges, recognized the importance of placing a youth within the ecological context of a family by recommending the use of unified family courts for all matters related to families, such as juvenile delinquency, child welfare, and divorce. In 1980, the American Bar Association endorsed jurisdiction for unified family courts that included “Juvenile law violations; cases of abuse and neglect; cases involving the need for emergency medical treatment; appointing legal guardians for juveniles; intrafamily offenses (including domestic violence) . . . and support of juveniles” (Institute of Judicial Administration/American Bar Association, 1980). In 1990, the National Council of Juvenile and Family Court Judges strengthened the ABA's definition, recommending that unified courts contain within their “ambit all matters affecting families and children, . . . children and other persons in need of services, delinquency, and other juvenile offenses (truancy, incorrigibility)” (Ross, 1998). To address the increasing inadequacies of the court system that families faced, such as system navigation, judicial indifference, and duplication of services, the ABA adopted a policy in 1994 on unified family courts that called for “Provision and/or integration of comprehensive services and other assistance, as appropriate, for children and families in the courts” (Ross, 1998). In spite of these advances, family engagement practices were not proposed or highlighted as intrinsic to accomplishing the court's mission.

## **Child Welfare**

The establishment of juvenile courts across the country in the early twentieth century created a structure for hearing evidence and making judicially sanctioned dispositions for dependent children in addition to delinquent children. Although the court served both dependent and delinquent children, the public policy response for these two populations began to diverge. In contrast to the juvenile justice system's steadily increasing—although insufficient—focus on family engagement, the twentieth century marked several shifts in the way families were viewed in the child welfare system.

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During the early part of the twentieth century, the care of dependent children remained in the private sector, through voluntary sectarian agencies. Over time, states and localities began to establish government programs for child protection and placement. A presidential conference in 1909 sparked national discussion on the needs of dependent children.

As previously discussed, in the eighteenth and nineteenth centuries, parents of delinquent and dependent children alike were viewed as contributors to their child's status. In 1909 President Theodore Roosevelt convened the first White House Conference on Children. Expert deliberations produced a set of principles to govern the care of America's dependent children (White House Conference on the Care of Dependent Children, 1909). The following ideas were particularly relevant to parents:

- Children should be kept with their parents and not be deprived of their families except for urgent and compelling reasons.
- Families should not be broken up for reasons of poverty alone.
- Children who must be removed from their families should be cared for in family settings whenever practicable.

Additionally, the principles endorsed the importance of providing assistance to families to meet the needs of their children and called for parents to provide a "suitable home" for the rearing of children.

Despite these principles affirming the centrality of families to children's lives, the focus of child welfare intervention remained on the placement of children at risk, and even by the middle of the twentieth century, practitioners had few incentives to actively engage families. Risks included not only physical danger, but also problems associated with an immoral or unsuitable home.

However, during the second half of the twentieth century, a number of studies documenting the experience of children in foster care led to improved engagement of parents and relatives in the child welfare services. The focus on risks was augmented by a number of studies that looked at the psychological effects of the foster care system on children. Maas and Engler (1959) documented the experience of children who were languishing in foster care. Described as "orphans of the living" and "children adrift," these were children who did not belong to their parents and who were without alternative families they could call their own (Williams, 1980). Other studies documented the psychological impact of drifting in foster care, the importance of parental involvement and visitation in the timely return of children to their families, and the time frames in which return was most likely (Williams, 1980). Studies found that early and assertive services to parents, structured by individualized case plans and clear time frames for decision making, increased the likelihood of a child's return to the parent(s) or successful adoption (Pike et al., 1977; Stein and Gambrill, 1977). Work in this area called for a reexamination of the role of juvenile courts in making key decisions related not only to placement but also to reunification and termination of parental rights (Wald, 1976). In addition to stopping abuse, finding permanency or a stable family in which to grow up emerged as another goal of child welfare services.

The treatment of tribal children became part of the shift in focus. In the mid-twentieth century, tribal children had often been placed in boarding schools or other out-of-home care arrangements, with a majority in non-Indian settings (Unger, 1977). In response, Congress passed the Indian Child Welfare Act of 1978, which affirmed the jurisdiction of tribes as sovereign nations over their children and required placement preference for extended family, members of the child's tribe, and other Indian families. The law required that "active efforts" be made to maintain and reunify families.

These advances continued when Congress passed sweeping legislation to address the problem of children adrift and required agencies to actively involve parents in resolving their children's permanency status. The Adoption Assistance and Child Welfare Amendments of 1980 (P.L. 96-272) created the Title IV-E entitlement program for poor children in foster care, which allowed federal cost

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sharing for administrative and placement costs. The legislation established a set of procedural requirements that underscored the importance of parental involvement and also the need to make long-term permanency decisions on behalf of children in foster care. The law required state agencies that receive federal funds to make “reasonable efforts” to maintain children in their families and to reunify children with their parents. To foster the timely engagement of parents, the act required case plans along with judicial reviews and permanency hearings at which decisions for children’s long-term stability were to be made. To foster alternative arrangements for children who could not return home, a subsidized adoption provision was enacted. This legislation clearly established the principle of a child’s right to a permanent nurturing family—in other words, stability.

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As time went on, policymakers continued to embrace the child welfare framework enacted in 1980. Additional legislative changes strengthened the policy. In 1993, additional funds to provide family support and intensive family preservation services were made available to states and tribes through the Family Preservation and Support Act, now called the Safe and Stable Families Act. This act facilitated the development of community-based, in-home services needed to meet the “reasonable efforts” requirements and elevated the focus on families.

The direction toward strengthening family connections was further supported by changes in the living arrangements of children and adolescents in the late twentieth century, with more youth living with relative caregivers, especially grandparents (U.S. Department of Health and Human Services, 2000). In fact, by the time of the Great Recession in 2008, the number of grandparents serving as primary caregivers had spiked, especially among Whites (Livingston and Parker, 2009). There was also a growing acknowledgment in the child welfare field that while in some instances placement with biological parents may not be appropriate, placement with kin may

be. Kinship care is a means of maintaining children’s connections to their families, schools, and communities, so important for a child’s emotional and behavioral health (Pecora et al., 2009) and cultural identity. Parents are more likely to feel welcomed, to visit their children, and to trust that their children are in a loving home when they are cared for by kin (Gleeson and Seryak, 2010). However, one of the challenges of moving in this direction is ensuring that relatives are adequately prepared for and supported in their caregiving responsibilities. In an effort to meet this need, policies and practices were adopted in the 1980s and 1990s to support kinship caregivers, including subsidized guardianship (Berrick, 1998).

Outside of kinship care, the changes described above did not initially impact African American children and families to the same degree as others. From the Civil War until well into the twentieth century, African American children were protected through “child keeping” networks of extended family and friends when parents were not able to provide care. When these children entered care, they usually entered segregated institutions sponsored by religious groups or philanthropists (Billingsley and Giovannoni, 1972; Stack, 1997). As recently as the 1950s, there were very few African American children in state systems. Since that time not only have African American children been accepted for services, they have become overrepresented in care. Moreover, as Billingsley and Giovannoni (1972) suggested in the 1970s, the child welfare system treated African American children as if they had no families or communities.<sup>1</sup>

As the number of children in care continued to grow and child fatalities occurred that were attributed to a preference for the reunification of families over the safety needs of children, the pendulum shifted once again. Additional legislative changes strengthened the focus on safety and the ability of states and tribes to make decisions for children who were languishing in care. The Adoption and Safe Families Act of 1997 affirmed the primacy of safety in

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<sup>1</sup> It is important to note that the issue of race and placement has been controversial for African American children. To find families for children who could not return to their families, many states developed placement preferences based on race and timelines for making efforts to place children within their own racial communities. These efforts were overturned by the Multi-Ethnic Placement Act and Inter-Ethnic Placement Provisions, which prohibited the use of race as a factor in the selection of foster and adoptive placements. The law also required states to make diligent effort to seek families in the communities from which children came.

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decision making, reduced the time frames for service and decision making, and mandated that termination of parental rights be initiated after fifteen months of placement. The law also required agencies to make “reasonable efforts” to find a permanent adoptive home when children were unable to return to their birth families.

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*The Adoption and Safe Families Act of 1997 affirmed the primacy of safety in decision making, reduced the time frames for service and decision making, and mandated that termination of parental rights be initiated after fifteen months of placement. The law also required agencies to make “reasonable efforts” to find a permanent adoptive home when children were unable to return to their birth families.*

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Despite these efforts, tens of thousands of youth emancipate from child welfare each year (U.S. Department of Health and Human Services, 2010). The child welfare system has not provided them with the family stability needed to secure their well-being. As a result, policy, such as the Foster Care Independence Act of 1999 (P.L. 106-169), has been enacted to provide resources to prepare young people for a successful transition from foster care. This funding, in combination with the creativity of practitioners in the states, has resulted in the development of family finding strategies, such as the use of electronic resources to locate persons in a youth’s family network who may assume a supportive role during and after the transition to adulthood, and other innovative efforts to smooth the transition to adulthood. Although these initiatives are commendable efforts to remedy the situation for the older foster child, it is important to recognize that if earlier efforts to maintain the connections to family and community had been made, the number of children exiting care unattached to meaningful social networks could have been reduced.

## Recent Developments

The slowly increasing acknowledgment of the importance of families in serving delinquent youth, the shifting views of families of dependent youth over time, and more recent juvenile justice and child welfare policies reflect a growing commitment to family engagement. For example, through

the Second Chance Act of 2007 and the support of the Office of Juvenile Justice and Delinquency Prevention, reentry initiatives are cognizant of the need for family engagement and other ecological approaches. The Second Chance Act has underscored the role of family engagement in a youth’s transition home from a juvenile justice facility and is funding family and community collaborative strategies.

In addition to the Second Chance Act, the Juvenile Justice and Delinquency Prevention Act emphasizes the importance of building community capacity to serve children in their own families. Moreover, recommendations, such as those espoused in the recent New York Governor’s Task Force on Transforming Juvenile Justice, underscore the importance of family connections (Governor David Paterson’s Task Force on Transforming Juvenile Justice, 2008). Furthermore, according to the National Reentry Resource Center (2010), suggestions have been put forth to ensure better contact and access between family members and incarcerated youth, such as increased telephone contact, use of video conference technology, and more frequent family visits. Despite these being programmatic components rather than statutory mandates, they still illustrate the current shift to a more family-focused paradigm for serving juvenile justice-involved youth. This change in how family involvement with incarcerated youth is viewed—both while in custody and during reentry to their homes and communities—is further reflected in the additional resources being invested in this area of work. Policies and practices are being reshaped at the state level to better support family engagement, including use of the approaches noted above (Shepherd, 2011).

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*The Juvenile Justice and Delinquency Prevention Act emphasizes the importance of building community capacity to serve children in their own families.*

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Similar shifts have taken place in the child welfare field. In part building upon the increased focus on kinship care noted earlier, the most recent child welfare legislation, Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-3512), further encourages and financially supports connections of children to their relative caregivers, the placement of siblings together so affiliations can be maintained, and educational stability. The act seeks to promote family group conferencing and

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to support permanent kinship care arrangements. The Fostering Connections Act recognizes the limitations of current policy in securing well-being and permanency and adds federal support for guardianship arrangements, including direct Title IV-E funding to tribes to support child welfare programs, the provision of independent living services to children in the care of relatives and/or legal guardians, and incentives for the adoption of older children (Child Welfare Information Gateway, 2009).

These newer initiatives, while not yet evaluated, show great promise in propelling family engagement and leadership to its intuitive and appropriate status. Though indications of progress in terms of family engagement are clear, more work needs to be done to ensure that assessments of needs, interventions, and decision making are conducted with the full engagement of families and youth and the support of the child's community. A look at the recent history of how the mental health system made the transition to family-focused services can provide some insight into how the juvenile justice and child welfare systems can do the same.

## Lessons from the Mental Health System

During the periods of time noted above, when the child welfare and juvenile justice systems were expanding and receiving federal attention, families and service providers identified that the mental health needs of children and youth were not being met. There was also recognition that many of the children served by child welfare, juvenile justice, or both systems had mental health issues. Policy studies documented that approaches then in vogue for serving seriously disturbed children were limited by the use of the most restrictive settings; a services array limited to inpatient, outpatient, and residential treatment with few intermediate and community-based options; and poor coordination among child-serving agencies. In addition, families were often blamed for their children's conditions, and little effort was made to address cultural and linguistic issues in the diverse communities served (Stroul and Blau, 2008).

These systemic problems led to the development of the Child and Adolescent Service System Program by the National

Institutes of Health in 1984. The goals of the program were to promote systems change in states and communities; develop comprehensive systems of community-based care; and encourage collaboration among policymakers, advocates, parents, and providers. The work over the last twenty-five years has resulted in the development of a framework, structures, and greater capacity to meet the needs of youth through committed resources, staff, and a systematic approach to building service capacity. The following core values have shaped this initiative:

- Service should be child centered and family focused.
- The system of care should be community based.
- The system of care should be culturally and linguistically competent and responsive to the cultural, racial, and ethnic differences of the populations served.

Among the guiding principles are the need for access to a comprehensive array of individualized services, least restrictive intervention, families as full participants in service, integrated service provision across child-serving agencies, and protection of children's rights. An essential characteristic of behavioral health systems of care is the primacy it places on the participation of people with mental illness or in recovery and their families in all aspects of the process. Consumer-led organizations such as the National Alliance on Mental Illness, the National Federation of Families for Children's Mental Health, and Mental Health America push both state and national policy venues to mirror their devotion to family support and engagement (Morris and Stuart, 2002).

Emerging out of this work was the System of Care (SOC) approach to children's mental health as administered by the Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration (see appendix A). SOC is grounded in a philosophy that recognizes that children with mental health problems show up in all child-serving systems and that these systems need to be linked to one another and work together in close collaboration. The values that drive the SOC efforts include individualized, strength-based care; interagency collaboration; child, youth, and family involvement; cultural competence; and community-based services (U.S. Department of Health and Human Services, 2008). This approach has taken hold in more than a hundred communities nationwide and has

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become a \$100 million per year funding source (Winters and Metz, 2009). These advances in SOC have been extended to child welfare systems in several communities to achieve the goals of safety, permanency, and well-being.

These values and principles, along with a commitment to research, evaluation, and reform, have resulted in a move away from the view that parents are the cause of serious emotional disturbance to a recognition that parents are critical partners in addressing the needs of their children. As a result, the children's mental health system has made a commitment to "family-driven care."

There is much that juvenile justice and child welfare can gain from understanding the SOC framework and the strategies that flow from it. The challenge is to incorporate this approach into the context of coercive systems (such as the child welfare and juvenile justice systems), which by statute are expected to limit the scope and length of their involvement. Integrating restorative justice and systems of care approaches is a means of building in the needed supports for youths and their families while attending to the protection of youths and the public. Even though this change will be difficult, the time for it to happen is ripe.

## A Time for Change

Given the historical context, this paper comes at an opportune time for meaningful, enduring enhancement of the juvenile justice and child welfare systems. The combination of poor outcomes for youths and budget deficits has pushed policymakers to consider alternatives to foster care, group settings, detention, and psychiatric institutionalization. Policymakers are increasingly recognizing that family and community connections can provide long-lasting and cost-effective supports when most formal systems cannot. They are seeking improved ways to engage kin and the community and to learn about the types of supports that families and neighborhoods might need to succeed. Due to this confluence of factors, policymakers are more open to improving the juvenile justice, child welfare, mental health, and behavioral health systems by systematically reducing silos, integrating asset-based family and community approaches, and drawing on evidence-informed and promising initiatives.

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*Family and community connections can provide long-lasting and cost-effective supports when most formal systems cannot. The combination of poor outcomes and state budget deficits has pushed policymakers to consider alternatives to foster care, group settings, detention, and psychiatric institutionalization.*

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The nation's changing demographics also push for change. The youths and families served today are diverse. To increase effectiveness, the youth- and family-serving system has to be flexible and willing to learn who the family is and what family members need and want, and to respond accordingly. For example, immigrant families may find the culture and child-rearing practices of their new country alien and in conflict with their values (Hassan and Rousseau, 2009). But if practitioners lack exposure to a culture, see themselves as unable to effectively communicate with and relate to the families they serve, and view the local community as having limited resources, they are more likely to remove children from their parents (Baumann et al., 2011). To better serve immigrant families, agencies are identifying that their staffs need to come to know the families and their cultural communities, engage them in planning, and link them to resources that respond to their needs in a holistic way. The group that is most familiar with a family's culture is the family group. Engaging them in planning is a vehicle for increasing understanding of and becoming more responsive to the cultures of families.

Likewise, the upswing in returning military personnel compels reconsideration of ways to strengthen family connections. There is a significant association between the frequency and intensity of combat experience and the severity of post-traumatic stress disorder, major depression, and misuse of alcohol among returning active-duty military. These repercussions negatively affect the capacity of veterans to reconnect emotionally with their partners and their children (Galovski and Lyons, 2004). These heightened family stresses, coinciding with the Afghanistan and Iraq wars, are reflected in increased substantiated cases of child neglect among military families, as well as in higher rates of divorce and intimate partner violence (Gibbs et al., 2007; Rentz et al., 2007).

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Family engagement may be a crucial tool to address the unique problems faced by military families.

Returning military personnel and their families may need assistance in reestablishing relationships affected by multiple deployments. Engaging the family group may be a way to build in necessary and ongoing supports.

In addition, public opinion is moving away from punitive to rehabilitative approaches to juvenile offending, further supporting the shift in policy and practice. In the 1990s, the focus was on punitive responses to youth gangs, gun violence, and illegal drugs in African American as well as Latino and other immigrant communities rather than on preventive measures (U.S. Subcommittee on Criminal Justice, 2006). A 2007 survey conducted by the Center for Children’s Law and Policy (Soler, 2007; see also Piquero and Steinberg, 2010), however, found that respondents overwhelmingly agreed that youths committing crimes have the potential to change and would benefit more from treatment and services than from incarceration. In the case of nonviolent juveniles, the public favored keeping them in small residential settings in their communities rather than sending them away to large institutions at a distance. Moreover, respondents felt that the juvenile justice system was not equitable in its treatment of youths from low-income and minority populations, and they wanted government funds redirected from incarceration to treatment.

This shift in all likelihood reflects a growing understanding of the high volume and high costs of youth incarceration with little gain. In 2008, the United States arrested youths at a greater rate than any other country—more than 2 million arrests of young people occurred that year, yet only 96,000 of those arrests were for violent offenses (OJJDP, 2008). Estimates of the cost of incarcerating a

single youth for a single year range from \$35,000 to more than \$200,000 (Caster, 2010; Schiraldi and Mattingly, 2010), and yet outcomes have been disappointing. Recidivism rates, which measure the likelihood that a convicted offender will recommit upon reentry from a placement facility, average more than 50 percent for juveniles nationwide (OJJDP, 2006). Additionally, research on adolescent brain development and on the impact of childhood trauma and exposure to violence is influencing perceptions of youth crime (Scott and Steinberg, 2008; Vazsonyi, Trejos-Castillo, and Huang, 2007).

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*The possibility of reform is strengthened by growing public support for rehabilitative rather than punitive approaches to juvenile offending and by greater awareness of the impact of adolescent brain development and exposure to childhood trauma on youthful offending. Public support also makes reform more feasible politically.*

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These various trends can serve to accelerate the current shift in how the child welfare and juvenile justice systems engage families. The challenge to taking advantage of this opportunity is determining how to engage families within the context of coercive systems that require compliance. Systems of care and restorative justice perspectives provide some guidance on how to productively engage youth and their family groups and community members. The remainder of this paper will explore how this can be accomplished. Using the context presented in this section, the following sections will explore first what family engagement means and then present the family engagement policies and practices that can be used to move past the historically hostile and compliance-driven view of families to ultimately better serve youth.

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### III. Family Engagement: What It Means

Family engagement means that agencies involve youths and their families in decision making. The capacity of child welfare and juvenile justice to adopt participatory processes is affected by how these systems view the youths who come to their attention. Youths who cross over the child welfare and juvenile justice systems can be seen as victims, offenders, or both. Elevated levels of mental health issues and school disciplinary infractions among these youths further emphasize their needs and their misconduct. Alternatively, crossover youths can be seen in terms of their capacity, with guidance and support, to direct their lives, to participate responsibly in decision making, and to become contributing members of society (Bandura, 2002, 2006). Similarly for their families, agencies can shift the emphasis from compliance to engagement in decision making by fostering hope, trust, a positive working relationship, and investment in change efforts (Yatchmenoff, 2005). Such engagement in planning needs to occur from the outset to overcome barriers to service utilization and to focus on issues of concern to youths and their families, given their high stresses and their differing cultural backgrounds (McKay et al., 2004). This shift in attitude refocuses attention on how to collaborate with youths, their families, and communities—including the victims of crime—in finding and implementing solutions. The question then becomes not how systems can change youths and their families and communities, but instead what systems can do to build productive collaboration.

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*Youths who cross over child welfare and juvenile justice can be viewed as victims or offenders and their families as inadequate. Alternatively, we can refocus on supporting youths, their families, and their communities, including the victims of crime, as collaborators in implementing solutions.*

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Building partnerships among youths, families, child welfare, and juvenile justice, however, poses major challenges. The two systems are coercive institutions that employ the power of the state to intervene in the lives of families and/or individuals when certain standards or

expectations are violated. In the juvenile justice system, youth commit criminal violations that place them and the community at risk and bring them to the attention of law enforcement and the courts. The mandate of the child welfare system is to intervene when families do not meet the minimum community standards of care for children, resulting in physical and sexual abuse; medical, educational, or other neglect; and/or exploitation. Both systems rely on the doctrine of *parens patriae*—that is, the authority of the state to protect and socialize children and youth when families have failed to do so.

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*Moving to a family engagement approach poses major challenges. Child welfare and juvenile justice are coercive institutions based on a historical foundation of separating children from parents who are viewed as inadequate or immoral and substituting the state as the parent.*

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The nature and authority of the interventions involve intrusion into the private lives of families and exercise of the state's power over parents and their children. At the direct-service level, this power is applied to families and youths to stop or remedy the problematic behaviors and actions. For crossover cases, direct services may include a mix of casework, probation, parent education, family or residential placement, adoption, and short- or long-term detention. One of the challenges of providing services in this context is creating opportunities for families and youths to actively participate in, shape, and own the intervention process in a way that promotes change. To do this, agencies must address the power imbalance that is implicit in providing their services.

The conventional model of child welfare has been professionally driven and based on the assumption that well-trained professionals could direct families to the solutions for their children's problems. Families were the providers of information for the assessment and planning processes. With involuntary services, families were expected to follow directives and comply

with expectations, even in situations where there were disconnects between the plan and the client’s realities. Failure to comply had significant ramifications, including extended lengths of separation of parents from their children, higher levels of care for children, termination of parental rights, and adoption, as well as the psycho-social consequence of family disruption and multiple placements.

Likewise the conventional model for juvenile justice has also placed the state in the role of parent over juvenile offenders. Additionally, the justice system in general has marginalized the victims of crime, who may be called upon as witnesses rather than as partners in developing measures to resolve the issues, help them heal, and prevent future delinquent acts. Nor does this approach redress the harms experienced by others, whether they are the family members shamed by the youths’ actions and considered financially liable or the “bystanders” intimidated in the school, neighborhood, or workplace. In other words, the state, rather than citizens, owned conflicts and managed how they would be handled (Christie, 1977). Not only the youths but also their families, the direct victims, and community members need safety, fairness, and stability.

A top-down system of regulation fails to tap into the caring, knowledge, and strategies of the family group and community. It starts with punitive measures rather than responsive and restorative ones that engage the key stakeholders in ways that make sense to them emotionally and pragmatically (Braithwaite, 2002). For crossover youth, systems of care and restorative justice frameworks encourage agencies to realign their methods for engaging with youths, families, and communities. These practice frameworks support each other while reflecting their different origins—i.e., child mental health versus criminal justice. As mentioned above, the Child and Adolescent Service System Program set forth six core principles of system of care—child centered, family focused, community based, multisystem, culturally competent, and least restrictive/intrusive settings—for children with serious emotional disorders and their families (Stroul and Friedman, 1986, pp. 16–24). These core principles have guided reforms not only in child mental health, but also in other child-serving agencies such as child welfare and disabilities. These six principles

converge with but are not identical to the goals of restorative justice. In juvenile justice, a restorative approach is guided by the seven goals of diversion from the courts to community-based sanctions, accountability of those offending, involvement of victims in decision making, inclusion and strengthening of the offender’s family, use of consensual decision making, adaptation of processes to participants’ cultures, and due process to respect the rights of offenders (MacRae and Zehr, 2004, pp. 18–19). Restorative justice has influenced practice beyond the justice system, to the schools, for example, to address issues such as bullying (Morrison, 2007). Both frameworks emphasize partnership and cultural respect; encompass levels of work from the family to the community to the agency; and have implications for practice, policy, and evaluation.

Principles of System of Care	Goals of Restorative Justice
Child centered	Diversion
Family focused	Accountability
Community based	Involvement of the victim
Multisystem	Inclusion and strengthening of the offender’s family
Culturally competent	Consensus decision making
Least restrictive/intrusive settings	Cultural appropriateness
	Due process

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*Family engagement: Any role or activity that enables families to have direct and meaningful input into and influence on systems, policies, programs, or practices affecting services for children and families.*

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For crossover youths, family engagement means involving the youths, their family groups, the victims and their supports, community members, and service providers

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in decision making at the practice, program, and policy levels. For the youth, family, and community, engagement is about having meaningful influence in the design, delivery, and evaluation of services. The process of inclusion adds important stakeholders to those to whom the agency should be accountable. Engagement requires agency personnel to be open to hearing the concerns of those they serve and removing obstacles to services (Child Welfare Information Gateway, 2009).

Agencies must create environments that welcome youth, family, and local leadership and partnership. Creating an organization where these stakeholders are looked to for advice and guidance requires building an organizational culture and processes that assure involvement. Multiple elements must come together to institutionalize family engagement:

- Mission, values, and philosophy that require engagement
- Interventions that empower youths, families, victims, and other key stakeholders to participate actively
- Opportunities for voice and involvement at every level of the organization
- Policies and practices that support engagement
- Collaborations founded on respect for family and community experiences
- Capacity building of youths, families, communities, and agencies to partner
- Services designed to meet the expressed needs of youths, families, and other key constituencies (adapted from Chovil, 2009)

Family engagement requires a shift from imposing conventional approaches to helping in a number of areas. The focus of intervention shifts from the problem youth, event, or behavior to the family as a unit in the context of the community. Engagement is nurtured by emphasizing the strengths of the youths, families, and community members and the resources they bring rather than exclusively on the problems. Instead of being directive, agencies encourage families to become involved as active and influential partners in defining their problems, goals, and plans of action. They are supported in making choices

about their course of action and in identifying and receiving the resources that will make change possible. In addition, they can be provided the support of other families as peer mentors—families that have experience with the child welfare and juvenile justice systems and can help navigate them (Luckenbill and Yeager, 2009).

Family engagement also requires that youths, families, and community members become involved in the governance of the organization. Similar to the practice shifts noted above, there must be opportunities to allow the experience of families, in both the agency and the community, to inform the operation of the child welfare and juvenile justice programs and systems. Representatives of the client groups advise administrators, contribute to policy development, provide systematic feedback on agency performance, and shape and participate in staff development and program evaluation. Here, systematic ways to involve youth and family partners in monitoring services and hiring and training staff can be especially helpful (Allen-Eckard, Latz, and Coppedge, 2010; Nixon, 2007).

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*Family engagement requires that youths, families, and community members become involved in the governance of the organization. Systematic ways to involve youth and family partners in monitoring services and hiring and training staff can be especially helpful.*

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The ability of an organization to actively include parents and youths in its governance is enhanced by the development of productive relationships with the communities from which children, youth, and families come. Communities—with their formal and informal institutions—have networks of social and material resources that are often invisible to or not acknowledged by public institutions. Though concerned about the well-being of their children and youth, people in communities are often unaware of the extent of delinquency and maltreatment problems in their midst and therefore are less effective than they otherwise could be at addressing these issues. To better engage families and youth, agencies must reach out to community leaders by sharing information and building partnerships to support change (James et al., 2008; Seymour, 2007). Some agencies have identified the neighborhoods from

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which the children and youth are coming and have organized community agencies into networks of services that are able to respond in a holistic and coordinated manner (Administration for Children’s Services, 2001; Los Angeles County Children’s Planning Council, 2010). These networks are able to connect with faith, social, and charitable institutions to enhance the supports to families.

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*To better engage families and youth, agencies must reach out to community leaders by sharing information and building partnerships to support change.*

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The commitment of a single agency to family engagement is not adequate to create an environment in which families can be actively involved in changing their circumstances. The experience of the systems of care and restorative justice initiatives has demonstrated the importance of

additional elements. Collaboration among all child-serving agencies and the courts is necessary to ensure that services are coordinated and directed toward shared goals. This collaboration may include the pooling of resources to fund a unique service plan. Families, in conjunction with service providers, should be able to tailor an individualized service plan that utilizes the strengths of the youth and his or her family along with the most responsive formal and informal supports. The latter includes families, friends, faith communities, and community-based support and treatment programs. Family engagement works best when a network of community-based services provides alternatives to placement and is accessible both psychologically and geographically. Finally, there needs to be a clear framework to ensure accountability among all of the collaborators, including the family (U.S. Department of Health and Human Services, 2008). The family group members can be especially effective in holding themselves accountable.

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## IV. Practice Strategies: Putting Family Engagement into Action

Family engagement in resolving issues is not an innovation. Traditionally, peoples around the world have worked out issues on their own. In modern societies, the question is: How can public agencies respectfully help people to make, implement, and improve plans to address concerns? The paper now examines strategies of family engagement in child welfare and juvenile justice and relates them to approaches in child mental health and schools. The focus is on the practice level, including decision-making strategies, because this is where much of the research has been conducted.

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As noted previously, families here are broadly defined to refer to immediate family members and their kin and other close supports such as friends and neighbors. To encompass this informal network, the authors draw upon the term “family group,” which was incorporated into New Zealand’s 1989 Children, Young Persons, and Their Families Act. This legislation was passed after protests by the Maori, indigenous peoples of Aotearoa New Zealand, against Euro-centric approaches in child welfare and juvenile justice that undermined their family groups and tribes (Rangihau, 1986). For all cultural groups, the act mandated family group conferencing in the most serious situations of child maltreatment and youth offending, other than homicide (Crampton and Pennell, 2009; Maxwell, 2007b). The legislation was based on principles of children’s rights, family group responsibility, cultural respect, and government-community partnership (Hassall, 1996). It came at a time in which the public strongly questioned government and professional interference in the lives of families (Doolan and Phillips, 2000).

### Encouraging Family Group Leadership

In general, strategies for family group engagement involve the children, youths, and their family groups, and in the case of juvenile justice, the victims and their supports, in making a plan to address the issues of concern. Before going into effect, the action steps must be approved by the involved authorities. To encourage the leadership of the family group, different methods are employed, and particular models vary on which they incorporate. For the New Zealand model of family group conferencing, methods include the following:

- Designating noncase-carrying staff to coordinate and facilitate the process
- Clarifying and agreeing on the purpose of the meeting
- Inviting rather than compelling participation
- Preparing family, community, and agency participants
- Assessing safety and putting protective and supportive measures in place
- Making arrangements such as child care, transportation, and interpretation
- Opening and later closing the meeting in a way that fits the customs of the family group
- Agreeing on guidelines for safe and effective participation
- Encouraging the participation of children and youths and ensuring needed supports
- Offering information on the situation, its impact, and possible resources to assist with plan development
- Providing private time for family group members to generate their own plan without service providers present

- Reaching a consensus on the plan that includes the views of the young people, families, and in juvenile offending cases, the victims
- Monitoring and evaluating implementation of the plan
- Reconvening when major revisions to the plan are required (American Humane Association, 2010; MacRae and Zehr, 2004; Maxwell, 2007b; Pennell and Anderson, 2005)

Although these practices have been favorably received by families and workers, they should not be rigidly applied. Family engagement practices need to respond to the family group's culture, the organizational mandate, and the national context. For this reason, service models have encouraged practitioners to examine their work in terms of adhering to guiding principles rather than conforming to specific steps (Burford, Pennell, and Edwards, in press; Henggeler et al., 1998). Appendix B presents one instrument, referred to as the Achievement of Family Group Conferencing Objectives, which was developed in North Carolina to measure fidelity to family group conferencing principles and their associated practices (Pennell, 2004, 2006b) and applied across Pennsylvania (Rauktis, Huefner, and Cahalane, in press).

## Child Welfare

Internationally, child welfare systems tend to use the term family group conferencing, while in the United States, various terms are employed (Burford et al., 2010). Models adopted in the United States include family group decision making, family unity, team decision making, family team conferencing, and family team meetings (Crea and Berzin, 2009; Center for the Study of Social Policy, 2002). These models are often part of general child welfare initiatives such as Family to Family (Usher et al., 2010) and Community Partnerships for Protecting Children (Rosewater, 2006). The intent is to involve families in decision making so as to better safeguard children, youths, and adults.

There is much convergence in the practices of the models. Nevertheless, significant divergences pertain to neutrality on the part of the meeting organizer (i.e., as a result of either being based outside of the agency or, if inside the

agency, not having responsibility for the case); the extent to which preparations are carried out with family and service providers; and the provision of private time for families to deliberate (Crampton and Pennell, 2009; Merkel-Holguin and Wilmot, 2005). There is increasing recognition among researchers and practitioners that no one model fits all situations (Rideout, Merkel-Holguin, and Anderson, 2010). Agencies may select models based on the stage of the work with the youth and family, the necessity of rapidly convening the meeting, the need to locate family members with significant or potentially significant relationships to the youths, and the nature of the historic relationship between the agency and cultural community.

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*Child welfare agencies may select specific family engagement models based on the stage of the work, the need to convene rapidly or to locate family, and the nature of the relationship between the agency and the community.*

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## Juvenile Justice

In different countries, juvenile justice systems have adopted various restorative approaches, often as part of larger court and system reforms, to engage youths, families, victims, and communities (Johnstone and Van Ness, 2007; Sullivan and Tiffet, 2006; Walgrave, 2008). The focus is on transforming relations, healing from harm, and addressing underlying causes to prevent further wrongdoing (Zehr, 2002). Juveniles who acknowledge their offending and agree to participate in restorative processes are typically diverted from the courts to community-based programs. Restorative processes may also be applied at time of discharge from detention to facilitate reintegration into the community.

Juvenile justice systems have used restorative justice approaches at different points to divert youths from court into community programming and to reintegrate them into their communities on discharge from detention.

The numerous restorative models can generally be organized under three broad categories: mediation, conferencing, and circles (McCold, 2006). Initiated in the 1970s in Canada, the

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United Kingdom, and the United States, mediation involves an impartial facilitator who encourages dialogue between the offender and victim so that they can reach a solution. Faith-based approaches emphasize forgiveness and reconciliation; secular approaches emphasize restitution and settlements. Current practices are to enlarge the number of participants beyond the two parties and to focus on healing (Raye and Roberts, 2007). Similar to mediation, conferencing, first legislated in 1989 in New Zealand, encourages consensus building; however, it tends to centralize family and culture to a greater extent than mediation. During the 1990s, circles grew out of the traditions of First Nations in Canada (Bushie, 1997). The focus is on healing and peacemaking (Pranis, Stuart, and Wedge, 2003). Circles are generally the most inclusive of the models since any community member can elect to take part (Raye and Roberts, 2007). All three models have been introduced around the globe and now share practices as practitioners learn from the experiences of others.

Recently, there has been a trend to incorporate some of the practices used primarily in child welfare into the juvenile justice system. These practices include the use of family group decision making, particularly for cases involving crossover youth (Lewis, 2005). For juvenile justice workers to build upon the child welfare practices, they need training that will help them to understand and use the plans developed in child welfare and incorporate child welfare planning processes into their own work. This training for juvenile justice workers must develop skills to conduct family group meetings and instill a belief in a family-centered and strength-based approach to case management. A number of jurisdictions have initiated training on motivational interviewing as a skill that will help caseworkers improve their ability to communicate with parents and support them in their work to prevent delinquent behavior and achieve other positive outcomes, such as greater school success, for their youth (Connell et al., 2007). Practitioners have also extended use of these approaches into their work with youth and their families during periods of incarceration, calling team decision meetings to address problems that arise while in custody and to plan for reentry. This change in the valuing of families in the core work of the juvenile justice system has been, along with the move to more community-based services, one of the more fundamental changes in that system in the past decade.

These efforts have been supported by the incorporation of tools that help caseworkers in juvenile justice better understand the relationship the youth has with his or her family members. One example is the Juvenile Relational Inquiry Tool (see appendix C), which assesses levels of support and helps identify the social supports of a youth in care (Shanahan, 2010). Other tools that can also be used to better identify family and community relationships, which may help support improved youth outcomes, are the Family Case Management Flowchart, Strength-Based Genogram, and Family and Institutional Ecomaps (see appendix D).

There has also been recognition that the most successful juvenile justice treatment programs feature strong family involvement and support, particularly substance abuse treatment programs for juvenile justice-involved youth (Mulvey, Schubert, and Chassin, 2010). Though not the focus of this paper, programs such as Multi-Systemic Therapy, Functional Family Therapy, and Multi-Dimensional Treatment Foster Care all incorporate significant family components and have proven to be some of the most successful juvenile justice interventions (Center for the Study and Prevention of Violence, 2004).

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*The numerous restorative models can generally be organized under three broad categories: mediation, conferencing, and circles.*

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## Schools

Schools have drawn on the models in juvenile justice to resolve conflicts, increase attendance, prevent suspension or expulsion of students, and improve home-school relations (Liebman, 2007). In order to arrive at mutually acceptable plans, administrators invite students, their families, teachers, counselors, and other service providers to meetings. Whole-school approaches, involving wide participation and multiple means, are favored because they reinforce across the school community how to resolve issues together (Morrison, 2007). These approaches include mediation, conferencing, and circles, as well as education on special topics such as the effects of bullying. In addition, schools use joint planning processes involving families to create plans for students in special education or more

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generally to support students struggling academically. The reauthorization of the Individuals with Disabilities Education Act emphasizes that families should be involved in every crucial step in developing an Individualized Education Program (IEP) for their child. Further, the act requires schools to invite parents to participate in developing an IEP for their child and allows parents to challenge evaluations and placements or to request a revision of their child's IEP (U.S. Department of Education, 2000).

School representatives are also seen as critically important participants in the multidisciplinary team meetings, family group conferences, and restorative justice meetings referenced in this paper. Historically, school officials have not had a significant role in the child welfare and juvenile justice case planning and management process (Zetlin, Weinberg, and Shea, 2006). This is likely due to issues ranging from time constraints to confidentiality provisions related to school records. But whatever the basis for their absence, the new focus on multidisciplinary and holistic approaches to case planning has provided an opportunity for jurisdictions to work through those issues and involve appropriate school representatives in family engagement efforts.

## Mental Health

The field of child mental health also seeks to involve youths and their families in planning. As noted previously, family engagement is viewed as integral to a system of care whose goal is to wrap comprehensive and integrated programming around emotionally disturbed children and youths (Stroul and Friedman, 1986). System of care employs a process referred to as child and family teams that engages the young person, the family, and involved organizations in collaboratively making and implementing plans (Burchard and Burchard, 2000). The aim is to have one family, one team, and one plan. System of care offers a common language for bringing all involved systems together around the youths and their families. In North Carolina, for example, the term “child and family teams” has been adopted not only by mental health personnel but also by child welfare organizations, juvenile justice agencies, the schools, and public health facilities.

The use of family engagement practices becomes especially important when the family group being served is involved in multiple systems. The strategies, models, and tools reviewed in this section have changed the way child-serving systems work with families, but to truly improve outcomes for children and families, these practices must be applied across systems. By having one family, one team, and one plan, systems are better able to empower the family and encourage family group leadership.

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## V. Processes and Outcomes: What Helps

There is a growing body of research and evaluation on the processes and outcomes of family group engagement in child welfare and juvenile justice as well as behavioral health and education. The findings are reviewed in this paper in the context of achieving safety, fairness, and stability. The focus here is on the practice rather than systems level because most of the studies examined engagement at the youth and family level. At the same time, this front-line work affects broader agency and interagency values and approaches, while system-level developments support and constrain practice (Crea et al., 2008).

A large portion of the research on family group engagement in child welfare, juvenile justice, and schools has been conducted on family group conferencing because of its early application in multiple countries (Burford et al., 2010; Raye and Roberts, 2007). For the most part, the authors of this review have combined the results from various models because there is little research comparing the outcomes of the different models. Such comparisons would be difficult given the extensive overlaps in the various approaches. Moreover, it is often difficult to isolate the impact of a particular model within larger efforts such as child welfare initiatives, court reform, whole-school approaches, and system of care. Nevertheless, evaluation instruments are available to measure fidelity to family engagement (Burford, Pennell, and Edwards, in press; Pennell, 2004, 2006b).

The following research review begins by synthesizing the findings first in child welfare and then in juvenile justice. While the main focus is on studies in these two fields, outcomes in schools and behavioral and mental health are summarized. They are included here because youths are commonly served by multiple systems and an understanding of how to maximize involvement is essential in achieving improved outcomes in these areas. In reviewing the national and international literature on family group engagement, the questions are for specific groups within particular contexts:

- Do the processes yield safe, fair, and stable arrangements for decision making and implementation of plans?

- Do the outcomes provide safety, fairness, and stability for the youths, their families and communities, and the victims outside the family?

### Child Welfare

A recurring finding around the globe is high satisfaction with the processes of family group engagement and the resulting plans (Burford et al., 2010). This is notable given the long-standing tensions between child welfare and many families, especially those from marginalized groups (Strega, Esquao, and Carriere, 2009). Below the authors examine the findings concerning safety, fairness, and stability. Processes and outcomes are examined side by side because they are so often closely related.

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### Safety

During staff trainings on family engagement, typically one of the first questions asked is whether the process is safe. Child welfare workers are well aware of the prevalence of addictions, mental illness, and domestic violence among the families whom they serve and of how these complicating factors could jeopardize the safety of participants. At the same time, input from the family group can be most helpful in these cases precisely because of the uncertainty surrounding these complex issues. A case in point is a Michigan study of 593 referrals that found that social workers were more likely to refer families when parents used substances, and that families were more likely to take part in the conferences in these situations. Moreover, histories of mental illness and domestic violence did not deter workers from making referrals or families from accepting the invitation to participate (Crampton, 2006). Studies in Canada (Pennell and Burford, 2000) and North Carolina (Pennell, 2005b;

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Pennell and Kim, 2010; Pennell and Koss, 2011) showed that family meetings can be carried out safely even when there is a history of domestic violence. For the perspective of survivors and shelter workers on strategies for safe meetings, see Pennell and Francis (2005).

Given that workers tend to refer their more problematic cases to conferencing, it is notable that outcome studies report a positive effect or no effect on children's safety. The one exception is a quasi-experiment in Sweden that found slightly elevated levels of substantiated child abuse (but not child neglect) for 97 children with a conference as compared to a random sample of 142 who began with lower levels of reports and received the usual child welfare services (Sundell and Vinnerljung, 2004). A California study using an experimental design found no significant difference between 209 children and their siblings with a conference and 119 control group children (Berzin, 2006). A quasi-experiment in Canada concerning child maltreatment and the abuse of women showed an increase in safety indicators for 32 conferenced families in contrast to 31 comparison families who showed some decrease in safety (Pennell and Burford, 2000). Likewise, positive results on safety were reported by multiyear studies in Arizona (Titcomb and LeCroy, 2005), Minnesota (Sawyer and Lohrbach, 2008), and Washington State (Gunderson, Cahn, and Wirth, 2003).

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*Social workers tend to refer their more problematic cases to conferencing. Thus, it is notable that nearly all outcome studies report a positive effect or no effect on children's safety.*

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## **Fairness**

Family engagement that is fair respects diverse cultures and upholds the human rights of all family members. Given the often tense relationship that exists between families and child protection workers, it is notable that participants from many different countries and backgrounds are satisfied with the process of family group meetings and the resulting decisions (Burford et al., 2010). Studies in North Carolina and Canada both found that decisions were made by the family group for the most part through participatory means such as

reaching a consensus, following a trusted leader, and bargaining (Pennell, 2006a). In general, family groups feel empowered by the process (California—Brodie, 2008; Texas—Sheets et al., 2009). Children and adolescents prefer this approach to decision making over standard practices (Sweden—Sundell and Vinnerljung, 2004). However, children and adolescents especially need supports if they are to feel influential in the decision making rather than just listened to (United Kingdom—Holland and O'Neill, 2006).

When workers and families reach agreement on action plans, court time and its associated costs are reduced (Hawaii—Walker, 2005), and the proceedings become less adversarial (Washington, D.C.—Burford, Pennell, and Edwards, in press). Action plan agreements lessen tensions between family members and child protection workers (First Nations in Canada—Glode and Wien, 2007; Ireland—Kemp, 2007). Some notable outcomes of the participatory process are that the resulting plans reflect the family group's cultural or faith heritage more than conventional case plans (California—Thomas, Berzin, and Cohen, 2005) and that families more rapidly avail of services (USA—Weigensberg, Barth, and Guo, 2009).

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*Family engagement reduces court time and adversarial relationships between agencies and families.*

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However, unless legislation or policy mandates offering families a conference, attention needs to be paid to which families receive this intervention and if there are racial disparities in allocation. For example, a California study found that White families were overrepresented while African American families were underrepresented (Walter R. McDonald & Associates, 2000). In contrast, a Washington State study reported that Native Americans were proportionately more involved than White families (Shore et al., 2002). A North Carolina study found a slight overrepresentation of African American families and underrepresentation of White families (Pennell, 2005a). And a study of a national database reported no differences between White and African American children; however, the study did find that having an African American child protection worker increased the likelihood of African American children being referred to family group decision

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making (McCrae and Fusco, 2010). This research points to the importance of planning programs so as to be responsive to minority groups (Barn, Das, and Sawyerr, 2009).

## Stability

In the lives of young people, stability encompasses durability both in where they call home and to whom they remain connected as family. Family engagement is a means of advancing such permanency. Conferencing, more than is common in child protection, mobilizes the family's informal network, engages fathers and their side of the family, and enlarges the contributions of the family group (Norway—Falck, 2008; Connecticut—Horwitz, 2008; North Carolina—Pennell, 2006a; Washington State—Veneski and Kemp, 2000). At the conference, family group members demonstrate what Williams (2004) refers to as an “ethic of care” (p. 4) on behalf of their young relatives (United Kingdom—Morris, 2007). As the family group exerts itself to make responsible decisions, this reinforces for the youths and their family group a sense of familial togetherness and pride in their heritage (United Kingdom—Holland and Rivett, 2008; Canada—Pennell and Burford, 2000; New Zealand—Walton, McKenzie, and Connolly, 2005).

One of the most persistent findings is that family groups strive to remain connected to their young relatives by keeping children with their parents or kin (Washington State—Gunderson, Cahn, and Wirth, 2003; Australia—Kiely and Bussey, 2001; Arizona—Titcomb and LeCroy, 2005; Hawaii—Walker, 2005; Nebraska—Weisz, Korpas, and Wingrove, 2006). Two quasi-experimental studies in the U.S. have shown that family meetings promoted familial bonds. A Texas study compared the placement outcomes for 468 cases in which a conference was held within 180 days after a removal for child maltreatment with those of 3,598 cases in which the family was not offered a conference after a removal (Sheets et al., 2009). The authors reported that the treatment group had successfully exited care to a significantly greater extent than the control group at the end of the study period and that this impact was more pronounced for Hispanic and African American children than for Anglo American children.

A District of Columbia study of emergency child removals compared the permanency outcomes for 454 children

whose families had a meeting prior to their court hearing with those of 335 children in two control groups (Pennell, Edwards, and Burford, 2010). The intervention group had significantly higher rates of being placed in kinship foster care, exiting care more rapidly, and being discharged to parents or relatives. Given that the children in the Washington, D.C., study were nearly all African American, the impact of the meetings was to reduce placement of children of color. The Texas and District of Columbia studies show that the involvement of the family group can be useful as a strategy for decreasing the disproportionate separation of children of color from their families and communities.

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*Family groups strive to remain connected to their young relatives by keeping children with their parents or kin. This helps to decrease the disproportionate separation of children of color from their families and communities.*

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## Juvenile Justice

In juvenile justice, the intent of family engagement is for those closest to the youths to call them to account while continuing to affirm the youths' connections to their kinship networks. This serves to avoid the stigmatizing shaming that only demoralizes and alienates youths further, and instead holds them responsible, rejoins them to their circle of supports, and reestablishes their sense of self-respect (Braithwaite, 1989). The youth's family is usually present at the conferences (Bazemore and Schiff, 2005). Having family by their side at the conference reminds youths of their familial norms and reminds the adults in their lives to reassert control and to become more actively involved in the lives of the youths. This process detaches youths from problematic peers, encourages them to make amends to those whom they victimized and to their family group who also are adversely affected by the offending, and sets them on a path toward healing and empowerment (Maxwell, 2007a). Because the family group is the central decision maker, cultural appropriateness is built into the plans (MacRae and Zehr, 2004).

Family engagement becomes more complicated when caseworkers are dealing with crossover youth and need to incorporate approaches from child welfare and blend them with more traditional notions of restorative justice. The

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process requires that the two systems and caseworkers come together to conduct what will amount to a sequence of meetings that fall within the domain of family engagement approaches, e.g., multidisciplinary team meetings designed to complete initial case assessments, which should include the family, but may not include the victim; family group conferences or team decision meetings that may involve the full range of participants, including the victim, in order to make case dispositional recommendations; and similar meetings as part of ongoing case management that would include caseworkers, family members, and others determined to be of importance to the youth while incarcerated or on community supervision. As can be seen, there is a need to be flexible in applying the strong body of knowledge in child welfare to this growing area of work in juvenile justice.

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*In juvenile justice, the intent of family engagement is for those closest to the youths to call them to account while continuing to affirm the youth's connection to kinship networks.*

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## Safety

In juvenile justice meetings, safety concerns relate to the victims, youths, families, and the wider public. Common fears are that face-to-face meetings will further intimidate and retraumatize victims or conversely that victims will treat youth too harshly, making them all the more defiant and less likely to return to socially normative behavior. Nevertheless, when victims opt to take part in conferencing, their participation is often to the good of themselves and the offenders.

Four randomized, controlled trials—two with adults who had committed burglary or robbery in London (United Kingdom) and two with youths or young adults who had committed personal property or violent offenses in Canberra (Australia)—reported positive effects for victims who participated in conferencing as compared with their counterparts where the crime was handled through conventional justice proceedings (Sherman et al., 2005). These positive effects included that the victims were significantly more likely to receive an apology, to rate the apology as sincere, to not desire revenge on the offender, and to express satisfaction with the process.

Retrospective interviews with victims of property and violent crimes in the United Kingdom and Australia further showed significant reductions in post-traumatic stress symptoms before and after restorative processes (Strang et al., 2006). The victims reported substantially reduced levels of fear of and anger toward their offender and increased levels of sympathy toward the offender. Particularly helpful was learning why they were targeted (often random), telling their story, putting a human face on the offender, and hearing a genuine apology.

The response of the victims was not the only positive outcome of this approach. A systematic review of twenty-five studies from the United States, Canada, Australia, New Zealand, and the United Kingdom found that restorative justice programs overall had lower rates of offender recidivism than conventional justice (Sherman and Strang, 2007). Restorative justice was more effective for violent than for property offenses and for cases where there was an identifiable victim. However, for highly racialized youths—e.g., Aboriginals in Australia and Latinos in the United States—who had committed property offenses, restorative processes had higher rates of repeat offending than conventional justice. These negative findings may relate to how police invited youths to conferences and whether the youths felt fairly treated at the conferences.

One of the studies reviewed by Sherman and Strang was the Indianapolis Restorative Justice Experiment, which used family group conferences for first-time juvenile offenders. Its results were largely positive. The findings indicated that youths who participated in family group conferencing desisted in their delinquent behavior before being rearrested over a twenty-four month period. Further, youths who participated in conferences had significantly lower incidence rates (McGarrell and Hipple, 2007). Given the high rates of reoffending among very young youths who enter the juvenile justice system (Loeber, Farrington, and Petechuk, 2003; Snyder and Sickmund, 1995), these are important findings. Improved recidivism outcomes were also found as a result of maintaining family connections during a period of residential placement (Ryan and Yang, 2005).

Another study found that conferencing had the effect of reducing or delaying reoffending, as measured by subsequent court appearances or conferences when used as a diversion from court handling. Although the reduction in reoffending

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was small, the effect was persistent in all of the comparisons performed. When the effects of other factors were controlled for, it was found that both the risk of reoffending and the rate of reappearances per year in the follow-up period were 15 to 20 percent lower for those who had a conference than for those who went to court (Luke and Lind, 2002).

## Fairness

According to the United Nations (2006), involvement in restorative processes should always be voluntary for the youths and their victims, they should have sufficient knowledge of the process and its potential benefits so they can make an informed decision on whether or not to participate, and the resulting plans should be reached without coercion. The United Nations' principles also emphasize that the decision to hold a restorative conference must take into account the safety of participants.

To be diverted from the court system into a restorative program, youths need to acknowledge their wrongdoing so that the conference does not become the venue in which to resolve whether the offense took place. Even a partial denial of responsibility by youths at the conference exacerbates victims' anger (Shapland et al., 2006). If youths reject that they committed an offense, then they should have the right to a court hearing. If the court establishes guilt, the case can then be referred again for conferencing.

According to the youths, victims, their support groups, and justice officials involved in a Canadian program, what helps a conference work well is if it achieves three intermediate outcomes (Calhoun and Pelech, 2010). The first is offender accountability, which includes the youths assuming responsibility for their actions, empathizing with those they harmed, experiencing remorse for what they did, and acting to redress these harms. The second outcome is relationship repair, in which the youths feel respect for the victims and comprehend the impact of the harm on the victims. The third is closure, which refers to young people feeling acknowledged as moral agents and having hope for the future that they will be able to put this wrongdoing behind them. A quasi-experiment compared the pre- and post-test scores of youths participating in conferencing with those processed through standard procedures in the court or school systems (Calhoun and Pelech, 2010). This study found that youths in both groups significantly

progressed on the three intermediate outcomes (with the exception of hopefulness for the future), but those involved with conferencing did so to a greater extent than those processed through standard procedures.

Achieving these intermediate outcomes is affected by who attends. When victims are absent, youths are less able to grasp the impact of their actions, and victims are less able to reach closure on the wrongdoing (Zernova, 2009). In programs that allow community volunteers to take part in the meetings, difficulties arise when a wide social and cultural gulf exists between them and the youths and the volunteers are ill prepared for their role (Stahlkopf, 2009). Youths want volunteers with whom they can identify, who listen to their views, and who do not coerce them into agreeing with action steps (Stahlkopf, 2009). As for the facilitators and mediators, the necessary skill set includes encouraging dialogue among participants, keeping the process under control, not taking sides, showing respect for everyone in attendance, and creating an environment that is sensitive to the needs of victims (Choi and Gilbert, 2010). All of these factors generate a sense of fairness among participants.

Another issue of fairness relates to distribution. In jurisdictions such as New Zealand, where restorative processes must be offered, youth of all backgrounds are included. However, biases emerge when programs are discretionary. A case in point is an Arizona program to which youth are referred by justice officials; here African American youths were less likely than White youths to be selected (Rodriguez, 2005). The consequence is to add to the disproportionate minority contact with the judicial and correctional systems.

Once again, these issues become more nuanced as they are applied to crossover youth and dynamics around maltreatment and delinquent behavior converge. A series of multidisciplinary team meetings, family group conferences, and team decision meetings should be held for different reasons at various points in the life of a case and call for the possibility of different participants.

The use of family group conferencing in tandem with restorative justice principles also contributes to a sense of fairness on behalf of families. According to Lewis (2005), empowering families to create a workable plan resolves their concerns and taps the energy and resources of the

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family unit. By allowing families to mold the plan to ethnic, cultural, and religious philosophies and practices, family group conferencing changes the relationship between families and the juvenile justice professionals who seek to support them. This change in the power differential is a dramatically different experience for families in the juvenile justice system and contributes to family and community ownership of case plans. It also leads to more community ownership of the work of the system (Lewis, 2005).

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*The use of family group conferencing in tandem with restorative justice principles also contributes to a sense of fairness on behalf of families.*

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## Stability

Typically, youths who take part in restorative processes are diverted from the court and are less likely to be incarcerated. A prime example is New Zealand's introduction of family group conferencing in 1989. By law, young people ages 14 to 16 who have committed a serious offense are to be offered the opportunity to have their case diverted from the youth court to a family group conference. The result has been a dramatic drop in court proceedings, to one-third of prior rates (Maxwell, 2007b). These changes have been accompanied by far lower numbers of custodial sentencing—from 270 in 1987 to less than 50 in 2008 (Pennell, Maxwell, and Nash, in press).

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*Typically, youths who take part in restorative processes are diverted from the court and are less likely to be incarcerated.*

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These results show how restorative processes keep youths connected to their families and communities rather than associating with delinquent peers, whether in court or detention. However, for youths to continue to stay out of trouble, they need supports and services that promote positive development and strengthen the involvement of the family group in their lives. These include approaches such as multisystemic therapy or responsible fathering programs. Attention also needs to be paid both to schooling and to mental health needs. Holding conferences with

these contexts in mind can help to sustain youths' growth academically, emotionally, and behaviorally.

The use of family group conferencing as a growing practice in juvenile justice case planning and management also enhances stability for system-involved youth, particularly crossover youth. It allows parents to become more involved in the handling of their youth's case, helping to develop more creative plans and stronger ownership of those plans, including those for reentry of incarcerated youth. It also results in more youths staying in the community, rather than being placed in institutional settings. This fosters a shift in the relationship between child welfare caseworkers, juvenile probation officers, and the community, helping to nurture positive relationships with the faith-based community and develop additional community-based resources (e.g., mentorship programs) with little to no additional cost to the formal systems (Umbreit, 2000; Marsh and Crow, 1998; Lewis, 2005).

## Schools

In schools, recurring findings are that students and their families favor a family engagement approach, see the process as enhancing home-school relations, and appreciate the plans generated (Baker, 2007, 2008; Cameron and Thorsborne, 2001; Crow, Marsh, and Holton, 2004). Preliminary research in North Carolina shows that school-based meetings are linked to improved family functioning and students' adjustment to school (Pennell, 2008). The meetings work better in a school if they are supported by the school leadership, if staff receive needed training, and if enough time is allocated to prepare for and conduct the conferences (Drewery, 2007; Morrison, 2007; Riestenberg, 2000). To the contrary, if meetings addressing educational matters do not include school personnel, their effectiveness in resolving academic issues is reduced (Holton and Marsh, 2007).

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*In schools, students and their families favor a family engagement approach, see the process as enhancing home-school relations, and appreciate the plans generated.*

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## Mental Health

The mental health system has encouraged partnerships with families through a system of care approach. As noted previously, incorporated into the approach are child and family teams. These teams are in keeping with the greater emphasis in mental and behavioral health on forming positive relationships, agreeing on goals, and collaborating on tasks rather than on delivering specific treatments (Karver et al., 2005). The results for emotionally troubled children and adolescents are positive. In their review of 14 initiatives, Burns and Goldman (1999) found that system of care helps children and youths avoid institutionalization and live in the community, make a better adjustment in school, and commit fewer delinquent acts. A North Carolina study of 98 children with severe emotional disorders over a one-year period found that fidelity to system of care principles was linked to greater caregiver satisfaction and to reductions in the children's internalizing and externalizing behaviors (Graves, 2005).

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*In child mental health, fidelity to system of care principles is linked to greater caregiver satisfaction and to reductions in the children's internalizing and externalizing behaviors.*

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In summary, family engagement in child welfare, juvenile justice, schools, and mental health all yield greater client satisfaction and, for the most part, positive outcomes. The process encourages youths to take responsibility for their actions while receiving necessary supports and protections. Although the families frequently have histories of domestic violence, addictions, mental illness, and criminal activity, the participatory process is carried out safely and derives plans

that fit the family's cultural heritage and that motivate youths and their kin and workers to lend their support. Youths and their families enhance their sense of competence and pride in their identity as they generate plans readily agreed to by their formal and informal networks. A sense of fair play and mutual respect improves relations among the youths and their families and the involved agencies and decreases time spent in court with its associated costs.

Repeatedly, studies show that family engagement encourages alternatives to placement outside the home, whether from foster or group care or from detention. A preponderance of studies show improvements to the safety and stability of youths as well as their families and victims. For victims, it is especially beneficial to hear why the offense occurred and to receive a genuine apology from the youth; all this serves to alleviate victims' symptoms of post-traumatic stress. The process is especially effective in stopping recidivism of violent crimes. It is least effective with highly marginalized youths who commit property offenses. This finding points to how policing practices may vary with youths of color and why it is important to generate trust through the process. Another major issue is the distribution of family engagement and the need to monitor that access is neither denied to specific populations nor imposed without consideration of the wishes of the youths and their victims.

The evidence from the different systems is promising. What is lacking are rigorous evaluations specific to crossover cases. Given that these youths have some of the more troubled histories and troubling behaviors, longitudinal and comparative studies are needed to assess the impact of family engagement on helping families and systems work together and on bettering youths' lives and encouraging their development into responsible citizens.



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## VI. Repositioning Juvenile Justice and Child Welfare: Next Steps

The paper now presents a series of recommendations for change based on the practices for advancing youth and family leadership and the evidence from evaluation studies of family engagement. These efforts are propelled forward by contemporary developments—including changing national demographics and budgetary constraints—that urge a greater reliance on family engagement. Although historical developments in child welfare and juvenile justice often ran counter to family engagement, these agencies are increasingly stretching themselves to reach out to youths and their families as essential partners, in many instances using the learning that has taken place in mental health through systems of care. These partnerships make it possible for systems to work together in supporting plans that make sense to all the key stakeholders. This repositions how juvenile justice, child welfare, schools, and mental health relate to each other and to the youths and their families and communities.

This paper has focused in large part on family engagement for those youth who are involved in both the child welfare system and the juvenile justice system. This can occur simultaneously or sequentially. In either event, these children are in need of the kind of intervention that will promote their development and improve their life chances. The problems these youngsters present are complex and affect their behavior at home, in school, and in the community.

### Vision and Principles

The future we envision is one where most children and youth will be served in their homes and communities with better outcomes and at less cost. Families will be viewed as assets to their children and to child-serving agencies and their voices will be legitimate drivers of change. Fragmentation of services will be minimized by a coordinated, comprehensive approach. Communities

will see themselves as active partners in creating an environment in which children and families can heal, thrive, and meet their potential. Public institutions will support the capacity-building efforts of communities to better address the needs of their youth. Through engagement in the intervention process, families will be empowered to make changes in their own lives and that of the community.

Our vision for a realigned service approach is guided by the following principles:

- Youth are served in the context of family and community.
- Youth and their parents are actively engaged in defining the problem, developing goals, and writing an individualized action plan for change.
- The service plan for each child and family is integrated and holistic and reflects their cultural heritage.
- When youths have to be removed from their families, every effort is made by both the child welfare and juvenile justice systems to reduce the length of separation and maintain the connection to family.
- When child welfare removes youths from their home, every effort is made to keep them in their schools and avoid school transfers; and in juvenile justice an education plan is developed designed to keep youths connected to school while in out-of-home placement and as they transition back into the community.
- Funding is redirected to structured support of family- and community-based work.
- Accountability measures are jointly established and monitored at the community level.
- Public agencies collaborate and partner to communicate information and provide needed services.

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Given this vision and principles, the following recommendations are made:

- Expand the use of parent advocates and navigators to serve as translators and coaches to parents encountering the child-serving systems for the first time.
- Secure systematic feedback from clients on their experiences and concerns and use their input to improve services.
- Involve youth and family advocates as full partners on advisory councils and foster their civic engagement.
- Expand the use of youth and family mentors who have received services to guide parents and youths through the child welfare and juvenile justice systems.
- Enact provisions that establish a bill of rights for parents—including those who have been incarcerated—whose children have been removed or whose children are at risk of removal.
- Develop new initiatives to support youth aging out of the child welfare and juvenile justice systems to include networks of care and support based on family engagement and system of care principles.
- Expand the use of strength-based engagement and assessment protocols by creating an incentive structure.
- Utilize family meetings at each critical decision point in a child and their families.
- Develop an agency assessment protocol that will allow a self-assessment of the level of family engagement that is provided.
- Provide leadership institutes for agency leaders in both the public and private sectors on creating organizations that use family and community engagement strategies.
- Enhance staff development and supervise staff so that they build the capacity to conduct strength-based, family-engaged services, including family group conferencing, ecological mapping, and using the Juvenile Relational Inquiry Tool.
- Maintain staff development teams that include youth and family partners in curricular development, delivery, and evaluation.
- Develop an approach to conduct conversations about the nature and use of power in juvenile justice and child welfare, and create a climate of mutuality that includes discussion of race, class, gender, and culture.
- Incentivize the creation of unified family courts using existing model court and court improvement funds so that a single judicial officer hears all matters related to a specific family and facilitates the development of a single case plan for children served by multiple agencies.
- Promote judicial education that increases understanding of the critical role of the family in the psychological life of the child and that fosters a critical review of the inclusion of the voice of families and youth in service planning and decision making.
- Change federal policy so that it incentivizes family engagement practices.
- Provide federal leadership to support family involvement through the combined collaborative efforts of the Substance Abuse and Mental Health Services Administration, the Department of Justice, and the Administration for Children and Families.
- Alter Medicaid regulations so that family-focused mental health treatment is fundable.
- Tap into emerging funded juvenile justice reintegration initiatives at the federal level to promote the inclusion of family and community to improve and sustain child well-being and family and community safety.
- Encourage jurisdictions to pool funding for youth served by both child welfare and juvenile justice, and allow the funds to be used flexibly to meet the needs of children and families.
- Redistribute funding to expand the system of care approach within juvenile justice and child welfare, and strengthen their collaboration with the schools and mental health and public health agencies.
- Create a means to fund the collaborative development of child and family outcome measures that can be used by all agencies serving a youth and family.

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# Commentary

## Through a Family Lens

This commentary offers a family perspective on the nature of family engagement and what it takes to both engage with an individual family and to have authentic family voice in changing how systems and programs operate and cooperate.

I first want to thank Shay Bilchik and the staff of the Center for Juvenile Justice Reform for including families in the process of designing the symposium at which the center's paper on family engagement will be released and for creating an environment that keeps families engaged in the discussions. Next, I want to congratulate the authors of *Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities* for writing a truthful account of the history of family engagement in juvenile justice and child welfare, for presenting a research base supporting family engagement in making decisions about children, and for stressing the importance of cross-system collaboration. The authors are equally clear about where they see indications of progress and where more work needs to be done to achieve the full engagement of families. Furthermore, the authors acknowledge that the child welfare and juvenile justice systems have not been able to sufficiently institutionalize family engagement strategies in order to bring about changes in families, communities, and child-serving systems.

Families know what works for them. Therefore, it makes sense that they drive service delivery decisions. Their experience is holistic. In other words, they do not have a mental health part, a child welfare part, a juvenile justice part, and so forth. Families focus on the concrete challenges that they face all day, every day. Families also know their strengths and their limitations. Families know the difficulties they face. Families can see change in how they or their child are doing on a daily basis. They know how a program, agency, or system works—or doesn't work—for them. Most importantly, without family comfort and buy-in, children and youth will not participate in services. Also, family voices are listened to by politicians

and public officials. Families' passion and persistence are necessary to transform mental health services.<sup>1</sup>

Families use their voice and experience to engage with others by telling stories, drawing pictures, singing songs, dancing, using analogies and mythologies, and describing events. These are the tools they use to convert their individually lived and collectively learned experience into positive action for better outcomes. Efforts to engage families in any system or activity must make the best use of these tools and skills. This commentary will use lens and gear metaphors to illustrate this point.

## Lenses and Perspectives

The lens through which I have written this commentary is that of an elder in the family movement for children's mental health. Let's start with what a lens is and does.

**Lens:** A piece of curved and polished glass or other transparent material that forms an image by refracting and focusing light passing through it.<sup>2</sup>

**Optics:** A system of two or more lenses that is used in an optical instrument such as a telescope or camera.<sup>3</sup>

The characteristics of the lenses being used and their condition result in different images of the same object. The image can be sharp or blurry. It can be narrowly focused on a small part of the object or it can dwarf the object in the surrounding scenery. Photographers choose a lens and adjust it to get the desired image. To capture an expansive scene or to get a lot of detail, several images

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<sup>1</sup> Osher, T., Blau, G., and Osher, D. (2006). *Need for a definition of family-driven care*, Family Ties: A Statewide Publication of Wisconsin Family Ties, 20(6), 3–5, Madison, WI; Osher, T., and Osher, D. (2007). *Families matter*, in T. P. Gullotta and G. Blau (Eds.), Family influences on childhood behavior and development: Evidence-based prevention and treatment approaches (pp. 3-61), New York: Routledge.

<sup>2</sup> Encarta Dictionary: English North America.

<sup>3</sup> Encarta Dictionary: English North America.

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may be taken with different lenses and from different angles. Different perspectives produce different images of the same object. However, no matter how the object is viewed, it is still the same. Its characteristics are not changed by the lens or perspective. The only thing that changes is how the object appears—what it looks like, not what it is.

Each person reading this paper sees family engagement in the child welfare and juvenile justice systems through a different lens. We typically acquire our lenses through rigorous professional training programs. Work and life experience hones our skills and refines our focus. In addition, each system has its own set of optics finely tuned by policies and practices. A systems lens focuses on its specific mission or mandate. Each family also has an image—actually a set of images from each family member’s perspective. In addition, our individual and organizational cultures function as filters over our lenses that further refine what we see. Finding what is common and understanding what is different about all these perspectives are the keys to family engagement and cross-system collaboration.

## Finding Common Ground

The view through a family’s lens reveals the whole child and does not make the finer distinctions between the separate parts the different systems focus on. Systems have to make the effort to see and understand the family’s point of view. They also need to honestly and respectfully share what their lens reveals with the family. It then becomes possible to engage the family in creating a composite picture that comes closer to reality and from which a viable service plan can be developed. Some skeptics might say this seems like a dream or fantasy, but I don’t think so.

I have asked families around this country and around the world what they want their children to be like when they are grown up. Universally families hope their children will complete their education, be safe and happy in their families and communities, be successful working at something they value, be a good citizen, stay connected with their culture, and contribute back to society. I was delighted to see the paper opening with a statement of the conditions necessary

for youth to grow into responsible and productive adults that very closely aligns with these family goals. Among the conditions listed by the authors are: safe homes, schools, and communities; fair treatment so youth know their social, educational, and legal rights; and connections to families, communities, and cultural heritage.

Common ground can be found at the system level too. As the authors point out, both juvenile justice and child welfare are concerned with safety and protection—the former for the community and the latter for children and youth. Families want their children and communities to be safe too. Here is very firm common ground. The first task of engaging with families is to look through their lenses to learn what they think it will take to keep their children, their family, and their community safe. From this base, all interested parties can engage with families to devise a plan that delivers services that work and ensure that a solution in one system does not create a problem in another.

## Conditions and Capacities that Support Family Engagement

**Engage:** To involve somebody in an activity, or become involved or take part in an activity, to occupy the attention or efforts of a person, to become interlocked with.<sup>4</sup>

Engaging families requires active interaction—physical, intellectual, emotional—that is bi-directional. Strategies that focus only on engaging families are coming at the issue from only one direction. The system and the people working in it must actively engage with families as well. The authors identify family conferencing as an approach that engages families, and provide evidence from a variety of sources that it gets better outcomes for youth. To build upon this area of focus, I would add to the discussion the things the system and the workforce do that support family engagement. What is the relationship like between the system, the workforce, and the family? How is it different from practice as usual? The mechanisms that support family engagement are very complex. They cannot be reduced to a simple set of things the family does such as return phone calls or attend a treatment meeting. That only

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<sup>4</sup> *Encarta Dictionary: English North America, and American College Dictionary.*

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focuses on behavioral engagement. Family involvement results from the intersection of the competencies or capacities of *all* the participants as well as the conditions in which the interaction occurs. We do not necessarily need family engagement programs that are manualized. We need to enhance the capacities of staff and families and improve the conditions in which they work together.

**Conditions:** Something that must exist for something else to happen, e.g., to bring a situation about.<sup>5</sup>

**Capacities:** Mental or physical ability to do something.<sup>6</sup>

There is interaction between the conditions and capacities as well. For example, families are more likely to have the capacity to interact when the conditions of the physical environment are welcoming, safe, and respectful. They are more likely to demonstrate their capacity to trust with personnel who demonstrate by words and deeds they too have the capacity to be honest and reliable. Personnel are more likely to be honest and reliable when exhibiting these behaviors is a condition of their employment and supervisors reward their use. Furthermore, for any family or staff member to exhibit any behavior(s) desired by a program or system, he or she must have the skill to perform it, the resources and supports necessary to accomplish it, and permission to do it, either from relevant authorities such as an officer of the court or others involved in the interaction such as a family elder.

The most important condition for family engagement is safety—feeling physically and emotionally safe, and feeling safe from retribution or sanctions resulting from engaging honestly. It makes a difference if a family member is present because that person is compelled to be there (will suffer a serious consequence for not appearing) or because that family member is an active and persistent advocate for the child. Even if families are compelled, it makes a difference if family members are greeted warmly and treated with respect rather than being considered the root cause of their child’s situation and treated with disdain. It matters if professionals value the family’s input and make that evident as they interact with family members.

The conditions under which children and youth come to the attention of child welfare and juvenile justice add

blame and shame, fear, anger, and stress to the context. Under these conditions, the capacity of family members to understand the situation and manage the resulting emotions could affect their degree of engagement. A family member who has been traumatized by previously living under a military dictator might be very distrustful of authorities and be reluctant to take part in the shared decision-making process even when given the opportunity. If the same family member was coached by a supportive, trained peer mentor who had successfully navigated the system, that family member would be better prepared to participate and might believe that a positive outcome was possible.

The authors offer the mental health systems of care program as an example of how engagement with families results in better outcomes for children and youth in juvenile justice and child welfare. Family engagement in the systems of care program is grounded in the 12th Working Definition of Family-Driven Care, which states “Families have a primary decision-making role in the care of their own children as well as the policies and procedures governing care for all children in their community, state, tribe, territory, and nation, including: choosing culturally and linguistically competent supports, services, and providers; setting goals; designing, implementing, and evaluating programs; monitoring outcomes; and partnering in funding decisions.”<sup>7</sup> The juvenile justice and child welfare systems would be well advised to use this definition. The ten guiding principles for implementing the definition identify the conditions that are necessary for meaningful and effective bi-directional family engagement (see sidebar). To fully make the paradigm shift, the juvenile justice and child welfare systems will need to work on developing the capacities of families, the workforce, and those responsible for system policy to operate under the conditions described in these principles.

I offer, as an example, just a few of the family, workforce, and system capacities that would operationalize the second guiding principle, which says “families and youth are given accurate, understandable, and complete information necessary to set goals and to make informed decisions and choices about the right services and supports for individual children and their families.” Families would have the capacity to read and understand reports

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<sup>5</sup> *Encarta Dictionary: English North America.*

<sup>6</sup> *Encarta Dictionary: English North America.*

<sup>7</sup> Retrieved from <http://www.ffcmh.org/r2/publications2/family-driven-defined>.

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### **Guiding Principles of Family-Driven Care**

- Families and youth, providers and administrators embrace the concept of sharing decision making and responsibility for outcomes.
- Families and youth are given accurate, understandable, and complete information necessary to set goals and to make informed decisions and choices about the right services and supports for individual children and their families.
- All children, youth, and families have a biological, adoptive, foster, or surrogate family voice advocating on their behalf and may appoint them as substitute decision makers at any time.
- Families and family-run organizations engage in peer support activities to reduce isolation, gather and disseminate accurate information, and strengthen the family voice.
- Families and family-run organizations provide direction for decisions that impact funding for services, treatments, and supports and advocate for families and youth to have choices.
- Providers take the initiative to change policy and practice from provider-driven to family-driven.
- Administrators allocate staff, training, support, and resources to make family-driven practice work at the point where services and supports are delivered to children, youth, and families and where family- and youth-run organizations are funded and sustained.
- Community attitude change efforts focus on removing barriers and discrimination created by stigma.
- Communities and private agencies embrace, value, and celebrate the diverse cultures of their children, youth, and families and work to eliminate mental health disparities.
- Everyone who connects with children, youth, and families continually advances his or her own cultural and linguistic responsiveness as the population served changes so that the needs of diverse populations are appropriately addressed.

*Source: Retrieved from <http://www.ffcmh.org/r2/publications2/family-driven-defined>.*

and documents, ask questions about them, and discuss these with advisors and experts they choose and trust. The workforce would have the capacity to explain reports and documents in terms the family can understand and in the preferred language. The workforce would also encourage families to ask questions and to provide honest reactions to reports and documents. The systems would have the capacity to deliver reports and documents to families in their own language and in a timely manner. The systems would also have the capacity to provide communication skills training to the workforce and follow up with supervision to ensure that sensitive information is shared in a respectful and culturally appropriate manner. Families would identify their goals and have the capacity to understand all the options before them as well as the benefits and consequences of each option. The workforce would have the capacity to offer options that address the family's goals and explain in detail both what each offers and requires of the family. The system would have the capacity to create a service network that meets the needs identified by the population being served and that is monitored to ensure both safety and high-quality outcomes.

### **Gearing Up to Shift the Power**

The authors point out that child welfare and juvenile justice are two systems that “are coercive institutions that employ the power of the state to intervene in the lives of families and/or individuals when certain standards or expectations are violated.” The use of power is at the root of all efforts to engage families and to work collaboratively across the various systems that service children, youth, and families.

The way power is distributed has to change. As in a transmission, a disengaged gear is not part of the power train. We need a new transmission that engages families with juvenile justice and child welfare. The gears in a transmission connect an engine (power source) to the wheels, adjust the speed, and change the direction in which a vehicle goes. A child or youth in some kind of difficulty is the engine that is the power source for both the systems. If all children and youth were well cared for and behaving responsibly, we would not need these systems. All the gears have to be “in synch” for the transmission to work smoothly. The systems providing service to the child or youth and family are all gears in

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the transmission, contributing their share of energy to making the vehicle move in the right direction and at the right speed. Individual system gears can engage and disengage as they are needed along a journey. The family gear, however, is always in play. The family's perspective is considered when making all decisions, including course corrections, along the way.<sup>8</sup>

Sharing decision-making power with families does not mean giving it up, but it does require careful attention to work. Along with decision-making power come the responsibilities of making decisions wisely and following through on commitments. When power is shared, the playing field is leveled, the environment is safer. Family members are encouraged to talk about their goals and concerns and can react to what others have said without fear of recrimination. Families that have been disempowered need support, mentoring, and training to relearn how to do this. Family-run organizations have been the best source of this kind of information, training, and support. The National Federation of Families for Children's

Mental Health is developing a credentialing program for Parent Support Providers that will ensure that people employed in any state in this field meet consistent and high standards of performance. The juvenile justice and child welfare systems would be well advised to align their plans and expectations for peer support with this national initiative, whose collaborators include the Center for Mental Health Services and Magellan Behavioral Health. There is no doubt that outcomes are better when families are engaged. A lot of work, therefore, has been done to devise strategies to engage families with systems. This is only half of what is required. The systems must engage with families as well. Future work on family engagement must focus on developing the capacity of the workforce to engage with families and share power with them, simultaneously creating the conditions that will allow this new relationship to flourish.

**Trina W. Osher, President**  
*Huff Osher Consulting, Inc.*

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<sup>8</sup> Osher, T., and Osher, D. (2002), *The paradigm shift to true collaboration with families*, *Journal of Child and Family Studies*, 11(1).



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# Commentary

## Creating a Legacy of Empowering Engagement of Youth and Families: A Personal and Professional Perspective

I appreciate the opportunity to comment on a body of work that contributes meaningful strategies for improving day-to-day practices within the juvenile justice and child welfare systems. First and foremost, thank you to Shay Bilchik, founder and director of the Georgetown University Center for Juvenile Justice Reform, for continued leadership in the effort to align these two systems that have had the ability to greatly affect the lives of children, youth, and families. The work and collaboration of CJJR has been an example of an organization that is working hard to move theory and research into practice, in part by sponsoring the exploration of issues such as family engagement from new perspectives.

My commentary on *Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities* stems from both personal and professional experience—in that order. Having descended from two generations of relatives whose lives were enveloped by the foster care, mental health, and criminal justice systems, I know that my family is reflective of the same statistical outcomes we know to be true of youth involved in these systems. Could my aunt, who lived in ten foster homes, or my mother, who was ravaged by mental illness, have been better served by systems that were more supportive of family engagement? I believe that the answer is, unequivocally, yes. Having served as a direct service worker and youth advocate in various capacities, and having had personal—often negative—experiences with the foster care system in my childhood and adolescence, I believe passionately in the need to reform these systems and to create a stronger, more respectful approach for youth and families who are in these systems of care.

In reading the authors' work, I was most impacted by their analysis of the history of the child welfare and juvenile justice systems, and in particular, how certain biased assumptions and beliefs have shaped policy and services to youth and families over the years. I will focus my commentary on the following related issues raised by the authors: the historical lack of engagement of families and communities in the child welfare and juvenile justice systems; the overrepresentation of certain ethnic groups within the systems; the need for genuine parent and youth engagement; and the importance of changing organizational culture, systems, and training to embrace family engagement strategies. Taken together, these changes should result in the cultivation of an environment in which youth and families are empowered to play a greater role in mapping out their futures—a role they are quite capable of fulfilling, but are not asked to consistently assume.

The child welfare and juvenile justice systems were designed in response to children and youth being in environments that, due to a host of reasons, did not facilitate positive development in a consistent way. The lack of family and community engagement in planning for and providing services to youth within these systems is largely due to historically patronizing attitudes of social workers, who viewed themselves as “child savers.” Child welfare systems were built on a Euro-centric premise that service providers were more knowledgeable about and more capable of offering the proper environments and strategies that lead to positive youth development than the families of the youth themselves.

Sadly, this patronizing view persists today, resulting in a disproportionate representation of certain racial and ethnic groups in our current systems. In particular, African American and Native American youth are removed from their families in higher numbers than other ethnic groups, and their family members are offered little opportunity to get involved in their children's care plans in ways that are significant, culturally relevant, and logistically feasible.

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The feeling of disempowerment that African Americans have more broadly experienced in the U.S. due to racist attitudes and systemic injustices is present in the child welfare and juvenile justice systems to an even greater degree—exacerbating a feeling of helplessness and disconnectedness in the African American community. To offset this, there is a real need for meaningful family and community engagement that is consistent and respectful of the culture of the youth’s origin.

In the last decade, advocacy and reform efforts have acknowledged the need for integrated systems of support that engage families and communities in a more significant and pivotal way. Systemic change is at its strongest when it includes a comprehensive approach. We have learned that an overwhelming number of youth who are not reunified with their families while in the child welfare system, return to those same families and communities from which they were initially removed after aging out. While this pattern may seem self-evident to those of us with roots in marginalized communities, it is still a relatively recent phenomenon for some, and as a result, certain regions of the country are not yet committed to discussing and identifying ways in which to engage families and communities in planning for this return and the cross-system supports that the youth will need as they reengage their families.

So how do we engage the families and communities of these youths in a meaningful way, and what are some of the challenges? To successfully involve families as partners, we must continue to challenge traditional deficit-based perceptions of the families of youth in care—a point emphasized by the authors. We must be open to exploring assumptions that are rooted in socioeconomic status and bias linked to ethnic and racial identity. As we make progress on these challenging issues, we cannot afford to focus only on scattered examples of success. Instead we must seek broad-based change that overcomes the biased personal values of many who work in the system, values that too often are allowed to slow the process of systemic change.

It is important to note that what is being discovered in the world of academia (evidenced-based research, best practice models) and increasingly discussed across the country has only been implemented in practice on a small

scale. Strategies discussed in theory or in small applications have not yet been embedded in national systems-wide reform efforts. There is a significant time lag between what is being taught in academia to emerging social workers and the real-life applications of the recommendations made by scholars. Perhaps more resources are needed to put ideas into practice more efficiently, or perhaps we need to push our policymakers more strongly to bring about needed changes. Whatever the case may be, the longer it takes to bring about systems reform, the more our children, youth, and families will suffer.

Much of the research that has looked at how to implement family and community engagement promotes the idea that training must inspire compassion in direct service workers. New social workers and probation officers are moving into the field yearly, and these providers must understand the historical context of families of color—the distrust of the very systems in which they are overrepresented—in order to fully understand the historical context for new policies and practices designed to correct previous injustices. Additionally, it is imperative that parent and guardian partners receive similarly intensive training in order to work in concert with service providers and to be effective advocates for their children.

Although this paper is focused on family engagement, we must not forget the importance of youth engagement in developing and delivering child welfare services. The paper’s authors focused on the benefits of family and community engagement—and of parent partners in particular. Although this is a great strategy, we need to also involve youth in helping to design the systems that serve them. While parents, community agencies, and care workers are constructing a path for collaboration, a young person in care—juvenile justice or child welfare—is living “inside” the system, in a foster home, a group home, or in juvenile detention. Youth are often locked out of the care planning process, having to live and adapt to an environment that is managed by a system of care that falls outside of the young person’s sphere of influence. Service providers must find ways to engage youth in their own care planning process, yet not lose sight of the potentially derailing power dynamic that could be present when the youth in care are at the table with her or his parents or guardians. This may lead youth to feel powerless and at the

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mercy of adults. Given this, an additional layer of support and transparency is needed to effectuate a process by which we more effectively engage both family and youth.

Finally, it is important to understand the history and background of both systems, as they continue to evolve within our society. Creating a sustainable culture of engagement for those who work in the system, as well as for those who are personally experiencing the impact of those systems, is the foundation of empowerment. Empowerment is not something that is given by those who professionally represent systems of care to youth and families. It is a realization that comes from having a genuine place at the table. The authors have presented some tangible examples and tools. We must now make engagement an unmovable expectation, driven by our values and by a common set of expectations about how we do this life-changing work across the country.

**Kordnie Jamillia Lee**



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# Appendix A: Systems of Core Values and Principles

Systems of care is a framework used to support children and families with complex needs through a multidisciplinary approach. The following core values and principles for systems of care are adapted from the children's mental health field, which also utilizes a systems of care framework.

## Core Values

The system of care should be:

1. Child centered and family focused, with the needs of the child and family dictating the types and the mix of services provided.
2. Community based, with the services, as well as management and decision-making responsibility, at the community level.
3. Culturally and linguistically competent, with agencies, programs, and services that are responsive to the cultural, racial, and ethnic differences of the populations being served.

## Guiding Principles

1. Children and families should have access to a comprehensive array of services that address their physical, emotional, social, and educational needs.
2. Children and families should receive individualized services in accordance with the unique needs and potentials of each child or parent and guided by an individualized service plan.
3. Children and families should receive services within the least restrictive, most normative environment that is clinically appropriate and safe.
4. The families and surrogate families of children should be full participants in all aspects of the planning and delivery of services.

5. Children and families should receive services that are integrated, with linkages between child-serving agencies and programs and with mechanisms for planning, developing, and coordinating services.
6. Children and families should be provided with case management or similar mechanisms to ensure that multiple services are delivered in a coordinated and therapeutic manner and that everyone in the family can move through the system of services in accordance with their changing needs.
7. Early identification and intervention should be promoted by the system of care in order to enhance the likelihood of positive outcomes.
8. Children and youth should be ensured smooth transitions to the adult service system as they reach maturity.
9. The rights of children should be protected, and effective advocacy efforts should be promoted.
10. Children and families should receive services without regard to race, religion, national origin, sex, physical disability, or other characteristics, and services should be sensitive and responsive to cultural differences and special needs.

For more information on systems of care, visit [www.childwelfare.gov/management/reform/soc/](http://www.childwelfare.gov/management/reform/soc/).

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*From Children's Bureau, Office on Child Abuse and Neglect. (2010). Community partnerships: Improving the response to child maltreatment (Appendix Q). Retrieved from <http://www.childwelfare.gov/pubs/usermanuals/partners/appendq.cfm>.*



## Appendix B: Achievement of FGC Objectives (pre-conference and conference)

Objectives	Strongly Disagree	Disagree	Agree	Strongly Agree	Don't Know	Not Applicable
1. Each service provider was clear about their role (ex., child protection, counseling).	1	2	3	4	7	8
2. The FGC coordinator was respectful of the family group.	1	2	3	4	7	8
3. The only job of the FGC coordinator was to organize the conference. He/she did not have other jobs to do with the family.	1	2	3	4	7	8
4. The family group understood the reasons for holding the conference.	1	2	3	4	7	8
5. The conference was held in a place that felt right to the family group.	1	2	3	4	7	8
6. The conference was held in a way that felt right to the family group (ex., the right food, right time of day).	1	2	3	4	7	8
7. More family group than service providers were invited to the conference.	1	2	3	4	7	8
8. Different sides of the family were invited to the conference (ex., father and mother's sides of the family).	1	2	3	4	7	8
9. People at the conference were relatives and also people who feel "like family" (ex., old friends, good neighbors).	1	2	3	4	7	8
10. The family group was prepared for the conference (ex., got enough information on what happens at a conference).	1	2	3	4	7	8
11. The service providers were prepared for the conference (ex., got enough information on what happens at a conference).	1	2	3	4	7	8
12. The conference had enough supports and protections (ex., support persons).	1	2	3	4	7	8
13. Service providers shared their knowledge but they did not tell the family group how to solve the problems.	1	2	3	4	7	8
14. The family group had private time to make their plan.	1	2	3	4	7	8
15. The plan included ways that the family group will help out.	1	2	3	4	7	8
16. The plan included steps to evaluate if the plan is working and to get the family group back together again if needed.	1	2	3	4	7	8
17. Social Services approved the plans without unnecessary delays.	1	2	3	4	7	8

Permission is granted to reproduce and use the "Achievement of FGC Objectives (pre-conference and conference)" as long as they are kept in their complete form and their authorship is acknowledged as follows:

Pennell, J. (2003). Achievement of objectives, pre and during conference. Raleigh, NC: North Carolina State University, Department of Social Work.

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## Achievement of FGC Objectives (continued)

### **Cultural Safety: Conference held in the right way for family group.**

- \_\_\_ 5. The conference was held in a place that felt right to the family group.
- \_\_\_ 6. The conference was held in a way that felt right to the family group (ex., the right food, right time of day).
- \_\_\_ 9. People at the conference were relatives and also people who feel “like family” (ex., old friends, good neighbors).
- \_\_\_ 12. The conference had enough supports and protections (ex., support persons).
- \_\_\_ **Subtotal divided by 4 (or number of scored items) =**

### **Community Partnerships: Family group and service providers clear about what doing.**

- \_\_\_ 1. Each service provider was clear about their role (ex., child protection, counseling).
- \_\_\_ 4. The family group understood the reasons for holding the conference.
- \_\_\_ 10. The family group was prepared for the conference (ex., got enough information on what happens at a conference).
- \_\_\_ 11. The service providers were prepared for the conference (ex., got enough information on what happens at a conference).
- \_\_\_ **Subtotal divided by 4 (or number of scored items) =**

### **Family Leadership: Family group empowered to make a plan.**

- \_\_\_ 2. The FGC coordinator was respectful of the family group.
- \_\_\_ 3. The only job of the FGC coordinator was to organize the conference. He/she did not have other jobs to do with the family.
- \_\_\_ 7. More family group than service providers were invited to the conference.
- \_\_\_ 13. Service providers shared their knowledge but they did not tell the family group how to solve the problems.
- \_\_\_ 14. The family group had private time to make their plan.
- \_\_\_ **Subtotal divided by 5 (or number of scored items) =**

### **Inclusive Planning: Diverse family participants involved, and continued family-community-state planning supported.**

- \_\_\_ 8. Different sides of the family were invited to the conference (ex., father and mother’s sides of the family).
- \_\_\_ 15. The plan included ways that the family group will help out.
- \_\_\_ 16. The plan included steps to evaluate if the plan is working and to get the family group back together again if needed.
- \_\_\_ 17. Social Services approved the plans without unnecessary delays.
- \_\_\_ **Subtotal divided by 4 (or number of scored items) =**

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# Appendix C: Juvenile Relational Inquiry Tool

## Background

The Juvenile Relational Inquiry Tool (JRIT) is a series of questions that help juvenile justice staff identify the social supports of young people in their care. The goals of the JRIT are to help staff build rapport with youth and identify people who can provide support to the youth while they are incarcerated and when they return to the community. This tool was developed with support from the Office of Juvenile Justice and Delinquency Prevention, and in partnership with juvenile justice departments in Arizona, Michigan, and Ohio. The tool is modeled after an instrument for adult corrections called the Relational Inquiry Tool.<sup>1</sup>

## Structure

The JRIT has eight questions with additional follow-up questions. The questions elicit discussion about the support available to youth and give them an opportunity to think about their transition back into the community. For example, “If you were to build a team of people who support you, who would be on that team?” or “Who is most proud of you? Who are you most proud of?” The JRIT, which is completed in an average of thirteen minutes, starts and ends with a script to help staff introduce it to youth. The JRIT is appropriate for staff in facilities, group homes, and other juvenile justice settings.

## Promising Results

Youth and staff alike have responded positively to the tool. Youth from the W.J. Maxey Boys Training School in Michigan reported that families and other social supports are important to their success. They said the JRIT conversation was different from other conversations with staff about family because it focused on the strengths instead of challenges. The youth concluded that the tool could help staff learn about them and help them learn about themselves (Shanahan, 2010).<sup>2</sup>

In 2010, with support from the Public Welfare Foundation, the Vera Institute of Justice began working with the Ohio Department of Youth Services to help staff implement the JRIT. The implementation is part of a more comprehensive agencywide improvement effort that is heavily focused on family. Youth specialists (the staff assigned to ensure the safety and security of the facility, staff, and youth) are administering the JRIT and incorporating the information they learn into the monthly treatment team meetings. Staff are reacting positively to the JRIT and report being surprised at how much they learn in such a short amount of time. Facility staff are also sharing the information with parole officers so that all staff are aware of youth’s social support and are finding ways to incorporate that knowledge into their direct work with youth and their families.

For more information on the JRIT, contact Ryan Shanahan, Senior Program Associate, at [rshanahan@vera.org](mailto:rshanahan@vera.org) or (212) 376–3071.

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<sup>1</sup> diZerega, M., and Villalobos Agudelo, S. (2011). *Piloting a tool for reentry: A promising approach to engaging family members*. New York: Vera Institute of Justice.

<sup>2</sup> Shanahan, R. (2010, Spring). *Integrating family-focused approaches in juvenile justice reform*. The Link: A publication of the Child Welfare League of America, 8(1), 1–6.



# Appendix D: Tools for Identifying Family and Community Relationships

## Family Case Management Flowchart

La Bodega de la Familia developed and tested a set of tools that, in different versions, were common to family therapy.<sup>1</sup> The aim was to facilitate the inclusion of family and their social networks, to document strengths and challenges, and to provide a visual means to engage families involved with the juvenile and criminal justice systems and/or child

welfare system. These tools were subsequently adopted by social service and government agencies. La Bodega was groundbreaking in developing a family case management (FCM) system and was unique in its mission to engage not only families but the surrounding neighborhood as well. The Vera Institute of Justice, through its Family Justice Program, provides training and technical assistance to government and social service agencies interested in adapting and applying these tools to achieve better outcomes for individuals and for their families.

## Family Case Management Flowchart

The Bodega Model views family case management as an inclusive process that engages individuals who are involved with the justice system; members of the family, broadly defined; and practitioners such as corrections officers and treatment providers. Together, they identify and tap the family's inherent strengths and available resources, building a network of healthy relationships.

	Goals and Results	Activities	Anticipated Outcomes
Initial Contact	<ul style="list-style-type: none"> <li>Engage with FCM staff</li> <li>Provide information or other short-term support</li> <li>Connect with other community based organizations and government partners as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Assess for crisis</li> <li>Determine eligibility for FCM</li> <li>Review and sign confidentiality agreements</li> </ul>	<ul style="list-style-type: none"> <li>Immediate family priorities ascertained</li> <li>Connection to resources</li> <li>Family members treated with respect</li> </ul>
Phase One: Engagement and Assessment	Develop working relationship among FCM and family members: <ul style="list-style-type: none"> <li>Identify strengths and areas of conflict</li> <li>Identify resources to which family members are already connected</li> <li>Consider family, broadly defined; understand family's internal relationships</li> </ul>	<ul style="list-style-type: none"> <li>Conduct initial home visit(s)</li> <li>Explain the Bodega Model®</li> <li>Look at family photos and review family stories to begin identifying resources</li> <li>Develop genogram and ecomap</li> <li>Assess areas where family is functioning well, where family could benefit from services</li> </ul>	<ul style="list-style-type: none"> <li>Family strengths and resources evident to family members</li> <li>Family members engaged to support person under justice supervision</li> <li>Government and other CBOs engaged to support person under justice supervision</li> </ul>

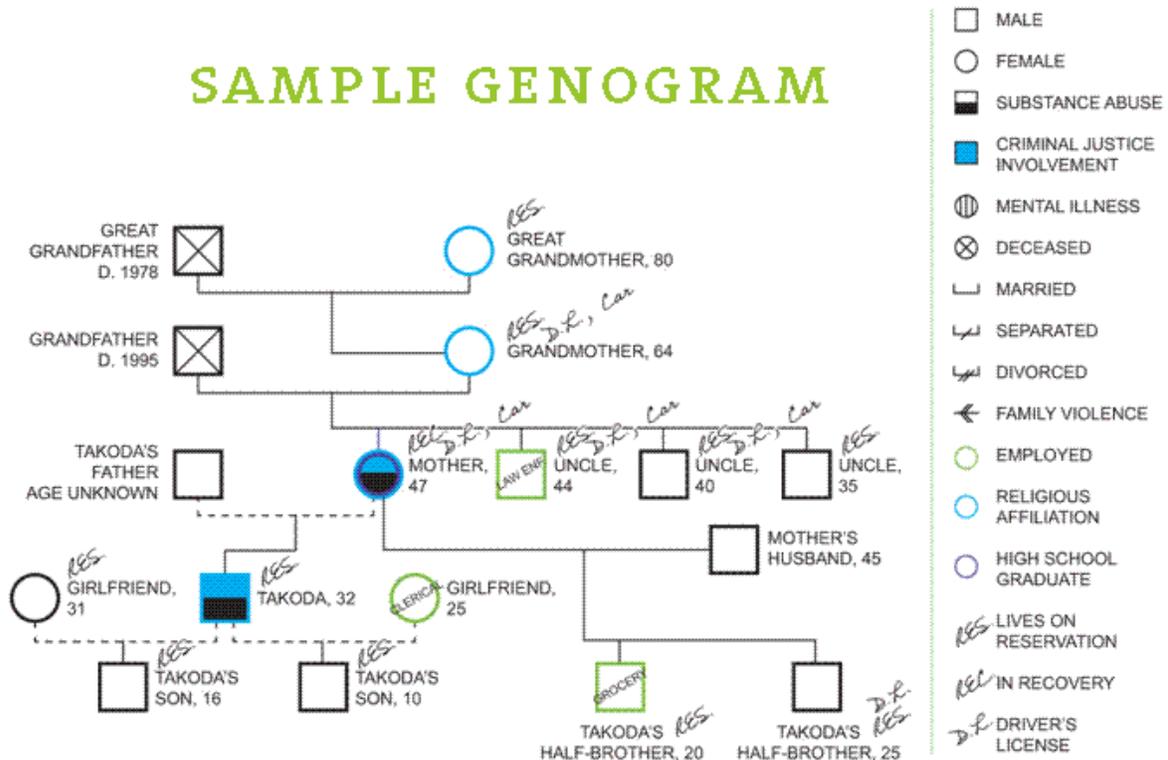
<sup>1</sup> Minuchin, P., Colapinto, J., and Minuchin, S. (2007). *Working with families of the poor*, 2nd ed. New York: Guilford.

	<b>Goals and Results</b>	<b>Activities</b>	<b>Anticipated Outcomes</b>
Phase Two: Create and Implement Family Action Plan	<ul style="list-style-type: none"> <li>• Support relationships of family members</li> <li>• Reinforce positive family interventions and supports</li> <li>• Respond to family needs for services</li> <li>• Improve treatment and other related outcomes</li> <li>• Determine continuing transition issues with family and community-supervision partner</li> </ul>	<ul style="list-style-type: none"> <li>• Involve family members</li> <li>• Support family problem-solving</li> <li>• Set behavior goals</li> <li>• Engage and connect to government and community partners</li> <li>• Continue home visits</li> </ul>	<ul style="list-style-type: none"> <li>• Increased likelihood that family members remain safely in the community</li> <li>• Reduction in new crime</li> <li>• Family health improved</li> <li>• Coordination of services improved</li> <li>• Family well-being strengthened</li> </ul>
Phase Three: Transition from Family Case Management	<ul style="list-style-type: none"> <li>• Acknowledge areas where family is functioning well</li> <li>• Determine continuing transition issues with family and supervision partner</li> <li>• Families use goal setting and goal analysis to make decisions</li> <li>• Families contact each other to seek and provide support</li> </ul>	<p>Family mentoring:</p> <ul style="list-style-type: none"> <li>• Conduct skills-reinforcement training</li> <li>• Provide platform for families to interact and support one another</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced reliance on government and FCM staff</li> <li>• Demonstrated family problem-solving</li> <li>• Increased collective efficiency in community</li> </ul>

## Strength-Based Genogram

A tool that can assist in family and community engagement is the strength-based genogram. A genogram is a diagram of an individual's family and social network; a strength-based genogram includes examples of inherent social capital such as who attends school, has graduated, is employed, or takes care of children or seniors. It is a visual mapping tool that accomplishes a number of matters simultaneously: It provides basic demographics such as age, gender, histories of drug use, criminal justice involvement, and chronic illness such as HIV/AIDS; it allows participants to talk about the nature of relationships; and it provides an opportunity for law enforcement officers or social service providers to engage families in a visual, respectful, and participatory way.

Like a family tree, a genogram can be used to identify particular lineages that may help to explain the behavioral problems of a certain juvenile as well as that person's potential strengths. The genogram can also assist professionals in identifying who within a child's family may be able to provide the most consistent and positive support in assisting a loved one to succeed in community supervision and stay out of secure detention. The tool is also useful in assisting those working with parents or kin to regain custody of children by noting supportive systems. It is vital that the genogram depict not only the negative influences within a family and social structure, but also the positive assets, which can in turn provide beneficial networks and patterns that strengthen family relationships.



(Vera Institute of Justice, n.d.)

Source: Vera Institute of Justice. (n.d.) Sample genogram. Retrieved from <http://www.vera.org/files/u9/genogram-key-2010.gif>.

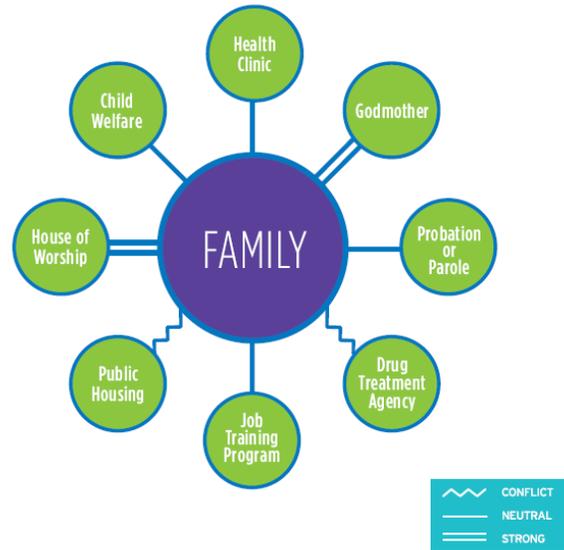
## Family and Institutional Ecomaps

Another tool being used to engage families in the juvenile justice and child welfare systems is an ecomap. By organizing and displaying both formal and informal government and community connections in a manner that is simple and easy to construct, the ecomap serves two purposes. First, the ecomap illustrates the nature of the relationships—be they strong, neutral, or in conflict—between family members and institutions; and second, by organizing the family’s institutional affiliations and marking their functional relationship, the ecomap allows a level of insight into ways that communication can be facilitated and service coordination can be improved.

Many families that have a juvenile who is either involved or at risk of becoming involved in the juvenile justice system are also involved with child protective services, public housing, probation or parole, Medicaid, and Social Security Insurance—all of which have their own requirements for receipt of services. Most families also have positive affiliations, with a clinic, faith organization, sports activity, employment, or godparent. The ecomap can be used to enhance the use of existing connections—connections that may have gone unnoticed if not mapped—as well as to depict where there may be conflicting goals and demands among the different agencies, and more often than not, highlight the need for interagency collaboration and coordination.

The ecomap can be adapted to diagram institutional connections with a cluster of families. Called an institutional ecomap, it is a tool that policymakers and government officials can use to illustrate funding and authority streams for families involved in juvenile justice and/or child welfare. Its function is to improve coordination and collaboration among public agencies with responsibility for child well-being and safety. Governors and mayors may use this mapping technique as they strategize ways to improve strength-based family engagement processes.

### Family Ecomap



Source: Vera Institute of Justice, Family Justice Program. (n.d.) Tools and methods used by the family justice program. Retrieved from <http://www.vera.org/content/tools-methods-family-justice-program>.

### Institutional Ecomap



Source: Vera Institute of Justice, Family Justice Program.

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Dr. Joan Pennell is director of the Center for Family and Community Engagement and professor of social work at North Carolina State University. She has directed projects on family engagement in child welfare, juvenile justice, schools, domestic violence, and systems of care and is part of an international team studying the evidence for family engagement in child welfare. She has presented on family-led meetings across Canada and the United States as well as in Australia, England, the Netherlands, and New Zealand.

### Carol Shapiro

For more than thirty years, Carol Shapiro has been an innovator in the fields of criminal and social justice. Prior to joining Columbia University, Ms. Shapiro was the founder and president of Family Justice, a nonprofit organization that taps the strengths of families and their social networks to break the cycle of victimization and justice system involvement. Much of her training, technical assistance, and professional presentations center on improving family

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Carol W. Spigner, D.S.W., retired from the University of Pennsylvania School of Social Policy and Practice in June 2010 after having served as associate professor/clinician educator for a decade. There, Dr. Spigner directed the social policy program and taught policy and macro practice. Prior to her arrival at Penn, Dr. Spigner was associate commissioner of the Children's Bureau at the U.S. Department of Health and Human Services' Administration for Children and Families, where she was responsible for the administration of federal child welfare programs. Her interests have focused on leadership, disproportionality, and reform of child welfare systems.

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## About the Commentators

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For over a decade, Kordnie Jamillia Lee has been advocating for the needs of youth involved in the foster care, juvenile justice, and mental health systems. Originally from Fresno County, California, and now residing in the San Francisco Bay Area, Kordnie started out as a peer youth advocate with California Youth Connection while still in care. She has direct service experience as a social services aide, case worker, life skills trainer, leadership mentor, and counselor to youth.

### Trina Osher

Trina W. Osher is President of Huff Osher Consulting, Inc. She speaks with a family voice working to build collaborative alliances between families, policy makers, and providers in the mental health, education, child welfare, and juvenile justice communities. She also collaborates with the research community in studies that will result in information that can improve the quality of life for children, youth, and families.





The image features a minimalist abstract design. A large, solid yellow area occupies the bottom half of the frame. Several thick, black, hand-drawn style lines crisscross the upper and middle sections, creating a sense of movement and depth. The lines vary in thickness and direction, some running diagonally from the top left towards the bottom right, and others intersecting them at various angles.

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