

American Humane FGDM Issues in Brief**Family Group Conferencing:
A Message From the Bench**

By the Honorable Todd A. Hoover
Dauphin County Juvenile
Dependency/Orphan's Court Judge

Protecting children while supporting the integrity of our families has become a complicated and, at times, overwhelming task for child welfare, juvenile probation, and juvenile court systems. The dynamic and fluid nature of this task demands creativity, enthusiasm, commitment, and inclusiveness, as the outcomes of child safety, well-being, and permanency are key objectives for the systems.

Various data indicate that Pennsylvania, like other states, is challenged in meeting these broad goals. The Child Welfare Outcomes 2000: Annual Report, released by the U.S. Department of Health and Human Services Administration, notes that Pennsylvania's rates to permanency, time to reunification, re-entry into foster care, and time to adoption were all lower than the national average (pp. 280-286). The Pennsylvania Annual Report on Child Abuse indicates 22,809 reports of suspected abuse/neglect were received in 2001. This marks a 2% increase from the number of reports received in 1999. Of the reports received in 2000, 5,002 were substantiated. In addition, more than 2,000 Pennsylvania children had substantiated cases of re-abuse in 2000 (this includes in-home and out-of-home re-abuse). Finally, according to the Pennsylvania Department of Public Welfare Point-In-Time Permanency Profile, the federal fiscal year 2000 ended with 21,631 children in out-of-home care. During that year, 65% of children in out-of-home care experienced two or more placements. Included in the 65% were 2,758 children (12.8%) who experienced a dramatic six or more placements.

Compounding complications

While reasons for these results vary by community, the statistics clearly suggest why representatives of multiple formal service systems and community-based agencies, advocates, and members of the informal helping network are increasingly concerned about the safety and well-being of children and families. In our ever-changing world, family life, child safety, and community protection are complicated by poverty, crime, isolation, a multitude of addictions, and reduced financial resources with which to address these concerns.

An additional complication many families and communities experience is the lack of a shared sense of responsibility for children's well-being. The child welfare and court systems are often viewed as the responsible parties for child safety, permanency, and well-being. An alternative suggestion is that child safety, permanency, and well-being must ultimately be a shared responsibility among child/family serving systems, the courts, families, and communities.

Faced with such challenges and complicating factors, we can no longer hope to help children and youth without the active involvement of families and concerned community members. Communities, child/family serving agencies, and the courts need to work collaboratively, tapping into the capacities and resources of individuals, to implement effective and efficient strategies that promote the health and welfare of children and families.

FGDM enters Pennsylvania

One such strategy, spreading rapidly throughout the great Commonwealth of Pennsylvania, is family group decision making (FGDM) or family group conferencing (FGC). This exciting and innovative approach is taking Pennsylvania by storm, as it has throughout many areas of our country and the world. As Dauphin County Juvenile Dependency/Orphan's Court Judge, I

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know of no other process that brings more enthusiasm, creativity, accountability, and involvement from caseworkers, community members, and, most important, family members.

I first heard of FGC in summer 2001 during an introductory lunch with Sandy Moore, Dauphin County Children and Youth Services administrator, and Jason Kutalakis, Esquire, Dauphin County Children and Youth Services solicitor. Both were enthusiastic about FGC, so I listened and concluded that, in a year or two, I would see this "program" implemented at Dauphin County Children and Youth Services. Family group conferencing struck me as different because it charges families to develop a plan, based on their strengths and the concerns shared by both the agency and the families. It sounded like a real partnership, with families doing much of the planning and agency staff supporting that work.

Two months later, Dauphin County held a training for staff and community members. After attending the training session, it became clear that children and families deserve FGC. As the Honorable Leonard P. Edwards, Superior Court of Santa Clara County, California, observed:

"For so long we have been driven by deficit analysis of families, look how terrible this family is. . . but one of the wonderful things about family group conferencing is that the process permits everyone to focus on family strengths, because within those strengths are the solutions to the issues that are before the family and the child welfare system."

(Permanency Toolkit)

An essential shift

The shift from focusing on what was "wrong" in a family to what was "right" seemed to make sense. The more I learned of this shift from deficit thinking to strengths, the more I believed we had an obligation to

make this approach available to children and families. Clearly, FGC provides an opportunity to actualize our belief in the value of families. After more than 10 years on the bench, it was obvious to me that even when well-intentioned and competent professionals were, in isolation, defining concerns and creating a plan, a valuable resource was overlooked—the family. This restricted the roles that families could play in defining and creating solutions to their own struggles.

The concerns often litigated in the courtroom are the same concerns that families have historically resolved without the "assistance" of systems. I have noticed the resolution of family concerns being transferred from the kitchen table to the defendant's and plaintiff's tables, with the judge making the final decision when parties cannot agree.

Upon seeing FGC in action, I reflected on how I handle concerns with my own children. If my children had behavior, school, or truancy concerns, my family would likely sit around the kitchen table and work out solutions to those concerns. Unfortunately, those concerns are now all too often brought to the courtroom. Family group conferencing is a refreshing way to return those conversations to the kitchen table, with the help of juvenile probation officers and/or county caseworkers.

It boils down to a fundamental question: What do professionals working in public systems believe about families involved in the child welfare or juvenile justice systems? Do professionals, and the systems they represent, believe that families have the resources, capacity, and desire to do what we do every day? Our systems play out the belief that total strangers – caseworkers, juvenile probation officers, counselors, or judges – who make decisions for these families will produce the best outcomes. I do not know how that kind of thinking was constructed, but I have seen it in my courtroom numerous times. I have also seen that in over 250 FGCs in Dauphin County, families have

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demonstrated that they can and do have the capacity make plans for their children that meet safety and permanency criteria. As noted by Kretzmann & McKnight (1993):

“Every single person has capacities, abilities, and gifts. Living a good life depends on whether those capacities can be used, abilities expressed and gifts given. If they are, the person will be valued, feel powerful and well-connected to the people around them. And the community around the person will be more powerful because of the contribution the person is making.” (p 13)

FGC in action

My belief that families can resolve issues using their collective “capacities, abilities, and gifts” without the need for litigation has been confirmed by watching families in five FGCs create comprehensive plans. In July 2002, I observed an impressive FGC that had more than 40 people in attendance. While the majority were extended family members, also in attendance were schoolteachers, neighbors, friends, and past and present foster parents. The mother had mental health and addiction issues, and the father had recently died of cancer. Of the five children, two had mental health/mental retardation issues, all had serious behavioral issues, and all were living in four different foster homes.

The natural father’s adult siblings and nephew drove all night from North Carolina with their families to attend the FGC. In addition, the natural mother’s three siblings and their families traveled from Mt. Carmel, Pennsylvania. It was interesting to see the young cousins from Mt. Carmel meet their previously unknown cousins. Despite never meeting or having little contact, they had one major common bond—they were “family.”

As I listened to the families share their strengths, as well as financial, mental health, and developmental and behavioral concerns, the situation seemed

impossible. How could these five children, whose needs were so great and varied, stay as close to each other as possible and still have all their needs met? Then the family came up with a plan that accomplished just that. After seven hours (not courtroom time, but kitchen table time), the family group created a plan for the children with individual members taking responsibility for elements of the plan. This process was far less adversarial than it would have been in a courtroom. In fact, it was supportive.

This was my first conference, but similar scenarios have played out in over 250 FGCs in Dauphin County. Families are stepping up and accepting both the challenge and opportunity to plan for the care of their children. They come into the courtroom with plans that they not only agreed on, but also actually developed.

FGC: A “no-brainer”

I am known in Dauphin County for saying that FGC is a “no brainer.” What court wouldn’t want families, in partnership with their informal network and the formal system representatives, to engage in an FGC that results in a consensus-based and clear plan that meets the needs of everyone involved? Not only does it involve parents and family members in a way that is rare in mainstream practice, but it also limits or removes future legal arguments that can happen if parents don’t understand what is expected of them or don’t have the opportunity to be part of the planning process. Through FGC, it is the parent, with the extended family, who establishes largely what those expectations will be.

Does Dauphin County have special families that have a unique capacity to plan for their children? While Dauphin County has wonderful things to offer, like many other communities, it has high crime, high poverty, and high addiction rates. And yet, because representatives of the Dauphin County community have invested in the implementation of FGC, there is shared enthusiasm, vision, and energy to sustain this approach.

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I put this frankly: I am not a social worker. I am a judge. My professional training is in the legal field, and while I absolutely mean no disrespect to social workers, I never signed up to be one. Rather, I signed up to make judicial decisions when parties come together and cannot resolve issues. That works well in many situations, but not all, and often not when complicated family issues need to be decided. Inevitably, in litigation there is a winner and a loser. Family group conferencing allows for win/win resolutions.

I have often wondered what a judge who does not do social work really has to say about a fundamentally non-judicial practice. But I realize that this really isn't about social work or who's on the bench. Rather, it is about giving people a voice in matters that concern them and doing what works to keep children safe, communities protected, and families stable.

This practice changes judicial and social service systems and relational patterns between agency representatives and family members. In those areas, the leadership of the bench can be critical. Judges' decisions, provision of supports, and leadership have direct impact on agency practice and, ultimately, children's lives. To this end, what judges have to say is important, and getting involved in a non-judicial practice does matter.

Listening to FGC participants discuss the worries they have for the children, family strengths, and community assets, and then tapping their collective wisdom to develop and implement a plan makes sense. Bringing these "common sense" plans into the courtroom—plain and simple—works!

From the Dauphin County court perspective, FGC has saved significant amounts of time for the court, attorneys, caseworkers, and juvenile probation officers. It also appears there is a correlation between FGC and job satisfaction. In our child welfare and juvenile probation department, the normal staff turnover rate is

approximately 15%; yet for those staff involved with FGC, it is about .05%. Family member surveys demonstrate significant success and satisfaction with the process:

- 97% of family participants in FGC say they would recommend the practice to others;
- 92% say the process addressed all their concerns; and
- 99.5% say it provided adequate protection of the child.

Similar results have been seen with caseworkers, juvenile probation officers, and other non-family members.

Hearing people talk about a practice like FGC is one thing, but to see those concepts and theories work in the lives of real families is personally satisfying and professionally rewarding. To see the ongoing exchange among caseworkers, service providers, community members, and families as they focus on using strengths to resolve concerns is something to which perhaps we all aspire, but often fail to deliver. Family group conferencing prevents that failure from occurring.

Ultimately, FGC is a philosophy of hope and trust in the capacity, commitment, and strengths of children, families, and communities, as well as a belief in the value of collaborative efforts to provide for the safety, well-being, and permanence of children. Indeed, with so much depending on the outcome of our efforts, including the future of our society, it is an approach and philosophy worth exploring.

"When you have trust, you gain hope. When there is a sense of hope, the toughest issues can be dealt with." (Jim Nice, Family Unity Model: An Option for Strengthening Families)

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