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Children's Mental Health Reforms Show Encouraging Trends

By Mark McKechnie, MSW*

The Oregon Department of Human Services Addictions and Mental Health Division (AMHD) enacted broad reforms in October 2005 designed to help children with significant mental health needs to remain at home, stay in school, and stay out of trouble. AMHD released a report in April 2008, "Trends in Services and Service Outcomes Before and After Implementation of the Children's System Change Initiative," which shows definite movement toward the desired goals.

The 2005 changes included new Oregon Administrative Rules and a shift in the way that children's mental health services are funded. AMHD began directing more Oregon Health Plan (OHP) funds to local mental health systems, rather than contracting for day and residential services directly with providers. This means that there are more OHP funds available to be used for services at the community level and more opportunities for services to be delivered in community, rather than in institutional, settings.

Data collection included surveys to parents of children who received mental health services through the Oregon Health Plan. Among the respondents to the surveys in 2005-06 and 2006-07, 22% of parents reported that their child's school attendance improved during or following mental health treatment. Nine percent of the 2005-06 respondents reported a decline in school attendance, and that rate fell to 6% in 2006-07.

The survey also addressed school suspensions and expulsions. In 2005-06, parents reported that 21% of children had been suspended or expelled within one year prior to the commencement of treatment, and that rate fell to 10% within one year following the onset of treatment. In 2006-07, the pre-treatment discipline rate was 18.5%, and it fell to 11% within the year following the commencement of mental health services.

Mental health treatment also impacted juvenile arrest rates among the population surveyed. In 2005-06, parents reported that 8.2% of children had been arrested in the year prior to the commencement of treatment, and the rate fell to 2.8% following the onset of treatment services. In 2006-07, the pre-treatment arrest rate was 5.8%, compared to 2.9% of the same population of children who were arrested following the onset of treatment.

The Children's System Change was designed specifically to increase the availability of community-based services and decrease the need for residential and hospital care for children and youth with serious mental health needs. The system change has indeed resulted in marked increases in community-based mental health treatment types. Case management services were delivered roughly 60% more often in the first half of 2007, compared to 2005 levels. Respite care services were provided 2.5-times more often in 2007 than in 2005.

* * *

* Note from Editor: Mark McKechnie has stepped up to take on the challenging job of being JRP's Executive Director. Congratulations Mark!

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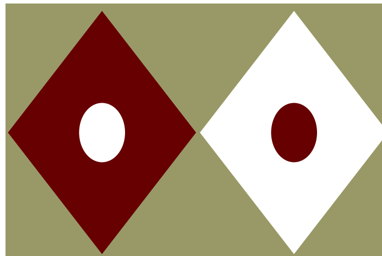
NEWS BRIEFS



MAY IS NATIONAL FOSTER CARE MONTH!

The theme for National Foster Care Month 2008 is: ***Everyone has the power to "Change a Lifetime" for a young person in foster care***. Readers are urged to use this special month to recognize the people who make a difference by serving as foster parents, relative caregivers, mentors, advocates—yes us too!, social workers, and volunteers. For resources in making your contribution to the celebration go to: www.fostercaremonth.org.

DROPOUT RATE INCREASES

The April 10, 2008 issue of *The Oregonian* reported that Oregon's high school dropout rate grew worse in 2007. With 8,338 teens quitting school before graduation, Oregon's graduation rate is now thought by the Oregon Department of Education to be at 81%. Dropout rates in Oregon had been improving in most of the last decade, but are now going the wrong way. Educators were unable to explain the widespread rise in dropout rates.

Portland's dropout rate rose sharply. Other school districts with poor performance in this area include: Centennial, Coos Bay and Salem-Keizer. Hillsboro's Century High was held out as a model for how to keep students from dropping out. Century used a federal grant and a team approach utilizing educators, a social worker, a juvenile court counselor and a police officer to keep teens in school.

SCHOOL DISTRICTS FAIL SPECIAL ED GOALS

Also reported in *The Oregonian* (April 3, 2008), official goals set for meeting special education needs of students are not being met. In five Portland-metro school districts more special education students dropped out than earned a regular diploma. The Report Card, issued by the Oregon Department of Education, showed that statewide more than 1400 special education students dropped out last year, and only one-third of special education students can read or do math at grade level. Three goals failed by most school districts included (1) at least 58% of special ed students should earn regular diplomas, (2) no more than 6 percent should drop out a year, and (3) no more than 11 percent should spend 60 % of their day in special ed only settings.

CHILDREN WAITING TO BE ADOPTED INCREASES

The Children's Bureau has released the latest national statistics on adoption and foster care for FY 2006. There was a significant change found between FY 2005 and FY 2006 in the *Adoption and Foster Care Analysis and Reporting System (AFCARS) Report # 14*, in the number of children in foster care with parental rights terminated for all living parents—this increased from 66,000 in 2005 to 79,000 in 2006.

The number of children adopted with public agency involvement remained static in 2006 at 51,000. More generally, the number of children in foster care dropped from 513,000 in 2005 to 510,000 in 2006. The numbers of children entering foster care dropped and the number

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2007 AMENDMENTS TO OREGON'S PATERNITY LAW

By Prof. Leslie J. Harris, University of Oregon school of Law

Continued from Volume 5, Issue 1—February/March 2008

Paternity based on voluntary acknowledgments

For the third of all children born outside marriage, the most commonly-used method of determining paternity today is the voluntary acknowledgment. According to data from the Oregon Vital Records Office and Child Support Program, in fiscal years 2004, 2005 and through March of 2006, paternity was established for 31,866 children in the state; of these, 27,536 or more than 86 per cent of the total, were by voluntary acknowledgment. Since 1975 Oregon statutes have allowed the mother and putative father of a child born outside marriage to establish legal paternity by signing and filing a voluntary acknowledgment of paternity. Federal legislation enacted in 1993 and amended in 1996 requires states to have voluntary acknowledgment statutes as a condition of receiving federal funds for the state's child support and child welfare systems. The Oregon legislation has been amended to comply with these requirements, and the 2007 legislation did not change any of the basic features of the law.

Legal paternity may be established by the parents filing a voluntary acknowledgment form with the state office of vital statistics, and the state must recognize voluntary acknowledgments filed in other states. ORS 109.070(1)(e), (f). Most voluntary acknowledgments are signed at the time of birth at the hospital or other birthing facility.

The one important change to the statutes regarding establishment of paternity by voluntary acknowledgment protects adoptions and juvenile court placements from being disrupted by late-filed acknowledgments. An acknowledgment is invalid if one of the parties signed it after having consented to the child's adoption or having relinquished the child to a child-caring agency. Similarly, an acknowledgment signed by a party whose parental rights have been terminated or who has previously been adjudicated not to the child's parent is invalid. ORS 109.070(7).

The principles governing rescission and collateral attacks on voluntary acknowledgments also were not changed by the 2007 legislation; however, the new law spells out the procedure for rescinding or challenging an acknowledgment and explicitly authorizes judges to exercise discretion in deciding judicial challenges.

Rescissions, ORS 109.070(4) allows either party to rescind a voluntary acknowledgment within 60 days of its signing. If the party wishing to rescind is a party to a "proceeding relating to the child" which occurs within that 60-day period, he or she must rescind before an order is entered in the proceeding. The rescission must be in writing and filed with the bureau of vital statistics.

Challenges/motions to set aside in court. After the 60-day rescission period has expired, a challenge to a voluntary acknowledgment on the basis of fraud, duress, or material mistake of fact may be filed by a party to the acknowledgment, the child, or DHS if the child is in DHS custody pursuant to ORS chapter 419B. ORS 109.070(5). This section was amended to specify that a challenge is initiated by a petition filed in circuit court. The challenger bears the burden of proof by a preponderance of the evidence, and the rules of civil procedure apply. The amendment also gives the judge discretion about whether to set aside the voluntary acknowledgment even if the alleged misconduct is proven. ORS 109.070(5)(f) provides, "the court shall set aide the acknowledgment unless, giving consideration to the interests of the parties and the child, the court finds that setting aside the acknowledgment would be substantially inequitable."

Actions to set aside through the child support agency . ORS 109.070(6) reenacts part of the substance of a rule that preexisted the 2007 legislation; it provides that the child support enforcement administrator may order testing to determine the biological paternity of a child whose legal paternity was established by voluntary acknowledgment if blood tests have not been done. The blood tests must be sought within a year of the filing of the acknowledgment and can be requested only by a party to the acknowledgment or by DHS if the child is in the custody of DHS pursuant to an action brought under ORS Chapter 419B. ORS 416.443, which governs administrative orders for blood tests following an administrative determination of paternity, and which is described above, applies to these requests. Unlike the situation in which a party asks a court to order blood testing after a judicial determination of paternity, the agency administrator has no discretion to deny the petition for a blood test under this section. Until the 2007 legislation, a blood test order could also be obtained from a court. This provision was eliminated because it was rarely used and because the administrative process is simpler.

Unresolved issues

The 2007 legislation clarifies and updates Oregon's paternity law in important ways, but two important issues remain unresolved, both of them intrinsically related to disagreements about the relative importance of biological paternity for determinations of legal paternity.

Continued on page 4.

Paternity—Continued From page 3.

The first issue is whether a voluntary acknowledgment that is signed by a man who is not the child's biological father is void. Those who believe that it is argue that the statute setting out the requirements for a voluntary acknowledgment, ORS 432.287, provides that paternity is established if the man is the biological father. Those who take this view also argue that for purposes of challenges to voluntary acknowledgments under ORS 109.070(5), proof that the man is not the biological father is sufficient to prove that the acknowledgment was signed "mistakenly" or even "fraudulently." On the other hand, those who disagree say that the language regarding "biological father" in ORS 432.287 is intended to make clear that a voluntary acknowledgment is not an alternative to adoption. They also argue that if proof that the man is not the biological father automatically establishes "mistake" or "fraud," the statute is redundant and some of its language is meaningless. Moreover, this interpretation is inconsistent with federal policy, which provides that voluntary acknowledgments must have the legal status of judgments and can be challenged only on the bases that a judgment could be challenged. The OLC drafting committee could not resolve this issue and left it for judicial development.

The second unresolved issue is how judges should exercise their discretion about whether to grant a petition for blood tests or a challenge to a presumption in favor or finding of paternity. As discussed above,

-- The judge may reject evidence to rebut the marital presumption upon a finding that this is "just and equitable, giving consideration to the interests of the parties and the child." Or. Rev. Stat 109.070(3).

-- If the court finds that the legal father is not the biological father and a paternity judgment was obtained by mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or other misconduct of a party, it must vacate or set aside the judgment unless it finds, "giving consideration to the interests of the parties and the child, that to do so would be substantially inequitable." HB 2382 § 9(7).

-- In a suit to set aside a judgment of paternity, the judge must "consider the interests of the parties and the child and, if it is just and equitable to do so," may deny a request for blood tests. HB 2382 § 9(6).

-- If a court finds that a voluntary acknowledgment names a man not the biological father and was procured by fraud, duress or material mistake of fact, the court "shall set aside the acknowledgment unless, giving consideration to the interests of the parties and the child, the court finds that setting aside the acknowledgment would be substantially inequitable." ORS 109.070(5)(f).

Some of the OLC drafting committee wanted the statute to state explicitly that the judge could consider the child's best interests in making the determination and to set out criteria for judges to consider, as similar sections of the Uniform Parentage Act do. Those who opposed including the "best interests" language argued that some judges would take it as a signal to deny most petitions on the theory the best interests of the child is not usually served by disestablishing paternity. The work group settled on the language "just and equitable to the parties and the child" as best expressing that judges should consider both the conduct of the parties and the interest of the child in exercising this discretion. However, as the language quoted above shows, the legislature amended the language governing motions to set aside judgments and voluntary acknowledgments to require that, before a court denies such a motion, it must find that to do so is necessary to avoid "substantial inequity."

Pour

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Juvenile Rights Project, Inc.

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When: 50% of proceeds donated to JRP for purchases made between

7:00—10:00 p.m.

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RECENT CASE LAW

Summaries prepared by Jennifer Pike, Law Clerk

***State v. Norby*, --- P.3d --- , 2008 Ore. App. LEXIS 316 (March 19, 2008).**

Defendant Alan Norby was charged with first-degree unlawful sexual penetration and first-degree sexual abuse of his three year-old daughter, A. A made statements regarding the abuse to numerous people, including her mother, grandmother, her mother's co-worker, a therapist, a childcare provider, and a CARES physician. The trial court ruled that A was not competent to testify, but that A's out-of-court statements were admissible. The jury convicted the defendant of both charges.

On appeal, the defendant argued that A's out-of-court statements to CARES physician Ritzen were testimonial, and in violation of his Sixth Amendment right to confront witnesses testifying against him. Defendant also challenged the statements A made to the other witnesses. The Court of Appeals concluded that the trial court erred in allowing the CARES physician's testimony regarding A's out-of-court statements, and that such error was not harmless beyond a reasonable doubt. The statements were testimonial due to the heavy involvement of law enforcement in the CARES process. The Court reasoned that Ritzen's testimony as an expert likely had a greater effect on the jury's verdict than the testimony of the other witnesses. The verdict was reversed and the case remanded to the trial court.

***State v. Shelton*, --- P.3d ---, 2008 Ore. App. LEXIS 317 (March 19, 2008).**

Defendant Justin Jay Shelton was convicted of four counts of sexual abuse in the first degree. He appealed from the convictions of two of the counts, relating to his four year-old daughter, T. The trial court held a pretrial hearing, and ruled that T was not competent to testify. The trial court further ruled in a pretrial order that T's hearsay statements could be offered through the testimony of Brittany, T's babysitter, and Jeffries, a medical assistant who prepared T for her examination for possible sexual abuse. Defendant was convicted of two counts of abuse involving T, and on appeal assigns error to the admission of testimony by Brittany and Jeffries in violation of his 6th Amendment right to confrontation under *Crawford*.

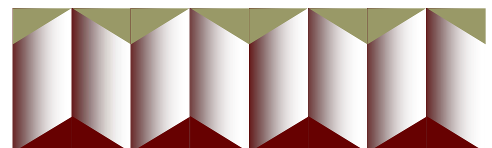
The Court of Appeals ruled that Brittany's statements were admissible under OEC 803(18a)(b), which creates a hearsay exception for statements made by a declarant under the age of 12 regarding an act of abuse, so long as the declarant is unavailable, the circumstances of the statement provide an indicia of reliability, and there is corroborative evidence of the act of abuse. The Court further explained that T's statements to Brittany were not testimonial given the lack of prosecutorial or police involvement in the conversations. The Court found that although the statements to Jeffries, a medical provider, may have been testimonial, any error in admission was harmless beyond a reasonable doubt because Jeffries' testimony was merely cumulative, and minimally probative. Affirmed.

***State ex rel Juv. Dept. v. F.W.*, --- P.3d --- (March 19, 2008).**

Father had a long history of drug abuse and criminal convictions. Father's children, F and E, born in 2001 and 2002 respectively, both went into foster care early in life and were subjected to several placement changes between their natural and foster families. Father periodically had the children placed with him, and then would relapse into drug abuse. Father was also diagnosed with a personality disorder, and was prone to relapse under stress. The state eventually moved for termination of parental rights, and trial commenced in April 2007. In the year prior to trial, father made marked efforts to engage in services, became sober and found work. The juvenile court denied the state's and F's petitions to terminate parental rights on the grounds that neither had proved by clear and convincing evidence that father was presently unfit to parent by reason of conduct or conditions seriously detrimental to F.

The state and the child appealed, arguing that the juvenile court erred in declining to terminate father's parental rights on the grounds of unfitness. The Court of Appeals reversed the juvenile court, finding that the children have special needs and are healthily bonded with the foster parents rather than the father. The court held that the state and the children had proved by clear and convincing evidence that father's drug dependency, viewed in combination with his mental disorders and the children's special needs, rendered him unfit to parent at the time of trial. The Court framed the issue as being that the father waited too long to reform in light of the children's pressing needs, rather than whether the father was minimally adequate in light of his intellectual deficiencies, the Court further held that the state and children proved by clear and convincing evidence that integration of the children into the father's home was improbable within a reasonable time, and that termination of parental rights was in the children's best interests.

Case Law - Continued on page 6.



***State v. Campbell*, 218 Ore. App. 171 (Feb. 20, 2008).**

Sixteen year-old defendant was on probation for an earlier juvenile adjudication, with a probation condition that he have no contact with small children, when he told his probation officer that he had helped a friend bathe a two or three year-old girl. Defendant was later interviewed by a police officer, who stated the defendant confessed to touching the girl for sexual gratification when his friend was out of the room. Defendant was charged with sexual abuse and unlawful sexual penetration. The state's evidence consisted entirely of the testimony of the probation officer, police officer, and defendant's friend. At trial, defendant moved for a judgment of acquittal, arguing that ORS 136.425(1) does not allow a conviction based upon a confession alone. Defendant was found guilty of both offenses charged. On appeal, the Court reversed, finding that the state failed to meet its burden of corroboration, because evidence showing that defendant had the opportunity to commit the offenses when his friend was out of the room did not tend to establish that the offenses actually occurred.

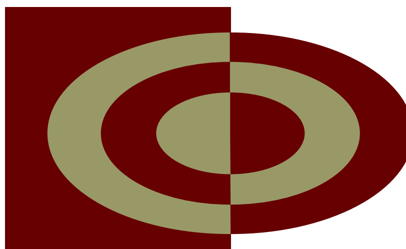
***G.A.C. v. State ex rel Juv. Dept*, --- P.3d --- (March 26, 2008).**

Three children, V, G, and A appealed from separate judgments dismissing the state's petitions for establishment of juvenile dependency jurisdiction, on the ground that the state and children had not proven that the mother subjected the children to physical abuse or inappropriate discipline that placed them at risk of harm. DHS became involved with the family after the mother gave V welts and bruises with a wooden spoon for losing a food stamp card and failing to clean the bathroom to mother's standards. A and G reported prior incidents of being hit with their mother's hands or other objects.

After an evidentiary hearing, the state dismissed the petitions against the mother, stating it had not found "evidence of jurisdiction" for G or A other than "derivative from their sister", and concluded that the State "doesn't really have any business meddling with this family." The Court of Appeals found juvenile dependency jurisdiction, and determined that where dependency jurisdiction is concerned, conduct that endangers a child's welfare is not limited to criminal conduct.

The Court stated that if a parent causes physical injury to a child by nonaccidental means, the parent has physically abused the child, and such abuse cannot constitute lawful discipline. The evidentiary standard is a preponderance of the evidence for dependency jurisdiction. The Court noted that ORS 419B.100 authorizes the state to intervene not only when children have suffered actual harm, but to protect children from a substantial risk of harm.

V was found to be within the jurisdiction of the court because the mother abused her by causing physical injury which endangered her welfare. G and A were also found to be within the Court's jurisdiction, on the grounds that the circumstances leading to the abuse of V were likely to recur, and all three children had been similarly struck at different times.



***J.B.D. v. Plan Loving Adoptions Now, Inc.*, --- P.3d ---, 2008 WL 376137 (February 13, 2008).**

Birth mother contacted Plan Loving Adoptions Now (PLAN) when she was three months pregnant. Through PLAN, birth mother met the Ts, and agreed to let the Ts adopt her child because they expressed a willingness to permit some degree of relationship between the birth mother and child after adoption. Two days after birth mother gave birth to G, PLAN visited her in the hospital and had her sign documents releasing parental rights and consenting to any adoption, and a certificate of irrevocability that waived her rights to notice or appearance in any legal proceeding involving the adoption of G. The birth mother frequently visited G at the T's home for two months, until the Ts began to restrict her access to G. The birth mother then sought legal advice and had no further contact with G, the Ts or PLAN until this proceeding began.

The Ts obtained a judgment of adoption three months after G's birth. Two months after the judgment, the birth mother had her attorney prepare a petition to open the sealed file in the adoption proceeding, but did not give notice to the other parties, and the Court did not respond to the petition. Eleven months after surrendering G to PLAN and eight months after the adoption judgment the birth mother filed a motion to set aside the adoption judgment. The trial court denied her motion. The Court of Appeals affirmed, finding that although the birth mother filed her motion within the one-year statute of limitations imposed by ORS 109.381, the statute did not give the birth mother, who

Case Law - Continued on page 7.

lacked standing, the affirmative power to obtain an adjudication of her motion. The Court further found that the only other source of law that the birth mother sought relief under, ORCP 71, was also insufficient, because the birth mother was not a party or a nonparty who had filed her motion within a reasonable period of time.

***State ex rel Juv. Dept. v. G.W.*, --- P.3d --- (January 30, 2008).**

Child was born in April, 2002. At the time of the birth, mother and father were married, but no longer living together. At the time of conception, mother and father had been cohabitating. In January 2007, DHS filed a petition to establish dependency jurisdiction over the child and both parents. In March 2007, father filed a motion for judgment of nonpaternity and dismissal based upon Oregon Laws 2005, chapter 160, section 9. The father stated in an affidavit that he had never had a relationship with the child, and that a DNA report issued in March 2007 showed a zero percent probability that he was the child's biological parent. The trial court concluded that the 2001 version of ORS109.070 was controlling, rather than the 2005 version, and that under the 2001 version, the father was conclusively presumed to be the child's biological parent. Father appealed from the judgment denying his motion.

The Court of Appeals held that the 2005 version of ORS 109.070 was controlling, which allowed father to petition the court to reopen the issue of paternity at any time if blood tests had not been used to establish paternity. The Court also stated that father timely filed his motion to reopen the issue of paternity, and the juvenile court had authority to enter a judgment of nonpaternity. Reversed and remanded.

***State ex rel Dep't of Hum. Serv. v. R.N.L,* --- P.3d --- (February 20, 2008).**

Child M was placed in foster care at age nineteen months when mother expressed thoughts of killing M and herself. M was returned to mother over a year later, but nine months afterward mother relinquished custody of M to DHS, and DHS sought termination of mother's rights. The juvenile court ordered mother's parental rights terminated on the ground of unfitness. The Court of Appeals agreed with the Juvenile Court that mother suffered from a combination of conditions and conduct that rendered her unfit to parent M. The Court explained that a nexus existed between mother's conduct and conditions and her inability to adequately parent M, because her mental conditions rendered her unable to place M's needs above her own. The Court also found that it was improbable that M might be integrated into mother's home within a reasonable time due to conduct or conditions not likely to change. M's post-traumatic stress disorder, attachment issues, and need for permanency made a year or more an unreasonable amount of time for M to have to wait. Termination of mother's parental rights was found to be in M's best interests.

***State ex rel Dep't of Hum. Serv. v. B.S.I.*, --- P.3d --- (April 2, 2008).**

Child TI was removed at age two due to concerns about mother's mental health, drug use, and relationships with unsafe persons. The following year, TH was removed from the mother at birth due to the same concerns. The state moved for termination. At the close of a termination trial, the trial court determined that the state did not meet its statutory burden of showing that the mother's conditions were seriously detrimental to the children at the time of trial, despite the court's contemporaneous finding that the damage done to the children, TI and TH, was both extensive and overwhelming. The state appealed, and the Court of Appeals reversed, finding that viewing mother's mental health conditions and behavior were conduct and conditions that sufficiently justified termination under ORS 419B.504. The Court held that there was clear and convincing evidence that mother's conduct and condition had and continued to have a seriously detrimental effect on the children, rising to a level of unfitness. The Court further held that the evidence established that reintegration into mother's home was improbable within a reasonable time, and that termination of mother's parental rights was in the children's best interests.

***Middleton v. Dept. of Human Services*, --- P.3d --- , 2008 Ore. App. LEXIS 521 (April 23, 2008).**

The Juvenile Court ruled that A, a dependent child, could not be returned to her mother, and allowed DHS to pursue a plan of adoption. A's foster family, the Hemphills, and A's great grandmother and great grandfather from North Dakota, the Middletons, were approved as potential adoptive resources for A. DHS convened a sensitive issues adoption committee, which unanimously concluded that the Middletons were the best adoptive placement. The Hemphills and A's CASA sought review of the committee's decision by a DHS administrator, who concluded that the committee's decision should be overturned based upon the length of delay (21 months from placement to recommendation),

Case Law - Continued on page 9.

Research Briefs

Study Finds Current Anti-gang Tactics Ineffective

A new report released by the Justice Policy Institute has found that more severe punishments and additional police and prison resources have worsened rather than reduced gang-related crime. The report, *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Strategies*, suggests that community gang problems are overstated and may be drawing resources and attention from more vital crime and violence problems.

Assumptions about gangs are challenged by the report, and anti-gang initiatives in New York City, Chicago, and Los Angeles are discussed. The report advises that cities should focus on "evidence-based" interventions proven to reduce juvenile recidivism, promote jobs and education, and reduce barriers to re-entry faced by former gang members. The report can be accessed at: http://www.justicepolicy.org/content.php?hmID=1811&smID=1581&ssmID=22

New Study Explores Families' Frustrations with the Juvenile Justice System

A new multi-state prevalence study was completed to gain family perspectives on the care and treatment of their children in the juvenile justice system. A recurring theme identified by the study was the disappointment of the families over the failure of the juvenile justice system to involve them in the process. It was also noted that the burden placed on families is magnified by the lack of collaboration and communication between the juvenile justice, mental health, and school systems. Families also expressed frustration with the "one-size-fits-all" approach to treatment that is common in the system.

The study can be accessed at:

http://www.rtc.pdx.edu/PDF/fpS0607Corrected.pdf

Big Returns on Money Spent on Adoption

In "The Value of Adoption," Mary Hansen conducted a cost-benefit analysis of adoptions from foster care, finding that a dollar spent on the adoption of foster children yields from $2.45 to $3.26 to benefits to society, in the forms of child welfare and human services savings, reduced education costs, reduced crime, higher earnings, improved physical and mental health, and avoidance of teen parenthood.

The abstract of the article is available here: http://aq.haworthpress.com/store/Toc_views.asp?sid=JSE2QTTW9GU8MVKNXZX7KGPQ3GUC&TOCName=J145v10n02

And the working papers version of the article is available here: http://www.american.edu/academic.depts/cas/econ/workingpapers/1506.pdf

VISIT COACHING FOR PARENTS

Visits between parents and their children in foster care can be an important opportunity to address the issues that have brought the children into foster care and strengthen the family. An article published on the *Children and Family Futures* website describes visit coaching, a model developed by Marty Beyer to "help families take charge of visits, involve foster families and kin in visits, build attachment between infants and their families, involve teenagers in visits, and improve visits as parents return from prison or treatment."

Visit coaching can be provided by providers like Intensive Family Services (IFS), caseworkers, foster parents or therapists. The article sets out four principles for visit coaching:

- Empowerment—to build on family strengths
- Empathy—to support families in meeting the unique needs of their children
- Responsiveness—to help families manage the conflict between adult and child needs
- Active parenting—to help families learn how their children's behavior is shaped by their own actions and words.

The article can be accessed at:

www.cffutures.org/conference_information/documents?VisitCoachingSummary.pdf

Benefits of Involving Nonresident Fathers

A recent study examined how father involvement affects permanency outcomes for children in foster care. The methodology of the study was to interview caseworkers who had participated in agency efforts to locate and involve nonresident fathers in their children's cases. The study found that:

- Non resident fathers' greater involvement with their children was associated with a higher likelihood of a reunification outcome and a lower likelihood of an adoption outcome;
- Children with highly involved fathers left foster care more quickly than children whose fathers were less involved;
- Among children with reunification outcomes, those with highly involved fathers had a

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Research Briefs

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- substantially lower likelihood of maltreatment recurrence compared to reunified children with uninvolved fathers.

To access *More About Dads: Exploring Associations Between Nonresident Father Involvement and Child Welfare Case Outcomes* go to:

Http://aspe.hhs.gov/hsp/08/MoreAboutDads/index.htm

TRANSITIONING FROM FOSTER CARE TO ADULTHOOD

Three new reports have been issued by the University of Chicago's Chapin Hall Center for Children, which focus on the changes that occur for youth who "age out" of foster care without a permanent home or family.

- *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21*— finds that compared with their peers, foster youth were less likely to have a high school diploma or to be pursuing higher education, less likely to be earning a living wage, and more likely to have had a child out of wedlock or to have become involved in the criminal justice system;
- *When Should the State Cease Parenting: Evidence from the Midwest Study*— finds that youth who had the option of remaining in care until age 21 were more likely to pursue higher education, which was associated with higher earnings and delayed pregnancy.

The above studies are available at:

www.chapinhall.org/article_abstract.aspx?ar=1355&L2=61&L3=130

- *A Reason, a Season, or a Lifetime: Relational Permanence among Young Adults with Foster Care Backgrounds*— examines how foster care affects the ability of youth to form and sustain supportive relationships into adulthood. Interviews of youth indicated they most frequently expressed the need for emotional support and permanency of relationships.

The study is available at:

www.chapinhall.org/content_director.aspx?arid=1466&afid=415&dt=1

SIBLING PLACEMENT IN FOSTER CARE

Placing siblings together when they enter out-of-home care is widely accepted as a best practice in child welfare in most cases. This review of published research examined 11 studies on sibling placement . The results highlight the strong support that exists in favor of placing siblings together when they are removed from the care of their parents. The benefits associated with conjoint placement include:

- More harmonious relationships between siblings;
- Fewer emotional and behavioral problems in preschool years;
- Better mental health and socialization for female children.

The full study, Research Review: Sibling Placement in Foster Care: A Review of the Evidence is available from the publisher:

Www.blackwell-synergy.com/doi/abs/10.1111/j1365-2206.2006.00467.x

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of children exiting foster care increased between 2005 and 2006. To read the full report on the Children's Bureau website go to:

www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars

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A's attachment to the Hemphills, and the recommendations of A's CASA, attorney, and therapist. The Middletons sought review in Marion County Circuit Court. The court overturned the administrator's decision, based on the court's perception of a controlling preference for adoptive placements with relatives. DHS appealed. The Court of Appeals concluded that the lower court erred in requiring DHS to select an adoptive placement with relatives, instead finding that Oregon's administrative rules do not compel placement with relatives when the best interests of the child dictate otherwise. In so finding, the Court also concluded that the decision of the DHS administrator was supported by substantial evidence.

***State ex rel Juv. Dept. v. L.V.*, --- P.3d --- (April 9, 2008).**

DHS filed a dependency petition on A's behalf when she was one year old. Both parents were minors when A was born. Mother subsequently came under the custody of the Oregon Youth Authority at Hillcrest. Father established paternity, and the Court found that father had completed parenting classes, was in school, had the support of his family, and was beginning to form a relationship with A. At the permanency hearing, the Court established a plan to return A to a parent, but not necessarily father, with a

Case Law—Continued on page 10.

HELPING YOUTH RE-ENTER THE COMMUNITY FROM INCARCERATION:

THE SCHOOL-WORKS RE-ENTRY PROGRAM—By Sarah Ross, MSW Intern

Young people re-entering society after incarceration in correctional facilities are in a precarious situation and need a variety of support services. These youth often come from families and communities with insufficient resources to support a successful transition, and struggle with educational exclusion, mental health issues, and substance misuse. There is a disturbing rate of re-arrest, with at least 50% of youth recidivating within the first year of release.[1] These statistics pose a challenge to policy makers and community service providers—to create opportunities for young people to engage in law-abiding and pro-social activities. Positive engagement upon release is the best insurance to reducing recidivism.[2]

The purpose of this article is to emphasize the need for increased policy attention to and state funding for community-based transition services for youth in Oregon. First, the findings of a 2004 study highlight the lack of services available to this group of youth in Oregon. Second, the data from a small project of the Juvenile Rights Project bolsters the findings of this study and describes the needs of and barriers to clients re-entering society after a period of incarceration. The memo concludes that allocating more resources to re-entry services for youth will increase public safety and decrease costs to the public, by reducing recidivism and increasing positive and productive citizenship.

In 2004, researchers from the University of Oregon and Western Oregon University published results from a study examining the transition of over 500 young people from Oregon youth correctional facilities back into the community.[3] The researchers followed the participants, documenting whether the youth were engaged in school or work at 6-months and 12-months post-release.[4] In addition to engagement, the researchers documented the participant's educational, personal, and criminal histories, as well as the services they received in the correctional system and upon release. The goal of this project was to assess which demographic and service-delivery factors contribute to community engagement for young people leaving close-custody facilities.

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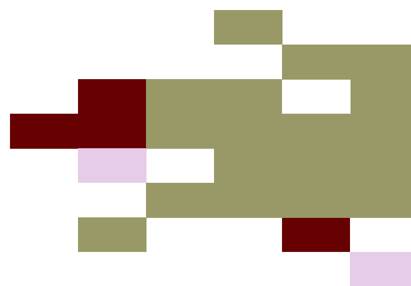
Concurrent plan of guardianship with great-grandmother. The Court found that father was doing well in services, but was not currently able to parent on his own. Father appealed the permanency hearing judgment, stating that the court had erred by not returning child to father. Child argued that the father's appeal was moot, and alternatively that the judgment was unappealable because it did not adversely affect father's rights or duties. The Court of Appeals found that the appeal was not moot, and that father had been adversely affected by the judgment of the Juvenile Court. The Court further found that the record did not support the juvenile court's finding that father was unable to immediately parent A. The Court reversed the portion of the judgment ordering father to continue services, ordered that the child be transitioned to father at the earliest available date, and affirmed the remainder of the judgment.



***State ex rel Dept. Human Services v. J.S.*, --- P.3d --- (April 16, 2008).**

Child appealed a judgment post-trial that dismissed his petition for termination of mother's and father's parental rights. The Court of Appeals reversed, finding that at the time of trial both parents were unfit, that it was unlikely child could be integrated back into parents' home within a reasonable time, and that termination was in child's best interest, as child was at an age where it is important for him to develop attachment to a caregiver. Mother and father's parental rights regarding four other children had previously been terminated. The Court found that mother had not successfully treated her drug dependency, and that her dependence on methamphetamine was and would continue to substantially limit her parenting skills so as to be seriously detrimental to child. The Court also found that father's previous problems with domestic violence were not an issue at the time of trial, but that his lack of insight into mother's drug dependency created a high probability that child would not be protected from drug use by mother or others, and that child's parenting needs likely exceeded father's capacity.

In order to conduct the study, the researchers spent four years interviewing youth within corrections institutions and in communities post-release. The findings not only speak to the needs of Oregon youth, but also inform practitioners nationally—as this study is one of only a few in the nation to assess post-release engagement of young people. The results are profound—reflecting the vast unmet needs of this demographic. From this sample, engagement in school or work at 6-months post-release proves to be a strong predictor of whether young people are engaged at twelve months. Participants engaged in school or work at 6-months were 2.43 times *more* likely to be engaged at 12-months than those participants unengaged at 6-months. Not surprisingly, young people with learning disabilities—57% of the sample—were 1.76 times *less* likely to be engaged at 6-months.[5]

Receipt of mental health services and other services from community-based agencies proved to be an important factor in overall transition success. Young people who received mental health services were 2.25 times *more* likely to be engaged in school or work at 6 months post-release than the youth who did not receive any services. Similarly, those who received other community-based services were 1.96 times *more* likely to be engaged in school or work at 6 months post-release.[6] Unfortunately, services offered to young people leaving close custody facilities are sparse and there exists little coordination between community agencies. Within this study's sample, only 19.4% of the participants reported receiving mental health services and only 46% reported receiving a service from any community-based agency. Considering that nationally 80% of incarcerated youth have mental health issues and over 60% report regular drug use (excluding alcohol)[7], it is an understatement to say that more youth would have benefited from social service provision.

Most importantly, this study highlighted the importance of young people's involvement in school or employment within the first six months of release. In order to ensure this transition to positive societal engagement, young people need the support of positive adults. Duration and intensity of post-release supervision significantly affect the odds of a young person recidivating. With each month of supervision provided, the likelihood that a young person would commit another crime reduces by 44%. Furthermore, each supplementary service contact per month reduces the odds by an additional 12%[8]. With adult supervision having such a profound impact, it is surprising how few resources are dedicated to funding these positions.

The anecdotal evidence from the Juvenile Rights Project SchoolWorks Reentry Program (SWREP), a small project that facilitates re-entry of youth into the Portland metropolitan area, has mirrored the findings of the 2004 study. The primary focus of the Juvenile Rights Project is representing the interests of Oregon's most vulnerable children and youth through individual representation and advocacy, class action litigation, administrative and legislative advocacy, and trainings for practitioners.[9] In response to the stigmatization and school exclusion experienced by youth re-entering the community from close custody facilities, JRP started the SWREP in 2006. Through a Byrne Grant, this program funds one attorney position to provide individual education advocacy and transition planning for these youth.

Although the majority of youth enrolled in the Re-entry Program have achieved positive educational outcomes, the obstacles in the youth's lives, beyond schooling, are vast and inhibit long-term overall success. Sixty-three percent of the SWREP clients had a history of foster care and 78% grew up in poverty. Nineteen percent reported a history of gang involvement and 22% experienced domestic violence in the home. Twenty-five percent of the youth reported drug and alcohol misuse in their family of origin and over a third reported their own drug and alcohol misuse. Fifty-six percent had mental health diagnoses, and nearly all of the youth had or should have qualified for Individualized Education Plans (IEP). Although the majority of youth became involved in the state system via foster care, the youth were adjudicated on different types of offenses. Fifty-three percent of the youth were adjudicated on person-to-person offenses and 63% were adjudicated on property offenses. Of the person-to-person offenses, 53% were sex offenses. With regards to ethnicity, 34% of SWREP clients identified as people of color and the remaining youth as white.

These statistics provide a sense of the numerous factors impacting Oregon's young people re-entering society. It is safe to assume that these are conservative numbers, since much of the information is self-reported by the youth. The bottom line is that, despite involvement in the juvenile justice system, these young people have complex and challenging lives. They require individualized treatment and support, which assesses and addresses their various needs. It is unreasonable to assume that without the support of outside resources and positive adult influences these young people could access opportunities conducive to long-term success. Until we invest in these youth, recidivism rates will remain high and public costs of juvenile

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corrections will continue to rise. As a community, we need to come together and put resources into organizations, such as the Juvenile Right's Project Re-entry Program, that understand the importance of supporting youth transitioning out of youth correctional facilities.

ENDNOTES

1. See Chung, H.L., Shubert, C.A., & Mulvey, E.P. (2007). An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities. *Criminal Justice and Behavior, 34*(11), 1402-1426.
2. See Bullis, M., Yovanoff, P., & Havel, E. (2004). The importance of getting started right: Further examination of the facility-to-community transition of formerly incarcerated youth. *The Journal of Special Education, 38 (2), 80-94.*
3. *Ibid.*
4. Participants were interviewed at two times during their transition—Time 1=6 months post-release and Time 2=12 months post-release. For the purposes of this study, a participant was considered to be "engaged if she or he was employed and/or enrolled in a school program *and* not arrested or placed back into the youth or adult criminal justice systems" (Bullis, Yovanoff & Havel, 2004, pp. 84).
5. Nationally, 58% of re-entering young people could be certified with a special education disability. For more information see Chung, H.L., Shubert, C.A., & Mulvey, E.P. (2007). An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities. *Criminal Justice and Behavior, 34*, 1402-1426.
6. The mental health services measured were only those provided through the Oregon Youth Authority. Few participants received services other than mental health treatment, so the researchers created two variables to reflect this split—one for mental health services and a second for "receipt of services from any social service agency other than mental health" [e.g. TANF, social security, public welfare, job training] (Bullis, Yovanoff & Havel, 2004, pp. 85).
7. See Snyder, H.N. (2004). An empirical portrait of the youth reentry population. *Youth Violence and Juvenile Justice, 2 (1), 39-55.*
8. See Chung, H.L., Shubert, C.A., & Mulvey, E.P. (2007). An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities. *Criminal Justice and Behavior, 34*(11), 1402-1426.
9. See Juvenile Rights Project, Inc. (2005). *Past and current advocacy efforts.* Retrieved October 21, 2007, from http://www.jrplaw.org/history.htm

Children's Mental Health Reforms Show Encouraging Trends

Continued from page 1.

Skills training services were delivered three times as often, while wraparound services exploded with an *eightfold* increase.

AMH has also found that admissions to residential treatment have declined significantly. Lengths-of-stay have not shown a clear trend but have declined slightly. Overall, bed days for children in residential treatment (*the number of children served times the number of days spent in treatment*) have declined substantially, from a high of over 10,000 bed-days in the last quarter of 2005 to just over 2,500 bed-days in the second quarter of 2007.

For day treatment services, the number of admissions and discharges did not change significantly in the first seven quarters of the system change, but the lengths of stay in day treatment programs have been decreasing.

Another goal of the system change was to ensure that funds intended for children's mental health services at the state level were in fact spent on children's services at the local level. The state contracts with county-based and regional managed mental health care organizations, or MHOs, to cover Oregon Health Plan clients locally. Funds for adult, senior and child mental health services are dispersed to MHOs in the form of capitation, or per-member per-month, payments.

Children have historically received fewer treatment services relative to adults. In 2005 quarterly billings for services provided to children accounted for only 75% of the capitation payments for children made to MHOs by the state. Billings for children's services reported by MHOs increased to 87% of capitation payments made by the state for children enrolled in OHP. In the first quarter of 2007, MHOs were submitting billings for 113% of the funds they received for children on children's services. (The amount billed is typically greater than the amount actually paid to providers.)

Consequently, more children enrolled in the Oregon Health Plan were receiving mental health services in 2007, as compared to 2005. An average of 11,550 children were served per quarter in Oregon in 2005. That increased to 12,300 per quarter in 2006 and increased again to an average of 13,009 children served per quarter in the first half of 2007.

Information on the Children's Mental Health System Change and other aspects of Oregon's children's mental health system can be found on the DHS web site at: http://egov.oregon.gov/DHS/mentalhealth/child-mh-soc-in-plan-grp/main.shtml.